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Executive Orders

EXECUTIVE ORDER BJ 12-05

Coordinated Retirement Plan Sponsor—IRS Submission

WHEREAS, Louisiana Constitution Article X, §29, establishes the State of Louisiana as guarantor of benefits for the retirement plans administered by the State retirement systems for all State public employees and for school employees;

WHEREAS, the State of Louisiana as plan sponsor and employer of all or substantially all of the employees covered by such plans is the appropriate party to file applications with the Internal Revenue Service for any necessary or appropriate plan determinations or rulings regarding the plans;

WHEREAS, the Internal Revenue Service filing cycle for governmental plan determinations opens on February 1, 2013;

WHEREAS, it is in the best interest of the State and the retirement plans that submissions to the IRS regarding state retirement plans be coordinated in order to avoid duplicative costs and conflicting guidance from the IRS;

NOW THEREFORE, I, BOBBY JINDAL, Governor of the State of Louisiana, by virtue of the authority vested by the Constitution and the laws of the State of Louisiana, do hereby order and direct as follows:

SECTION 1: Applicability:

A. This Order shall apply to State plans administered by the Louisiana State Employees' Retirement System, the Teachers' Retirement System of Louisiana, the Louisiana School Employees' Retirement System, and the Louisiana State Police Retirement System, including the cash balance plan created within each of the systems described above by §1399.1, et seq. of 2012 La. Acts No. 483.

SECTION 2: Plan Determination Letters:

A. The Commissioner of Administration (the "Commissioner") is hereby authorized and directed, as may be necessary and appropriate, for and on behalf of the State of Louisiana as plan sponsor, to apply to the Internal Revenue Service for one or more determination letters on the tax-qualified status of each plan under §401 of the Internal Revenue Code.

B. The Commissioner shall submit the applications for such determination letters to the Internal Revenue Service during the appropriate period of time described in Revenue Procedure 2007-44, as amended.

C. The Commissioner shall coordinate applications for such determination(s) with each retirement system's Board of Trustees and/or administrator, in a manner that avoids multiple, duplicative or conflicting submissions;

SECTION 3: Private Letter Rulings:

A. The Commissioner is hereby authorized and directed, as may be necessary and appropriate, for and on behalf of the State of Louisiana as plan sponsor, to apply to the Internal Revenue Service for one or more private letter rulings that each plan is a "retirement system" within the meaning of § 218(b)(4) of the Social Security Act and that the wages of participants covered by the plan are not subject to Social Security withholding.

B. The Commissioner shall submit any such request for such private letter rulings as soon as practicable in coordination with the submission for determination letters and shall have authority to request expedited review.

C. The Commissioner shall coordinate requests for private letter rulings with each retirement system's Board of Trustees and/or administrator, in a manner that avoids multiple, duplicative or conflicting submissions.

SECTION 4: The retirement systems to which this Order applies are requested to coordinate with the Commissioner and to provide technical support and assistance for the preparation of IRS submissions by the Commissioner.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana, at the Capitol, in the city of Baton Rouge, on the 22nd day of June, 2012.

Bobby Jindal
Governor

ATTEST BY
THE GOVERNOR
J. Thomas Schedler
Secretary of State
1207#125

Policy and Procedure Memoranda

POLICY AND PROCEDURE MEMORANDA

Office of the Governor
Division of Administration
Office of State Travel

General Travel—PPM 49 (LAC 4:V.Chapter 15)

The following shows the amended text in PPM 49. This supersedes all prior issues of PPM 49 published in the *Louisiana Register*. This revised PPM 49 also supersedes and replaces PPM 49 which had been designated as LAC 4:V.Chapter 15.

Title 4

ADMINISTRATION

Part V. Policy and Procedure Memoranda

Chapter 15. General Travel Regulations PPM Number 49

§1501. Authorization and Legal Basis

A. In accordance with the authority vested in the Commissioner of Administration by Section 231 of Title 39 of the Revised Statutes of 1950 and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950-968 as amended, notice is hereby given of the revision of Policy and Procedures Memorandum No. 49, the state general travel regulations, effective July 1, 2012. These amendments are both technical and substantive in nature and are intended to clarify certain portions of the previous regulations or provide for more efficient administration of travel policies. These regulations apply to all state departments, boards and commissions created by the legislature or executive order and operating from funds appropriated, dedicated, or self-sustaining; federal funds; or funds generated from any other source.

Please note that when political subdivisions are required to follow PPM49 for any pass through money issued by the State of Louisiana, any and all required approvals must be sent to the correct appointing authority, not to the Commissioner of Administration.

B. Legal Basis (R.S. 39:231.B)—"The commissioner, with the approval of the governor, shall prescribe rules defining the conditions under which each of various forms of transportation may be used by state officers and employees and used by them in the discharge of the duties of their respective offices and positions in the state service and he shall define the conditions under which allowances will be granted for all other classes of traveling expenses and the maximum amount allowable for expenses of each class."

AUTHORITY NOTE: Published in accordance with R.S. 39:231.

HISTORICAL NOTE: Written by the Office of the Governor, Division of Administration, November 1, 1972, published LR 1:179 (April 1975), amended LR 1:338 (August 1975), LR 2:312 (October 1976), LR 5:93 (May 1979), LR 6:405 (August 1980), LR 7:7 (January 1981), LR 8:406 (August 1982), LR 15:820 (October 1989), LR 16:965 (November 1990), LR 26:1252 (June 2000), LR 27:802 (June 2001), LR 28:1125 (June 2002), LR 29:822 (June 2003), LR 30:1111 (June 2004), LR 31:1183 (June 2005), LR

32:938 (June 2006), LR 33:966 (June 2007), republished LR 33:1314 (July 2007), amended LR 34:1299 (July 2008), LR 35:1192 (July 2009), LR 36:1647 (July 2010), LR 37:2048 (July 2011), LR 38:1475 (July 2012).

§1502. Definitions

A. For the purposes of this PPM, the following words have the meaning indicated.

Authorized Persons—

a. advisors, consultants, contractors and other persons who are called upon to contribute time and services to the state who are not otherwise required to be reimbursed through a contract for professional, personal, or consulting services in accordance with R.S. 39:1481 et seq.;

b. members of boards, commissions, and advisory councils required by federal or state legislation or regulation. Travel allowance levels for all such members and any staff shall be those authorized for state employees unless specific allowances are legislatively provided;

c. the department head or his designee is allowed to deem persons as an authorized traveler for official state business only.

