

Rules

RULE

Board of Elementary and Secondary Education

Bulletin 111—The Louisiana School, District, and State Accountability System
(LAC 28:LXXXIII.Chapters 43 and 45)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has amended *Bulletin 111—The Louisiana School, District, and State Accountability System* (LAC 28:LXXXIII). The Indicators replacing the District Responsibility Index provide a more specific picture of how districts are to be held accountable. Details of the District Accountability Release required clarification because of the 2005 hurricanes.

Title 28 EDUCATION

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

Chapter 43. District Accountability

§4302. District Responsibility Indicators

A. Teacher Certification Indicator. The Teacher Certification Indicator is based on the percentage of state core classes (English, mathematics, science, and social studies) taught by three categories of teachers, those with:

1. full authority to teach (standard certification);
2. provisional authority to teach (Out of Field or Temporary Authority—TAT, OFAT, TEP);
3. no authority to teach (no certification).

B. The LDE shall calculate two teacher certification indices.

1. Low Performing Schools (1 Star and Academically Unacceptable)

2. Other Schools, Not Low Performing (2 Star and above)

3. In instances when a district's schools all fall into 1 category (low performing or other), the index for that category shall also be considered the overall Teacher Certification Indicator.

4. The low performing school index is assigned a 75 percent weighting and the other school index a 25 percent weighting in the Teacher Certification Indicator.

5. Each teacher certification index is calculated by first determining the percentage of state core classes taught by each of the three categories of teachers in the appropriate school group (low performing or other, not low performing).

6. The percentages of state core classes taught by teachers in each category are weighted and converted to points by the following factors:

- a. 1.0 times the percentage of classes taught by teachers with full authority to teach;
- b. 0.5 times the percentage of classes taught by teachers with provisional authority to teach;
- c. 0.0 times the percentage of classes taught by teachers with no authority to teach.

7. Sum the weighted points for low performing schools and again for other schools.

8. Weight the low performing schools point total by 75 percent.

9. Weight the other schools point total by 25 percent.

10. The District Teacher Certification Indicator is the sum of the values from 8 and 9 (above).

11. Example of the Calculation of the District Teacher Certification Indicator

District Teacher Certification Indicator Calculation					
Authority to Teach	Assigned Value	Percentage in Low Performing Schools	Points	Percentage in Other Schools	Points
Full	1.0	92.4%	92.4	92.2%	92.2
Provisional	0.5	5.0%	2.5	4.8%	2.4
No	0.0	2.6%	0.0	3.0%	0.0
Subtotals			94.9		94.6
Low Performing Weight		75%	x 94.9	Low Performing Weighted Value	
Other Schools Weight		25%	x 94.6	Other Schools' Weighted Value	
				Teacher Certification Indicator	
				94.9	

12. Districts shall be assigned a label based on the value of the District Teacher Certification Indicator as follows.

District Teacher Certification Indicator	
Indicator Value	Label
97.0-100.0	Exceptional
94.0-96.9	Adequate
90.0-93.9	Marginal
< 90.0	Unacceptable

B. Eighth Grade Persistence Indicator. The 8th Grade Persistence Indicator is based on a district's success at keeping 8th grade students enrolled in school.

1. The 8th Grade Persistence Indicator shall be calculated using an aggregate of two years of student data, and because of extensive time afforded districts to correct exit data, it shall use data lagged by 1 year.

a. Example: The Spring 2007 8th Grade Persistence Indicator shall be calculated using data from academic years 2003-04 and 2004-05.

2. Students enrolled in a district for at least 1 full day of a given academic year, less those students exiting the district school system for legitimate reasons (as defined in the Student Information System User Guide) shall be included in the denominator used to calculate the 8th Grade Persistence Indicator.

3. Since the calculation aggregates two years of student data, those students eligible for inclusion in the denominator in 1 or both of the appropriate two years shall provide the count to be used as the denominator.

4. The numerator is comprised of those students in the denominator who are still enrolled in public education on October 1 of the following academic year.

5. Example of the calculation of the District 8th Grade Persistence Indicator.

District 8th Grade Persistence Indicator Calculation						
Enrolled			Returned Oct 1			
2003-04	2004-05	Total	2004	2005	Total	Percent Returned
669	713	1382	650	685	1335	96.6 percent

6. Districts shall be assigned a label based on the value of the District 8th Grade Persistence Indicator as follows.

District 8th Grade Persistence Indicator	
Indicator Value	Label
99.0-100.0	Exceptional
98.0-98.9	Adequate
97.0-97.9	Marginal
< 97.0	Unacceptable

C. Financial Risk Indicator. The factors included in the Financial Risk Indicator were originally developed in 2004-05. They are currently (August, 2006) under review at the request of the Board of Elementary and Secondary Education. The use of this data as a District Responsibility Indicator will be defined following any needed revisions.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 33:634 (April 2005).

§4310. Subgroup Component AYP (Adequate Yearly Progress)

A. - A.1.c. ...

d. For the non-proficient reduction portion of the safe harbor test, a comparison of current year assessment data to the previous year assessment data shall be used. For the additional academic indicator check for the safe harbor test and for the whole grade-cluster check, attendance and dropout data from the prior year will be compared to data from two years prior.

i. For 2005-06 only, the safe harbor comparison of assessment results shall include only English language arts and mathematics results from grades 4, 8, and 10.

ii. Beginning in 2006-07, safe harbor shall be determined using English language arts and mathematics assessment data from grades 3-8 and 10.

e - e.iii. ...

f. To ensure high levels of reliability, Louisiana will apply a 99 percent confidence interval to the calculations of subgroup component determinations for:

B. - B.5. ...

C. AMO

1. The Annual Measurable Objective (AMO) is the percent of students required to reach the proficient level in a given year on the standards-based assessments, which through 2005 will include English language arts and mathematics tests for 4th, 8th, and 10th grades. Beginning with Spring 2006 test results, proficiency levels shall be determined using English language arts and mathematics assessment data from grades 3-8 and 10.

a. Proficient = a score of basic, mastery or advanced.

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

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:1447 (July 2004), amended LR 30:2446 (November 2004), LR 31:424 (February 2005), LR 31:633 (March 2005), LR 31:913 (April 2005), LR 32:1029 (June 2006), LR 33:635 (April 2005).

§4311. Performance Labels

A. - A.1. ...

B. A label shall be reported for the District Responsibility Index (DRI) and for each of the four indicators through the Spring 2006 district accountability release. The District Responsibility Index shall be discontinued following this release.

District Responsibility Index	DRI Label
120.0 or more	Highly responsive
100.0-119.9	Adequately responsive
80.0-99.9	Responsive
60.0-79.9	Minimally responsive
0.0-59.9	Unresponsive

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2757 (December 2003), amended LR 30:1449 (July 2004), LR 31:635 (March 2005), LR 33:635 (April 2005).

§4315. Progress Report

A. The Louisiana Department of Education shall publish a district accountability report. The report shall contain the labels for the DPS and DRI and for each of the four indicators through Spring 2006 when the DRI shall be discontinued. The report shall also contain the percent poverty, poverty ranking, and percentage of students enrolled in public education for the district, as well as data from the subgroup component.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2757 (December 2003), amended LR 30:1449 (July 2004), LR 33:635 (April 2005).

Chapter 45. Disaster Considerations for School and District Accountability

§4503. One Year Waiver for "Severe Impact" Schools and Districts

A. - D. ...

E. Districts shall be considered "Severe Impact" districts and receive a one year waiver from accountability labels and decisions if:

1. they are closed for 18 consecutive school days; or
2. they gain or lose 25 percent of their testing population before October 1; or
3. they have 25 percent or more of their schools granted a one year waiver or classified as new schools due to a disaster.

F. - M. ...

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1412 (August 2006), amended LR 33:635 (April 2005).

§4517. District Performance Score Calculations with Displaced Students

A. The District Performance Scores will be calculated using the same indices as School Performance Scores with displaced students excluded.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1414 (August 2006), amended LR 33:636 (April 2005).

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Executive Director

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RULE

Board of Elementary and Secondary Education

Bulletin 1794—State Textbook Adoption
Policy and Procedure Manual
(LAC 28:XXXIII.301, 303, 319, 503, 723, and 2001)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has amended *Bulletin 1794—State Textbook Adoption Policy and Procedure Manual* (LAC Part XXXIII). This action is required as part of U.S. Department of Education approval of IDEA, 2004 related to the purchase of K-12 Instructional Materials and by action of the State Board of Elementary and Secondary Education in exercising its administrative and oversight authority for the state textbook adoption process.

**Title 28
EDUCATION**

**Part XXXIII. Bulletin 1794—State Textbook Adoption
Policy and Procedure Manual**

Chapter 3. General Provisions

§301. Definitions

*Blind Persons or other Persons with Print Disabilities*¹—children served under these regulations who may qualify to receive books and other publications produced in specialized formats in accordance with the Act entitled "An Act to Provide Books for the Adult Blind," approved March 3, 1931, 2 U.S.C. 135a (including footnote)

National Instructional Materials Access Center (NIMAC)—the center established in section 674(e) of the Act, through the American Printing House for the Blind (APH), not later than one year after the date of enactment of IDEA. NIMAC's duties are:

1. to receive and maintain a catalog of print instructional materials prepared in the NIMAS, as

established by the secretary, made available to such center by the textbook publishing industry, State Educational Agencies (SEAs), and LEAs;

2. to provide access to print instructional materials, including textbooks, in accessible media, free of charge, to blind or other persons with print disabilities in elementary schools and secondary schools, in accordance with such terms and procedures as the NIMAC may prescribe;

3. to develop, adopt and publish procedures to protect against copyright infringement, with respect to the print instructional materials provided in Sections 612(a)(23) and 613(a) (6) of the Act.

National Instructional Materials Accessibility Standard (NIMAS)—given that term in Section 674(e)(3)(B) of the Act (NIMAS means the standard established by the secretary to be used in the preparation of electronic files suitable and used solely for efficient conversion into specialized formats).

Print Instructional Materials—to be printed textbooks and related printed core materials that are written and published primarily for use in elementary school and secondary school instruction and are required by a SEA or LEA for use by students in the classroom.

Specialized Formats—that term in section 674(e)(3)(D) of the Act (*Specialized format* means Braille, audio, or digital text which is exclusively for use by blind or other persons with disabilities; and with respect to print instructional materials, includes large print formats when such materials are distributed exclusively for use by blind or other persons with disabilities).

Timely Manner—at the same time as non-disabled peers.

¹The Library of Congress regulations (36 CFR 701.6(b)(1)) related to the Act to Provide Books for the Adult Blind (approved March 3, 1931, 2 U.S.C. 135a) provide that "blind persons or other persons with print disabilities" include: (i) Blind persons whose visual acuity, as determined by competent authority, is 20/200 or less in the better eye with correcting glasses, or whose widest diameter if visual field subtends an angular distance no greater than 20 degrees. (ii) Persons whose visual disability, with correction and regardless of optical measurement, is certified by competent authority as preventing the reading of standard printed material. (iii) Persons certified by competent authority as unable to read or unable to use standard printed material as a result of physical limitations. (iv) Persons certified by competent authority as having a reading disability resulting from organic dysfunction and of sufficient severity to prevent their reading printed material in a normal manner. Competent authority is defined in 36 CFR 701.6(b)(2) as follows: (i) In cases of blindness, visual disability, or physical limitations "competent authority" is defined to include doctors of medicine, doctors of osteopathy, ophthalmologists, optometrists, registered nurses, therapists, professional staff of hospitals, institutions, and public or welfare agencies (e.g., social workers, case workers, counselors, rehabilitation teachers, and superintendents). (ii) In the case of a reading disability from organic dysfunction, competent authority is defined as doctors of medicine who may consult with colleagues in associated disciplines.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1436 (August 1999), repromulgated LR 26:992 (May 2000), amended LR 32:1030 (June 2006), LR 33:636 (April 2005).

§303. Textbook Approval

A. ...

B. The state shall adopt materials that meet the National Instructional Materials Accessibility Standards (NIMAS).

The state shall coordinate with the National Instructional Materials Access Center (NIMAC) for preparation and storage of electronic files suitable and use solely for conversion into specialized formats.

C. In carrying out this Section, the state to the maximum extent possible, shall work collaboratively with all agencies responsible for assistive technology programs.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S.17:8(A)(B); R.S. 17: 351(A)(B).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1437 (August 1999), repromulgated LR 26:992 (May 2000), amended LR 33:636 (April 2005).

§319. Establish Procedures for Concerned Citizens' Involvement in the Review Process and a Procedure for Response by Textbook Publishers

A. A minimum of eight public sites shall be established for display and review of all basal textbooks presented for consideration. Sites shall include, at a minimum, three cooperating libraries in New Orleans to be determined by the New Orleans Public Library system, two in cooperating library branches in Baton Rouge, and in cooperating libraries in Covington, Hammond, Metairie, Marrero, Bossier City, Natchitoches, Ruston, DeRidder, New Iberia, Opelousas, Bogalusa, Shreveport, Monroe, Alexandria, Lake Charles, Lafayette, and Houma.

1. A list of public review sites will be posted on the department's website for a minimum of 90 days prior to the adoption of new textbooks.

2. Four copies of each textbook under review will be provided at each participating location, three of which shall be available to check out.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1440 (August 1999), repromulgated LR 26:996 (May 2000), amended LR 33:637 (April 2005).

Chapter 5. Local School System Responsibilities

§503. Local Planning

A. ...

B. The LEA that chooses to coordinate with the National Instructional Materials Access Center (NIMAC), when purchasing print instructional materials must acquire those instructional materials in the same manner, and subject to the same conditions as the state under §303.

1. If an LEA chooses not to coordinate with the NIMAC, the LEA must provide an assurance to the state that instructional materials will be provided to blind persons or other persons with print disabilities in a timely manner.

2. The LEA has a responsibility to ensure that children with disabilities who need instructional materials in accessible formats but are not included under the definition of blind or other persons with print disabilities in 34 CFR 300.172(e)(1)(i) or who need materials that cannot be produced from NIMAS files, receive those instructional materials in a timely manner.

C. The LEA shall ensure that children with disabilities who need instructional materials in accessible formats but are not included under the definition of blind or other persons with print disabilities in 34 CFR 300.172(e)(1)(i) or who need materials that cannot be produced from NIMAS

files, receive those instructional materials in a timely manner.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1442 (August 1999), repromulgated LR 26:998 (May 2000), amended LR 29:124 (February 2003), LR 33:637 (April 2005).

Chapter 7. Publishers' Responsibilities

§723. Braille Accessibility

A. ...

B. Publishers shall furnish, within 90 days of state adoption, to the National Instructional Materials Access Center electronic files containing contents of the print instruction materials using the NIMAS.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 236; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1449 (August 1999), repromulgated LR 26:1005 (May 2000), amended LR 33:637 (April 2005).

Chapter 20. Appendix G

§2001. National Instructional Materials Accessibility Standard (NIMAS)

National Instructional Materials Accessibility Standard (NIMAS)

1. TECHNICAL SPECIFICATIONS—THE BASELINE ELEMENT SET

A. The Baseline Element Set details the minimum requirement that must be delivered to fulfill the NIMAS. It is the responsibility of publishers to provide this NIMAS-conformant XML content file, a package file (OPF), a PDF-format copy of the title page (or whichever page(s) contain(s) ISBN and copyright information), and a full set of the content's images. All of the images included within a work must be provided in a folder and placeholders entered in the relevant XML document indicating their location (all images must be included). The preferred image type is SVG, next is either PNG or JPG format. Images should be rendered in the same size/proportion as their originals at 300 dpi. Images should be named with relative path filenames in XML files (example: ``). NIMAS-conformant content must be valid to the NIMAS 1.1 [see ANSI/NISO Z39.86 2005 or subsequent revisions]. In addition, files are required to use the tags from the Baseline Element Set when such tags are appropriate. Publishers are encouraged to augment the required Baseline Element Set with tags from the Optional Element Set (elements not included in the standard) as applicable. For the purposes of NIMAS, appropriate usage of elements, both baseline and optional, is defined by the DAISY Structure Guidelines. Files that do not follow these guidelines in the selection and application of tags are not conformant to this standard. Both optional elements and appropriate structure guidelines may be located within Z39.86-2002 and Z39.86-2005 available from <http://www.daisy.org/z3986/>. Use of the most current standard is recommended.

The Baseline Element Set Document-level tags

Element	Description
dtbook	The root element in the Digital Talking Book DTD. <dtbook> contains metadata in <head> and the contents itself in <book>.
head	Contains metainformation about the book but no actual content of the book itself, which is placed in <book>. This information is consonant with the <head> information in xhtml, see [XHTML11STRICT]. Other miscellaneous

Element	Description
	elements can occur before and after the required <title>. By convention <title> should occur first.
book	Surrounds the actual content of the document, which is divided into <frontmatter>, <bodymatter>, and <rearmatter>. <head>, which contains metadata, precedes <book>.
meta	Indicates metadata about the book. It is an empty element that may appear repeatedly only in <head>.
title	Contains the title of the book but is used only as meta-information in <head>. Use <doctitle> within <book> for the actual book title, which will usually be the same.

Structure and Hierarchy

Element	Description
frontmatter	Usually contains <doctitle> and <docauthor>, as well as preliminary material that is often enclosed in appropriate <level> or <level1> etc. Content may include a copyright notice, a foreword, an acknowledgements section, a table of contents, etc. <frontmatter> serves as a guide to the content and nature of a <book>.
bodymatter	Consists of the text proper of a book, as contrasted with preliminary material <frontmatter> or supplementary information in <rearmatter>.
rearmatter	Contains supplementary material such as appendices, glossaries, bibliographies, and indices. It follows the <bodymatter> of the book.
level1	The highest-level container of major divisions of a book. Used in <frontmatter>, <bodymatter>, and <rearmatter> to mark the largest divisions of the book (usually parts or chapters), inside which level2 subdivisions (often sections) may nest. The class attribute identifies the actual name (e.g., part, chapter) of the structure it marks. Contrast with <level>.
level2	Contains subdivisions that nest within <level1> divisions. The class attribute identifies the actual name (e.g., subpart, chapter, subsection) of the structure it marks.
level3	Contains sub-subdivisions that nest within <level2> subdivisions (e.g., sub-subsections within subsections). The class attribute identifies the actual name (e.g., section, subpart, subsection) of the subordinate structure it marks.
level4	Contains further subdivisions that nest within <level3> subdivisions. The class attribute identifies the actual name of the subordinate structure it marks.
level5	Contains further subdivisions that nest within <level4> subdivisions. The class attribute identifies the actual name of the subordinate structure it marks.
level6	Contains further subdivisions that nest within <level5> subdivisions. The class attribute identifies the actual name of the subordinate structure it marks.
h1	Contains the text of the heading for a <level1> structure.
h2	Contains the text of the heading for a <level2> structure.
h3	Contains the text of the heading for a <level3> structure.
h4	Contains the text of the heading for a <level4> structure.
h5	Contains the text of the heading for a <level5> structure.
h6	Contains the text of the heading for a <level6> structure.

Block Elements

Element	Description
author	Identifies the writer of a work other than this one. Contrast with <docauthor>, which identifies the author of this work. <author> typically occurs within <blockquote>.
blockquote	Indicates a block of quoted content that is set off from the surrounding text by paragraph breaks. Compare with <q>, which marks short, inline quotations.
list	Contains some form of list, ordered or unordered. The list may have intermixed heading <hd> (generally only one, possibly with <prodnote>) and an intermixture of list items and <pagenum>. If bullets and outline enumerations are part of the print content, they are

Element	Description
	expected to prefix those list items in content, rather than be implicitly generated.
li	Marks each list item in a <list>. content may be either inline or block and may include other nested lists. Alternatively it may contain a sequence of list item components, <lic>, that identify regularly occurring content, such as the heading and page number of each entry in a table of contents.
hd	Marks the text of a heading in a <list> or <sidebar>.
note	Marks a footnote, endnote, etc. Any local reference to <note id="yyy"> is by <noteref idref="#yyy">. [Attribute id]
p	Contains a paragraph, which may contain subsidiary <list> or <dl>.
sidebar	Contains information supplementary to the main text and/or narrative flow and is often boxed and printed apart from the main text block on a page. It may have a heading <hd>
cite	Marks a reference (or citation) to another document.
dd	Marks a definition of the preceding term <dt> within a definition list <dl>. A definition without a preceding <dt> has no semantic interpretation, but is visually presented aligned with other <dd>.
dl	Contains a definition list, usually consisting of pairs of terms <dt> and definitions <dd>. Any definition can contain another definition list.
dt	Marks a term in a definition list <dl> for which a definition <dd> follows.

Inline Elements

Element	Description
em	Indicates emphasis. Usually is rendered in italics. Compare with .
q	Contains a short, inline quotation. Compare with <blockquote>, which marks a longer quotation set off from the surrounding text.
strong	Marks stronger emphasis than . Visually is usually rendered bold.
sub	Indicates a subscript character (printed below a character's normal baseline). Can be used recursively and/or intermixed with <sup>.
sup	Marks a superscript character (printed above a character's normal baseline). Can be used recursively and/or intermixed with <sub>.
br	Marks a forced line break.
line	Marks a single logical line of text. Often used in conjunction with <linenum> in documents with numbered lines. [Include in baseline element set. Use only when line breaks must be preserved to capture meaning (e.g., poems, legal texts).]
linenum	Contains a line number, for example in legal text. [Include in baseline element set. Use only when <line> is used, and only for lines numbered in print book.]
pagenum	Contains one page number as it appears from the print document, usually inserted at the point within the file immediately preceding the first item of content on a new page. [NB: Only valid when includes id attribute].
noteref	Marks one or more characters that reference a footnote or endnote <note>. Contrast with <annoref>. <noteref> and <note> are independently skippable.

Tables

Element	Description
table	Contains cells of tabular data arranged in rows and columns. A <table> may have a <caption>. It may have descriptions of the columns in <col>s or groupings of several <col> in <colgroup>. A simple <table> may be made up of just rows <tr>. A long table crossing several pages of the print book should have separate <pagenum> values for each of the pages containing that <table> indicated on the page where it starts. Note the logical order

Element	Description
	of optional <thead>, optional <tfoot>, then one or more of either <tbody> or just rows <tr>. This order accommodates simple or large, complex tables. The <thead> and <tfoot> information usually helps identify content of the <tbody> rows. For a multiple-page print <table> the <thead> and <tfoot> are repeated on each page, but not redundantly tagged.
td	Indicates a table cell containing data.
tr	Marks one row of a <table> containing <th> or <td> cells.

