

Notices of Intent

NOTICE OF INTENT

Department of Agriculture and Forestry State Market Commission

Market Commission—Acquisition of Facilities (LAC 7:V.Chapter 23)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Agriculture and Forestry, State Market Commission, proposes to enact regulations regarding the acquisition of machinery, equipment and facilities by the Louisiana State Market Commission.

Promulgation of these proposed rules and regulations enables the State Market Commission to acquire, rent or sell machinery, equipment and facilities to further enhance the economy of agricultural production and to aid in the proper and efficient assembling, processing, storing, grading, distributing, or marketing of farm products throughout the state of Louisiana.

These proposed Rules comply with and are enabled by R.S. 3:405.

Title 7

Agriculture and Animals

Part V. Advertising, Marketing and Processing

Chapter 23. Market Commission—Acquisition of Facilities

§2301. Definitions

Acquire—to gain possession or control of land, buildings, machinery, equipments, and other property by purchase, donation, rent, lease, sub-lease, or by any other lawful manner.

Commission—State Market Commission.

Commissioner—Commissioner of Agriculture and Forestry.

Department—Louisiana Department of Agriculture and Forestry.

Facility—land, buildings, or other structures and any combination thereof.

Farm Product—any agronomic, horticultural, silvicultural, or aquacultural crop; livestock; any raw product derived from any crop or livestock; and any item produced from the further processing of the crop, livestock, or raw agricultural product.

Livestock—any animal except dogs and cats, bred, kept, maintained, raised, or used for profit, used in agriculture, aquaculture, or silviculture, or for other related purposes or used in the production of crops, animals, or plant or animal products for market. This definition includes but is not limited to cattle, buffalo, bison, oxen, and other bovine; horses, mules, donkeys, and other equine; goats; sheep; swine; chickens, turkeys, and other poultry; domestic rabbits; imported exotic deer and antelope, elk, farm-raised white-tailed deer, farm-raised ratites, and other farm-raised exotic animals; fish, pet turtles, and other animals identified with aquaculture which are located in artificial reservoirs or

enclosures that are both on privately owned property and constructed so as to prevent, at all times, the ingress and egress of fish life from public waters; any commercial crawfish from any crawfish pond; and any hybrid, mixture, or mutation of any such animal.

Person—any association, business, corporation, firm, individual, joint venture, limited liability company, partnership, and any body of persons, whether incorporated or not.

Rent—an agreement or contract, including a lease or sub-lease, whereby a person acquires the right to use and occupy the machinery, equipment, or facility acquired by the commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:405.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, State Market Commission, LR 33:

§2303. Criteria for Acquiring Machinery, Equipment, and Facilities

A. The commission shall determine whether the acquisition of any machinery, equipment, or facility is necessary to aid in the proper and efficient assembling, processing, storing, grading, distributing, or marketing of farm products.

B. The commission shall also consider the following criteria in determining whether to acquire any machinery, equipment, or facility:

1. the economic needs of the areas of the state in which the machinery, equipment, or facility will be located;
2. the number of jobs created or preserved in the state;
3. the amount of farm products produced in the state that will be utilized;
4. the degree of diversification that the machinery, equipment, or facility will bring to the state's agricultural economy;
5. the economic stimulus that the use of the machinery, equipment, or facility will provide to the local economy or to the state's agricultural economy as a whole;

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:405.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, State Market Commission, LR 33:

§2305. Persons Eligible to Use, Rent, or Purchase Acquired Machinery, Equipment, or Facility

A. Any person who meets the criteria in this Section is eligible to apply to rent or purchase machinery, equipment, or facilities acquired by the commission.

B. The criteria for eligibility are as follows:

1. be authorized to do business in this state;
2. maintain or agree to maintain an operating facility in this state;
3. employ at least twenty full time employees or the equivalent thereof;
4. be engaged in the assembling, processing, storing, grading, distributing, or marketing of farm products of this state;
5. have, or be able to obtain, financial resources including operating capital sufficient to show an ability to

operate under normal condition for a period of at least one year;

6. be able to provide the commission with a first mortgage, primary lien, or other first or primary security for the rent or purchase of the machinery, equipment or facility.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:405.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, State Market Commission, LR 33:

§2307. Contents of Application

A. Every applicant seeking to rent or purchase machinery, equipment or a facility from the commission shall submit the following information to the commission:

1. name and address of applicant including all principals by name and address;

2. a statement of the nature and amount of the interest held by each principal;

3. sworn statement of the relationship, if any, of any of the principals with any state official and/or with any employee of the Department of Agriculture and Forestry;

4. location and legal description of all property to be offered as security;

5. personal financial statements of every principal of the applicant unless the commission's staff finds that the applicant is a publicly traded company or other business enterprise whose financial statements are sufficient to show the solvency of the applicant;

6. an appraisal by a qualified appraiser of the property being offered as security or information sufficient to show the approximate value of the property;

7. a listing of all equipment and furnishings, both movable and immovable by destination, with the expected life of the equipment and furnishings, if equipment and furnishings will be offered as part of the security;

8. evidence of satisfactory interim and long term financing, where applicable;

9. a business plan/feasibility study for the proposed enterprise which includes a three year projected cash flow statement, together with an explanation of how the enterprise meets the criteria set out in 2303.B and 2305.B;

10. written authorization for the commission or its staff to perform any credit check(s) which the commission or staff may deem advisable;

11. a designation by the applicant, if any, of what records, writings, accounts, or other documents and information that pertain to the business of the applicant and are in their nature confidential;

12. any other documentation or information the commission or its staff deems necessary for a determination as to whether to approve or deny the application.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:405.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, State Market Commission, LR 33:

§2309. Approval of Application

A. The applicant must provide all required information at least 10 working days prior to the meeting at which the applications will be considered, unless partial submission is allowed by the commission's staff or by the commission.

B. The applicant or its representative must appear in person at the meeting at which the applications will be considered.

C. The commission may approve an application even if all the criteria set out in this Chapter have not been met by an applicant if the commission determines that under the circumstances the applicant's rent or purchase of the machinery, equipment, or facility is necessary to aid in the proper and efficient assembling, processing, storing, grading, distributing, or marketing of farm products of the state. The commission may refuse to approve an application even if all the criteria set out in this Chapter have been met by an applicant if the commission determines that under the circumstances the applicant's rent or purchase of the machinery, equipment, or facility is not necessary to aid in the proper and efficient assembling, processing, storing, grading, distributing, or marketing of farm products of the state.

D. If there is more than one applicant for the rent or purchase of machinery, equipment, or facilities acquired by the commission then the commission maintains the discretion to decide which, if any, applicant will be approved.

E. The commission may establish terms and provisions to be included in any written rental or purchase agreement or act of sale in addition to the terms and provisions submitted to the commission, or authorize the commissioner or the commission's staff to negotiate additional terms and conditions within the parameters established by the commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:405.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, State Market Commission, LR 33:

Family Impact Statement

The proposed amendments to Rules 7:V.Chapter 23 Acquisition of Machinery, Equipment and Facilities by the Louisiana State Market Commission should not have any known or foreseeable impact on any family as defined by R.S. 49:972.D or on family formation, stability and autonomy. Specifically there should be no known or foreseeable effect on:

1. the stability of the family;
2. the authority and rights of parents regarding the education and supervision of their children;
3. the functioning of the family;
4. family earnings and family budget;
5. the behavior and personal responsibility of children;

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

Interested persons may submit written comments on the proposed Rules to Randal Rogers through the close of business on December 29, 2006 at 5825 Florida Blvd., Baton Rouge, LA 70806. No preamble regarding these proposed Rules is necessary.

Bob Odom
Commissioner

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Market Commission
Acquisition of Facilities**

**Title 25
CULTURAL RESOURCES
Part XI. Office of the Secretary**

**Chapter 5. Black Bear Golf Course
§501. Definitions**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Although costs or savings to state or local governmental units cannot be accurately estimated at this time due to unknown frequency or circumstances of these transactions, the proposed rule is not anticipated to result in additional expenditures or costs at this time. Implementation of these rules is contingent upon appropriation by the legislature or the availability of any appropriate self-generated funds. The proposed rule will merely establish procedures in the event of the State Market Commission plans to acquire any machinery, equipment, and facilities which are necessary to aid in the proper and efficient assembling, processing, storing, grading, distributing, and marketing of farm products of the state.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There could be some effect on revenue collections of the state depending on the terms and conditions for selling and renting machinery, equipment and facilities. The effect is unknown since there are no such facilities in existence at this time.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
Direct economic impact will depend upon the terms of the sale or lease, financial conditions that exist at the time of such sale or lease, the type of facility, the location of the facility, the farm product that will be involved and a host of other factors that will be particular to each transaction.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There is estimated to be no effect on competition and employment.

Skip Rhorer
Assistant Commissioner
0611#053

Robert E. Hosse
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Culture, Recreation, and Tourism
Office of the Secretary**

Black Bear Golf Course (LAC 25:XI.Chapter 5)

Black Bear Golf Course, a public access championship golf course constructed by the State of Louisiana in Richland Parish, was recently transferred to the Department of Culture, Recreation and Tourism to operate. The course was created as part of a larger project to attract economic development in the Poverty Point region. The proposed Rule will govern the public's use of Black Bear Golf Course, including the fees required for access and use of the facilities. The fees have been set at a rate to ensure fair competition in the industry. These rules and fees are intended to help position the course be able to support itself through self-generated funds by its fifth year of operation, contingent upon the success of related amenities and the development of other programs in the area.

A. As used within this Part, the following terms have the meanings provided herein.

Black Bear Golf Course (Course)—a public, 18-hole championship golf course and its associated property and facilities. Located adjacent to Poverty Point Reservoir in Richland Parish, Louisiana, the course is operated by the Louisiana Department of Culture, Recreation and Tourism.

Department of Culture, Recreation, and Tourism (DCRT)—a state governmental agency responsible for planning, developing, and implementing improved opportunities for the enjoyment of cultural and recreational activities by the people of Louisiana and for greater development of their cultural and physical potential. The department is responsible for the development, maintenance, and operation of library, park, recreation, museum, and other cultural facilities; the statewide development and implementation of cultural, recreational, and tourism programs; and planning for the future leisure needs of the people.

Director of Golf (Director)—the top supervisor directly in charge of day-to-day management of the course. The director is responsible for enforcing all rules set forth in this Part and for enforcing all course policies and procedures.

Secretary—the secretary of the DCRT, who serves as the executive head and chief administrative officer of the department and is appointed by the lieutenant governor with consent of the Senate. The Secretary has responsibility for the administration, control, and operation of the functions, programs, and affairs of DCRT, including the authority to make, alter, amend, and promulgate rules and regulations necessary for the administration of the functions of the DCRT.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:204.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation, and Tourism, Office of the Secretary, LR 33:

§503. General Authority and Purpose

A. These rules were enacted by the DCRT pursuant to the authority granted to the secretary by R.S. 36:204(3) and pertain to the governance and operation of the Black Bear Golf Course, a recreation facility under jurisdiction of the DCRT.

B. Course rules are designed to provide the proper atmosphere for the enjoyment and protection of course facilities and for the safety of visitors. Visitors are expected to familiarize themselves with these rules.

C. Course is open to all persons regardless of race, color, national origin, age, sexual orientation, or disability.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:204.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation, and Tourism, Office of the Secretary, LR 33:

§505. Course Property

A. No person shall intentionally remove, damage, destroy, or disturb course property or the property of another course visitor, without the consent of the owner. Such

"property" shall include but is not limited to structures, signs, movables, markers, natural features, holes, grass or other plants or landscaping, or wildlife.

B. Smoking is prohibited except in designated areas. No outside alcoholic beverages are allowed on course property.

C. No person shall throw, drop, deposit, discard, permit the intentional or accidental ejection, emission, or escape of, or otherwise dispose of litter upon course property.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:204.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation, and Tourism, Office of the Secretary, LR 33:

§ 507. Golfing Etiquette

A. All golfers must use proper golfing etiquette at all times. This includes but is not limited to maintaining the proper pace of play and allowing incoming groups to play through if necessary. Golfers should repair divots in the fairway and ball marks on greens.

B. Proper attire, including shirt and shoes, must be worn by all golfers at all times. Proper attire for men includes sleeved and collared or semi-collared shirts; hemmed non-denim pants or shorts; and soft-spike shoes. Proper attire for women includes collared or semi-collared shirts; hemmed non-denim pants, shorts, or skirts; and soft-spike shoes.

C. Groups of more than five golfers will only be allowed to play in a group together on the course with special permission from the director. Single golfers will only be allowed if the course is clear or with special permission from the director.

D. Children under 6 years old are not allowed on the course without special permission from the director. When on a golf cart, children between and including age 6 to age 16 must be accompanied by an adult.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:204.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation, and Tourism, Office of the Secretary, LR 33:

§509. Disorderly Conduct

A. Disorderly or boisterous conduct is forbidden.

B. The director is authorized to control the use and consumption of alcoholic beverages on the course. The consumption of alcoholic beverages may be allowed to the extent that such activity does not adversely affect the use and enjoyment of the course by others.

C. No loud or otherwise disruptive pets will be allowed at the course. The director or other authorized course employees will have discretion to determine which pets are not allowed. Owners will be responsible for their pets, including keeping the pets under control, cleaning up after the pets, and the payment of restitution for any damage caused by the pets.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:204.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation, and Tourism, Office of the Secretary, LR 33:

§511. Business Solicitation

A. No person may sell or offer for sale any merchandise or service at the course without the written consent of the director, subject to applicable laws, rules, and policies of the state.

B. No person may distribute, post, place, or erect any advertising device at the course without the written consent

of the director, subject to applicable laws, rules, and policies of the state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:204.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation, and Tourism, Office of the Secretary, LR 33:

§513. Trespass

A. No person shall enter course property except at designated public access points or unless possessing permission from authorized agents of the course.

B. No person shall enter the course when the course is closed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:204.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation, and Tourism, Office of the Secretary, LR 33:

§515. Vehicle Use

A. The provisions of the Louisiana Highway Regulatory Act (R.S. 32:1 et seq.) and any rules and regulations promulgated thereunder shall be enforced on course property.

B. Automobiles, trucks, motorcycles, bicycles, recreation vehicles, or any other wheeled vehicles, excluding golf carts, must be operated only on those roads, lanes, or byways designated for vehicular traffic unless otherwise specifically authorized by the director.

C. Golf carts must be driven only on the cart paths at tees and greens. Golf carts may not be driven in the heavy rough areas.

D. Vehicles, including recreational vehicles, motorcycles, and trailers, shall be parked only in designated parking areas unless otherwise specifically authorized by the director or his designees.

E. No person shall operate a vehicle in excess of the posted speed limit.

F. No unauthorized person may remove any barrier to gain access to a restricted area.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:204.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation, and Tourism, Office of the Secretary, LR 33:

§517. Fines and Enforcement of the Rules and Regulations

A. In addition to any other penalty provided by law, persons violating these rules and regulations are subject to administrative fines for each violation, eviction from the course, and/or restitution to the DCRT for damages incurred.

B. At the director's discretion, any person who is evicted from the course for disciplinary reasons may be banned from the course for one year.

C. If a person is delinquent in paying for damage incurred, the DCRT reserves the right to refuse privileges to that person pending receipt of such restitution.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:204.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation, and Tourism, Office of the Secretary, LR 33:

§519. Operating Schedule

A. The course operating schedule will be set at the discretion of the director based on user demand, course conditions, budgetary reductions, legislative mandates, construction and maintenance, availability of staff and other resources, and other relevant factors. The hours of operation will be posted at the course.

B. The director may direct the closing of the course to public use when or if any natural or man-made occurrence has affected, or is expected to affect, the operation and management of the course to a degree normal public use and enjoyment are altered, or when such use might impair the health, safety, and well-being of the public or the course employees.

C. The director may also close portions of the course for reasons provided in Subsections A or B or for any other relevant factor.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:204.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation, and Tourism, Office of the Secretary, LR 33:

§521. Course Fees

The maximum fees that may be charged for reservations or use of the course and its services and facilities are as follows, taxes not included:	Maximum Fee
Greens fee per golfer, including shared cart and range balls	\$75
Second tee time	\$40/per golfer
Annual Pass	\$2800
Driving range	\$15/hour
Cart rental, 18 holes	\$18/rider
Cart rental, 9 holes	\$10/rider

B. From time to time, as deemed appropriate by the Secretary or his designee, special programs, rates, discounts on course fees, or package deals may be offered in order to promote the course or encourage visitation, e.g., on weekdays or during off-peak golfing months.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:204.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation, and Tourism, Office of the Secretary, LR 33:

§523. Reservation Policy

A. Tee time reservations will be taken one month in advance. A credit card or other form of deposit will be required to secure a time. Reservations will be accepted only from persons 18 years of age or older.

B. Groups will be allowed to book two, three, four, or five players per time slot. On weekends and holidays, groups will only be allowed to book fivesomes after 10 a.m.

C. Cancellation of reservations must be made at least 24 hours in advance. Cancellations made within 24 hours of the scheduled tee time might be subject to a 50 percent surcharge. A change of reservation date or time will be considered a cancellation and treated accordingly.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:204.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation, and Tourism, Office of the Secretary, LR 33:

§525. Refunds

A. Rain checks will be issued at the discretion of the director for unfavorable changes in weather conditions, so long as the conditions stay unfavorable for golfing for more than 30 minutes. Credit will be given only for the percentage of holes not completed.

B. Refunds will not be issued to visitors evicted for violations of these rules.

C. Refunds will not be issued to visitors who choose to leave the course as a result of inclement weather before the director has decided that the change in weather will persist for more than 30 minutes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:204.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation, and Tourism, Office of the Secretary, LR 33:

§527. Tournament Procedure

The maximum deposit fees that may be charged for tournament reservations are as follows:	Maximum Fee
Under 20 Players	\$100.00
21 - 50 Players	\$200.00
Over 51 Players	\$300.00

1. Deposit fees may be waived at the director's discretion for a group that previously hosted a successful tournament.

B. Groups of 12 or more players will be booked as a tournament. Any group with three or more requested tee times will be allowed to contract a tournament.

C. Only the director or his designee may book a tournament. The tournament may be booked as far in advance as needed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:204.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation, and Tourism, Office of the Secretary, LR 33:

§529. Golf Cart Rental

A. A valid driver's license is required to rent a golf cart. The renter must be able to safely use the cart while it is under his control.

B. Carts must be returned immediately after completion of play, in as good condition as originally rented. Any person who damages a golf cart under his or her rental control agrees to pay for necessary repairs.

C. Any person who rents a golf cart agrees to hold the course harmless for any damage caused to any person or the cart by its operation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:204.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation, and Tourism, Office of the Secretary, LR 33:

§531. Golfer Safety

A. At the first sign of lightning in the immediate area, a siren will be sounded to announce suspension of play. Those who remain on the course after the lightning warning is given will be playing at their own risk.

B. All persons must exercise reasonable care while using course facilities and follow safety rules at all times. Each person assumes liability for his or her own safety, and the course will not be responsible for accident or injury to any person or to others caused by that person's own recklessness.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:204.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation, and Tourism, Office of the Secretary, LR 33:

Family Impact Statement

1. The proposed Rule will not affect the stability of the family.

2. The proposed Rule will not affect the authority and rights of persons regarding the education and supervision of their children.

3. The proposed Rule will not affect the functioning of the family.

4. The proposed Rule will not affect the family earning or family budget.

5. The proposed Rule will not affect the behavior or personal responsibility of children.

6. No: the action proposed is strictly a state function.

Any interested person may address his or her comments or questions to Julia George Moore, Deputy General Counsel, Louisiana Department of Culture, Recreation, and Tourism, P.O. Box 94361, Baton Rouge, LA 70804-9361.

Julia George Moore
Deputy General Counsel

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: **Black Bear Golf Course**

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

The agency currently estimates the annual cost of operations to be \$950,151. It is anticipated that the cost of operations will be offset by the revenue generated at the course, with any shortfall supplanted by funds transferred to the agency from the Poverty Point Regional Economic Development Corporation.

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

Based on golf operations, food and beverage sales, and sales of merchandise, the agency anticipates generating approximately \$850,175 in revenue in FY 06-07. There is an anticipated increase in tax revenue collections of local governmental units, due to increased economic activity at and around the course. Any increase in tax collections cannot be determined at this time.

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

The estimated cost to the individual visitor is proportionate to the value the visitor receives from the use of the services and facilities offered at the course, as set forth in the fee schedule. The economic benefit to this region is the increased economic stimulus provided by this public access facility.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Black Bear Golf Course will employ over 30 local residents. The course fees have been set at a level to ensure fair competition in the industry. The course was created as part of a larger project to attract economic development to the region.

Angèle Davis
Secretary
0611#065

Robert E. Hosse
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 111—The Louisiana School,
District, and State Accountability System
(LAC 28:LXXXIII.301, 603, and 708)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement revisions to *Bulletin 111—The Louisiana School, District, and State Accountability System*.

The change concerning School Improvement results from negotiations with the US Department of Education about a

late 2006 accountability release. The changes to cohorts is to provide consistency throughout the accountability system.

Title 28

EDUCATION

Part LXXXIII. Bulletin 111—The Louisiana School, District, and State Accountability System

Chapter 3. School Performance Score Component

§301. School Performance Score Goal

A. - E.1.a ...

b. Schools identified as entering SI2 at the release of the 2006 pre-appeals accountability results must offer school choice immediately upon notification and continuing for the remainder of the academic year.

c. Schools identified as entering a higher level of school improvement at the release of the 2006 pre-appeals accountability results must implement the additional sanctions immediately upon notification and continuing for the remainder of the academic year.

F. - L. ...

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2737 (December 2003), amended LR 31:1512 (July 2005), LR 32:1017 (June 2006), LR 33:

Chapter 6. Graduation Index

§603. Determining a Cohort for a Graduation Index

A. - C.1 ...

2. If, following the exit, the student record should appear in the Student Information System (SIS) associated with another Louisiana school (ex. transferred to another public school within Louisiana) and if the student does not appear in SIS, the student will be considered a dropout.

D. - G. ...

H. Students with disabilities whose IEPs state that they will take longer than 4 years to complete high school shall be added to the cohort with which they complete/graduate provided they are less than 22 years of age at the beginning of the academic year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1024 (June 2006), amended LR 33:

Chapter 7. Subgroup Component

§708. Calculating a Graduation Rate

A. As required by the *No Child Left Behind Act of 2001*, Louisiana shall calculate a graduation rate based on a cohort of students beginning in 2007.

B. The definition of a cohort for this calculation is the same as that used in §603 (above).

C. The percentage of students in a cohort who graduate within four years with a standard diploma shall be the graduation rate used for the subgroup component.

1. Repealed.

2. Students with disabilities whose IEPs state that they will take longer than 4 years to earn a standard diploma shall be added to the panel with which they graduate provided they are less than 22 years of age at the beginning of the academic year.

D. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1026 (June 2006), amended LR 33:

Interested persons may submit comments until 4:30 p.m., January 9, 2007, to Nina Ford, State Board of Elementary and Secondary Education, P. O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Weegie Peabody
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: **Bulletin 111—The Louisiana School, District, and State Accountability System**

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

The policy changes define when School Improvement sanctions must be implemented in 2006, and clarifies rules for determining a cohort for graduation.

There are no estimated implementation costs (savings) to state governmental units.

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

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

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

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

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment.

Beth Scioneaux
Acting Deputy Superintendent
0611#052

Robert E. Hosse
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 118—Statewide Assessment Standards and Practices—Test Security Policy and LEAP Alternate Assessment (LAC 28:CXI.305 and Chapter 19)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement revisions to *Bulletin 118—Statewide Assessment Standards and Practices*, which contains the State Board of Elementary and Secondary Education (SBESE) and the Division of Standards, Assessments, and Accountability (DSAA) test policy rules, guidelines, and procedures for easy access during statewide test administration. The document will consolidate statewide test information and provide easy access to that information. It was necessary to revise the bulletin at this time to incorporate guidelines for newly developed statewide assessments used in testing, add new language to established assessment guidelines, and to reflect the renaming of the

division to Division of Standards, Assessments, and Accountability.

Title 28 EDUCATION

Part CXI. Bulletin 118—Statewide Assessment Standards and Practices

Chapter 3. Test Security

§305. Test Security Policy

A. - A.3.c. ...

d. at any time, copy, reproduce, record, store electronically, discuss or use in a manner inconsistent with test regulations all or part of any secure test booklet, answer document, or supplementary secure materials (e.g., writing prompts, science tasks);

e. - f.iv. ...

g. administer published parallel, previously administered, or current forms of any statewide assessment (e.g., Louisiana Educational Assessment Program [LEAP], *Integrated LEAP* [iLEAP], Graduation Exit Examination [GEE], Graduation Exit Examination ["old" GEE], LEAP Alternate Assessment, Level 1 [LAA 1], LEAP Alternate Assessment, Level 2 [LAA 2], the English Language Development Assessment [ELDA], End of Course Tests (EOCT) online assessments, or forms K, L, M, A, and B and all new forms of The Iowa Tests as a practice test or study guide;

3.h. - 5.c. ...

d. Interviews shall be conducted with students in the identified classes regarding testing procedures, layout of the classroom, access to test materials before the test, and access to unauthorized materials during testing.

6. After completion of the investigation, the school district shall provide a report of the investigation and a written plan of action to the state superintendent within 30 calendar days of the initiation of the investigation. At a minimum, the report shall include the nature of the situation, the time and place of occurrence, and the names of the persons involved in or witness to the occurrence. Officials from the LDE are authorized to conduct additional investigations.

7. All test administrators and proctors must sign the *Oath of Security* and return it to the STC to keep on file for three years. The STC and principal must sign an *Oath of Security* and return it to the DTC to be kept on file at the district for three years.

8. - 9.d....

e. Only personnel trained in test security and administration shall be allowed to have access to or administer any statewide assessments.

9.f. - 11. ...

12. Any individual who knowingly engages in any activity during testing that results in invalidation of scores derived from the Louisiana Educational Assessment Program (LEAP), Graduation Exit Examination (GEE), End of Course Tests (EOCT) online assessments, or Graduation Exit Examination ("old" GEE) shall forfeit the test results but will be allowed to retake the test at the next test administration.

13. - 16. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:391.7 (C) (G).

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1528 (July 2005), amended LR 32:233 (February 2006), LR 33:

Chapter 19. LEAP Alternate Assessment, Level 1
Subchapter A. Background

§1901. Overview

A. The LEAP Alternate Assessment, Level 1 (LAA 1), is a specially designed assessment program that specifically targets students with the most significant cognitive disabilities. LAA 1 represents an assessment of alternate content and performance standards relative to the general education components of the Louisiana state assessment program (i.e., LEAP, iLEAP, and GEE). As such, it meets NCLB requirements to assess students with the most significant cognitive disabilities in the state (sometimes called "1 percent" students), with its results contributing to school, district, and state accountability decisions.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4 (F) (3) and R.S. 17:183.1–17:183.3.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1556 (July 2005), amended LR 32:238 (February 2006), LR 33:

Subchapter B. General Provisions

§1903. Introduction

A. The LAA 1 is a performance-based student assessment that evaluates each student's knowledge and skills in targeted areas. The test administrator organizes activities to provide a student the opportunity to perform specific skills. The test administrator directs and observes the student during the activity and uses a rubric to score student performance of each specific skill.

B. Definitions

Alternate Assessment—a substitute approach used in gathering information on the performance of students who do not participate in typical state assessments. (from Alternate Assessment Resource Matrix [CCSSO, SCASS-ASES, 1999]).

Target Indicators—represent the Louisiana content standards that most directly reflect the skills students with significant disabilities need as they progress through childhood and enter adulthood.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4 (F) (3) and R.S. 17:183.1–17:183.3.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Office of Student and School Performance, LR 33:

Subchapter C. Target Population

§1905. Participation Criteria

(refer to *Bulletin 1530—Louisiana's IEP Handbook for Students with Disabilities*)

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4 (F) (3) and R.S. 17:183.1–17:183.3.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Office of Student and School Performance, LR 33:

Subchapter D. LAA 1 Test Design

§1907. Test Structure

A. LAA 1 is based on sixteen Louisiana content standards in four major areas: English language arts, mathematics, social studies, and science. It includes 20 target indicators from the standards—five from English language arts, five from mathematics, six from social studies, and four from science. These target indicators form

the basis of LAA 1, and represent those Louisiana content standards that most directly reflect the skills students with significant disabilities need as they progress through childhood and enter adulthood. The target indicators are intentionally broad to reflect skills that are very basic and those more advanced skills that will support adults at work and in their communities. Two target indicators in each content area have state-specified skills. For the remaining target indicators, the test administrator determines the skill to be assessed; these are referred to as teacher-specified skills.

B. Each target indicator allows a LAA 1 student to score at three participation levels: Introductory, Fundamental, and Comprehensive. These participation levels reflect different levels of skill complexity at which a student may participate on a skill being measured through a given activity. Participation levels for students are determined by the test administrator and may vary across target indicators. The participation levels are:

1. Introductory (I)—skills that require basic processing of information to address real-world situations that are related to the content standards regardless of the age or grade level of the student.
2. Fundamental (F)—skills that require simple decision making to address real-world situations that are related to the content standards regardless of the age or grade level of the student.
3. Comprehensive (C)—skills that require higher-order thinking and information-processing skills that are related to the content standards regardless of the age or grade level of the student.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4 (F)(3) and R.S. 17:183.1–17:183.3.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Office of Student and School Performance, LR 33:

§1909. Scoring

A. The scoring rubric for the LAA 1 is based on 6 point levels.

0	No performance (at introductory level only)
1	Tolerates engagement or attempts engagement
2	Performs skill in response to a prompt
3	Performs skill independently without a prompt
4	Performs skill independently without prompts for different purposes or in multiple settings
5	Performs skill independently without prompts for different purposes and in multiple settings

B. Students receive higher points for attempting performance than they do for no performance of the example skill. A score point of three is awarded for performances that are completed independently. Students who perform a task for more than one purpose or in more than one setting receive a higher score. Those who generalize their skills or apply their skills for different purposes and in a variety of settings receive the highest scores.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4 (F) (3) and R.S. 17:183.1–17:183.3.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Office of Student and School Performance, LR 33:

Subchapter E. Achievement Levels and Performance Standards

§1911. Achievement Levels

- A.1 The Louisiana achievement levels are:
- Substantial Growth;
 - Moderate Growth;
 - Minimal Growth; and
 - No Measurable Growth.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4 (F) (3) and R.S. 17:183.1–17:183.3.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Office of Student and School Performance LR 33:

§1913. Performance Standards

A. Performance standards for LAA 1 English Language Arts, Mathematics, Science, and Social Studies tests are finalized in scaled-score form.

LAA 1 Achievement Levels and Scaled-Score Growth Ranges		
LAA 1 Achievement Levels	Scaled Score Growth Range	Definition
Substantial Growth	> 7.50	A student has demonstrated Substantial Growth during the school year in the specific content area being measured.
Moderate Growth	2.51 to 7.50	A student has demonstrated Moderate Growth during the school year in the specific content area being measured.
Minimal Growth	0.0 to 2.50	A student has demonstrated Minimal Growth during the school year in the specific content area being measured.
No Measurable Growth	≤ 0.0	A student at the No Measurable Growth level has not demonstrated measurable improvement during the school year in the specific content area being measured.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4 (F) (3) and R.S. 17:183.1–17:183.3.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Office of Student and School Performance, LR 33:

Subchapter F. Achievement Level Descriptors

§1915. Introduction

A. Achievement level descriptors for Louisiana assessments were developed by committees composed of Louisiana educators who represented the subjects and grades assessed. The descriptors define what a student should know and be able to do at each achievement level for each subject assessed at a given grade level.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:391.4(B).

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Office of Student and School Performance, LR 33:

§1917. LAA 1 Achievement Level Descriptors

A. English Language Arts Achievement Level Descriptors

Substantial Growth Level		
This student has demonstrated Substantial Growth during the school year in the areas of communicating needs and responding to symbolic and/or nonsymbolic materials. One example of such growth is the student's improvement from indicating basic need with assistance to ordering items for different purposes without assistance. The skills assessed are selected from the list below:		
Participation Levels		
Introductory	Fundamental	Comprehensive
<ul style="list-style-type: none"> Indicates basic need Indicates discomfort Reacts to nonsymbolic stimulus Reacts to symbolic stimulus 	<ul style="list-style-type: none"> Makes requests Indicates need for assistance Responds appropriately to school/community signs Makes selections from a list/pictorial representation. 	<ul style="list-style-type: none"> Orders items Advocates for self and/or others Reads words in context of activity Uses text/symbols/pictures to locate information

Moderate Growth Level		
This student has demonstrated Moderate Growth during the school year in the areas of communicating needs and responding to symbolic and/or nonsymbolic materials. One example of such growth is the student's improvement from indicating basic need with assistance to making requests without assistance. The skills assessed are selected from the list below:		
Participation Levels		
Introductory	Fundamental	Comprehensive
<ul style="list-style-type: none"> Indicates basic need Indicates discomfort Reacts to nonsymbolic stimulus Reacts to symbolic stimulus 	<ul style="list-style-type: none"> Makes requests Indicates need for assistance Responds appropriately to school/community signs Makes selections from a list/pictorial representation 	<ul style="list-style-type: none"> Orders items Advocates for self and/or others Reads words in context of activity Uses text/symbols/pictures to locate information

Minimal Growth Level		
This student has demonstrated Minimal Growth during the school year in the areas of communicating needs and responding to symbolic and/or nonsymbolic materials. One example of such growth is the student's improvement from indicating basic need with assistance to indicating basic need without assistance. The skills assessed are selected from the list below:		
Participation Levels		
Introductory	Fundamental	Comprehensive
<ul style="list-style-type: none"> Indicates basic need Indicates discomfort Reacts to nonsymbolic stimulus Reacts to symbolic stimulus 	<ul style="list-style-type: none"> Makes requests Indicates need for assistance Responds appropriately to school/community signs Makes selections from a list/pictorial representation 	<ul style="list-style-type: none"> Orders items Advocates for self and/or others Reads words in context of activity Uses text/symbols/pictures to locate information

No Measurable Growth Level		
This student has demonstrated No Measurable Growth during the school year in the areas of communicating needs and responding to symbolic and/or nonsymbolic materials. One example is that the student's performance remains the same from one year to the next, showing no measurable improvement. The skills assessed are selected from the list below:		

Participation Levels		
Introductory	Fundamental	Comprehensive
<ul style="list-style-type: none"> Indicates basic need Indicates discomfort Reacts to nonsymbolic stimulus Reacts to symbolic stimulus 	<ul style="list-style-type: none"> Makes requests Indicates need for assistance Responds appropriately to school/community signs Makes selections from a list/pictorial representation 	<ul style="list-style-type: none"> Orders items Advocates for self and/or others Reads words in context of activity Uses text/symbols/pictures to locate information

B. Mathematics Achievement Level Descriptors

Substantial Growth Level		
<p>This student has demonstrated Substantial Growth during the school year in the areas of applying mathematical concepts and utilizing time measures. One example of such growth is the student's improvement from following directions related to spatial concepts with assistance to discriminating between sizes for different purposes without assistance. The skills assessed are selected from the list below:</p>		
Participation Levels		
Introductory	Fundamental	Comprehensive
<ul style="list-style-type: none"> Follows directions related to spatial concepts Matches shapes Transfers from activity to activity Follows a routine 	<ul style="list-style-type: none"> Distributes multiple sets of objects accurately to each member of a group Demonstrates understanding of global measurement concepts Matches schedule with time to a clock Indicates days of week/months of year on a calendar 	<ul style="list-style-type: none"> Discriminates between sizes Recognizes parts versus whole Indicates understanding of concepts of time Uses a calendar/day planner/personal recorder/picture planner

Moderate Growth Level		
<p>This student has demonstrated Moderate Growth during the school year in the areas of applying mathematical concepts and utilizing time measures. One example of such growth is the student's improvement from following directions related to spatial concepts with assistance to distributing multiple sets of objects accurately to each member of a group without assistance. The skills assessed are selected from the list below:</p>		
Participation Levels		
Introductory	Fundamental	Comprehensive
<ul style="list-style-type: none"> Follows directions related to spatial concepts Matches shapes Transfers from activity to activity Follows a routine 	<ul style="list-style-type: none"> Distributes multiple sets of objects accurately to each member of a group Demonstrates understanding of global measurement concepts Matches schedule with time to a clock Indicates days of week/months of year on a calendar 	<ul style="list-style-type: none"> Discriminates between sizes Recognizes parts versus whole Indicates understanding of concepts of time Uses a calendar/day planner/personal recorder/picture planner

Minimal Growth Level		
<p>This student has demonstrated Minimal Growth during the school year in the areas of applying mathematical concepts and utilizing time measures. One example of such growth is the student's improvement from following directions related to spatial concepts with assistance to following directions related to spatial concepts without assistance. The skills assessed are selected from the list below:</p>		
Participation Levels		
Introductory	Fundamental	Comprehensive
<ul style="list-style-type: none"> Follows directions related to spatial concepts Matches shapes Transfers from activity to activity Follows a routine 	<ul style="list-style-type: none"> Distributes multiple sets of objects accurately to each member of a group Demonstrates understanding of global measurement concepts Matches schedule with time to a clock Indicates days of week/months of year on a calendar 	<ul style="list-style-type: none"> Discriminates between sizes Recognizes parts versus whole Indicates understanding of concepts of time Uses a calendar/day planner/personal recorder/picture planner

No Measurable Growth Level		
<p>This student has demonstrated No Measurable Growth during the school year in the areas of applying mathematical concepts and utilizing time measures. One example is that the student's performance remains the same from one year to the next, showing no measurable improvement. The skills assessed are selected from the list below:</p>		
Participation Levels		
Introductory	Fundamental	Comprehensive
<ul style="list-style-type: none"> Follows directions related to spatial concepts Matches shapes Transfers from activity to activity Follows a routine 	<ul style="list-style-type: none"> Distributes multiple sets of objects accurately to each member of a group Demonstrates understanding of global measurement concepts Matches schedule with time to a clock Indicates days of week/months of year on a calendar 	<ul style="list-style-type: none"> Discriminates between sizes Recognizes parts versus whole Indicates understanding of concepts of time Uses a calendar/day planner/personal recorder/picture planner

C. Science Achievement Level Descriptors

Substantial Growth Level		
<p>This student has demonstrated Substantial Growth during the school year in the areas of attending to personal health and demonstrating an understanding of cause and effect. One example of such growth is the student's improvement from participating in personal hygiene with assistance to planning a nutritionally balanced meal in more than one setting without assistance. The skills assessed are selected from the list below:</p>		
Participation Levels		
Introductory	Fundamental	Comprehensive
<ul style="list-style-type: none"> Participates in personal hygiene Uses good health practices Interacts with environment Uses switch to activate or deactivate a device 	<ul style="list-style-type: none"> Identifies healthy foods Initiates personal hygiene-related activities at appropriate times Selects climate-appropriate clothing Sorts materials for appropriate disposal 	<ul style="list-style-type: none"> Plans a nutritionally balanced meal Handles products safely Selects appropriate apparel Demonstrates sense of responsibility for environment

D. Social Studies Achievement Level Descriptors

Moderate Growth Level		
This student has demonstrated Moderate Growth during the school year in the areas of attending to personal health and demonstrating an understanding of cause and effect. One example of such growth is the student's improvement from participating in personal hygiene with assistance to identifying healthy foods without assistance. The skills assessed are selected from the list below:		
Participation Levels		
Introductory	Fundamental	Comprehensive
<ul style="list-style-type: none"> Participates in personal hygiene Uses good health practices Interacts with environment Uses switch to activate or deactivate a device 	<ul style="list-style-type: none"> Identifies healthy foods Initiates personal hygiene-related activities at appropriate times Selects climate-appropriate clothing Sorts materials for appropriate disposal 	<ul style="list-style-type: none"> Plans a nutritionally balanced meal Handles products safely Selects appropriate apparel Demonstrates sense of responsibility for environment

Minimal Growth Level		
This student has demonstrated Minimal Growth during the school year in the areas of attending to personal health and demonstrating an understanding of cause and effect. One example of such growth is the student's improvement from participating in personal hygiene with assistance to participating in personal hygiene without assistance. The skills assessed are selected from the list below:		
Participation Levels		
Introductory	Fundamental	Comprehensive
<ul style="list-style-type: none"> Participates in personal hygiene Uses good health practices Interacts with environment Uses switch to activate or deactivate a device 	<ul style="list-style-type: none"> Identifies healthy foods Initiates personal hygiene-related activities at appropriate times Selects climate-appropriate clothing Sorts materials for appropriate disposal 	<ul style="list-style-type: none"> Plans a nutritionally balanced meal Handles products safely Selects appropriate apparel Demonstrates sense of responsibility for environment

No Measurable Growth Level		
This student has demonstrated No Measurable Growth during the school year in the areas of attending to personal health and demonstrating an understanding of cause and effect. One example is that the student's performance remains the same from one year to the next, showing no measurable improvement. The skills assessed are selected from the list below:		
Participation Levels		
Introductory	Fundamental	Comprehensive
<ul style="list-style-type: none"> Participates in personal hygiene Uses good health practices Interacts with environment Uses switch to activate or deactivate a device 	<ul style="list-style-type: none"> Identifies healthy foods Initiates personal hygiene-related activities at appropriate times Selects climate-appropriate clothing Sorts materials for appropriate disposal 	<ul style="list-style-type: none"> Plans a nutritionally balanced meal Handles products safely Selects appropriate apparel Demonstrates sense of responsibility for environment

Substantial Growth Level		
This student has demonstrated Substantial Growth during the school year in the areas of interacting with others and following procedures and/or rules. One example of such growth is the student's improvement from greeting familiar people with assistance to sharing experiences and ideas with others in more than one setting without assistance. The skills assessed are selected from the list below:		
Participation Levels		
Introductory	Fundamental	Comprehensive
<ul style="list-style-type: none"> Greets familiar people Uses acceptable behavior to gain attention from others Adjusts to new situations Demonstrates respect for property of others 	<ul style="list-style-type: none"> Takes turns with peers Assists peer or adult Demonstrates respect for the rights of others Follows rules 	<ul style="list-style-type: none"> Shares experiences and ideas with others Recognizes others' needs for assistance and then assists peer and/or adult Assumes responsibility for personal belongings Performs responsibilities

Moderate Growth Level		
This student has demonstrated Moderate Growth during the school year in the areas of interacting with others and following procedures and/or rules. One example of such growth is the student's improvement from greeting familiar people with assistance to taking turns with peers without assistance. The skills assessed are selected from the list below:		
Participation Levels		
Introductory	Fundamental	Comprehensive
<ul style="list-style-type: none"> Greets familiar people Uses acceptable behavior to gain attention from others Adjusts to new situations Demonstrates respect for property of others 	<ul style="list-style-type: none"> Takes turns with peers Assists peer or adult Demonstrates respect for the rights of others Follows rules 	<ul style="list-style-type: none"> Shares experiences and ideas with others Recognizes others' needs for assistance and then assists peer and/or adult Assumes responsibility for personal belongings Performs responsibilities

Minimal Growth Level		
This student has demonstrated Minimal Growth during the school year in the areas of interacting with others and following procedures and/or rules. One example of such growth is the student's improvement from greeting familiar people with assistance to greeting familiar people without assistance. The skills assessed are selected from the list below:		
Participation Levels		
Introductory	Fundamental	Comprehensive
<ul style="list-style-type: none"> Greets familiar people Uses acceptable behavior to gain attention from others Adjusts to new situations Demonstrates respect for property of others 	<ul style="list-style-type: none"> Takes turns with peers Assists peer or adult Demonstrates respect for the rights of others Follows rules 	<ul style="list-style-type: none"> Shares experiences and ideas with others Recognizes others' needs for assistance and then assists peer and/or adult Assumes responsibility for personal belongings Performs responsibilities

No Measurable Growth Level		
This student has demonstrated No Measurable Growth during the school year in the areas of interacting with others and following procedures and/or rules. One example is that the student's performance remains the same from one year to the next, showing no measurable improvement. The skills assessed are selected from the list below:		
Participation Levels		
Introductory	Fundamental	Comprehensive
<ul style="list-style-type: none"> • Greets familiar people • Uses acceptable behavior to gain attention from others • Adjusts to new situations • Demonstrates respect for property of others 	<ul style="list-style-type: none"> • Takes turns with peers • Assists peer or adult • Demonstrates respect for the rights of others • Follows rules 	<ul style="list-style-type: none"> • Shares experiences and ideas with others • Recognizes others' needs for assistance and then assists peer and/or adult • Assumes responsibility for personal belongings • Performs responsibilities

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:391.4(B).