NOTE: College/University Students must be deemed authorized travelers to be reimbursed for state business purposes. A centralized file must be kept containing all of these approvals.

*Conference/Convention—*is herein defined as a meeting (other than routine) for a specific purpose and/or objective. Non-routine meetings can be defined as a seminar, conference, convention, or training. Documentation required is a formal agenda, program, letter of invitation, or registration fee. Participation as an exhibiting vendor in an exhibit /trade show also qualifies as a conference. For a hotel to qualify for conference rate lodging it requires that the hotel is hosting or is in "conjunction with hosting" the meeting. In the event the designated conference hotel(s) have no room available, a department head may approve to pay actual hotel cost not to exceed the conference lodging rates for other hotels located near the conference hotel.

*Controlled Billed Account (CBA)—*credit account issued in an agency's name (no plastic card issued). These accounts are direct liabilities of the state and are paid by each agency. CBA accounts are controlled through an authorized approver(s) to provide a means to purchase airfare, registration, lodging, rental vehicles, shuttle service and any other allowable charges outlined in the current State of Louisiana State Liability Travel and CBA Policy. Each department head determines the extent of the account's use.

*Corporate Travel Card—*credit cards issued in a State of Louisiana employee's name to be used for specific, higher cost official business travel expenses. Corporate Travel Cards are state liability cards, paid by each agency.

*Emergency Travel—*each department shall establish internal procedures for authorizing travel in emergency situations. Approval may be obtained after the fact from the Commissioner of Administration with appropriate documentation, under extraordinary circumstances when

PPM49 regulations cannot be followed but where the best interests of the state requires that travel be undertaken.

Extended Stays—any assignment made for a period of 31 or more consecutive days at a place other than the official domicile.

Higher Education Entities—entities listed under Schedule 19 Higher Education of the General Appropriations Bill.

In-State Travel—all travel within the borders of Louisiana or travel through adjacent states between points within Louisiana when such is the most efficient route.

International Travel—all travel to destinations outside the 50 United States, District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam and Saipan.

Lowest Logical Airfare—in general, these types of airfares are non-refundable, penalty tickets. Penalties could include restrictions such as advanced purchase requirements, weekend stays, etc. Prices will increase as seats are sold. When schedule changes are required for lowest logical tickets, penalty fees are added.

Official Domicile—every state officer, employee, and authorized person, except those on temporary assignment, shall be assigned an official domicile:

a. except where fixed by law, official domicile of an officer or employee assigned to an office shall be, at a minimum, the city limits in which the office is located. The department head or his designee should determine the extent of any surrounding area to be included, such as parish or region. As a guideline, a radius of at least 30 miles is recommended. The official domicile of an authorized person shall be the city in which the person resides, except when the department head has designated another location (such as the person's workplace);

b. a traveler whose residence is other than the official domicile of his/her office shall not receive travel and subsistence while at his/her official domicile nor shall he/she receive reimbursement for travel to and from his/her residence;

c. the official domicile of a person located in the field shall be the city or town nearest to the area where the majority of work is performed, or such city, town, or area as may be designated by the department head, provided that in all cases such designation must be in the best interest of the agency and not for the convenience of the person.

d. the department head or his/her designee may authorize approval for an employee to be reimbursed for lodging expenses within an employee's domicile with proper justification as to why this is necessary and in the best interest of the state.

Out-of-State Travel—travel to any of the other 49 states plus District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, and Saipan.

Passport—a document identifying an individual as a citizen of a specific country and attesting to his or her identity and ability to travel freely.

Per Diem—a flat rate paid in lieu of travel reimbursement for people on extended stays.

Receipts/Document Requirements—supporting documentation, including original receipts, must be retained according to record retention laws. It shall be at the discretion of each agency to determine where the receipts/documents will be maintained.

Routine Travel—travel required in the course of performing his/her job duties. This does not include non-routine meetings, conferences and out-of-state travel.

State Employee—employees below the level of state officer

State Officer—

a. state elected officials;

b. department head as defined by Title 36 of the Louisiana Revised Statutes (secretary, deputy secretary, undersecretary, assistant secretary, and the equivalent positions in higher education and the office of elected officials).

Suburb—an immediate or adjacent location (overflow of the city) to the higher cost areas which would be within approximately 30 miles of the highest cost area.

Temporary Assignment—any assignment made for a period of less than 31 consecutive days at a place other than the official domicile.

Travel Period—a period of time between the time of departure and the time of return.

Travel Routes—the most direct traveled route must be used by official state travelers.

Travel Scholarships—if any type of scholarship for travel is offered/received by a state employee, it is the agency/employee's responsibility to receive/comply with all ethic laws/requirements. See R.S. 42:1123.

Traveler—a state officer, state employee, or authorized person when performing authorized travel.

Visa—a document or, more frequently, a stamp in a passport authorizing the bearer to visit a country for specific purposes and for a specific length of time.

AUTHORITY NOTE: Published in accordance with R.S. 39:231.

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§1503. General Specifications

A. Department Policies

1. Department heads may establish travel regulations within their respective agencies, but such regulations shall not exceed the maximum limitations established by the Commissioner of Administration. Three copies of such regulations shall be submitted for prior review and approval by the Commissioner of Administration. One of the copies shall highlight any exceptions /deviations to PPM-49.

2. Department and agency heads will take whatever action necessary to minimize all travel to carry on the department mission.

3. Contracted Travel Services. The state has contracted for travel agency services which use is mandatory for airfares unless exemptions have been granted by the Division of Administration, Office of State Purchasing and Travel, prior to purchasing airfare tickets. The contracted travel agency has an online booking system which can and

should be used by all travelers for booking airfare, hotel and car reservations. Use of the online booking system can drastically reduce the cost paid per transaction and state travelers are strongly encouraged to utilize.

4. When a state agency enters into a contract with an out-of-state public entity, the out-of-state public entity may have the authority to conduct any related travel in accordance with their published travel regulations.