Images

Element	Description
imggroup	Provides a container for one or more and associated <caption>(s) and <prodnote>(s). A <prodnote> may contain a description of the image. The content model allows: 1) multiple if they share a caption, with the ids of each in the <caption imgref="id1 id2 ...">, 2) multiple <caption> if several captions refer to a single where each caption has the same <caption imgref="xxx">, 3) multiple <prodnote> if different versions are needed for different media (e.g., large print, braille, or print). If several <prodnote> refer to a single , each prodnote has the same <prodnote imgref="xxx">.
caption	Describes a <table> or . If used with <table> it must follow immediately after the <table> start tag. If used with or <imggroup> it is not so constrained.

B. The Optional Elements and Guidelines for Use

1. Publishers are encouraged to apply markup beyond the baseline (required) elements. The complete DTBook Element Set reflects the tags necessary to create the six types of Digital Talking Books and Braille output. Because of the present necessity to subdivide the creation of alternate format materials into distinct phases, the Panel determined that baseline elements would be provided by publishers, and optional elements would be added to the NIMAS conformant files by third party conversion entities. In both circumstances the protocols for tagging digital files should conform to the most current ANSI/NISO Z39.86 specification. Content converters are directed to the most current DAISY Structure Guidelines (<http://www.daisy.org/z3986/>) for guidance on their use. Since the publication of the original National File Format report from which the NIMAS technical specifications were derived, ANSI/NISO Z39.86-2002 was updated and is now ANSI/NISO Z39.86-2005. It may be best to avoid using the following optional elements which are no longer included in ANSI/NISO Z39.86-2005: style, notice, hr, and levelhd. Also, the following new elements were introduced by ANSI/NISO Z39.86-2005 and should be considered optional elements for the NIMAS: bridgehead, byline, covertitle, dateline, epigraph, linegroup, and poem. Please refer to ANSI/NISO Z39.86-2005 for additional information regarding these elements. To access the ANSI/NISO Z39.86-2005 specification, go to <http://www.daisy.org/z3986/>.

2. Package File

(a). A package file describes a publication. It identifies all other files in the publication and provides descriptive and access information about them. A publication must include a package file conforming to the NIMAS. The package file is based on the Open eBook Publication Structure 1.2 package file specification (For most recent detail please see <http://www.openebook.org/oebps/oebps1.2/download/oeb12-xhtml.htm#sec2>).

(b). A NIMAS package file must be an XML-valid OeB PS 1.2 package file instance and must meet the following additional standards:

(i) The NIMAS Package File must include the following Dublin Core (dc:)metadata:

- dc:Title.
- dc:Creator (if applicable).
- dc:Publisher.
- dc:Date (Date of NIMAS-compliant file creation—yyyy-mm-dd).
- dc:Format ("NIMAS 1.0").
- dc:Identifier (a unique identifier for the NIMAS-compliant digital publication, e.g., print ISBN + "- NIMAS"—exact format to be determined).
- dc:Language (one instance, or multiple in the case of a foreign language textbook, etc.).
- dc:Rights (details to be determined).
- dc:Source (ISBN of print version of textbook).

(ii). And the following x-metadata items:

- nimas-SourceEdition (the edition of the print textbook).
- nimas-SourceDate (date of publication of the print textbook).

(iii). The following metadata were proposed also as a means of facilitating recordkeeping, storage and file retrieval:

- dc:Subject (Lang Arts, Soc Studies, etc.).
- nimas-grade (specific grade level of the print textbook, e.g.; Grade 6).
- nimas gradeRange (specific grade range of the print textbook, e.g.; Grades 4–5).

(iv). An additional suggestion references the use of: dc:audience:educationLevel (for the grade and gradeRange identifiers, noting that Dublin Core recommends using educationLevel with an appropriate controlled vocabulary for context, and recommends the U.S. Department of Education's Level of Education vocabulary online at <http://www.ed.gov/admin/reference/index.jsp>. Using

education Level obviates the need for a separate field for grade Range since dc elements can repeat more than once. A book used in more than one grade would therefore have two elements, one with value "Grade 4" and another with value "Grade 5."

Note: A final determination as to which of these specific metadata elements to use needs to be clarified in practice. The package manifest must list all provided files (text, images, etc.). (Note: For purposes of continuity and to minimize errors in transformation and processing, the NIMAS compliant digital text should be provided as a single document.)

3. Modular Extensions

(a). The most current DAISY/NISO standard, formally the ANSI/NISO Z39.86, Specifications for the Digital Talking Book defines a comprehensive system for creating Digital Talking Books. A part of this standard is DTBook, an XML vocabulary that provides a core set of elements needed to produce most types of books. However, DTBook is not intended to be an exhaustive vocabulary for all types of books.

NOTE: Guidelines for the correct approach to extend the DAISY/NISO standard have been established. Mathematics, video support, testing, workbooks, music, dictionaries, chemistry, and searching are some of the extensions that have been discussed. Visit <http://www.daisy.org/z3986/> to learn more about modular extensions.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 236; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 33:637 (April 2005).

Weegie Peabody
Executive Director

0704#002

RULE

Department of Environmental Quality Office of the Secretary Legal Affairs Division

Incorporation by Reference—2006
(LAC 33:I.3931; V.3099; IX.2301, 4901,
and 4903; and XV.1517)(MM001ft)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary has amended the Environmental Quality regulations, LAC 33:I.3931; V.3099; IX.2301, 4901, and 4903; and XV.1517 (Log #MM001ft).

This Rule is identical to federal regulations found in 10 CFR 71, Appendix A, January 1, 2006; and 40 CFR 117.3, 136, 266 (Appendices I-IX and XI-XIII), 302.4, 401, 405-415, and 417-471, July 1, 2006, which are applicable in Louisiana. For more information regarding the federal requirement, contact the Regulation Development Section at (225) 219-3550 or Box 4302, Baton Rouge, LA 70821-4302. No fiscal or economic impact will result from the Rule; therefore, the Rule will be promulgated in accordance with R.S. 49:953(F)(3) and (4).

This Rule incorporates by reference into LAC 33:I, V, IX, and XV the corresponding federal reportable quantity list of hazardous substances in 40 CFR 117.3 and 302.4, July 2, 2006; hazardous waste regulations in 40 CFR Part 266, Appendices I-IX and XI-XIII, July 1, 2006; National Pollutant Discharge Elimination System regulations in 40 CFR Parts 136, 401, 405-415, and 417-471, July 1, 2006; and radiation regulations in 10 CFR 71, Appendix A, January 1, 2006. In order for Louisiana to maintain equivalency with federal regulations, the most current Code of Federal Regulations must be adopted into the LAC. This rulemaking is necessary to maintain delegation, authorization, etc., granted to Louisiana by EPA. This incorporation by reference package will keep Louisiana's regulations current with their federal counterparts. The basis and rationale for this Rule are to mirror the federal regulations in order to maintain equivalency.

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

Title 33

ENVIRONMENTAL QUALITY

Part I. Office of the Secretary

Subpart 2. Notification

Chapter 39. Notification Regulations and Procedures for Unauthorized Discharges

Subchapter E. Reportable Quantities for Notification of Unauthorized Discharges

§3931. Reportable Quantity List for Pollutants

A. Incorporation by Reference of Federal Regulations

1. Except as provided in Subsection B of this Section, the following federal reportable quantity lists are incorporated by reference:

a. 40 CFR 117.3, July 1, 2006, Table 117.3—Reportable Quantities of Hazardous Substances Designated Pursuant to Section 311 of the Clean Water Act; and

b. 40 CFR 302.4, July 1, 2006, Table 302.4—List of Hazardous Substances and Reportable Quantities.

A.2. - Note #. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2025(J), 2060(H), 2076(D), 2183(I), 2194(C), 2204(A), and 2373(B).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 11:770 (August 1985), amended LR 19:1022 (August 1993), LR 20:183 (February 1994), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 21:944 (September 1995), LR 22:341 (May 1996), amended by the Office of the Secretary, LR 24:1288 (July 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:2229 (December 2001), LR 28:994 (May 2002), LR 29:698 (May 2003), LR 30:751 (April 2004), LR 30:1669 (August 2004), amended by the Office of Environmental Assessment, LR 31:919 (April 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 32:603 (April 2006), LR 32:2248 (December 2006), LR 33:640 (April 2007).

Part V. Hazardous Waste and Hazardous Materials

Subpart 1. Department of Environmental

Quality—Hazardous Waste

Chapter 30. Hazardous Waste Burned in Boilers and Industrial Furnaces

§3099. Appendices—Appendix A, B, C, D, E, F, G, H, I, J, K, and L

Appendix A. Tier I and Tier II Feed Rate and Emissions Screening Limits For Metals

A. 40 CFR 266, Appendix I, July 1, 2006, is hereby incorporated by reference.

Appendix B. Tier I Feed Rate Screening Limits for Total Chlorine

A. 40 CFR 266, Appendix II, July 1, 2006, is hereby incorporated by reference.

Appendix C. Tier II Emission Rate Screening Limits for Free Chlorine and Hydrogen Chloride

A. 40 CFR 266, Appendix III, July 1, 2006, is hereby incorporated by reference.

Appendix D. Reference Air Concentrations

A. 40 CFR 266, Appendix IV, July 1, 2006, is hereby incorporated by reference, except that in regulations incorporated thereby, references to 40 CFR 261, Appendix VIII and 266, Appendix V shall mean LAC 33:V.3105, Table 1 and LAC 33:V.3099, Appendix E, respectively.

Appendix E. Risk-Specific Doses (10⁻⁵)

A. 40 CFR 266, Appendix V, July 1, 2006, is hereby incorporated by reference.

Appendix F. Stack Plume Rise [Estimated Plume Rise (in Meters) Based on Stack Exit Flow Rate and Gas Temperature]

A. 40 CFR 266, Appendix VI, July 1, 2006, is hereby incorporated by reference.

Appendix G. Health-Based Limits for Exclusion of Waste-Derived Residues

A. 40 CFR 266, Appendix VII, July 1, 2006, is hereby incorporated by reference, except that in regulations incorporated thereby, 40 CFR 261, Appendix VIII, 266.112(b)(1) and (b)(2)(i), and 268.43 shall mean LAC

33:V.3105, Table 1, 3025.B.1 and B.2.a, and LAC 33:V.2299.Appendix, Table 2, respectively.

Appendix H. Organic Compounds for Which Residues Must Be Analyzed

A. 40 CFR 266, Appendix VIII, July 1, 2006, is hereby incorporated by reference.

Appendix I. Methods Manual for Compliance with the BIF Regulations

A. 40 CFR 266, Appendix IX, July 1, 2006, is hereby incorporated by reference, except as follows.

A.1. - B. ...

Appendix J. Lead-Bearing Materials That May Be Processed in Exempt Lead Smelters

A. 40 CFR 266, Appendix XI, July 1, 2006, is hereby incorporated by reference.

Appendix K. Nickel or Chromium-Bearing Materials That May Be Processed in Exempt Nickel-Chromium Recovery Furnaces

A. 40 CFR 266, Appendix XII, July 1, 2006, is hereby incorporated by reference, except that the footnote should be deleted.

Appendix L. Mercury-Bearing Wastes That May Be Processed in Exempt Mercury Recovery Units

A. 40 CFR 266, Appendix XIII, July 1, 2006, is hereby incorporated by reference, except that in regulations incorporated thereby, 40 CFR 261, Appendix VIII shall mean LAC 33:V.3105, Table 1.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 22:827 (September 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:300 (March 2001), LR 27:2231 (December 2001), LR 28:996 (May 2002), LR 29:700 (May 2003), LR 30:751 (April 2004), amended by the Office of Environmental Assessment, LR 31:919 (April 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 32:603 (April 2006), LR 33:640 (April 2007).

Part IX. Water Quality

Subpart 2. The Louisiana Pollutant Discharge Elimination System (LPDES) Program

Chapter 23. Definitions and General LPDES Program Requirements

§2301. General Conditions

A. - E. ...

F. All references to the *Code of Federal Regulations* (CFR) contained in this Chapter shall refer to those regulations published in the July 1, 2006 CFR, unless otherwise noted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended LR 23:199 (February 1997), LR 23:722 (June 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1467 (August 1999), LR 26:1609 (August 2000), LR 27:2231 (December 2001), LR 28:996 (May 2002), LR 29:700 (May 2003),

repromulgated LR 30:230 (February 2004), amended LR 30:752 (April 2004), amended by the Office of Environmental Assessment, LR 31:920 (April 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 32:604 (April 2006), LR 33:641 (April 2007).

Chapter 49. Incorporation by Reference

§4901. 40 CFR Part 136

A. 40 CFR Part 136, Guidelines Establishing Test Procedures for the Analysis of Pollutants, July 1, 2006, in its entirety, is hereby incorporated by reference.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended LR 23:958 (August 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1467 (August 1999), LR 26:1609 (August 2000), LR 27:2231 (December 2001), LR 28:996 (May 2002), LR 29:700 (May 2003), repromulgated LR 30:232 (February 2004), amended LR 30:752 (April 2004), amended by the Office of Environmental Assessment, LR 31:920 (April 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 32:604 (April 2006), LR 33:641 (April 2007).

§4903. 40 CFR Chapter I, Subchapter N

A. 40 CFR Chapter I, Subchapter N, Effluent Guidelines and Standards, Parts 401, 405-415, and 417-471, July 1, 2006, are hereby incorporated by reference.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended LR 23:958 (August 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1467 (August 1999), LR 26:1609 (August 2000), LR 27:2232 (December 2001), LR 28:996 (May 2002), LR 29:700 (May 2003), LR 29:1467 (August 2003), repromulgated LR 30:232 (February 2004), amended LR 30:752 (April 2004), amended by the Office of Environmental Assessment, LR 31:920 (April 2005), amended by the Office of the Secretary, Legal Affairs Division LR 32:604 (April 2006), LR 32:819 (May 2006), LR 33:641 (April 2007).

Part XV. Radiation Protection

Chapter 15. Transportation of Radioactive Material

§1517. Incorporation by Reference

A. 10 CFR Part 71, Appendix A, January 1, 2006, is hereby incorporated by reference.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2104 and 2113.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 26:1270 (June 2000), amended LR 27:2233 (December 2001), LR 28:997 (May 2002), LR 29:701 (May 2003), LR 30:752 (April 2004), amended by the Office of Environmental Assessment, LR 31:920 (April 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 32:604 (April 2006), LR 33:641 (April 2007).

Herman Robinson, CPM
Executive Counsel

0704#030

RULE

**Department of Environmental Quality
Office of the Secretary
Legal Affairs Division**

**Lead-Based Paint Activities
(LAC 33:III.2805-2813)(AQ262)**

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary has amended the Air regulations, LAC 33:III.2805, 2807, 2809, 2811, and 2813 (Log #AQ262).

The Louisiana lead-based paint rule is more stringent than the federal rule on several requirements. This rule revision will require accreditation every three years instead of annually. The annual requirement causes reciprocity problems, and as a result, instead of experienced personnel working in Louisiana, the companies send their most inexperienced personnel whose training has not expired according to Louisiana regulations. In addition, the requirement for passing the EPA exam every three years is changed to passing an initial exam. The requirement that training providers must be trained and accredited in all of the disciplines that they teach is burdensome and the training is duplicative. Trainers will be required to attend the basic Supervisor training to stay current with the rules and other program changes. Notification of a training class will be reduced from 10 days to 5 days for initial training, and from 5 days to 2 days for refresher training, with an allowance for 24 hours notification for emergency classes. Licensure requirements are being clarified for child-occupied and target housing contractors, and commercial buildings and steel structures contractors. Notification of projects is reduced from 10 days to 5 days, and emergency notification must be submitted within 24 hours of project start. Most of the projects are for schools, and a 10 day delay is too burdensome. Recordkeeping requirements are being reduced from five years to three years. The basis and rationale for this rule are to mirror federal regulations more closely while maintaining protection for public health.

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

**Title 33
ENVIRONMENTAL QUALITY
Part III. Air**

**Chapter 28. Lead-Based Paint
Activities—Recognition, Accreditation,
Licensure, and Standards for Conducting
Lead-Based Paint Activities**

**§2805. Recognition and Standards for Training
Providers**

A. Application Process. A training provider shall not provide, offer, or claim to provide lead training courses for accreditation purposes without receiving recognition from the department. For a training provider to receive recognition for itself and its courses from the department, the following procedures shall be followed.

- A.1. - B.4.a. ...
- b. résumés, letters of reference, or documentation of work experience, as evidence of meeting the work experience requirements; and
- c. certificates from train-the-trainer courses, lead-specific training courses, and accreditations, as evidence of meeting the training requirements;

5. the training provider shall provide adequate facilities for lecture, course tests, hands-on training, and assessment. This includes providing training equipment that reflects current work practices and maintaining or updating the equipment and facilities as needed;

6. - 6.d....

e. the lead worker course shall consist of a minimum of 16 training hours, with a minimum of eight hours devoted to hands-on training. The minimum curriculum required for this course is established in Paragraph C.5 of this Section;

7. - 9. ...

a. one 1" x 1¼" photograph for the trainee to submit to the department with the application for accreditation;

9.b. - 14.a.iv. ...

b. each refresher course, except for the project designer course, shall last a minimum of eight training hours and shall include a hands-on skills assessment if required in the original course. The project designer refresher course shall last a minimum of four training hours and does not require a hands-on skills assessment;

c. at the completion of the course, the student must pass a course test with a score of 70 percent or better; and

B.15. - E. ...

1. the written notification shall be received by the department at least five days before the start of initial training courses;

2. the written notification shall be received by the department at least two days before the start of refresher training courses;

3. ...

4. in the event that a training course must be scheduled immediately due to an emergency, notification to the department must be made as soon as possible, but no less than 24 hours prior to commencement of the course. Written justification for not notifying the department five working days in advance must be provided with the emergency training request;

5. in the notification, the training provider shall submit to the department the following information:

- a. the name of the training course to be taught;
- b. the dates and length of the training course;
- c. the principal/guest instructors that will be teaching the course;
- d. the name and telephone number of the training manager; and
- e. the location where the course will be taught; and

6. the training course shall not start before the start date noted on the notification.

F. - G.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054 and 2351 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 23:1666 (December 1997), amended by the Office of Environmental Assessment,

Environmental Planning Division, LR 26:2459 (November 2000), LR 28:2337 (November 2002), amended by the Office of Environmental Assessment, LR 30:2804 (December 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2445 (October 2005), LR 33:642 (April 2007).

§2807. Accreditation of Individuals

A. - A.1.e. ...

2. Individuals must be accredited by the department to engage in lead-based paint activities.

3. ...

4. Individuals seeking accreditation in the lead inspector, risk assessor, lead project supervisor, or lead project designer disciplines must pass the applicable state examination given by the department or its proxy. Individuals must pass the state examination, with a score of 70 percent or above. Individuals who fail the state examination will be allowed to take the examination again within a six-month period. Individuals who fail the state examination twice must retake the initial course before they will be allowed to retake the state examination. Anyone who fails the test three times within a six-month period may not apply for testing in that category for 90 days.

A.5. - D.3. ...

4. If the individual fails to receive refresher training within one year after the accreditation expiration date, the individual must complete a refresher training course with a course test and hands-on assessment, as applicable, for the appropriate discipline in order to become recertified.

5. If an individual has not completed a refresher course within three years, the department shall require the applicant to:

a. pass the state lead certification examination in the appropriate discipline; or

b. complete a refresher training course with a course test and hands-on assessment, as applicable.

6. If an individual has not completed a refresher course within five or more years, the department shall require the applicant to complete a refresher training course with a course test and hands-on assessment, as applicable, and pass the state lead certification examination in the appropriate discipline.

E. - E.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054 and 2351 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 23:1669 (December 1997), amended LR 24:2240 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2459 (November 2000), LR 28:2337 (November 2002), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2446 (October 2005), LR 33:643 (April 2007).

§2809. Licensure of Lead Contractors

A. Licensure Requirements

1. In order to bid and/or perform abatement activities, lead contractors must obtain a lead-based paint abatement and removal license from the State of Louisiana Licensing Board for Contractors. Prior to obtaining an initial or renewal license, the lead contractor must submit an application for approval, along with the appropriate fees as required in LAC 33:III.223, to the Office of Environmental Services, Air Permits Division, and certify to the department that the following criteria have been, or will be, met.

a. For target housing and child-occupied facilities, each qualifying person who conducts lead-based paint activities for the lead contractor is annually accredited as a lead project supervisor in accordance with the provisions of LAC 33:III.2807, and forms LPF-2ci and LPF-2th for each such person have been submitted.

b. For commercial buildings and steel structures, each qualifying person for the lead contractor is certified as a lead supervisor/competent person in accordance with SSPC C-3 or equivalent Occupational Safety and Health Administration (OSHA) competent person training, and form LPF-2ci for each such person has been submitted.

c. The lead contractor has access to at least one disposal site to receive lead-contaminated waste that may be generated by the lead contractor during the term of the license.

d. For target housing and child-occupied facilities, the lead contractor will incorporate the work practice standards in LAC 33:III.2811, and for commercial buildings and steel structures, the lead contractor will adhere to OSHA work practice standards and SSPC requirements, so as to prevent the contamination or recontamination of the environment and protect the public health from the hazards of exposure to lead.

e. The lead contractor possesses a worker protection and medical surveillance program consistent with the requirements of OSHA and/or the state health officer.

f. For target housing and child-occupied facilities, an accredited lead project supervisor will be present at all times during the lead contractor's abatements.

g. For commercial buildings and steel structures, a supervisor who is a certified lead supervisor/competent person in accordance with SSPC C-3 or equivalent OSHA competent person training will be available during commercial lead abatement activities.

h. The lead contractor will maintain all records as required by this Chapter.

2. Once the person receives a letter of approval, he can apply to the State of Louisiana Licensing Board for Contractors to request a license, subject to its approval.

a. Each person who conducts lead-based paint activities for the lead contractor shall be accredited annually in accordance with the provisions of LAC 33:III.2807.

b. The lead contractor shall have access to at least one disposal site to receive lead-contaminated waste that may be generated by the lead contractor during the term of the license.

c. The lead contractor shall incorporate the work practice standards in LAC 33:III.2811 so as to prevent the contamination or recontamination of the environment and protect the public health from the hazards of exposure to lead.

d. The lead contractor shall possess a worker protection and medical surveillance program consistent with the requirements of OSHA and/or the state health officer.

e. An accredited lead project supervisor shall be present at all times during all of the lead contractor's abatements.

f. The lead contractor shall maintain all records as required by this Chapter.