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Office of Student and School Performance, LR 33:

Family Impact Statement

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

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

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

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

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

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

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

Interested persons may submit written comments until 4:30 p.m., January 9, 2007, to Nina A. Ford, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Weegie Peabody
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Bulletin 118—Statewide Assessment Standards and Practices—Test Security Policy and LEAP Alternate Assessment

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

The proposed rule consolidates into *Bulletin 118* the State Board of Elementary and Secondary Education (SBESE) and

the Division of Standards, Assessments, and Accountability (DSAA) test policy rules, guidelines, and procedures for easy access during statewide test administration. The proposed rule change will have no implementation cost to state or local governmental units.

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

There will be no effect on revenue collections at the state or local governmental levels.

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

There should be no effect on costs and/or economic benefits to directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There should be no impact on competition and employment.

Beth Scioneaux
Acting Deputy Superintendent
0611#019

H. Gordon Monk
Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 741—Louisiana Handbook
for School Administrators
(LAC 28: CXV.337, 1121, 2301,
2319, 2321, 2357, and 2363)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement revisions to *Bulletin 741—Louisiana Handbook for School Administrators*: §337, Written Policies and Procedures, §1121, Immunizations, §2301, Standards and Curriculum, §2319, Graduation Requirements, §2321, Carnegie Credit for Middle School Students, §2357, Physical Education, and §2363, Social Studies.

Title 28

EDUCATION

Part CXV. Bulletin 741—Louisiana Handbook for School Administrators

Chapter 3. Operation and Administration

§337. Written Policies and Procedures

A. - B. ...

C. Each LEA shall have policies and procedures that address, but are not limited to, the following:

1. - 14. ...

15. the prohibition of teachers from recommending that a student be administered a psychotropic drug and from specifying or identifying any specific mental health diagnosis for a student;

16. the prohibition of teachers from using a parents refusal to consent to administration of a psychotropic drug or psychiatric evaluation, screening or evaluation as grounds for prohibiting a student from attending class or participating in school related activities or as the sole basis of accusations of child abuse or neglect against the parent or guardian.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:81; R.S.17:240; 17:436.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1261 (June 2005), amended LR 33:

Chapter 11. Student Services

§1121. Immunizations

A. - F. ...

G. LEAs that provide information relative to immunizations are required to provide parents and/or guardians with information relative to the risks associated with meningococcal disease. The information should include availability, effectiveness and known contraindications of immunization against such disease as well as causes and symptoms of the disease and how the disease is spread. LEAs shall also provide information on where a student may be immunized and where parents may obtain additional information. Information shall be updated annually if new information is available.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:170; R.S. 17:170.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1277 (June 2005), amended LR 33:

Chapter 23. Curriculum and Instruction

§2301. Standards and Curriculum

A. Each LEA shall adopt and implement local curricula aligned with state content standards, benchmarks, and grade-level expectations. The state documents are:

1. - 17 ...

18. English Language Development Standards, Bulletin 112.

B. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17: 24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1288 (June 2005), amended LR 31:3070 (December 2005), LR 33:

§2319. Graduation Requirements

A. - D. ...

E. Minimum Course Requirements for High School Graduation

English	4 units
Shall be English I, II, and III, in consecutive order; and English IV or Business English.	
Mathematics	3 units
(Effective for incoming freshmen 2005-2006 and beyond.) All students must complete one of the following:	
<ul style="list-style-type: none"> Algebra I (1 unit) or Algebra I-Pt. 1 and Algebra I-Pt. 2 (2 units) or Integrated Mathematics I (1 unit) 	
The remaining unit(s) shall come from the following: Integrated Mathematics II, Integrated Mathematics III, Geometry, Algebra II, Financial Mathematics, Advanced Mathematics I, Advanced Mathematics II, Pre-Calculus, Calculus, Probability and Statistics, and Discrete Mathematics.	
(Effective for incoming freshmen 1997-98 through 2004-2005) Shall be selected from the following courses and may include a maximum of 2 entry level courses (designated by E): Introductory Algebra/Geometry (E), Algebra I-Part 1 (E), Algebra I-Part 2, Integrated Mathematics I (E), Integrated Mathematics II, Integrated Mathematics III, Applied Mathematics I (E), Applied Mathematics II, Applied Mathematics III, Algebra I (E), Geometry, Algebra II, Financial Mathematics, Advanced Mathematics I, Advanced Mathematics II, Pre-Calculus, Calculus, Probability and Statistics, and Discrete Mathematics	

Science	3 units
Shall be the following: 1 unit of Biology 1 unit from the following physical science cluster: Physical Science, Integrated Science, Chemistry I, Physics I, Physics of Technology I 1 unit from the following courses: Aerospace Science, Biology II, Chemistry II, Earth Science, Environmental Science, Physics II, Physics of Technology II, Agriscience II, an additional course from the physical science cluster, or a locally initiated science elective.	
<ul style="list-style-type: none"> Students may not take both Integrated Science and Physical Science Agriscience I is a prerequisite for Agriscience II and is an elective course. 	
Social Studies	3 units
Shall be American History, one-half unit of Civics or AP American Government, one-half unit of Free Enterprise; and one of the following: World History, World Geography, Western Civilization, or AP European History	
Health Education	1/2 unit
Physical Education	1 1/2 units
Shall be Physical Education I and Physical Education II, or Adapted Physical Education for eligible special education students. A maximum of four units of Physical Education may be used toward graduation. NOTE: The substitution of JROTC is permissible.	
Electives	8 units
TOTAL	23 units

F. High School Area of Concentration

1. All high schools shall provide students the opportunity to complete an area of concentration with an academic focus and/or a career focus.

a. To complete an academic area of concentration, students shall meet the current course requirements for the Tuition Opportunity Program for Students (TOPS) Opportunity Award plus one additional Carnegie unit in mathematics, science, or social studies.

b. To complete a career area of concentration, students shall meet the minimum requirements for graduation including four elective primary credits in the area of concentration and two related elective credits, including one computer/technology course. The following computer/technology courses can be used to meet this requirement.

Course	Credit
Computer/Technology Literacy	1
Computer Applications or Business Computer Applications	1
Computer Architecture	1
Computer Science I, II	1 each
Computer Systems and Networking I, II	1 each
Desktop Publishing	1
Digital Graphics & Animation	1/2
Multimedia Presentations	1/2 or 1
Web Mastering or Web Design	1/2
Independent Study in Technology Applications	1
Word Processing	1
Telecommunications	1/2
Introduction to Business Computer Applications	1
Technology Education Computer Applications	1
Advanced Technical Drafting	1
Computer Electronics I, II	1 each
Database Programming with PL/SQL	1
Java Programming	1
Database Design and Programming	1/2
Digital Media I/II	1 each

G - J. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7; R.S. 17:24.4; R. S. 17:183.2; R.S. 17: 395.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1291 (June 2005), amended LR 31:2211 (September 2005), LR 31:3070 (December 2005), LR 31:3072 (December 2005), LR 32:1414 (August 2006), LR 33:

§2321. Carnegie Credit for Middle School Students

A. Students in the middle grades are eligible to receive Carnegie credit for courses in the high school program of studies in mathematics, science, English, social studies, foreign language, keyboarding/keyboarding applications, or computer/technology literacy.

B. Middle school students intending to take a course for Carnegie credit must demonstrate mastery of the eighth grade grade-level expectations in that content area by passing an exam developed by the DOE before taking the high school course. In order to be prepared for the exam, students should successfully complete an accelerated seventh grade course in that content area that addresses both the seventh and eighth grade grade-level expectations.

C. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7; R.S. 17:24.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1293 (June 2005), amended LR 33:

§2357. Physical Education

A. - D. ...

E. In schools having approved Junior Reserve Officer Training Corps (JROTC) training, credits may, at the option of the local school board, be substituted for the required credits in physical education.

F. - J.6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7; R.S. 17:17.1; R.S. 17:24.4; R.S. 17:276.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1297 (June 2005), amended LR 33:

§2363. Social Studies

A. Three units of social studies shall be required for graduation. They shall be American History, one-half unit of Civics or AP American Government, one-half unit of Free Enterprise; and one of the following: World History, World Geography, Western Civilization, or AP European History.

B. - D.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7; R.S. 17:24.4; R.S. 17:274-274.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1298 (June 2005), amended LR 31:3072 (December 2005), amended LR 33:

Family Impact Statement

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

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

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

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

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

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

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

Interested persons may submit comments until 4:30 p.m., January 9, 2007, to Nina Ford, State Board of Elementary and Secondary Education, P. O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Weegie Peabody
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Bulletin 741—Louisiana Handbook for School Administrators

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

The implementation of changes requires no cost or savings to state or local governmental units. The revision to §1121 resulting from legislation requires districts to provide and disseminate information about meningococcal disease to parents and/or guardians. The addition to §337 results from legislation that requires LEAs to adopt policies prohibiting teachers from making recommendations that a student be administered psychotropic drugs and from certain actions relative to mental health diagnosis. The change to §2321 requires all middle school students wishing to take a high school course first pass a test developed by the Department of Education on the eighth grade Grade-Level Expectations (GLEs) in that content area. To be prepared for the exam, students should successfully complete an accelerated seventh grade course in that content area that addresses both the seventh and eighth grade GLEs. BESE also approved minor revisions to the following policies: §2301, §2319 E, §2363, §2357, and §2319 F. These changes include the addition of the English Language Development Standards to the list of state standards and the addition of Digital Media to the list of courses meeting the computer requirement for TOPS and for the career area of concentration.

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

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

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

There will be no costs or economic benefits to schools or school districts.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment.

Beth Scioneaux
Superintendent
0611#030

H. Gordon Monk
Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 741—Louisiana Handbook for School Administrators—Criminal Background Checks (LAC 28: CXV.501)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement revisions to *Bulletin 741—Louisiana Handbook for School Administrators*, §501, Criminal Background Checks. This change will require any local school district, prior to hiring any employee, to request from the applicant's current or previous employer any documentation regarding any sexual misconduct engaged in by the applicant involving a student. It will also require the applicant's current or previous employer to provide any such information to the local school district that has requested it. It provides immunity to any school district or school employee who, in good faith, discloses such information to school district requesting it. It requires the applicant to sign a disclosure and release statement providing for the release of such information to the school district requesting it. It prohibits any school district from hiring any applicant who does not sign a disclosure and release statement. It allows a school district to hire an applicant on a conditional basis pending the hiring board's review of any information obtained. It provides that any such information can only be used by the school district considering the applicant for employment for the purpose of evaluating the applicant's qualifications for employment. It prohibits the disclosure of any such information to anyone who is not directly involved in evaluating the applicant's qualifications for employment. It makes the unauthorized disclosure of such information a misdemeanor.

It defines sexual misconduct as: (1) any conduct that would amount to sexual harassment under Title IX of the Education Amendments of 1972, as amended, (2) any conduct that would amount to a sexual offense affecting a minor under state criminal codes, (3) any sexual relationship with a student, regardless of the student's age or with a former student under the age of 18 or with a former student regardless of age who suffers from a disability that would prevent consent in a relationship. All students enrolled in the school and in any organization in which the school employee holds a position of trust and responsibility are included, (4) any activity directed toward establishing a sexual relationship such as sending intimate letters, engaging in sexualized dialogue in person, via the internet, in writing or by telephone, making suggestive comments or dating a student.

Title 28 EDUCATION

Part CXV. Bulletin 741—Louisiana Handbook for School Administrators

Chapter 5. Personnel

§501. Criminal Background Checks

A. - D.2. ...

E. Each LEA, prior to hiring any employee, shall request that the applicant for employment sign a statement providing for the disclosure of information by the applicant's current or

previous employer, if such employer is an LEA, relative to all instances of sexual misconduct with students committed by the applicant, if any, and releasing the current or previous employer, if such employer is a city, parish, or other local public school board, and any school employee acting on behalf of such employer from any liability for providing such information.

1. Prior to hiring any applicant, each LEA must request, in writing, that the applicant's current or previous employer, if such employer is an LEA, provide the above-described information, if such information exists, and make available to the hiring school board copies of any documents as contained in the applicant's personnel file maintained by such employer relative to such instances of sexual misconduct, if any. Such request for information must include a copy of the aforementioned statement signed by the applicant.

2. If such information exists, it must be provided and copies of all documents as contained in the applicant's personnel file relating to all instances of sexual misconduct, if any, must be made available to the requesting school board no later than 20 business days from the receipt of the request.

3. Any LEA or any school employee who discloses such information in good faith shall be immune from civil liability for having disclosed such information.

4. An applicant who does not sign the disclosure and release statement cannot be hired. An applicant can be hired on a conditional basis pending the hiring board's review of any information obtained.

5. Any information obtained can only be used by the hiring board for the purpose of evaluating an applicant's qualifications for employment for the position for which he or she has applied. Such information is not subject to the Public Records Act and is not to be disclosed to any person, other than the applicant, who is not directly involved in the process of evaluating the applicant's qualifications for employment. Unauthorized disclosure is a misdemeanor offense with exposure to a fine of up to \$500 or imprisonment for up to six months, or both.

6. Adult sexual misconduct in schools, for the purposes of disclosing information to LEAs as required by R.S. 17:81.9, includes sexually inappropriate behavior by the adult that is directed at a student, including but not limited to sexually-related conversations, jokes, or questions directed at students. More specifically, sexual misconduct is:

a. any conduct that would amount to sexual harassment under Title IX of the (U.S.) Education Amendments of 1972, as amended;

b. any conduct that would amount to a sexual offense affecting a minor under state criminal codes;

c. any sexual relationship by a school employee with a student, regardless of the student's age; with a former student under 18; with a former student (regardless of age) who suffers from a disability that would prevent consent in a relationship. All students enrolled in the school and in any organization in which the school employee holds a position of trust and responsibility are included;

d. any activity directed toward establishing a sexual relationship such as sending intimate letters; engaging in sexualized dialogue in person, via the Internet, in writing or by phone; making suggestive comments; dating a student.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:15; R.S. 17:587.1 and 17:81.9.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1265 (June 2005), amended LR 33:

Family Impact Statement

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

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

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

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

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

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

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

Interested persons may submit comments until 4:30 p.m., January 9, 2007, to Nina Ford, State Board of Elementary and Secondary Education, P.O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Weegie Peabody
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: **Bulletin 741—Louisiana Handbook for School Administrators—Criminal Background Checks**

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

There will be a negligible cost to local school districts in staff time, in making copies of documents and in postage in sending the documents to the local school districts requesting the documents. These negligible costs cannot accurately be estimated at this time.

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

It is estimated that there will be no effect on revenue collections of state or local governmental units.

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

It is estimated that there will be no costs and/or economic benefits to directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This rule will make it more difficult for individuals who have engaged in sexual misconduct with a student while employed with a local school district to obtain employment with another local school district.

Beth Scioneaux
Acting Deputy Superintendent
0611#051

H. Gordon Monk
Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 741—Louisiana Handbook for School Administrators—High School Graduation Requirements (LAC 28: CXV.2319)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement revisions to *Bulletin 741—Louisiana Handbook for School Administrators*: §2319, High School Graduation Requirements. The proposed changes are being requested to assure that the Career and Technical Education Diploma Endorsement components are aligned and students receiving the Endorsement are trained in the skills requested by business and industry and/or are better prepared for postsecondary training aligned with the Endorsement. Numerous questions regarding implementation of the diploma endorsements have arisen since inclusion of a Graduation Index in the Louisiana Accountability System. Diploma endorsements are a component of the Graduation Index. The proposed changes will provide clarity to the policy.

Title 28 EDUCATION

Part CXV. **Bulletin 741—Louisiana Handbook for School Administrators**

Chapter 23. **Curriculum and Instruction**

§2319. **High School Graduation Requirements**

A. - F.1.a. ...

b. To complete a career Area of Concentration, students shall meet the minimum requirements for graduation including four elective primary credits in the Area of Concentration and two related elective credits, including one computer/technology course. Areas of Concentration are identified in the Career Options Reporting System with each LEA designating the Career and Technical Education Areas of Concentration offered in their school system each year.

* * *

G. - G.1.e. ...

H. Career/Technical Endorsement

1. - 1a. ...

b. Student shall complete the Career and Technical Area of Concentration approved by BESE. The Career and Technical Education Areas of Concentration are identified in the CATE data system with each LEA designating the Career and Technical Education Areas of Concentration offered in their school system each year.

c. ...

d. Students shall complete a minimum of 90 work hours of work-based learning experience in the student's Career and Technical Education Area of Concentration (as defined in the DOE Diploma Endorsement Guidebook) and complete one of the following requirements:

i. industry-based certification from the list of industry-based certification approved by BESE; or

ii. three college hours in the student's Career and Technical Education Area of Concentration that articulate to a postsecondary institution, either by actually obtaining the credits and/or being waived from having to take such hours

H.1.e. - J. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7; R.S. 17:24.4; R. S. 17:183.2; R.S. 17: 395.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1291 (June 2005), amended LR 31:2211 (September 2005), LR 31:3070 (December 2005), LR 31:3072 (December 2005), LR 32:1414 (August 2006), LR 33:

Family Impact Statement

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

- 1. Will the proposed Rule effect the stability of the family? No.
- 2. Will the proposed Rule effect the authority and rights of parents regarding the education and supervision of their children? No.
- 3. Will the proposed Rule effect the functioning of the family? No.
- 4. Will the proposed Rule effect family earnings and family budget? No.
- 5. Will the proposed Rule effect the behavior and personal responsibility of children? No.
- 6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

Interested persons may submit comments until 4:30 p.m., January 9, 2007, to Nina Ford, State Board of Elementary and Secondary Education, P. O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Weegie Peabody
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Bulletin 741
Louisiana Handbook for School Administrators
High School Graduation Requirements**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)
It is estimated that there will be no additional costs to state governmental units. It is unknown at this time if there are any costs to local governmental units; however, it is likely that the costs will be minimal if a school system has to reprint certain items associated with implementing the initiative.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no effect on revenue collections by state/local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The proposed changes are being requested to assure that the Career and Technical Education Diploma Endorsement components are aligned and students receiving the Endorsement are trained in the skills requested by business and industry and/or are better prepared for postsecondary training aligned with the Endorsement. The proposed changes may provide economic benefit to both affected persons and non-

governmental groups via enhanced earning ability for individuals and a better trained workforce.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment.

Beth Scioneaux
Deputy Superintendent
0611#011

H. Gordon Monk
Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 746—Louisiana Standards for State Certification of School Personnel—Minimum Requirements for Blended General/Special Education Mild-Moderate Certification Programs (LAC 28:CXXXI.219, 221, and 223)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement revisions to *Bulletin 746—Louisiana Standards for State Certification of School Personnel*: §219., §221., and §223. This policy specifies changing the effective date of the Blended General/Special Education Mild-Moderate certification programs from July 1, 2007, to July 1, 2009. The vast majority of Louisiana universities would not be prepared to meet the July 1, 2007, effective date. Additional time is needed for special and general education university personnel to collaborate on the development of programs that truly blend regular and special education content. Furthermore, the Blue Ribbon Commission will focus its attention and recommendations this year on strategies to provide quality special education teachers and services in Louisiana schools. It is anticipated that these recommendations will inform the development of blended programs.

**Title 28
EDUCATION**

**Part CXXXI. Bulletin 746—Louisiana Standards for State Certification of School Personnel
Chapter 2. Louisiana Teacher Preparation Programs
Subchapter A. Traditional Teacher Preparation Programs**

§219. Minimum Requirements for Approved Blended General/Special Education Mild-Moderate Program for Grade Levels 1-5: Adopted September 14, 2004; Effective July 1, 2009.

A. - A.4.a. ...

* * *

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), amended LR 33:

§221. Minimum Requirements for Approved Blended General/Special Education Mild-Moderate Program for Grade Levels 4-8: Adopted September 14, 2004; Effective July 1, 2009.

A. - A.4. ...

* * *

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), amended LR 33:

§223. Minimum Requirements for Approved Blended General/Special Education Mild-Moderate Program for Grade Levels 6-12: Adopted September 14, 2004; Effective July 1, 2009.

A. - A.4. ...

* * *

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), amended LR 33:

Family Impact Statement

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

1. Will the proposed Rule affect the stability of the family? No.
2. Will the proposed Rule affect the authority and rights or parents regarding the education and supervision of their children? No.
3. Will the proposed Rule affect the functioning of the family? No.
4. Will the proposed Rule affect family earnings and family budget? No.
5. Will the proposed Rule affect the behavior and personal responsibility of children? No.
6. Is the family or a local government able to perform the function as contained in the proposed Rule? No.

Interested persons may submit comments until 4:30 p.m., January 9, 2007, to Nina Ford, State Board of Elementary and Secondary Education, P. O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Weegie Peabody
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Bulletin 746—Louisiana Standards for State Certification of School Personnel—Minimum Requirements for Blended General/Special Education Mild-Moderate Certification Programs

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

This policy specifies changing the effective date of the Blended General/Special Education Mild-Moderate certification programs from July 1, 2007 to July 1, 2009. The adoption of this policy will cost the Department of Education approximately \$700 (printing and postage) to disseminate the policy.

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

This policy will have no effect on revenue collections.

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

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

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This policy will have no effect on competition and employment.

Beth Scioneaux
Acting Deputy Superintendent
0611#032

H. Gordon Monk
Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 746—Louisiana Standards for State Certification of School Personnel—Professional Level and Out-of-State Certificates (LAC 28:CXXXI.305 and 309)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement revisions to *Bulletin 746—Louisiana Standards for State Certification of School Personnel*: §305, Professional Level Certificates and §309, Out-of-State (OS) Certificate. This revision to the out-of-state application policy clarifies that an individual must have the completion of a teacher education program in another state and hold a teaching certificate from any other state prior to becoming certified in Louisiana. This will allow more flexibility for individuals coming from another state who did not obtain certification in the state where their education program was completed.

**Title 28
EDUCATION**

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

Chapter 3. Teaching Authorizations and Certifications

Subchapter A. Standard Teaching Authorizations

§305. Professional Level Certificates

A. - A.1.b.i.(a) ...

(b). completed a teacher preparation program in another state;

(c). 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);

(d). 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.

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

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

A.1.b.ii. - E.3. ...

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), amended LR 33:

§309. Out-of-State (OS) Certificate

A. - B.2. ...

3. hold a standard out-of-state teaching certificate; 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);

B.4. - C.1.c.iv.(b) ...

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), amended LR 33:

Family Impact Statement

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

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

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

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

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

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

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

Interested persons may submit comments until 4:30 p.m., January 9, 2007, to Nina Ford, State Board of Elementary

and Secondary Education, P. O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Weegie Peabody
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Bulletin 746—Louisiana Standards for State Certification of School Personnel—Professional Level and Out-of State Certificates

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

This revision to the out-of-state application policy clarifies that an individual must have the completion of a teacher education program in another state and hold a teaching certificate from any other state prior to becoming certified in Louisiana. The adoption of this policy will cost the Department of Education approximately \$700 (printing and postage) to disseminate the policy.

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

This policy will have no effect on revenue collections.

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

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

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This policy will have no effect on competition and employment.

Beth Scioneaux
Acting Deputy Superintendent
0611#012

H. Gordon Monk
Legislative Fiscal Office
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 1530—Louisiana's IEP Handbook for Students with Disabilities—Participation Criteria (LAC 28:XCVII.905)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement revisions to *Bulletin 1530—Louisiana's IEP Handbook for Students with Disabilities*. The changes in Chapter 9, LEAP Alternate Assessments, §905. Participation Criteria, clarify guidelines for the participation of students with disabilities in alternate assessments who cannot participate in regular assessment.

Title 28

EDUCATION

Part XCVII. Bulletin 1530—Louisiana's IEP Handbook for Students with Disabilities

Chapter 9. LEAP Alternate Assessments

§905. Participation Criteria

A. - A.3.c. ...

B. LEAP Alternate Assessment, Level 2 (LAA 2)

1. The student scored at the *Unsatisfactory* level in English language arts and/or mathematics on the previous year's LEAP/iLEAP/GEE or participated in the LAA 1 or LAA 2.

B.2. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:3102 (December 2005), amended LR 33:

Family Impact Statement

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

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

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

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

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

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

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

Interested persons may submit written comments until 4:30 p.m., January 9, 2007, to Nina A. Ford, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Weegie Peabody
Executive Director

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

**RULE TITLE: Bulletin 1530—Louisiana's IEP
Handbook for Students with Disabilities
Participation Criteria**

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

The Department of Education is adding to *Louisiana's IEP Handbook for Students with Disabilities, Bulletin 1530, section I Chapter 9*. LEAP Alternate Assessments, §905. The only cost associated with this change is the preparation and printing of the document and that is projected to be approximately \$200.00. Publication can be accomplished via the Department's web site.

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

There will be no effect on revenue collections of state or local government.

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

There will be no costs or economic benefits to directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition or employment.

Beth Scioneaux
Acting Deputy Superintendent
0611#020

H. Gordon Monk
Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

**Bulletin 1929—Louisiana Accounting and Uniform
Governmental Handbook—Personnel Requirements
(LAC 28:XLI.1301)**

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement revisions to *Bulletin 1929—Louisiana Accounting and Uniform Governmental Handbook: §1301. Minimum Requirements for Lead School Business Administrator/Chief Financial Officer/Business Manager (Local School Districts and Charter Schools)*. Act 606 (Senate Bill 539) of the 2006 Regular Legislative Session requires that each city, parish, and other local public school board shall employ a business manager or chief financial officer who shall have the qualifications established by rules promulgated by the State Board of Elementary and Secondary Education. The State Board of Elementary and Secondary Education shall establish such qualifications not later than January 2007.

Title 28

EDUCATION

**Part XLI. Bulletin 1929—Louisiana Accounting and
Uniform Governmental Handbook**

Chapter 13. Personnel Requirements

**§1301. Minimum Requirements for Lead School
Business Administrator/Chief Financial
Officer/Business Manager (Local School
Districts and Charter Schools)**

A. Statutory Authority. Act 606 of the 2006 Regular Session requires that each city, parish, and other local public school board shall employ a business manager or chief financial officer who shall have the qualifications established by rules promulgated by the State Board of Elementary and Secondary Education. The tentative citation for this law is R.S. 17:84.2. Minimum qualifications are established below.

B. Minimum qualifications, must meet one of the following:

1. a baccalaureate degree with a minimum of 24 hours of business-related courses, such as accounting, finance, or management;

2. a certified public accountant licensed in Louisiana;

3. a master's degree in public or business administration.

C. Work Experience. An applicant for a lead school business official shall have not less than three years of work experience in a field relevant to the duties and responsibilities of a lead school business administrator. Relevant areas shall include accounting, finance, or other areas of fiscal management.

D. Continuing Education. All lead school business administrators must acquire Certified Louisiana School Business Administrator (CLSBA) certification by the Louisiana Association of School Business Officials (LASBO) within seven years of the date of hire as an administrator/chief financial officer/business manager and maintain certification while employed as a lead school business administrator/chief financial officer/business manager. A Louisiana CPA license may be substituted for the CLSBA certification. The CPA license must remain in active status while employed as a lead school business administrator/chief financial officer/business manager.

E. Grandfather Clause. A lead school business administrator/chief financial officer/business manager employed prior to the final adoption of the law shall be exempt from meeting the minimum degree and work experience requirements. The lead school business administrator/chief financial officer/business manager shall be allowed seven years from the date of final adoption into law to complete the CLSBA certification or become a licensed CPA in the state of Louisiana.

F. Shared Services Provision. Statute allows city, parish, or other local public school boards to enter into an agreement to share business services, including the employment of a single business manager or chief financial officer. The shared business manager or chief financial officer must meet the minimum qualifications established by the State Board of Elementary and Secondary Education.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:84 (2).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 33:

Family Impact Statement

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

1. Will the proposed Rule affect the stability of the family? No.
2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.
3. Will the proposed Rule affect the functioning of the family? No.
4. Will the proposed Rule affect family earnings and family budget? No.
5. Will the proposed Rule affect the behavior and personal responsibility of children? No.
6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

Interested persons may submit comments until 4:30 p.m., January 9, 2007, to Nina Ford, State Board of Elementary and Secondary Education, P. O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Weegie Peabody
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Bulletin 1929—Louisiana Accounting
and Uniform Governmental Handbook
Personnel Requirements**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)
Estimated implementation costs are less than \$300 per year per district for approximately twenty-four of the sixty-eight local school systems.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no impact on revenue collections to state or local governmental units..
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
Desired impact is to enhance the training and qualifications of those individuals employed by school boards as the chief financial advisor to the school district superintendent. Sound financial practices are essential for the delivery of appropriate educational services.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
Standards set by the minimum qualifications set by the Board of Elementary and Secondary Education may be more stringent than those currently in place in some school districts.

Beth Scioneaux
Acting Deputy Superintendent
0611#033

H. Gordon Monk
Legislative Fiscal Officer
Legislative Office

NOTICE OF INTENT

**Office of the Governor
Office of Financial Institutions**

Residential Group Common Bonds
and Associational Groups
(LAC 10:IX.Chapter 5)

Under the authority of the Administrative Procedure Act, R.S. 49:950 et seq., and in accordance with R.S. 6:641 et seq., (Louisiana Credit Union Law) the Commissioner of the Office of Financial Institutions gives notice of intent to promulgate a Rule to establish prudential standards to be used in reviewing an application by a Louisiana state-chartered credit union for a residential group common bond within a well-defined neighborhood, small community, or rural district; and adding associational groups. The proposed Rule defines relative terms, establishes safety and soundness criteria, establishes the application process, as well as other necessary guidance. There is no family impact associated with this proposed Rule, as provided for in R.S. 49:972.

Pursuant to Section 645(B) of the Louisiana Credit Union Law, a state-chartered credit union may be organized within groups that have a common bond of residence within a well-defined neighborhood, a small community, or a rural district; or an occupation, or an association, or any combination thereof. Each application must satisfy all statutory requirements, comply with the provisions of this Rule,

adhere to prudent safety and soundness criteria, and clearly identify the existence of mutual interest or commonality between persons sharing the proposed residential group common bond.

Title 10

FINANCIAL INSTITUTIONS, CONSUMER CREDIT, INVESTMENT SECURITIES AND UCC

Part IX. Credit Unions

Chapter 5. Criteria to Organize Within Residential Groups, and Add Associational Groups

§501. Definitions

A. As used in this Rule, and unless the content details otherwise, the following definitions apply.

Application—those documents submitted in a form acceptable to the commissioner, along with all supporting information, requesting approval of a bylaw amendment that provides for a residential group common bond.

Association—those individuals (natural persons) and/or groups (non natural persons) whose members participate in specific activities, share common goals and purposes; possess a charter, bylaws, or any other equivalent documentation that contains a specific definition of who is eligible for membership; conduct periodic meetings open to all members; and sponsor other activities which demonstrate that the members of the group meet to accomplish the goals and objectives of the association.

Commissioner—the Commissioner of the Office of Financial Institutions.

Field of Membership (FOM)—those persons and entities eligible for membership in the credit union.

Immediate Family—shall include any relative by blood or marriage, or foster and adopted children, grandchildren, sons-in-law, and daughters-in-law of a member.

LOFI—Louisiana Office of Financial Institutions.

Low Income Area—an area with a majority of residents who make less than 80 percent of the average for all wage earners as established by the U.S. Bureau of Labor Statistics or have annual household income at or below 80 percent of the median household income for the nation as established by the Census Bureau. For the purpose of this part, household includes persons living or residing in the same residence maintaining a single economic unit.

Residence Within—to live within a well-defined neighborhood, small community, or rural district.

Residential Group Common Bond—a common bond created by residence within a well-defined neighborhood, small community, or rural district.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:121(B)(1).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Financial Institutions, LR 33:

§503. Well-Defined Neighborhood, Small Community, and Rural District

A. *Well-Defined Neighborhood* shall mean a specified small part of a geographic area considered in regard to its residents or distinctive characteristics, *specified by name*, and must be described in writing.

1. Boundaries may be defined by streets, roads, or other delineations including boundaries of a municipality (such as the city limits) or other boundaries that reasonably demonstrate the end of one well-defined neighborhood and the beginning of another. For example, a written description

typically will include the names of streets or other delineations surrounding the well-defined neighborhood.

2. Boundaries of a well-defined neighborhood may be defined as a small part of a municipality. Indicators of unifying characteristics may include, but are not limited to, recreation centers or athletic facilities, social clubs or organizations, neighborhood associations, or similar facilities or functions.

3. A written description of a well-defined neighborhood must demonstrate a viable residential common bond based upon its size, its level of activity, and safety and soundness criteria related to service of the proposed area.

B.1. *Small Community* shall mean an area where residents share common political, environmental, geographical, or economic characteristics that tend to create a mutual interest or, residents share common facilities or services such as an education or transportation system, recreational or cultural facilities, government, medical services, newspaper, fire or police protection, public utilities and services or other unifying characteristics that tend to create interaction or mutual interest. A small community must be described in writing and delineated on a map.

2. A single municipality or parish may qualify as a small community if a mutual interest can be properly documented. A credit union must demonstrate that it has or will establish, within two years, adequate facilities and staffing to serve the individuals that reside in the requested small community, including individuals residing in low income areas of the small community that have insufficient access to affordable (or non-predatory) financial services. In order to do so, a credit union must submit a business plan to the commissioner specifying how it will serve individuals in the small community, including individuals that reside in low income areas. The business plan must detail the credit and depository needs of the small community and address how a credit union plans to serve those needs. A credit union will also be expected to regularly review the business plan to determine if the small community is being adequately served. The commissioner may request periodic "service" status reports from a credit union to ensure that the needs of the small community, including individuals that reside in low income areas, are being met in an appropriate manner. The commissioner may also request such a report before allowing a credit union to further expand its field of membership.

C. *Rural District* shall mean an area that is outside a Metropolitan Statistical Area (MSA) as those areas are established from time to time by the United States Office of Management and Budget. It may also be represented by sharing common political characteristics or facilities such as utilization of a single police jury, election district, water district, or similar governing authority. A rural district must be described in writing and be delineated on a map. A rural district may encompass a larger geographic area than a small community, if the area is demonstrated to have certain commonalities of interest. However, a rural district may not include multiple parishes.

D. Typically, the boundaries of a small community or rural district will be defined by streets and roads but may also be bounded by other delineations including boundaries of a town, municipality (such as the city limits), or other boundaries that reasonably demonstrate the end of one small

community or rural district and the beginning of another. In many cases, it may be more appropriate to describe the small community or rural district by means of a map rather than listing all delineations that comprise its border. If the written description is so limited, a well drawn map may be needed to readily facilitate a determination that a prospective member qualifies for membership based upon residence within a well-defined area being served.

E. More than one credit union may be approved to serve the same residential group common bond.

F. The credit union must demonstrate that it has or will have adequate facilities and staffing to serve the requested residential group.

G. Various groups that have a common bond of residence may be combined in the same field of membership.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:121(B)(1).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Financial Institutions, LR 33:

§505. Residential Group Common Bond

A. The applying credit union must demonstrate by the weight and accumulation of facts presented that a residential group common bond has unifying characteristics that clearly meet the applicable definition(s). The commissioner will consider the volume and value of evidence in establishing the commonality criteria to meet the definitions for a well-defined neighborhood, small community, or rural district common bond.

B. Safety and Soundness Criteria

1. Credit unions are subject to safety and soundness criteria based on the financial and managerial capacity of the credit union to serve the proposed field of membership. The commissioner will not approve any application unless the credit union can meet the criteria set forth in this Rule.

2. The following criteria may be considered in determining the financial and managerial capacity of a credit union to support a request for a residential group common bond:

a. A composite CAMEL rating of "1" or "2" was assigned at the most recent examination.

b. Any credit union receiving a CAMEL rating of "3" in any component area at its most recent examination shall be considered only after review of the following additional factors:

i. the underlying reasons for ratings outside the criteria in Subparagraph a above;

ii. the overall condition of the credit union and ability to support expanded activities;

iii. management's progress and commitment to improve such ratings; and

iv. the prospects for improving performance and ratings in the near term.

c. Credit unions with any CAMEL component rating more severe than a "3" in its most recent report of examination may not apply for a residential group common bond based on residence in a well defined neighborhood, small community, or rural district.

d. Credit Unions with a Composite CAMEL rating of "3", or more severe, may not apply for a residential group common bond until the overall condition of the credit union is restored to a satisfactory level.

e. The credit union must demonstrate in its application for a residential group common bond that it has a

sufficient level and depth of management to meet the requirements of the residential common bond proposed.

f. The credit union must demonstrate in its application for a residential group common bond that it has sufficient data processing resources and capacity to serve the residential group that is being proposed.

g. If the commissioner deems it appropriate, he may require the credit union to submit a comprehensive business/strategic plan that addresses the following:

i. how the credit union intends to service the targeted well-defined neighborhood, small community, or rural district;

ii. a list of the financial services that will be provided to the targeted well-defined neighborhood, small community, or rural district;

iii. a projection of the expected size and penetration into the target market over a three year period, including an analysis of the market's current financial service providers;

iv. the impact of the proposed expansion upon the credit union's capital, property and equipment (including technology resources), and personnel resources;

v. the adequacy and sufficiency of fixed assets and data processing facilities to meet the expected levels of growth;

vi. the effect upon management's ability to recognize, monitor, and control all types of risks including, but not limited to, the following: audit, interest rate, liquidity, transaction, compliance, strategic, and reputation.

vii. a comprehensive income statement budget and proforma balance sheet reflecting realistic financial, capital, and operating goals for the next three calendar years beyond the year in which the field of membership expansion is requested.