5. Authorization to Travel

a. All non-routine travel must be authorized and approved in writing by the head of the department, board, or commission from whose funds the traveler is paid. A department head may delegate this authority in writing to one designated person. Additional persons within a department may be designated with approval from the Commissioner of Administration. A file shall be maintained on all approved travel authorizations.

b. Annual travel authorizations are no longer a mandatory requirement of PPM-49 for routine travel, however, an agency can continue to utilize this process if determined to be in your department's best interest. A travel authorization is still required for non-routine meetings, conferences and out-of-state travel.

B. Funds for Travel Expenses

1. Persons traveling on official business will provide themselves with sufficient funds for all routine travel expenses not covered by the corporate travel card, LaCarte purchasing card, if applicable, and/or agency's CBA account. Advance of funds for travel shall be made only for extraordinary travel and should be punctually repaid when submitting the Travel voucher covering the related travel, not later than the fifteenth day of the month following the completion of travel.

2. Exemptions. Cash advance(s) meeting the exception requirement(s) listed below, must have an original receipt to support all expenditures, including meals. At the agency's discretion, cash advances may be allowed for:

a. state employees whose salary is less than \$30,000/year;

b. state employees who accompany and/or are responsible for students on group or client travel;

c. new employees who have not had time to apply for and receive the state's corporate travel card;

d. employees traveling for extended periods, defined as 31 or more consecutive days;

e. employees traveling to remote destinations in foreign countries, such as jungles of Peru or Bolivia;

f. lodging purchase, if hotel will not allow direct bill or charges to agency's CBA and whose salary is less than \$30,000/year;

g. registration for seminars, conferences, and conventions;

h. any ticket booked by a traveler 30 days or more in advance and for which the traveler has been billed, may be reimbursed by the agency to the traveler on a preliminary expense reimbursement request. The traveler should submit the request with a copy of the bill or invoice. Passenger airfare receipts are required for reimbursement;

i. employees who infrequently travel or travelers that incur significant out-of-pocket cash expenditures and whose salary is less than \$30,000/year.

3. Expenses Incurred on State Business. Traveling expenses of travelers shall be limited to those expenses necessarily incurred by them in the performance of a public purpose authorized by law to be performed by the agency and must be within the limitations prescribed herein.

4. CBA (Controlled Billed Account) issued in an agency's name, and paid by the agency may be used for airfare, registration, rental cars, prepaid shuttle charges, lodging and any allowable lodging associated charges such as parking and internet charges. Other credit cards issued in the name of the state agency are not to be used without written approval.

5. No Reimbursement When No Cost Incurred by Traveler. This includes but is not limited to reimbursements for any lodging and/or meals furnished at a state institution or other state agency, or furnished by any other party at no cost to the traveler. In no case will a traveler be allowed mileage or transportation when he/she is gratuitously transported by another person.

C. Claims for Reimbursement

1. All claims for reimbursement for travel shall be submitted on the state's Travel Expense Form BA-12, unless exception has been granted by the Commissioner of Administration, and shall include all details provided for on the form. It must be signed by the person claiming reimbursement and approved by his/her immediate supervisor. In all cases the date and hour of departure from and return to domicile must be shown, along with each final destination throughout the trip clearly defined on the form. On the State's Travel Authorization Form GF-4 the second page must be completed with breakdown of the estimated travel expenses. This is necessary for every trip, not just when requesting a travel advance. For every travel authorization request, the "purpose of the trip" for travel must be stated in the space provided on the front of the form.

2. Except where the cost of air transportation, registration, lodging, rental vehicles, shuttle service, and all other allowable charges outlined in the current State of Louisiana State Liability Travel and CBA Policy are invoiced directly to the agency or charged to a state liability card, any and all expenses incurred on any official trip shall be paid by the traveler and his travel voucher shall show all such expenses in detail to the end that the total cost of the trip shall be reflected by the travel voucher. If the cost of the expenses listed above are paid directly or charged directly to the agency/department, a notation will be indicated on the travel voucher indicating the date of travel, destination, amount, and the fact that it has been paid by the agency/department. The traveler's copy of the passenger receipt is required.

3. In all cases, and under any travel status, cost of meals shall be paid by the traveler and claimed on the travel voucher for reimbursement, and not charged to the state department, unless otherwise authorized by the department head or his designee, allowed under the State Liability Travel, CBA and/or LaCarte Purchasing Card Policy or with written approval from the Office of State Purchasing and Travel. A centralized file must be kept containing all of these special approvals.

4. Claims should be submitted within the month following the travel, but preferably held until a

reimbursement of at least \$25 is due. Department heads at their discretion may make the 30 day submittal mandatory on a department wide basis.

5. Any person who submits a claim pursuant to these regulations and who willfully makes and subscribes to any claim which he/she does not believe to be true and correct as to every material matter, or who willfully aids or assists in, or procures, counsels or advises the preparation or presentation of a claim, which is fraudulent or is false as to any material matter shall be guilty of official misconduct. Whoever shall receive an allowance or reimbursement by means of a false claim shall be subject to severe disciplinary action as well as being criminally and civilly liable within the provisions of state law.

6. Agencies are required to reimburse travel in an expeditious manner. In no case shall reimbursements require more than 30 days to process from receipt of complete, proper travel documentation.

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§1504. Methods of Transportation

A. Cost-Effective Transportation. The most cost-effective method of transportation that will accomplish the purpose of the travel shall be selected. Among the factors to be considered should be length of travel time, employee's salary, cost of operation of a vehicle, cost and availability of common carrier services, etc. Common carrier shall be used for out-of-state travel unless it is documented that utilization of another method of travel is more cost-efficient or practical and approved in accordance with these regulations.

B. Air

1. Private Owned or Charter Planes. Before travel by privately-owned or by chartered aircraft is authorized for individual's travel by a department head, the traveler shall certify that: 1) at least two hours of working time will be saved by such travel; and 2) no other form of transportation, such as commercial air travel or a state plane, will serve this same purpose.

a. Chartering a privately owned aircraft must be in accordance with the Procurement Code.

b.i. Reimbursement for use of a chartered or un-chartered privately owned aircraft under the above guidelines will be made on the following basis:

- (a). at the rate of \$1.29 per mile; or
- (b). at the lesser of coach economy airfare.

ii. If there are extenuating circumstances requiring reimbursement for other than listed above, approval must be granted by the Commissioner of Administration.

c. When common carrier services are unavailable and time is at a premium, travel via state aircraft shall be investigated, and such investigation shall be documented and

readily available in the department's travel reimbursement files. Optimum utilization will be the responsibility of the department head.