A.3. - B.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054 and 2351 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 23:1671 (December 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2459 (November 2000), LR 28:2338 (November 2002), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2446 (October 2005), LR 33:643 (April 2007).

§2811. Work Practice Standards for Conducting Lead-Based Paint Activities for Target Housing and Child-Occupied Facilities

A. - E.4. ...

a. Regular notification shall be made using a department-approved form and be postmarked or hand-delivered at least five working days prior to beginning any on-site work at the lead abatement project. The notification must be accompanied by the appropriate fees (LAC 33:III.223).

b. The project shall not start before the start date noted on the Lead Project Notification (LPN). The Office of Environmental Services, Air Permits Division, shall be notified if the operation will stop for a day or more during the project time noted on the LPN or if the project has been canceled or postponed. The firm shall also give notice 24 hours before the completion of a project. Notice shall be submitted to the department with written follow-up and fax notification to the appropriate regional office.

c. A notification of less than five working days constitutes an emergency notification and must be submitted within 48 hours of the start of the project. The notification must be accompanied by the appropriate processing fees (LAC 33:III.223).

4.d. - 13. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054 and 2351 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 23:1672 (December 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2459 (November 2000), repromulgated LR 27:39 (January 2001), amended LR 28:2338 (November 2002), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2446 (October 2005), LR 33:644 (April 2007).

§2813. Recordkeeping Requirements for Lead-Based Paint Activities

A. All records, reports, and plans required by this Chapter for inspections, hazard screens, risk assessments, and abatements shall be maintained by the owner of the residence, in the case of target housing, or the owner or operator of a residential dwelling or child-occupied building, and by the contractor or accredited individual who conducted the activities, for at least three years. The contractor or accredited individual shall provide copies of these reports to the owner/operator who contracted for its services. Any person who is required by this Chapter to maintain records may utilize the services of competent organizations such as industry trade associations and employee associations to maintain such records.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054 and 2351 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation

Protection, Air Quality Division, LR 23:1676 (December 1997), amended by the Office of the Secretary, Legal Affairs Division, LR 33:644 (April 2007).

Herman Robinson, CPM
Executive Counsel

0704#029

RULE

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

PPO, EPO, and MCO Plans of Benefits
Lifetime Maximum Prescription Drug Benefit
(LAC 32:III.701, V.701, and IX.701)

In accordance with the applicable provisions of R.S. 49:950 et seq., the Administrative Procedure Act, and pursuant to the authority granted by R.S. 42:801(C) and 802(B)(2), as amended and reenacted by Act 1178 of 2001, vesting the Office of Group Benefits (OGB) with the responsibility for administration of the programs of benefits authorized and provided pursuant to Chapter 12 of Title 42 of the Louisiana Revised Statutes, and granting the power to adopt and promulgate rules with respect thereto, OGB finds that it is necessary to revise and amend provisions of the PPO, EPO, and MCO Plan Documents to increase the lifetime maximum benefit for outpatient prescription drug benefits from \$250,000 to \$500,000.

Accordingly, OGB hereby adopts the following Rule to become effective upon promulgation.

Title 32

EMPLOYEE BENEFITS

Part III. Preferred Provider (PPO) Plan of Benefits

Chapter 7. Schedule of Benefits—PPO

§701. Comprehensive Medical Benefits

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

Lifetime maximum for all benefits, except outpatient prescription drug benefits, per person	\$1,000,000
Lifetime maximum for outpatient prescription drug benefits, per person	\$500,000

A.1. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C) and 802(B)(1).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 25:1843 (October 1999), amended LR 26:488 (March 2000), LR 27:719, 720, 722 (May 2001), LR 27:1887 (November 2001), LR 28:2345 (November 2002), LR 29:340, 342, 343 (March 2003), repromulgated LR 29:578 (April 2003), amended LR 30:1192 (June 2004), LR 32:1897 (October 2006), LR 33:644 (April 2007).

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

Chapter 7. Schedule of Benefits—EPO

§701. Comprehensive Medical Benefits

A. Eligible expenses for professional medical services are reimbursed on a fee schedule of maximum allowable

charges. All eligible expenses are determined in accordance with plan limitations and exclusions.

Lifetime maximum for all benefits, except outpatient prescription drug benefits, per person	\$2,000,000
Lifetime maximum for outpatient prescription drug benefits, per person	\$500,000

A.1. - E. ...

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

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Trustees of the State Employees' Group Benefits Program, LR 25:1823 (October 1999), amended LR 26:487 (March 2000), LR 27:717 and 719 (May 2001), amended by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 27:1886 (November 2001), LR 28:476 (March 2002), LR 28:2342, 2343 (November 2002), repromulgated LR 28:2509 (December 2002), amended LR 29:335, 337, 338 (March 2003), LR 30:1190 (June 2004), LR 32:1869 (October 2006). LR 33:644 (April 2007).

Part IX. Managed Care Option (MCO) Plan of Benefits §701. Comprehensive Medical Benefits

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

1. Lifetime Maximum Benefits

Lifetime maximum for all benefits, except outpatient prescription drug benefits, per person	\$1,000,000
Lifetime maximum for outpatient prescription drug benefits, per person	\$500,000

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

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

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 29:901 (June 2003), amended LR 30:435 (March 2004), LR 33:645 (April 2007).

Tommy D. Teague
Chief Executive Officer

0704#057

RULE

**Office of the Governor
Manufactured Housing Commission**

Placement of Used Homes
(LAC 55:V.519)

In accordance with provisions of the Administrative Procedure Act, R.S.49:951 et seq., and under the authority of R.S. 51:911.26(E), the Louisiana Manufactured Housing Commission (hereinafter the "commission") has adopted appropriate construction and/or installation standards for the citing of manufactured homes in the secondary market.

Title 55

PUBLIC SAFETY

Part V. Fire Protection

Chapter 5. Manufactured Housing (Installation)

Subchapter A. General Requirements

§519. Placement of Used Homes

A. In accordance with 24 CFR Ch. XX §3280.305 et seq., used manufactured homes in the secondary market shall be sited effective January 1, 2007 in accordance with federal wind zone standards applicable for new homes in Louisiana zone II and III as set forth in 24 CFR Ch. XX § 3280.305 et seq., and thereafter amended. However, if any manufactured home is sited or is located at a retail outlet within Louisiana wind zone II or III prior to January 1, 2007 and the siting of this home or the location of this home at a retail outlet within wind zone II or III can be definitively documented through such means as an installation permit sticker issued by and/or returned to the commission; a title which uniquely identifies your home and references the physical location of siting; documentation establishing the location of a home at a retail outlet within zone II or III or some other independent means of credible documentation, then such manufactured home will be allowed to transfer indefinitely within the wind zone where it is sited or located at a retail outlet prior to January 1, 2007. Additionally, such manufactured home may also transfer to a less stringent wind zone than the zone where it is sited or located at a retail outlet prior to January 1, 2007; however, a manufactured home may not transfer to a more stringent wind zone than the zone where it is sited or located at a retail outlet as of December 31, 2006, unless the construction of such home complies with appropriate federal and state construction standards. Violations of this provision may result in civil penalties being levied against the appropriate party by the commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51: 911.26(E).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Manufactured Housing Commission, LR 33:645 (April 2007).

Deane M. Frazier
Executive Director

0704#068

RULE

**Office of the Governor
Office of Homeland Security and
Emergency Preparedness**

Mandatory Evacuation of Designated Persons
by Local Government in Advance of Hurricanes
(LAC 55:XXI.Chapters 1 and 3)

Under the authority of R.S. 29:727(E)(13) and in accordance with R.S. 49:950 et seq., the Governor's Office of Homeland Security and Emergency Preparedness has adopted regulations that provide for emergency assessments, evacuation, and sheltering plans.

Title 55
PUBLIC SAFETY
Part XXI. Homeland Security and Emergency
Preparedness

Chapter 1. General Provisions

§101. Overview

A. Act 35 of the First Extraordinary Session of 2006, effective on March 1, 2006, established the Governor's Office of Homeland Security and Emergency Preparedness in R.S. 29:725.

B. Revised Statutes 29:727(E)(13) added by Act 36 of the First Extraordinary Session of 2006, effective February 23, 2006, requires the Office of Homeland Security and Emergency Preparedness, prior to May 31, 2006 to promulgate standards and regulations in accordance with the Administrative Procedure Act for local governments when a mandatory evacuation has been ordered for evacuation of people located in high risk areas utilizing all available modes of transportation, including but not limited to school and municipal buses, government-owned vehicles, vehicles provided by volunteer agencies, trains and ships in advance of the storm to public shelters located outside of the risk area with priority consideration being given to the special needs of the following classes of people:

1. people with specific special needs such as the elderly and the infirm;
2. tourists;
3. those who refuse to leave;
4. those without personal transportation.

C. Revised Statutes 29:727(E)(14) added by Act 36 of the First Extraordinary Session of 2006, effective February 23, 2006, requires the Office of Homeland Security and Emergency Preparedness, prior to May 31, 2006 to promulgate standards and regulations in accordance with the Administrative Procedure Act for local governments when a mandatory evacuation has been ordered for the evacuation or safe housing of essential workers located in high risk areas.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:587.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Homeland Security and Emergency Preparedness, LR 33:646 (April 2007).

§103. Goals and Objectives

A. The goals of these regulations are:

1. to protect citizens who cannot protect themselves when threatened or endangered by an approaching hurricane;
2. to reduce loss of life due to impediments to self-evacuation from an approaching hurricane;
3. to protect essential workers whose jobs require that they remain in harm's way before, during and after a hurricane; and
4. to protect personal liberty while preserving law and order in areas evacuated due to imminent threat of a hurricane.

B. The objectives of these regulations are:

1. to identify the population which lacks means to self-evacuate;
2. to identify and provide for the use of available transportation resources for use by local governments during mandatory evacuations;
3. to identify and provide means of protection for essential workers whose employment or commission

requires that they remain in areas susceptible to damage and destruction wrought by hurricanes; and

4. to provide for establishment of rules by local government for citizens in high risk areas who refuse to leave when a mandatory evacuation is ordered.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:587.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Homeland Security and Emergency Preparedness, LR 33:646 (April 2007).

§105. Definitions

At Risk Population—people who fall within the following non-exclusive categories:

1. those without means of personal transportation;
2. the infirm who are not living in a public or private health care facility;
3. nursing home residents;
4. private hospital patients;
5. other special needs who are not confined to a health care facility;
6. hotel and motel guests.

High Risk Area—any parish that is located in whole or in part below Interstate 10 or Interstate 12 in the state of Louisiana.

Local Government—a parish and municipality of the state of Louisiana.

Essential Worker—persons working in public safety, government, disaster response, health care, or private business as designated and deemed necessary and/or critical for disaster response by their employer or by virtue of their official commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:587.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Homeland Security and Emergency Preparedness, LR 33:646 (April 2007).

Chapter 3. Risk Assessment

§301. Biennial Risk Assessment

A. Every parish and municipality shall perform a biennial risk assessment for the at risk population with the results thereof to be provided to the Governor's Office of Homeland Security on or before December 1, 2006, and on or before that date every second year thereafter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:587.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Homeland Security and Emergency Preparedness, LR 33:646 (April 2007).

§303. Evacuating and Sheltering Private Nursing Home Residents

A. The evacuation and sheltering of private nursing home residents and private hospital patients is and shall remain the primary responsibility of the host health care facility.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:587.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Homeland Security and Emergency Preparedness, LR 33:646 (April 2007).

§305. Municipal Risk Assessment

A. The municipal risk assessment shall consist of a survey of the people living within the corporate limits to identify the people in each category of the at risk population defined herein and the essential workers as defined herein,

and to determine whether the individuals so identified may need sheltering in a general population shelter or a special needs shelter as those terms are defined by the Louisiana Department of Health and Hospitals. The results of the municipal survey shall be furnished to the parish Office of Homeland Security and Emergency Management established pursuant to R.S. 29:727(B).

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:587.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Homeland Security and Emergency Preparedness, LR 33:646 (April 2007).

§307. Parish Risk Assessment

A. The parish risk assessment shall consist of a survey of the people living outside the corporate limits of any municipality to identify the people in the each category of the at risk population defined herein and the essential workers as defined herein, and to determine whether the individuals so identified may need sheltering in a general population shelter or a special needs shelter as those terms are defined by the Louisiana Department of Health and Hospitals.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:587.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Homeland Security and Emergency Preparedness, LR 33:647 (April 2007).

§309. Transportation

A. Every parish and municipality shall prepare an inventory of all available modes of transportation, including but not limited to school and municipal buses, government-owned vehicles, vehicles provided by volunteer agencies, trains and ships for use in a mandatory evacuation. A copy of the municipal inventory shall be provided to the parish office of homeland security and emergency management established pursuant to R.S. 29:727(B). A copy of the combined parish and municipal inventory shall be submitted biennially beginning on or before December 1, 2006, and on or before that date in every second year thereafter to the Governor's Office of Homeland Security and Emergency Management.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:587.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Homeland Security and Emergency Preparedness, LR 33:647 (April 2007).

§311. Evacuation and Sheltering Plan

A.1. The parish Office of Homeland Security and Emergency Management established pursuant to R.S. 29:727(B), using the combined list of at risk population and essential workers and the combined list of available means of transportation, shall develop an evacuation and sheltering plan for each category of at risk population to include at a minimum:

- a. use of available means of transportation for evacuation of at risk population;
- b. means of notification of the at risk population of a mandatory evacuation;
- c. means of notification of at risk population of available transportation;
- d. determination of individuals and facilities where risk of sheltering in place outweighs the risk of loss of life during the evacuation process;

- e. coordination of transportation resources with a shelter destination outside of the impact area;
- f. provisions for medical emergencies which occur during the evacuation process;
- g. ways and means to execute the evacuation and sheltering plan within 36 hours of declaration of voluntary evacuation and within 12 hours of declaration of mandatory evacuation.

2. The plan shall be submitted to GOHSEP on or before March 1, 2007. Early compliance is encouraged.

B. The parish Office of Homeland Security and Emergency Management shall develop an evacuation and sheltering plan for essential workers which shall include at a minimum provisions for food, water, and shelter for at least 72 hours post landfall of any hurricane.

C. Each parish and municipality shall make provisions for those citizens who refuse to leave when a mandatory evacuation is ordered, which provisions shall respect the rights of personal liberty and freedom of all citizens, while protecting and preserving law and order.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:587.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Homeland Security and Emergency Preparedness, LR 33:647 (April 2007).

Col. Perry "Jeff" Smith, CPA
Director

0704#014

RULE

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

Fees (LAC 46:LXIII.Chapter 6)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., that the Board of Examiners of Psychologists has adopted Chapter 6 to define fees charged by the board in accordance with the Louisiana Licensing Law for Psychologist, R.S. 37:2354 and the Administrative Procedure Act, §§968 and 971.

Title 46

**PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part LXIII. Psychologists

Chapter 6. Fees

§601. Licensing Fees

Licensing Fees	Amount
Application for Licensure	\$250
Oral Examination (Licensure, specialty change or additional specialty)	250
License Renewal	320
Emeritus License Renewal	160
Application for Certificate of Prescriptive Authority	250
Reinstatement of Lapsed License (Application plus renewal fee)	570

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2354.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners of Psychologists, LR 33:647 (April 2007).

§603. Administrative/Other Fees

Administrative/Other Fees	Amount
Address List/Labels	\$ 100
License Verification	5
Disciplinary Action Report	25
Directory & Statutory Reference Book	12.50
Replacement License Certificate	25
Photo ID Card	15

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2354.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners of Psychologists, LR 33:648 (April 2007).

Jaime T. Monic
Executive Director

0704#040

RULE

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

Licenses (LAC 46:LXIII.900 and 901)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Board of Examiners of Psychologists has adopted LAC 46:LXIII.900 and amended LAC 46:LXIII.901.

**Title 46
PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part LXIII. Psychologists

Chapter 9. Licenses

§900. License Renewal

A. A psychologist is eligible to renew their current license until July 31 of each year upon submission of the required renewal fee, renewal application form and fulfillment of all continuing education requirements as defined in LAC 46:LXIII.Chapter 8.

B. A license may be valid for one year beginning August 1 through July 31 for each renewal period.

C. A person whose license has been suspended is not eligible for renewal. Reinstatement procedures of a suspended license may be established through a consent agreement, or after a period of two years from the date of suspension a person may reapply for licensure.

D. A person whose license has been revoked is not eligible for renewal. However, after a period of more than two years from the date of revocation, a person may reapply for licensure.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2354 and 37:2359.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners of Psychologists, LR 33:648 (April 2007).

§901. Renewal of Lapsed Licenses

A. If the licensee is not renewed by the end of July, due notice having been given, the license shall be regarded as lapsed for the year beginning with that August. Such lapsed license shall not be listed in the directory.

B. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. R.S. 37:2357.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Examiners of Psychologists, LR 6:489 (August 1980), amended LR 10:795 (October 1984), amended by the Department of Health and Hospitals, Board of Examiners of Psychologists, LR 29:2074 (October 2003), LR 33:648 (April 2007)

Jaime T. Monic
Executive Director

0704#039

RULE

**Department of Health and Hospitals
Board of Veterinary Medicine**

Continuing Veterinary Medicine Education
(LAC 46:LXXXV.Chapter 4)

The Louisiana Board of Veterinary Medicine has amended 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 has been 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. This Rule becomes 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.

**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 33:648 (April 2007).

§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 §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 33:649 (April 2007).

§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 33:649 (April 2007).

§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 33:649 (April 2007).

§413. Non-Compliance

A. - D. ...

E. The promulgation of rule amendments by the board published in the *Louisiana Register* on April 20, 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 33:649 (April 2007).

Wendy D. Parrish
Administrative Director

0704#036

RULE

**Department of Health and Hospitals
Office of Addictive Disorders
Addictive Disorder Regulatory Authority**

ADRA Documents and Payment of Costs
(LAC 46:LXXX.501)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, pursuant to the authority vested in the Department of Health and Hospitals by the Addictive Disorders Practice Act, R.S. 37:3386-3390.6, has amended Title 46:LXXX by adopting §501 in Chapter 5, ADRA Documents and Payment of Costs.

Title 46

**PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part LXXX. Substance Abuse Counselors

Chapter 5. ADRA Documents and Payment of Costs

§501. Fees

A. The fees and penalties of the ADRA shall be as follows.

1. Addiction Counselor and Prevention Practice Credential
 - a. Application \$100
 - b. Renewal of Credential \$200
 - c. Certification by Reciprocity \$200
 - d. Late Fee for Renewal \$150
 - e. Reinstatement of Credential \$200
2. Specialty Certifications
 - a. Application \$100
 - b. Renewal \$ 50
 - c. Late Fee for Renewal \$150
3. In-Training Status for Counselor and Prevention Practice Credential
 - a. Initial Application \$ 50
 - b. Annual Renewal \$ 25
 - c. Late Fee for Renewal \$ 75
4. Treatment and Prevention Para-professional
 - a. Initial Application \$ 25
 - b. Annual Renewal \$ 25
 - c. Late Fee for Renewal \$ 50
5. Approved Training or Educational Institute, Provider or Institution
 - a. Initial Application \$250
 - b. Annual Renewal \$250
 - c. Course Reports for Each Participant \$ 5
6. CEU Approval for Training or Educational Institutes, Providers or Institutions Who Do Not Obtain Approved Provider Status

- a. Approval per Course \$150
- b. Course Reports for Each Participant \$ 10
- 7. Approval of CEU Credits Not Obtained from an Approved Provider or where the Provider Has Not Received ADRA Approval of the Course
 - a. For each 15 hours of CEU credit submitted \$100
- 8. The ADRA may impose an administrative fee not to exceed \$500 for each violation of its regulations committed by any person holding any ADRA practice credential, ADRA specialty certification, ADRA training status or other professional or para-professional status offered or recognized by the ADRA.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3788.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 33:649 (April 2007).

Frederick P. Cerise, M.D., M.P.H.
Secretary

0704#038

RULE

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

Control of Rabies and Other Zoonotic Diseases
(LAC 51:III.101-111 and 303)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., and pursuant to authority granted by R.S. 40:4A(2)(a), and R.S. 40:1277, the Department of Health and Hospitals, Office of Public Health, has amended Part III of the Louisiana State Sanitary Code ("The Control of Rabies") in compliance with the Compendium of Animal Rabies and Control, 2006, current recommendation of Centers for Disease Control and Prevention, and local and state humane ordinances; and to correct several inaccuracies in the Code.

Title 51

PUBLIC HEALTH—SANITARY CODE

Part III. The Control of Rabies and Other Zoonotic Diseases

Chapter 1. Anti-Rabies Vaccination Requirements for Dogs, Cats, and Ferrets

§101. Definitions

[formerly paragraph 3:001]

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

Local Health Authority—any parish or municipal health officer, department or other agency charged with the responsibility of preserving the public health.

Owner—any person who keeps in his care or who harbors or has custody of a dog or other animal.

Prairie Dogs—[Formerly paragraph 3:009] any burrowing rodents of the genus *Cynomys*. Prairie dogs can harbor monkeypox. Prairie dogs are also known to be a host for fleas, which carry the causative agent of Plague, the bacteria *Yersinia pestis*. These fleas have the potential to

infect other wild animals, as well as domestic animals and humans. Prairie dogs are not indigenous to Louisiana.

Vaccination—the injection, by a licensed veterinarian, of an animal using anti-rabies vaccine approved by the state health officer.

Wild Animal—any animal species wherein the majority of its members are not maintained by humans for recreational, commercial food production, agricultural, research, or industrial purposes. Other than possibly endangered species, the majority of the members of such a species live primarily in a natural or non-domestic environment. Wolves, wolf hybrids, and feline species other than *Felis felis*/domestic cat hybrids, in circumstances involving rabies vaccination or rabies exposure, will be regarded as wild animals.

Zoonotic disease—a disease in humans caused by an infectious agent transmitted from animals to humans. Zoonotic diseases include, but are not limited to, anthrax (caused by *Bacillus anthracis*) and plague (caused by *Yersinia pestis*).