3. If the commissioner deems it appropriate, he may require that the credit union submit revised loan and collection policies and procedures that recognize the additional complexities of a residential group common bond.

4. If the commissioner deems it appropriate, he may require that the credit union provide adequate policies related to asset/liability management, recognizing the additional complexities that could result from expanded lending and deposit taking activities.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:121(B)(1).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Financial Institutions, LR 33:

§507. Applications

A. A residential group common bond request shall be submitted to the commissioner on the form(s) provided by the LOFI; and include the proposed amendment to the credit union's bylaws in accordance with Section 665 of the Louisiana Credit Union Law. In reviewing the application, the commissioner may consider:

1. whether the well-defined neighborhood, small community, or rural district has adequate unifying characteristics or a mutual interest such that the safety and soundness of the institution, and protection of the funds invested by members, is maintained;

2. service by the credit union that is responsive to the needs of prospective members, to promote thrift and create a source of credit at reasonable rates;

3. protection for the interest of current and future members of the credit union; and

4. the encouragement of economic progress in the state by allowing the opportunity to expand services and facilities; and

5. the purpose and/or intent of the Louisiana Credit Union Law.

B. The applicant credit union shall have the burden to show the commissioner such facts and data that support the requirements and considerations in these rules and/or any existing or future policies and procedures issued by LOFI in connection with the same and/or the Louisiana Credit Union Law.

C. The financial and managerial capacity of a credit union shall be an important consideration for the commissioner in approving any residential group common bond. The credit union must demonstrate that the size, capability, and experience of its management is adequate to meet the demands of the residential group proposed.

D. The applicant credit union shall submit a comprehensive strategic and ongoing business plan that addresses the services to be provided, impact on the credit union's capital and resources, adequacy of fixed assets and data management facilities, and ability of management to recognize, monitor and control risk.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:121(B)(1).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Financial Institutions, LR 33:

§509. Public Policy

A. In order to protect the interests of current and future members of the credit union, to be responsive to the needs of the membership for financial services, to encourage further economic growth in the state of Louisiana, and to foster the development of credit unions under a dual chartering system in the state of Louisiana pursuant to Section 641.1 of the Louisiana Credit Union Law, groups that are within the field of membership of the credit union prior to application for a residential group common bond shall be considered to remain within the FOM of the credit union, after the approval of a residential group common bond.

B. Upon application for a residential group common bond, the goal of the credit union shall be to adequately serve the residential area that may be approved by the commissioner, as well as any other group(s) included in its FOM.

C. In approving any further expansion of a credit union's field of membership, the commissioner may give consideration to its rate of market penetration and other pertinent criteria to determine if the credit union is properly and adequately serving the FOM in the residential area as projected.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:121(B)(1).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Financial Institutions, LR 33:

§511. Mergers

A. A credit union serving a residential group common bond may merge with another credit union, pursuant to Section 646(A)(2) of the Louisiana Credit Union Law, if the proposed merger neither creates a safety and soundness concern nor violates any other section of the Louisiana Credit Union Law. Credit unions must meet the safety and

soundness criteria for a merger, and the continuing credit union must demonstrate that it can reasonably serve its members and the members of the credit union being merged. The plan of merger must also specifically indicate that the new FOM will be comprised of the combination of membership groups of the two credit unions.

B. In any merger involving a credit union serving a residential group common bond, the surviving credit union will be subject to the conditions of this rule. While the surviving credit union may continue to serve members of the merging credit union, no additional expansion will be allowed that does not comply with this Rule.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:121(B)(1).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Financial Institutions, LR 33:

§513. Adding Associational Groups

A. Pursuant to his authority under the Louisiana Credit Union Law and the stated purpose of the same, the commissioner has determined that, if there are no safety and soundness concerns, it is appropriate to allow expansions of a credit union's FOM involving members and employees of an association in accordance with Sections 645(B) and 646(A)(2)(b) of the Louisiana Credit Union Law. At a minimum, the commissioner may consider the following when assessing an application to add an associational group to a credit union's FOM:

1. whether the group meets the definition of an association as contained in this rule;
2. whether members pay dues;
3. whether members have voting rights;
4. whether the association maintains a membership list;
5. whether the association maintains separate books and records; and
6. the frequency of meetings and other group activities.

B. The association may not be created or organized by the credit union or any of its officials or employees. The association must be a separate, legal entity that maintains separate financial records.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:121(B)(1).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Financial Institutions, LR 33:

§515. Public Notification

A. Upon approval of a residential group common bond, the commissioner shall include the name of the credit union and a brief description of the well-defined neighborhood, small community, or rural district that has been approved in LOFI's next monthly bulletin, which is available on the OFI webpage.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:121(B)(1).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Financial Institutions, LR 33:

§517. Exceptions

A. Exceptions to this rule and/or waivers of the requirements contained herein may be granted by the commissioner on a case-by-case basis. Any request for an exception and/or waiver must be submitted in writing and requires the written approval of the commissioner.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:121(B)(1).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Financial Institutions, LR 33:

§519. Effective Date

A. This rule shall become effective upon final publication.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:121(B)(1).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Financial Institutions, LR 33:

§521. Severability

A. If any Section, term, or provision of this rule, LAC 10:IX.501-519, is for any reason declared or adjudged to be invalid, such invalidity shall not affect, impair, or invalidate any of the remaining Sections, terms, or provisions contained herein.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:121(B)(1).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Financial Institutions, LR 33:

All interested persons are invited to submit written comments on this proposed Rule no later than 4:30 p.m., January 20, 2006, to John D. Fields, Deputy Chief Examiner, Office of Financial Institutions, Post Office Box 94095, Baton Rouge, LA 70804-9095, or by hand-delivery to 8660 United Plaza Boulevard, Second Floor, Baton Rouge, LA 70809.

Please note that any interested persons seeking to request a public hearing regarding this proposed Rule must submit their request to this office within 20 days of the publication of this Notice of Intent in accordance with R.S. 49:953(A)(2)(a).

John Ducrest, CPA
Commissioner

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

**RULE TITLE: Residential Group Common Bonds
and Associational Groups**

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

There are no implementation costs or savings to state or local governmental units associated with this proposal. The proposed rule establishes standards to be used by this Office in the review of an application filed by a state-chartered credit union to reorganize with a residential group common bond and/or add members/employees of an association.

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

The proposed rule will have no impact on the revenue collections of state or local governmental units.

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

The proposed rule will have no net impact on the credit unions covered by this rule with respect to any estimated costs. The proposed rule will allow state-chartered credit unions to expand their field of membership in order to grow and enhance earnings.

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

The proposed rule may have limited impact on employment. Credit unions electing to expand their field of membership through a residential group common bond may need to hire additional employees in order to adequately

provide services to new members. The proposed rule will also provide state-chartered credit unions an opportunity to be more competitive with federal credit unions with similar fields of memberships and other financial service providers (banks, finance companies, mortgage lenders) by being able to offer services to a larger consumer base.

John Ducrest, CPA
Commissioner
0611#046

H. Gordon Monk
Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Health and Hospitals
Board of Medical Examiners**

**Collaborative Drug Therapy Management
(LAC 46:XLV.Chapter 74)**

Notice is hereby given in accordance with the Louisiana Administrative Procedure Act, R.S. 49:950, et seq., that pursuant to the authority vested in the Louisiana State Board of Medical Examiners ("board") by the Louisiana Medical Practice Act, R.S. 37:1270(A)(1), 1270(B), the Louisiana Pharmacy Practice Act, as amended during the 2006 Session of the Louisiana Legislature by Acts 2006, Number 627, R.S. 37:1164(37), and in accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the board intends to adopt LAC Title 46:XLV, Subpart 3, by adding Chapter 74, §§7401-7443, to govern the practice of physicians who engage in collaborative drug therapy management with pharmacists in this state.

Title 46

**PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part XLV. Medical Profession

Subpart 3. Practice

**Chapter 74. Collaborative Drug Therapy
Management**

Subchapter A. General Provisions

§7401. Scope of Subchapter

A. The rules of this Chapter govern the registration and practice of physicians engaged in collaborative drug therapy management with pharmacists in this state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(A)(1), 1270(B)(6) and 37:1164(37).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 33:

§7403. Definitions

A. As used in this Chapter, unless the content clearly states otherwise, the following terms and phrases shall have the meanings specified.

Board—the Louisiana State Board of Medical Examiners, as constituted in the Medical Practice Act.

Collaborative Drug Therapy Advisory Committee or Advisory Committee—the Louisiana State Board of Medical Examiners' Collaborative Drug Therapy Advisory Committee, as constituted under §7417 of this Chapter.

Collaborative Drug Therapy Management Agreement or Agreement—a written document in which a pharmacist and a physician identify the terms and conditions under which they voluntarily agree to participate in collaborative drug therapy management.

Collaborative Drug Therapy Management or Drug Therapy Management—that practice in which a pharmacist, to the extent authorized by a collaborative drug therapy management agreement, voluntarily agrees with a physician registered with the board under this Chapter, to manage the disease specific drug therapy of one or more patients of such physician, within a predetermined range of medication selected by the physician and set forth in a written protocol. Drug therapy management shall be limited to:

- a. monitoring and modifying a disease specific drug therapy;
- b. collecting and reviewing patient history;
- c. obtaining and reviewing vital signs, including pulse, temperature, blood pressure and respiration;
- d. ordering, evaluating, and applying the results of laboratory tests directly related to the disease specific drug therapy being managed under written protocol, provided such tests do not require the pharmacist to interpret such testing or formulate a diagnosis;
- e. administration of vaccines to a patient 16 years of age or older by a pharmacist authorized to administer vaccines by the Louisiana Board of Pharmacy;
- f. providing up to a single 7-day supply of a single drug, in accordance with §7433 of this Chapter, after all refills authorized on the original prescription issued to the patient by the patient's physician have been dispensed; and
- g. providing disease or condition specific patient education and counseling.

Controlled Substance—any substance defined, enumerated, or included in federal or state statute or regulations 21 C.F.R. 1308.11-15 or R.S. 40:964, or any substance which may hereafter be designated as a controlled substance by amendment or supplementation of such regulations or statute.

Disease Specific Drug Therapy—a specific drug(s) prescribed by a physician for a specific patient of such physician that is generally accepted within the standard of care for treatment of one of the following diseases or conditions:

- a. treatment and prevention of arterial and venous clot propagation and disease *i.e.*, anti-coagulant therapy;
- b. treatment and prevention of diabetes;
- c. adjustment of medication administered by inhalant for treatment of asthma;
- d. administration of disease specific vaccines to patients 16 years of age and older;
- e. smoking cessation therapy; and
- f. such other vaccines, categories of drugs, diseases or conditions, including but not limited to hypertension, as may be subsequently recommended by the advisory committee and approved by the board.

Drug—a legend drug.

Drugs of Concern—a drug that is not a controlled substance but which is nevertheless defined and identified, in accordance with the procedures established by the Louisiana Prescription Monitoring Program Act, R.S. 40:1001-1014, as a drug with the potential for abuse.

Legend Drug—for purposes of this Chapter, any drug bearing on the label of the manufacturer or distributor as required by the Food and Drug Administration, the statement "Caution: Federal law prohibits dispensing without a

prescription" or "Rx Only." For purposes of this Chapter, legend drugs do not include controlled substances.

Medical Practice Act or the Act—R.S. 37:1261-92 as may be amended from time to time.

Medication—except in these rules where its use may indicate otherwise, is synonymous with *drug*, as defined herein.

Pharmacist—for purposes of this Chapter an individual who has a current, unrestricted license to practice pharmacy in this state duly issued by the Louisiana Board of Pharmacy and has completed a certificate program in the area of practice covered by a collaborative drug therapy management agreement approved by the Accreditation Council for Pharmacy Education, or the academic degree of Doctor of Pharmacy that provides training in the area of practice covered by the agreement, or such other advanced training or program as may be recommended by the advisory committee and approved by the board.

Physician—an individual lawfully entitled to engage in the practice of medicine in this state as evidenced by a current, unrestricted license duly issued by the board.

Prescribe—a request or order transmitted in writing, orally, electronically or by other means of telecommunication for a drug that is issued in good faith, in the usual course of professional practice and for a legitimate medical purpose, by a physician for the purpose of correcting a physical, mental, or bodily ailment of his/her patient.

Written Protocol—a written set of directives or instructions containing each of the components specified by §7429 of this Chapter for collaborative drug therapy management of disease specific drug therapy for a specific patient. The written protocol shall be signed by the physician and represents the physician orders for the collaborative drug therapy management to be provided to the patient.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(A)(1), 1270(B)(6) and 37:1164(37).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 33:

Subchapter B. Prohibitions and Exceptions

§7405. Prohibitions and Exceptions

A. No physician shall engage in collaborative drug therapy management except in compliance with the rules of this Chapter.

B. This Chapter shall not apply to a physician's practice in a hospital licensed by the Louisiana Department of Health and Hospitals, provided the medication ordered or prescribed by the physician for in-patients of the hospital is managed in accordance with a written agreement approved by the members of the medical staff of the hospital.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(A)(1), 1270(B)(6) and 37:1164(37).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 33:

Subchapter C. Registration

§7407. Eligibility for Registration

A. No physician shall engage in collaborative drug therapy management in this state until registered with the board in accordance with the provisions of this Subchapter. To be eligible for registration a physician shall, as of the date of the application:

1. possess a current, unrestricted license to practice medicine issued by the board and not be the subject of a pending investigation or complaint by the board or by the medical licensing authority of any other state or jurisdiction;

2. be actively engaged in the clinical practice of medicine and the provision of patient care in this state in the particular field of medicine in which collaborative drug therapy management is to take place;

3. not be currently enrolled in a medical residency training program; and

4. not be employed by or serve as an independent contractor to a pharmacist, pharmacy, or pharmaceutical company, or be a party to any other or similar employment, contractual or financial relationship. The board may, in its discretion, grant an exception to this requirement on a case-by-case basis where it has been shown to its satisfaction that such relationship is structured so as to prohibit interference or intrusion into the physician's relationship with patients, the exercise of independent medical judgment and satisfaction of the obligations and responsibilities imposed by law or the board's rules on the physician.

B. A physician shall be deemed ineligible for registration of collaborative drug therapy management who:

1. does not possess the qualifications prescribed by 7407.A of this Section;

2. has voluntarily surrendered or had suspended, revoked or restricted, his/her controlled substances license, permit or registration, either state or federal;

3. has had a medical license suspended, revoked, placed on probation or restricted in any manner by the board or by the medical licensing authority of any other state or jurisdiction;

4. has had an application for medical licensure rejected or denied; or

5. has been, or is currently in the process of being denied, terminated, suspended, refused, limited, placed on probation or under other disciplinary action with respect to participation in any private, state, or federal health insurance program.

C. Upon the affirmative recommendation of the advisory committee the board may, in its discretion, waive the ineligibility restrictions of 7407.B.2-5 of this Section on a case-by-case basis where it has been shown to its satisfaction that the license, registration, permit, or participation in the health insurance program giving rise to ineligibility has been granted, reinstated or restored on an unrestricted basis, that following such action the individual has not been subject to further or additional disqualifying action and has demonstrated exemplary conduct or accomplishments meriting waiver consideration.

D. The board may deny registration to an otherwise eligible physician for any of the causes enumerated by R.S. 37:1285(A), or any other violation of the provisions of the Medical Practice Act or of the board's rules.

E. The burden of satisfying the board as to the eligibility of a physician for registration to engage in collaborative drug therapy management shall be upon the physician. A physician shall not be deemed to possess such qualifications unless and until the physician demonstrates and evidences such qualifications in the manner prescribed by and to the satisfaction of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(A)(1), 1270(B)(6) and 37:1164(37).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 33:

§7409. Registration Procedure

A. Application for registration to engage in collaborative drug therapy management shall be made upon forms supplied by the board.

B. Application forms and instructions may be obtained from the board's web site www.lsbme.louisiana.gov or upon contacting the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(A)(1), 1270(B)(6) and 37:1164(37).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 33:

§7411. Original Application; Issuance of Registration

A. An application for registration to engage in collaborative drug therapy management shall include:

1. the physician's full name, license number, home address, e-mail address, emergency contact information, and the municipal post office address of each office or other location at which the applicant practices medicine in this state;

2. a description of the physician's professional background, specialty and the nature and scope of medical practice;

3. proof documented in a form satisfactory to the board that the physician possesses the qualifications set forth in this Subchapter;

4. a fully executed copy of a collaborative drug therapy management agreement that conforms to the requirements of §7427 of these rules;

5. confirmation that the physician shall only engage in collaborative drug therapy management in the particular field of medicine in which collaborative drug therapy management is to take place and in accordance with the rules and regulations adopted by the board; and

6. such other information and documentation as the board may require to evidence qualification for registration.

B. The board may reject or refuse to consider any application for registration that is not complete in every detail required by the board or a collaborative drug therapy management agreement that fails to comply with the minimum requirements specified by §7427 of this Chapter. The board may in its discretion require a more detailed or complete response to any request for information set forth in the application or the collaborative drug therapy management agreement as a condition to consideration.

C. A physician seeking registration to engage in collaborative drug therapy management shall be required to appear before the board or its designee if the board has questions concerning the nature or scope of the physician's application, finds discrepancies in the application, or for other good cause as determined by the board.

D. Registration of authority to engage in collaborative drug therapy management shall not be effective until the physician receives notification of approval from the board. If all the qualifications, requirements and procedures of §§7407, 7409, and 7411 of this Subchapter are met to the satisfaction of the board, the board shall approve and register a physician to engage in collaborative drug therapy management.

E. Although a physician shall notify the board each time he intends to engage in collaborative drug therapy management with a pharmacist, other than the pharmacist

identified in the physician's original application, registration with the board is only required once. The board shall maintain a list of physicians who are registered to engage in collaborative drug therapy management.

F. Each registered physician is responsible for updating the board within 15 days in the event any of the information required and submitted in accordance with §§7407, 7409 and 7411 of this Subchapter changes after the physician has become registered to engage in collaborative drug therapy management.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(A)(1), 1270(B)(6), and 37:1164(37).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 33:

§7413. Notice of Intent to Collaborate

A. Notification of intent to engage in collaborative drug therapy management with a pharmacist, other than the pharmacist identified in the physician's original application, shall be filed with the board by a registered physician for each pharmacist with whom the physician intends to collaborate. Such notification shall be deemed given upon the physician's filing with the board, prior to initiating collaborative drug therapy management, a notice of intent to engage in collaborative drug therapy management on a form supplied by the board, along with a fully executed copy of a collaborative drug therapy management agreement with such pharmacist that conforms to the requirements of §7427 of these rules. Prior to engaging in collaborative drug therapy management with such pharmacist the physician shall have received confirmation and approval of notification of intent from the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(A)(1), 1270(B)(6) and 37:1164(37).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 33:

§7415. Expiration of Registration; Renewal

A. A physician's registration to engage in collaborative drug therapy management with a pharmacist shall terminate and become void, null and of no effect upon the earlier of:

1. death of either the physician or a pharmacist;
2. loss of license of either the physician or pharmacist;
3. disciplinary action limiting the ability of either the physician or a pharmacist to enter into collaborative drug therapy management;
4. notification to the board that either the physician or pharmacist has withdrawn from collaborative drug therapy management;
5. a finding by the board of any of the causes that would render a physician ineligible for registration under this Subchapter; or
6. expiration of a physician's medical license or registration to engage in collaborative drug therapy management for failure to timely renew such license or registration.

B. Registration of authority to engage in collaborative drug therapy management shall expire annually on the same day as a physician's medical license unless renewed by a physician by submitting an application to the board upon forms supplied by the board, together with verification of the accuracy of registration and collaborative drug therapy management agreement information on file with the board. An application for registration renewal shall be made part of

and/or accompany a physician's renewal application for medical licensure.

C. The timely submission of an application for renewal of a registration shall operate to continue the expiring registration in effect pending renewal of registration or other final action by the board on such application for renewal.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(A)(1), 1270(B)(6) and 37:1164(37).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 33:

Subchapter D. Collaborative Drug Therapy Advisory Committee

§7417. Constitution of Committee

A. To assist the board on matters relative to collaborative drug therapy management, a Collaborative Drug Therapy Management Advisory Committee is hereby constituted, to be composed and appointed, to have such functions, and to discharge such duties and responsibilities as hereinafter provided.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(A)(1), 1270(B)(6) and 37:1164(37).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 33:

§7419. Composition; Appointment

A. The advisory committee shall be composed of 7 members, consisting of 4 physicians and 3 pharmacists. These members shall include: one physician designated by the Louisiana State University Health Sciences Center School of Medicine in New Orleans; one physician designated by the Louisiana State University Health Sciences Center School of Medicine in Shreveport, one physician designated by the Tulane University Health Sciences Center School of Medicine; one physician designated by the Louisiana State Medical Society; one pharmacist who holds the academic degree of Doctor of Pharmacy designated by the Xavier University of Louisiana College of Pharmacy; one pharmacist who holds the academic degree of Doctor of Pharmacy designated by the University of Louisiana at Monroe School of Pharmacy; and one pharmacist designated by the Louisiana Board of Pharmacy. The president of the Louisiana State Board of Medical Examiners or his/her designee may sit on the committee in an *ex officio* capacity.

B. To be eligible for appointment to the advisory committee each individual shall have maintained residency and practiced their profession in the state of Louisiana for not less than one year, hold the qualifications prescribed by this Chapter for those of their respective professions who may wish to engage in collaborative drug therapy management, and possess education, particular experience, advanced training or other qualifications that the board may deem to be of value to the advisory committee in the discharge of its duties and responsibilities.

C. Each member of the advisory committee shall be appointed by the board from among a list of one or more qualified nominees for each position submitted to the board. Accompanying each nominee shall be a personal resume or *curriculum vitae* for the individual. In the event a designating entity does not submit nominees within 60 days of the board's request the position or vacancy may be filled by a physician or pharmacist designated by the board. Each member of the advisory committee shall serve for a term of

three years or until a successor is appointed and shall be eligible for reappointment. With the exception of the member designated by the Louisiana Board of Pharmacy, who shall serve at the pleasure of that board, all members of the advisory committee shall serve and be subject to removal at any time at the pleasure of the board. Members appointed to fill a vacancy occurring other than by expiration of the designated term shall serve for the unexpired term. Appointments to the advisory committee shall be effective when made with respect to appointments for unexpired terms and otherwise shall be effective as of the first day of the year following the date of appointment.

D. The advisory committee shall meet not less than twice each calendar year, or more frequently as may be deemed necessary or appropriate by a quorum of the advisory committee or by the board. The presence of four members shall constitute a quorum. The advisory committee shall elect from among its members a chairperson, a vice-chairperson and a secretary. The chair or in the absence or unavailability of the chair the vice-chair, shall call, designate the date, time and place of, and preside at meetings of the advisory committee. The secretary shall record or cause to be recorded, accurate and complete written minutes of all meetings of the advisory committee and shall cause copies of the same to be provided to the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(A)(1), 1270(B)(6) and 37:1164(37).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 33:

§7421. Duties and Responsibilities

A. The advisory committee is authorized by the board to assist by:

1. reviewing applications for physician registration and notifications of intent to engage in collaborative drug therapy management and collaborative drug therapy management agreements, to insure compliance with the requirements of this Chapter;

2. identifying disease specific conditions for which there are generally accepted standards of care that are amenable to collaborative drug therapy management. The committee shall periodically, but not less frequently than annually, provide the board with recommendations relative to additional diseases, conditions, vaccines, and categories of drugs that may be appropriate for collaborative drug therapy management;

3. providing advice and recommendations to the board respecting the modification, amendment, and supplementation of its rules concerning physicians who engage in collaborative drug therapy management;

4. serving as a liaison between and among the board, physicians and pharmacists who engage in collaborative drug therapy management; and

5. identifying and recommending to the board acceptable certificate programs and other advanced training or programs in the areas of practice covered by collaborative drug therapy management agreements.

B. In discharging the functions authorized under this Section the advisory committee and the individual members thereof shall, when acting within the scope of such authority, be deemed agents of the board. All information obtained by the advisory committee members pursuant to this Section shall be considered confidential. Advisory committee

members are prohibited from communication, disclosing, or in any way releasing to anyone any information or documents obtained when acting as agents of the board without first obtaining the written authorization of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(A)(1), 1270(B)(6) and 37:1164(37).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 33:

Subchapter E. Standards of Practice

§7423. Authority, Responsibility and Limitations of

Collaborative Drug Therapy Management

A. A physician registered with the board under this Chapter may engage in collaborative drug therapy management with a pharmacist:

1. to the extent authorized by a collaborative drug therapy management agreement that has been filed with and approved by the board; and

2. in accordance with a patient specific, drug specific, disease specific written protocol, satisfying the requirements of §7429 of this Chapter.

B. A physician engaged in collaborative drug therapy management shall:

1. retain professional responsibility to his/her patients for the management of their drug therapy;

2. establish and maintain a physician-patient relationship with each patient subject to the collaborative drug therapy management agreement;

3. be geographically located so that the physician, or a back-up physician as provided in §7427.D of this Chapter, is able to be physically present daily to provide medical care to a patient subject to collaborative drug therapy management;

4. receive on a schedule defined in the written protocol, a periodic status report on the patient including, but not limited to, any problem, complication or other issues relating to patient non-compliance with drug therapy management; and

5. be available through direct telecommunication for consultation, assistance, and direction.

C. A physician's registration to engage in collaborative drug therapy management with a pharmacist is personal to the physician. A registered physician shall not allow another physician or any other individual to exercise the authority conferred by such registration. A registered physician shall not engage in collaborative drug therapy management with a non-pharmacist or with any pharmacist who is not a party to the physician's collaborative drug therapy management agreement on file with the board.

D. Collaborative drug therapy management shall only be utilized for those conditions or diseases identified in and in the manner specified by §7403 of this Chapter. Additional conditions or diseases for which there are generally accepted standards of care for disease specific drug therapy may be identified by the advisory committee and approved by the board in accordance with 7403. Definitions. *Disease Specific Drug Therapy* and §7421 of this Chapter.

E. A physician shall only engage in collaborative drug therapy management of anti-coagulant therapy with a pharmacist who holds the academic degree of Doctor of Pharmacy, which degree provided training in the area of practice covered by the agreement. The board may, in its discretion, grant an exception to this limitation on a case-by-case basis and permit a physician to engage in anti-coagulant

drug therapy management with a pharmacist who does not possess the academic degree required by this Subsection upon the affirmative recommendation and advice of the advisory committee that the pharmacist possesses the equivalent or other acceptable advanced training in the area of practice covered by the agreement.

F. The scope of the collaborative drug therapy management shall not include:

1. any patient of the physician for whom such physician has not prepared a patient specific, drug specific, disease specific written protocol;
2. drug therapy management of more than one specific disease or condition. Administration of a vaccine or smoking cessation therapy are excepted from this provision;
3. drug therapy management of any patient by more than one registered physician and one pharmacist;
4. any patient under 18 years of age. Administration of a vaccine or smoking cessation therapy are excepted from this provision;
5. pregnant or nursing mothers;
6. research, clinical or investigational trials;
7. initiation or discontinuance of drug therapy by a pharmacist, except as specified in the written protocol;
8. the management of controlled substances or drugs of concern;
9. substitution of a drug prescribed by a physician without the explicit written consent of such physician; or
10. use of any drug not identified by its manufacturer for treatment of the specific disease or condition subject to drug therapy management.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(A)(1), 1270(B)(6) and 37:1164(37).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 33:

§7425. Informed Consent

A. A physician shall not engage in collaborative drug therapy management of a patient without the patient's written informed consent.

B. In addition to the requirements provided by law for obtaining a patient's informed consent, each patient who is subject to collaborative drug therapy management shall be:

1. informed of the collaborative nature of drug therapy management for the patient's specific medical disease or condition and provided instructions and contact information for follow-up visits with the physician and pharmacist;
2. informed that he or she may decline to participate in a collaborative drug therapy management practice and may withdraw at any time without terminating the physician-patient relationship; and
3. provided written disclosure of any contractual or financial arrangement with any other party that may impact one of the party's decisions to participate in the agreement.

C. All services provided pursuant to a collaborative drug therapy management agreement shall be consistent with the agreement and shall be performed in a setting that insures patient privacy and confidentiality.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(A)(1), 1270(B)(6) and 37:1164(37).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 33:

§7427. Collaborative Drug Therapy Management Agreement

A. A collaborative drug therapy management agreement shall, at a minimum, include:

1. the name, professional license number, address(es), telephone/cell number, e-mail address and emergency contact information for the physician and pharmacist and the date of signing and termination of the agreement;
2. a description of the manner and circumstances under which the physician and pharmacist will engage in collaborative drug therapy management;
3. the condition or disease to be managed;
4. the disease specific drug(s) to be utilized for such condition or disease;
5. the drug therapy management activities, as defined in §7403 of this Chapter, the physician authorizes the pharmacist to perform;
6. the procedure to be followed by the parties for drug therapy management and a plan of accountability that defines the respective responsibilities of the physician and pharmacist;
7. a plan for reporting and documenting drug therapy management activities in the medical and pharmacy records and schedule by which such are to take place. A physician shall insure that the pharmacist submits a report at least every 30 days, or more frequently if warranted by clinical conditions, to the physician regarding the status of a patient's collaborative drug therapy management, which report shall be noted in and made part of the physician's record on the patient;
8. a plan for record keeping, record sharing and record storage. The agreement shall acknowledge that all collaborative drug therapy management records shall be treated as and governed by the laws applicable to physician medical records;
9. acknowledgement that each patient subject to the agreement shall be notified that a collaborative drug therapy management agreement exists, describes the procedures for obtaining informed consent of such patient and the plan to address patient needs when both the physician and pharmacist are absent from the practice setting; and
10. the procedure and schedule for reviewing and assessing the quality of care provided to patients subject to collaborative drug therapy management under written protocol.

B. In the event the physician authorizes the pharmacist to order, evaluate, and apply the results of a laboratory test(s) directly related to the disease specific drug therapy being managed under written protocol, the agreement shall identify the specific test(s) and describe the plan for securing such testing.

C. The agreement shall affirm that:

1. collaborative drug therapy management shall be in conformity with then-current generally accepted standards of care for treatment of a patient's specific disease or condition;
2. all services provided pursuant to a collaborative drug therapy management shall be consistent with the agreement and performed in a setting that insures patient privacy and confidentiality; and

3. a copy of the agreement shall be maintained on site by the respective parties.

D. The agreement may include the identity of a single back-up physician possessing the qualifications for collaborative drug therapy management prescribed by this Chapter, who will serve in the absence of the registered physician to the agreement. The identifying information specified by 7427.A.1 of this Section shall be provided for such physician, along with an acknowledgment of responsibility to adhere to the same obligations and commitments imposed upon the registered physician to the agreement, as evidenced by a dated signature.

E. An agreement is valid for a period not to exceed one year. A physician shall insure that a collaborative drug therapy management agreement is annually reviewed, updated as appropriate, signed by the physician and pharmacist and submitted to the board for review and approval of any substantive changes.

F. Each registered physician is responsible for updating the board within 15 days in the event any of the information required and submitted in accordance with this Section changes after the board has approved the agreement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(A)(1), 1270(B)(6) and 37:1164(37).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 33:

§7429. Written Protocols

A. A separate protocol shall be written for each patient to be managed by collaborative drug therapy management. A copy of each written protocol shall be:

1. provided to the collaborating pharmacist;
2. made part of the patient's medical record; and
3. appended by the physician to the collaborative drug therapy management agreement with the pharmacist and maintained in a separate file at the practice site listed on the physician's registration on file with the board.

B. A physician shall develop a patient specific written protocol for a particular patient or utilize a standard written protocol, incorporating what patient specific deviations, if any, the physician may deem necessary or appropriate for such patient. In either event, a written protocol for disease specific drug therapy shall adhere to current generally accepted standards of care and shall identify, at a minimum:

1. the physician, the pharmacist and telephone number and other contact information for each;
2. the patient's name, address, gender, date of birth, and telephone number;
3. the disease or condition to be managed;
4. the disease specific drug(s) to be utilized;
5. the type and extent of drug therapy management the physician authorizes the pharmacist to perform;
6. the specific responsibilities of the physician and pharmacist;
7. the procedures, criteria or plan the pharmacist is required to follow in connection with drug therapy management;
8. the specific laboratory test(s), if any, that are directly related to drug therapy management that the physician authorizes the pharmacist to order and evaluate;
9. the reporting and documentation requirements of the physician and pharmacist respecting the patient and schedule by which such are to take place;

10. the conditions and events upon which the physician and pharmacist are required to notify one another; and

11. procedures to accommodate immediate consultation by telephone or direct telecommunication with or between the physician, pharmacist and/or the patient.

C. Every written protocol utilized for collaborative drug therapy management of a patient shall be reviewed annually by a registered physician, or more frequently as such physician deems necessary, to address patient needs and to insure compliance with the requirements of this Chapter. The physician's signature and date of review shall be noted on the written protocol and maintained by the physician in accordance with 7429.A of this Section.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(A)(1), 1270(B)(6) and 37:1164(37).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 33:

§7431. Administration of Vaccines

A. A physician who engages in collaborative drug therapy management with a pharmacist that includes administration of a patient specific order for administration of a disease specific vaccine:

1. shall:

- a. include such authority in the collaborative drug therapy management agreement with such pharmacist that has been filed with the board; and

- b. annex documentation to the collaborative drug therapy management agreement evidencing such pharmacist is currently authorized by the Louisiana Board of Pharmacy to administer medication and confirming that such pharmacist shall in every instance adhere to the requirements specified by Section 521 of the Louisiana Pharmacy Board's rules relative to administration of vaccines.

2. In addition to the requirements of 7429 and 7431.A of this Section, a physician shall include within the written protocol for any patient of such physician to receive a vaccine:

- a. the identity of the drug, dose and route of administration;

- b. the date of the original order and the date of any authorized subsequent dose or administration;

- c. a statement that the patient or patient's legal guardian shall be provided the manufacturer's vaccine information statement with each dose;

- d. confirm that written policies and procedures for disposal of used or contaminated supplies shall be utilized;

- e. require the pharmacist to immediately report any adverse event to the collaborating physician and such governmental entities as may be directed or required by the Louisiana Department of Health and Hospitals; and

- f. confirm that the physician shall be promptly available for consultation regarding contraindications and adverse reactions to such physician's patient.

B. This Chapter shall not prevent or restrict the Louisiana Department of Health and Hospitals, Office of Public Health, or any other governmental entity of this state, from administering vaccines under the authority of other laws of this state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(A)(1), 1270(B)(6) and 37:1164(37).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 33:

§7433. Additional Refills

A. Whether or not and the extent to which a physician may authorize a pharmacist to dispense up to a single 7-day supply of a single drug for a single patient utilized for disease specific drug therapy after all refills authorized for such physician's patient have been dispensed, shall be specifically included in the collaborative drug therapy management agreement with such pharmacist, as well as the written protocol applicable to a specific patient.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(A)(1), 1270(B)(6) and 37:1164(37).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 33:

§7435. Reporting Obligations and Responsibilities

A. A physician engaged in collaborative drug therapy management shall:

1. within 15 days of the occurrence or discovery notify the board in writing of:

a. the death of a patient that was, in the physician's opinion, directly related to drug therapy management;

b. complications or errors that are, in the physician's opinion, directly related to drug therapy management;

c. a physician's termination of a collaborative drug therapy management agreement with a pharmacist and applicable reasons;

d. a pharmacist's termination of a collaborative drug therapy management agreement with a physician and applicable reasons;

e. a patient's election to withdraw from participation in collaborative drug therapy management and applicable reasons;

f. a physician's or a pharmacist's failure and/or refusal to abide by the terms, conditions or restrictions of a drug therapy management agreement or written protocol and applicable reasons;

g. the physician's retirement or withdrawal from active clinical practice in this state or relocation to another state to engage in practice; or

h. the revocation, suspension or other restriction imposed on a pharmacist's license that would prohibit the pharmacist from entering into a collaborative drug therapy management agreement;

2. comply with reasonable requests by the board for personal appearances and/or information relative to the functions, activities and performance of a physician or pharmacist engaged in collaborative drug therapy management.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(A)(1), 1270(B)(6) and 37:1164(37).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 33:

§7437. Records

A. Included with a physician's medical record on a patient subject to collaborative drug therapy management shall be a copy of:

1. the prescription or order implementing drug therapy management;

2. the written protocol applicable to the patient evidencing documentation of annual review;

3. documentation of all activities performed by the physician and pharmacist;

4. consultations and reports by and between the physician and pharmacist; and

5. documentation of the patient's informed consent to collaborative drug therapy management.

B. A physician registered to engage in drug therapy management shall maintain and produce, upon inspection conducted by or at the request of a representative of the board, a copy of any or all collaborative drug therapy management agreement(s), amendments thereto, applicable written protocols and such other records or documentation as may be requested by the board to assess a physician's compliance with the requirements of this Chapter, the Act or other applicable rules of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(A)(1), 1270(B)(6) and 37:1164(37).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 33:

Subchapter F. Sanctions

§7439. Action Against Medical License

A. Any violation or failure to comply with the provisions of this Chapter shall be deemed unprofessional conduct and conduct in contravention of the board's rules, in violation of R.S. 37:1285(A)(13) and (30), respectively, as well as violation of any other applicable provision of R.S. 37:1285(A), providing cause for the board to suspend, revoke, refuse to issue or impose probationary or other restrictions on any license to practice medicine in Louisiana held or applied for by a physician culpable of such violation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(A)(1), 1270(B)(6), 1285, and 37:1164(37).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 33:

§7441. Action Against Registration

A. For noncompliance with any of the provisions of this Chapter the board may, in addition to or in lieu of administrative proceedings against a physician's license, suspend, revoke, or cancel a physician's registration to engage in collaborative drug therapy management or impose such terms, conditions or restrictions thereon as the board may deem necessary or appropriate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(A)(1), 1270(B)(6), 1285, and 37:1164(37).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 33:

§7443. Unauthorized Practice

A. Nothing in this Chapter shall be construed as authorizing a pharmacist to issue prescriptions, exercise independent medical judgment, render diagnoses, provide treatment, assume independent responsibility for patient care, or otherwise engage in the practice of medicine as defined in the Medical Practice Act. Any person who engages in such activities, in the absence of medical licensure issued by the board, shall be engaged in the unauthorized practice of medicine and subject to the penalties prescribed by the Medical Practice Act.

B. Any physician who associates with or assists an unlicensed person engage in the practice of medicine shall be deemed to be in violation of R.S. 37:1285(A)(18), providing cause for the board to suspend, revoke, refuse to issue or impose probationary or other restrictions on any license to practice medicine in Louisiana held or applied for by a physician culpable of such violation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(A)(1), 1270(B)(6), 1271, 1285, 1286, 1290, and R.S. 37:1164(37).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 33:

Family Impact Statement

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

Interested persons may submit written data, views, arguments, information or comments on the proposed Rule amendments until 4 p.m. December 21, 2006, to Rita Arceneaux, Executive Assistant, Louisiana State Board of Medical Examiners, at P. O. Box 30250, New Orleans, LA 70190-0250 (630 Camp Street, New Orleans, LA, 70130).

Robert L. Marier, M.D.
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Collaborative Drug
Therapy Management**

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

It is anticipated that the Board of Medical Examiners will devote some administrative resources to processing initial physician registrations to engage in collaborative drug therapy management with pharmacists. Inasmuch as the number of physician applicants who may seek registration is unknown but believed to be relatively small in number and because annual renewal applications will be included within the existing processes for licensure renewal, any modest increase in administrative workload will be absorbed by existing personnel. Accordingly, other than the rule publication costs, the total of which are estimated to be \$2,856 over the years FY 2006 and FY 2007, it is not anticipated that the proposed rules will result in any material costs or savings to the Board of Medical Examiners or any state or local governmental unit.

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

It is not anticipated that the proposed rules will have any effect on the Board's revenue collections.

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

Aside from an additional form supplied by the Board for completion and execution for initial registration and annual renewal, it is not anticipated that the proposed rules will have any material effect on costs, paperwork or workload of physicians seeking to engage in collaborative drug therapy management with pharmacists. Implementation of the proposed rules may, to an extent that is not quantifiable, serve to increase receipts and/or income of pharmacists engaged in collaborative drug therapy management with physicians.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

It is not anticipated that the proposed rules will have any material impact on competition or employment in either the public or private sector.