2. Commercial Airlines. (receipts required) All state travelers are to purchase commercial airline tickets through the state contracted travel agency (see front cover for contract travel agency contact numbers). This requirement is mandatory unless prior approval is granted from the State Travel Office. (In the event travelers seek approval to go outside the travel agency, they shall submit their request through their agency travel program administrator, who will determine if the request should be submitted to the Office of State Travel.) While state contractors are not required to use the state's contracted travel agency when purchasing airfare, it will be the agency's responsibility to monitor cost ensuring that the contractor(s) are purchasing the lowest, most logical airfare. The state always supports purchasing the "best value" ticket. Therefore once all rates are received, the traveler must compare cost and options to determine which fare would be the "best value" for their trip. To make this determination, the traveler must ask the question: Is there a likelihood my itinerary could change or be cancelled? Depending on the response, the traveler must determine if the costs associated with changing a non-refundable ticket (usually around \$150) would still be the best value. Another factor to assist having a travel agent search the lowest fare is advising the agent if traveler is flexible in either your dates or time of travel. By informing the travel agent of your "window of time" for your departure and return will assist them to search for the best price.

a. Travelers are to seek airfares allowing an ample amount of lead time prior to departure date. The lead-time should be at least 14 days in advance of travel dates to ensure the lowest fares are available.

b. Commercial air travel will not be reimbursed in excess of lowest logical airfare when it has been determined to be the best value (receipts required). The difference between coach/economy class rates and first class or business class rates will be paid by the traveler. Upgrades at the expense of the state are not permitted, without the approval of the Commissioner of Administration. If space is not available in less than first or business class air accommodations in time to carry out the purpose of the travel, the traveler will secure a certification from the airline indicating this fact. The certification is required for travel reimbursement.

c. The policy regarding airfare penalties is that the state will pay for the airfare and/or penalty incurred for a change in plans or cancellation when the change or cancellation is required by the state or other unavoidable situations approved by the agency's department head. Justification for the change or cancellation by the traveler's department head is required on the travel voucher.

d. When an international flight segment is more than 10 hours in duration, the state will allow the business class rate not to exceed 10 percent of the coach rate. The traveler's itinerary provided by the travel agency must document the flight segment as more than 10 hours and must be attached to the travel voucher.

e. A lost airline ticket is the responsibility of the person to whom the ticket was issued. The airline charge of searching and refunding lost tickets will be charged to the

traveler. The difference between the prepaid amount and the amount refunded by the airlines must be paid by the employee.

f. If companion fares are purchased for a state employee and non-state employee, the reimbursement to the state employee will be the amount of the lowest logical fare.

g. Traveler is to use the lowest logical airfare whether the plane is a prop or a jet.

h. Employees may retain promotional items, including frequent flyer miles, earned on official state travel. However, if an employee makes travel arrangements that favor a preferred airline/supplier to receive promotional items/points and this circumvents purchasing the most economical means of travel, they are in violation of this travel policy. Costs for travel arrangements subject to this violation are non-reimbursable.

i. When making airline reservations for a conference, let the travel agent know that certain airlines have been designated as the official carrier for the conference. In many instances, the conference registration form specifies that certain airlines have been designated as the official carrier offering discount rates, if available. If so, giving this information to our contracted agencies could result in them securing that rate for your travel.

j. Tickets which are used by a traveler should always be monitored by the traveler and the agency. Traveler should ensure that any unused ticket is considered when planning future travel arrangements. Some airlines have a policy which would allow for a name change to another employee within the agency. A view of the latest airline policies regarding unused tickets are available at the State Travel Office's website <http://www.doa.louisiana.gov/osp/travel/airfare.htm>.

C. Motor Vehicle. No vehicle may be operated in violation of state or local laws. No traveler may operate a vehicle without having in his/her possession a valid U.S. driver's license. Safety restraints shall be used by the driver and passengers of vehicles. All accidents, major and minor, shall be reported first to the local police department or appropriate law enforcement agency. In addition, an accident report form, available from the Office of Risk Management (ORM) of the Division of Administration, should be completed as soon as possible and must be returned to ORM, together with names and addresses of principals and witnesses. Any questions about this should be addressed to the Office of Risk Management of the Division of Administration. These reports shall be in addition to reporting the accident to the Department of Public Safety as required by law. Any persons who are not official state employees must sign a Hold Harmless Agreement Form, located at Office of State Travel's website, <http://www.doa.louisiana.gov/osp/travel/forms.htm> prior to riding in or driving a state-owned vehicle or rental vehicle on behalf of the State. Each agency is responsible in ensuring that this along with any other necessary documents are completed and made part of the travel file prior to travel dates.

1. Operating a state owned vehicle, state-rented vehicle or state-leased vehicle or operating a non-state-owned vehicle for state business while intoxicated as set forth in R.S. 14:98 and 14:98.1 is strictly prohibited,

and expressly violates the terms and conditions of use of said vehicle. In the event such operation results in the employee being convicted of, pleading nolo contendere to, or pleading guilty to driving while intoxicated under R.S. 14:98 and 14:98.1, such would constitute evidence of the employee: (1) violating the terms and conditions of use of said vehicle, (2) violating the direction of his/her employer, and (3) acting beyond the course and scope of his/her employment with the State of Louisiana. Personal use of a state-owned, state-rented or state-leased vehicle is not permitted.

a. No person may be authorized to operate or travel in a state owned or rental vehicle unless that person is classified or unclassified employee of the State of Louisiana; any duly appointed member of a state board, commission, or advisory council; or any other person who has received specific approval and is deemed as an "authorized traveler" on behalf of the State, from the department head or his designee to operate or travel in a fleet vehicle on official state business. A centralized file must be kept containing all of these approvals.

b. Students shall not be authorized to drive state-owned or rental vehicles for use on official state business if not employed by the State.

c. Persons operating a state owned, rental or personal vehicle on official state business will be completely responsible for all traffic, driving, and parking violations received. This does not include state-owned or rental vehicle violations, i.e. inspections sticker, as the state and/or rental company would be liable for any cost associated with these types of violations.