AUTHORITY NOTE: The first source of authority for promulgation of the sanitary code is in R.S. 36:258(B), with more particular provisions throughout Chapters 1 and 4 of Title 40 of the Louisiana Revised Statutes. This Part is promulgated in accordance with the provisions of R.S. 40:5(2), (3) and (10) together with the specific provisions of R.S. 40:4A(2)(a) and R.S. 40:1277.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1223 (June 2002), amended LR 33:650 (April 2007).

§103. Mandatory Vaccinations of Dogs, Cats, and Ferrets

[formerly paragraph 3:002]

A. No person shall own, keep or have in his custody a dog, cat, or ferret over three months of age that has not been vaccinated against rabies by a licensed veterinarian. Every owner of a dog, cat, or ferret shall cause said animal to be vaccinated initially with a series of two vaccinations, the first to be administered at three months of age, the second to be administered one year after the initial vaccination. Dogs, cats, or ferrets initially vaccinated later than three months of age shall also be administered a series of two vaccines, the second vaccine to be given one year after the initial vaccination. Subsequent booster vaccines shall be administered one year after the administration of a vaccine that confers one year of immunity and three years after the administration of a vaccine that confers three years of immunity. Approved vaccines and durations of immunity are listed in the most recent *Compendium of Animal Rabies Prevention and Control* prepared by the National Association of State Public Health Veterinarians, Inc.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4A(2)(a), and R.S. 40:1277.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1223 (June 2002), amended LR 33:650 (April 2007).

§105. Human Exposure to Domestic Animal Bites
[formerly paragraph 3:003]

A. When any dog, cat, or ferret bites a human being, said animal shall be confined (as described in §113) for a minimum of 10 days following the bite, or said animal shall be killed and the head submitted immediately to a laboratory of the Louisiana Department of Health and Hospitals for examination for rabies. During the observation period a

rabies vaccine should not be administered to the animal to avoid confusing signs of rabies with possible side effects of vaccine administration. Any dog, cat, or ferret that develops any signs during the 10-day observation period shall be reported immediately to the local health authority and, provided such signs are compatible with rabies as determined by a licensed veterinarian or the official state public health veterinarian, the animal shall be killed and the head submitted to a laboratory of the Louisiana Department of Health and Hospitals for examination.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4A(2)(a), and R.S. 40:1277.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1223 (June 2002), amended LR 33:650 (April 2007).

**§107. Domestic Animals Bitten by Rabid Animals
[formerly paragraph 3:004]**

A. When bitten by a rabid animal, unvaccinated dogs, cats, or ferrets shall be destroyed immediately unless the owner is unwilling to have this done, in which case, the unvaccinated animal shall be confined (as described in §113) for six months and the animal shall be vaccinated one month before being released. Dogs, cats, or ferrets that are currently vaccinated shall be re-vaccinated immediately and confined (as described in §113) for 45 days.

B. All species of livestock exposed to a rabid animal and currently vaccinated with a vaccine approved for that species by the United States Department of Agriculture should be re-vaccinated immediately and observed for 45 days. Unvaccinated livestock should be slaughtered immediately.

C. Other mammals, including wild animals, exposed to a rabid animal should be euthanized immediately.

D. Animals maintained in a United States Department of Agriculture licensed research facility or accredited zoological parks will be evaluated on a case by case basis by the official state public health veterinarian.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4A(2)(a), and R.S. 40:1277.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1223 (June 2002), amended LR 33:651 (April 2007).

**§109. Animals Suspected of Being Infected with Rabies
[formerly Paragraph 3:006]**

A. Any animal other than a dog, cat, or ferret that bites a human being, or any animal that is suspected of being infected with rabies (whether or not it has bitten anyone), may be required by the state health officer or official state public health veterinarian, for the protection of the public health, to be killed and the head of such animal examined for rabies free of charge by a laboratory of the Louisiana Department of Health and Hospitals.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4A(2)(a), and R.S. 40:1277.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1223 (June 2002), amended LR 33:651 (April 2007).

**§111. Confinement of Animals
[formerly paragraph 3:007]**

A. Where confinement is required under the provisions of this Code, the owner, veterinarian, animal shelter or other custodian of the animal shall confine said animal in a cage or in another manner such that the animal cannot contact any person or other animal. Tethering is not permitted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4A(2)(a), and R.S. 40:1277.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1224 (June 2002), amended LR 33:651 (April 2007).

**Chapter 3. Other Zoonotic Diseases
§303. Prohibition on Importation/Sale of Prairie Dogs**

A. [Formerly paragraph 3:010] The importation and/or sale of prairie dogs in Louisiana is prohibited.

B. [Formerly paragraph 3:011] This Section shall not apply to zoos approved by the American Association of Zoological Parks and Aquariums.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(9) and R.S. 40:5(2)(3)(17).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 29:1098 (July 2003), amended LR 33:651 (April 2007).

Frederick P. Cerise, M.D., M.P.H.
Secretary

0704#026

RULE

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

Early and Periodic Screening, Diagnosis and Treatment
Psychological and Behavioral Services—Reimbursement
Rate Increase (LAC 50:XV.7701, 7703, and 7707)

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing amends LAC 50:XV.7701, 7703 and 7707 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part XV. Services for Special Populations

Subpart 5. Early and Periodic Screening,

Diagnosis, and Treatment

Chapter 77. Psychological and Behavioral Services

§7701. Recipient Criteria

A. In order to be eligible for services, a Medicaid recipient must be under the age of 21 and meet one of the following criteria:

1. - 4. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:40 (January 2003), repromulgated LR 29:180 (February 2003), amended LR 33:651 (April 2007).

§7703. Covered Services

A. The following services are covered under EPSDT psychological and behavioral services:

1. necessary evaluations—psychiatric diagnostic interview examination or psychological testing;
2. family psychotherapy (with the patient present); and
3. individual psychotherapy.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:40 (January 2003), repromulgated LR 29:180 (February 2003), amended LR 33:651 (April 2007).

§7707. Reimbursement Methodology

A. Effective for dates of service on or after December 18, 2006, reimbursement for EPSDT psychological and behavioral services shall be based on 80 percent of the allowable rate on the 2006 Medicare Fee Schedule for Region 99.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:40 (January 2003), repromulgated LR 29:180 (February 2003), amended LR 33:652 (April 2007).

Frederick P. Cerise, M.D., M.P.H.
Secretary

0704#053

RULE

Department of Labor Office of Workers' Compensation

Court Hearing Procedures
(LAC 40:I.Chapters 55-66)

The Louisiana Department of Labor, Office of Workers' Compensation, pursuant to authority vested in the Director of the Office of Workers' Compensation by R.S. 23:1310.1 and in accordance with applicable provisions of the Administrative Procedure Act, has amended rules governing the procedure before the workers' compensation court, LAC 40:I, Subpart 2, Chapters 55 through 66 and to enact §5927 and to repeal §§6009 and 6201, to provide for the procedural rules for the workers' compensation court.

Title 40

LABOR AND EMPLOYMENT

Part I. Workers' Compensation Administration

Subpart 2. Hearing Rules

Chapter 55. General Provisions

Subchapter A. Definitions

§5501. Purpose; Definitions

A. - B. ...

Claimant—shall refer to the injured employee.

* * *

Petitioner—shall, as the context requires, mean the employer, the insurance carrier, the group self-insurance fund, the health care provider, claimant, or a dependant of a claimant.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 25:264 (February 1999), amended LR 25:1859 (October 1999), LR 33:652 (April 2007).

Subchapter C. Commencement

§5507. Commencement of a Claim

A. ...

B. Any claim may be initiated with the director, office of worker's compensation administration, or the district office

of proper venue by hand delivery, United States mail, facsimile transmission or electronic transmission (with verified signature) addressed to the Office of Worker's Compensation administration.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 25:265 (February 1999) amended LR 25:1860 (October 1999), LR 33:652 (April 2007).

§5509. Delay for Answering

A. A defendant shall file his answer within 15 days after service of the citation in accordance with Code of Civil Procedure Articles 1001, 1005 and 1006. The defendant shall certify that a copy of the answer was sent to all parties to the claim.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 25:265 (February 1999), amended LR 25:1860 (October 1999), LR 33:652 (April 2007).

§5511. Service

A. ...

B. Service shall be made upon the defendant in accordance with R.S. 23:1304 or any designated representative of the defendant appearing at the mediation conference.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 25:265 (February 1999), amended LR 25:1860 (October 1999), LR 33:652 (April 2007).

Subchapter D. Venue

§5515. Proper Venue

A. ...

B. When the claimant or his dependant is not a party to the disputed claim, the petitioner shall have the right to select the situs of necessary hearings by the workers' compensation judge as provided in Code of Civil Procedure Articles 44 and 121.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 25:265 (February 1999), amended LR 25:1860 (October 1999), LR 33:652 (April 2007).

Subchapter E. Recusal

§5525. Procedure for Recusal of a Workers' Compensation Judge

A. Recusal of a workers' compensation judge shall be governed by Code of Civil Procedure Article 151.

B. A workers' compensation judge may recuse himself, whether a motion for his recusation has been filed by a party or not, in any cause in which a ground for recusation exists.

C. If a judge recuses himself pursuant to this Section, he shall provide in writing to the Chief Judge the specific grounds under Code of Civil Procedure Article 151 for which the recusal is ordered within 15 days of the rendering of the order of recusal.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 25:1860 (October 1999), amended LR 33:652 (April 2007).

§5529. Recusal on Court's Own Motion

A.1. Any party to a workers' compensation claim may file a written motion for recusal of the judge to whom the matter is assigned specifying the grounds for recusal. This motion shall be filed prior to trial or hearing unless the party discovers the facts constituting the ground for recusal thereafter. In such case, the motion shall be filed immediately after the facts are discovered, but in no case after judgment. Upon receipt of the motion, the judge shall withdraw without further proceedings and authority and immediately refer the matter to the chief judge for hearing or appointment of a judge for contradictory hearing properly noticed by the court on the motion. Such hearing shall be held in an expedited manner and in no event later than 14 days following filing of the motion.

2. Qualification for appointment as an ad hoc judge shall be governed by the provisions of R.S. 23:1310.1.B.

B. Grounds for recusal shall be as provided in Code of Civil Procedure Article 151. A. A judge may recuse himself after notifying the chief judge, whether a motion for recusal has been filed by a party or not, in any claim in which a ground for recusal exists prior to a judgment being rendered.

C. Until a judge has recused himself, or a valid motion for his recusal is filed, he has full power and authority to act in the cause. If a valid ground for recusal is set forth in the motion, the judge shall either recuse himself, or refer the motion to the chief judge. Upon receipt of the motion the chief judge shall either try the motion or assign it to another workers' compensation judge for trial.

D. On written application of a workers' compensation judge, the chief judge shall immediately reassign the matter to another workers' compensation judge in either the same workers' compensation district office or another workers' compensation district office.

E. Consolidated cases are to be considered as one case within the meaning of this Section.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 25:266 (February 1999), amended LR 25:1860 (October 1999), LR 33:653 (April 2007).

Subchapter F. Power and Authority

§5533. General

A. Workers' compensation judges shall have the power to enforce any lawful order and the discretionary authority to use necessary sanctions, including dismissal, in order to control the orderly process of the hearing, enforce orders, and these rules.

B. ...

C. All workers' compensation judges shall be subject to the Code of Judicial Conduct, Civil Service Rules, the Louisiana Code of Governmental Ethics and the LSBA Code of Professional Conduct.

D. All workers' compensation mediators shall be subject to the Civil Service Rules, the Louisiana Code of Governmental Ethics, and the LSBA Code of Professional Conduct.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 25:266 (February 1999), amended LR 25:1860 (October 1999), LR 33:653 (April 2007).

§5537. Procedure

A. The procedure for contempt of court shall be as found in R.S. 23:1310.7.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 25:266 (February 1999), amended LR 25:1861 (October 1999), LR 33:653 (April 2007).

Subchapter G. Clerks

§5539. District Clerk; Pleadings Filed; Docket Books

A. Each workers' compensation district and the records management division shall have a clerk(s), who shall have the authority to certify records of the office. The supervisor of the records management division shall be the custodian of all records and documents for that district or the office and no such records, documents, or paper shall be withdrawn.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 25:266 (February 1999), amended LR 25:1861 (October 1999), LR 33:653 (April 2007).

Subchapter H. Bailiffs

§5541. Security

A. - C. ...

D. No person shall be admitted to or allowed to remain in the premises with any object that might be employed as a weapon unless he or she has been authorized in writing by the workers' compensation judge to do so, or unless he or she is a peace officer or duly commissioned reserve officer.

E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 25:266 (February 1999), amended LR 25:1861 (October 1999), LR 33:653 (April 2007).

Subchapter I. Attorneys and Other Persons before the Court

§5547. Withdrawal of Counsel

A. ...

B. Counsel of record who withdraws or is discharged prior to submission of the case, and desires to assert a claim for fees, must attach an affidavit to that effect and set forth the period of time during which his client was under his or her representation. If asserting a claim, counsel shall also file a lien form, to be developed by the director, identifying any attorney lien he alleges on the pending claim for payment of attorney fees.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 25:267 (February 1999), amended LR 25:1862 (October 1999), LR 33:653 (April 2007).

Chapter 57. Actions

Subchapter A. General Provisions

§5701. Prescription; Filing Procedure

A. Prescription periods shall be as set forth in R.S. 23:1031.1.E, F, I, 1209, and 1234. Time limits shall be calculated from the date of mailing as shown by the post mark, other proof of mailing, the date a facsimile or electronic transmission (with verified signature) is received.

B. A facsimile or electronic transmission (with verified signature), when filed, has the same force and effect as the original. If the party fails to comply with the requirements of Paragraph 3 of Subsection C, of this Section, a facsimile filing shall have no force or effect.

C.1. Within five days, exclusive of legal holidays, after the district office or the records management division have received a facsimile transmission, the party filing the document shall forward the following to the district office or records manager:

- a. the original signed document;
- b. the applicable filing fee, if any; and
- c. a transmission fee of \$5.

2. All pleadings filed with the court may be filed by facsimile transmission or electronic transmission (with verified signature) to the assigned facsimile number or electronic address of the district of proper venue.

D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 25:267 (February 1999), amended LR 25:1862 (October 1999), LR 33:654 (April 2007).

§5705. Abandonment

A. A claim may be dismissed at the judge's discretion after contradictory hearing properly noticed by the court for lack of prosecution for the following reasons:

1. where no service of process and/or mediation has occurred within 60 days after the Form LDOL-WC-1008 has been filed. This provision shall not apply if the claim is awaiting action by the workers' compensation court;

2. - 3. ...

4. where a party fails to appear for a properly noticed conference;

5. where an attorney or pro se litigant fails to keep the workers' compensation court apprised of an address change may be considered cause for involuntary dismissal for failure to prosecute when a notice is returned to a party or the workers' compensation court for the reason of an incorrect address and no correction is made to the address for a period of 60 days.

B. - C. ...

D. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 25:268 (February 1999), amended LR 25:1862 (October 1999), LR 33:654 (April 2007).

Subchapter B. Settlement

§5709. Joint Petition Settlements

A.1. ...

2. The procedure for perfecting settlements shall be governed by R.S. 23:1272. A hearing in open court with all

parties present shall be required when one or more parties is not represented by counsel. Appearance by the parties and/or their representative may be waived if all parties are represented by counsel. In special circumstances and in the interest of judicial economy, the judge may allow the unrepresented party to waive his appearance and permit the party to appear by telephone. Appearance by the represented parties and/or their representative may be waived in written form.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 25:268 (February 1999), amended LR 25:1863 (October 1999), LR 33:654 (April 2007).

Chapter 58. Pleadings

Subchapter C. Forms

§5809. Forms

A. The Office of Workers' Compensation Administration shall prepare and adopt such forms for use in matters before the Office of Workers' Compensation Administration as it may deem necessary or advisable. Whenever Office of Workers' Compensation Administration forms are prescribed and are applicable, they shall be used. A photo ready copy of any form may be procured upon request to any District Office, the office of the Director, or www.laworks.net.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 25:269 (February 1999), amended LR 25:1863 (October 1999), LR 33:654 (April 2007).

§5811. Format of Documents

A. Any pleading or other document submitted to the director or to any judge shall be typed or printed legibly on 8 1/2" x 11" paper and shall bear the name and signature of the person who prepared it, the firm name, if applicable, the complete address including the zip code, an electronic address, if available, the telephone and facsimile number, including the area code and the docket number, if one has been assigned to the claim and the name of the judge assigned to the claim, if available. All attorneys shall note their bar roll number on all documents and correspondence.

B. ...

C. All documents filed into the court record that are notarized shall comply with R.S. 35:12.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 25:269 (February 1999), amended LR 25:1863 (October 1999), LR 33:654 (April 2007).

Subchapter D. Mediation

§5813. Initial Mediation

A. The district office of proper venue shall set the matter for an initial mediation conference with a mediator only if the claimant/injured employee or his representative submits a Request for Initial Mediation form to the district office within 15 "business" days of filing of a claim. Notice of a scheduled initial mediation may be given by telephone, but shall be confirmed by United States Mail, facsimile transmission or electronic transmission. The notice shall indicate the date, time, and place of the conference. Upon

filing of the LDOL-WC-1008 any party to the claim and/or their representative may request a copy of the Form 1008 filed in the case. No such request shall be denied by an employee of the Office of Workers' Compensation Administration.

B. The purpose of the initial mediation conference shall be to mediate and encourage resolution of the dispute. As such the conference is designed for employees, employers and/or adjustors or claims managers. Within 24 hours of receipt of notice of the initial mediation conference, the employer shall notify his workers' compensation insurer or adjuster, in case of a self-insured, of the date, time and place of the conference.

C. The requested initial mediation conference may be subsequently waived. If waived, all parties must agree and must sign the Waiver of Initial Mediation Conference form. The signed Waiver of Initial Mediation Conference form may be mailed, faxed, or e-mailed to the address, fax number, or e-mail address of the district office where the dispute was filed within 48 hours prior to the date of the initial mediation conference. Non-appearance by a party at an initial mediation will be deemed a waiver of the mediation and the mediator shall immediately issue service of citation to all defendants.

D. The initial mediation conference may be held by telephone if agreed to by all parties to the claim and they are represented by an attorney or authorized claims representative. Notice should be given to the mediator that such agreement has been reached no later than five days prior to the mediation. The defendant must have available at the time of the mediation a facsimile machine to accept service. Telephone mediations shall not be permitted in claims where a party is unrepresented; except in special circumstances or in the interest of justice, the mediator may allow a party to appear by telephone. All parties to a telephone mediation shall provide the mediator with all information required by Subsection E of this Section prior to the scheduled mediation.

E. If available, the parties shall bring or mail to the office prior to the conference two legible copies of the following: LDOL-WC-Form 1007, current medical bills and reports, information on workers' compensation benefits previously paid, wage records, vocational rehabilitation records and any other documents relevant to the issues of the claim. If the employer has failed to timely file a completed 1007, the employer shall be assessed a fine in accordance with LAC 40:I.109. Nothing contained in the Form LDOL WC-1007 shall be considered as an admission of any fact contained therein.

F. No stenographic report shall be taken at the initial mediation conference and no witnesses shall be called. All statements made at the mediation conference shall be privileged and shall not be admissible in any subsequent hearing or trial.

G. Continuances of the mediation conference may be permitted for good cause shown by written request to the mediator no later than three days prior to the conference, unless exigent circumstances exist. The request shall state the reasons the continuance is necessary, that all parties have been notified of the request, and whether all parties agree to the continuance.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 25:1863 (October 1999), amended LR 33:654 (April 2007).

§5815. Pretrial Mediation

A. A pretrial mediation shall be set not less than 30 days prior to trial. The pretrial mediation cannot be waived and all parties or their legal representatives must attend in person. The court shall provide notice of the date, time and place of the pretrial mediation to all parties at the same time and in the same manner.

B. No stenographic report shall be taken at the pretrial mediation conference and no witnesses shall be called. All statements made at the mediation conference shall be privileged and shall not be admissible in any subsequent hearing or trial.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 33:655 (April 2007).

§5817. Conclusion of Mediation Conference

A. When it becomes apparent during the course of a mediation conference that agreement on all issues cannot be reached, the mediator shall issue a report stating the result of the conference and immediately issue citations to all defendants. The report shall be issued to the parties immediately following the conference or mailed within five days thereof.

B. When it becomes apparent during the course of a mediation conference that agreement on all issues cannot be reached, the mediator shall issue a report stating the result of the conference. If the parties agree, the judge, on his/her own order or the mediator may schedule additional mediation conferences when either deems necessary.

C. ...

D. If any proper party defendant is present or represented at the initial mediation conference, formal citation and service of process shall be made upon that defendant or its representative at that time. If the defendant(s) is participating by telephone, citation shall be waived and service shall be accepted by facsimile. A signed waiver form shall be returned within 24 hours after the conclusion of the mediation by facsimile transmission. Citation and service of process shall be as provided in §5511. The affidavit of the mediator, facsimile confirmation, or waiver of service signed by the defendant or its authorized representative in any subsequent proceeding shall be prima facie evidence that service has been made in accordance with this rule.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 25:269 (February 1999), amended LR 25:1864 (October 1999), LR 33:655 (April 2007).

§5819. Failure to Attend; Sanctions

A. If any party fails to appear at the pretrial mediation conference after proper notice and without just cause, the judge, upon report from the mediator, may fine the delinquent party an amount not to exceed \$500, which shall be payable to the Kids Chance Scholarship Fund of the Louisiana Bar Foundation. In addition, the judge may assess against the party failing to attend, costs and reasonable attorney's fees incurred by any other party in connection with the conference. The actions provided for in this Section

shall be determined by the judge only after a contradictory hearing properly noticed by the court which shall be held prior to the hearing on the merits of the dispute unless waived upon joint motion of the parties. Appearance by the parties and/or their representative at the penalty hearing may be waived. The judge may entertain such action by telephone conference with all parties participating. Such telephone conference shall be initiated by the party requesting the telephone conference.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 25:1864 (October 1999), amended LR 33:655 (April 2007).

Subchapter F. Exceptions

§5824. Rule to Show Cause; Time for Filing Memoranda

A. Any party may seek to have any exception heard by filing a rule to show cause.

B. The memorandum in support shall be filed no later than 14 days prior to the hearing. The memorandum in opposition shall be filed no later than 8 days prior to the hearing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 33:656 (April 2007).

Subchapter G. Motions

§5831. Motion or Rule Day

A. ...

B. The judge may require the parties to submit briefs in connection with any exception, rule, or motion. Briefs should be submitted as provided in §5824. A copy of the brief shall be served upon all counsel of record at the same time and in the same manner as submitted to the court.