Robert L. Marier, M.D.
Executive Director
0611#056

Robert E. Hosse
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Health and Hospitals
Board of Pharmacy**

Pharmacy Practice (LAC 46:LIII.Chapters 3-25)

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and the Louisiana Pharmacy Practice Act (R.S. 37:1161 et seq.), the Louisiana Board of Pharmacy hereby gives notice of its intent to amend several chapters of rules. The Chapters to be amended, and some of the specific items at issue, include:

- Chapter 3: Board Hearings—provision for cease and desist orders; clarification of evidentiary standard.
- Chapter 5: Pharmacists—changes to the continuing education requirements; notification requirements for impaired practitioners; collaborative drug therapy management.
- Chapter 7: Pharmacy Interns—notification requirements for impaired practitioners.
- Chapter 11: Pharmacies—clarification of rule concerning advertising of controlled substances; centralized prescription dispensing; remote processing of medical orders or prescription drug orders.
- Chapter 15: Hospital Pharmacy—remote processing of medical orders.
- Chapter 17: Institutional Pharmacy—inspection requirements for drug cabinets.
- Chapter 19: Nuclear Pharmacy—technical change concerning continuing education requirement.
- Chapter 23: Out-of-State Pharmacy—technical change concerning pharmacist-in-charge.
- Chapter 25: Prescriptions, Drugs, and Devices—prescription refills; transfer of prescription information; requirements for controlled substance prescriptions; theft or loss of controlled substances.

Title 46

**PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part LIII. Pharmacists

Chapter 3. Board Hearings

§343. Board Decisions

A. The board's decision shall be based on finding(s) of fact and conclusion(s) of law. The board's decision shall be based on a preponderance of the evidence presented at a formal hearing, together with the board's determination of any appropriate sanctions, by an affirmative majority record vote of the board members participating in the decision process. Decisions shall be recorded and made a part of the record.

1 - 2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), effective January 1, 1989, amended LR 29:2081 (October 2003), effective January 1, 2004, amended LR 33:

§351. Administrative Review

A. - B.4. ...

C. Time. The board or the hearing officer shall grant or deny the petition for rehearing within 30 days after its submission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), effective January 1, 1989, amended LR 29:2082 (October 2003), effective January 1, 2004, amended LR 33:

§361. Cease and Desist Orders; Injunctive Relief

A. The board is empowered to issue an order to any person or firm engaged in any activity, conduct, or practice constituting a violation of the Louisiana Pharmacy Practice Act or the regulations promulgated thereto, directing such person or firm to forthwith cease and desist from such activity, conduct, or practice.

B. If the person to whom the board directs a cease and desist order does not cease and desist the prohibited activity, conduct, or practice within the timeframe directed by said order, the board may seek, in any court of competent jurisdiction and proper venue, a writ of injunction enjoining such person or firm from engaging in the activity, conduct, or practice.

C. Upon proper showing of the board that such person has engaged in the prohibited activity, conduct, or practice, the court shall issue a temporary restraining order restraining the person or firm from engaging in unlawful activity, conduct, or practices pending the hearing on a preliminary injunction, and in due course a permanent injunction shall be issued after a hearing, commanding the cessation of the unlawful activity, conduct, or practices complained of.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 33:

Chapter 5. Pharmacists

Subchapter A. Licensure Procedures

§505. Licensure

A. - A.2. ...

3. Renewal. The board shall make the annual pharmacist license renewal application available to all currently licensed Louisiana pharmacists prior to November 1. The completed application along with the appropriate fee shall be submitted to the board by December 31 of each year. A pharmacist's renewal of licensure shall be displayed in the principal location where the pharmacist is engaged in the practice of pharmacy and in such a manner that said renewal may be seen by patrons. A renewal of licensure shall serve as proof of licensure and a pharmacist's license to practice pharmacy for that year of issuance.

3.a. - 4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), effective January 1, 1989, amended LR 29:2083 (October 2003), effective January 1, 2004, amended LR 33:

§507. Continuing Education Program

A. ...

B. Definitions

1. ACPE—Accreditation Council for Pharmacy Education.

2. - 3. ...

C. Requirements

1. A minimum of 1 1/2 ACPE or board-approved CPE units, or 15 hours, shall be required each year as a prerequisite for pharmacist licensure renewal. Of this number, no less than 3/10 ACPE or board-approved CPE units, or three hours, shall be acquired through live presentations, as designated by ACPE or the board. Alternatively, should a pharmacist choose to not acquire at least 3/10 ACPE or board-approved CPE units, or three hours, through live presentations, then he shall acquire an additional 5/10 ACPE or board-approved CPE units, or five hours, through any other acceptable method, over and above the minimum requirement, for a total of two ACPE or board-approved CPE units, or 20 hours.

2. - 3. ...

4. When deemed appropriate and necessary by the board, the number of hours to be acquired through live presentations as designated by ACPE or the board may be increased. When so deemed, the board shall notify all licensed pharmacists prior to the beginning of the year in which the CPE is required.

D. - D.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), effective January 1, 1989, amended LR 23:1306 (October 1997), LR 29:2083 (October 2003), effective January 1, 2004, amended LR 33:

§514. Impairment

A. Pharmacists shall be non-impaired.

B. Pharmacists who have knowledge that another pharmacist, pharmacy intern, pharmacy technician, or pharmacy technician candidate is impaired shall notify the board of that fact.

C. Pharmacists may be subject to a medical evaluation for impairment by a board-approved addictionist, as authorized by the Louisiana Pharmacy Practice Act, R.S. 37:1161 et seq.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 33:

Subchapter B. Professional Practice Procedures

§519. State of Emergency

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

2. A pharmacist not licensed in Louisiana, but currently licensed in another state, may dispense prescription medications in the affected parish(es) during the time that a state of emergency exists if:

a. the pharmacist has some type of identification to verify current unrestricted licensure in another state;

b. the pharmacist is engaged in a legitimate relief effort during the emergency period; and

c. the pharmacist and pharmacy notify the board of their presence and approximate location in the affected parish(es).

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), effective January 1, 1989, amended LR 29:2085 (October 2003), effective January 1, 2004, amended LR 33:

§523. Collaborative Drug Therapy Management

A. Definitions. As used in this Chapter, the following terms shall have the meaning ascribed to them in this Section:

Board—the Louisiana Board of Pharmacy.

Collaborative Drug Therapy Management—that practice in which a pharmacist, to the extent authorized by a collaborative drug therapy management agreement, voluntarily agrees with a physician registered with the Louisiana State Board of Medical Examiners, to manage the disease specific drug therapy of one or more patients of such physician, within a predetermined range of medication selected by the physician and set forth in a written protocol. Drug therapy management shall be limited to:

- a. monitoring and modifying a disease specific drug therapy;
- b. collecting and reviewing patient history;
- c. obtaining and reviewing vital signs, including pulse, temperature, blood pressure, and respiration;
- d. ordering, evaluating, and applying the results of laboratory tests directly related to the disease specific drug therapy being managed under written protocol, provided such tests do not require the pharmacist to interpret such testing or formulate a diagnosis;
- e. administration of vaccines to a patient 16 years of age or older by a pharmacist authorized to administer vaccines by the board;
- f. providing up to a single seven day supply of a single drug after all refills authorized on the original prescription issued to the patient by the patient's physician have been dispensed; and
- g. providing disease or condition specific patient education and counseling.

Collaborative Drug Therapy Management Agreement—a written document in which a pharmacist and a physician identify the terms and conditions under which they voluntarily agree to participate in collaborative drug therapy management.

Controlled Substance—any substance defined, enumerated, or included in federal or state statute or regulations, or any substance which may hereafter be designated as a controlled substance by amendment or supplementation of such statute or regulations.

Disease Specific Drug Therapy—a specific drug(s) prescribed by a physician for a specific patient of such physician that is generally accepted within the standard of care for treatment of one of the following diseases or conditions:

- a. treatment and prevention of arterial and venous clot propagation and disease, i.e., anti-coagulant therapy;
- b. treatment and prevention of diabetes;
- c. treatment of asthma;
- d. treatment and prevention of dyslipidemia;
- e. treatment and prevention of hypertension;
- f. smoking cessation therapy;
- g. treatment and prevention of obesity;
- h. immunizations for patients 16 years of age or older; and

i. such other diseases or conditions as may be subsequently recommended by the advisory committee and approved by the board.

Drugs of Concern—a drug that is not a controlled substance but which is nevertheless defined and identified, in accordance with the procedures established by the Louisiana Prescription Monitoring Program Act, R.S. 40:1001-1014, as a drug with the potential for abuse.

Written Protocol—a written set of directives or instructions containing each of the components specified elsewhere in this Section for collaborative drug therapy management of disease specific drug therapy for a specific patient. The written protocol shall be signed by the physician and represents the physician orders for the collaborative drug therapy management to be provided to the patient.

B. Registration

1. Eligibility

a. No pharmacist shall engage in collaborative drug therapy management in this state until registered with the board in accordance with this Section. To be eligible for registration, a pharmacist shall, as of the date of the application:

i. possess a current, unrestricted license to practice pharmacy issued by the board and not be the subject of a pending investigation or complaint by the board or by the pharmacy licensing authority of any other state or jurisdiction;

ii. be actively engaged in the practice of pharmacy in this state and the provision of pharmacist care similar to the activities anticipated in the collaborative drug therapy management agreement.

b. A pharmacist shall be deemed ineligible for registration of collaborative drug therapy management who:

i. does not possess the qualifications prescribed by §523.B.1(a);

ii. has voluntarily surrendered or had suspended, revoked, or restricted, his controlled dangerous substances license, permit, or registration (state or federal);

iii. has had a pharmacy license suspended, revoked, placed on probation or restricted in any manner by the board or by the pharmacy licensing authority of any other state or jurisdiction;

iv. has had an application for pharmacist licensure rejected or denied; or

v. has been, or is currently in the process of being denied, terminated, suspended, refused, limited, placed on probation or under other disciplinary action with respect to participation in any private, state, or federal health insurance program.

c. The board may, in its discretion, waive the limitations referenced in Subparagraph B.1.b of this Section on a case-by-case basis.

d. The board may deny registration to an otherwise eligible pharmacist for any of the causes enumerated in R.S. 37:1241.A, or any other violation of the provisions of the Pharmacy Practice Act or the board's rules.

e. The burden of satisfying the board as to the eligibility of a pharmacist for registration to engage in collaborative drug therapy management shall be upon the pharmacist. A pharmacist shall not be deemed to possess such qualifications unless and until the pharmacist

demonstrates and evidences such qualifications in the manner prescribed by and to the satisfaction of the board.

2. Application and Issuance

a. Application for registration to engage in collaborative drug therapy management shall be made upon forms supplied by the board. Application forms and instructions may be obtained from the board's website at www.labp.com or by contacting the board's office.

b. An application for registration to engage in collaborative drug therapy management shall include:

i. the pharmacist's full name, license number, mailing address of record, and emergency contact information;

ii. a description of the pharmacist's professional education that qualifies him to engage in collaborative drug therapy management activities described in the agreement;

iii. proof documented in a form satisfactory to the board that the pharmacist possesses the qualifications set forth in this Section;

iv. a fully executed copy of a collaborative drug therapy management agreement that conforms to the requirements of this Section;

v. confirmation that the pharmacist shall only engage in collaborative drug therapy management to the extent detailed in the agreement and in accordance with the rules of the board; and

vi. such other information and documentation as the board may require to evidence qualification for registration.

c. The board may reject or refuse to consider any application for registration that is not complete in every detail required by the board or they may refuse to consider a collaborative drug therapy management agreement that fails to comply with the minimum requirements of this Section. The board may, in its discretion, require a more detailed or complete response to any request for information set forth in the application as a condition to consideration.

d. A pharmacist seeking registration to engage in collaborative drug therapy management shall be required to appear before the board or its designee if the board has questions concerning the nature or scope of the pharmacist's application, finds discrepancies in the application, or for other good cause as determined by the board.

e. If all the qualifications, requirements, and procedures of this Section are met to the satisfaction of the board, the board shall approve and register a pharmacist to engage in collaborative drug therapy management. Registration of authority to engage in collaborative drug therapy management shall not be effective until the pharmacist receives notification of approval from the board.

f. Although a pharmacist shall notify the board each time he intends to engage in collaborative drug therapy management with a physician other than the physician identified in the pharmacist's original application, registration with the board is only required once. The board shall maintain a list of pharmacists who are registered to engage in collaborative drug therapy management.

g. Each pharmacist registered to engage in collaborative drug therapy management shall be responsible for updating the board within 10 days in the event of any change in the information recorded in the original application.

3. Expiration of Registration; Renewal

a. A pharmacist's registration to engage in collaborative drug therapy management with a physician shall terminate and become void, null and without effect upon the earlier of:

i. death of either the pharmacist or physician;

ii. loss of license of either the pharmacist or physician;

iii. disciplinary action limiting the ability of either the pharmacist or the physician to enter into collaborative drug therapy management;

iv. notification to the board that either the pharmacist or physician has withdrawn from collaborative drug therapy management;

v. a finding by the board of any of the causes that would render a pharmacist ineligible for registration; or

vi. expiration of a pharmacist's license or registration to engage in collaborative drug therapy management for failure to timely renew such license or registration.

b. Registration of authority to engage in collaborative drug therapy management shall expire annually on the same day as a pharmacist's license unless renewed by the pharmacist by submitting an application to the board upon forms supplied by the board, together with verification of the accuracy of registration and collaborative drug therapy management agreement information on file with the board. An application for registration renewal shall be made part of and/or accompany a pharmacist's renewal application for pharmacist licensure.

c. The timely submission of an application for renewal of a registration shall operate to continue the expiring registration in effect pending renewal of registration or other final action by the board on such application for renewal.

C. Advisory Committee. The Collaborative Drug Therapy Management Advisory Committee, constituted as provided for in LAC 46:XLV.7417, shall assist the Board of Medical Examiners and the Board of Pharmacy on matters relative to collaborative drug therapy management. The President of the Board of Pharmacy shall appoint a pharmacist to serve on the committee, and that pharmacist shall serve at the pleasure of the Board of Pharmacy.

D. Standards of Practice

1. Authority, Responsibility, and Limitations of Collaborative Drug Therapy Management

a. A pharmacist registered with the board under this Section may engage in collaborative drug therapy management with a physician:

i. to the extent authorized by a collaborative drug therapy management agreement that has been filed with approved by the board; and

ii. in accordance with a patient specific, drug specific, disease specific written protocol, satisfying the requirements of this Section.

b. A pharmacist engaged in collaborative drug therapy management shall:

i. retain professional responsibility to his patients for the management of their drug therapy;

ii. establish and maintain a pharmacist-patient relationship with each patient subject to the collaborative drug therapy management agreement;

iii. be geographically located so as to be able to be physically present to provide pharmacist care to a patient subject to collaborative drug therapy management;

iv. provide on a schedule defined in the written protocol, a periodic status report on the patient, including but not limited to, any problem, complication, or other issues relating to patient non-compliance with drug therapy management; and

v. be available through direct telecommunication for consultation, assistance, and direction.

c. A pharmacist's registration to engage in collaborative drug therapy management with a physician is personal to the pharmacist. A registered pharmacist shall not allow another pharmacist or any other individual to exercise the authority conferred by such registration. A registered pharmacist shall not engage in collaborative drug therapy management with a non-physician or with any physician is not a party to the pharmacist's collaborative drug therapy management agreement on file with the board.

d. Collaborative drug therapy management shall only be utilized for those conditions or diseases identified in, and in the manner specified by, this Section. Additional conditions or diseases for which there are generally accepted standards of care for disease specific drug therapy may be identified by the advisory committee and approved by the board.

e. The scope of the collaborative drug therapy management shall not include the management of controlled substances or drugs of concern.

2. Informed Consent

a. A pharmacist shall not engage in collaborative drug therapy management of a patient without the patient's written informed consent.

b. In addition to the requirements provided by law for obtaining a patient's informed consent, each patient who is subject to a collaborative drug therapy management agreement shall be:

i. informed of the collaborative nature of drug therapy management for the patient's specific medical disease or condition and provided instructions and contact information for follow-up visits with the pharmacist and physician;

ii. informed that he or she may decline to participate in a collaborative drug therapy management practice and may withdraw at any time without terminating the physician-patient or pharmacist-patient relationship; and

iii. shall be provided written disclosure of any contractual or financial arrangement with any other party that may impact one of the party's decision to participate in the agreement.

c. All services provided pursuant to a collaborative drug therapy management agreement shall be consistent with the agreement and shall be performed in a setting that insures patient privacy and confidentiality.

3. Collaborative Drug Therapy Management Agreement

a. A collaborative drug therapy management agreement shall, at a minimum, include:

i. the name, professional license number, address(es), telephone/cell number, e-mail address, and emergency contact information for the pharmacist and

physician, and the date of signing and termination of the agreement;

ii. a description of the manner and circumstances under which the pharmacist and physician will engage in collaborative drug therapy management;

iii. the condition or disease to be managed;

iv. the specific drug(s) to be utilized for such condition or disease;

v. the drug therapy management activities, as defined in this Section, to be performed by the pharmacist as authorized by the physician;

vi. the procedure to be followed by the parties for drug therapy management and a plan of accountability that defines the respective responsibilities of the pharmacist and physician;

vii. a plan for reporting and documenting drug therapy management activities in the pharmacy and medical records and schedule by which such are to take place. A pharmacist shall submit a report to the physician at least every 30 days, or more frequently if warranted by clinical conditions, regarding the status of a patient's collaborative drug therapy management, with such report made a part of the pharmacy record for such patient;

viii. a plan for record keeping, record sharing, and record storage. The agreement shall acknowledge that all collaborative drug therapy management records shall be treated as and governed by the laws applicable to physician medical records;

ix. acknowledgement that each patient subject to the agreement shall be notified that a collaborative drug therapy management agreement exists, describes the procedures for obtaining informed consent of such patient, and the plan to address patient needs when both the pharmacist and physician are absent from the practice setting; and

x. the procedure and schedule for reviewing and assessing the quality of care provided to patients subject to collaborative drug therapy management under written protocol.

b. In the event the physician authorizes the pharmacist to order, evaluate, and apply the results of a laboratory test(s) directly related to disease specific drug therapy being managed under written protocol, the agreement shall identify the specific test(s) and describe the plan for securing such testing.

c. The agreement shall affirm that:

i. collaborative drug therapy management shall be in conformity with then-current generally accepted standards of care for treatment of a patient's specific disease or condition;

ii. all services provided pursuant to a collaborative drug therapy management shall be consistent with the agreement and performed in a setting that insures patient privacy and confidentiality; and

iii. a copy of the agreement shall be maintained on site by the respective parties.

d. The agreement may include the identity of one back-up pharmacist possessing the qualifications for collaborative drug therapy management prescribed by this Section, who will serve in the absence of the registered pharmacist to the agreement. The identifying information

specified in this Section shall be provided for such pharmacist, along with and acknowledgement of responsibility to adhere to the same obligations and commitments imposed on the registered pharmacist to the agreement, as evidenced by a dated signature.

e. An agreement is valid for a period of time not to exceed one year. A pharmacist shall insure that a collaborative drug therapy management agreement is annually reviewed, updated as appropriate, signed by the pharmacist and physician.

f. Each registered pharmacist is responsible for updating the board within 10 days in the event any of the information required and submitted in accordance with this Section changes after the board has approved the agreement.

4. Written Protocols

a. A separate protocol shall be written for each patient to be managed by collaborative drug therapy management. A copy of each written protocol shall be:

- i. provided to the collaborating physician and pharmacist;
- ii. made part of the patient's pharmacy record; and
- iii. appended by the pharmacist to the collaborative drug therapy management agreement with the physician and maintained in a separate file at the pharmacist's practice site listed on the pharmacist's registration on file with the board.

b. A physician shall develop a patient specific written protocol for a particular patient or utilize a standard written protocol, incorporating what patient specific deviations, if any, the physician may deem necessary or appropriate for such patient. In either event, a written protocol for disease specific drug therapy shall adhere to current generally accepted standards of care and shall identify, at a minimum:

- i. the pharmacist, the physician, and telephone number and other contact information for each;
- ii. the patient's name, address, gender, date of birth, and telephone number;
- iii. the disease or condition to be managed;
- iv. the disease specific drug(s) to be utilized;
- v. the type and extent of drug therapy management the physician authorizes the pharmacist to perform;
- vi. the specific responsibilities of the pharmacist and physician;
- vii. the procedures, criteria, or plan the pharmacist is required to follow in connection with drug therapy management;
- viii. the specific laboratory test(s), if any, that are directly related to drug therapy management that the physician authorizes the pharmacist to order and evaluate;
- ix. the reporting and documentation requirements of the pharmacist and physician respecting the patient and schedule by which such are to take place;
- x. the conditions and events upon which the pharmacist and physician are required to notify one another; and
- xi. procedures to accommodate immediate consultation by telephone or direct telecommunication with or between the pharmacist, physician, and/or the patient.

c. Every written protocol utilized for collaborative drug therapy management of a patient shall be reviewed

annually by a registered pharmacist, or more frequently as such pharmacist deems necessary, to address patient needs and to insure compliance with the requirements of this Section. A pharmacist's signature and date of review shall be noted on the written protocol and maintained by the pharmacist in accordance with this Section.

5. Administration of Vaccines

a. A collaborative drug therapy management agreement that includes the administration by a pharmacist of a patient specific order for administration of a disease specific vaccine shall include documentation of the pharmacist's authority to administer such medications, pursuant to §521 of the board's rules.

b. Agreements for immunizations administered under the authority of the Public Health Service of the Louisiana Department of Health and Hospitals shall not be required to contain specific patient names.

c. In addition to the requirements of this Section, the following information shall be included in any written protocol for any patient receiving a vaccination from a collaborating pharmacist:

- i. the identity of the drug, dose, and route of administration;
- ii. the date of the original order and the date of any authorized subsequent dose or administration;
- iii. a statement that the patient or patient's legal guardian shall be provided the manufacturer's vaccine information statement with each dose;
- iv. confirmation that written policies and procedures for disposal of used or contaminated supplies shall be utilized;
- v. a requirement for the pharmacist to immediately report any adverse event to the collaborating physician and such governmental entities as may be directed or required by the Louisiana Department of Health and Hospitals; and
- vi. confirmation that the physician shall be promptly available for consultation regarding contraindications and adverse reactions in said physician's patient.

6. Additional Refills. Whether or not and the extent to which a physician may authorize a pharmacist to dispense up to a single seven day supply of a single drug for a single patient utilized for disease specific drug therapy after all refills authorized for such physician's patient have been dispensed, shall be specifically included in the collaborative drug therapy management agreement with such pharmacist, as well as the written protocol applicable to a specific patient.

7. Reporting Obligations and Responsibilities

a. A pharmacist engaged in collaborative drug therapy management shall notify the board, in writing, within 10 days of the occurrence or discovery of:

- i. the death of a patient that was, in the pharmacist's opinion, directly related to drug therapy management;
- ii. complications or errors that are, in the pharmacist's opinion, directly related to drug therapy management;
- iii. a pharmacist's termination of a collaborative drug therapy management agreement with a physician and applicable reasons;

iv. a physician's termination of a collaborative drug therapy management agreement with a pharmacist and applicable reasons;

v. a patient's election to withdraw from participation in collaborative drug therapy management and applicable reasons;

vi. his/her or a physician's failure and/or refusal to abide by the terms, conditions, or restrictions of a collaborative drug therapy management agreement or written protocol and applicable reasons;

vii. the pharmacist's retirement or withdrawal from active practice in this state or relocation to another state to engage in pharmacy practice; or

viii. the revocation, suspension, or other restriction imposed on a physician's license that would prohibit the physician from entering into a collaborative drug therapy management agreement.

b. A pharmacist engaged in collaborative drug therapy management shall comply with reasonable requests by the board for personal appearances and/or information relative to the functions, activities, and performance of a pharmacist or physician engaged in collaborative drug therapy management.

8. Records

a. The following information shall be included in the pharmacy's record on a patient subject to collaborative drug therapy management:

i. the prescription or order implementing collaborative drug therapy management;

ii. the written protocol applicable to the patient evidencing documentation of annual review;

iii. documentation of all activities performed by the pharmacist;

iv. consultations and reports by and between the pharmacist and physician; and

v. documentation of the patient's informed consent to collaborative drug therapy management.

b. A pharmacist registered to engage in collaborative drug therapy management shall maintain and produce, upon inspection conducted by or at the request of a representative of the board, a copy of any or all collaborative drug therapy management agreement(s), amendments thereto, applicable written protocols and such other records or documentation as may be requested by the board to assess a pharmacist's compliance with requirements of this Section, the Pharmacy Practice Act, or other board rules that may be applicable.

E. Sanctions

1. Action against Registration. For noncompliance with any of the provisions of this Section, the board may, in addition to or in lieu of administrative proceedings against a pharmacist's license, suspend or revoke a pharmacist's registration to engage in collaborative drug therapy management, or may impose such terms, conditions, or restrictions thereon as the board may deem necessary or appropriate.

2. Action against Pharmacist License. Any violation or failure to comply with the provisions of this Section shall be deemed a violation R.S. 37:1241.A.1, as well as a violation of any other applicable provision of R.S. 37:1241.A, providing cause for the board to take any of the

actions permitted in R.S. 37:1241.A against the pharmacist's license.

3. Unauthorized Practice. Nothing in this Section shall be construed as authorizing a pharmacist to issue prescriptions, exercise independent medical judgment, render diagnoses, provide treatment, assume independent responsibility for patient care, or otherwise engage in the practice of medicine as defined in the Louisiana Medical Practice Act. Any person who engages in such activities, in the absence of medical licensure issued by the Louisiana State Board of Medical Examiners, shall be engaged in the unauthorized practice of medicine and subject to the penalties prescribed by the Louisiana Medical Practice Act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1164(37)(b)(i).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 33:

Chapter 7. Pharmacy Interns

§705. Practical Experience

A. - B.1. ...

2. A pharmacy intern shall not practice in a permitted pharmacy site that is on probation with the board. A pharmacy intern shall not practice under the supervision of a pharmacist whose license is on probation with the board.

C. - C.5. ...

AUTHORITY NOTE: Promulgated in accordance with 37:1211.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 29:2086 (October 2003), effective January 1, 2004, amended LR 33:

§707. Impairment

A. Pharmacy interns shall be non-impaired.

B. Pharmacy interns who have knowledge that a pharmacist, pharmacy intern, pharmacy technician, or pharmacy technician candidate is impaired shall notify the board of that fact.

C. Pharmacy interns may be subject to a medical evaluation for impairment by a board approved addictionist, as authorized by the Louisiana Pharmacy Practice Act, R.S. 37:1161 et seq.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1211.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 33:

Chapter 11. Pharmacies

Subchapter A. General Requirements

§1101. Pharmacy

A. - B. ...

C. Pharmacy Permit.

1. Initial. A completed pharmacy permit application shall be signed by the pharmacist-in-charge and the owner of the pharmacy and submitted to the board for approval. An application for a pharmacy permit shall expire one year after the date of receipt in the board office.

2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 23:1310 (October 1997), amended LR 29:2087 (October 2003), effective January 1, 2004, amended LR 33:

§1115. Advertising

A - C. ...

D. No advertising shall include any reference, direct or indirect, to any controlled dangerous substance as provided for in Schedules II, III, IV, or V of R.S. 40:964. The provision of coupons or vouchers for controlled dangerous substances through authorized prescribers, which accompany legitimate prescriptions for such controlled dangerous substances issued to patients, shall not be prohibited by this section.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 23:1311 (October 1997), amended LR 29:2089 (October 2003), effective January 1, 2004, amended LR 33:

§1117. Centralized Prescription Processing

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 23:1312 (October 1997), amended LR 29:2089 (October 2003), effective January 1, 2004, repealed LR 33:

Subchapter C. Pharmacy Opening, Closing, Change of Ownership, and Change of Location Procedures

§1135. Pharmacy Change of Ownership Procedures

A. - A.2. ...

3. Upon receipt of the new permit, the seller shall:

- a. notify the board of the transaction, including the identity of the new owner(s); and
- b. surrender the voided pharmacy permit and voided Louisiana Controlled Dangerous Substance License to the board.

4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 29:2092 (October 2003), effective January 1, 2004, amended LR 33:

Subchapter D. Off-Site Services

§1139. Definitions

A. As used in this Subchapter, the following terms shall have the meaning ascribed to them in this Section, unless the context clearly indicates otherwise.

Centralized Prescription Dispensing—the fulfillment by one permitted pharmacy of a request from another permitted pharmacy to fill or refill a prescription drug order.

On-Site Pharmacy—a permitted pharmacy which utilizes centralized prescription dispensing services from a remote dispenser or remote processing services from a remote processor.

Remote Processing Services—the processing of a medical order or prescription drug order by one permitted pharmacy on behalf of another permitted pharmacy, including:

- a. receipt, interpretation, or clarification of an order;
- b. data entry and information transfer;
- c. interpretation of clinical data;
- d. performance of drug utilization review; and
- e. provision of drug information concerning a patient's drug therapy; provided, however, that remote processing does not include the physical preparation or physical transfer of drugs.

Remote Dispenser—a Louisiana permitted pharmacy which provides centralized prescription dispensing services for another permitted pharmacy in Louisiana.

Remote Processor—a permitted pharmacy in Louisiana which provides remote processing services for another permitted pharmacy in Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 33:

§1141. Centralized Prescription Dispensing

A. General Requirements

1. An on-site pharmacy may obtain centralized prescription dispensing services from a remote dispenser provided the pharmacies:

- a. have the same owner or have entered into a written contract or agreement that outlines the services to be provided and the responsibilities and accountabilities of each pharmacy in compliance with federal and state laws, rules, and regulations; and
- b. share a common electronic file or have appropriate technology to allow access to sufficient information necessary or required to provide the requested services.

2. All drugs dispensed to a patient that have been dispensed by a remote dispenser shall bear a label containing an identifiable code that provides a complete audit trail of the dispensing of the drug and pharmacy primary care activities.

B. Policies and Procedures

1. On-site pharmacies and remote dispensers engaging in the acquisition or provision of centralized dispensing services shall maintain a policy and procedure manual for reference by all personnel; it shall be made available for inspection and copying by the board.

2. At a minimum, the manual shall include policies for:

- a. a description of how the parties will comply with federal and state laws and regulations;
- b. the maintenance of appropriate records to identify the responsible pharmacist(s) in the dispensing and counseling processes;
- c. the maintenance of a mechanism for tracking the prescription drug order during each step in the dispensing process;
- d. the maintenance of a mechanism to identify on the prescription label all pharmacies involved in the dispensing the prescription drug order; and
- e. the provision of adequate security to protect the confidentiality and integrity of patient information and to prevent its illegal use or disclosure.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 33:

§1143. Remote Processing of Medical Orders or Prescription Drug Orders

A. General Requirements

1. An on-site pharmacy may obtain remote processing services from a remote processor provided the pharmacies:

- a. have the same owner or have entered into a written contract or agreement that outlines the services to be

provided and the responsibilities and accountabilities of each pharmacy in compliance with federal and state laws, rules, and regulations; and

b. share a common electronic file or have appropriate technology to allow access to sufficient information necessary or required to provide the requested services.

2. With respect to hospital pharmacies and institutional pharmacies, a contract or agreement for remote processing services shall not relieve the on-site pharmacy from employing or contracting with a pharmacist to provide routine pharmacy services within the hospital or institutional facility. The activities authorized by this section are intended to supplement hospital and institutional pharmacy services when the pharmacy is not operating and are not intended to eliminate the need for an on-site pharmacy or pharmacist.

B. Access to Patient Information

1. The pharmacist at the remote processor shall have secure electronic access to the on-site pharmacy's patient information system and to all other electronic systems that the on-site pharmacy's pharmacist has access to when the on-site pharmacy is operating. The pharmacist at the remote processor shall receive training in the use of the on-site pharmacy's electronic systems.

2. If an on-site pharmacy is not able to provide remote electronic access to the remote processor, both pharmacies shall have appropriate technology to allow access to the required patient information.

C. Policies and Procedures

1. On-site pharmacies and remote processors engaging in the acquisition or provision of remote processing services shall maintain a policy and procedure manual for reference by all personnel; it shall also be available for inspection and copying by the board.

2. At a minimum, the manual shall include policies and procedures for:

a. identification of the responsibilities of each of the pharmacies;

b. protection of the integrity and confidentiality of patient information;

c. maintenance of appropriate records to identify the name, initials, or unique identification code of each pharmacist performing processing functions, the specific services performed, and the date of such services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 33:

Chapter 15. Hospital Pharmacy

§1503. Definitions

A. As used in this Chapter, the following terms shall have the meaning ascribed to them in this Section, unless the context clearly indicates otherwise.

* * *

Remote Processing Services—the processing of a medical order or prescription by one pharmacy on behalf of another pharmacy, including:

a. receiving, interpreting, or clarifying a medical order;

b. entering data and transferring medical order information;

c. interpreting clinical data;

d. performing therapeutic intervention relative to medication therapy; and

e. providing drug information concerning a patient's drug therapy; provided, however, that remote processing does not include the physical preparation or physical transfer of drugs.

Remote Processor—a permitted hospital pharmacy in Louisiana which provides remote processing services for another permitted hospital pharmacy in Louisiana.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), effective January 1, 1989, amended LR 29:2093 (October 2003), effective January 1, 2004, amended LR 33:

§1505. Hospital Pharmacy Permit

A. A hospital pharmacy permit shall be required to operate a pharmacy department located within a hospital for registered patients in a hospital. The permit shall be applied for, and renewed, in the manner prescribed by the board in Chapter 11 of these regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), effective January 1, 1989, amended LR 29:2093 (October 2003), effective January 1, 2004, amended LR 33:

§1525. Remote Processing of Medical Orders

A. General Requirements

1. A hospital pharmacy may obtain remote processing services from a remote processor provided the pharmacies:

a. have the same owner or have entered into a written contract or agreement that outlines the services to be provided and the responsibilities and accountabilities of each pharmacy in compliance with federal and state laws, rules, and regulations; and

b. share a common electronic file or have appropriate technology to allow access to sufficient information necessary or required to provide the requested services.

2. A contract or agreement for remote processing services shall not relieve the hospital pharmacy from employing or contracting with a pharmacist to provide routine pharmacy services within the facility. The activities authorized by this Section are intended to supplement hospital pharmacy services when the pharmacy is not operating and are not intended to eliminate the need for an on-site hospital pharmacy or pharmacist.

B. Access to Patient Information

1. The remote pharmacist shall have secure electronic access to the hospital pharmacy's patient information system and to all other electronic systems that the hospital pharmacist has access to when the pharmacy is operating. The remote pharmacist shall receive training in the use of the hospital's electronic systems.

2. If a hospital pharmacy is not able to provide remote electronic access to the patient information system, both pharmacies shall have appropriate technology to allow access to the required patient information.

C. Policies and Procedures

1. Hospital pharmacies and remote processors engaging in the acquisition or provision of remote

processing services shall maintain a policy and procedure manual for reference by all personnel; it shall also be available for inspection and copying by the board.

2. At a minimum, the manual shall include policies and procedures for:

- a. identification of the responsibilities of each of the pharmacies;
- b. protection of the integrity and confidentiality of patient information;
- c. maintenance of appropriate records to identify the name, initials, or unique identification code of each pharmacist performing processing functions, the specific services performed, and the date of such services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 33:

Chapter 17. Institutional Pharmacy

Subchapter A. General Requirements

§1707. Drug Cabinet

A. - A.5. ...

6. Inspection. The pharmacy shall inspect medications stored in a drug cabinet every 30 days, plus or minus five days.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 29:2095 (October 2003), effective January 1, 2004, amended LR 33:

Chapter 19. Nuclear Pharmacy

§1907. Qualified Nuclear Pharmacist

A. ...

B. Continuing Education. Nuclear pharmacists shall obtain at least five hours of the total required hours of Accreditation Council for Pharmacy Education (ACPE) or board-approved continuing education on those applications and procedures specific to nuclear pharmacy.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), effective January 1, 1989, amended LR 29:2098 (October 2003), effective January 1, 2004, amended LR 33:

Chapter 23. Out-of-State Pharmacy

§2307. Pharmacist-in-Charge

A. ...

B. The pharmacist-in-charge shall have an active and current license in the state in which the pharmacy is located, and further, shall not have any restrictions that prohibit the position of pharmacist-in-charge.

C. - J. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), effective January 1, 1989, amended LR 18:1381 (December 1992), effective January 1, 1993, LR 29:2100 (October 2003), effective January 1, 2004, amended LR 33:

Chapter 25. Prescriptions, Drugs, and Devices

Subchapter B. Prescriptions

§2519. Prescription Refills

A. Refill Authorization. Prescription refills may be dispensed only with the prescriber's authorization, as indicated on the original prescription order. In the absence of

the authorized practitioner's instructions on the original prescription, the prescription shall be considered non-refillable. When all refills authorized on the original prescription have been dispensed, then authorization from the prescribing practitioner shall be obtained prior to dispensing; when such authorization has been received, a new prescription shall be prepared and it shall be issued a different prescription number.

B. - B.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), effective January 1, 1989, amended LR 29:2104 (October 2003), effective January 1, 2004, amended LR 33:

§2523. Transfer of Prescription Information

A. Prescription Transfer Requirements

1. Prescriptions for Controlled Dangerous Substances

a. The transfer of original prescription information for a controlled substance listed in Schedules III, IV, or V for the purpose of refill dispensing is permissible between pharmacies on a one time basis only. However, pharmacies electronically sharing a real-time, on-line database may transfer up to the maximum refills permitted by law and the prescriber's authorization. Transfers are subject to the following requirements.

i. The transfer is communicated directly between two licensed pharmacists and the transferring pharmacist records the following information.

(a). Write the word "VOID" on the face of the invalidated prescription.

(b). Record on the reverse of the invalidated prescription the name, address, and DEA registration number of the pharmacy to which it was transferred and the name of the pharmacist receiving the prescription information.

(c). Record the date of the transfer and the name of the pharmacist transferring the information.

b. The pharmacist receiving the transferred prescription information shall reduce to writing the following.

i. Write the word "transfer" on the face of the transferred prescription.

ii. Provide all information required for a prescription for a controlled substance (full name and address of patient; drug name, strength, and dosage form; quantity prescribed and directions for use; and the name, address, and DEA registration number of the prescriber) and include:

(a). date of issuance of original prescription;

(b). original number of refills authorized on original prescription;

(c). date of original dispensing;

(d). number of valid refills remaining and date(s) and location(s) of previous refill(s);

(e). pharmacy's name, address, DEA registration number and prescription number from which the prescription information was transferred;

(f). name of pharmacist who transferred the prescription; and

(g). pharmacy's name, address, DEA registration number and prescription number from which the prescription was originally filled.

iii. The original and transferred prescription(s) shall be maintained for a period of two years from the date of the last refill.

c. Pharmacies electronically accessing the same prescription record shall satisfy all information requirements of a manual mode for prescription transferal.

2. Prescriptions for Drugs Other Than Controlled Dangerous Substances

a. The transfer of original prescription information for the purpose of refill dispensing is permissible between pharmacies, subject to the following requirements.

i. Prescriptions may be transferred up to the maximum number of refills permitted by the prescriber on the original prescription.

ii. The transferring pharmacist or intern shall record the information itemized in Clause 1.a.i above, with the exception of DEA registration numbers.

iii. The receiving pharmacist or intern shall record the information itemized in Subparagraph 1.b above, with the exception of DEA registration numbers.

b. The original and transferred prescription(s) shall be maintained for a period of two years from the date of the last refill.

c. Pharmacies electronically accessing the same prescription record shall satisfy all information requirements of a manual mode for prescription transferal.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), effective January 1, 1989, amended LR 29:2104 (October 2003), effective January 1, 2004, amended LR 33:

Subchapter D. Controlled Dangerous Substances

§2543. CDS Prescription Order Requirements

A. - B.6.b. ...

c. Partial Filling for Patient of Long-Term Care Facility or for Patient with Terminal Illness. A prescription for a drug listed in Schedule II for a patient in a long-term care facility or for a patient with a terminal illness may be filled in partial quantities.

i. - i.(c). ...

ii. The remaining portion may be filled within 60 days of the date of issue. However, if the remaining portion is not filled within the 60-day period, the pharmacist shall notify the prescribing practitioner.

B.6.c.iii. - C.3.d. ...

D. Labeling of Dispensed Controlled Dangerous Substances. In addition to the labeling requirements enumerated in §2517 of these regulations, a prescription label for a controlled dangerous substance shall include the federal transfer caution label.

E. - E.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), effective January 1, 1989, amended LR 29:2108 (October 2003), effective January 1, 2004, amended LR 33:

§2549. CDS Theft or Loss

A. - A.2. ...

3. Notice. The permittee shall file the above-referenced report to the board within 10 days of discovery of the theft or loss.