2. State-Owned Vehicles

a. Travelers in state-owned automobiles who purchase needed fuel, repairs and equipment while on travel status shall make use of all fleet discount allowances and state bulk purchasing contracts where applicable. Reimbursements require a receipt for regular unleaded gasoline, or diesel when applicable. This applies for both state owned vehicles and rental vehicles, as mid-grade, super, plus or premium gasoline is typically not necessary. Each agency/department shall familiarize itself with the existence of the fuel/repair contract(s), terms and conditions as well as location of vendors.

b. State-owned vehicles may be used for out-of-state travel only if permission of the department head has been given prior to departure. If a state-owned vehicle is to be used to travel to a destination more than 500 miles from its usual location, documentation that this is the most cost-effective means of travel should be readily available in the department's travel reimbursement files.

c. Unauthorized persons should not be transported in state vehicles. Approval of exceptions to this policy may be made by the department head if he determines that it is official state business and the best interest of the state will be served and if the passenger (or passenger's guardian) signs a hold harmless agreement form acknowledging the fact that the state assumes no liability for any loss, injury, or death resulting from said travel.

d. If a state vehicle is needed/requested to be brought to the home of a state employee overnight, then the agency/traveler should ensure it is in accordance with requirements outlined in R.S. 39:361-364.

3. Personally Owned Vehicles

a. When two or more persons travel in the same personally owned vehicle, only one charge will be allowed for the expense of the vehicle. The person claiming reimbursement shall report the names of the other passengers.

b. A mileage allowance shall be authorized for travelers approved to use personally-owned vehicles while conducting official state business. Mileage may be reimbursable on the basis of no more than \$0.51 per mile in accordance with the following:

i. For official in-state business travel:

(a). employee should utilize a state vehicle when available;

(b). employee may rent a vehicle from the Enterprise Rent-A-Car's State Motor Pool Rental Contract, if state vehicle is not available and travel exceeds 100 miles; or

(c). if an employee elects to use his/her personal vehicle, reimbursement may not exceed a maximum of 99 miles per round trip and/or day at \$0.51 per mile. Please note that mileage is applicable for round trip (multiple days) and/or round trip (one day).

Example No. 1: If someone leaves Baton Rouge, travels to New Orleans and returns that same day, they are entitled to 99 miles maximum for that day trip if they choose to drive their personal vehicle.

Example No. 2: If someone leaves Baton Rouge, travels to New Orleans, and returns two days later, they are entitled to 99 miles maximum for the entire "trip" if they choose to drive their personal vehicle.

Example No. 3: If someone leaves Baton Rouge, travels to New Orleans then on to Lafayette, Shreveport, Monroe and returns to the office four days later, they are entitled to 99 miles maximum for the entire "trip" if they choose to drive their personal vehicle.

c. Mileage shall be computed by one of the following options:

i. on the basis of odometer readings from point of origin to point of return;

ii. by using a website mileage calculator or a published software package for calculating mileage such as Tripmaker, How Far Is It, Mapquest, etc.. Employee is to print the page indicating mileage and attach it with his/her travel expense form.

d. An employee shall never receive any benefit from not living in his/her official domicile. In computing reimbursable mileage to an authorized travel destination from an employee's residence outside the official domicile, the employee is always to claim the lesser of the miles from their official domicile or from their residence. If an employee is leaving on a non-work day or leaving significantly before or after work hours, the department head may determine to pay the actual mileage from the employee's residence not to exceed a maximum of 99 miles per round trip and/or day at \$0.51 per mile. See Subsection C.3.b.

e. The department head or his designee may approve an authorization for routine travel for an employee who must travel in the course of performing his/her duties; this may include domicile travel if such is a regular and necessary part of the employee's duties, but not for

attendance to infrequent or irregular meetings, etc., within the city limits where his/her office is located, the employee may be reimbursed for mileage only not to exceed a maximum of 99 miles per round trip and/or day at \$0.51 per mile. See Subsection C.3.b.

f. Reimbursements will be allowed on the basis of \$0.51 per mile, not to exceed a maximum of 99 miles per round trip and/or day, to travel between a common carrier/terminal and the employees point of departure, i.e., home, office, etc., whichever is appropriate and in the best interest of the state. See Subsection C.3.b.

g. When the use of a privately-owned vehicle has been approved by the department head for out-of-state travel for the travelers convenience, the traveler will be reimbursed for in-route expenses on the basis of \$0.51 per mile only. The total cost of the mileage may not exceed the cost of travel by using the lowest logical airfare obtained at least 14 days prior to the trip departure date. The reimbursement would be limited to one lowest logical airfare quote, not the number of persons traveling in the vehicle. The traveler is personally responsible for any other expenses in-route to and from destination which is inclusive of meals and lodging. If a traveler, at the request of the department, is asked to take his/her personally owned vehicle out-of-state for a purpose that will benefit the agency, then the department head may on a case-by-case basis determine to pay a traveler for all/part of in-route travel expenses. File should be justified accordingly.

h. When a traveler is required to regularly use his/her personally owned vehicle for agency activities, the agency head may request authorization from the Commissioner of Administration for a lump sum allowance for transportation or reimbursement for transportation (mileage). Request for lump sum allowance must be accompanied by a detailed account of routine travel listing exact mileage for each such route and justification why a rental vehicle is not feasible. Miscellaneous travel must be justified by at least a three-month travel history to include a complete mileage log for all travel incurred, showing all points traveled to or from and the exact mileage. Request for lump sum allowance shall be granted for periods not to exceed one fiscal year.

i. The traveler shall be required to pay all operating expenses for his/her personal vehicle including fuel, repairs, and insurance.