C. ...

D. A motion for summary judgment shall be filed no later than 45 days prior to trial unless both parties agree to waive the deadline with the approval of the court.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 25:270 (February 1999), amended LR 25:1865 (October 1999), LR 33:656 (April 2007).

§5835. Ex Parte and Contradictory Motions; Rule to Show Cause Favored

A. Ex parte and contradictory motions shall be governed by Code of Civil Procedure Articles 963 et seq. A contradictory hearing properly noticed by the court with the adverse party may be held unless waived upon joint motion of the parties. Appearance by the parties and/or their representative may be waived in written form. The judge may entertain such motion by telephone conference with all parties participating. Such telephone conference shall be initiated by the party requesting the telephone conference.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 25:270 (February 1999), amended LR 25:1865 (October 1999), LR 33:656 (April 2007).

Chapter 59. Production of Evidence

Subchapter A. General

§5901. Discovery and Attendance of Witnesses

A. The hearing process shall be available to aid any party in pursuit of discovery and to compel attendance of witnesses or production of evidence. The judge on his own motion at any conference may order the production of discoverable material and make any other order facilitating discovery. Copies of discovery documents, including, but not limited to, deposition notices, are to be mailed to all parties and shall not be filed in the record of the proceedings unless attached as an exhibit to a motion or ordered by the judge.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 25:271 (February 1999), amended LR 25:1865 (October 1999), LR 33:656 (April 2007).

§5905. Protective Orders

A. Upon motion by a party or by a person from whom discovery is sought, and for good cause shown after contradictory hearing properly noticed by the court, the judge may make any order which justice requires to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense. The judge may entertain such motion by telephone conference with all necessary parties participating. Such telephone conference shall be initiated by the party requesting the telephone conference.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 25:272 (February 1999), amended LR 25:1865 (October 1999), LR 33:656 (April 2007).

Subchapter B. Subpoena

§5909. Issuance; Service

A. Subpoenas issued in connection with any workers' compensation matter shall be served by the party requesting issuance of the subpoena, and may be served by certified mail return receipt requested or any other manner provided in §5511. Proof of service shall be the responsibility of the party requesting the subpoena. Once issued and served, a subpoena may be canceled by the requesting party only after written notice to the opposing side. It shall be the responsibility of the requesting party to provide written notification of cancellation to all opposing parties as well as the person under subpoena. It shall be the responsibility of the parties to copy each other on the subpoenas they issue.

B. In order to be enforceable, subpoenas for hearing shall be served seven days prior to the scheduled hearing date; subpoenas to compel attendance of medical experts shall be served 10 days prior to hearing. Subpoenas for hearing may be issued after expiration of these time limits only by leave of court for good cause shown or upon written consent of all parties.

C. Written request for unemployment records must be made to the workers' compensation court at least seven days prior to the scheduled hearing at which the documents sought are to be submitted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 25:272 (February 1999), amended LR 25:1866 (October 1999), LR 33:656 (April 2007).

Subchapter D. Depositions

§5927. Expert Witness Fee

A. For just cause shown, the workers' compensation judge may set a reasonable witness fee for expert testimony.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 33:657 (April 2007).

Subchapter F. Production of Documents

§5933. Production of Documents; General; Medical Evidence

A. ...

B. Objection to medical evidence shall be as provided in R.S. 23:1122. When a timely objection is received, the judge may set a hearing on the motion, or rule on the matter at the trial on the merits. The judge further has the discretion to order, after a contradictory hearing properly noticed by the court, a deposition of the doctor if necessary to clarify a report or to obtain additional information, during the discovery period or at the trial on the merits.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 25:274 (February 1999), amended LR 25:1866 (October 1999), LR 33:657 (April 2007).

Subchapter I. Motion to Compel

§5955. Motion for Order Compelling Discovery

A. ...

B. Prior to filing a motion to compel discovery, a party shall comply with Rule 10.1 of the Rules for Louisiana District Courts adopted by the Louisiana Supreme Court.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 25:275 (February 1999), amended LR 25:1867 (October 1999), LR 33:657 (April 2007).

Subchapter J. Sanctions

§5961. Refusal to Obey Subpoena

A. When a person who, without reasonable excuse, fails to obey a subpoena, the judge may proceed with contempt proceedings as provided in R.S. 23:1310.7.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 25:276 (February 1999), amended LR 25:1867 (October 1999), LR 33:657 (April 2007).

§5963. Failure to Comply with Order Compelling Discovery

A. Failure to comply with order compelling discovery shall be governed by Code of Civil Procedure Article 1471. In addition, the judge may proceed with contempt proceedings as provided in R.S. 23:1310.7.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR

25:276 (February 1999), amended LR 25:1867 (October 1999), LR 33:657 (April 2007).

Chapter 60. Pretrial Procedure

§6001. Scheduling Conferences

A. Within 60 days following receipt of the answer a scheduling conference for the purpose of setting pretrial deadlines shall be held by telephone.

B. Issues to be considered and determined at the scheduling conference may include:

1. - 3. ...

4. scheduling of the pretrial conference and the scheduling of a pretrial mediation conference;

5. ...

6. the need for and scheduling of a pretrial conference;

7. such other matters as may aid in the disposition of the action.

C. ...

D. The judge in his discretion may require a pretrial conference to be held by telephone.

E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 25:1867 (October 1999), amended LR 33:657 (April 2007).

§6003. Conferences or Hearings by Telephone

A. All conferences, except the pre-trial mediation, or hearings may be held by telephone. Where there are more than two attorneys participating in the conference, it shall be conducted by telephone conferencing initiated by the counsel for the employer or insurer.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 25:276 (February 1999), amended LR 25:1868 (October 1999), LR 33:657 (April 2007).

§6005. Pretrial Conference

A. When requested by the court, each party to the dispute shall file a pretrial statement with the appropriate district office within the time frame designated by the court.

B. ...

C. The pretrial conference will be held by telephone, unless in the judge's discretion, attendance at the conference is necessary.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 25:277 (February 1999), amended LR 25:1868 (October 1999), LR 33:657 (April 2007).

§6007. Pretrial Order

A. - A.3 ...

4. a list and brief description of all exhibits to be offered at trial; Exhibits to be used for impeachment or rebuttal need not be included in the list. Proposed stipulations as to exhibit authenticity and/or admissibility shall be noted in the exhibit list;

5. a list of all witnesses to be called at trial. The list shall include a short statement as to the nature but not the content of their testimony, and whether the testimony will be live or by deposition. Except for the witnesses listed, no other witnesses may be called to testify except for good

cause shown. This requirement shall not apply to impeachment and rebuttal witnesses;

6. outstanding discovery and depositions to be taken.

B. Amendments to the pretrial statement shall only be by written motion and permitted only for good cause shown. No new issues shall be raised except by written order of the judge for good cause or upon mutual agreement of the parties.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 25:277 (February 1999), amended LR 25:1868 (October 1999), LR 33:657 (April 2007).

§6009. Pretrial Mediation

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 25:277 (February 1999), amended LR 25:1868 (October 1999), repealed LR 33:658 (April 2007).

Chapter 61. Hearings

Subchapter A. Expedited Hearings

§6101. Examination of an Injured Employee

A. The examination of an injured employee shall be governed by R.S. 23:1124.1.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 25:1868 (October 1999), amended LR 33:658 (April 2007).

Subchapter B. Continuance

§6103. General

A. - C. ...

D.1. If all parties are represented by counsel and the motion is uncontested, the moving party shall certify to the court that he has spoken to opposing counsel, that no opposition exists and that all witnesses have been timely notified of the continuance. The uncontested motion shall be granted.

2. If any of the parties are unrepresented, the uncontested motion may be granted if there are good grounds therefore and if the workers' compensation judge believes it is in the best interest of the parties.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 25:277 (February 1999), amended LR 25:1868 (October 1999), LR 33:658 (April 2007).

Chapter 62. Trial

Subchapter A. Trial Procedure

§6201. General

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 25:278 (February 1999), amended LR 25:1869 (October 1999), repealed LR 33:658 (April 2007).

§6209. Testimony of Medical Personnel

A. ...

1. certified medical records;

2. - 4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 25:278 (February 1999), amended LR 25:1869 (October 1999), LR 33:658 (April 2007).

Subchapter B. Dismissal

§6211. Dismissal

A. Except as provided in §5705, dismissals shall be governed by Code of Civil Procedure Articles 1671 et seq.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 25:278 (February 1999), amended LR 25:1869 (October 1999), LR 33:658 (April 2007).

Chapter 63. Judgments

Subchapter A. General

§6301. Submission of Evidence; Submission for Judgment/Decision; Post Hearing Briefs

A. The parties shall file into the record all evidence at the time of trial or hearing unless the court, for good cause shown, grants an extension.

B. A case or other matter shall be considered as having been fully submitted for decision immediately upon the conclusion of trial or hearing or final submission of all evidence or post-trial/hearing briefs, whichever occurs latest.

C. Whenever, the judge allows or orders post-trial/hearing briefs, the parties shall be allowed a maximum of 15 working days from the conclusion of the trial or final submission of all evidence, whichever occurs latest, to file the briefs.

D. The brief must be received in the district office either through the United States Postal Service, facsimile transmission, or electronic transmission (with verified signature) within the delays provided and without benefit of the use of the postmark to meet the deadline.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 25:279 (February 1999), amended LR 25:1869 (October 1999), LR 33:658 (April 2007).

§6303. Completion of Trial; Pronouncement of Judgment; Time for Judgments or Orders; Written Reasons

A. The procedures for completion of trial and pronouncement of judgment shall be governed by R.S. 23:1310.5.A.(1) and 1201.3.A. All such orders, decisions, or awards shall be rendered no later than 45 calendar days after conclusion of trial, submission of all evidence or filing of post-trial/hearing briefs, whichever occurs later.

B. Written reasons shall only be rendered if requested in written form by any party to the claim within 10 days of the signing of the judgment. The written reasons shall be issued by the judge not later than 45 calendar days following the request.

C. After the submission of all evidence oral rulings may be issued from the bench immediately after the trial or subsequent to the trial. In either case, the oral ruling shall be made by recitation of the reasons for judgment in open court and capable of being transcribed from the record of the proceeding. The transcript of the oral reasons for judgment may be considered the written reasons for judgment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 25:279 (February 1999), amended LR 25:1869 (October 1999), LR 33:658 (April 2007).

Subchapter C. Modification

§6311. General

A. The modification of an award shall be governed by R.S. 23:1310.8(A)(1), (B) and (F).

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 25:279 (February 1999), amended LR 25:1870 (October 1999), LR 33:659 (April 2007).

§6315. Request for Modification

A. Any party to the claim may apply for modification pursuant to §6311. If the original decision or award was made by a district court judge, the party seeking the modification shall furnish the workers' compensation judge with the appropriate evidence and documents from the district proceedings.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 25:279 (February 1999), amended LR 25:1870 (October 1999), LR 33:659 (April 2007).

§6317. Exception

A. A motion for new trial shall be governed by Code of Civil Procedure Articles 1971 et seq.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 25:279 (February 1999), amended LR 25:1870 (October 1999), LR 33:659 (April 2007).

Chapter 65. Special Disputes

Subchapter A. Attorney Fees

§6501. Disputed Attorney Fees

A. When a dispute arises among several attorneys as to the identity of claimant's counsel of record, or when several successive attorneys lay claim to a fee in the same case, the judge shall decide the issues raised and allocate the fee allowed in accordance with Rule 1.5 of the Rules of Professional Conduct of the Louisiana Supreme Court.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 25:280 (February 1999), amended LR 25:1870 (October 1999), LR 33:659 (April 2007).

Subchapter B. Social Security Offset

§6507. Offset

A. A request for offsets pursuant to R.S. 23:1225(C) made in connection with a disputed claim shall be made by filing Form LDOL-WC-1008 or by responsive pleading. An order shall be issued recognizing the entitlement to the offset for social security benefits from the date of judicial demand, and setting the amount of the offset after a determination of the character of the disability, the right to the offset, and calculation of the offset. A contradictory hearing properly noticed by the court may be set by the judge for this determination. Notice shall be provided to the claimant or

his representative prior to issuance of the order. The order shall be served by certified mail upon all parties and the Social Security Administration. Such offsets may be taken upon receipt of proof of service of the order upon the Social Security Administration by the Office of Workers' Compensation Administration. Such offsets shall not be taken unless the social security offset has been removed.

B. A request for offsets pursuant to R.S. 23:1225(A) made in connection with a claim not in dispute may be made by motion on form LDOL-WC-1005(A) or by letter, filed in the appropriate district office. When properly filed, the motion or letter requesting an offset may be granted ex parte from date of filing. Such offsets shall not be taken unless the social security offset has been removed. No fee shall be charged in connection with a request made under this Subsection.

C. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 25:281 (February 1999), amended LR 25:1871 (October 1999), LR 33:659 (April 2007).

Subchapter C. Financial and Compliance Hearings

§6509. Financial and Compliance Hearings

A. An initial mediation conference shall be held within 15 days of the filing of an appeal for financial and compliance matters.

B. If a resolution is not reached, a hearing on the appeal held pursuant to R.S. 23:1171 shall be held within 15 days of the conclusion of the initial mediation conference, and shall be conducted in accordance with the provisions of the Administrative Procedure Act.

C. Suspensive appeals of a determination of the financial and compliance officer will not be entertained.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 25:281 (February 1999), amended LR 25:1871 (October 1999), LR 33:659 (April 2007).

Chapter 66. Miscellaneous

Subchapter A. General

§6607. Posting of Docket

A. The clerk of the district office shall keep a docket upon which shall be entered the docket reference number of all matters set for mediation, hearing, or trial. The docket shall be posted on the Department of Labor website and in a conspicuous location of the district office on the first work day of each week for that week.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 25:282 (February 1999), amended LR 25:1871 (October 1999), LR 33:659 (April 2007).

Subchapter B. Costs

§6611. Medical Costs

A. Except as provided in R.S. 23:1034.2(E), the determination of all medical reimbursement shall be based upon the reimbursement schedule in effect at the time the services are rendered. Every attempt to resolve disputes over medical reimbursement shall be made by applying said schedule(s).

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 25:282 (February 1999), amended LR 25:1872 (October 1999), LR 33:659 (April 2007).

Subchapter C. Waiver of Costs for Indigent Party

§6613. General

A. Waiver of costs for indigent party shall be governed by Code of Civil Procedure Articles 5181 et seq. The request for waiver of costs shall be made on WC Form No. 1027.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 25:282 (February 1999), amended LR 25:1872 (October 1999), LR 33:660 (April 2007).

John Warner Smith
Secretary of Labor

0704#058

RULE

Department of Natural Resources Office of Conservation

Statewide Order No. 29-B—Procedures for Hearings and the Submission and Approval of Plans for the Remediation of E and P Sites (LAC 43:XIX.Chapter 6)

The Louisiana Office of Conservation has amended LAC 43:XIX.Subpart 1 (Statewide Order No. 29-B) to include a new Chapter, i.e. LAC 43:XIX.Chapter 6, in accordance with the provisions of the Administrative Procedure Act, R. S. 49:950 et seq. and pursuant to power delegated under the laws of the State of Louisiana and particularly Title 30 of the Louisiana Revised Statutes of 1950, Sections 30:4 et seq. This amendment will standardize regulatory procedures for hearings for exploration and production site evaluation or remediation plans submitted for Office of Conservation approval subject to the statutory provisions of Act 312 of 2006 under R.S. 30:29.

Title 43

NATURAL RESOURCES

Part XIX. Office of Conservation—General Operations

Subpart 1. Statewide Order No. 29-B

Chapter 6. Procedures for Hearings and the Submission and Approval of Plans for the Remediation of E and P Sites in Accordance with LSA-R.S. 30:29

§601. Authority

A. These rules and regulations are promulgated by the commissioner of conservation pursuant to the Administrative Procedure Act as contemplated in R.S. 30:4 and 30:29.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:4 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 33:660 (April 2007).

§603. Definitions

A. The words defined herein shall have the following meanings when used in these rules. All other words so used and not herein defined shall have their usual meanings unless specially defined in Title 30 of Louisiana Revised Statutes of 1950.

Affected Tract—any real property known or reasonably believed to have suffered environmental damage as defined in R.S. 30:29.

Date—the postmarked date of a letter or the transmittal date of a telegraphic or wireless communication.

Environmental Damage—any actual or potential impact, damage, or injury to environmental media caused by contamination resulting from activities associated with oilfield sites or exploration and production sites.

Environmental Media—includes, but is not limited to, soil, surface water, ground water, or sediment, or as defined in R.S. 30:29.

Evaluation or Remediation—includes, but is not limited to, investigation, testing, monitoring, containment, prevention, or abatement.

Feasible Plan—the most reasonable plan which addresses environmental damage in conformity with the requirement of Louisiana Constitution Article IX, Section 1 to protect the environment, public health, safety and welfare, and is in compliance with the specific relevant and applicable standards and regulations promulgated by a state agency in accordance with the Administrative Procedure Act in effect at the time of clean-up to remediate contamination resulting from oilfield or exploration and production operations or waste.

Final Submission—the last day on which any litigation party may submit a plan, comment, or response to a plan as provided by the orders of the court.

Litigation Party—any party to a judicial proceeding subject to R.S. 30:29 and who is not a responsible party as defined herein.

Oilfield Site or Exploration and Production (E&P) Site—any tract of land or any portion thereof on which oil or gas exploration, development, or production activities have occurred, including wells, equipment, tanks, flow lines or impoundments used for the purposes of the drilling, workover, production, primary separation, disposal, transportation or storage of E&P wastes, crude oil and natural gas processing, transportation or storage of a common production stream of crude oil, natural gas, coal seam natural gas, or geothermal energy prior to a custody transfer or a sales point. In general, this definition would apply to all exploration and production operations located on the same lease, unit or field.

Party—responsible parties and litigation parties as defined herein.

Plan—any submittal made in accordance with R.S. 30:29 and these rules for the evaluation or remediation of an affected tract as defined herein.

Responsible Party—the party or parties admitting responsibility for environmental damage or determined by the court to be legally responsible for environmental damage pursuant to R.S. 30:29.

Represented Party—any responsible party or litigation party who is represented by an attorney in the court matter that has been referred pursuant to R.S. 30:29 or before the Office of Conservation.

Technical Data—all basic factual information available that may be used to determine the levels of contamination and the vertical and horizontal extent of the contamination.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:4 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 33:660 (April 2007).

§605. Applicability

A. These rules of procedure shall be applied to Office of Conservation hearings and the submission and approval of plans pursuant to R.S. 30:29 (Act 312 of 2006). The posting and publication of a copy of the notice of hearing shall be accomplished as soon as practicable after such notice has been issued by the commissioner.

B. These rules of procedure shall in no way alter or change the right of any interested person, as provided in Paragraph F, Section 6 of Chapter 1 of Title 30 of the Louisiana Revised Statutes of 1950, to have the Commissioner of Conservation call a hearing for the purpose of taking action in respect to a matter within the jurisdiction of the commissioner, nor the requirement that the commissioner, upon receiving the request, promptly call a hearing. In addition, these rules shall in no way alter any other rights or claims, contractual or otherwise, which any person has or may have except as provided in R.S. 30:29 (Act 312 of 2006).

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:4 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 33:661 (April 2007).

§607. Commissioner's Conference

A. The general purpose of the Commissioner's Conference shall be to set a hearing date and to set deadlines for the release of technical data, hearing notices, filing of all plans, witness and exhibit lists, and any other preliminary matters necessary and appropriate to the hearing not otherwise addressed by these rules.

B. As soon as practicable after the final submission, the commissioner shall schedule a Commissioner's Conference and notify each party of the date and time of the conference.

C. Notice of the Commissioner's Conference shall be mailed to each responsible party and litigation party or their representatives stating the time and place of the conference.

D. Each responsible party or their representative is required to participate in the Commissioner's Conference.

E. Any litigation party may participate in the Commissioner's Conference.

F. The commissioner, or hearing officer appointed by the commissioner, shall have the right to call any other pre-hearing conferences at any time prior to the hearing, if in his opinion such a conference would resolve or narrow the issues in controversy or would assist in the conduct of the hearing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:4 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 33:661 (April 2007).

§609. General Requirements of Plans

A. Plans shall be filed within the time limit set by the court and shall be filed with the commissioner. A copy shall be mailed or delivered to each party. Any party submitting a plan shall submit at least three hard copies of the technical data and plan, as well as an acceptable electronic copy to the commissioner. In addition to outlining the purpose thereof, plans shall include the information required by §615 and shall include or be accompanied by the following:

1. a statement that a reasonable effort has been made to obtain a complete list of parties;

2. a statement that a Commissioner's Conference has or has not been held, and if held, a list of the parties in attendance;

3. a plat prepared in accordance with all applicable memoranda, with any technical data labeled thereon and the other items required by statute or by the commissioner;

4. a statement that the plan is to evaluate or remediate the environmental damage in accordance with the requirements of the applicable rules and regulations of the Office of Conservation or, if the plan seeks to apply rules and regulations of another Louisiana state agency, a citation to the specific rules and regulations of that state agency.

B. If a proposed plan is revised by any party, the revised plan shall be submitted as amended to the Commissioner of Conservation and forwarded to the parties in the same manner as the original plan with a revised plat.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:4 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 33:661 (April 2007).

§611. Specific Requirements of Plans

A. The Commissioner of Conservation shall consider only those plans filed in a timely manner and in accordance with these rules and orders of the court.

B. Except as provided in §611.F, each plan or submittal of any Responsible Party or any Litigation Party shall be evaluated in accordance with Statewide Order 29-B. Sampling and testing shall be performed in accordance with Statewide Order 29-B. Each plan shall fully delineate the vertical and horizontal extent of the environmental damage.

C. All Statewide Order 29-B sampling shall be in accordance with applicable guidelines as provided in the latest revision of the Department of Natural Resources laboratory procedures manual titled "Laboratory Procedures for Analysis of Exploration and Production Waste" and shall contain a plat showing the physical location from which such samples were obtained, provided that any sampling performed prior to the adoption of this Chapter may be considered by the commissioner in approving or structuring a plan if the commissioner determines that such sampling was conducted in accordance with a scientifically reliable methodology.

1. In addition, information as to the identity of the person or company taking the samples, a copy of the certification of such person or company taking such samples (if applicable), and documentation showing the method of sampling, the chain of custody and all other such relevant information shall be included.