4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), effective January 1, 1989, amended LR 29:2111 (October 2003), effective January 1, 2004, amended LR 33:

Family Impact Statement

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

Interested persons may submit written comments to Malcolm J. Broussard, Louisiana Board of Pharmacy, 5615 Corporate Blvd., Suite 8-E, Baton Rouge, LA 70808-2537. He is responsible for responding to inquiries regarding this proposed Rule. A public hearing on this proposed Rule is scheduled for Wednesday, December 27, 2006 at 9 a.m. in the board office. At that time, all interested persons will be afforded an opportunity to submit data, views, or arguments, either orally or in writing. The deadline for receipt of all written comments is 12 noon that day.

Malcolm J. Broussard
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Pharmacy Practice

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

It is estimated that implementation of the proposed rule will cost the agency \$1,000 during the current fiscal year. The agency has sufficient self-generated funds budgeted and available to implement the proposed rule.

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

It is estimated that implementation of the proposed rule will have no impact on revenue collections of state or local governmental units.

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

The changes in Chapter 3 are primarily technical in nature, but one of the changes in Chapter 5 will require all pharmacists to obtain some continuing education in live venues, and yet another will authorize all pharmacists with appropriate skills to enter into collaborative practice agreements. The changes in Chapter 7 are clarification and reinstatement of prior rules. The most significant change in Chapters 11 and 15 will enable pharmacies to remotely process prescription orders. The remaining amendments in Chapters 17, 19, 23, and 25 are primarily technical in nature. We estimate most of the affected persons to have no estimable costs or economic benefits as a result of the proposed rule.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Some of the provisions, notably the collaborative drug therapy management provisions of §523 and the remote processing of medical orders or prescription drug orders in §1143 and §1525, could have positive effects on competition and employment for the 4,500 pharmacists and 1,600 pharmacies across the state, in both the public and private

sectors, due to the addition of non-dispensing professional services that pharmacies and pharmacists could offer.

Malcolm J. Broussard
Executive Director
0611#021

Robert E. Hosse
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health and Hospitals Board of Veterinary Medicine

Continuing Veterinary Medicine Education (LAC 46:LXXXV.Chapter 4)

The Louisiana Board of Veterinary Medicine proposes to amend LAC 46:LXXXV.400, 403, 405, 409, and 413 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. This text is being amended to alter the requirements and program approval of continuing veterinary medicine education for annual renewal of veterinary medicine license, from 16 credits hours per year to 20 credit hours per year with an expansion in the nature and substance of acceptable credit hours, in order to maintain and improve professional competencies for the health, welfare, and safety of the citizens and animals of Louisiana. The proposed Rule will become effective, after promulgation, for the period of time (July 1, 2007-June 30, 2008) for the 2008-2009 annual license renewal and every annual license renewal period thereafter. The proposed Rule amendment has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LXXXV. Veterinarians

Chapter 4. Continuing Veterinary Education

§400. Definitions

* * *

Contact Participation—physical attendance at seminars, lectures, conferences, or workshops.

Continuing Veterinary Education—approved, accredited experience obtained from participation in post graduate veterinary studies, institutes, seminars, lectures, conferences, workshops, and other authorized forms of educational experiences so as to maintain and improve professional competencies for the health, welfare, and safety of the citizens and animals of Louisiana.

Continuing Veterinary Education Units—units of measure approved by the Louisiana Board of Veterinary Medicine for the purpose of accreditation of various continuing education activities. One continuing education unit is equivalent to one hour of activity.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:224 (March 1990), amended LR 19:1427 (November 1993), LR 33:

§403. Continuing Veterinary Education Requirements

A. A minimum of 20 actual hours is required each fiscal year (July 1 through June 30) as a prerequisite for annual renewal of a license. Hours may be taken from:

1. any pre-approved program as described in Section 409;

2. ...

3. the 20 hour requirement for annual renewal of a license may be taken in any combination of the following board approved programs: clinical, alternative, regulatory, practice management, and/or research.

B. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated as §405 by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:224 (March 1990), amended LR 19:1427 (November 1993), LR 23:1147 (September 1997), LR 28:1208 (June 2002), LR 33:

§405. Exceptions and Exemptions

A. A licensee who fails to obtain the required approved minimum of 20 hours within the prescribed 12-month period will not meet the requirements for renewal of his license. Such a license shall expire on September 30 for any licensee who does not timely and properly comply with the annual continuing education requirement. Thereafter, a licensee may apply for renewal of his expired license, however, he shall be unable to lawfully practice veterinary medicine until such time as the requirements for renewal have been met and documented to the satisfaction of the board. Any late fees and/or fines assessed by the board shall be paid before the renewal is issued.

B. - C.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:224 (March 1990), amended LR 19:1428 (November 1993), LR 23:1147 (September 1997), LR 29:1478 (August 2003), LR 33:

§409. Approved Continuing Education Programs

A. ...

1. All units or hours from contact participation programs listed on the pre-approved list of the board shall be accepted.

2. The list of programs for which pre-approval has been granted will be updated as needed and published annually by the board.

3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:224 (March 1990), amended LR 19:1428 (November 1993), LR 33:

§413. Non-Compliance

A. - D. ...

E. The promulgation of rule amendments by the board published in the *Louisiana Register* on _____, 2007 shall become effective for the period of time (July 1, 2007-June 30, 2008) for the 2008-2009 annual license renewal and every annual license renewal period thereafter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated as by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:225 (March 1990), amended LR 19:1428 (November 1993), LR 33:

Interested parties may submit written comments to Wendy D. Parrish, Administrative Director, Louisiana Board of Veterinary Medicine, 263 Third Street, Suite 104, Baton Rouge, LA 70801, or by facsimile to (225) 342-2142. Comments will be accepted through the close of business on December 21, 2006. If it becomes necessary to convene a public hearing to receive comments in accordance with the Administrative Procedure Act, the hearing will be held on Thursday, December 28, 2006, at 10 am at the office of the Louisiana Board of Veterinary Medicine, 263 Third Street, Suite 104, Baton Rouge, LA.

Wendy D. Parrish
Administrative Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Continuing Veterinary
Medicine Education**

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

There will be no costs or savings to state or local governmental units, except for those associated with publishing the amendment (estimated at \$350 in FY 2007). Licensees will be informed of this rule change via the board's regular newsletter or other direct mailings, which result in minimal costs to the Board.

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

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

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

The proposed rule alters the requirements and program approval of continuing veterinary medicine education for annual renewal of veterinary medicine license, from 16 credit hours per year to 20 credit hours per year with an expansion in the nature and substance of acceptable credit hours. These authorized forms of educational experiences are to maintain and improve professional competencies for the health, welfare, and safety of the citizens and animals of Louisiana. The additional 4 credit units should have a minimal impact on costs incurred by the licensees for participation in continuing education programs already required by the licensees. The proposed rule will become effective, after promulgation, for the period of time (July 1, 2007-June 30, 2008) for the 2008-2009 annual license renewal and every annual license renewal period thereafter.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

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

Wendy D. Parrish
Administrative Director
0611#089

Robert E. Hosse
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

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

**Inpatient Hospital Services—Private Hospitals
Reimbursement Rate Increase**

Editor's Note: This Notice of Intent refers to an August 1, 2006 Emergency Rule, which was not submitted in accordance with the Administrative Procedure Act, specifically R.S. 49:953(B)(1).

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

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopted a Rule in June of 1994 which established the prospective reimbursement methodology for inpatient services provided in private (non-state) acute care general hospitals (*Louisiana Register*, Volume 20, Number 6). The reimbursement methodology was subsequently amended to establish a weighted average per diem for each hospital peer group and discontinue the practice of automatically applying an inflation adjustment to the reimbursement rates in those years when the rates are not rebased (*Louisiana Register*, Volumes 22 and 25, Numbers 1 and 5). The May 20, 1999 Rule was later amended to reduce the reimbursement paid to private (non-state) acute hospitals for inpatient services (*Louisiana Register*, Volume 30, Number 6).

Act 17 of the 2006 Regular Session of the Louisiana Legislature authorized expenditures to the Medical Vendor Program to increase the Medicaid reimbursement rates paid to private providers for inpatient and outpatient hospital services. In compliance with the directives of Act 17, the Bureau promulgated an Emergency Rule to amend the reimbursement methodology for inpatient hospital services to increase the Medicaid reimbursement rates paid to private hospitals (*Louisiana Register*, Volume 32, Number 10). This proposed Rule is being promulgated to continue the provisions of the August 1, 2006 Emergency Rule.

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

Proposed Rule

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing amends the provisions governing the reimbursement methodology for inpatient hospital services to increase the prospective per diem rate paid to private (non-state) hospitals, including long term hospitals and hospital intensive neurological rehabilitation care units, for inpatient services by 3.85 percent of the rate on file for July 31, 2006.

NOTICE OF INTENT

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

Inpatient Psychiatric Services—Private Hospitals Reimbursement Rate Increase

Editor's Note: This Notice of Intent refers to an August 1, 2006 Emergency Rule, which was not submitted in accordance with the Administrative Procedure Act, specifically R.S. 49:953(B)(1).

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

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopted a Rule which established the prospective reimbursement methodology for inpatient psychiatric hospital services provided in either a free-standing psychiatric hospital or distinct part psychiatric unit of an acute care general hospital (*Louisiana Register*, Volume 19, Number 6). The June 20, 1993 Rule was later amended to discontinue the practice of automatically applying an inflation adjustment to the reimbursement rates for inpatient psychiatric services in those years when the rates are not rebased (*Louisiana Register*, Volume 25, Number 5). The May 20, 1999 Rule was subsequently amended to increase the reimbursement rates for inpatient psychiatric hospital services provided in private and public non-state owned and operated free-standing psychiatric hospitals and distinct part psychiatric units based on the weighted average costs reported on the cost report ending in SFY 2002 (*Louisiana Register*, Volume 30, Number 11).

Act 17 of the 2006 Regular Session of the Louisiana Legislature authorized expenditures to the Medical Vendor Program to increase the Medicaid reimbursement rates paid to private providers for hospital inpatient and outpatient services. In compliance with the directives of Act 17, the bureau promulgated an Emergency Rule to amend the reimbursement methodology for inpatient psychiatric services to increase the Medicaid reimbursement rates paid to private (non-state) distinct part psychiatric units and freestanding psychiatric hospitals (*Louisiana Register*, Volume 32, Number 10). This proposed Rule is being promulgated to continue the provisions of the August 1, 2006 Emergency Rule.

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

Proposed Rule

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing amends the provisions governing the reimbursement methodology for

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

Interested persons may submit written comments to Jerry Phillips, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. He is responsible for responding to inquiries regarding this proposed Rule. A public hearing on this proposed Rule is scheduled for Thursday, December 28, 2006 at 9:30 a.m. in Room 118, Bienville Building, 628 North 4th Street, Baton Rouge, LA. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing. The deadline for the receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

Frederick P. Cerise, M.D., M.P.H.
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Inpatient Hospital Services Private Hospitals—Reimbursement Rate Increase

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

It is anticipated that the implementation of this proposed rule will result in an estimated increase in expenses to the state of \$6,645,365 for FY 06-07, \$7,466,859 for FY 07-08, and \$7,690,865 for FY 08-09. It is anticipated that \$204 (\$102 SGF and \$102 FED) will be expended in FY 06-07 for the state's administrative expense for promulgation of this proposed rule and the final rule.

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

It is anticipated that the implementation of this proposed rule will increase federal revenue collections by approximately \$15,300,886 for FY 06-07, \$17,192,517 for FY 07-08, and \$17,708,293 for FY 08-09. It is anticipated that \$102 will be expended in FY 06-07 for the federal administrative expenses for promulgation of this proposed rule and the final rule.

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

This rule, which continues the provisions of the August 1, 2006 Emergency Rule, proposes to amend the provisions governing the reimbursement methodology for inpatient hospital services to increase the prospective per diem rate paid to private (non-state) hospitals (approximately 160 hospitals), including long term hospitals and hospital intensive neurological rehabilitation care units, for inpatient services by 3.85 percent. It is anticipated that implementation of this proposed rule will increase program expenditures for inpatient hospital services rendered in private (non-state) hospitals by approximately \$21,946,047 for FY 06-07 and \$24,659,376 for FY 07-08 and \$25,399,158 for FY 08-09.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

It is anticipated that the implementation of this rule will not have an effect on competition and employment.

Jerry Phillips
Acting Director
0611#073

Robert E. Hosse
Staff Director
Legislative Fiscal Office

inpatient psychiatric hospital services to increase the prospective per diem rate paid to private (non-state) distinct part psychiatric units and freestanding psychiatric hospitals by 3.85 percent of the rate on file for July 31, 2006.

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

Interested persons may submit written comments to Jerry Phillips, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. He is responsible for responding to inquiries regarding this proposed Rule. A public hearing on this proposed Rule is scheduled for Thursday, December 28, 2006 at 9:30 a.m. in Room 118, Bienville Building, 628 North 4th Street, Baton Rouge, LA. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing. The deadline for the receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

Frederick P. Cerise, M.D., M.P.H.
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Inpatient Psychiatric Services Private Hospitals—Reimbursement Rate Increase

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

It is anticipated that the implementation of this proposed rule will result in an estimated increase in expenses to the state of \$369,930 for FY 06-07, \$415,553 for FY 07-08, and \$428,019 for FY 08-09. It is anticipated that \$204 (\$102 SGF and \$102 FED) will be expended in FY 06-07 for the state's administrative expense for promulgation of this proposed rule and the final rule.

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

It is anticipated that the implementation of this proposed rule will increase federal revenue collections by approximately \$851,636 for FY 06-07, \$956,814 for FY 07-08, and \$985,519 for FY 08-09. It is anticipated that \$102 will be expended in FY 06-07 for the federal administrative expenses for promulgation of this proposed rule and the final rule.

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

This rule, which continues the provisions of the August 1, 2006 Emergency Rule, proposes to amend the provisions governing the reimbursement methodology for inpatient psychiatric hospital services to increase the prospective per diem rate paid to private (non-state) distinct part psychiatric units and freestanding psychiatric hospitals (approximately 75 hospitals) by 3.85 percent. It is anticipated that implementation of this proposed rule will increase program expenditures for inpatient psychiatric services rendered in private (non-state) distinct part psychiatric units and freestanding psychiatric hospitals by approximately \$1,221,362 for FY 06-07 and \$1,372,367 for FY 07-08 and \$1,413,538 for FY 08-09.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

It is anticipated that the implementation of this rule will not have an effect on competition and employment.

Jerry Phillips
Acting Medicaid Director
0611#074

Robert E. Hosse
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

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

Medical Transportation Program—Emergency Ambulance Services—Reimbursement Rate Increase

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

The Department of Health and Hospitals, Office of the Secretary, bureau of Health Services Financing provides reimbursement for emergency ambulance transportation services. Reimbursement for these services is the base rate established by the bureau minus the amount which any third party coverage would pay. During the 2001 and 2002 Regular Sessions of the Louisiana Legislature additional funds were allocated and the Bureau subsequently increased the reimbursement rate for certain designated procedure codes for emergency ambulance transportation services (*Louisiana Register*, Volume 27, Number 11; Volume 28, Number 12).

As a result of the allocation of additional funds by the Legislature during the 2006 Regular Session, the bureau promulgated an Emergency Rule to increase the base rate and ground mileage reimbursement rate for emergency ambulance transportation services (*Louisiana Register*, Volume 32, Number 9). This proposed Rule is being promulgated to continue the provisions of the September 1, 2006 Emergency Rule.

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that the implementation of this proposed Rule will have no effect on family functioning, stability or autonomy as described in R.S. 49:972.

Proposed Rule

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing amends the provisions governing the reimbursement of emergency ambulance transportation services to increase the base rate by 5 percent and ground mileage reimbursement rate for emergency ambulance transportation services by 17 percent of the rates in effect on August 31, 2006.

NOTICE OF INTENT

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

Outpatient Hospital Services—Private Hospitals Reimbursement Rate Increase

Editor's Note: This Notice of Intent refers to an August 1, 2006 Emergency Rule, which was not submitted in accordance with the Administrative Procedure Act, specifically R.S. 49:953(B)(1).

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

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopted a Rule in January of 1996 which established the reimbursement methodology for outpatient hospital services at an interim rate of 60 percent of billed charges and cost settlement adjusted to 83 percent of allowable costs documented in the cost report, except for laboratory services subject to the Medicare fee schedule, outpatient rehabilitation and outpatient surgeries (*Louisiana Register*, Volume 22, Number 1). The January 20, 1996 Rule was subsequently amended to reduce the reimbursement paid for outpatient services (*Louisiana Register*, Volume 26, Number 12). Rules were later promulgated to increase the reimbursement paid for outpatient hospital rehabilitation services rendered to Medicaid recipients who are age 3 and older, outpatient clinic services, and outpatient laboratory services (*Louisiana Register*, Volume 29, Number 7).

Act 17 of the 2006 Regular Session of the Louisiana Legislature authorized expenditures to the Medical Vendor Program to increase the Medicaid reimbursement rates paid to private providers for hospital inpatient and outpatient services. In compliance with the directives of Act 17, the bureau promulgated an Emergency Rule to amend the reimbursement methodology for outpatient services to increase the Medicaid reimbursement rates paid for outpatient services rendered in private (non-state) acute hospitals (*Louisiana Register*, Volume 32, Number 10). This proposed Rule is being promulgated to continue the provisions of the August 1, 2006 Emergency Rule.

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

Proposed Rule

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing amends the provisions governing the reimbursement methodology for outpatient hospitals services to increase the reimbursement rate paid to private (non-state) acute hospitals for cost-based

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

Interested persons may submit written comments to Jerry Phillips, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. He is responsible for responding to inquiries regarding this proposed Rule. A public hearing on this proposed Rule is scheduled for Thursday, December 28, 2006 at 9:30 a.m. in Room 118, Bienville Building, 628 North 4th Street, Baton Rouge, LA. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing. The deadline for the receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

Frederick P. Cerise, M.D., M.P.H.
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Medical Transportation Program Emergency Ambulance Services Reimbursement Rate Increase

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

It is anticipated that the implementation of this proposed rule will result in an estimated increase in expenses to the state of \$620,923 for FY 06-07, \$767,335 for FY 07-08, and \$790,355 for FY 08-09. It is anticipated that \$204 (\$102 SGF and \$102 FED) will be expended in FY 06-07 for the state's administrative expense for promulgation of this proposed rule and the final rule.

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

It is anticipated that the implementation of this proposed rule will increase federal revenue collections by approximately \$1,429,550 for FY 06-07, \$1,766,797 for FY 07-08, and \$1,819,801 for FY 08-09. It is anticipated that \$102 will be expended in FY 06-07 for the federal administrative expenses for promulgation of this proposed rule and the final rule.

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

This rule, which continues the provisions of the September 1, 2006 Emergency Rule, proposes to amend the provisions governing the reimbursement of emergency ambulance services by increasing the base rate (5% for 79,756 services) and ground mileage reimbursement rate (17% for 760,125 miles) for emergency ambulance transportation services. It is anticipated that implementation of this proposed rule will increase program expenditures for emergency ambulance services by approximately \$2,050,269 for FY 06-07, \$2,534,132 for FY 07-08, and \$2,610,156 for FY 08-09.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

It is anticipated that the implementation of this rule will not have an effect on competition and employment.

Jerry Phillips
Acting Director
0611#078

Robert E. Hosse
Staff Director
Legislative Fiscal Office

outpatient services by 3.85 percent of the rate on file for July 31, 2006. Final reimbursement shall be 86.2 percent of allowable cost through the cost report settlement process. This change does not include the fee schedule amounts for outpatient laboratory services, outpatient rehabilitation services, outpatient surgery and outpatient clinic (facility fees).

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

Interested persons may submit written comments to Jerry Phillips, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. He is responsible for responding to inquiries regarding this proposed Rule. A public hearing on this proposed Rule is scheduled for Thursday, December 28, 2006 at 9:30 a.m. in Room 118, Bienville Building, 628 North 4th Street, Baton Rouge, LA. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing. The deadline for the receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

Frederick P. Cerise, M.D., M.P.H.
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Outpatient Hospital Services Private Hospitals—Reimbursement Rate Increase

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

It is anticipated that the implementation of this proposed rule will result in an estimated increase in expenses to the state of \$1,611,769 for FY 06-07, \$1,810,928 for FY 07-08, and \$1,865,256 for FY 08-09. It is anticipated that \$204 (\$102 SGF and \$102 FED) will be expended in FY 06-07 for the state's administrative expense for promulgation of this proposed rule and the final rule.

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

It is anticipated that the implementation of this proposed rule will increase federal revenue collections by approximately \$3,710,982 for FY 06-07, \$4,169,679 for FY 07-08, and \$4,294,770 for FY 08-09. It is anticipated that \$102 will be expended in FY 06-07 for the federal administrative expenses for promulgation of this proposed rule and the final rule.

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

This rule, which continues the provisions of the August 1, 2006 Emergency Rule, proposes to amend the provisions governing the reimbursement methodology for outpatient hospital services to increase the reimbursement rate paid to private (non-state) acute hospitals (approximately 160 hospitals) for cost-based outpatient services by 3.85 percent with final reimbursement to be 86.2 percent of allowable cost through the cost report settlement process. It is anticipated that implementation of this proposed rule will increase program expenditures for outpatient hospital services rendered in private

(non-state) acute hospitals by approximately \$5,322,547 for FY 06-07 and \$5,980,607 for FY 07-08 and \$6,160,026 for FY 08-09.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

It is anticipated that the implementation of this rule will not have an effect on competition and employment.

Jerry Phillips
Acting Director
0611#076

Robert E. Hosse
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

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

Professional Services Program—Physician Services Reimbursement Rate Increase

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

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing reimburses professional services in accordance with an established fee schedule for Current Procedural Terminology (CPT) codes and Healthcare Common Procedure Coding System (HCPCS) codes. As a result of the allocation of additional funds by the Legislature during the 2003 Regular Session, the Bureau increased reimbursement rates for selected CPT surgical and medical codes (*Louisiana Register*, Volume 31, Number 4).

Act 17 of the 2006 Regular Session of the Louisiana Legislature authorized expenditures to the Medical Vendor Program to increase the Medicaid reimbursement rates paid to physicians. In compliance with the directives of Act 17, the bureau promulgated an Emergency Rule to increase the reimbursement rates paid to physicians for services provided in the following service areas: 1) outpatient office evaluation and management services; 2) outpatient office consultation services; 3) emergency department services; 4) preventive medicine services; and 5) General/Integumentary System CPT codes (*Louisiana Register*, Volume 32, Number 10). This proposed Rule is being promulgated to continue the provisions of the October 4, 2006 Emergency Rule.

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have a positive impact on family functioning, stability or autonomy, as described in R.S. 49:972, by helping to stabilize provider participation in the Medicaid Program and improve access to physician services.

Proposed Rule

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

provisions governing the reimbursement methodology for physician services to increase the reimbursement rates paid to physicians for selected medical services provided to Medicaid recipients.

Outpatient Office Evaluation and Management Services

A. The reimbursement rate for outpatient office evaluation and management services shall be increased to 70 percent of the 2006 Medicare Region 99 allowable where the current Medicaid reimbursement rate is less than that amount.

B. The reimbursement rate for outpatient office evaluation and management services, when provided by a primary care physician (PCP) and the recipient is enrolled in the CommunityCARE Program, shall be increased to 80 percent of the 2006 Medicare Region 99 allowable where the current Medicaid reimbursement rate is less than that amount.

Outpatient Office Consultation Services

A. The reimbursement rate for outpatient office consultation services provided by physicians shall be increased to 70 percent of the 2006 Medicare Region 99 allowable where the current Medicaid reimbursement rate is less than that amount.

Emergency Department Services

A. The reimbursement rate for emergency department services shall be increased to 70 percent of the 2006 Medicare Region 99 allowable where the current Medicaid reimbursement rate is less than that amount.

B. The reimbursement rate for emergency department services, when provided by a PCP and the recipient is enrolled in the CommunityCARE Program, shall be increased to 80 percent of the 2006 Medicare Region 99 allowable where the current Medicaid reimbursement rate is less than that amount.

Preventive Medicine Services

A. The reimbursement rate for preventive medicine services for recipients, age 0 through 20, shall be increased by 10 percent of the current Medicaid rate in effect on October 3, 2006.

B. The reimbursement rate for preventive medicine services for recipients, age 0 through 20, provided by the PCP or the recipient's KidMed provider, shall be increased by 15 percent of the current Medicaid rate in effect on October 3, 2006.

General/Integumentary System Codes

A. The reimbursement rate paid for CPT codes in the General/Integumentary System section (CPT codes 10021-19499) shall be increased to 70 percent of the 2006 Medicare Region 99 allowable where the current reimbursement rate is less than that amount.

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

Interested persons may submit written comments to Jerry Phillips, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. He is responsible for responding to inquiries regarding this proposed Rule. A

public hearing on this proposed Rule is scheduled for Thursday, December 28, 2006 at 9:30 a.m. in Room 118, Bienville Building, 628 North 4th Street, Baton Rouge, LA. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing. The deadline for the receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

Frederick P. Cerise, M.D., M.P.H.
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Professional Services Program Physician Services—Reimbursement Rate Increase

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

It is anticipated that the implementation of this proposed rule will result in an estimated increase in expenses to the state of \$3,732,546 for FY 06-07, \$5,766,521 for FY 07-08, and \$5,939,517 for FY 08-09. It is anticipated that \$340 (\$170 SGF and \$170 FED) will be expended in FY 06-07 for the state's administrative expense for promulgation of this proposed rule and the final rule.

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

It is anticipated that the implementation of this proposed rule will increase federal revenue collections by approximately \$8,594,003 for FY 06-07, \$13,277,472 for FY 07-08, and \$13,675,796 for FY 08-09. It is anticipated that \$170 will be expended in FY 06-07 for the federal administrative expenses for promulgation of this proposed rule and the final rule.

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

This rule, which continues the provisions of the October 4, 2006 Emergency Rule, proposes to amend the provisions governing the reimbursement methodology for physician services to increase the reimbursement rates (approximately 10% for regular medicaid and 15% for CommunityCARE physicians) paid to physicians (approximately 11,000 physicians) for services provided in the following service areas: 1) outpatient office evaluation and management services; 2) outpatient office consultation services; 3) emergency department services; 4) preventive medicine services; and 5) General/Integumentary System CPT codes. It is anticipated that implementation of this proposed rule will increase program expenditures for physician services by approximately \$12,326,209 for FY 06-07 and \$19,043,993 for FY 07-08 and \$19,615,313 for FY 08-09.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

It is anticipated that the implementation of this rule will not have an effect on competition and employment.

Jerry Phillips
Acting Director
0611#075

Robert E. Hosse
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

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

Third Party Liability—Provider Billing and Trauma Recovery (LAC 50:I.8341-8349)

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing proposes to adopt LAC 50:I.8341-8349 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing proposes to adopt provisions governing provider billing and recovery from liable third parties in traumatic injuries or accident cases. Under these provisions, the department shall not prevent a provider from pursuing a liable third party for payment in excess of the Medicaid paid amount to a provider.

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

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part I. Administration

Subpart 9. Recovery

Chapter 83. Third Party Liability

Subchapter D. Provider Billing and Trauma Recovery

§8341. Definitions

Difference—payment to a provider for health care services rendered to a Medicaid recipient in excess of the Medicaid paid amount.

Initial Lien—the first letter or other notice sent by the Medicaid Third Party Recovery Unit via certified mail to the recipient or his representative providing notification of the lien amount.

Updated Lien—the most recent letter or other notice sent by the Medicaid Third Party Recovery Unit via certified mail to the recipient or his representative, subsequent to the initial lien, providing notification of an updated lien amount.

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 33:

§8343. Introduction

A. Congress intended the Medicaid Program be the payor of last resort, requiring other available resources be used before Medicaid pays for any health care services rendered to an individual enrolled in the Medicaid Program.

B. The Department of Health and Hospitals shall not prevent a provider from pursuing a liable or potentially liable third party for payment in excess of the Medicaid paid amount to a provider for rendered health care services, hereinafter referred to as the "difference".

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 33:

§8345. Provider Responsibilities

A. A provider, who has filed and accepted Medicaid payment and who wishes to pursue the difference, shall submit written notification containing information relating to the existence or possible existence of a liable third party to the Medicaid Third Party Recovery Unit within 365 days of the accident or incident for which the third party is or may be liable.

1. The notice shall contain the:

- a. Medicaid recipient's name;
- b. Medicaid recipient's Social Security number or Medicaid identification number, or both; and
- c. date of the accident or incident.

B. A provider who has filed and accepted a Medicaid payment may accept or collect the difference from a third party. Within 10 working days of receipt of the difference, the provider or his agent shall notify Medicaid to determine whether it has received full reimbursement for all payments made to all providers for health care services rendered to a Medicaid recipient as a result of an accident or incident. A provider shall not disburse the difference until receipt of notification from Medicaid that it has been made "whole". Medicaid shall be made whole.

1. In the event Medicaid agrees to and accepts less than full reimbursement for all payments made on behalf of a Medicaid recipient, excluding any partial payment, Medicaid shall be deemed to have been made whole. Medicaid shall have 10 working days from receipt of notice to notify the provider whether it has been made whole.

C. In the event a provider has knowledge that an individual is a Medicaid recipient and is receiving health care services which may be covered by Medicaid as a result of the accident or incident, the provider is prohibited from:

1. demanding any payment from the Medicaid recipient or his representative; or
2. pursuing collection of any type against the Medicaid recipient or his representative.

D. Nothing in this Subchapter shall prevent a provider from demanding payment from, or pursuing any type of collection efforts for the difference against any liable or potentially liable third party, directly or through the Medicaid recipient or his representative who is demanding payment from any liable or potentially liable third party.

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 33:

§8347. Recipient Responsibilities

A. The claims included in the initial lien calculated by the Medicaid Third Party Liability Recovery Unit shall be deemed as an accurate reflection of the total amount paid by Medicaid, unless challenged in writing by the recipient or representative of the recipient within 90 days of the date of the initial lien notification to the Medicaid recipient or his representative.

B. Any additional Medicaid payments included as the result of an updated lien shall be deemed as an accurate

reflection of the total amount of the claims paid by Medicaid, unless challenged in writing by the recipient or his representative, within 30 days of the date of the updated lien notification to the Medicaid recipient or his representative.

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 33:

§8349. Noncompliance and Violations

A. A provider who has filed and accepted Medicaid payment and who fails to comply with the notification requirement stated in §8345 of this Subchapter shall be limited to the Medicaid payment received as payment in full for the health care services rendered to the Medicaid recipient.

B. A provider who has filed and accepted Medicaid payment may be referred for investigation and prosecution for any possible violation of federal and state laws and may be excluded from participation in the Medicaid Program in the event a provider:

1. pursues the difference prior to providing written notification to the department;
2. accepts payment from a third party and fails to comply with the provisions of §8345.B.; or
3. receives payment in excess of billed charges or a duplicate payment for the same health care 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 33:

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

Interested persons may submit written comments to Jerry Phillips, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. He is responsible for responding to inquiries regarding this proposed Rule. A public hearing on this proposed Rule is scheduled for Thursday, December 28, 2006 at 9:30 a.m. in Room 118, Bienville Building, 628 North 4th Street, Baton Rouge, LA. At that time all interested individuals will be afforded an opportunity to submit data, views or arguments either orally or in writing. The deadline for the receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

Frederick P. Cerise, M.D., M.P.H.
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Third Party Liability—Provider Billing and Trauma Recovery

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

It is anticipated that the implementation of this proposed rule will have no programmatic fiscal impact to the state other than cost of promulgation for FY 06-07. It is anticipated that \$544 (\$272 SGF and \$272 FED) will be expended in FY 06-07

for the state's administrative expense for promulgation of this proposed rule and the final rule.

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

It is anticipated that the implementation of this proposed rule will not affect federal revenue collections other than the federal share of the promulgation costs for FY 06-07. It is anticipated that \$272 will be expended in FY 06-07 for the federal share of the expense for promulgation of this proposed rule and the final rule.

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

This rule proposes to adopt provisions governing provider billing and recovery from liable third parties in traumatic injuries or accident cases and allows providers to seek payment in excess of the Medicaid paid amount from potentially liable third parties (approximately 8,000 cases). It is anticipated that implementation of this proposed rule could result in an indeterminable increase in third party liability recovery to the Medicaid program for FY 06-07, FY 07-08 and FY 08-09.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This rule has no known impact on competition and employment.

Jerry Phillips
Acting Medicaid Director
0611#079

Robert E. Hosse
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health and Hospitals Office of the Secretary Office for Citizens with Developmental Disabilities

Home and Community-Based Services Waivers
Children's Choice—Termination of Diaper Coverage
(LAC 50:XXI.11303, 11527 and 12101)

The Department of Health and Hospitals, Office of the Secretary, Office for Citizens with Developmental Disabilities proposes to amend LAC 50:XXI.11303, 11527 and 12101 under the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing repromulgated all of the rules governing the Children's Choice Waiver under the Louisiana Administrative Code (*Louisiana Register*, Volume 28, Number 9). The Children's Choice Waiver provides services with greater flexibility which is appropriate to families who care for children with disabilities.

The Children's Choice Waiver currently provides coverage of diapers as a component of the waiver service package. The Louisiana Medicaid State Plan was recently amended to clarify that the exclusion on coverage of incontinence supplies under Home Health services does not apply to recipients in the Early and Periodic Screening, Diagnosis and Treatment (EPSDT) Program. Coverage and reimbursement for incontinence supplies is available for EPSDT recipients up to the age of 21 when medically necessary. In order to avoid a duplication of services, the

Office for Citizens with Developmental Disabilities now proposes to amend the provisions governing the Children's Choice Waiver to exclude coverage of diapers.

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that the implementation of this proposed Rule will not have an adverse effect on family functioning, stability or autonomy as coverage of diapers will be available to Children's Choice participants under the Medicaid State Plan.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

**Part XXI. Home and Community-Based Services
Waivers**

Subpart 9. Children's Choice

Chapter 113. Service

§11303. Service Definitions

A. - F.2. ...

G. 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 28:1983 (September 2002), amended by the Department of Health and Hospitals, Office of the Secretary, Office for Citizens with Developmental Disabilities, LR 33:

Chapter 115. Providers

Subchapter B. Provider Requirements

§11527. Direct Service Providers

A. - 3.b. ...

c. Repealed.

A.3.d. - 12. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 28:1985 (September 2002), amended by the Department of Health and Hospitals, Office of the Secretary, Office for Citizens with Developmental Disabilities, LR 33:

Chapter 121. Reimbursement

§12101. Reimbursement Methodology

A. - B.3. ...

4. 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 28:1987 (September 2002), amended by the Department of Health and Hospitals, Office of the Secretary, Office for Citizens with Developmental Disabilities, LR 33:

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

Interested persons may submit written comments to Kathy Kliebert, Office for Citizens with Developmental Disabilities, P.O. Box 3117, Baton Rouge, LA 70821-3117. She is responsible for responding to inquiries regarding this proposed Rule. A public hearing on this proposed Rule is scheduled for Thursday, December 28, 2006 at 9:30 a.m. in Room 118, Bienville Building, 628 North 4th Street, Baton Rouge, LA. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing. The deadline for the receipt of all

written comments is 4:30 p.m. on the next business day following the public hearing.

Frederick P. Cerise, M.D., M.P.H.
Secretary

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

**RULE TITLE: Home and Community-Based
Services Waivers—Children's Choice
Termination of Diaper Coverage**

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

It is anticipated that the implementation of this proposed rule will be cost neutral to the state other than cost of promulgation for FY 06-07. It is anticipated that \$340 (\$170 SGF and \$170 FED) will be expended in FY 06-07 for the state's administrative expense for promulgation of this proposed rule and the final rule.

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

It is anticipated that the implementation of this proposed rule will not affect federal revenue collections other than the federal share of the promulgation costs for FY 06-07. It is anticipated that \$170 will be expended in FY 06-07 for the federal share of the expense for promulgation of this proposed rule and the final rule.

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

This rule proposes to amend the rules for the Children's Choice Waiver program to exclude the coverage of diapers (approximately 350 recipients). These supplies will be covered under the Home Health Program. It is anticipated that implementation of this proposed rule will be cost neutral for directly affected persons or non-governmental groups in FY 06-07, FY 07-08, and FY 08-09 because the costs will be shifted to the Home Health Program.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This rule has no known impact on competition and employment.

Jerry Phillips
Acting Medicaid Director
0611#072

Robert E. Hosse
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Public Safety and Corrections
Corrections Services**

Community Resource Centers (LAC 22:I.340)

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.), the Louisiana Department of Public Safety and Corrections, Corrections Services, hereby gives notice of its intent to promulgate the contents of §340

The purpose of this regulation is to establish the secretary's policy regarding the enactment of Community Resource Centers for eligible inmates to participate in emergency disaster relief efforts and to provide procedures regarding housing for those inmates who participate in such relief efforts.

Title 22
CORRECTIONS, CRIMINAL JUSTICE AND LAW
ENFORCEMENT
Part I. Corrections

Chapter 3. Adult and Juvenile Services
Subchapter A. General

§340. Community Resource Centers

A. Purpose. To establish the secretary's policy regarding the enactment of Community Resource Centers for eligible inmates to participate in emergency disaster relief efforts and to provide procedures regarding housing for those inmates who participate in such relief efforts.

B. Applicability. chief of operations, undersecretary, assistant secretary, regional wardens, wardens and the Director of Probation and Parole. Each unit head shall ensure that appropriate procedures are in place to comply with the provisions of this regulation.

C. Definitions

Advance Support Team—advance support teams secure appropriate housing, coordinate the delivery of necessary supplies, and address and/or assess current situations and conditions, as well as assess future needs. The team shall consist of a security supervisor and maintenance staff member. Other staff and/or inmates may be included as deemed necessary by the chief of operations, regional wardens and/or the warden.

Inmate Crews—inmate crews may be composed of any inmates that are classified as minimum custody at their assigned housing unit except for inmates prohibited from participation as provided for in Paragraph E.1. Eligible inmates are subject to placement on the crews regardless of their usual work assignment. Additionally, inmates are required to be on a regular duty status and be medically capable of performing emergency disaster relief work.

Minimum Custody—generally, assignment of an inmate to a dormitory housing area. Movement outside of a secure perimeter is usually authorized without armed supervision or restraint. Institutional procedure governs the level of staff supervision when outside the secure perimeter, as well as internal movement controls.

D. Policy. It is the secretary's policy to establish Community Resource Centers for inmates to remediate the damage done following a natural disaster or emergency. The use of inmate labor will augment governmental personnel, private sector firms and community volunteers conducting remediation activities during the period immediately after such disaster. Inmate labor will not replace existing employees, be utilized on a project or job involved in a labor dispute, or supplant post disaster remediation activities that may otherwise be performed under contract by private sector firms employed by an affected individual or governmental entity.

E. Procedures.

1. Inmates convicted of a crime of violence or convicted of a sex offense shall not be eligible to participate in the Community Resource Centers program.

2. Each unit shall determine the approximate number of inmates available for assignment to an inmate crew and develop appropriate inmate and staffing rosters. Information concerning the number of crews available from each facility shall be forwarded each May to the chief of operations for

inclusion in the Incident Management Center (IMC) Resource Manual.

3. Inmate crews shall not exceed 10 inmates for each correctional officer supervising them.

4. In accordance with the Louisiana Homeland Security and Emergency Assistance and Disaster Act, after the governor has declared a disaster or emergency pursuant to executive order or proclamation, Community Resource Centers may be established in the parish where the work will be performed.

5. At the direction of the secretary or designee, the IMC will contact the appropriate warden with information relative to disaster relief needs of the affected area and/or the necessity of establishing a Community Resource Center.

6. Upon receiving the instructions from the IMC, the warden will activate the advance support team, other necessary personnel, and inmate crews.

7. Inmate crews that are deployed to a community or area more than two hours travel time from the unit or for an extended period may require housing in that area. The advance support teams will coordinate with the parish Office of Emergency Preparedness (OEP), local law enforcement, and district probation and parole office for accessing available housing resources.

8. The warden shall ensure that supervising staff of each inmate crew receive documentation for each inmate that includes an identification picture and master prison record sheet. In addition he will receive any medications that the inmates may have prescribed to them.

9. The wardens shall ensure that logs of inmate crew activities are maintained.

10. Wardens shall be responsible for providing transportation for each inmate crew. In addition, each unit shall be responsible for providing their own communications equipment such as 800 radios, cell and/or satellite telephones.

11. A unit may be required to make available an EMT or nurse to provide emergency medical care to the inmate crews in the area.

12. The IMC may coordinate with the Division of Probation and Parole for any additional security support needed at a Community Resource Center.

13. Inmate crew remediation assignments shall be coordinated by unit personnel on site through the state and/or local OEP. This information shall be forwarded to the unit, the IMC, and local law enforcement.

14. The rank structure for supervision of the Community Resource Centers shall be determined by the appropriate regional warden.

15. If the situation or conditions dictate, a centralized supply location or warehouse may be established to support inmate work crews.