4. Rented Motor Vehicles (Receipts Required) - Any rental vehicles not covered in the State Motor Pool and State of Louisiana Out-of-State Contracts should be bid in accordance with proper purchasing rules and regulations.

a. In-State Vehicle Rental. The state has contracted rentals based out of Louisiana through Enterprise Rent-A-Car's State Motor Pool Rental Contract for business travel which applies to all State of Louisiana employees and/or authorized travelers traveling on official state business.

i. A department head/higher education entity head, or his designee, may give an approval to bypass the contract, on a case-by-case basis and/or program, group or internal division provided he/she documents the reason and maintain this justification in the file. A request for total agency/college/university exemption may be granted by the Commissioner of Administration. Requests for exemption must be accompanied by a detailed explanation as to why

the contract is not feasible. If an exemption from the program is granted by the department head or Commissioner of Administration as stated above, then the employee, contractor, board or commission member will not be required to rent a vehicle and may receive actual mileage reimbursement up to \$0.51 per mile.

ii. Members of boards and commissions are not required to utilize the state motor pool rental contract. They are, however, strongly urged to do so when a cost benefit analysis indicates potential savings to the state. Board and commission members may receive actual mileage reimbursement up to \$0.51 per mile.

iii. State contractors required to follow PPM-49 by the terms of their contracts may, but are not required to, use the state motor pool rental contract. State contractors may receive actual mileage reimbursement up to \$0.51 per mile.

iv. Although exemptions may be granted to the state motor pool rental contract, all must adhere to the current mileage reimbursement rate of no more than \$0.51 per mile.

v. For trips of 100 miles or more, any employee and/or authorized traveler, should use a state owned vehicle or rental from Enterprise Rent-A-Car State Motor Pool Rental Contract, when a state vehicle is not available.

vi. For trips of less than 100 miles employees should utilize a state vehicle when available, may utilize their own vehicle and receive mileage reimbursement not to exceed a maximum of 99 miles per round trip and/or day at \$0.51 per mile or may rent a vehicle from Enterprise Rent-A-Car's State Motor Pool Rental Contract.

vii. Reservations should not be made at an airport location for daily routine travel, as this will add additional unnecessary cost to your rental charges.

b. Payments for rentals made through the State Motor Pool Rental Contract may be made using the "LaCarte" purchasing card, an agency's CBA account, an employee's state corporate travel card or by direct bill to the agency. This will be an agency decision as to the form of payment chosen. If direct bill is chosen, agency must set up account billing information with Enterprise. An account may be established by contacting Joseph Rosenfeld at 225-445-7250, joseph.g.rosenfeld@erac.com

c. Out-of-State Vehicle Rental. The State has contracted rental vehicles for domestic, out-of-state travel, excluding Louisiana and international travel, utilizing the State of Louisiana's Out-of-State Contracts. The State of Louisiana Out-of-State participating vendors include Enterprise Rent-A-Car, National Car Rental and Hertz Car Rental Corporation. It is the traveler's discretion which rental company is utilized. All State of Louisiana employees and/or authorized travelers are encouraged to use these contracts due to exceptional pricing which includes CDW (Collision Damage Waiver) and one million dollar liability insurance.

i. Members of boards and commissions are not required to utilize the State of Louisiana Out-of-State contracts. They are, however, strongly urged to do so when a cost benefit analysis indicates potential savings to the state. Board and commission members may receive actual mileage reimbursement up to \$0.51 per mile.

ii. State contractors required to follow PPM-49 by the terms of their contracts may, but are not required to, use

the State of Louisiana Out-of-State Contract. State contractors may receive actual mileage reimbursement up to \$0.51 per mile.

iii. Payments for rentals made through the State of Louisiana Out-of-State Contracts may be made using the "LaCarte" purchasing card, an employee's corporate travel card or by direct bill to the agency. This will be an agency decision as to the form of payment chosen. If a direct bill account is chosen for Enterprise and National, you may contact Joseph Rosenfeld at 225-445-7250, joseph.g.rosenfeld@erac.com. If direct bill is chosen for Hertz, you may contact Tami Vetter at 225-303-5973, tvetter@hertz.com.

d. Approvals. Written approval of the department head or his designee prior to departure is required for the rental of vehicles, however, if your agency chooses, approval may be handled on an annual basis if duties require frequent rentals. Additional/special approval is required, from the department head or his/her designee, for rental of any vehicle above the "full size" category.

e. Vehicle Rental Size

i. Only the cost of a compact or intermediate model is reimbursable, unless: 1) non-availability is documented, or 2) the vehicle will be used to transport more than two persons. When a larger vehicle is an option as stated in 1) or 2) above, the upgraded vehicle shall be the next smallest size and lowest price necessary to accommodate the number of persons traveling.

ii. A department head or his/her designee may, on a case-by-case basis, authorize a larger size vehicle provided detailed justification is made in the employee's file. Such justification could include, but is not limited to, specific medical requirements when supported by a doctor's recommendation.

f. Personal Rental. Personal use of a rental vehicle during a rental for official state business is not allowed.

g. Gasoline (Receipts Required). Reimbursements require an original receipt for regular unleaded gasoline, or diesel when applicable. This applies for both state owned vehicles and rental vehicles, as mid-grade, super, plus or premium gasoline is typically not necessary. An employee should purchase gasoline with the state's fuel card or other approved credit card at reasonable cost from a local gasoline station prior to returning the rental. Pre-paid fuel options, for rental vehicles, are only to be allowed with prior approval from the department head, when the traveler can document that the pre-purchased amount was necessary and that the amount charged by the rental company is reasonable in relation to local gasoline cost.

h. Insurance for Vehicle Rentals within the 50 United States. Insurance billed by car rental companies is not reimbursable. All insurance coverage for rental vehicles, other than Enterprise's Rent-A-Car's State Motor Pool Rental Contract and State of Louisiana Out-of-State Contract, is provided by the Office of Risk Management. Should a collision occur while on official state business, the accident should be reported to the Office of Risk Management and rental company. Any damage involving a third party must be reported to appropriate law enforcement entity to have a police report generated.

i. CDW/Damage Waiver Insurance and \$1 Million Liability Protection Coverage is included in the State Motor

Pool Rental Contract and State of Louisiana Out-of-State Contract price through companies.

NOTE: Lost keys for rental vehicles are not covered under the damage waiver policy and are very costly. The agency should establish an internal procedure regarding liability of these costs.

j. No other insurance will be reimbursed when renting, except when renting outside the 50 United States, see §1504.C.4.i There should be no other charges added to the base price, unless the traveler reserves the vehicle at an airport location (which is not recommended for daily routine travel). Reimbursable amounts would then be submitted at the end of the trip on a travel expense form.

i. Insurance for Vehicles Rentals outside the 50 United States. (receipts required) The Office of Risk Management (ORM) recommends that the appropriate insurance (liability and physical damage) provided through the car rental company be purchased when the traveler is renting a vehicle outside the 50 United States. With the approval of the department head required insurance costs may be reimbursed for travel outside the 50 United States only.