D. All Statewide Order 29-B sample analyses shall be in accordance with applicable regulatory requirements and the latest revision of the Department of Natural Resources

laboratory procedures manual titled "Laboratory Procedures for Analysis of Exploration and Production Waste" and shall be performed by a DEQ LELAP accredited laboratory holding current accreditation for each parameter and corresponding test method used, provided that any sample analyses performed prior to the adoption of this Chapter may be considered by the commissioner in approving or structuring a plan if the commissioner determines that such sample analyses was conducted in accordance with a scientifically reliable methodology.

1. All Statewide Order 29-B test results shall also contain a report certified by the testing laboratory including, at a minimum, a description of the testing process or methodology, by whom such testing was conducted, a copy of the laboratory's accreditation to conduct the described test, and all applicable required quality assurance/quality control data.

E. Each plan shall contain a separate section analyzing the sampling and testing as set forth in C and D above by comparison with the applicable Statewide Order 29-B criteria.

F. Any plan submitted by any party, or approved or structured by the commissioner, shall comply with the standards set forth in Statewide Order 29-B. Any party that seeks an exception under the provisions of §319 of Statewide Order 29-B shall submit:

1. a plan that complies with all the provisions of Statewide Order 29-B, exclusive of §319; and

2. a separate plan that includes:

- sufficient proof that there is good cause to grant an exception or exceptions sought under §319;
- sufficient proof showing that the exception or exceptions sought under §319 do not endanger USDW's; and
- a specific citation to the Louisiana rules, regulations or statutes sought to be applied in lieu of Statewide Order 29-B.

G. All plans shall also contain:

1. a chronological work schedule or proposal for a chronological work schedule detailing all activities necessary for its implementation and an estimated cost for each item;

2. a comprehensive itemized cost basis for each item listed in Paragraph G.1;

3. a certification of review and approval by signature from an attorney licensed to practice law in Louisiana, or an attorney from another jurisdiction who has been authorized to appear before the commissioner, worded as follows:

"I, _____, have reviewed the information submitted herewith and hereby attest that to the best of my knowledge, information and belief it is true and correct and is based on scientific data that has been obtained in a manner compliant with all applicable regulations."

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:4 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 33:661 (April 2007)

§613. General Requirements of Comments and Responses

A. Comments or responses shall be filed within the time limit set by the court and shall be filed with the commissioner and the court with a copy to each party. Any party filing a comment or response shall submit to the Commissioner of Conservation at least three hard copies of the comment or response and any data utilized as provided

in §617, as well as an acceptable electronic copy to the commissioner. In addition to outlining the purpose thereof, the comments or responses shall, in addition to the information required by §615 include or be accompanied by the following:

1. a statement that a reasonable effort has been made to obtain a complete list of parties;

2. a plat prepared in accordance with all applicable memoranda, with any technical data labeled thereon and the other items required by statute or regulation or by the commissioner, if different from the plan on which the comments or responses are made;

3. a statement that the comment or response is to evaluate or remediate the environmental damage in accordance with the requirements of the applicable rules and regulations of the Office of Conservation or, if the comment or response seeks to apply rules and regulations of another Louisiana state agency, a citation to the specific rules and regulations of that state agency.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:4 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 33:662 (April 2007).

§615. Notice of Filing a Plan, Comment or Response

A. Any litigation party filing a plan, comment or response pursuant to R.S. 30:29 shall also mail or deliver a copy to each litigation party or their representatives. If a representative represents more than one party, only one copy need be sent, unless otherwise ordered by the court.

B. Each plan, comment or response shall include a list of all parties to whom it is being provided and their addresses and other contact information.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:4 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 33:662 (April 2007).

§617. Release of Technical Data

A. Technical data regarding any plan, comment or response shall be provided to each party at the cost of the party sending such technical data at the time the plan, comment or response is filed with the commissioner and the court.

B. If the plan, comment or response utilizes data from another previously or concurrently filed plan, comment or response, a specific reference to the location of the data in those other filings will suffice to meet the requirements of this rule.

C. Reference to the source or sources, including commercial outlets, from whom such technical data can be obtained shall be included in the documentation required by these rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:4 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 33:662 (April 2007).

§619. Revisions to Plans, Comments or Responses Thereto

A. If, after any plan, comment or response is filed, such plan, comment or response is revised, the party revising the plan, comment or response shall promptly notify the commissioner and all parties to whom the plan, comment or

response was sent, of the revision. The revising party shall furnish the commissioner at least three hard copies and one acceptable electronic copy of the data and revised plan, comment or response, and any technical data used to support the revision. The revising party shall also provide the court and all parties a copy of any revised plan, comment or response and any technical data used to support the revision. The revising party shall, if requested by the commissioner, participate in an additional Commissioner's Conference to discuss the revised plan, comment or response prior to the hearing. No revised plan, comment or response may be considered at the hearing unless notice of the revision has been sent to the commissioner, the court and to all parties to whom the legal notice is required at least ten days prior to the hearing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:4 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 33:662 (April 2007).

§621. Mandatory Disclosures and New Evidence

A. All technical data available to any party filing a plan, comment or response shall be disclosed to all parties on or before the date such plan, comment or response is filed with the commissioner, regardless of whether such technical data is used or referenced in such plan, comment or response.

B. If new technical data becomes available to any party after proceedings have been initiated hereunder, such technical data shall be made available immediately to all parties by notice of its availability and by release in accordance with §617. Such technical data may be used by any party at the hearing and may be the basis for revision of plans, comments or responses previously made by any party. Subject to the time limitations set forth in R.S. 30:29, the commissioner in his discretion may determine that additional time should be afforded for consideration of new technical data. The commissioner in his discretion may also establish a time limit beyond which new technical data may not be considered.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:4 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 33:663 (April 2007).

§623. Hearing Officer

A. The Commissioner of Conservation may designate a licensed Louisiana attorney to act as hearing officer in any hearing or at any conferences under these rules.

B. The duties of the hearing officer include, but are not limited to, conducting any Commissioner's Conference provided under these rules, ruling on evidentiary or procedural matters, maintaining order at the hearings, and generally ensuring that an accurate record is made of the proceedings under these rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:4 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 33:663 (April 2007).

§625. Costs

A. At least 15 days before the scheduled hearing, the Commissioner of Conservation shall provide the court and litigation parties a schedule of its estimated costs for the review and evaluation of any plans, comments or responses,

hearing costs as well as any other costs the Commissioner of Conservation is expected to incur. The responsible party shall deposit sufficient funds in the registry of the court, or, with the approval of the court, may submit such funds directly to the Commissioner of Conservation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:4 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 33:663 (April 2007).

§627. Plan Approvals

A. Within 60 days of the conclusion of the hearing, or within such longer time as the court allows, the Commissioner of Conservation shall either approve a submitted plan as the most feasible plan or structure a plan which, based on the evidence submitted on the record, the commissioner determines to be the most feasible plan and shall further issue written reasons for the plan he approves or structures.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:4 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 33:663 (April 2007).

§629. Rehearing

A. Requests for rehearing by any party shall not be considered by the Commissioner of Conservation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:4 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 33:663 (April 2007).

§631. Timeliness of Filings

A. All notices and filings provided for herein shall be presumed to be timely when the postmark date or actual date of receipt, if hand delivered, of the copy received by the commissioner complies with appropriate delays herein provided. Copies required to be provided to the parties shall be deposited on the same date in the United States mail, properly stamped and addressed, or, if telegraphic or wireless communication is used, dispatched on that date by the transmitting party.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:4 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 33:663 (April 2007).

§633. Notice of Hearings and Continued Hearings

A. In addition to the publication of the legal notice by the commissioner in the official state journal, the responsible party or parties shall provide for the posting of a copy of the legal notice of the hearing and a plat or plats in a prominent place in the area affected, and shall cause to be published at least 15 days before the hearing a copy of the legal notice in a newspaper published in the vicinity or general area of the affected tract or tracts. The responsible party or parties shall mail copies of the legal notice to all parties and a copy of the plat or plats shall be included with the legal notice, if said parties have not already been furnished same. Evidence to establish posting, publishing and mailing shall be submitted at the hearing.

B. When a hearing is opened and continued, the notice given for the original hearing shall be applicable to the continued hearing, if the hearing officer at the time of

granting the continuance designates the new time, date and place of the continued hearing. In all other instances of a continued hearing, the responsible party or parties shall at least 15 days before the hearing provide notice of the continued hearing by posting such notice in a prominent place in the area affected, by publishing such notice in a newspaper published in the vicinity or general area of the affected tract or tracts and by mailing such notice to all parties.

C. In no case shall a hearing be held more than 60 days from the date of the final submission without the express approval of the trial court.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:4 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 33:663 (April 2007).

§635. Rules of Hearing Conduct and Procedure

A. The responsible party or parties shall first present the entire scientific, technical or other bases of their plan or plan(s).

B. Any litigation party or parties who have filed a comment in support of any responsible party's plan or plans shall then present the entire scientific, technical or other bases for their support and shall do so immediately after the responsible party or parties have completed their presentations.

C. Any litigation party who has submitted a plan or plans shall then present the entire scientific, technical or other bases thereof. If any litigation party has filed a comment in opposition to any responsible party's plan or plans, such party shall then present their entire scientific, technical or other bases for such opposition. Any litigation party who has filed a comment in support of a litigation party's plan shall then present the entire scientific, technical or other bases for such support.

D. Each responsible party shall then have the opportunity to provide rebuttal evidence in response to the opposition to its plan or plans, or in response to any plan offered by any litigation party.

E. The litigation party filing the plan shall then have the opportunity to provide rebuttal evidence in response to the opposition to its plan.

F. All rebuttal scientific, technical or other testimony, shall be strictly limited to a refutation of the matters covered by the opponents.

G. Any witness shall be subject to examination by the commissioner or any member of his staff and by no more than two representatives of a party. Cross-examination shall be conducted in accordance with the following guidelines.

1. Cross-examination shall be limited to questions concerning the testimony and exhibits presented by the witness, testimony and exhibits presented by any other witness and the credibility of the witness.

2. Matters peculiarly within the knowledge of the cross-examiner or his witnesses shall be presented by them on direct examination, and there shall be no attempt to establish such matters by cross-examination.

3. Cross-examination shall be conducted in a polite and courteous manner without reference to personalities of the witness or the party represented by the witness.

H. The litigation parties and responsible parties may make opening statements. The litigation parties and responsible parties may also make closing statements concerning their positions, but such statements shall not include technical matters which have not been presented by sworn testimony. The responsible parties shall have the right to make the last closing statement. If there is more than one litigation party or responsible party, the parties may agree on the sequence in which opening or closing statements are presented, or the commissioner or hearing officer shall determine the sequence.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:4 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 33:664 (April 2007).

§637. Penalty for Non-Compliance

A. Failure to comply with the provisions of or the spirit of these rules of procedure may prevent plan, comment or response from being advertised or heard, or may prevent a party from presenting evidence at the hearing, but any approval or structure of a plan issued by the commissioner shall not be invalid by operation of this rule.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:4 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 33:664 (April 2007).

§639. Time of Commencement

A. The procedures set forth in these rules shall commence upon final submission date as provided in these rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:4 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 33:664 (April 2007).

§641. Coverage of Rules

A. Nothing contained in these rules shall in any way limit the authority of the commissioner of conservation to independently initiate any civil or administrative proceeding or to initiate any civil enforcement action.

B. Nothing in these rules shall in any way limit the Office of Conservation from independently responding to an inquiry or request by a landowner or any other person for investigation of alleged environmental damage.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:4 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 33:664 (April 2007).

James H. Welsh
Commissioner

0704#066

RULE

**Department of Public Safety and Corrections
Board of Private Investigator Examiners**

Fees (LAC 46:LVII.517)

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.), the Department of Public Safety and Corrections, Board of Private Investigator Examiners, has amended LAC 46:LVII.517, Fees.

Title 46

**PROFFESIONAL AND OCCUPATIONAL
STANDARDS**

Part LVII. Private Investigator Examiners

**Chapter 5. Application, Licensing, Training,
Registration and Fees**

§517. Fees

A. In addition to the fees provided by R.S. 37:3516, the following schedule of fees shall be assessed:

1. for licensee or any business entity employing more than one investigator:
 - a. - c. ...
 - d. transfer of agent \$ 50;
2. for private investigator employed by a company or corporation, or apprentice investigator:
 - a. - d. ...
 - e. transfer of agency \$ 50;
3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3505(B)(1).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Board of Private Investigator Examiners, LR 19:1335 (October 1993), amended LR 33:665 (April 2007).

Douglas J. Chauvin
Chairman

0704#071

RULE

**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, has adopted §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 30 days of good time credit in addition to that otherwise authorized by law for every 30 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 33:665 (April 2007).

Richard L. Stalder
Secretary

0704#008

RULE

Department of Public Safety and Corrections Corrections Services

Judicial Agency Residential Referral Facilities (LAC 22:I.Chapter 13)

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.), and R.S. 40:2851 and 2852, the Louisiana Department of Public Safety and Corrections, Corrections Services, has adopted Chapter 13, Judicial Agency Referral Residential Facilities.

The purpose of the promulgation of the aforementioned regulation is to establish the secretary's rules relative to the housing or temporary residence of individuals who have been arrested for the commission of a crime and are referred by any judicial agency to an approved residential facility and to provide for the construction, standards of operation and services provided by such residential facilities.

Title 22

CORRECTIONS

Part I. Corrections

Chapter 13. Residential Referral

Subchapter A. General Provisions

§1301. Judicial Agency Referral Residential Facilities

A. Purpose. To establish the secretary's rules relative to the housing or temporary residence of individuals who have been arrested for the commission of a crime and are referred by any judicial agency to an approved residential facility and to provide for the construction, standards of operation and services provided by such residential facilities.

B. Applicability. Chief of operations, undersecretary, assistant secretary and administrators of housing or temporary residential facilities.

C. Policy. No facility not otherwise required to be licensed by Department of Health and Hospitals or Department of Social Services shall provide housing or temporary residence to any individual referred by a judicial agency and no judicial agency shall refer any individual to a facility providing housing or temporary residence until the facility complies with rules as outlined in this regulation.

D. Procedure

1. The facility shall comply with all building codes, local zoning requirements and ordinances with regard to permits and licenses.

2. The State Fire Marshal and State Health Officer will determine rated bed capacity and approval for occupancy.

3. The facility shall comply with the Judicial Agency Referral Residential Facility Standard Operating Procedures.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2851 and 2852.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Corrections Services, LR 33:666 (April 2007).

Subchapter B. Judicial Agency Referral Residential Facility Standard Operating Procedures

§1303. Administration

A. The facility shall have a written document describing the facility's organization. The document shall include an organization chart that groups similar functions, services, and activities.

B. Regular meetings between the facility administrator, or designee and all department heads shall be held and there is formal documentation that such meetings are conducted at least monthly.

C. Written policy, procedure and practice shall provide for an independent financial audit of the facility at least annually or as stipulated by statute.

D. Each facility shall have comprehensive facility insurance coverage.

E. Residents' personal funds held by the facility are controlled by accounting procedures and in accordance with §1321, Residents' Personal Funds.

F. Staffing requirements for the facility shall ensure there is 24-hour monitoring and coordinating of the facility's life safety and communications systems.

G. Standard of Conduct for Employees of Residential Programs

1. Employees are expected to conduct themselves in a manner that will not bring discredit upon their facility.

2. Each employee is to be furnished with written notice of facility rules, policies and procedures.

3. The facility will provide at least one staff person on duty 24 hours a day to control the movement and location, at all times, of all residents assigned to the facility.

4. There shall be a method of staff identification so that they can be readily identified by visitors through utilization of name tags, identification cards, etc.

5. There should be written job descriptions and job qualifications for all positions in the facility. Qualifications should reflect the level of responsibility of the position.

6. All full-time employees must receive initial orientation training during the first week of employment and must participate in training and educational activities on an annual basis.

H. A training program shall be in place which will include orientation for all new employees (appropriate to their job) prior to assuming a position. Such training shall include:

1. fire and emergency procedures;
2. suicide prevention;
3. CPR and first aid;
4. resident rules and regulations.

I. Case records shall be maintained for each resident housed at the facility.

J. Written records or logs shall be maintained at the facility which continuously documents the following information:

1. personnel on duty;
2. resident population;

3. admission and release of residents;

4. shift activities;

5. entry/exit of all visitors including legal/medical;

6. unusual occurrences (including but not limited to major and minor disturbances, fires, escapes, deaths, serious illness or injury and assaults or other acts of violence).

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2851 and 2852.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Corrections Services, LR 33:667 (April 2007).

§1305. Physical Plant

A. The facility shall comply with the requirements of the State Fire Marshal and shall have a specific plan for addressing deficiencies, if any, that is approved by the State Fire Marshal. The State Fire Marshal shall approve any variances, exception or equivalencies.

B. The facility shall comply with the requirement of the State Health Officer and shall have a specific plan for addressing deficiencies, if any, that is approved by the State Health Officer.

C. The number of residents present at the facility shall not exceed the rated bed capacity as determined by the State Fire Marshal and State Health Officer. The State Fire Marshal will determine a capacity based upon exiting capabilities. The State Health Officer will determine a capacity based upon the ratio of plumbing fixtures to residents and square footage. The rated capacity will be the lower of these two figures.

D. Residents shall have access to toilets and hand washing facilities 24 hours per day and shall have access to operable showers on a reasonable schedule, (a minimum of three times per week).

E. The facility shall have sanitary areas for the storage of all foods that comply with applicable state and/or federal guidelines.

F. Toilet and hand basin facilities are available to food service personnel in the food preparation area.

G. The facility shall have exits that are properly positioned, clear, and distinctly and permanently marked to ensure the timely evacuation of residents and staff in the event of fire or other emergency.

H. The facility shall comply with all building codes, local zoning requirements and ordinances with regard to permits and licenses.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2851 and 2852.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Corrections Services, LR 33:667 (April 2007).

§1307. Facility Operations

A. The facility shall have a system for physically counting residents that includes strict accountability for residents assigned to the program.

B. A current master list shall be maintained at all times of all residents assigned to the facility. This list is to be updated immediately whenever the facility receives, releases, or removes a resident from the facility.

C. There are several forms of control that must be considered around the facility. Physical control of the residents assures that all are accounted for at all times. When a count is conducted and it is found that a resident who is not physically present in the facility has not signed out on the

log in accordance with the appropriate procedure or has signed out but has failed to return to the facility on time in accordance with appropriate procedures, the facility shall take immediate action to locate the resident. If the resident cannot be located a report must be filed by the next working day with the referring authority.

D. When a resident leaves the facility for any reason, he shall sign out in the facility log book. Each entry shall include: resident's name; destination; phone number at destination; address of destination; time out; anticipated time of return; actual time of return; and the initials of the appropriate staff member charged with monitoring the log book.

E. Facility staff shall ensure that resident work schedules are verified prior to the resident signing out for work.

F. Alcohol/drug testing shall be conducted both randomly and for probable cause. Costs associated with testing shall be the responsibility of the facility. However, restitution in the amount of the actual cost of the drug testing may be obtained from the resident when the test results are positive.

G. The facility itself shall remain staffed 24 hours a day in such a manner that no person can enter or exit the facility without the knowledge of the on duty staff.

H. There are written procedures for facility emergencies. Such procedures shall include the reporting of these incidents to local law enforcement or the appropriate authorities.

I. The facility shall have disciplinary rules and procedures available to the resident population.

J. Program access and administrative decisions shall be made without regard to resident's race, religion, national origin, or sex. The facility shall have written policy, procedure, and practice to protect residents from personal abuse, corporal punishment, personal injury, disease, property damage, and harassment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2851 and 2852.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Corrections Services, LR 33:667 (April 2007).

§1309. Facility Services

A. Written policy, procedure, and practice shall require that food service staff plan menus and substantially follow the plan. The planning and preparation of all meals should take into consideration nutritional characteristics and caloric adequacy. The facility shall provide a tray/plate and utensil(s) for each hot meal. Records shall be maintained for all meals served. Three meals shall be provided at regular meal times during each 24-hour period for residents present in the facility at such meal time. Variations may be allowed based on weekend and holiday food service demands provided basic nutritional goals are met. Residents shall be provided an ample opportunity to eat.

B. The denial of food as a disciplinary measure is prohibited. Special diets as prescribed by appropriate medical or dental personnel shall be provided.

C. The facility shall have a written housekeeping plan that provides for the ongoing cleanliness and sanitation of the facility in addition to a plan for the control of vermin and pests.

D. The facility has an obligation to insure that the resident has adequate clothing appropriate to the season and

the resident's work status, including adequate changes of clothing to allow for regular laundering.

E. The facility shall provide adequate bedding and linens. Residents shall have reasonable access to personal hygiene articles including soap, towels, toothbrush, toothpaste, toilet paper, shaving gear, and feminine hygiene articles.

F. The facility shall have written policy, procedure, and practice for the delivery of health care services, including medical, dental and mental health services under the control of a designated health care authority who may be a physician or a licensed or registered health care provider or health agency. Access to these services should be unimpeded in the sense that non-medical staff should not approve or disapprove residents for services in accordance with the facility's health care plan.

G. Anyone providing health care services to residents shall be licensed, registered, or certified as appropriate to their respective professional disciplines. Such personnel may only practice as authorized by their license, registration, or certification. Standing orders may be used in the treatment of residents only when authorized in writing by a physician or dentist. (Standing orders are used in the treatment of identified conditions and for the on-site emergency treatment of a resident.)

H. Personnel who do not have health care licenses may only provide limited health care services as authorized by the designated health care authority and in accordance with appropriate training. This would typically involve the administration of medication, the following of standing orders as authorized by the designated health care authority and the administration of first aid/CPR.

I. The facility shall provide 24-hour emergency medical services. This requirement may be met by agreement with a local hospital, on-call qualified health care personnel, or on-duty qualified health care personnel. Decisions regarding access to emergency medical services shall not be the sole province of non-health personnel except as noted above.

J. All residents entering the program shall receive a health screening. The purpose of the health screening is to protect newly admitting residents who pose a health safety threat to themselves or others from not receiving adequate medical attention. This should include inquiry into:

1. current medical, dental, or mental health treatment;
2. current medications;
3. current medical, dental, or mental health complaints

and documentation of appearance and behavior, and current physical traumas or characteristics.

K. The facility shall have a method in place for the proper management of pharmaceuticals. Residents are provided medication as prescribed.

L. First aid kits shall be available in areas of the facility as designated by the health care authority and should be immediately accessible to housing units.