16. Inmates participating in the Community Resource Centers program shall be eligible to earn thirty days of good time credit in addition to that otherwise authorized by law for every thirty days of service in this program. Therefore, each unit shall maintain records of the inmates assigned to the work crews and the number of days worked. These records shall be forwarded to the records office at the facility to determine the amount of good time to be awarded to the inmate.

AUTHORITY NOTE: Promulgated by the Department of Public Safety and Corrections in accordance with R.S. 15:833.1.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Corrections Services, LR 33:

Family Impact Statement

In accordance with the Administrative Procedures Act, R.S. 49:953(A)(1)(a)(viii) and R.S. 49:972, the Department of Public Safety and Corrections, Corrections Services, hereby provides the Family Impact Statement.

Promulgation of LAC 22:I:340 by the Department of Public Safety and Corrections, Corrections Services, will have no effect on the stability of the family, on the authority and rights of parents regarding the education and supervision of their children, on the functioning of the family, on family earnings and family budget, on the behavior and personal responsibility of children or on the ability of the family or a local government to perform the function as contained in the proposed Rule.

Written comments may be addressed to Melinda L. Long, Attorney for the Secretary, Department of Public Safety and Corrections, P.O. Box 94304, Baton Rouge, LA 70804, until 4:30 p.m. on December 20, 2006.

Richard L. Stalder
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Community Resource Centers

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

Although costs or savings to state or local governmental units to staff and operate Community Resource Centers cannot be accurately estimated due to unknown frequency and circumstances of future natural disasters, the proposed rule is not anticipated to result in additional expenditures or costs at this time. Implementation of the rule is contingent upon appropriation by the legislature or the availability of any appropriate federal funds, which at this time has not occurred. The proposed rule will merely establish procedures in the event of a future natural disaster. If eventually implemented, there would be additional expenditures to the Department of Public Safety & Corrections for staff, fuel, transporting inmates, food, medical supplies, and other necessary miscellaneous expenditures. There would be a cost savings estimated at \$22.39 per offender per day for housing, assuming the impact would occur at the local level due to the offender earning an additional 30 days of good time for every 30 days of service in the program.

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

There is no anticipated direct material effect on governmental revenues as a result of this measure.

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

No additional costs to affected persons or non-governmental groups are anticipated as a result of this measure. Residents, businesses, and other responders may benefit from the additional assistance that the Community Resource Centers can provide during such emergencies. Such benefits to be derived from the operation of these centers cannot be accurately quantified.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No negative effect on competition and employment is anticipated as a result of this measure. The use of inmate labor will augment governmental personnel, private sector firms and community volunteers conducting remediation activities during the period immediately after such a disaster. Inmate labor will not replace existing employees, be utilized on a project or job involved in a labor dispute, or supplant post disaster remediation activities that would otherwise be performed under contract by private sector firms employed by an affected individual or governmental entity. To the extent that these centers can expedite remediation or other support activities, individuals, and businesses may recover and redevelop more quickly.

B.E. "Trey" Boudreaux, III
Undersecretary
0611#069

Robert E. Hosse
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Public Safety and Corrections
Gaming Control Board**

Imposition of Sanctions; Enforcement Actions;
Advertising; Video Draw Poker Devices
(LAC 42:VII.2325, 2927; IX.2919, 4103;
XI.2407, 2430; XIII.2325 and 2927)

The Louisiana Gaming Control Board hereby gives notice that it intends to amend LAC 42:VII.2325, Penalty Schedule, VII.2927, Advertising, IX.2919, Advertising Mandatory Signage, IX.4103, Enforcement Actions of the Board, XI.2407, Operation of Video Draw Poker Devices, XI.2430, Penalty Schedule, XIII.2325, Penalty Schedule, 2927, Advertising in accordance with R.S. 27:15 and 24, and the Administrative Procedure Act, R.S. 49:950 et seq.

Title 42

LOUISIANA GAMING

Part VII. Pari-Mutuel Live Racing Facility Slot Machine Gaming

Chapter 23. Compliance, Inspections and Investigations

§2325. Sanctions

- A. - D. ...
- E. Penalty Schedule

Section Reference	Description	Base Fine	Proscription Period (months)
* * *			
2927	Advertising	\$1000	18
* * *			

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:1321 (June 2000), amended LR 27:2255 (December 2001), LR 28:1028 (May 2002), repromulgated LR 28:2371 (November 2002), amended LR 29:362 (March 2003), LR 33:

**Chapter 29. Operating Standards
§2927. Advertising**

- A.

B. All letters accompanying the toll-free telephone number shall be in capital letters and the same size as the toll-free telephone number. The toll-free telephone number and letters shall appear in conspicuous and legible type in contrast by typography, layout, or color with all other printed material on the advertisement.

C. The toll-free telephone number and all accompanying letters shall appear in a rectangle. The rectangle shall comprise an area equal to 1/10 of the entire advertisement's height and extend across the entire width of the advertisement. The toll-free telephone number and accompanying letters must be sized to utilize the entire area within the rectangle. In the case of billboards, the rectangle containing the toll-free telephone number shall be a part of the billboard itself and not a separate add-on to the frame.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:765 (April 2000), LR 33:

Part IX. Landbased Casino Gaming

Subpart 1. Economic Development and Gaming Corporation

Chapter 29. Operating Standards Generally

§2919. Advertising; Mandatory Signage

A.

B. All letters accompanying the toll-free telephone number shall be in capital letters and the same size as the toll-free telephone number. The toll-free telephone number and letters shall appear in conspicuous and legible type in contrast by typography, layout, or color with all other printed material on the advertisement.

C. The toll-free telephone number and all accompanying letters shall appear in a rectangle. The rectangle shall comprise an area equal to 1/10 of the entire advertisement's height and extend across the entire width of the advertisement. The toll-free telephone number and accompanying letters must be sized to utilize the entire area within the rectangle. In the case of billboards, the rectangle containing the toll-free telephone number shall be a part of the billboard itself and not a separate add-on to the frame.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1953 (October 1999), amended LR 26:335 (February 2000), LR 33:

Chapter 41. Enforcement Actions

§4103. Enforcement Actions of the Board

A. - B.

C. Penalty Schedule

Section Reference	Description	Base Fine	Proscription Period (months)

2919	Advertising	\$1000	18

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1974 (October 1999), amended LR 26:2307 (October 2000), LR 27:2255 (December 2001), repromulgated LR 28:344 (February 2002),

amended LR 28:1029 (May 2002), LR 29:362 (March 2003), LR 29:2507 (November 2003), LR 33:

Part XI. Video Poker

Chapter 24. Video Draw Poker

§2407. Operation of Video Draw Poker Devices

A. - C.2.e. ...

D. Advertising

1. - 4. ...

5. All letters accompanying the toll-free telephone number shall be in capital letters and the same size as the toll-free telephone number. The toll-free telephone number and letters shall appear in conspicuous and legible type in contrast by typography, layout, or color with all other printed material on the advertisement.

6. The toll-free telephone number and all accompanying letters shall appear in a rectangle. The rectangle shall comprise an area equal to 1/10 of the entire advertisement's height and extend across the entire width of the advertisement. The toll-free telephone number and accompanying letters must be sized to utilize the entire area within the rectangle. In the case of billboards, the rectangle containing the toll-free telephone number shall be a part of the billboard itself and not a separate add-on to the frame.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Gaming Enforcement Section, Video Gaming Division, LR 18:196 (February 1992), amended LR 21:582 (June 1995), amended by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:85 (January 1999), LR 27:205 (February 2001), LR 30:267 (February 2004), repromulgated LR 30:441 (March 2004), amended LR 33:

§2430. Penalty Schedule

A. - D. ...

Regulation Number	Violation Description	Licensed Establishments With Up To Three Machines	All Other Licensees

2405 (B)(4)(b)	Requirements for Licensing	\$ 250	\$ 500

2907 D.5 and 6	Advertising	\$ 500	\$ 1000

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 33:

Part XIII. Riverboat Gaming

Subpart 2. State Police Riverboat Gaming Division

Chapter 23. Compliance, Inspections and Investigations

§2325. Imposition of Sanctions

A. - D. ...

E. Penalty Schedule

Section Reference	Description	Base Fine	Proscription Period (Months)

2927	Advertising	\$1000	18

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 26.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:702 (July 1995), amended by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:1318 (June 2000), LR 27:2255 (December 2001), LR 28:1029 (May 2002), LR 29:363 (March 2003), LR 33:

Chapter 29. Operating Standards

§2927. Advertising

A. ...

B. All letters accompanying the toll-free telephone number shall be in capital letters and the same size as the toll-free telephone number. The toll-free telephone number and letters shall appear in conspicuous and legible type in contrast by typography, layout, or color with all other printed material on the advertisement.

C. The toll-free telephone number and all accompanying letters shall appear in a rectangle. The rectangle shall comprise an area equal to 1/10 of the entire advertisement's height and extend across the entire width of the advertisement. The toll-free telephone number and accompanying letters must be sized to utilize the entire area within the rectangle. In the case of billboards, the rectangle containing the toll-free telephone number shall be a part of the billboard itself and not a separate add-on to the frame.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:702 (July 1995), amended by the Department of Public Safety and Corrections, Gaming Control Board, LR 33:

Family Impact Statement

Pursuant to the provisions of R.S. 49:953(A), the Louisiana Gaming Control Board, through its chairman, has considered the potential family impact of amended LAC 42:VII.2325, IX.2919, 4103, XI.2407, 2430, XII.2325, and 2927.

It is accordingly concluded that amending LAC 42:VII.2325, IX.2919, 4103, XI.2407, 2430, XII.2325, 2927 would appear to have a positive yet inestimable impact on the following:

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

All interested persons may contact Tom Warner, Attorney General's Gaming Division, telephone (225) 326-6500, and may submit comments relative to this proposed Rule, through December 10, 2006, to 1885 North Third Street, Suite 500, Baton Rouge, LA 70802.

H. Charles Gaudin
Chairman

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

**RULE TITLE: Imposition of Sanctions; Enforcement
Actions; Advertising; Video Draw Poker Devices**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)
No implementation costs are anticipated.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
No effect on revenue collections is anticipated.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
The proposed rule change will result in increased costs to some directly affected persons, certain gaming establishments using outdoor advertising. New advertisements on outdoor billboards or other forms of print media should not result in increased costs, however in the event an establishment elects to modify an existing outdoor billboard advertisement to be in compliance with the rule change, it will result in costs of applying an added decal to the billboard. Due to the varying size of billboards and the unknown number of billboards, which establishments would choose to modify, the economic impact on those persons cannot be determined with any degree of certainty.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
No effect on competition or employment is estimated.

H. Charles Gaudin
Chairman
0611#090

Robert E. Hosse
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Revenue
Policy Services Division**

Corporation Income Tax (LAC 61:I.1122)

Under the authority of R.S. 47:287.83 and R.S. 47:1511 and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Policy Services Division, proposes to amend LAC 61:I.1122 relative to the alternative minimum tax deduction.

The purpose of the proposed amendment is to update the regulation to reflect changes in federal law since the original regulation was enacted.

Title 61

REVENUE AND TAXATION

**Part I. Taxes Collected and Administered by the
Secretary of Revenue**

**Chapter 11. Corporation Income Tax
§1122. Taxes Not Deductible**

A. ...

B. Federal Alternative Minimum Tax. Federal alternative minimum tax attributable to tax preference items such as, but not limited to, accelerated depreciation, depletion, and intangible drilling and development cost is not deductible. Federal alternative minimum taxable net income from

sources other than tax preference items is deductible to the extent that it is applicable to regular federal taxable income.

C. Net Operating Loss Carryback. Federal income tax deducted from Louisiana net income in taxable periods to which a net operating loss is carried back shall be computed to determine the amount of federal income tax attributable to net income which is taxed by the federal but which is not taxed by Louisiana as a result of a net operating loss carryback. Federal income tax attributable to net income which is not taxed by Louisiana as a result of a net operating loss carryback is the excess of allowable federal income tax deducted from Louisiana net income before the net operating loss carryback over the allowable deduction after the net operating loss carryback. The federal income tax attributable to net income which is not taxed by Louisiana shall be treated as a reduction to the net operating loss deduction. If

the amount of the federal income tax attributable to the net income which is not taxed by Louisiana exceeds the Louisiana net operating loss deduction, such excess shall be treated as income in the year of the transaction that gave rise to the excess. These principles are illustrated in the following examples.

D. Examples

Example 1

The ABC Corporation does not include its net income in a consolidated federal income return as provided by Section 1501 of the *Internal Revenue Code*. ABC files state and federal income tax returns on a calendar year basis. ABC Corporation's net income and other financial information used to file state and federal income tax returns for the four-year period ending December 31, 1987, include the following:

Taxable Periods	1984	1985	1986	1987
Federal net income or (loss)	\$ 2,000,000	\$ 4,000,000	\$ 5,000,000	\$ 600,000
Louisiana net income or (loss)	1,200,000	1,800,000	3,000,000	(1,000,000)
Federal income tax	800,000	1,600,000	2,000,000	240,000
Federal income tax deducted from Louisiana net income	467,280	706,240	1,171,200	-0-
State income tax deducted from federal net income but not Louisiana net income	57,500	86,000	144,000	-0-
Income tax apportionment ratio	55%	40%	50%	50%
Louisiana taxable income	732,720	1,093,760	1,828,800	-0-

ABC Corporation elects to carry their 1987 Louisiana net operating loss back to 1984 pursuant to R.S. 47:287.86. Federal income tax attributable to net income which is not

taxed by Louisiana as a result of the net operating loss carryback is computed as follows:

1. Louisiana net income, 1984		\$1,200,000
Less: State income tax deduction allowed by the federal but not Louisiana	\$57,500	
Multiplied by the income tax apportionment ratio	55%	
Balance	\$31,625	
Louisiana net operating loss, 1987	\$1,000,000	
Adjustment		\$1,031,625
3. Louisiana net income after deducting the net operating loss carryback (line 1 minus line 2)		\$ 168,375
4. Federal net income, 1984		\$2,000,000
5. Ratio (line 3 divided by line 4)		8.4188%
6. Federal income tax, 1984		\$ 800,000
Allowable federal income tax deduction after the Louisiana net operating loss carryback (line 6 multiplied by line 5)		\$ 67,350
Federal income tax deducted from Louisiana net income before the net operating loss carryback		\$ 467,280
Federal income tax attributable to net income which is not taxed by Louisiana (line 8 minus line 7)		\$ 399,930
Louisiana net operating loss before deduction for federal income tax attributable to net income which is not taxed by Louisiana		\$1,000,000
Federal income tax attributable to net income which is not taxed by Louisiana (from line 9)		\$ 399,930
Louisiana net operating loss after deduction for federal income tax attributable to net income which is not taxed by Louisiana (line 10 minus line 11)		\$ 600,070

Example 2

Assume the same facts in Example 1 except that the ABC Corporation sustained a \$2,000,000 federal net operating

loss in 1987 and elects to carry the federal loss back to 1984. Federal income tax after the net operating loss carryback is zero.

1. Louisiana net income, 1984		\$1,200,000
2. Less: State income tax deduction allowed by the federal but not Louisiana	\$57,500	
Multiplied by the income tax apportionment ratio	55%	
Balance	\$31,625	
Louisiana net operating loss, 1987	\$1,000,000	
Adjustment		\$1,031,625
3. Louisiana net income after deducting the net operating loss carryback (line 1 minus line 2)		\$ 168,375
4. Federal net income, 1984		\$2,000,000
5. Federal net operating loss carryback from 1987		(\$2,000,000)
6. Federal net income after federal net operating loss carryback from 1987 (line 4 minus line 5)		-0-
7. Ratio (line 3 divided by line 6)		-0-
8. Federal income tax after the federal net operating loss carryback		-0-
9. Allowable federal income tax deduction after the net operating loss carryback (line 8 multiplied by line 7)		-0-
10. Federal income tax deducted from Louisiana net income before the net operating loss carryback		\$ 467,280
11. Federal income tax attributable to net income which is not taxed by Louisiana (line 10 minus line 9)		\$ 467,280
12. Louisiana net operating loss before deduction for federal income tax attributable to net income which is not taxed by Louisiana		\$1,000,000
13. Federal income tax attributable to net income which is not taxed by Louisiana (from line 11)		\$ 467,280
14. Louisiana net operating loss after deduction for federal income tax attributable to net income which is not taxed by Louisiana (line 12 minus line 13)		\$ 532,720

Example 3

Assume the same facts in Examples 1 and 2 except that the Louisiana and federal net operating losses in 1987 are

\$350,000 and \$1,800,000 respectively. Federal income tax after the net operating loss carryback is \$80,000.

1. Louisiana net income, 1984		\$1,200,000
2. Less: State income tax deduction allowed by the federal but not Louisiana	\$57,500	
Multiplied by the income tax apportionment ratio	55%	
Balance	\$31,625	
Louisiana net operating loss, 1987	\$350,000	
Adjustment		\$ 381,625
3. Louisiana net income after deducting the net operating loss carryback (line 1 minus line 2)		\$ 818,375
4. Federal net income, 1984		\$2,000,000
5. Federal net operating loss carryback from 1987		(\$1,800,000)
6. Federal net income after federal net operating loss carryback from 1987 (line 4 minus line 5)		\$ 200,000
7. Ratio (line 3 divided by line 6)		100%
8. Federal income tax after the federal net operating loss carryback		\$ 80,000
9. Allowable federal income tax deduction after the net operating loss carryback (line 8 times line 7)		\$ 80,000
10. Federal income tax deducted from Louisiana net income before the net operating loss carryback		\$ 467,280
11. Federal income tax attributable to net income which is not taxed by Louisiana, 1984 (line 10 minus line 9)		\$ 387,280
12. Louisiana net operating loss before deduction for federal income tax attributable to net income which is not taxed by Louisiana		\$ 350,000
13. Federal income tax attributable to net income which is not taxed by Louisiana (from line 11)		\$ 387,280
14. Louisiana net operating loss after deduction for the amount of federal income tax attributable to net income which is not taxed by Louisiana (line 12 minus line 13)		-0-
15. Additional Louisiana taxable income for 1987 due to excess of federal income tax attributable to net income which is not taxed by Louisiana over the Louisiana net operating loss (line 13 minus line 12)		\$ 37,280

E. Definitions. For the purposes of this Section, alternative minimum tax, regular federal income tax, alternative tax on capital gains, and regular tax on ordinary net income are defined as provided in §1123.F.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:287.83, R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Income Tax Section, LR 14:96 (February 1988), repromulgated by the Department of Revenue, Policy Services Division, LR 30:470 (March 2004), amended by the Department of Revenue, Policy Services Division LR 33:

Family Impact Statement

The proposed adoption of the amendment to LAC 61:I.1122, which will clarify the deduction associated with the federal alternative minimum tax, should not have any known or foreseeable impact on any family as defined by R.S. 49:972(D) or on family formation, stability and autonomy. Specifically, the implementation of this proposed Rule will have no known or foreseeable effect on:

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

Any interested person may submit written data, views, arguments or comments regarding this proposed rule to Michael D. Pearson, Senior Policy Consultant, Policy Services Division, Office of Legal Affairs by mail to P.O. Box 44098, Baton Rouge, LA 70804-4098 or by fax to (225) 219-2759. All comments must be received no later than 4:30 p.m., Wednesday, December 27, 2006. A public hearing will be held on Thursday, December 28, 2006 at 10:00 a.m. in the Magnolia Room Conference Room on the seventh floor of the LaSalle Building, 617 North Third Street, Baton Rouge, LA.

Cynthia Bridges
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Corporation Income Tax

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

Implementation of this proposed amendment to LAC 61:I.1122 will result in no costs or savings to state governmental units. Congress changed federal law in 1990 making these current regulations obsolete. The Department of Revenue is proposing these technical changes to make current rules consistent with federal law changed in 1990. The proposed changes will have no impact on the Department of Revenue's policies or practices.

There will be no costs or savings to local governmental units resulting from the proposed rule changes.

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

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

The proposed amendment removes obsolete language from the regulation.

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

There will be no directly affected persons or non-governmental groups. Current compliance requirements will not change.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This proposed regulation should have no effect on competition or employment.

Cynthia Bridges
Secretary
0611#050

Robert E. Hosse
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Transportation and Development Intermodal Transportation Division

Intermodal Transportation (LAC 70:IX.Chapters 1-11)

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950 et seq., notice is hereby given that the Department of Transportation and Development intends to amend current regulations concerning Intermodal Transportation.

Title 70

TRANSPORTATION

Part IX. Intermodal Transportation

Chapter 1. Aeronautics in Louisiana

§101. General

A. The Louisiana Department of Transportation and Development (formerly the Department of Public Works) as provided under Title 2 of the Louisiana Revised Statutes of 1950, as regulates aeronautics in Louisiana.

1. Section 2.8 of the Title provides that "All proposed airports, landing fields, air schools, flying clubs, air beacons, or other navigation facilities, shall first be approved by the department before they are so used or operated. No airport, landing field, air school, flying club, air beacon, or other navigation facility, except airports and landing fields constructed and operated prior to July 28, 1936, shall be used or operated without the approval of the department, and no aircraft except in case of emergency, shall land upon or take off from any area other than an airport, landing field, or landing strip. No license, rule, order, or regulation promulgated under the authority of this Section or of this Chapter shall apply to airports, landing fields, air beacons, air markings, or other air navigation facilities owned or operated by the government of the United States or by this state. The department may issue a certificate of its approval in each case and make reasonable charges therefore."

2. ...

B. Landing Area Registration Procedures. Pursuant to these statutory provisions, all landing area proponents will provide the Louisiana Department of Transportation and Development, Aviation Section with the following information prior to use of the area for landing or take-off of aircraft.

1. Completed Environmental Questionnaire. This form addresses general environmental considerations.

2. Completed Landing Area Location Sketch. This sketch shows the relationship of the proposed site to other prominent centers of activity within an area of several miles.

3. Completed Landing Area Immediate Vicinity Sketch. This sketch shows the relationship of the proposed site to structures within the immediate vicinity.

4. - 5. ...

6. One copy of the Federal Aviation Administration's notification of its favorable or unfavorable airspace findings. Instructions for registration along with copies of all appropriate forms are combined in OAPT Information Publication Number 5000, a copy of which may be obtained at no charge from: Louisiana Department of Transportation and Development, Aviation Section, Post Office Box 94245, Baton Rouge, LA 70804, Attention: Aviation Safety/Compliance Officer.

C. - C.1. ...

2. Airports. The airports in the LASP are classified according to a simplified version of the Federal Aviation Administration's National Plan of Integrated Airport Systems (NPIAS) classification system. Essentially, this involves identifying the airport according to the type of aircraft which it will principally serve. Although the LASP classification is less complicated than that of the FAA NPIAS, there is no conflict between the NPIAS classification of an airport and the LASP classification. The classification of each publicly-owned airport is listed on the individual airport data sheets in Volume Two of the State Plan. Additional classifications were necessary to complete the System Plan: Landing Strip; Seaplane Base; and Heliport. The letter codes used are as follows:

a. - d. ...

e. GT- General Transport. These airports generally accommodate transport category aircraft between 60,000 pounds and 175,000 pounds MGW. Generally, the GT airport serves scheduled jet commercial service operators.

3. - 6. ...

7. Heliport. Any area of land, water, or structure used or intended to be used for the landing and takeoff of helicopters, which has been specifically prepared for use by helicopters, any area for use by helicopters which is "open to the public", or any area, other than those used for agricultural operations, which may have three or more takeoffs or landings in a 30-day period. All heliports must be registered with the state in accordance with the Department of Transportation and Development, Aviation Section.

8. Heliport Service Facilities. Those facilities such as major maintenance facilities, or fueling facilities which may be used in conjunction with a heliport. Such facilities must receive approval from the Aviation Section prior to their construction or use. Registration of a heliport is not to be understood as approval for heliport service facilities.

D. ...

E. Review of Landing Area Proposals. Upon receipt of the required information, the Aviation Section, following a reasonable period for review, will provide the proponents with a statement of its findings and issue a notice of no objection to the establishment and use of the proposed landing area, if such is appropriate. The review may include:

E.1. - H. ...

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:8.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 6:163 (May 1980), amended LR 6:559 (September 1980), amended by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

Chapter 3. Ultralight Aircraft, Testing and Licensing of Pilots of Ultralight Aircraft; Establishment of Ultralight Airports; Restriction of Use of Ultralight Aircraft in Hazardous Areas

§301. General

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 9:417 (June 1983), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

§303. Definitions

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 9:417 (June 1983), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

§305. Use of Licensed Airports

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 9:418 (June 1983), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

§307. Special Ultralight Aircraft

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 9:418 (June 1983), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

§309. OAPT Powered Ultralight Vehicle Pilot/Instructor Competency and Registration Program

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 9:419 (June 1983), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

§311. Powered Ultralight Vehicle Pilot Competency and Registration Program

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S.2:6.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 9:419 (June 1983), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

§313. OAPT Powered Ultralight Vehicle Registration Program

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 9:421 (June 1983), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

§315. Registration Program

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 9:421 (June 1983), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

§317. Appendix

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 9:422 (June 1983), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

Chapter 5. Flight Operations Manual

Subchapter A. General

§501. Introduction

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

§503. Director of Flight Operations

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

§505. Chief of Aircraft Maintenance (DOTD/OFO)

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

§507. Chief Inspector (DOTD/OFO)

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

§509. Authorized Chief Pilots (Agency or Department)

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

§511. Authorized Check Pilots (DOTD and Agency)

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

§513. Variance Procedure

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

§515. Waiver Procedure

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

§517. Operations Bulletins

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

§519. Purchasing Guidelines for Aircraft (Other Than Normal Maintenance Items)

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

§521. Safety (General)

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

§523. Public Protection

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

§525. Insurance

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

§527. Authorized Use of Aircraft

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

§529. Flight Authorization

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

§531. Medical-Evacuation Flights

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

§533. Use of Personally Owned Aircraft

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

§535. Hazardous Material

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

§537. General Personnel Policies

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

§539. Pilot Qualifications

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

§541. Minimum Qualifications for State Flight Crew Personnel (Pilot Certification and Flight Physical)

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

§543. Pilot Physical Condition

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

§545. Blood Donations

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

§547. Drugs and Medication

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

§549. Use of Alcoholic Beverages

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

§551. Alcoholic Beverages on State Aircraft

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

§553. Unauthorized Personnel, Baggage, and Cargo

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

§555. Personal Appearance and Conduct

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

§557. Aircraft Appearance

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

§559. Maintaining Logs and Records

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

§561. Aircraft Accidents/Incidents (General)

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

Subchapter B. Operations

§563. Standard Operating Procedures

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

§565. Flight and Duty Time

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

§567. Pilot Proficiency

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

§569. Pilot Information File

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

§571. Publications

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

§573. Flight Preparation

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

§575. Passenger Manifests

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705

(July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

§577. Weather Briefings

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

§579. Takeoff Weather Minimums (Airplanes)

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

§581. Landing Weather Minimums

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

§583. IFR Takeoff and Landing Minimums for Newly Upgraded (Second-in-Command to Pilot-in-Command) State Pilots

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

§585. Frost, Snow and Icing

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

§587. Severe Weather and Weather Detection Devices

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

§589. Day, Night, and Instrument Operations

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

§591. Single-Engine Aircraft

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705

(July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

§593. Multi-Engine Aircraft

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

§595. Helicopter Operations

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

§597. Refueling of Aircraft

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

§599. Weight and Balance

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

§601. Responsibility for Determination of Aircraft Airworthiness (Pilots)

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

§603. Aircraft Discrepancy Record

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

§605. Minimum Equipment List

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

§607. Deferred Discrepancies

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

§609. Flight Following/Flight Plans

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

§611. Daily Inspections

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

§613. Preflight Inspections

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

§615. Walk-Around Inspection

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

§617. Emergency Equipment

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

§619. Survival, Over-Water, and Flotation Equipment

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

§621. Passenger Briefing

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

§623. Use of Seat Belts

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

§625. Oxygen Requirement

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

§627. Portable Electronic Devices

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

§629. Smoking

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

§631. Passengers Requiring Special Attention

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

§633. Noise Abatement

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

§635. Admission to the Cockpit

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

§637. Flight Crewmembers at Duty Stations

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

§639. Use of Checklists

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

§641. Crew Coordination (IFR Operations)

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

§643. Hijack Procedures

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

§645. Postflight Inspection

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

§647. Tie Down and Securing Aircraft

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

§649. Security

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

§651. Aircraft Management Data Sheet (Form 100E)

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

Subchapter C. Maintenance

§653. Maintenance Operations

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

§655. Maintenance Reference Library

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

§657. Overhaul Time Limits (TBO)

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

§659. Aircraft Maintenance Request Procedures

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

§661. Contract Maintenance

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

§663. Required Maintenance

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

§665. Required Inspection Items

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

§667. Incomplete Maintenance

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

§669. Ferry Permits

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

§671. Maintenance Test Flights

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

§673. Airworthiness Determination (Maintenance)

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705

(July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

§675. Malfunction and Defect Reporting

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

§677. Aircraft Discrepancy Record (Form 200A Rev 6/20/84)

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

§679. Fuel Quality Control

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

§681. Tagging Parts (Maintenance)

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

§683. Ground Support Equipment

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

Subchapter D. Training

§685. Pilot Training Program

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

§687. Pilot Qualification Certificate Completion Instructions

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

§689. First Aid

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

**§691. Simulated Engine Failures and In-Flight
Aircrew Training**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

§693. Certificate of Ground Training

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

§695. Certificate of Flight Training

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

Subchapter E. Scheduling

§697. Scheduling Procedures

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

§699. Waivers

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

§701. Executive Transport Flight

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

§703. Operations

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

§705. Maintenance

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

**Chapter 9. Aviation Program Needs and Project
Priority Process**

§901. Introduction

A. The Louisiana Department of Transportation, Aviation Section is responsible for the development of public aviation facilities in the state. Assistance with the planning, design, and construction of facilities is provided to local governments which own the public airports. In addition, state funding is used in many cases to provide all or a portion of the local match requirement if the improvement is federally funded, receives 90 percent or more of project funds from sources other than state funds, or if most or all of the total funding is previously approved by the Legislature. The aviation portion of the Louisiana Transportation Trust Fund is known as the Aviation Trust Fund (ATF), which is funded by the collection of sales tax solely on aviation fuels, and is the only source of state funds for airport capital improvements or matching funds for federal airport improvement grants.

AUTHORITY NOTE: Promulgated in accordance with SCR 67, 1997, R.S. 2:803B and R.S. 2:6.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Division of Aviation, LR 16:583 (June 1990), amended LR 24:1504 (August 1998), amended by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

**§903. Federal Aviation Administration (FAA) Airport
Improvement Program (AIP) Grants**

A. Federal funding for projects is received through grants from the Federal Aviation Administration directly to the recipient airport. Under the Airport Improvement Program (AIP) a minimum of 90 percent of project funds are federal. Occasionally, the FAA may offer a grant requiring a local match of more than 10 percent. For example, terminal building projects at commercial service airports are offered as 75 percent federal, 25 percent local match. Terminal buildings at commercial service airports may have a percentage of the project not eligible to receive funding. In most instances, the FAA determines what portion is or is not eligible. When the local sponsor requests state funding assistance for the local share, the project is evaluated through the priority system because of the use of state dollars. The local sponsor must coordinate the development of the project with the Aviation Section and the FAA in order to receive the matching funds through the priority system. When the required match is greater than 10 percent, the state will participate in no more than 10 percent of the project cost and the local sponsor must provide the additional matching funds. The FAA provides the AIP grants directly to the airport sponsor who is responsible for administering the grant.

AUTHORITY NOTE: Promulgated in accordance with SCR 67, 1997, R.S. 2:803B and R.S. 2:6.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Division of Aviation, LR 16:583 (June 1990), amended LR 24:1504 (August 1998), amended by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

§905. Project Identification and Development

A. The primary objective of the priority system is to prioritize airport improvement projects. Nonprioritized projects are not included in the priority system as individual projects, but are funded through approved amounts for each category of project. Differences in the criteria for assessing these types of projects and the relatively small amount of state funding available make them impractical to include in the same process with airport improvement projects.

B. Potential projects for inclusion in the priority system are initiated by the airport sponsor or by the State Aviation Section. The need for the project may be identified in a master plan, action plan, system planning document, or as a result of a change in conditions or facilities at the airport.

C. Only airport development projects are subject to prioritization. Airport administration and operations are not included since they are the responsibility of the airport owner and are not within the purview of the prioritization process.

AUTHORITY NOTE: Promulgated in accordance with SCR 67, 1997 and R.S. 2:6.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Division of Aviation, LR 16:583 (June 1990), amended LR 24:1505 (August 1998), amended by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

§907. Project Prioritization Process

A. The prioritization of a project is a two-step process. The first step is to determine whether the project should be included in the priority process. The second step is to determine whether the information necessary for prioritization is available. Support documentation may include a project resolution from the local airport owner or sponsor requesting state assistance for that project, project scope and estimated cost, justification of the project, any environmental clearance documentation (if necessary), and information from the local sponsor necessary for prioritization of the project. Height limitation and land use zoning ordinances, operations manual, documentation that Part 139 and 5010 inspection discrepancies have been corrected, pavement maintenance plan, and a certified copy of the legal document creating the airport district or authority may also be requested before the process can continue. If any pertinent documentation is missing, the review process may cease and not continue until all information is made available to the Aviation Section. If all of the necessary documents are not received by the Aviation Section by November 1, the proposed project may not be allowed to compete for funding for that fiscal year being prioritized but may be considered for the following fiscal year.

B. Those projects which qualify for prioritization are then assigned point values to determine their relative priority. Those with insufficient information may be returned to the airport owner until required information can be provided. Once it has been determined that the project is eligible and all documentation has been provided, the next step is the assignment of point values. When point values are finalized, the project is placed into the priority system where it is ranked in relation to all other projects in the system.

C. The project components are also reviewed to determine if the project can be prioritized as one project or requires restructuring into more than one project. The project

will be restructured into usable units if necessary. An example is a request to lengthen a runway and to extend the corresponding taxiway. The runway can be lengthened and is usable without the extension of the taxiway so these may be considered as two projects in the priority system. On the other hand, the extension of the runway's lighting system would be included with the runway extension as one project because the additional runway length cannot be used at night without the extended lighting. See §915.B for further details.

D. The structure of the priority rating system is based on an evaluation of four categories:

1. Category I—Project Type;
2. Category II—Facility Usage;
3. Category III—Sponsor Compliance;
4. Category I—Special Considerations.

E. Points are awarded to a project based on evaluation criteria in each category and the total evaluation score for the project is the sum of points in each category. Based on priority ratings of projects, a prioritized program of projects is developed by the Aviation Section and submitted to the Joint Legislative Committee for Transportation, Highways and Public Works. This committee approves the program of projects which becomes the capital improvement projects that will be implemented by the Aviation Section in the next fiscal year. A project submitted after this approval with a ranking high enough to place the project on the program of projects cannot be added until a new program of projects is submitted to the committee the following year. However, a project receiving other than state funds may receive a state match in accordance with R.S. 2:803B, if funds are available as determined by the Aviation Section.

F. The Transportation Trust Fund legislation requires a priority system to prioritize projects in some logical order for addressing documented needs in the state's public airport system. The priority system is a process that has been developed to allocate state aviation funding to address these needs. The system reflects the state's development policy for the airport system, assigning higher values to projects which are consistent with the policy.

G. The only projects that should appear on the prioritization list are those that have a chance of being implemented in the foreseeable future. Ideally, this would be within a three-year period from the time the project appears on the priority list. Prioritized projects which have been approved for state funding but which, for lack of federal matching funds or other reasons, do not have a signed construction contract within three fiscal years may be deleted from the program. Funds which had been approved for a deleted project will be reallocated to any other prioritized project as needed. Normally such funds will be used to cover project overruns, "up front" engineering costs (FAA reimbursable engineering costs incurred by the airport owner prior to the issuance of a federal grant in aid), or "up front" land purchase costs (FAA reimbursable costs associated with survey, real estate and title fees, and purchase of land by the airport owner prior to the issuance of a federal grant-in-aid).

H. These funds may also be used to fund the next-in-line project on the four-year unfunded portion of the priority list if that project has received funding or for projects funded by other than state funds not covered by the Future FAA Obligations funds. As a general rule, funds originally

allocated to commercial service airports will, whenever practical, be used to fund projects on the commercial service airport four-year unfunded list. Funds allocated to general aviation airports will likewise be used to fund projects on the general aviation airport four-year unfunded list. In the event there are insufficient projects on either four-year unfunded list, funds originally allocated to one class of airport may be reallocated to the other class of airport.

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HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Division of Aviation, LR 16:583 (June 1990), amended LR 24:1506 (August 1998), amended by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

§909. Nonprioritized Programs

A. Through the legislative approval process for the Priority Program, the Aviation Section may specify on the Priority Program, nonprioritized programs as needed. Such statewide programs may include, but are not limited to Planning, Navigational Aids, Discretionary Projects, Maintenance Reimbursement, Obstruction Removal Safety programs, Future FAA Obligations, Statewide Marking Program, and Statewide Sealcoat Program. These programs are an integral element of the state's aviation program. Projects cannot reach the facility improvement stage without going through the planning phase. Navigational aid projects enhance use of the overall state system. Discretionary projects provide the Aviation Section with the latitude to fund emergency or safety related projects on a real-time basis and to undertake projects which are too small to be eligible for funding through the priority program. The state's airport system would be stagnated without these types of projects. The Maintenance Reimbursement Program assists the general aviation airports in the high cost of maintaining an airport and allows the airport to maintain a safe and operational status. The Obstruction Removal Safety Program is needed to keep the state's airports safe from obstructions that penetrate the airports approach slopes, runway protection zones, FAR Part 77 and transitional surfaces. The Future FAA Obligations are needed to meet the funding requirements for the projects the Federal Aviation Administration (FAA) has funded after the priority program has been approved. This phenomenon is caused by the state's fiscal year being out of synchronization with the federal fiscal year by approximately three months. This special program precludes the loss of federal funds and improves the state's timely response. The Statewide Marking Program assists airports statewide in maintaining a safe visual marking aid environment on the airfield. The Statewide Sealcoat Program assists airports statewide in maintaining their pavement in good condition.

AUTHORITY NOTE: Promulgated in accordance with SCR 67, 1997 and R.S. 2:6.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Division of Aviation, LR 16:583 (June 1990), amended LR 24:1506 (August 1998), amended by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

§911. Planning Projects

Repealed.

AUTHORITY NOTE: Promulgated in accordance with SCR 67, 1997 and R.S. 2:6.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Division of Aviation, LR 16:583 (June 1990), amended LR 24:1506 (August 1998), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

§913. Navigational Aid Projects

Repealed.

AUTHORITY NOTE: Promulgated in accordance with SCR 67, 1997 and R.S. 2:6.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Division of Aviation, LR 16:583 (June 1990), amended LR 24:1506 (August 1998), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

§915. Discretionary Projects

Repealed.

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§917. Project Prioritization Process

Repealed.

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HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Division of Aviation, LR 16:583 (June 1990), amended LR 24:1506 (August 1998), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

§911. Commercial Service Versus General Aviation Airports

A. One of the basic objectives of a priority process is to identify projects that benefit the highest number of aviation system users, however, it primarily identifies projects that have the greater need, even if the airport serves less users than another airport. When airports are compared on the basis of persons served, airports offering scheduled or unscheduled commercial air service to the public serve more persons than airports that support general aviation activity. Differences in the size, revenue generation capability, and usage of commercial service airports (those airports which enplane 2,500 or more passengers annually) as compared to general aviation airports make it difficult to compare the need for projects between the commercial service and general aviation airports.

B. Because of aircraft size, weight, speed, operational characteristics, and FAA design standards, facilities at commercial service airports have more demanding standards and thus more costly engineering and construction. Because of the significant differences between commercial service and general aviation airports project standards, each group's projects are prioritized separately.

C. The commercial service airports priority projects must have an established funding level, just as the general aviation priority projects must have an established funding level. To accomplish this, the total funds available for airport improvement projects in a given year are allocated between commercial service and general aviation airport projects in a ratio of 65 percent for commercial service airports and 35 percent for general aviation airports. This balance is

adjusted, however, if there are insufficient projects in either category to fully utilize available funding. This 65 percent/35 percent allocation is based on past experience in the state's aviation program and the levels of state funding allocated to each type of airport. It also reflects the fact that commercial service airports have a far greater capability of generating revenue through means unavailable to general aviation airports such as: vendor leases, landing fees, airline contracts, passenger facility charges, and rental car lease agreements. Passenger Facility Charges (PFC) are charges passed on to a commercial service passenger, which can be collected by the airport to fund projects not otherwise funded. These projects are eligible to be approved by the FAA for 100 percent funding through the PFC collection. Therefore, PFC funds are not normally eligible to receive matching funds from the state.

D. The division of projects by commercial service or general aviation airport categories results in two project priority lists, one for each of the two types of airports. Each step of the prioritization process is identical for both commercial service and general aviation airport projects.