5. The following are insurance packages available by rental vehicle companies which are reimbursable:

a. collision damage waiver (CDW)—should a collision occur while on official state business, the cost of the deductible should be paid by the traveler and a reimbursement claimed on a travel expense voucher. The accident should also be reported to the Office of Risk Management;

b. loss damage waiver (LDW);

c. auto tow protection (ATP)—*approval of department head;

d. supplementary liability insurance (SLI)—*if required by the rental company;

e. theft and/or super theft protection (coverage of contents lost during a theft or fire)—*if required by the car rental company;

f. vehicle coverage for attempted theft or partial damage due to fire, *if required by the car rental company.

5. The following are some of the insurance packages available by rental vehicle companies that are not reimbursable:

a. personal accident insurance (PAC);

b. emergency sickness protection (ESP).

7. Navigation equipment (GPS System), rented not purchased, from a rental car company, may only be reimbursed if an employee justifies the need for such equipment and with prior approval of the department head or his designee.

D. Public Ground Transportation

1. The cost of public ground transportation such as buses, subways, airport shuttle/limousines, and taxis are reimbursable when the expenses are incurred as part of approved state travel. Airport Shuttle/limousines and taxi reimbursements, including tip, requires a receipt to account for total daily amount claimed. A driver's tip for shuttles/limousines and taxis may be given and must not exceed 15 percent of total charge. Amount of tip must be included on receipt received from driver/company. All other forms of public ground transportation are limited to \$15 per day without a receipt, claims in excess of \$15 per day requires a receipt. At the agency's discretion, the department

head may implement an agency wide policy requiring receipts for all public transportation request less than \$15 per day.

2. To assist agencies with verification of taxi fares, you may contact the taxi company for an estimate or visit sites such as taxifarefinder.com. An employee should always get approval, prior to a trip, if multiple taxis will be used; as it may be in the agency's best interest to rent a vehicle versus reimbursement of multiple taxi expenses.

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§1505. State Issued Travel Credit Cards/CBA Accounts

A. Use. The State Travel Office contracts for an official state corporate travel card to form one source of payment for travel. If a supervisor recommends an employee be issued a state travel card, the employee should complete an application through their agency travel program administrator.

1. The employee's corporate travel card is for official state travel business purposes only. Personal use on the state travel card may result in disciplinary action.

B. Liability

1. The corporate travel card is the liability of the state. Each monthly statement balance is due in full to the card-issuing bank. The state will have no tolerance to assist those employees who abuse their travel card privileges.

2. The department/agency is responsible for cancellation of corporate travel cards for those employees terminating/retiring state service.

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§1506. Lodging and Meals

A. Eligibility

1. Official Domicile/Temporary Assignment. Travelers are eligible to receive reimbursement for travel only when away from "official domicile" or on temporary assignment unless exception is granted in accordance with these regulations. Temporary assignment will be deemed to have ceased after a period of 30 calendar days, and after such period the place of assignment shall be deemed to be his/her official domicile. He/she shall not be allowed travel and subsistence unless permission to extend the 30 day

period has been previously secured from the Commissioner of Administration.

2. Extended Stays. For travel assignments approved by the Commissioner of Administration involving duty for extended periods (31 or more consecutive days) at a fixed location, the reimbursement rates indicated should be adjusted downward whenever possible. Claims for meals and lodging may be reported on a per diem basis supported by lodging receipt. Care should be exercised to prevent allowing rates in excess of those required to meet the necessary authorized subsistence expenses. It is the responsibility of each agency head to authorize only such travel allowances as are justified by the circumstances affecting the travel.

3. Single Day Travel

a. Meals are not eligible for reimbursements on single day travel. This means that when an authorized traveler of the state is in travel status where no overnight stay is required, no meals are eligible for reimbursement. Each department head or their designees are to determine the reasonableness of when an overnight stay is justified.

b. However, the department head will be allowed to authorize single day meal reimbursements on a case-by-case basis or by type(s) of single day travel when it is determined to be in the best interest of the department. In those cases the department must keep the approvals in the travel file and must be responsible to take appropriate steps to report the reimbursement as wages to the employee.

c. If a department head or his/her designee determines that single day meals will be provided for, they must adhere the following allowances. To receive any meal reimbursement on single day travel, an employee must be in travel status for a minimum of 12 hours.

i The maximum allowance for meal reimbursement for single day travel will be \$37.

(a). Breakfast and Lunch: (\$22) The 12 hours travel duration must begin at or before 6 a.m.

(b). Lunch: (\$13) Requires 12 hours duration in travel status.

(c). Lunch and Dinner: (\$37) The 12 hour travel duration must end at or after 8 p.m.

4. Travel with Over Night Stay (minimum of 12 hours in travel status). Travelers may be reimbursed for meals according to the following schedule.

a. Breakfast—When travel begins at/or before 6 a.m. on the first day of travel or extends at/or beyond 9 a.m. on the last day of travel, and for any intervening days.

b. Lunch—When travel begins at/or before 10 a.m. on the first day of travel or extends at/or beyond 2 p.m. on the last day of travel, and for any intervening days.

c. Dinner—When travel begins at/or before 4 p.m. on the first day of travel or extends at/or beyond 8 p.m. on the last day of travel, and for any intervening days.

5. Alcohol. Reimbursement for alcohol is prohibited.

B. Exceptions

1. Routine Lodging Overage Allowances (Receipts required). Department head or his/her designee has the authority to approve actual costs for routine lodging provisions on a case by case basis, not to exceed 50 percent over PPM-49 current listed rates. (Note: this authority for increase in allowance is for lodging only and not for any other area of PPM49) Justification must be maintained in the

file to show that attempts were made with hotels in the area to receive the state/best rate. In areas where the governor has declared an emergency, a department head or his/her designee will have the authority to approve actual routine lodging provisions on a case by case basis not to exceed 75 percent over PPM-49 current listed rates. Each case must be fully documented as to necessity (e.g., proximity to meeting place) and cost effectiveness of alternative options. Documentation must be readily available in the department's travel reimbursement files.