M. Sick call shall be conducted, at least weekly, by a physician and/or other qualified health care personnel who are licensed, registered, or certified as appropriate to their respective professional disciplinary and who practice only as authorized by their license, registration, or certification.

N. There is a written suicide prevention and intervention program that is approved by a mental health professional who meets the educational and license/certification criteria

specified by his/her respective professional discipline. All staff with responsibility for resident supervision are trained in the implementation of the program.

O. Written policy, procedure, and practice shall specify and govern the actions to be taken in the event of a resident's death.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2851 and 2852.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Corrections Services, LR 33:668 (April 2007).

§1311. Resident Programs

A. Educational programming shall be available from acceptable internal or external sources which should include, at a minimum, assistance in obtaining individualized program instruction at a variety of levels.

B. Written policy, procedure, and practice shall govern resident correspondence. Such policy should include provisions for inspection of mail for contraband or deterrence of material that interferes with legitimate facility objectives.

C. Written policy, procedure, and practice govern resident access to publications and packages from outside sources.

D. Written policy, procedure, and practice govern visiting. The number of visitors a resident may receive and the length of the visits may be limited only by the facility's schedule, space, and personnel constraints or when the facility administrator can present clear and convincing evidence that such visitation jeopardizes the safety and security of the facility.

E. Reading materials shall be available to residents on a reasonable basis.

F. Residents shall have reasonable opportunity for religious practice.

G. Exercise opportunities shall be available to residents adequate to ensure major muscle activity and outdoor exercise should be available on a regular basis.

H. Basic substance abuse education shall be provided to residents identified with alcohol and drug abuse problems.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2851 and 2852.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Corrections Services, LR 33:669 (April 2007).

§1313. Employment

A. There need be no general restriction on the types of jobs for which a resident may be considered. Each job offer will be investigated to determine if it is bona fide and consistent with program policies. The expectation is that the job selected will be that which best fulfills the purpose of the program. Good employment placement shall give preference to jobs that are related to prior training and are suitable for continued employment. All employment plans must be consistent with state statutes. Concern for public safety shall guide employment decisions at all times. No resident is to work for or on the premises of a school, day care facility, or other business or agency whose primary objective is in the service of juveniles, or who provide housing, care and/or treatment of juveniles.

B. Every reasonable effort will be made by the facility to provide residents with the highest paying job possible. Within reason, convenience of job location, as it pertains to

the facility providing transportation, should not be a deciding factor as to where residents are employed.

C. Residents will be assisted by facility staff in obtaining gainful employment. The facility will be responsible for maintaining liaison with sources of information on available jobs and with potential employers, and will provide transportation for job interviews.

D. All employers must sign the "Employer's Work Agreement Form" (Attachment #1) which indicates the terms and rules of the resident's employment, prior to the resident reporting to work for the employer. The facility must explain the requirements contained in the "Employers Work Agreement Form" to all approved employers. A copy of the signed form will be kept on file for the duration of the resident's stay at the facility. The employer agrees to report any attendance irregularities to the facility immediately and record same.

E. The employer must agree to provide a work situation where he or his designee, preferably a supervisor, will be present with the resident or at the work site at all times. Employment that does not provide for proper supervision of the resident and/or is deemed unsuitable by the facility director may be terminated.

F. The employer's responsibility to provide proper supervision for the resident extends from the time the employer receives the resident from facility personnel, either by picking him up at the facility or by having facility personnel transport the resident to the employer, and terminates when he returns the resident back to the facility personnel, either at the facility or to facility provided transportation. The ideal situation is for no resident to be unsupervised during the transportation process to or from an employment location. However, there may be a reasonable time (defined as less than an hour) allowed before work (when a resident is dropped off) and after work (when the resident is picked up) that he may be unsupervised.

G. Should the occasion arise and a resident is not picked up in a reasonable period of time, it must be noted on the transportation log with the reason why.

H. The facility is required to keep a list, which is updated weekly, of every employer who provides work for residents assigned to that facility. This list shall include but not be limited to the name and address of the employer, a brief description of the nature of the business, relevant telephone number(s), and whether or not work is performed at a stationary location or if the resident will be required to move during the course of the day.

I. If the resident's estimated time of return changes for any reason, this change must be verified by facility staff with the employer and noted in the daily log.

J. As previously mentioned, there are no general restrictions on the types of jobs residents may be considered for except those relative to juveniles; however, common sense and logic must prevail. At all times, concern for public safety shall guide the decision. Residents should not be employed in a bar, lounge or tavern as a bartender, waiter or clean-up person. Employment in a hotel, motel or restaurant where a lounge is a part of the establishment may be acceptable if the employment is checked out by the facility and is determined to be appropriate.

K. No resident should be employed in a position which would necessitate his/her departure from the state of

Louisiana without the express consent of the District Attorney and/or the court.

L. Employer's Work Agreement Form

Employer's Work Agreement Form

RESIDENT'S NAME: _____
JOB TITLE: _____
WAGES: Rate _____ per _____ PAY PERIOD _____
OVERTIME: _____ per _____
WORK HOURS: _____ WORK DAYS: _____
EFFECTIVE DATE OF EMPLOYMENT: _____

I understand and agree to the following:

- (1). Any resident in my employ will be covered by my insurance, and/or workmen's compensation insurance as required by law.
- (2). The resident may be withdrawn from employment in the event of a strike.
- (3). The consumption of alcohol beverages or illegal drugs by the resident is prohibited. If the employer has knowledge or suspicion that the resident is using either of these substances, the facility administrator will be notified immediately.
- (4). The resident must report immediately to and return directly from work each day. The employer will immediately report any known violations to the facility administrator.
- (5). Staff from the residential facility may visit the resident= work site at any time.
- (6). The employer agrees to provide a work situation where he or his designee, preferably a supervisor, will be present with the resident or at the work site at all times.

The wages of the resident shall be made out to the resident on a standard payroll check. No other wages or cash should be given to the resident directly. The payroll check shall be accompanied by a statement which includes the resident's name, deductions made, the pay period and the computation of gross wages.

NAME: _____ TITLE: _____
COMPANY or ORGANIZATION: _____
ADDRESS: _____ PHONE: _____

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2851 and 2852.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Corrections Services, LR 33:669 (April 2007).

§1315. Community Involvement

A. Community involvement and volunteers can be an important contribution to any program by providing a number of services to residents, as well as serving as a link between the facility and the community. Policies and procedures regarding citizen involvement shall be developed and volunteers should be subject to approval by the facility administrator.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2851 and 2852.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Corrections Services, LR 33:670 (April 2007).

§1317. Resident Activities

A. Daily Log. A daily log shall be maintained which will indicate when residents report to and leave work, and will list events, messages, telephone calls, incidents, etc. This daily log will begin at 12 midnight and cover a 24 hour period. All resident work schedules shall be verified by facility staff prior to the inmate being logged out for work.

B. Resident Log

1. A daily resident log shall be maintained which will indicate when residents leave and return to the facility for any reason. The resident will sign out in the facility log book. Each entry will include: residents' name; destination; phone number at destination; address at destination; time out; anticipated time of return; actual time of return; and the resident's signature upon return. The employee on duty will initial each entry when the resident leaves the facility and when he returns. A clock with the correct time will be visible to both the resident and the employee and will serve as the official timepiece. This daily resident log will begin at 12 midnight and cover a 24 hour period. Resident logs will be kept on file for at least three years.

2. Random pat searches will be conducted in such a manner so as to discourage the introduction of contraband into the facility. Random pat searches and alcohol breath tests will be administered by a staff member to the resident population each day as they return to the facility. All searches and breath tests will be entered on the daily log.

C. Transportation Log. A daily transportation log will be kept on the activities of each transportation vehicle. This log will indicate who is driving the vehicle, when a resident enters the vehicle, when and where he is dropped off, when a resident is picked up, and from where, and when he is returned to the facility. This daily transportation log will begin at 12 midnight and cover a 24 hour period. Daily transportation logs will be kept on file for at least three years.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2851 and 2852.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Corrections Services, LR 33:670 (April 2007).

§1319. Resident Discipline

A. Residents assigned to a residential program shall comply with all rules and procedures set forth by the facility. Each resident shall receive a copy of the facility handbook, all other rules and regulations of the program of that facility, including disciplinary procedures available to the staff, which the resident is required to read. The resident shall sign and date a statement acknowledging this, which is placed in his file.

B. All of the above shall be provided to the resident prior to his voluntary entry into the program.

C. The facility is responsible for ensuring that disciplinary reports are completed accurately and staff completing reports should receive training on report writing. A supervisor should review disciplinary reports prior to submission making certain essential elements (who, what, when, where, etc.) are covered with clarity. It is essential that reports be accurate as residents are subject to removal from the facility program for serious violations.

D. Restriction of Privileges. When residents are found guilty of a rule violation and are assessed penalties which restrict their privileges, the privileges which are restricted and the amount of time imposed should be posted in a conspicuous place so that all staff members are aware of the restrictions. Under no circumstances will privileges be restricted without a proper disciplinary report, a due process

hearing, and a finding of guilty. The denial of food will not be used as a disciplinary measure.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2851 and 2852.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Corrections Services, LR 33:670 (April 2007).

§1321. Resident Personal Funds

A. In keeping with the goals and objectives of the residential program, the facility should ensure as much of the resident's earned net wages as possible are maintained and available to the resident immediately upon release.

B. Funds held on behalf of the resident must be properly accounted for. The collection and disbursement of the resident's wages as well as the methods used for the receipt, safeguarding, disbursement and recording of funds must comply with generally accepted accounting principles. The legislative auditor of the state of Louisiana and/or the Office of the Governor, Division of Administration auditors shall have the option of auditing all accounts of the facility.

C. A ledger will be maintained reflecting the financial status of each resident in the facility, and there will be adequate documentation to support the receipt/expenditure of resident funds.

D. Internal Control

1. Certificates of bonding documenting coverage of staff handling resident's funds shall be available on site at the facility.

2. The facility will process all personal funds received on behalf of the resident, issue pre-numbered receipts for funds and post receipts to a ledger indicating receipt number. Funds received will be deposited daily (within 24 hours with the exception of weekends and holidays) in a public banking institution in an account designated "Resident Funds" and credits posted to the resident ledger.

3. All withdrawals or expenditures by a resident will be documented by a withdrawal request form, signed and dated by the resident. The withdrawal/expenditure is to be posted to the resident ledger with an adequate description relating to the transaction.

4. A statement of account balance will be given to the residents monthly.

5. The residents' account will be reconciled monthly. Upon receipt of the monthly bank statement, the facility prepares reconciliation to the resident ledger by:

a. adding all deposits and deducting all withdrawals to each individual ledger to determine each resident's current balance;

b. total current month's balances for all residents' ledgers including balances carried forward from previous months which have had no transactions in the current month;

c. compare this total to the reconciled bank balance;

d. investigate and resolve any discrepancies between the bank and the resident ledger.

E. Other Deductions Allowed

1. Allowance. The facility will develop procedures to determine the weekly allowance needed for incidental personal expenses in accordance with provisions in this Chapter. Residents(s) may be allotted up to \$30 weekly for living allowance.

2. Support of the Resident's Dependents. The resident and facility will mutually agree upon the amount to be sent to dependents. This agreement and authorization should be

in writing. If there is a legal judgment of support, that judgment will suffice as written authorization to disburse the money.

3. Payment of the Resident's Obligations. Debts acknowledged by the resident shall be in writing, or reduced to judgment (including victim restitution), and should reflect the schedule by which the resident wishes the debt to be repaid. The facility will ensure that payment of this type debt is legitimate.

4. Canteen items should be priced at a reasonable cost to residents. Contractors that operate a canteen will provide to the facility administrator a list of canteen items sold and the price list of the cost of the item to the resident.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2851 and 2852.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Corrections Services, LR 33:671 (April 2007).

Richard L. Stalder
Secretary

0704#007

RULE

**Department of Public Safety and Corrections
Office of the State Fire Marshal**

Code Standards (LAC 55:V.103 and 303)

In accordance with the provisions of R.S. 40:1563 relative to the authority of the Office of State Fire Marshal to promulgate and enforce rules, the Office of State Fire Marshal hereby amends the following Sections regarding adopted code standards, review of plans and building inspections.

Title 55

PUBLIC SAFETY

Part V. Fire Protection

Chapter 1. Preliminary Provisions

§103. General Provisions

A. It shall be the policy of the State Fire Marshal that in all instances or specifications provided in the statutes or in the codes referenced by the statutes, or by any specific references in administrative rulings by the State Fire Marshal, that the *Standard Building Code* published by the Southern Building Code Congress International, and the *International Building Code* published by the International Code Council, and the National Fire Codes published by the National Fire Protection Association as specifically identified in the following list, shall be used as the resource materials for determinations by the State Fire Marshal.

NFPA 1	2006 Edition	Uniform Fire Code
NFPA 10	2002 Edition	Standard for Portable Fire Extinguishers
NFPA 11	2005 Edition	Standard for Low-, Medium-, and High-Expansion Foam
NFPA 12	2005 Edition	Standard on Carbon Dioxide Extinguishing Systems
NFPA 12A	2004 Edition	Standard on Halon 1301 Fire Extinguishing Systems
NFPA 13	2007 Edition	Standard for the Installation of Sprinkler System

NFPA 13D	2007 Edition	Standard for the Installation of Sprinkler Systems in On- and Two-Family Dwellings and Manufactured Homes
NFPA 13R	2007 Edition	Standard for the Installation of Sprinkler Systems in Residential Occupancies up to and Including Four Stories in Height
NFPA 14	2007 Edition	Standard for the Installation of Standpipe and Hose Systems
NFPA 15	2007 Edition	Standard for Water Spray Fixed Systems for Fire Protection
NFPA 16	2003 Edition	Standard for the Installation of Foam-Water Sprinkler and Foam-Water Spray Systems
NFPA 17	2002 Edition	Standard for Dry Chemical Extinguishing Systems
NFPA 17A	2002 Edition	Standard for Wet Chemical Extinguishing Systems
NFPA 18	2006 Edition	Standard on Wetting Agents
NFPA 20	2007 Edition	Standard for the Installation of Stationary Pumps for Fire Protection
NFPA 22	2003 Edition	Standard for Water Tanks for Private Fire Protection
NFPA 25	2002 Edition	Standard for the Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems
NFPA 30	2003 Edition	Flammable and Combustible Liquids Code
NFPA 30A	2003 Edition	Code for Motor Fuel Dispensing Facilities and Repair Garages
NFPA 30B	2002 Edition	Code for the Manufacture and Storage of Aerosol Products
NFPA 31	2001 Edition	Standard for the Installation of Oil-Burning Equipment
NFPA 32	2004 Edition	Standard for Drycleaning Plants
NFPA 33	2007 Edition	Standard for Spray Application Using Flammable or Combustible Materials
NFPA 34	2007 Edition	Standard for Dipping and Coating Processes Using Flammable or Combustible Liquids
NFPA 37	2002 Edition	Standard for the Installation and Use of Stationary Combustion Engines and Gas Turbines
NFPA 42	2002 Edition	Code for the Storage of Pyroxylin Plastic
NFPA 45	2004 Edition	Standard on Fire Protection for Laboratories Using Chemicals
NFPA 51	2002 Edition	Standard for the Design and Installation of Oxygen-Fuel Gas Systems for Welding, Cutting, and Allied Processes
NFPA 51B	2003 Edition	Standard for Fire Prevention During Welding, Cutting, and Other Hot Work
NFPA 52	2006 Edition	Compressed Natural Gas (CNG) Vehicular Fuel Systems Code
NFPA 53	2004 Edition	Recommended Practice on Materials, Equipment, and Systems Used in Oxygen-Enriched Atmospheres
NFPA 54	2006 Edition	ANSI Z223.1-2002 National Fuel Gas Code
NFPA 55	2005 Edition	Standard for the Storage, Use, and Handling of Compressed Gases and Cryogenic Fluids in Portable and Stationary Containers, Cylinders, and Tanks
NFPA 58	2004 Edition	Liquefied Petroleum Gas Code
NFPA 59A	2006 Edition	Standard for the Production, Storage, and Handling of Liquefied Natural Gas (LNG)
NFPA 61	2002 Edition	Standard for the Prevention of Fires and Dust Explosions in Agricultural and Food Processing Facilities
NFPA 68	2002 Edition	Guide for Venting of Deflagrations

NFPA 69	2002 Edition	Standard on Explosion Prevention Systems
NFPA 70	2005 Edition	National Electrical Code
NFPA 72	2002 Edition	National Fire Alarm Code
NFPA 80	1999 Edition	Standard for Fire Doors and Fire Windows
NFPA 82	2004 Edition	Standard on Incinerators and Waste and Linen Handling Systems and Equipment
NFPA 88A	2002 Edition	Standard for Parking Structures
NFPA 90A	2002 Edition	Standard for the Installation of Air-Conditioning and Ventilating Systems
NFPA 90B	2006 Edition	Standard for the Installation of Warm Air Heating and Air-Conditioning Systems
NFPA 92A	2006 Edition	Recommended Practice for Smoke-Control Systems
NFPA 92B	2005 Edition	Guide for Smoke Management Systems in Malls, Atria, and Large Areas
NFPA 96	2004 Edition	Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations
NFPA 99	2005 Edition	Standard for Health Care Facilities
NFPA 99B	2005 Edition	Standard for Hypobaric Facilities
NFPA 101	2006 Edition	Life Safety Code
NFPA 101A	2004 Edition	Guide on Alternative Approaches to Life Safety
NFPA 102	1995 Edition	Standard for Grandstands, Folding and Telescopic Seating, Tents, and Membrane Structures
NFPA 105	2003 Edition	Standard for the Installation of Smoke Door Assemblies
NFPA 110	2005 Edition	Standard for Emergency and Standby Power Systems
NFPA 111	2005 Edition	Standard on Stored Electrical Energy Emergency and Standby Power Systems
NFPA 140	2004 Edition	Standard on Motion Picture and Television Production Studio Soundstages and Approved Production Facilities
NFPA 150	2000 Edition	Standard on Fire Safety in Racetrack Stables
NFPA 160	2006 Edition	Standard for Flame Effects Before an Audience
NFPA 170	2006 Edition	Standard for Fire Safety Symbols
NFPA 204	2002 Edition	Standard for Smoke and Heat Venting
NFPA 211	2003 Edition	Standard for Chimneys, Fireplaces, Vents, and Solid Fuel-Burning Appliances
NFPA 220	2006 Edition	Standard on Types of Building Construction
NFPA 221	2006 Edition	Standard for Fire Walls and Fire Barrier Walls
NFPA 303	2006 Edition	Fire Protection Standard for Marinas and Boatyards
NFPA 307	2006 Edition	Standard for the Construction and Fire Protection of Marine Terminals, Piers, and Wharves
NFPA 407	2007 Edition	Standard for Aircraft Fuel Servicing
NFPA 409	2004 Edition	Standard on Aircraft Hangars
NFPA 415	2002 Edition	Standard on Airport Terminal Buildings, Fueling Ramp Drainage, and Loading Walkways
NFPA 418	2006 Edition	Standard for Heliports
NFPA 430	2004 Edition	Code for the Storage of Liquid and Solid Oxidizers
NFPA 432	2002 Edition	Code for the Storage of Organic Peroxide Formulations
NFPA 434	2002 Edition	Code for the Storage of Pesticides
NFPA 484	2006 Edition	Standard for Combustible Metals, Metal Powders, and Metal Dusts

NFPA 490	2002 Edition	Code for the Storage of Ammonium Nitrate
NFPA 495	2006 Edition	Explosive Materials Code
NFPA 654	2006 Edition	Standard for the Prevention of Fire and Dust Explosions from the Manufacturing, Processing, and Handling of Combustible Particulate Solids
NFPA 664	2002 Edition	Standard for the Prevention of Fires and Explosions in Wood Processing and Woodworking Facilities
NFPA 701	2004 Edition	Standard Methods of Fire Tests for Flame Propagation of Textiles and Films
NFPA 703	2006 Edition	Standard for Fire Retardant Impregnated Wood and Fire Retardant Coatings for Building Materials
NFPA 750	2006 Edition	Standard on Water Mist Fire Protection Systems
NFPA 801	2003 Edition	Standard for Fire Protection For Facilities Handling Radioactive Materials
NFPA 820	2003 Edition	Standard for Fire Protection in Wastewater Treatment and Collection Facilities
NFPA 901	2006 Edition	Standard Classifications for Incident Reporting and Fire Protection Data
NFPA 909	2005 Edition	Code for the Protection of Cultural Resources
NFPA 914	2007 Edition	Code for Fire Protection of Historic Structures
NFPA 1031	2003 Edition	Professional Qualifications for Fire Inspector and Plan Examiner
NFPA 1123	2006 Edition	Code for Fireworks Display
NFPA 1124	2006 Edition	Code for the Manufacture, Transportation, Storage, and Retail Sales of Fireworks and Pyrotechnic Articles
NFPA 1126	2006 Edition	Standard for the Use of Pyrotechnics before a Proximate Audience
NFPA 1221	2007 Edition	Standard for the Installation, Maintenance, and Use of Emergency Services Communications Systems
NFPA 1402	2002 Edition	Guide to Building Fire Service Training Centers
NFPA 1403	2002 Edition	Standard on Live Fire Training Evolutions
NFPA 1961	2002 Edition	Fire Hose
NFPA 1962	2003 Edition	Inspection, Care, and Use of Fire Hose
NFPA 2001	2004 Edition	Standard on Clean Agent Fire Extinguisher Systems

B. All inspections and other evaluations of buildings constructed or remodeled pursuant to plans submitted to the Office of State Fire Marshal for review shall be made utilizing new construction requirements set forth in the *Life Safety Code* published by the National Fire Protection Association and the "Special Provisions for High-Rise Building" Section of the *Standard Building Code* published by the Southern Building Code Congress International as follows.