AUTHORITY NOTE: Promulgated in accordance with SCR 67, 1997, R.S. 2:802 and R.S. 2:6.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Division of Aviation, LR 16:583 (June 1990), amended LR 24:1507 (August 1998), amended by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

§913. Preliminary Evaluation

A. The preliminary evaluation is used to screen potential projects and determine those which can realistically be implemented, assuming available funding.

1. The first step is to determine whether the project should be included in the priority process. There are three basic criteria:

- a. project type;
- b. project size;
- c. eligibility for federal matching funds.

2. The second step is to determine whether the information necessary for prioritization is available.

B. A review committee consisting of, at a minimum, the aviation director, grants manager, and aviation program manager for the airport concerned will make an initial determination of whether there is sufficient information to prioritize a project when a project request is received. Some of the information considered by the committee is required by either Title 2 of the Louisiana Revised Statutes, the Louisiana Aviation Needs and Project Priority System, or DOTD and Aviation Section policy.

C. The DOTD Aviation Section is responsible for assigning priority values to projects and determining if they are consistent with development plans in the master plan or action plan for the airport. If insufficient data is sent to the Aviation Section, correct prioritization of the project will not be possible. When insufficient data is provided, a request will be made for the additional information needed. Therefore, project applications and necessary documentation should be sent to the Aviation Section early enough to allow time for processing and possible return for additional information before the program can be presented to the legislature for approval. Any document package not meeting all requirements or not in Aviation Section hands by the

deadline may not be prioritized or included in the upcoming fiscal year's program.

D. Project Type. Generally, only airport improvement or preservation projects are included in the priority program. Some exceptions are:

1. land acquisition for obstruction removal or airport expansion;
2. Aircraft Rescue and Firefighting (ARFF) vehicles and equipment;
3. airport noise studies; and
4. FAA AIP eligible projects when FAA is providing funding.

E. Some projects may be of a type in which the Aviation Section might not participate. For example, construction of roads and utilities for an air industrial park development and other such land side projects are not undertaken by the priority system and will not be funded by the Aviation Trust Fund.

F. Project Size. To be included in the priority system, a project must require the use of \$25,000 (other than discretionary funds) or more in state funding. The \$25,000 requirement only applies to projects which receive no federal funding. Some projects may be too costly to be funded from a single year's budget without denying funding to other needed projects at other airports. Therefore, no more than \$1,000,000 in state funding may be programmed to a single commercial service airport and no more than \$250,000 in state funding may be programmed to a single general aviation airport through the aviation priority program per fiscal year. Projects in excess of these amounts may be funded more than two or more funding years. For example, a project for a commercial service airport may have a total cost of \$2,500,000. The project may be prioritized in the upcoming budget cycle for no more than \$1,000,000 but the remaining \$1,500,000 will receive top priority in the following two yearly budgets to insure project completion. The same is true for a general aviation airport project except that the project maximum cost is \$250,000 per budget year. This does not include projects that are prioritized as an FAA AIP grant unless it is known that the FAA will use a multi year funding approach. Regardless of project size, if the FAA uses multi year funding, the state will also use a multi year approach.

AUTHORITY NOTE: Promulgated in accordance with SCR 67, 1997, R.S. 2:802 and R.S. 2:6.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Division of Aviation, LR 16:583 (June 1990), amended LR 24:1507 (August 1998), amended by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

§915. Project Support Documentation

A. Once it has been determined that a project is of the type and size to be considered in the priority system, an evaluation of required supporting documentation will be made. The project support documentation is a combination of documents and information necessary for the Aviation Section to determine if the project is developed sufficiently for inclusion in the priority listing. Documentation may include the following items:

1. Project Resolution. The initial document the Aviation Section needs for consideration of any project is a resolution from the public body operating the airport

requesting assistance in the development of the project. Generally, the assistance requested would be for both funding and technical assistance. Any commitment from the local owner to participate in the cost of the project is also documented in the resolution. The resolution from the owner of the airport initiates an agreement between the two parties for joint sponsorship of the project and authorizes state participation in a local project pursuant to applicable provisions of state law. It is also a written commitment of support for the project by the owner. The Aviation Section requires a resolution (except from state-owned and operated airports) from the airport sponsor or owner before a project can receive state funds.

2. Funding Sources. Since available state funding historically falls far short of the requested airport needs, it is especially important to use every opportunity to take advantage of the FAA/AIP program which provides funding grants for eligible projects at eligible airports. A request for 100 percent state funding will not be processed for a project that is eligible for AIP funding until it has been approved and prioritized in the state system as an FAA/state matching funds project and competed unsuccessfully in the federal system for at least three fiscal years. The three years in the federal priority system may be waived if the FAA verifies in writing that the proposed project will not receive AIP funding. On the other hand, if the FAA indicates that the project will be funded at some reasonable time beyond the initial three years, the project will remain in the system awaiting FAA matching funds rather than receiving 100 percent state funding which could deprive other airports of receiving funding assistance.

B. Project Components. In the priority system, projects are prioritized on a generic basis. For example, projects that affect the primary runway are all considered under the heading "primary runway." This could include lengthening, widening, lighting, grooving, etc., of the primary runway. Projects are defined on a usable basis or unit. This means that, if a runway is widened, the relocation of runway lighting and striping are all included in the project. Another example is a request to lengthen a runway and to extend the corresponding taxiway. The runway can be lengthened and is usable without the extension of the taxiway, so these may be considered as two projects in the priority system. Development of projects as a usable unit prevents projects of a lower priority being tagged onto a high priority project so they will be ranked higher. This focuses the priority system on those projects with the highest priority ranking, maximizing the effectiveness of aviation program funds. However, it is sometimes advantageous in terms of safety, operational effectiveness, and fiscal responsibility to include lower ranking projects along with otherwise unrelated higher projects. For instance, if there is a high priority project to overlay a runway, it may be appropriate to include a stub taxiway leading from the runway to a parking apron, or the apron itself if it is in especially poor condition. This can prevent damage to aircraft, provide a safe operational area for the necessary movement of aircraft, and take advantage of significant cost reductions for the lesser priority projects. This blending of otherwise nonrelated projects, is an exception which will be authorized only in exceptional cases. The aviation director is responsible for the organization of projects into usable units when projects are

developed and for determining if special circumstances exist which would warrant combining unrelated projects.

C. Planning Data. The priority process depends heavily on planning data to evaluate the relative merits of a project. Usually the justification for a project is found in the master plan or action plan for the airport, but there are exceptions. Engineering inspections may identify the need for reconstruction of a runway, or a 5010 inspection may reveal a safety problem. Regardless of the means by which a project is identified, written documentation describing the need for the project and the justification for the action to be taken must be provided. The justification for the project should be brief and to the point.

1. Submitting a master plan or action plan document as sole justification is unacceptable. The pertinent section of the master plan or action plan should be submitted with a narrative to explain the project and demonstrate that it is consistent with the master plan or action plan recommendations.

2. The planning data for a project, at a minimum, must:

- a. document the need for the project;
- b. explain how the project meets the need;
- c. give the estimated cost; and
- d. include a sketch of the project on the airport's approved layout plan.

3. The documentation need not be lengthy but should focus on what is generating the need. For example, if an aircraft parking apron is to be expanded, the number of existing parking spaces versus the number of aircraft that need to be parked on the apron would be adequate documentation. A description of how large an apron expansion is proposed and how many additional parking spaces the expansion would create should be submitted. The expansion should also be shown on the airport's approved layout plan to illustrate how it fits in the overall master plan or action plan development recommended for the airport. If the expansion of the apron is not consistent with that shown in the master plan or action plan, an explanation for the proposed deviation is necessary.

D. Environmental Requirements. Some proposed projects, because of their potential environmental impact, may require environmental clearance before they can be constructed. During the preliminary evaluation of a project, a determination should be made whether or not environmental clearance is required. If the FAA Airports District Office or DOTD Aviation Section indicates environmental clearance is required, any documents that are available to show that environmental requirements have been met should be provided. If some type of environmental document needs to be developed for the project, this should be done before the project is placed in the priority system unless the environmental delineation and/or mitigation is part of or included in the project to be funded. Environmental clearance of projects can be a lengthy process and allowing a project to be dormant in the priority system while waiting for clearance could preclude another project or projects from being implemented.

E. Local Sponsor Requirements. The priority system recognizes the responsibility of the local government owners of the airport to operate the airport in a safe, professional manner. A category is included in the rating system that

assigns a value for sponsor responsibility. To be able to assign this value, certain information is required from the owner of the airport.

1. Two of the evaluation criteria in the "sponsor responsibility" category are whether the airport has height limitation zoning and land use zoning in effect at the airport. If the Aviation Section does not have a copy of the airport's zoning ordinances on file, the local owner is required to provide this. The lack of zoning at the airport will cause a lower ranking of the proposed project.

2. No airport may receive state funding from the DOTD, Aviation Section if officially declared in noncompliance with federal or state laws, regulations, rules, or policies by the FAA or DOTD, Aviation Section.

3. The presence of zoning ordinances, an implemented pavement maintenance plan, compliance with the airport operations manual, and adequate airport maintenance are evaluated in the preliminary evaluation of a project because if they are not being done at an airport, the local sponsor should be given an opportunity to rectify the situation before the project is prioritized. The airport owner will be advised of the corrective actions that can be taken to improve the project score. If the owner does not initiate and document corrective action that clearly shows that action is being taken to address these items and correct deficiencies in these areas, the project will not receive points in this category.

AUTHORITY NOTE: Promulgated in accordance with SCR 67, 1997, R.S. 2:802 and R.S. 2:6.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Division of Aviation, LR 16:583 (June 1990), amended LR 24:1508 (August 1998), amended by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

§917. Project Priority Rating System

A. There are four categories of evaluation, each addressing one of the general areas in §925.A.1-4. The categories are as follows:

1. Category I—Project Type;
2. Category II—Facility Usage;
3. Category III—Sponsor Compliance;
4. Category IV—Special Considerations.

B. Points are awarded to a project based on evaluation criteria in each category, and the total evaluation score for the project is the sum of the points in each category. The point values are designed to award points in a weighted manner. Each area of evaluation receives points in proportion to the relative importance as determined by Aviation Section policy.

AUTHORITY NOTE: Promulgated in accordance with SCR 67, 1997 and R.S. 2:6.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Division of Aviation, LR 16:583 (June 1990), amended LR 24:1510 (August 1998), amended by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

§919. Category I—Project Type (See Exhibit 1)

A. This category is designed to segregate projects by type defined by the primary purpose of the project. To accomplish this, four subcategories have been designated for project type. These subcategories are:

1. Safety;
2. Airside Preservation;
3. Airside Improvements;
4. Landside Improvements.

B. The subcategories are listed in order of descending importance and point values have been assigned accordingly. Development of projects directly related to safety of aircraft operations is considered the highest priority because of the potential for loss of life and property should safety needs not be addressed. Preserving the existing airport system is next in importance because the existing facilities represent an investment of public dollars and there is a commitment to maintain those facilities that are in use. The airside improvement type of project is the next project priority and reflects a policy by the Aviation Section to develop facilities to the design standards established by DOTD and FAA to accommodate existing aviation activity at an airport. Projects for landside improvements at an airport are last in the project type priority because safety, airside preservation and airside improvements are all types of projects that need to be addressed in order to maintain a safe and operational airport.

C. Except for the "safety" subcategory, the general approach to assigning points to projects within these subcategories is to give highest priority to addressing needs of the primary runway first and then decreasing priorities the farther the project is removed from the primary airside facilities. As an example, a project on a primary runway has a higher priority than an apron project, but the apron project has a higher priority than a vehicle parking lot project. Safety projects, because of their importance, are addressed equally regardless of what area of the airport they impact.

D. It should be noted that project types listed are generic. For example, any project dealing with the primary runway that is designed to preserve its integrity falls under the "preservation of existing system" subcategory. This means that overlaying of the primary runway receives the same number of points as reconstructing the primary runway because both are designed to preserve the integrity of the runway. The subcategories in the "project type" category are shown in Exhibit 1. The type of project within each subcategory and its corresponding point value are displayed.

E. The Aviation Section may participate in revenue-generating projects such as fueling systems and hangars. Such projects are usually done after all other airside projects or issues have been completed. Certain areas of terminal buildings at General Aviation airports may be eligible. Areas such as the airport manager's office, flight planning area, pilot's lounge, and a small conference room would be considered eligible for funding. Areas such as a location for rental car agencies, restaurants, and Fixed Base Operators (FBO's) would not be considered eligible for funding. The size of the terminal building eligible for funding would also be limited to the needs for the size airport in which it would be located.

F. Safety (See Exhibit 1.A). Projects in this subcategory are limited to those that only affect aircraft operational safety. These are projects such as obstruction removal, runway grooving, Aircraft Rescue and Firefighting (ARFF) equipment, and lighting. It can be argued that most aviation improvement projects increase safety at an airport, but caution is used to place only those projects in this subcategory that specifically affect the safety of aircraft using the airport. For example, lengthening of a runway improves safety, but its primary purpose is to allow utilization by larger or faster aircraft. Projects in the "safety"

category are those developed specifically to address an unsafe condition and thus receive the highest evaluation points possible.

G. Airside Preservation (See Exhibit 1B). Projects that are required to maintain the functional integrity of existing facilities are evaluated in this subcategory. Projects such as reconstruction of a runway or taxiway or rehabilitation of an existing lighting system are the types of projects included under this subcategory. The point values are assigned with the highest value to projects that maintain the integrity of the primary runway and decrease in value as the facility being maintained moves from preservation of existing facilities toward making improvements to airside facilities.

H. Airside Improvements (See Exhibit 1.C). Projects evaluated in this category are those the purpose of which is to upgrade a facility to a design standard based on current needs. The required design standards for facilities are determined by the role the airport plays in the state airport system and the Aviation Section facility development standards. The airport role and standards are found in the Louisiana Airport System Plan and in appropriate FAA and state airport design manuals and advisories.

I. Landside Improvements (See Exhibit 1.D). Projects in this subcategory are those that are designed to facilitate the handling of issues dealing strictly with landside improvements. These projects receive the least amount of points in the prioritization process due to the fact that emphasis must be put on airside needs in order to maintain a safe and operational airport. Projects in this subcategory may be addressed once the major airside issues have been addressed and resolved.

AUTHORITY NOTE: Promulgated in accordance with SCR 67, 1997 and R.S. 2:6.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Division of Aviation, LR 16:583 (June 1990), amended LR 24:1510 (August 1998), amended by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

§921. Category II—Facility Usage (See Exhibit 2)

A. This category weighs the use of an airport relative to the use of other airports in the system. The basic objective is to support projects that serve the most aviation users. This objective has to be balanced, however, with the Aviation Section's goal of maintaining a viable statewide system of public use airports and maintaining aviation and public safety.

B. As previously discussed, for this reason commercial service and general aviation airports are prioritized separately.

C. Points are awarded based on the number of aircraft based at the airport and/or the number of commercial enplanements. The point values have been developed to attempt to recognize higher use of an airport while not eliminating a low use airport from consideration for projects. Exhibit 2 shows the point rating structure for this category.

D. The number of based aircraft at an airport, as indicated in the latest 5010 inspection report, is used to determine the relative level of use at an airport by general aviation interests. There are some drawbacks to this approach. The number of operations for each based aircraft is not accounted for by using only the based aircraft numbers. Itinerant operations, which are very important to an airport, are not recognized by counting based aircraft.

Other operations by aircraft not based on the field, such as agricultural and military aircraft, are also missed. All of these factors affect the overall number of operations at an airport which is a much more accurate measure of airport use than based aircraft, but reliable operations counts at all nontowered airports are not available for general aviation airports. Should the Aviation Section develop a systematic program for counting operations at nontowered airports, the relative number of operations at an airport may replace based aircraft as the indicator of facility use. Until such a system is developed, counts of based aircraft are the only consistent way to measure general aviation use at the airports.

E. For commercial service airports, points are also awarded in this category for the number of commercial service enplanements. The number of enplanements is taken from the FAA's annual enplanement data.

F. Airports that do not have enplanements, but are designated as reliever airports, receive points in this category also. Reliever airports are important in the system for diverting general aviation operations from commercial service airports with operational capacity problems and thus receive points in the category. The sum of points awarded for general aviation-based aircraft, commercial service passenger enplanements (commercial service airports), and reliever airports status constitutes an airport's score for the "facility usage" category of the priority rating system.

AUTHORITY NOTE: Promulgated in accordance with SCR 67, 1997 and R.S. 2:6.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Division of Aviation, LR 16:583 (June 1990), amended LR 24:1511 (August 1998), amended by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

§923. Category III—Sponsor Compliance (See Exhibit 3)

A. The "sponsor compliance" category evaluates how effectively the airport owners are operating the airport with respect to established standards and good management practices. Several areas are evaluated in this category that are critical to providing safe and efficient public services. Exhibit 3 shows the evaluation criteria and point values for this category.

B. Airports are affected by the use of the land surrounding them. Certain land uses in the vicinity of an airport can result in restrictions on use of the airport and, in extreme cases, in the total closure of the airport. Restrictions to prevent the penetration of tall objects into the approach surfaces for aircraft at an airport are very important. Generally referred to as "height hazard zoning," this type of zoning prevents tall objects that affect the safety of aircraft operations from being built around the airport. Tall objects can cause the displacement of thresholds and the raising of "minimums" for instrument approaches at an airport, thus decreasing the utilization of the airport. The airport represents a substantial public investment and implementation of height hazard zoning by the appropriate local governing body protects the investment by allowing the airport to be used to its full capacity. Points are awarded in this category for having height hazard zoning ordinances in effect at an airport.

C. A related area evaluated in this category is compatible land use zoning. Height hazard zoning controls the height of

objects but has no impact on the actual use of the land. Certain land uses around an airport are incompatible with airport operations because of safety considerations or impacts on landside activities. Noncompatible uses can create conflicts between the community and the airport which may create pressures to restrict use of the airport. Compatible land use zoning is necessary to protect the airport from restrictions placed on it when aviation uses conflict with surrounding land uses. For this reason, the presence of land use zoning is evaluated in this category.

D. The final evaluation area in the "sponsor responsibility" category is maintenance. The local owners of the airport are responsible for routine maintenance such as cutting the grass, changing light bulbs, maintaining proper drainage, sealing or filling pavement cracks, and refurbishing marking and painting stripes. If regular maintenance is not done, the airport will not receive full points in this category. If maintenance is cited as a problem, the airport will be notified by letter of the problem and the corrective action to be taken. Until the airport corrects the problem, all projects evaluated in the priority system for the airport will lose points.

AUTHORITY NOTE: Promulgated in accordance with SCR 67, 1997 and R.S. 2:6.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Division of Aviation, LR 16:583 (June 1990), amended LR 24:1512 (August 1998), amended by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

§925. Category IV—Special Considerations (See Exhibit 4)

A. The first three evaluation categories cover those evaluation areas (project type, facility use, and sponsor compliance) for which all projects prioritized will receive an evaluation score. The "special considerations" category allows projects of special significance to receive additional evaluation points when being prioritized. The items evaluated in this category bear no relationship to one another and thus each project is evaluated with respect to each item to determine if it should receive bonus points in its prioritization score. Exhibit 4 shows the criteria and point values for bonus point evaluation.

B. The first area of evaluation is "special programs". At times, certain improvements at an airport may be mandated by federal or state law and thus require a higher prioritization. Also, as a matter of policy, the Aviation Section may determine that special emphasis should be placed on a certain type of project. All projects of the designated type will receive additional bonus points under these evaluation criteria. An example of this type of project would be a phased project. Additional points will be awarded to assure that a consecutive phase of a project receive a higher priority than a project that is not phased.

C. Economic development potential is another evaluation area under the "special considerations" category. While it is acknowledged that any construction project generates economic development, there are some projects that are designed to address a specific economic need at the airport or in the community. To receive points in this area, the economic development aspects of the project must be well documented and clearly demonstrate the potential economic impact of the project. Facilities developed to

accommodate the aviation needs of a business moving to the community is an example of an economic development type of project. The facilities would have to constitute a major factor in the business' decision to locate in the community. To receive bonus points in this area may require an economic impact study, the cost of which is the responsibility of the airport owner. Another example is a taxiway to open industrial airpark access would get bonus points, but a taxiway to a T-Hangar area would not. A runway project to accommodate corporate aircraft would need to be thoroughly documented that it was a major factor in the location of the business.

D. Commercial air service to a community is an important element in the community's overall economic development. Under the "special considerations" category, projects are evaluated to determine if their primary justification is to maintain or attract commercial air service to the airport. For a project to receive points under this category, it must be directly responsible for affecting commercial air service at the airport. Documentation of the project justification is essential for prioritization rating points to be awarded under this evaluation criteria.

E. Another "special considerations" category is the provision of local matching funds in excess of Aviation Section match requirements. Any project for which at least \$5,000 in local funds are provided will receive bonus points in this category. For every \$5,000 contributed by the airport owner, 5 bonus points will be awarded, up to a total of 20 bonus points for \$20,000 contributed. Any amount above \$20,000 contributed by the sponsor will only receive a maximum of 20 bonus points. This is designed to give higher preference to projects that are financially supported by the local owner in excess of that which is required; therefore, no matching funds from other state sources will qualify for bonus points. Commitment for local funding support should be included in the resolution submitted by the local owner requesting assistance from the Aviation Section for the project.

F. The last evaluation criterion under the "special considerations" category is the GA Entitlement Loan Program. Under this category a NPIAS GA airport may receive special program bonus points for a project by loaning their Non-Primary Entitlement (NPE) funds to another NPIAS GA airport. The airport receiving the loan will in turn, loan their future NPE funds to the airport which gave them the loan. The participating airport loaning the funds will be awarded additional bonus points for their next priority project.

AUTHORITY NOTE: Promulgated in accordance with SCR 67, 1997 and R.S. 2:6.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Division of Aviation, LR 16:583 (June 1990), amended LR 24:1513 (August 1998), amended by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

§927. New Airports

A. An airport that is constructed on a new site presents some different prioritization issues than improvements to existing airports. Generally, a new airport will fall into either of two categories.

1. The first is an airport that is proposed for an area of the state not served by a public airport.

2. The second is a new airport proposed to replace an existing public airport which, for any number of reasons, is not considered a suitable public airport.

B. Prioritization of projects for the development of a new airport requires a process slightly different than that for an existing airport. There are some special considerations that must be made in each of the four prioritization categories.

C. Initially, it must be determined if the project under consideration is for a "new" airport. At some point during its development, a new airport becomes an existing airport. For purposes of the priority process, an airport is considered "new" until land is purchased for the airport, a primary runway is constructed, and an apron for aircraft parking is constructed. This includes clearing of runway approaches. The completion of these elements allows aircraft to operate at the airport and thus, at this point, the airport is no longer considered "new" and future projects are prioritized using the standard prioritization process. Before this point is reached, however, the land acquisition, runway, and apron construction will be prioritized using the following special considerations in each category.

D. Under the "project type" category, new airport projects will be categorized in either of two project type categories. Those new airports that are replacing an existing airport are categorized as upgrade to standards type projects. This type of new airport allows construction of an airport that meets all DOTD design standards and allows for future expansion to meet these standards. It should be noted that land purchased for a new airport is often funded with state funds, but when the FAA begins funding other improvements such as the primary runway, the state is reimbursed for land acquisition costs. If this is the case, land acquisition should be treated as a federally-funded project and prioritized accordingly.

E. New airports constructed in areas of the state not being served by a public airport should be prioritized under the project type "capacity increases" subcategory. These airports are primarily to increase the capacity of the Louisiana public airports system and thus are prioritized in the "capacity increases" subcategory. As previously discussed, land acquisition costs are usually reimbursed by the FAA and these projects should be prioritized accordingly.

F. For the "facility usage" category, the based aircraft and enplanements numbers that determine the points awarded for the new airport project will be those cited in the supporting planning document for the first planning phase. This will usually be the numbers cited for the first year of operation.

G. Under the "sponsor responsibility" category, there are two areas that can be included in the prioritization process. The presence of height limitation zoning and land use zoning should be determined and points assigned accordingly. Most new airports will not have developed an operations manual for the airport. In cases where the airport has not developed an operations manual, the airport will be awarded five points based on the assumption that the elements of an operations manual will be in place when the airport is opened for operations.

H. In the "special considerations" category, a new airport can be assigned points in the same manner as an existing airport. If an airport is the first public airport in an area, a strong case can be made that the airport should receive

bonus points for its economic development potential. The airport represents a totally new mode to the local transportation system and thus should have a significant long-term economic impact on the area served. The remaining bonus point areas can be assigned in the same manner they are assigned for existing airports.

AUTHORITY NOTE: Promulgated in accordance with SCR 67, 1997 and R.S. 2:6.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Division of Aviation, LR 16:583 (June 1990), amended LR 24:1513 (August 1998), amended by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

§929. Prioritization of Projects

A. Once a determination has been made by the Aviation Section that a project is eligible to be included in the prioritization system, the project will be prioritized using the rating system. The preliminary evaluation of the project should provide the information necessary to complete the process. If adequate information is not available, it will be requested before the project is prioritized. Prioritizing a project without sufficient information may cause a project to receive a higher or lower ranking than it deserves. Subsequent questions about why the project received the evaluation score may be difficult to answer without the documentation to support the points assigned in each category.

B. Point values are assigned in each category using the worksheet that is included as Exhibit 5. The worksheet follows the priority rating system and provides the documentation of how the total score for a project was derived. The worksheet is maintained with the project file so that documentation of the value assigned in each category is available.

C. Occasionally, a change in a project or at the airport might occur requiring the point values for a project to be modified. The new values are put on the same worksheet with a note explaining the reasons for the change.

D. As part of the evaluation of the project, the eligibility of the project for federal funding is noted on the worksheet. If federal funds are already committed, this is also included on the worksheet. When the project is entered in the automated priority system, the eligibility or commitment of federal funding for the project is noted.

E. Some projects will have equal scores after they are evaluated. If these projects fall at a point in the ranking list where a break is necessary (funded program versus four-year unfunded program), projects with the same score will be ranked based on the highest score in Category I. The project with the higher score in Category I will be ranked higher. If the projects are tied in Category I, Category III is used to break the tie and, if still tied, Category II is used, etc. Should the projects still be tied after examining all four categories, the project at the airport with the largest number of based aircraft will be ranked higher.

AUTHORITY NOTE: Promulgated in accordance with SCR 67, 1997 and R.S. 2:6.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Division of Aviation, LR 16:583 (June 1990), amended LR 24:1514 (August 1998), amended by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

§931. Priority Ranking System

A. After the total evaluation score for a project is determined, it is entered into a priority ranking system and its relative ranking is determined. This system ranks projects by descending score in the commercial service airport or general aviation airport priority program as appropriate.

AUTHORITY NOTE: Promulgated in accordance with SCR 67, 1997 and R.S. 2:6.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Division of Aviation, LR 16:583 (June 1990), amended LR 24:1514 (August 1998), amended by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

§933. Program of Projects

A. The lists of projects for commercial service and general aviation airports prioritized by evaluation score represent the program of projects that the Aviation Section will seek to implement through its development program. The actual number of projects from each list that will ultimately be constructed is primarily dependent upon the level of funding that the Aviation Section receives each year.

B. The priority system has been designed to allow inclusion of a cost estimate for each project. The estimate is broken down by federal share, state share, and local sponsor share. Since the system is designed to prioritize the use of state monies, the state funds required for a project are the key to developing a program of projects.

C. Most projects will require more than one year to design, acquire land (if necessary), and construct. When a project that is programmed to be funded over two or more fiscal years is included in the program, the phase of work (design, construction phase I, construction phase II, etc.) will be noted along with the cost of that phase. Subsequent phases may be shown at the top of the four-year unfunded list. As projects are constructed and more funding becomes available, remaining projects with the highest scores will be placed in the construction program to the extent that funding is available. This group of projects for which funding is available will not be changed until more funds become available. However, projects on the four-year unfunded list do not automatically move up to the funded list in the succeeding fiscal year. Rather, unfunded projects recompile for funding each fiscal year until they are either funded or dropped from the list after three years. Because needs, cost estimates, airport situation, and other data change regularly, after three years all projects which have not been started may be dropped from the program. If projects are dropped from the program, they must be resubmitted with updated information. They will then be reviewed and re-entered into the priority system.

AUTHORITY NOTE: Promulgated in accordance with SCR 67, 1997, R.S. 2:802 and R.S. 2:6.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Division of Aviation, LR 16:583 (June 1990), amended LR 24:1514 (August 1998), amended by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

§935. Projects Eligible for FAA Funding

A. Special consideration for projects that will receive FAA funding is included in the priority system. The priority system is a listing of the projects in the order that the state considers implementation desirable based on the state's overall aviation development policies. Utilization of the FAA's priorities to set state priorities is sometimes

inconsistent with a state prioritization process. This does not mean that the state should ignore potential FAA funding in its development program.

B. There are two decisions that the Aviation Section makes when seeking FAA funding for its program. Projects that are planned at National Plan of Integrated Airport Systems (NPIAS) airports and that are types in which FAA will participate are noted. This enables the Aviation Section to present a proposed program of projects to the FAA that are eligible for FAA funding and that reflect state priorities. The Aviation Section then negotiates with the FAA to secure federal funding for top ranked projects. The second consideration for FAA funding is that there will be projects the FAA will fund that do not appear in the implementation program based on priority rankings. Realistically, the Aviation Section cannot reject a project that will receive funding from the FAA. In these cases, a project that has received a commitment for federal funds is to be automatically included in the list of projects for implementation in the current year. If the current year program is already developed, the project is given top priority in the next year program or may be funded by Future FAA Obligation funds or funds available from cost underruns. Therefore, it is important that airports seeking federal funding for projects that are eligible for matching funds from the aviation program coordinate their application with both the FAA and the Aviation Section.

AUTHORITY NOTE: Promulgated in accordance with SCR 67, 1997 and R.S. 2:6.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Division of Aviation, LR 16:583 (June 1990), amended LR 24:1515 (August 1998), amended by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

§937. Exhibits

A. Exhibit 1

Exhibit 1	
Category I - Project Type	
A. Safety -Projects directly affecting operational safety.	
Points	
50	Correction of runway failures severe enough to be an obvious safety problem. Runway friction surface or grooving or other action directly related to safety.
49	Repair of primary runway lighting system or approach lighting system which is not functional and is deemed to be a safety hazard.
48	Obstruction removal which is requiring the displacement of the runway threshold and relocation of runway lighting.
47	Obstruction removal to meet FAA Part 152 clear zone and FAR Part 77 imaginary surface requirements.
46	ARFF vehicles and equipment required at commercial service airports or minimum safety equipment at GA airports. Security fencing to correct a specific safety problem (does not include general perimeter fencing).
45	Safety condition identified by professional evaluation or accident statistics.
B. Airside Preservation—Preserving the infrastructure of the airport dealing with air operations. Examples are preserving and maintaining the infrastructure of the runways, taxiways, aircraft aprons, airfield lighting, NAVAIDs, Fuel Farms, T-Hangars, etc.	
20	Primary runway
19	Taxiway serving primary runway
18	Apron
17	Secondary runway
16	Taxiway serving secondary runway
15	Stub taxiways and taxilanes

Exhibit 1	
Category I - Project Type	
C. Airside Improvements—Improving the infrastructure of the airport dealing with air operations. Examples are improving and upgrading the infrastructure of the runways, taxiways, aircraft aprons, airfield lighting, NAVAIDs, Fuel Farms, T-Hangars, etc.	
14	Primary runway
13	Primary taxiway
12	Apron
11	Perimeter fencing
10	Navigational Aids (NAVAIDS)
9	Secondary runway
8	Secondary taxiway
7	Agricultural loading area
6	Noise Mitigation / Terminal Building for Commercial Service Airports
5	New airport construction including runway, taxiway, and apron / Terminal Building for General Aviation Airports.
D. Land Side Improvements—Improvements that enhance an airport's infrastructure not related to the air side.	
4	Land acquisition for future expansion
3	Primary vehicle access road
2	Primary vehicle nonrevenue-generating parking.
1	Other Land Side Improvements

B. Exhibit 2

Exhibit 2	
Category II - Facility Usage	
Based Aircraft*	Points
91 or More	20
81 to 90	18
71 to 80	16
61 to 70	14
51 to 60	12
41 to 50	10
31 to 40	8
21 to 30	6
11 to 20	4
1 to 10	2
Additional points for Air Commercial Service Enplanements**	Points
500,000 or more	20
250,000 to 499,999	15
50,000 to 249,999	10
2,500 to 49,999 ***	5
If noncommercial reliever airport	10
* Taken from latest 5010 Inspection	
** Taken from Annual FAA Enplanement Data	
*** Less than 2,500 enplanement do not receive points	

C. Exhibit 3

Exhibit 3	
Category III - Sponsor Compliance	Points
Height Limitation Zoning	10
Land Use Zoning	5
5010 / Safety Inspection***	0 - 30
*** Points are not awarded based solely on the number of deficiencies. Also taken into consideration are the timeliness and appropriateness of corrective actions. Points may be awarded on a sliding scale relative to the progress toward correcting deficiencies.	

D. Exhibit 4

Exhibit 4	
Category IV - Special Considerations	Points
Designated as Special Program*	15
Economic Development Potential**	10
Maintain or Attract Commercial Service	10
Local Funding in Excess of Requirements***	5-20
GA Entitlement Loan Program****	25

* Special Program Certain types of projects mandated by Federal or State law or identified in a policy decision by DOTD. For example, if the EPA requires a certain kind of wash down facility, it could be given added priority with bonus points. If DOTD wishes to place emphasis on a particular type of project, e.g., hazard removal around the state, subsequent phase of a project continuation, these types of projects could receive Special Program points.

** Economic Development - Clearly demonstrated impact on economic development in an industrial airpark or around the airport locale. For example, a taxiway to open industrial airpark access would get bonus points, but a taxiway to a T-Hangar area would not. A runway project to accommodate corporate aircraft would need to be thoroughly documented that it was a major factor in the location of the business. To receive bonus points in this category an economic impact study may be required, the cost of which is the responsibility of the airport owner.

*** Five points will be awarded for each \$5,000 of matching funds provided by the airport owner up to a maximum of 20 points for \$20,000. Any amount above \$20,000 will only receive the maximum of 20 points. Funds may not come from other state sources.

**** GA Entitlement Loan Program—A NPIAS GA airport may receive special program bonus points for a project by loaning their Non-Primary Entitlement funds to another NPIAS GA airport.

E. Exhibit 5

Project Priority Evaluation Worksheet	
Project Number	Date Evaluated
Airport Name	
Description of Work	
Category I: Project Type	Score
Safety	
Airside Preservation	
Airside Preservation	
Airside Improvements	
Landside Improvements	
	Total
Category II: Facility Usage	
Based Aircraft	
Enplanements	
Reliever Airport	
	Total
Category III: Sponsor Responsibility	
Height Limitation Zoning	
Land Use Zoning	
5010 / Safety Inspection	
	Total
Category IV: Special Considerations	
Special Program	
Economic Development	
Commercial Service	
Local Funding	
GA Entitlement Loan Program	
	Total
Project Total Evaluation Score	Total

AUTHORITY NOTE: Promulgated in accordance with SCR 67, 1997 and R.S. 2:6.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Division of Aviation, LR 16:583 (June 1990), amended LR 24:1515 (August 1998), amended by the

Department of Transportation and Development, Intermodal Transportation Division, LR 33:

Chapter 11. Speed Restrictions for Railroad Traffic
§1101. General Procedure for Municipality Request

A. ...

B. In order to establish speed restrictions for railroad traffic within the specified areas of corporate limits of a municipality, the governing body of said municipality shall adopt a resolution and forward it to the director of Intermodal Transportation Division, Department of Transportation and Development, Box 94245, Baton Rouge, LA 70804. This written request in the form of a resolution shall contain the following:

1. - 4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:389.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of the Secretary, Public Transportation, LR 18:761 (July 1992), amended by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

§1111. Public Hearing

A. A committee shall be formed within the department to conduct the public hearing, accept evidence, and render written reasons for its findings. This procedure shall be conducted in accordance with the Administrative Procedure Act, R.S. 49:950 et seq. and R.S. 48:389. Said committee shall be composed of representatives of the following sections appointed by the secretary of the department: Intermodal Transportation Division; legal section; maintenance section; traffic and planning section. The committee shall publish necessary rules in accordance with the Administrative Procedure Act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:389.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of the Secretary, Public Transportation, LR 18:762 (July 1992), amended by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:

Family Impact Statement

The proposed Rules for Louisiana Administrative Code LAC 70 Part IX, Aviation and Public Transportation will not have any known or foreseeable impact on any family as defined by R.S. 49:972.D or on family formation, stability and autonomy. Specifically, there should be no known or foreseeable effect on:

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

All interested persons are invited to submit written comments on the proposed regulations. Persons commenting should reference this proposed regulation by L.A.C. 70 Part IX. Such comments must be received no later than 30 days from the date of publication of this Notice, and should be sent to David Slayter, LADOTD, Section 88, Post Office Box 94245, Baton Rouge, LA 70804-9245 or to fax (225) 274-4181. Copies of this proposed regulation can be

obtained at 8900 Jimmy Wedell Drive, Baton Rouge, LA. 70807, Room 123.

J. Michael Bridges
Undersecretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Intermodal Transportation**

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

There will be no implementation costs associated with the proposed rule change. These amendments to existing rules will update wording, names of agencies and addresses to reflect current information and wording of R.S. 2:1 et seq., and to better align the DOTD Aviation Section with the processes of the Federal Aviation Administration (FAA).

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

The deletion of the rules for ultralight aircraft will decrease the revenue collections of the state by less than \$300 annually.

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

This rule change will result in a reduction in paperwork for processing applications and will require applicants to deal exclusively with the Federal Aviation Administration (FAA) in the future rather than multiple agencies. Ultralight operators will also benefit economically because they will no longer pay fees to DOTD.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change will have no impact on competition and employment.

Michael Bridges
Undersecretary
0611#061

H. Gordon Monk
Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Transportation and Development
Office of Highways/Engineering**

Control of Outdoor Advertising
(LAC 70:III.127, 134, 135, 139, 141, and 143)

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950 et seq., notice is hereby given that the Department of Transportation and Development intends to amend a Rule entitled "Regulations for Control of Outdoor Advertising", in accordance with the provisions of R.S. 48:461 et seq.

Title 70

TRANSPORTATION

Part III. Outdoor Advertising

Chapter 1. Outdoor Advertising

Subchapter C. Regulations for Control of Outdoor Advertising

§127. Definitions

* * *

Day Care Facility—for purposes of outdoor advertising, a day care facility is considered a school when it includes a comprehensive child development program such as Early Headstart and Headstart.

* * *

Landscaped Area—landscaped areas of the commercial and industrial activity shall be areas within 50 feet of the commercial or industrial building/structure(s) that are planted and maintained in good health with commercially available ornamental and/or natural vegetation for the beautification of the commercial or industrial activity.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:461 et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 2:187 (June 1976), amended by the Department of Transportation and Development, Office of Highways/Engineering, LR 28:872 (April 2002), LR 31:944 (April 2005), LR 33:

§134. Spacing of Signs

A. ...

B. Interstate Highways and Freeways on the Federal-Aid Primary System and National Highway System (Control of Access Routes)

B.1. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:461 et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways/Engineering, LR 28:872 (April 2002), amended LR 33:

§135. Measurements for Spacing

A. Distance from the edge of the right-of-way to a subject sign for control purposes is measured horizontally along a line perpendicular to the centerline of the said highway.

B. Centerline of the highway means a line of equal distance from the edges of the median separating the main traveled ways of a divided highway or the centerline of the main traveled way of a non-divided highway.

C. The minimum distance between structures shall be measured horizontally along a line perpendicular to the edge of the main traveled way between points directly opposite the center of the signs along each side of the highway and shall apply only to structures located on the same side of the highway.

D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:461 et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, LR 2:188 (June 1976), amended by the Department of Transportation and Development, Office of Highways/Engineering, LR 31:945 (April 2005), LR 33:

§139. Determination of On-Premise Exemption

A. ...

B. Criteria. A sign, display or device will be considered to be an on-premise sign and exempt from controls, if it conforms to the following standards.

1. Premises. The sign must be situated on the same premises, as the principal or accessory activities, products, or services offered, or upon the property or land area advertised to be for sale or for lease. The structure or office housing the principal or accessory activities, products or services must meet the following requirements.

a. Area. Any structure to be used as a business must have an enclosed area of 600 square feet or more. For any structure containing multiple offices, each office may have an on-premise sign if the individual office has an enclosed area of 120 square feet or more.

b. Foundation. Any structure to be used as a business or office must be affixed on a slab, piers, or foundation.

c. Access. Any structure to be used as a business or office must have unimpeded access from a roadway to an adequate customer parking lot adjacent to the business building.

d. Utilities. Any structure to be used as a business or office must have normal utilities. Minimum utility service shall include business telephones, electricity, water service disposal, all in compliance with appropriate local, state and parish rules. Should a state, parish or local rule not exist, compliance with minimum utility service shall be determined at the time of field inspection by the Department's authorized representative.

e. Identification. The name of the business must be displayed on premises.

2. Activity Requirements

a. The purported activity enterprise is open for business and actively operated and staffed with personnel on the premises a minimum of eight hours each day and a minimum of five days each week.

b. The purported activity or enterprise must maintain and display all necessary business licenses, occupancy permits, and other records as may be required by applicable state, parish or local law or ordinance.

c. A sufficient inventory of products is maintained for immediate sale or delivery to the consumer. If the product is a service, it is available for purchase on the premise.

3. Purposes. The sign must have as its purpose:

a. the identification of the principal or accessory activities, products or services offered; or

b. the sale or lease of the property on which the sign is located, rather than the purpose of general advertising.

4. Premises Test. For purposes of determining whether outdoor advertising is exempt from control as on-premise advertising, the following definitions of property or premises shall apply.

a. The property or land upon which an activity is conducted is determined by physical facts rather than boundaries of ownership. Generally, premises are defined as the land area occupied by the buildings or other physical uses that are necessary or customarily incident to the activity, including such open spaces as are arranged and designated to be used in connection with such buildings or uses.

b. The following will not be considered to be a part of the premises on which the activity is conducted, and any signs located on such land areas will not be "on-premise" signs which are exempt from control.

i. Any land which is not used as an integral part of the principal activity. Such would include, but is not limited to, land which is separated from the activity by a public roadway or other obstruction and not used by the activity, and extensive undeveloped highway frontage contiguous to the land which is actually used by the commercial or industrial facility, even though such undeveloped land is commonly owned with the land area comprising the premises of the activity.

ii. Any land which is used for or devoted to a separate purpose unrelated to the advertised activity. For example:

- (a). land adjacent to or adjoining an automobile service station, but which is devoted to raising of crops;
- (b). residential use;
- (c). farm stead uses; or
- (d). another commercial or industrial use having no relationship to the service station activity would not be part of the premises of the said service station even though under common ownership or lease.

iii. Any land which is:

(a). developed or used only in the area of the sign site, or between the sign site and the principal activity; and

(b). occupied solely by structures or uses which are only incidental to the principal activity, and would serve no reasonable or integrated purpose related to the activity other than to attempt to qualify the land for advertising purposes. For example:

- (i). such inexpensive facilities as a picnic, playground, or camping area;
- (ii). dog kennels;
- (iii). golf driving ranges;
- (iv). common or private roadways or easements;
- (v). walking paths;
- (vi). fences; and
- (vii). sign maintenance sheds.

(c). **Narrow Strips.** Where the sign site is located at or near the end of a narrow strip contiguous to the advertised activity, the sign site shall not be considered part of the premises on which the activity being advertised is conducted. A narrow strip shall include any configuration of land which is such that it cannot be put to any reasonable use related to the activity other than for signing purposes. In no event shall a sign site be considered part of the premises on which the advertised activity is conducted if it is located upon a narrow strip of land which is: nonbuildable land, such as a swampland or wetland; or which is a common or private roadway; or held by easement or other lesser interest than the premises where the advertised activity is located.

c. **Purposes Test.** For purposes of determining whether an advertising sign display or device shall be exempted from control as an "on-premise" advertising, the following standards shall be used for determining whether a sign, display or device has as its purpose:

i. the identification of the activity conducted on the premises where the sign is situated or the products or services sold on said premises; or

ii. the sale or lease of the land or property on which the subject sign, display or device is situated, rather than the business of outdoor advertising:

(a). any sign, display or device which consists exclusively of the name of the activity conducted on the premises is an on-premise sign;

(b). any sign which exclusively identifies the principal or accessory products or services offered on the premises is an on-premise sign. An example of an accessory product would be a brand of tires offered for sale at a service station, but would not include products merely incidental such as cigarettes or beverages;

(c). when a sign brings rental income to the landowner or other occupant of the land; consists of brand name or trade name advertising, and the product or service advertised is only incidental to the principal activity, it shall be considered the business of outdoor advertising, and such signs shall be subject to control;

(d). a sign, display or device which does not exclusively advertise activities conducted upon the premises or services and principal and accessory products offered on the premises or exclusively advertise sale or lease of the premises or land whereon situated shall not be considered on-premise advertising which is exempt from control; but, rather, shall be considered and shall be outdoor advertising subject to control and regulation.

C. Public Facility Sign Restrictions

1. Signs on the premises of a public facility, including but not limited to the following: schools, civic centers, coliseums, sports arenas, parks, governmental buildings and amusement parks, that do not generate rental income to the owner of the public facility may advertise:

a. the name of the facility, including sponsors of the public sign; and

b. principal or accessory products or services offered on the property and activities conducted on the property as permitted by 23 CFR 750, 709, including:

i. events being conducted in the facility or upon the premises, including the sponsor of the current event; and

ii. products or services sold at the facility and activities conducted on the property that produce significant income to the operation of the facility.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:461 et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, LR 2:189 (June 1976), amended by the Department of Transportation and Development, Office of Highways/Engineering, LR 31:945 (April 2005), repromulgated LR 32:117 (January 2006), amended LR 33:

§141. Destruction of Trees and Violations of Control of Access

A. The Louisiana Department of Transportation and Development shall not issue a permit for any sign which cannot be erected or maintained from private property without violating control of access boundaries. A permitted sign shall not be serviced, repaired or replaced from highway right-of-way.

B. The Louisiana Department of Transportation and Development shall not issue permits for any signs, the visibility of which will be obscured by existing vegetation, trees or landscaping on the highway from which subject sign is intended to be read.

C. When a tree, vegetation, or landscaping is destroyed on the highway right-of-way within 500 feet of an outdoor advertising sign, the sign owner shall be responsible for remediation of the area under the direction of the Department of Transportation and Development Landscape Architect.

AUTHORITY NOTE: Promulgated in accordance with R.S.48:461 et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 2:191(June 1976), amended by Department of Transportation and Development, Office of Highways/Engineering, LR 33:

§143. Procedure and Policy for Issuing Permits for Controlled Outdoor Advertising

A. - B. ...

C. All permits for the erection of outdoor advertising shall be conditioned upon compliance with state law, and any action by or on behalf of the permit holder or sign owner contrary to state law and regulations shall be grounds for voiding any subject permit heretofore or hereafter issued.

D. The department shall void the permit for the sign wherein the violation took place and the department shall not issue future permits within the district where the violation occurred to the permit holder and/or sign owner and/or landowner until the illegal sign is removed.

E. The department must be notified in writing by the original permittee upon any change or transfer of ownership of the permitted installation.

F. An original signature or a copy of the current lease agreement shall be submitted with each application.

G. Every applicant who seeks to situate a controlled advertising structure in a commercial or an industrial zone shall furnish evidence of the restrictive zoning of the subject land by an appropriate state or local authority.

H. Permit applications which are properly completed and executed and which are accompanied by all other required documentation or evidence shall be thereafter submitted by the district office to the appropriate permit office in Baton Rouge, Louisiana for review. Permits which are not in proper form or which are not complete or not accompanied by required documentation and evidence or do not meet the requirements of state law at the time of the submittal of the application shall be returned to the applicant by the district office with reasons for its return. Applications may be resubmitted at any time.

I. The appropriate permit-issuing officer designated by the director of highways shall review all permit applications. Thereafter, permits shall be issued or the application rejected and returned to the applicant with reasons for denial of the permit.

J. Copies of all permits shall be transmitted to the district office of the district where the sign is to be situated for subsequent surveillance by the district office.

K. Each permit shall specify a time delay of 6 months or 12 months (at the permittee's option) within which to erect the subject advertising device. The district office shall determine whether or not the device has been erected within the specified time delay.

L. If a sign has not been erected within the delay provided by the subject permit, the permit may be voided by the Louisiana Department of Highways and the applicant or permittee so notified. On the day following the posting of notice to any such applicant or permittee of the voiding of the permit to the last known address as furnished by the applicant, the subject sign location shall be available to any other applicant.

M. If a sign has been erected within the delays allowed by the permit, but the subject sign does not conform to the specifications of the permit, the Louisiana Department of Transportation and Development shall notify the applicant or permittee in writing to cause the sign to conform to the permit. The applicant or permittee shall have 30 days to cause the sign to conform to the permit. The time delay begins on the day following the posting of written notice to

said applicant or permittee at the last known address as furnished by the applicant or permittee. Extensions of time within which the applicant or permittee may bring the sign into legal conformity may be granted by the department when the department determines that good cause has been demonstrated. The department will void any permit when the permittee fails to conform the sign within the time delay or extensions provided. Thereafter the sign must be removed at the sign owner's expense. The sign owner may prevent such removal only by securing a new permit for the subject sign, which did not conform to the previous permit. A new permit may be obtained upon appropriate application including payment of all fees in connection therewith. Nevertheless, once a permit has been voided the sign location is available to any applicant.

N. If a sign is erected without first obtaining a permit from the department and the department notifies the owner that the sign is illegal, the owner of the sign will have a period of 30 days from the date of receipt of the department's letter to bring the sign into legal compliance and make proper application for the permit. Extensions of time within which the applicant or permittee may bring the sign into conformity may be granted by the department when the department determines that good cause has been demonstrated.

O. When a permitted outdoor advertising sign or device is knocked down or destroyed, or modified, the sign or device cannot be reinstalled or rebuilt without first obtaining a new outdoor advertising permit pursuant to the procedures established in this part.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:461 et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 2:191(June 1976), amended by the Department of Transportation, Office of Highways/Engineering, LR 29:2856 (December 2003), LR 31:945 (April 2005), amended LR 33:

Family Impact Statement

The proposed adoption of this Rule should not have any known or foreseeable impact on any family as defined by R.S. 49:972(D) or on family formation, stability and autonomy. Specifically:

1. the implementation of this proposed Rule will have no known or foreseeable effect on the stability of the family;
2. the implementation of this proposed Rule will have no known or foreseeable effect on the authority and rights of parents regarding the education and supervision of their children;
3. the implementation of this proposed Rule will have no known or foreseeable effect on the functioning of the family;
4. the implementation of this proposed Rule will have no known or foreseeable effect on family earnings and family budget;
5. the implementation of this proposed Rule will have no known or foreseeable effect on the behavior and personal responsibility of children;
6. the implementation of this proposed Rule will have no known or foreseeable effect on the ability of the family or a local government to perform this function.

All interested persons so desiring shall submit oral or written data, views, comments, or arguments no later than 30 days from the date of publication of this Notice of Intent to

Cedric Grant
Deputy Secretary

Title 70

TRANSPORTATION

Part I. Highway Construction

Chapter 11. Traffic Impact Policy for New Access Requests Affecting Traffic on State Highways

§1101. Traffic Impact

A. Purpose

1. The Louisiana Department of Transportation and Development (LADOTD) has a responsibility to design, operate and maintain highway facilities that are reasonably safe and efficient for prudent drivers using the highway system. At the same time DOTD must allow all property owners reasonable access to the highway system.

2. In an effort to balance these often conflicting needs, this Section was developed to ensure that new or expansion of existing developments generating significant traffic on state highways are evaluated in a consistent manner by using objective data to facilitate decision-making.

3. The department shall review the effectiveness, applicability and efficiency of this rule annually. Changes to this Section shall be promulgated as applicable. Recommendations for change shall be forwarded to the DOTD traffic impact engineer.

B. Applicability

1. This Section applies to new or expanding developments, typically generating 100 hourly trips in the peak direction on state highways.

2. This Section also applies to developments on local public or private streets, with an access point within 0.25 of a mile of a state highway.

3. These developments include, but are not limited to:

- a. new businesses;
- b. new subdivisions;
- c. new apartment complexes;
- d. additions to existing subdivisions;
- e. additions to existing apartment complexes;
- f. new streets and/or traffic control devices;
- g. new schools;
- h. minor developments in traffic networks that are already congested;
- i. hospitals; and
- j. large commercial or industrial complexes.

4. Additional requirements (such as analysis of nearby major intersections as determined by DOTD) may be necessary for large commercial centers and regional shopping malls.

5. This Section, in certain situations, may apply to new, smaller developments located on congested highway corridors, as determined by the district traffic operations engineer. Congested highways are discussed in the traffic impact policy referenced in Paragraph E.1.

6. The district traffic operations engineer may, in his discretion, waive the requirement for a traffic impact study for developments marginally meeting minimum traffic thresholds.

C. This Section does not apply to the following:

1. access to interstate and other controlled-access facilities;

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Control of Outdoor Advertising

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

There will be no implementation costs associated with this proposed rule. Implementation of the proposed rule will place the Department in compliance with Federal law and make the existing rules more clear and workable for both the Department and the outdoor advertising industry. Essentially, these rules more clearly define terms, make technical changes in existing rules on spacing of billboards, clarify the definition of "on premise" signs, clarify the rule on the destruction of trees when placing billboards along highway rights-of-way, and make more specific and clear the rules on removal of illegal signs.

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

If this rule change is implemented, there will be no effect on revenue collections of state or local governmental units. The portion of the rule change concerning erection of illegal signs has been requested by the Federal Highway Administration.

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

The outdoor advertising industry will be most directly affected by this rule change. The changes in the rule will make it more clear and detailed for the industry. New definitions have been added and language has been revised to make more specific the conditions for issuance and maintenance of outdoor advertising permits. The rule also more clearly details actions which could cause permit revocation by the Department or the need for remediation by the permittee.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There should be no effect on competition or employment. The proposed rule applies equally to all facets of the outdoor advertising industry.

Johnny B. Bradberry
Secretary
0611#064

Robert E. Hosse
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Transportation and Development
Office of Highways/Engineering**

**Traffic Impact Policy for New Access Requests
(LAC 70:I.1101)**

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950 et seq., notice is hereby given that the Department of Transportation and Development intends to promulgate a Rule entitled "Traffic Impact Policy for New Access Requests", in accordance with R.S. 32:2 and R.S. 48:344 et seq.

2. individuals requesting single-family residential access; or

3. access to local public and private streets for developments which are greater than 0.25 of a mile from the state system.

D. Pre-Application Procedure

1. Prior to any permit requests, land developers shall meet with the DOTD district traffic operations engineer and the district permit specialist for a pre-application meeting during preliminary site planning for the development. The purpose of this meeting is to discuss the proposed development and determine if a traffic impact study is warranted.

2. The developer shall be notified within seven calendar days after the pre-application meeting whether or not a traffic impact study is required. The decision will be based on the preliminary site plan layout and anticipated additional traffic.

3. The DOTD will coordinate with the appropriate local authorities for developments not abutting the state highway system.

E. Traffic Impact Study

1. When a traffic impact study is required by DOTD, it shall be prepared and sealed by a professional engineer licensed by LAPELS, before an application for access is submitted. The study will include all information as outlined in the DOTD traffic impact policy, a detailed guidance document which includes forms, roadway classification, traffic volume criteria and mitigation strategies. This document may be obtained from the district office, or the department's website, or from DOTD headquarters in the office of the traffic impacts engineer. The purpose of the traffic impact study is to:

- a. determine existing traffic conditions on the network surrounding the proposed development;
- b. estimate the traffic likely to be generated by the proposed development which is within the sole purview of the Department of Transportation and Development;
- c. assess the impact of additional traffic on the existing and future road network system at full build out and the anticipated construction phasing; and
- d. identify effective roadway improvements and/or changes in the site plan of the proposed development that will minimize impact to the state highway system.

F. Responsibilities of the Developer

1. The developer is responsible for mitigating traffic caused by the development.

2. All road improvements constructed by the developer shall comply with the latest DOTD standards and specifications.

G. Letters of Compliance

1. No permit applications will be accepted until DOTD provides the developer with a letter of compliance indicating the approval of the traffic impact study and the traffic mitigation required.

2. The letter shall be attached to any permit application.

H. Traffic Mitigation

1. Traffic Mitigation is a roadway improvement or improvements designed to minimize congestion and improve the safety of the highway system.

2. The required mitigation shall be constructed prior to completion of the new development.

3. Types of mitigation include, but are not limited to:

- a. turn lanes;
- b. traffic signal upgrades;
- c. traffic control devices;
- d. signal phasing/timing/interconnect;
- e. raised medians;
- f. roadway widening;
- g. restricted turning movements;
- h. right-of-way donation; and
- i. roadway resurfacing.

I. Approval Process

1. The office of the DOTD district traffic operations engineer and the DOTD Headquarters (HQ) traffic impact engineer, if requested for a joint review, will review the traffic impact study. The department shall take one of the following actions.

a. Approve the traffic impact study submitted by the developer and recommend mitigation to minimize traffic impacts. The DOTD HQ traffic impact engineer will provide the developer with a letter of compliance to indicate approved traffic impact study and mitigation. The developer may apply for access, driveway, project, or traffic signal permits.

b. Recommend alternative mitigation procedures to minimize traffic impacts.

c. Deny the traffic impact study and/or the recommended mitigation. If it is denied, no further reviews will be made. The developer may request a new review based on revisions to the traffic impact study and recommended mitigation for the proposed development, or the developer may appeal the decision.

J. First Level Appeals Process

1. Following are provisions for a first level appeal of the traffic impact review process for developers which disagree with the DOTD decision on traffic mitigation.

2. The traffic impact review committee shall be composed of representatives of the following divisions within the DOTD. Each member may appoint a substitute if he or she is unable to attend a meeting:

- a. maintenance (access management engineer or his designee) (nonvoting);
- b. legal;
- c. traffic engineering (two or more personnel/designees); and
- d. district traffic operations engineer or his designee from the particular district in which the development is located (nonvoting).

3. The traffic impact review committee, pursuant to a majority vote, may arbitrate and resolve disputes which arise during the review process and grant or deny relief to appealing parties.

4. The appealing party must bring his/her complaint before the traffic impact review committee no later than 30 calendar days after notification of the decision of DOTD.

5. Upon receipt of the appeal, the traffic impact review committee will schedule a meeting to review the appeal. The meeting will be scheduled not earlier than 14 calendar days and not more than 39 calendar days after receipt of the appeal. The traffic impact review committee

shall give due notice of the meeting time and place to those filing the appeal and shall render a decision on its action within 14 calendar days of its meeting. The maintenance division shall also be notified of the pending requirements for permit purposes.

6. The party appealing the decision shall submit the written reason for the appeal, together with any supporting documents deemed applicable by the developer, to the Department of Transportation and Development, Traffic Engineering Development Section, 1201 Capitol Access Road, Baton Rouge, LA 70802. Such submittal must be received at least 14 calendar days before the Traffic Impact Review Committee meeting.

7. The submittal will be checked by the department within 14 calendar days of its receipt. If the information deemed necessary for a proper review is not complete, the appealing party will be notified and the appeal will then be postponed at least one month.

8. The party submitting the appeal may appear before the traffic impact review committee to offer a brief explanation of the complaint.

9. Failure to submit an appeal in a timely manner shall constitute a denial of the traffic impact appeal.

K. Second Level Appeals Process

1. Should the appeal of the developer be rejected by the traffic impact review committee, the developer may appeal the decision in writing within 30 calendar days from receipt of the initial decision to the Department of Transportation and Development, Attn: Deputy Secretary, 1201 Capitol Access Road, Baton Rouge, LA 70802.

2. The second traffic impact review committee shall be composed of the following:

- a. the chief engineer or his designee;
- b. the deputy secretary or his designee; and
- c. the general counsel or his designee.

3. A decision will be based upon a majority vote and shall be made within 14 calendar days from the date that the appeal was received. It shall be served on the appealing party by registered or certified mail.

4. The second level appeal shall include any correspondence from the first level traffic impact review committee.

L. Third Level Appeals Process—the Secretary

1. The secretary or his designee shall have the authority to review any appeal by an aggrieved party from a determination pursuant to the foregoing appeals processes.

2. Such review may be made pursuant to an appeal filed by the developer within 30 calendar days from his receipt of the second level decision or it may be made on the secretary's own motion.

3. A decision shall be made within 14 calendar days from the day that the appeal was received and shall be served on the appealing party by registered or certified mail.

4. This appeal shall include any correspondence from the first and second level traffic impact review committees.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:2, and R.S. 48:344 et seq.

HISTORICAL NOTE: Promulgated by the Louisiana Department of Transportation and Development, Office of Highways/Engineering, LR 33:

Family Impact Statement

The proposed adoption of this Rule should not have any known or foreseeable impact on any family as defined by

R.S. 49:972(D) or on family formation, stability and autonomy. Specifically:

1. the implementation of this proposed Rule will have no known or foreseeable effect on the stability of the family;

2. the implementation of this proposed Rule will have no known or foreseeable effect on the authority and rights of parents regarding the education and supervision of their children;

3. the implementation of this proposed Rule will have no known or foreseeable effect on the functioning of the family;

4. the implementation of this proposed Rule will have no known or foreseeable effect on family earnings and family budget;

5. the implementation of this proposed Rule will have no known or foreseeable effect on the behavior and personal responsibility of children;

6. the implementation of this proposed Rule will have no known or foreseeable effect on the ability of the family or a local government to perform this function.

All interested persons so desiring shall submit oral or written data, views, comments, or arguments no later than 30 days from the date of publication of this Notice of Intent to Sherryl J. Tucker, Senior Attorney, Department of Transportation and Development, P.O. Box 94245, Baton Rouge, LA 70804-9245, Telephone (225) 237-1359.

Cedric S. Grant
Deputy Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: **Traffic Impact Policy for New Access Requests**

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

The Department should realize a savings because developers which generate high traffic volume and locate on already highly congested highway corridors will install turning lanes and traffic control devices which are now installed by the Department.

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

There should be no effect on revenue collections of state or local governmental units. Any permits issued pursuant to this rule-making are issued by DOTD at no charge.

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

This rule applies to developers of businesses on or within .25 miles of a state highway which generate such substantial traffic flows that access to the state highways must be mitigated by one or more of the methods prescribed in the rule and based on a traffic impact study. The rule also applies to smaller developers which locate on already congested highway corridors. Costs to these groups include (1) the cost of a typical traffic impact study which is \$1,500 to \$4,000 for small developments and \$10,000 to \$15,000 for large developments (Most developers already fund such studies); (2) the cost of a typical roadway improvement consisting of a short left turn lane which is \$200,000; and (3) the cost of a typical traffic signal which is \$80,000 to \$150,000 (depending upon intersection configuration). Although some of these costs may be passed on to the public in the form of higher property costs,

the public will benefit by having reduced travel times, lower vehicle emissions and reduced fuel costs. Costs for restricting turning movements are usually part of the initial site development and are negligible.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This rule change should have no impact on competition or employment.

Cedric S. Grant
Deputy Secretary
0611#062

Robert E. Hosse
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Transportation and Development
Office of Public Works**

**Hurricane Flood Control Protection Program
(LAC 56:III.901)**

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950, et seq., notice is hereby given that the Department of Transportation and Development intends to promulgate a rule entitled "Hurricane Flood Control Protection Program Rules", in accordance with the provisions of R.S. 38:241-248.

The text of this proposed Rule may be viewed in its entirety in the Emergency Rule section of this issue of the *Louisiana Register*.

Family Impact Statement

The proposed adoption of this Rule should not have any known or foreseeable impact on any family as defined by R.S. 49:972(D) or on family formation, stability and autonomy. Specifically:

1. The implementation of this proposed Rule will have no known or foreseeable effect on the stability of the family.
2. The implementation of this proposed Rule will have no known or foreseeable effect on the authority and rights of parents regarding the education and supervision of their children.
3. The implementation of this proposed Rule will have no known or foreseeable effect on the functioning of the family.
4. The implementation of this proposed Rule will have no known or foreseeable effect on family earnings and family budget.
5. The implementation of this proposed Rule will have no known or foreseeable effect on the behavior and personal responsibility of children.
6. The implementation of this proposed Rule will have no known or foreseeable effect on the ability of the family or a local government to perform this function.

All interested persons so desiring shall submit oral or written data, views, comments, or arguments no later than 30 days from the date of publication of this Notice of Intent to Sherryl J. Tucker, Senior Attorney, Department of Transportation and Development, P. O. Box 94245, Baton Rouge, LA 70804-9245, Telephone 225 237 1359.

Cedric S. Grant
Deputy Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Hurricane Flood
Control Protection Program**

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

There will be no implementation costs associated with this proposed rule. The proposed rule merely sets forth the Department's guidelines for selection of applicants for the Hurricane Flood Construction and Development Priority Program. The Legislature in Act 6 of the 1st Extraordinary Session of 2006 established the Hurricane Flood Construction and Development Priority Program whereby funding applications may be made to the Department by parish, municipal or other governing authorities in the coastal Zone (as defined in R.S. 214.24) which are seeking to implement projects which would reduce damages caused by hurricane flooding.

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

If this rule change is implemented, there will be no effect on revenue collections of state or local governmental units.

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

There are no estimated costs and-or economic benefits to directly affected persons or non-governmental groups as a result of this rule change.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment as a result of this rule change.

Cedric S. Grant
Deputy Secretary
0611#063

Robert E. Hosse
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

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

Invasive Noxious Aquatic Plants (LAC 76:VII.1101)

The Department of Wildlife and Fisheries, Office of Fisheries hereby advertises their intent to promulgate rules to control, eradicate, and prevent the spread or dissemination within the state of Louisiana all invasive noxious aquatic plants that pose a threat to the wildlife or fisheries resources of the state.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 11. Invasive Noxious Aquatic Plants

§1101. Invasive Noxious Aquatic Plants

A. Definitions. The following words and phrases for purposes of these regulations shall have the meaning ascribed to them in this Section, unless the context wherein the particular word or phrase is used clearly indicates a different meaning.

Department—the Louisiana Department of Wildlife and Fisheries or an authorized employee of the Department.

Invasive Noxious Aquatic Plant Permit—the official document that identifies the terms of and allows for the importation, transportation or possession of any of the listed prohibited aquatic plants.

Listed Plant—any of the listed invasive noxious aquatic plants.

Permittee—person or organization that possesses a valid permit to possess, import or transport invasive noxious aquatic plants. A permittee may represent himself, a business, corporation or organization. The permittee is responsible for compliance with all stipulations in the permit.

Secretary—the Secretary of the Louisiana Department of Wildlife and Fisheries.

B. Importation, transportation and possession of invasive noxious aquatic plants; permit required.

1. No person shall at any time import or cause to be transported into the jurisdiction of the state of Louisiana, from any other state or country any of the invasive noxious aquatic plants listed below, without first obtaining an Invasive Noxious Aquatic Plant permit from the department. Prohibited invasive noxious aquatic plants:

- a. *Eichhornia azurea* (rooting or anchoring hyacinth)
- b. *Elodea canadensis* (Elodea)
- c. *Hydrilla verticillata* (Hydrilla)
- d. *Lagarosiphon muscoides* and *Lagarosiphon major* (African Elodea)
- e. *Myriophyllum spicatum* (Eurasian watermilfoil)
- f. *Najas marina* (Marine naiad)
- g. *Najas minor* (Slender naiad)
- h. *Panicum repens* (torpedograss)
- i. *Pontederia rotundifolia* (Pickerelweed)
- j. *Spirodela oligorrhiza* (giant duckweed)
- k. *Trapa natans* (waterchestnut)
- l. *Melaleuca quinquenervia* (kapok tree)
- m. *Pistia stratiotes* (Water lettuce)
- n. *Salvinia spp.* (Salvinia)
- o. *Lythrum salicaria* (Purple loosestrife)
- p. *Eichhornia crassipes* (Water hyacinth)
- q. *Limnophila sessiliflora* (Asian marshweed)
- r. *Hygrophila polysperma* (Indian swampweed)
- s. *Solanum tampicense* (Aquatic soda apple or Wetland nightshade)
- t. *Urochloa mutica* (Paragrass)
- u. *Nymphoides indica* and *Nymphoides cristata* (Little floating hearts)
- v. *Rotala rotundifolia* (roundleaf toothcup)
- w. *Marsilea mutica* (Australian water clover)
- x. *Marsilea minuta* (Asian water clover)

C. Permits may be issued by the Secretary of the Department of Wildlife and Fisheries or his designee for the importation, transportation or possession of any invasive noxious aquatic plant for the purpose of conducting scientific investigations.

1. Application Requirements

a. Individuals wishing to import, transport, or possess any listed plant for the purpose of conducting scientific investigations in Louisiana must first request an

Invasive Noxious Aquatic Plant permit from the department through an application form furnished by the department.

b. Site visits will be made to inspect the facility and determine if all possible safeguards have been taken to prevent escape into the natural habitat.

c. The department shall ensure that the applicant is furnished with a copy of the terms and conditions pertaining to the importation, transportation or possession of any of the listed plants.

d. The secretary or his designee shall notify the applicant in writing as to whether or not the permit has been granted and if not, the reasons therefore. In the event of disapproval, applicants may re-apply after meeting department requirements.

2. Terms and Conditions of Permit

a. Permits are not transferable from person to person or from site location to site location.

b. Specimens of the listed plant(s) shall be handled deliberately, cautiously, and in controlled settings to avoid contamination of state habitats.

c. Specimens shall be processed and grown within the confines of controlled facilities (growth chambers, greenhouses, laboratories, etc.).

d. Reproductive parts of plants (seeds, tubers, roots, etc.) that are collected in the field shall be transported in double zip lock bags such that the reproductive part cannot escape en route.

e. A U.S. Department of Agriculture (USDA) permit shall be required to import and possess specimens of prohibited plants from other countries and such plants shall be sent through a USDA inspection center at a port of entry as described by the USDA permit.

f. Before processing, the plants or plant parts shall be stored in a locked office or laboratory. Only qualified individuals shall have access to these materials.

g. Any part of the plant used for molecular work shall be subjected to a departmentally approved procedure that will render the plant material incapable of further growth or reproduction.

h. Specimens to be used for environmental studies (e.g., climate, shading, etc.) shall be grown in pots within the confines of growth chambers or greenhouses.

i. After the experimental work is completed, all plant materials, and the soil within the growth pots, and the pots shall be sterilized in some manner (e.g., autoclaved) to kill any remaining seeds or living plant material to render the plant material incapable of further growth or reproduction.

j. All collections by and shipments to or from the permittee shall be reported to the department one week prior to said collections or shipments. Information to be included shall be the type of material (whole plant, leaves, seeds, etc.) and the quantity collected or shipped.

k. The disposition of the plant material at the conclusion of the experimental work shall be reported to the department.

l. Personnel from the department shall have the authority to inspect the facility and operation with 24 hours notice.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:328 (C).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Office of Fisheries, LR 33:

Family Impact Statement

In accordance with Act#1183 of 1999, the Department of Wildlife and Fisheries hereby issues its Family Impact Statement in connection with the preceding Notice of Intent: This Notice of Intent will have no impact on the six criteria set out at R.S. 49:972(B).

Interested persons may submit written comments on the proposed Rule to Mr. Gary Tilyou, Administrator, Inland Fisheries Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000 no later than January 4, 2007.

Janice A. Lansing
Acting Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Invasive Noxious Aquatic Plants

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

Implementation of the proposed rule will be carried out using existing staff and funding levels. No increase or decrease in costs is anticipated to implement the proposed rule.

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

The proposed rule will have no effect on revenue collections of state and local governmental units.

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

The proposed rule provides regulations to control the spread or dissemination of invasive noxious aquatic plants within the state. It includes the current list of prohibited invasive noxious aquatic plants and outlines the application requirements to obtain a permit for the importation, transportation or possession of any prohibited noxious aquatic plant for the purpose of conducting scientific investigations, as well as the terms and conditions of the permit.

The proposed rule does not change any existing regulation and will not affect any persons or non-governmental groups. It does, however, fulfill the requirements of Act 400 of the 2006 Regular Session, which mandates that the Louisiana Department of Wildlife and Fisheries shall maintain and promulgate, under the Administrative Procedure Act, a list of prohibited invasive noxious aquatic plants. The rule also establishes a permitting process that allows the Department to issue permits for the importation of prohibited aquatic species into the state for the purpose of conducting scientific investigations.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule is anticipated to have no effect on competition and employment in the public and private sectors.

Wynette Kees
Deputy Undersecretary
0611#028

Robert E. Hosse
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Flotation Devices (LAC 76:XI.103)

The Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission do hereby advertise their intent to amend and reenact provisions relating to personal flotation devices on recreational boats.

Title 76

WILDLIFE AND FISHERIES

Part XI. Boating

Chapter 1. Flotation Devices, Fire Extinguishers, Flame Arrestors and Ventilation

§103. Flotation Devices

A. In accordance with R.S. 34:851.24(F)1, the provisions of this Act shall apply on all waters within the jurisdiction of this state.

B. Definitions

Operate—to navigate or otherwise control the movement of a vessel, including controlling the vessel's propulsion system.

Operator—any person who navigates or is otherwise in control or in charge of the movement of a vessel, including the vessel's propulsion system.

Owner—a person, other than the lienholder, having the property in or registration to the vessel.

Personal Flotation Device or *PF**D*—a device approved by the United States Coast Guard under 46 CFR Part 160, which is labeled with such approval and with the appropriate size for the person intended and which is in serviceable condition.

Readily Accessible—easily located and retrieved without searching, delay, hindrance or being in a locked area.

Serviceable Condition—a condition as defined by the United States Coast Guard under 33 CFR Part 175.23.

Trick Water-Skier—a trick water-skier is a person whose equipment and activities have all of the following characteristics:

a. type of skis: for standard double trick skis, a length of no more than 46 inches and width of at least 8 inches, with no keels on the bottom; for single trick boards, a length of no more than 56 inches and width of at least 22 inches, with no keel on bottom; and

b. tow rope no longer than 50 feet.

Vessel—watercraft and airboats of every description, other than seaplane(s), located on the water and, used or capable of being used as a means of transportation on the water.

Watersports—activities that involve being towed by, or riding in the wake of, a vessel and include but are not limited to water skiing, wake boarding, wake surfing, and tubing.

C. Personal Flotation Device Requirements

1. Every operator of a vessel shall ensure that the vessel is carrying at least one readily accessible Type I, II, or

III wearable personal flotation device for each person on board. In addition, vessels 16 feet or over in length shall carry at least one Type IV throwable personal flotation device.

2. A United States Coast Guard approved Type V PFD may be used in lieu of a Type I, II, or III PFD required by this Part provided:

a. the approval label on the Type V PFD indicates that the device is approved by the United States Coast Guard:

i. for the activity for which the vessel is being used; or

ii. as a substitute for a PFD of the Type required by this act on the vessel in use; and

b. the PFD is used in accordance with any requirements of its approval label; and

c. the PFD is used in accordance with requirements in its owner's manual, if its approval label makes reference to such manual.

3. Persons engaged in watersports shall wear a Type I, II, III or V PFD. No vessel operator shall tow a watersports participant who is not wearing such a device. No person shall use an inflatable PFD to meet the requirements of this section. Exceptions to the requirements of this subsection are allowed under the following conditions:

a. a skier engaged in barefoot water-skiing who wears a barefoot wetsuit designed specifically for such activity;

b. a skier engaged in trick water-skiing whose movements would be restricted or impeded by the bulk of a PFD.

c. the operator of a vessel towing a trick water-skier or barefoot water-skier shall make a PFD readily available aboard the tow vessel for each such skier who elects not to wear such a device while skiing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:851.24

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 11:705 (July 1985), amended LR 26:1493 (July 2000), LR 33:

Family Impact Statement

In accordance with Act #1183 of 1999, the Department of Wildlife and Fisheries/Wildlife and Fisheries Commission hereby issues its Family Impact Statement in connection with the preceding Notice of Intent: This Notice of Intent will have no impact on the six criteria set out at R.S. 49:972(B).

The Secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the commission to promulgate and effectuate this Notice of Intent and the final Rule, including but not limited to, the filing of the Fiscal and Economic Impact Statements, the filing of the Notice of Intent and final Rule and the preparation of reports and correspondence to other agencies of government.

Interested persons may submit written comments on the proposed Rule to Col. Winton Vidrine, Administrator, Enforcement Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000 no later than January 4, 2007.

Terry D. Denmon
Chairman

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Flotation Devices

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

Implementation of the proposed rule will be carried out using existing staff and funding levels. No increase or decrease in costs is anticipated to implement the proposed rule.

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

The proposed rule will have no effect on revenue collections of state and local governmental units.

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

The proposed rule will directly affect recreational and commercial boaters and watersports participants. The rule rewrites the existing rule for floatation devices, adds definitions for clarification of the rule, allows the use of a Type V PFD in lieu of a Type I, II, or III, and adds new requirements for watersports including allowable exceptions for certain activities.

Boaters and watersports participants will benefit from the rule since it provides additional PFD alternatives and safety requirements for watersports activities. No additional costs, workload or paperwork will be incurred as a result of the proposed rule.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule is anticipated to have no effect on competition and employment in the public and private sectors.

Wynette Kees
Deputy Undersecretary
0611#027

Robert E. Hosse
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

White Lake Wetlands Conservation Area (LAC 76:III.335)

The Wildlife and Fisheries Commission does hereby give notice of its intent to promulgate as a Rule the general framework for public use of consumptive resources of the White Lake Wetlands Conservation Area for the 2006-2007 Season.

Title 76

WILDLIFE AND FISHERIES

**Part III. State Game and Fish Preserves and Sanctuaries
Chapter 3. Particular Game and Fish Preserves,
Wildlife Management Areas, Refuges and
Conservation Areas**

§335. White Lake Wetlands Conservation Area

A. The general framework for public use of consumptive resources of the White Lake Wetlands Conservation Area Management Plan for the 2006-2007 season is as follows.

**White Lake Wetlands Conservation Area Management Plan
General Framework for Public Use of Consumptive Resources
2006-2007 Season**

Specific Activities	Season	Number/Quantity	Cost (\$), each
Alligators			
Wild Alligator Harvest	Sept. 6-Oct. 5	375 alligators	40% of sale price
Alligator Egg Collection	June and July	10,000 eggs	Bid \$20.10
Waterfowl			
Teal Lottery Hunts	LDWF Season	108 hunters	\$100 per gun
Youth/Physically Challenged Hunts	First Weekend	14 hunters	no cost
Marsh Lottery Hunts	LDWF Season	120 hunters	\$150 per gun
Rice Lottery Hunts	LDWF Season	207 hunters	\$150 per hunt (up to 3 per hunted area)
Group Hunts	LDWF Season	12 groups	\$25,000 per group
Fishing	March 15-August 1	75 permits	\$30 per group
Negotiated - Natural or Facilities (i.e. services involving personnel, equipment, and/or structures)			

AUTHORITY NOTE: Promulgated in accordance with Act 613 of the 2004 Regular Legislative Session.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 33:

Family Impact Statement

In accordance with Act #1183 of 1999, the Department of Wildlife and Fisheries/Wildlife and Fisheries Commission hereby issues its Family Impact Statement in connection with the preceding Notice of Intent: This Notice of Intent will have no impact on the six criteria set out at R.S. 49:972(B).

The Secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the commission to promulgate and effectuate this Notice of Intent and the final Rule, including but not limited to, the filing of the Fiscal and Economic Impact Statements, the filing of the Notice of Intent and final Rule and the preparation of reports and correspondence to other agencies of government.

Interested persons may submit written comments on the proposed Rule to L. Brandt Savoie, Deputy Assistant Secretary, Office of Wildlife, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000 no later than January 4, 2007.

Earl P. King, Jr.
Vice-Chairman

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: White Lake Wetlands
Conservation Area**

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

Implementation of the proposed rule will be carried out using existing staff and funding levels. No increase or decrease in costs is anticipated to implement the proposed rule.

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

The proposed rule is anticipated to have a positive effect on state revenue collections that are deposited in the White Lake Property Fund. Revenue collections could increase by as much as \$86,621 in Fiscal Year (FY) 2006-2007 compared to revenue collected in FY 2005-2006. This can be partially attributed to the longer 2006-2007 hunting season and the impact of Hurricane Rita in FY 2005-2006. Revenue collections of local governmental units are not anticipated to be impacted significantly.

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

The proposed rule establishes the White Lake Wetlands Conservation Area Management Plan for 2006-2007 hunting and fishing seasons. The proposed rule establishes the maximum number of participants in recreational and commercial hunting and fishing activities on White Lake Property. It also establishes the costs/fees to participate in each activity.

Hunters and anglers who participate in these activities will benefit from the increased opportunity to hunt and fish and enjoy the unique outdoor activities that this area has to offer. Businesses that supply goods and services to these hunters and fishers may also benefit through the sale of outdoor-related equipment and associated items (food, fuel, clothing, shotgun shells, bait, rods, reels, etc.). Participants who participate in recreational and commercial activities available on the White Lake Wetlands Conservation Area will be required to pay a fee and, in some cases, participate in a lottery.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule is anticipated to have little or no effect on competition and employment in the public and private sectors.

Wynette Kees
Deputy Undersecretary
0611#029

Robert E. Hosse
Staff Director
Legislative Fiscal Office