Building Constructed or Remodeled	Life Safety Code Edition	Section / Standard Building Code Edition	Sections / International Building Code Edition
prior to 1/1/1975	1967	-	-
1/1/1975 to 12/31/1979	1973	518 / 1974 Chapter 4 revisions to 1973	-
1/1/1980 to 8/31/1981	1976	518 / 1974 Chapter 4 revisions to 1973	-

Building Constructed or Remodeled	Life Safety Code Edition	Section / Standard Building Code Edition	Sections / International Building Code Edition
9/1/1981 to 8/31/1986	1981	506 / 1979	-
9/1/1986 to 2/18/1989	1985	506 / 1985	-
2/19/1989 to 5/31/1992	1988	506 / 1985	-
6/1/1992 to 1/4/1995	1991	506 / 1988	-
1/5/1995 to 5/31/1998	1994	506 / 1991	-
6/1/1998 to 6/30/2001	1997	412 / 1994	-
7/1/2001 to 12/31/2001	2000	412 / 1994	-
1/1/2002 to 6/30/2004	2000	412 / 1997	-
7/1/2004 to 9/30/2007	2003	-	-
after 10/1/2007	2006	-	-

C. All references to performance based criteria in the *Life Safety Code* shall only be considered by the Office of State Fire Marshal after an appeal of a decision has been timely made.

D. - K. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1651(B).

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of Fire Protection, LR 1:145 (February 1975), amended LR 5:468 (December 1979), LR 6:71 (February 1980), amended by the Office of the State Fire Marshal, LR 7:588 (November 1981), LR 9:417 (June 1983), amended by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 15:96 (February 1989), LR 17:1114 (November 1991), LR 23:1688 (December 1997), LR 27:857 (June 2001), LR 27:2257 (December 2001), repromulgated LR 29:183 (February 2003), amended LR 30:1303 (June 2004), LR 33:671 (April 2007).

Chapter 3. Buildings

§303. Plans and Specifications for New Buildings

A. As of October 1, 2007, the plans and specifications for every structure built or remodeled in the state of Louisiana must be drawn in accordance with the requirements of the 2006 Edition of the *Life and Safety Code* (excluding Chapter 5) of the National Fire Protection Association. Chapter 5, Performance Based Option, may be used as a basis for appeal equivalency determinations.

B. - D. ...

E. Regarding "Building Rehabilitation," compliance in accordance with LAC 55:V:103.B shall be considered by the Office of State Fire Marshal as an equivalent alternative for compliance with the applicable existing chapter, where the applicable existing chapters are prescribed in the latest adopted NFPA 101 Life Safety Code.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1651(B).

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of Fire Protection, LR 1:143 (February 1975), amended LR 5:468 (December 1979), LR 6:72 (February 1980), amended by the Office of the State Fire Marshal, LR 7:344 (July 1981), LR 7:588 (November 1981), LR 9:417 (June 1983), amended by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 12:116 (February 1986), LR

15:96 (February 1989), LR 17:1115 (November 1991), LR 23:1692 (December 1997), LR 30:1305 (June 2004), LR 33:673 (April 2007).

Jill Boudreaux
Undersecretary

0704#024

RULE

Department of Social Services Office of Family Support

Earned Income Tax Credit and Tax Assistance Program for Filers without Children (LAC 67:III.5801-5805)

In accordance with R.S.49:950 et seq., the Administrative Procedure Act, the Department of Social Services, Office of Family Support, has adopted LAC 67:III, Subpart 17, Chapter 58, the Earned Income Tax Credit and Tax Assistance Program for Filers without Children.

Pursuant to Executive Order KBB 2005-17, Section 2C, the agency adopted Subpart 17, Chapter 58, the Earned Income Tax Credit and Tax Assistance Program for Filers without Children, to provide a tax filing service offered free of charge to low-income taxpayers. This program serves Earned Income Tax Credit (EITC) filers who are not TANF-eligible and educates these low-income taxpayers on eligibility for EITC and other credits.

Title 67

SOCIAL SERVICES

Part III. Office of Family Support

Subpart 17. Earned Income Tax Credit and Tax Assistance Program for Filers without Children

Chapter 58. Earned Income Tax Credit and Tax Assistance Program for Filers without Children

Subchapter A. Designation and Authority of State Agency

§5801. Authority

A. The Earned Income Tax Credit and Tax Assistance Program for Filers Without Children Program is established in accordance with Executive Order KBB 2005-17 Louisiana Solutions to Poverty Network Council, effective November 1, 2006, to provide a tax filing service offered free of charge to low-income taxpayers.

AUTHORITY NOTE: Promulgated in accordance with Executive Order KBB 2005-17 Louisiana Solutions to Poverty Network Council.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 33:674 (April 2007).

§5803. Administration

A. The Earned Income Tax Credit and Tax Assistance Program for Filers Without Children Program shall be administered by the Department of Social Services, Office of Family Support through contracts with outside entities.

AUTHORITY NOTE: Promulgated in accordance with Executive Order KBB 2005-17 Louisiana Solutions to Poverty Network Council.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 33:674 (April 2007).

Subchapter B. Eligibility

§5805. Conditions of Eligibility

A. Eligibility for services is limited to:

1. individuals without minor children who meet the U.S. Department of the Treasury Internal Revenue Service's Earned Income Tax Credit income eligibility standard; or

2. married couples without minor children who meet the U.S. Department of the Treasury Internal Revenue Service's Earned Income Tax Credit income eligibility standard.

AUTHORITY NOTE: Promulgated in accordance with Executive Order KBB 2005-17 Louisiana Solutions to Poverty Network Council.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 33:674 (April 2007).

Ann S. Williamson
Secretary

0704#063

RULE

Department of Social Services Office of Family Support

TANF Homeless Initiative (LAC 67:III.5589)

In accordance with R.S.49:950 et seq., the Administrative Procedure Act, the Department of Social Services, Office of Family Support, has adopted LAC 67:III, Subpart 15, Chapter 55, §5589, Homeless Initiative, as a new TANF Initiative.

Pursuant to Act 17 of the 2006 Regular Session of the Louisiana Legislature, the agency adopted the Homeless Initiative to end the cycle of homelessness in Louisiana by stabilizing homeless families and aiding these families in establishing permanent housing and becoming self-sufficient.

Title 67

SOCIAL SERVICES

Part III. Family Support

Subpart 15. Temporary Assistance to Needy Families (TANF) Initiatives

Chapter 55. TANF Initiatives

§5589. Homeless Initiative

A. Effective December 1, 2006, the Office of Family Support shall enter into contracts with public agencies, non-profit organizations, or for-profit organizations to end the cycle of homelessness in Louisiana by providing services to homeless families which include but are not limited to comprehensive case management, educational and employment opportunities for adult participants, community referrals, life skill modules, housing options and direct services to provide for basic needs.

B. These services meet the TANF goals to provide assistance to needy families so children may be cared for in their own homes or in the homes of relatives.

C. Eligibility for services is limited to needy families, that is, a family in which any member receives a Family Independence Temporary Assistance Program (FITAP) grant, Kinship Care Subsidy Program (KCSP) grant, Food

Stamp benefits, Child Care Assistance Program (CCAP) services, Title IV-E, Medicaid, Louisiana Children's Health Insurance Program (LaChip) benefits, Supplemental Security Income (SSI), Free or Reduced Lunch, or who has earned income at or below 200 percent of the federal poverty level. A needy family consists of minor children, custodial parents, legal guardians, or caretaker relatives of minor children.

D. Services are considered non-assistance by the agency.

AUTHORITY NOTE: Promulgated in accordance with 42 USC 601 et seq.; R.S. 46:231 and R.S. 36:474; Act 17, 2006 Reg. Session

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 33:674 (April 2007).

Ann Silverberg Williamson
Secretary

0704#062

RULE

Department of Social Services Office of Family Support

TANF Initiatives—Earned Income Credit (EITC) Program (LAC 67:III.5581)

In accordance with the provisions of R.S. 49:950 et seq., the Administrative Procedure Act, the Department of Social Services, Office of Family Support, has amended the Louisiana Administrative Code, Title 67, Part III, Subpart 15, Chapter 55, §5581, Earned Income Tax Credit Program.

Pursuant to Act 16 of the 2005 Regular Legislative Session, and Act 17 of the 2006 Regular Legislative Session, the agency amended the TANF goal being met by the services provided under §5581, Earned Income Tax Credit (EITC) Program, from TANF Goal 4 to TANF Goal 2, and established income eligibility factors for the services.

Additionally, the program has been amended to include financial literacy as an additional service.

Title 67

SOCIAL SERVICES

Part III. Family Support

Subpart 15. Temporary Assistance for Needy Families (TANF) Initiatives

Chapter 55. TANF Initiatives

§5581. Earned Income Tax Credit (EITC) Program

A. The agency has entered into contracts to provide public awareness, education and targeted outreach strategies regarding the benefits of claiming the Earned Income Tax Credit (EITC) Program, state tax credit programs, and free taxpayer assistance effective November 1, 2006, to EITC-eligible families, and to provide financial literacy to families receiving services under this program. Strategies include collaboration with the Internal Revenue Service, various state departments and the targeted expansion of existing outreach activities to assure that free taxpayer assistance to EITC-eligible families is available statewide.

B. These services meet the TANF goal, effective November 1, 2006, to end dependence of needy parents by promoting job preparation, work, and marriage.

C. Effective November 1, 2006, eligibility for services is limited to those families with minor children who meet the Internal Revenue Service's EITC income eligibility standards.

D. ...

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq.; R.S. 46:231 and R.S. 36:474; Act 1, 2004 Reg. Session, Act 16, 2005 Reg. Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 31:1610 (July 2005), amended LR 33:675 (April 2007).

Ann S. Williamson
Secretary

0704#064

RULE

Department of Social Services Office of Family Support Support Enforcement Services Program

Support Enforcement Services Program—Passport Denial (LAC 67:III.2547)

In accordance with the provisions of R.S. 49:950 et seq., the Administrative Procedure Act, the Department of Social Services, Office of Family Support, has adopted Title 67, Part III, Subpart 4, Support Enforcement Services (SES), Chapter 25, Subchapter L, Section 2547, Passport Denial, which provides for the denial, revocation, and restriction of a passport to individuals who owe past due child support.

The Deficit Reduction Act of 2005 states that any person certified by the Secretary of Health and Human Services (HHS) to the Secretary of State as owing past due child support in an amount exceeding \$2,500 is ineligible to receive a United States passport.

This amendment is necessary to maximize collections and ensure Louisiana's continued compliance with federal regulations.

Title 67

SOCIAL SERVICES

Part III. Family Support

Subpart 4. Support Enforcement Services

Chapter 25. Support Enforcement

Subchapter L. Enforcement of Support Obligations

§2547. Passport Denial

A. SES shall administratively collect past due child support in accordance with the Passport Denial Program. Individuals owing past due child support amounts in excess of the federally-mandated threshold will be automatically certified to the United States Department of State for passport denial unless the state agency certifying their past due support amount excludes them from this remedy.

B. SES will send an advance notice to each non-custodial parent owing past due child support whose name will be submitted for the Passport Denial Program. This notice will advise the non-custodial parent of the right to request an administrative review of the past due support with the state(s) that has certified them for the debt.

AUTHORITY NOTE: Promulgated in accordance with 42 USC 652(k)(1), 42 USC 654(31) and DCL-06-14.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 33:675 (April 2007).

Ann Silverberg Williamson
Secretary

0704#060

RULE

Department of Treasury Board of Trustees of the Louisiana State Employees' Retirement System

Sunset (LAC 58:I.3519)

The Department of the Treasury, Board of Trustees of the Louisiana State Employees' Retirement System ("LASERS") has repealed LAC 58:I.3519, regarding the sunset date for the Optional Retirement Plan ("ORP"). The original date has been changed through legislation, rendering the Rule obsolete. This Rule change complies with and is enabled by R.S. 11:515.

No preamble for this Rule is necessary.

Title 58

RETIREMENT

Part I. Louisiana State Employees' Retirement System Chapter 35. Optional Retirement Plan

§3519. Sunset

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:511 and R.S. 11:515.

HISTORICAL NOTE: Promulgated by the Department of Treasury, Board of Trustees of the State Employees' Retirement System, LR 26:1492 (July 2000), amended LR 29:1121 (July 2003), repealed LR 33:676 (April 2007).

Cindy Rougeou
Executive Director

0704#023

RULE

Department of Treasury Board of Trustees of the Louisiana State Employees' Retirement System

Voluntary Deductions from Retiree Benefits Payroll
(LAC 58:I.1101 and 1103)

The Department of the Treasury, Board of Trustees of the Louisiana State Employees' Retirement System ("LASERS") has amended LAC 58:I.1101 and LAC 58:I.1103, which provide for voluntary deductions by LASERS retirees from their retirement benefits. They are being amended in order to comply with the Pension Protection Act of 2006 by allowing additional choices of insurance through an enhanced array of vendors. These Rule changes comply with and are enabled by R.S. 11:515.

Recently, the United States Congress enacted the Pension Protection Act of 2006, which affects LASERS because its membership is made up in part of certain public safety retirees covered under the Act. LASERS must provide these

persons with the opportunity for a tax-free distribution of up to \$3000 per year for the payment of accident, health or long-term care insurance.

No preamble for this Rule is necessary.

Title 58

RETIREMENT

Part I. Louisiana State Employees' Retirement System Chapter 11. Voluntary Deductions from Retiree Benefits Payroll

§1101. Application Process for Voluntary Payroll Deduction

A. Application shall be made by the company, corporation, or organization which is the provider of coverage, product, service, or recipient of monies and shall be signed by two officers of the applicant company, corporation, or organization. The completed application shall be submitted to LASERS.

B. The following type providers of services shall be considered for approval:

1. the State Group Benefits program;
2. the group insurance plan administered by the Department of Employment and Training;
3. the Retired State Employees' Association;
4. general insurance companies and other providers that are included on the annual listing maintained by the Office of State Uniform Payroll;
5. credit unions formed for the primary purpose of serving state employees that have a payroll deduction for employees of the members' agencies;
6. other member or retiree associations approved by the board of trustees;
7. vendors receiving payment through voluntary deductions on the effective date of these rules; and
8. other insurance companies approved by the board of trustees.

C. Applicant shall designate a coordinator to act as primary contact with LASERS for resolution of invoicing, refund, and reconciliation problems and resolving claims problems for retirees.

D. All vendors shall file annual renewal applications with LASERS.

E. Applications shall be received by LASERS between June 1 and July 30 of each year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:515.

HISTORICAL NOTE: Promulgated by the Department of Treasury, Board of Trustees of the State Employees' Retirement System, LR 18:1417 (December 1992), amended LR 22:373 (May 1996), LR 33:676 (April 2007).

§1103. Applicant and Vendor Requirements

A. General insurance vendors shall meet the requirements established by the Division of Administration and shall either be included on the annual listing maintained by the Office of State Uniform Payroll or approved by the board of trustees.

B. Any provider who qualifies to submit an application under §1101.B.5 or B.7 above shall meet the regulatory requirements of the appropriate federal or state regulatory agency.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:515.

HISTORICAL NOTE: Promulgated by the Department of Treasury, Board of Trustees of the State Employees' Retirement

Cindy Rougeou
Executive Director

0704#022

RULE

**Department of Wildlife and Fisheries
Wildlife and Fisheries Commission**

**Farm Raised Alligators—Return Rate and Release Length
(LAC 76:V.701)**

The Wildlife and Fisheries Commission has amended the regulations governing the return rate and release length for farm raised alligators within the Alligator Regulations (LAC 76:V.701).

Title 76

WILDLIFE AND FISHERIES

Part V. Wild Quadrupeds and Wild Birds

Chapter 7. Alligators

§701. Alligator Regulations

A. - A.13.d. ...

14. Alligator Egg Collection

a. - i. ...

j. The alligator egg collection permittee and the landowner are responsible for the return of the percentage of live alligators to the wild described on the alligator egg collection permit. This requirement is nontransferable. Minimum return rates will be based upon the state average hatching success which is 78 percent. In no case shall the return rate be less than 12 percent at 48 inches total length. Each alligator shall be returned to the original egg collection area within a maximum time of two years from date of hatching. Each alligator shall be a minimum of 36 inches and a maximum of 54 inches (credit will not be given for inches above 54 inches, however each farmer will be allowed to return a maximum of 5 percent of their total releases due in any given year in the size range of 55 inches to 60 inches total length; no alligator over 60 inches will be accepted for release) in total length and the returned sex ratio should contain at least 50 percent females. The alligator egg collection permittee/landowner are responsible for and must compensate in kind for alligator mortality which occurs for department-authorized return to the wild alligators while being processed, stored, or transported. The department shall be responsible for supervising the required return of these alligators. A department transfer authorization permit is not required for return to the wild alligators which are delivered to the farm of origin no more than 48 hours prior to being processed for wild release. Releases back to the wild will only occur between March 15 and August 25 of each calendar year provided that environmental conditions as determined by the department are favorable for survival of the released alligators. Any farmer who owes 1,000 or more alligators at 48 inches must release at least 1/4 of the total owed for that year by April 30; at least another quarter by June 15, at least another quarter by July 31; and the remainder by August 25. A farmer may do more than the required one-fourth of his releases earlier if available unscheduled days allow. Should an alligator egg collection

permittee be unable to release the required number of alligators to the wild from his own stock, he shall be required to purchase additional alligators from another farmer to meet compliance with the alligator egg collection permit and these regulations, as supervised by the department. Department-sanctioned participants in ongoing studies involving survivability and return rates are exempt from these requirements during the period of the study. Violation of this Subparagraph is a Class Four violation as described in R.S. Title 56.

14.k. - 17.c. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115, R.S. 56:259, R.S. 56:262, R.S. 56:263 and R.S. 56:280.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 16:1070 (December 1990), amended LR 17:892 (September 1991), LR 19:215 (February 1993), LR 20:321 (March 1994), LR 26:1492 (July 2000), LR 28:1996 (September 2002), LR 30:2338 (October 2004), LR 30:2878 (December 2004), LR 31:2267 (September 2005), LR 33:677 (April 2007).

Terry D. Denmon
Chairman

0704#044

RULE

**Department of Wildlife and Fisheries
Wildlife and Fisheries Commission**

Wild Alligator Harvesting (LAC 76:V.701)

The Wildlife and Fisheries Commission has amended the regulations governing firearm usage for harvesting wild alligators, application requirements for wild alligator harvest tags, allowing alligator farmers additional time for tagging farm raised alligator skins, establishing East and West Alligator Hunting Zones, establishing wild season opening dates, and requiring that alligator farmers and dealers provide belly width measurements on farm raised alligator skins within the Alligator Regulations (LAC 76:V.701).

Title 76

WILDLIFE AND FISHERIES

Part V. Wild Quadrupeds and Wild Birds

Chapter 7. Alligators

§701. Alligator Regulations

A. - A.4.I. ...

5. Wild Harvest Methods

a. - c.ii. ...

iii. firearms (the possession of shotguns is prohibited while hunting or taking wild alligators; except as authorized by the department for taking of nuisance alligators by nuisance alligator hunters).

NOTE: Violation of this Subparagraph is a Class Two violation as described in Title 56.

d. - h. ...

6. Alligator Hide Tag Procurement and Tagging Requirements

a. - b.i. ...

ii. Land managers and hunters must present a signed document from the landowner verifying their selection to represent that landowner and the total acreage represented to obtain hide tags.

b.iii. - d. ...

e. A hide tag shall be properly attached and locked using the tag's locking device in the alligator's tail immediately upon possession by an alligator hunter. Alligator farmers, fur buyers and fur dealers may wait until farm raised alligators are skinned prior to tagging, but under no circumstances can the tag be attached using the locking device more than 48 hours after dispatching the alligator during the open wild alligator harvest season, or more than seven days after dispatching the alligator outside of the open wild alligator harvest season. Live or dead farm raised alligators may be transported with their accompanying tags from a licensed alligator farm to a licensed processing facility, however each shipment shall be accompanied with the exact number of alligator hide tags. In the event that an alligator tag contains a factory defect rendering it unusable for the purpose intended or becomes detached from an alligator or hide, the tag must be reattached to the tail of the alligator/hide. The department will be responsible for the replacement of reattached tags prior to shipping out-of-state or prior to tanning within the state. It shall be unlawful to tag or attempt to tag an alligator with a tag that has been locked prior to the taking. Locked tags may be replaced upon request at the discretion of the department. The alteration of hide tags is strictly prohibited and will result in the confiscation of all tags and alligators/hides and the revocation of the violator's alligator hunting license. Violation of this Subparagraph is a Class Four violation as described in Title 56.

f. - f.vii. ...

7. Open Season, Open Areas, and Quotas

a. Open seasons are as follows.

i. The state shall be divided into the East and West Alligator Hunting Zones by the following boundary: Beginning at the southwestern most part of Point Au Fer Island thence North along the western boundary of Terrebonne Parish to the Atchafalaya River, thence north along the Atchafalaya River to the East Atchafalaya Protection Levee, thence north along the East Atchafalaya Protection Levee, to Interstate 10, thence east along Interstate 10 to Interstate 12, thence east along Interstate 12 to Interstate 55, thence north along Interstate 55 to the Mississippi state line. The season for taking alligators in the wild shall open on the last Wednesday of August in the East Zone and the first Wednesday of September in the West Zone and will remain open for 30 days thereafter in each

zone. The secretary shall be authorized to close, extend, delay, or reopen the season as biologically justifiable.

a.ii. - e. ...

8. Possession

a. ...

b. Alligator farmers may request hide tags or shipping labels from the department to be used on farm-raised alligators that have died and may hold those alligators in freezers until receipt of the requested hide tags or shipping labels. These alligators may be held in freezers for a maximum of 60 days prior to disposal. All farm raised alligators 24 inches and greater in length that die may be skinned and tagged with an alligator hide tag within 48 hours of death during the open wild alligator harvest season, or within seven days of death outside of the open wild alligator harvest season. Violation of this Subparagraph is a Class Three violation as described in R.S. Title 56.

8.c. - 10.e. ...

11. Report Requirements

a. - e.ii.(a). ...

(b). official shipping manifest including total length in inches (or feet and inches) referenced to CITES tag number of each wild skin in shipment and including total belly width in centimeters (measured at the fifth scute) referenced to CITES tag number of each farm raised alligator skin in shipment. A fully executed (filled out) shipping manifest containing all information required in the buyer/dealer record may be substituted with department approval for the buyer/dealer record requirement on farm raised alligator skins;

11.e.ii.(c). - 17.c. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115, R.S. 56:259, R.S. 56:262, R.S. 56:263 and R.S. 56:280.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 16:1070 (December 1990), amended LR 17:892 (September 1991), LR 19:215 (February 1993), LR 20:321 (March 1994), LR 26:1492 (July 2000), LR 28:1996 (September 2002), LR 30:2338 (October 2004), LR 30:2878 (December 2004), LR 31:2267 (September 2005), LR 33:677 (April 2007).

Terry D. Denmon
Chairman

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