2. Actual Expenses for State Officers (Itemized receipts or other supporting documents are required for each item claimed). State officers and others so authorized by statute (see definition under *state officer*) or individual exception will be reimbursed on an actual expense basis for meals and lodging except in cases where other provisions for reimbursement have been made by statute. Request shall not be extravagant and will be reasonable in relation to the purpose of travel. State officers entitled to actual expense reimbursements are only exempt from meals and lodging rates; they are subject to the time frames and all other requirements as listed in the travel regulations.

C. Meals and Lodging Allowances

1. Meal Allowance—includes Tax and Tips. Receipts are not required for routine meals within these allowances, unless a cash advance was received. Number of meals claimed must be shown on travel voucher. For meal rates, the inclusion of suburbs (see definition of *suburb*) shall be determined by the department head on a case-by-case basis (see tier pricing below). Partial meals such as continental breakfast or airline meals are not considered meals.

NOTE: If a meal is included in a conference schedule, it is part of the registration fee, therefore, an employee cannot request/receive additional reimbursement for that meal. If meals of state officials receiving actual expenses exceed these allowances, itemized receipt are required. See Section 1506.B.2.

2. Meals with relatives or friends may not be reimbursed unless the host can substantiate costs for providing for the traveler. The reimbursement amount will not automatically be the meal cost for that area, but rather the actual cost of the meal. i.e. The host would have to show proof of the cost of extra food, etc. Cost shall never exceed the allowed meal rate listed for that area.

3. Routine Lodging Allowance. Employees will be reimbursed lodging rate, plus tax and any mandatory surcharge. (Receipts are required) For lodging rates, the inclusion of suburbs (see definition of *suburb*) shall be determined by the department head on a case-by-case basis. Employees should always attempt to use the tax exempt form located on the State Travel website <http://www.doa.louisiana.gov/osp/travel/forms/hoteltaxexemption.pdf> when traveling in-state on official state business, and must be used if hotel expenses are being charged to employee's state corporate travel card or agency's CBA account. When two or more employees on official state business share a lodging room, the state will reimburse the actual cost of the room; subject to a maximum amount allowed for an individual traveler times the number of employees. Department head approval must be provided to allow lodging expenses to be direct billed to an agency.

4. Lodging with relatives or friends may not be reimbursed unless the host can substantiate costs for

accommodating the traveler. The amount will not automatically be the lodging cost for that area, but rather the actual cost of accommodations. i.e. The host would have to show proof of the cost of extra water, electricity, etc. Cost shall never exceed the allowed routine lodging rate listed for that area.

5. Department Head or his/her designee's approval must be provided to allow lodging expenses to be direct billed to an agency.

6. Conference Lodging Allowance. Employees may be reimbursed lodging rate, plus tax (other than State of Louisiana tax) and any mandatory surcharge. (Receipts are required) Department head or his/her designee has the authority to approve the actual cost of conference lodging, for a single occupancy standard room, when the traveler is staying at the designated conference hotel. If there are multiple designated conference hotels, the lower cost designated conference hotel should be utilized, if available. In the event the designated conference hotel(s) have no room availability, a department head may approve to pay actual hotel cost not to exceed the conference lodging rates for other hotels in the immediate vicinity of the conference hotel. This allowance does not include agency hosted conference lodging allowances; see §1510 for these allowances. In the event a traveler chooses to stay at a hotel which is not associated with the conference, then the traveler is subject to making reservations and getting reimbursed within the hotel rates allowed in routine lodging only, as listed below.

7. No reimbursements are allowed for functions not relating to a conference, i.e., tours, dances, golf tournaments, etc.

Tier III	
Lodging Area	Routine Lodging
Austin, TX; Atlanta, GA; Cleveland, OH; Dallas/Fort Worth, TX; Denver, CO; Ft. Lauderdale, FL; Hartford, CT; Houston, TX; Kansas City, MO; Las Vegas, NV; Los Angeles, CA; Miami, FL; Minneapolis/St. Paul, MN; Nashville, TN; Oakland, CA; Orlando, FL; Philadelphia, PA; Phoenix, AZ; Pittsburgh, PA; Portland, OR; Sacramento, CA; San Antonio, TX; San Diego, CA; Sedona, AZ; St. Louis, MO; Tampa, FL; Wilmington, DE; all of Alaska or Hawaii; Puerto Rico; Virgin Island; American Samoa; Guam, Saipan	\$135

Tier IV	
Breakfast	\$13
Lunch	\$19
Dinner	\$33
Total	\$65
Lodging Area	Routine Lodging
Baltimore, MD; San Francisco, CA; Seattle, WA	\$175
Alexandria, VA; Arlington, VA; New York City, NY; Washington DC	\$225
Chicago, IL; Boston, MA; and International Cities	\$200

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§1507. Parking and Related Parking Expenses

A. Parking at the Baton Rouge Airport. The state's current contract rate is \$3.50 per day (no receipts required) for parking in the indoor parking garage as well as the outside, fenced parking lot at the airport. Documentation required to receive the contract price is the airport certificate and a state ID. If the agency does not issue a State ID, the traveler would need a business card and a driver's license along with the certificate to be eligible for the state contracted rate. Airport certificate may be found on State Travel Office's website at <http://www.doa.louisiana.gov/osp/travel/parking/airport.pdf>. At the agency discretion an employee may be paid actual expenses up to \$5 per day with a receipt.

B. Parking at the New Orleans Airport. The state's current contract rate is \$6 per day and \$36 weekly at Park 'N Fly (no receipts required). To allow online reservation, Park-N-Fly will begin charging a flat \$7.00 per day rate, which will be inclusive of the \$6 per day charge and all allowable taxes/fees minus the State of Louisiana tax, in which state employees on official business are exempt. No other documentation will be required to receive this rate. At the

Tier I	
Breakfast	\$9
Lunch	\$13
Dinner	\$24
Total	\$46
Lodging Area	Routine Lodging
In-State Cities (except as listed)	\$77
Alexandria/Leesville/Natchitoches	\$80
Baton Rouge-EBR	\$93
Covington/Slidell-St. Tammany	\$89
Lake Charles-Calcasieu	\$77
Lafayette	\$85

Tier II	
Breakfast	\$10
Lunch	\$15
Dinner	\$29
Total	\$54
Lodging Area	Routine Lodging
New Orleans -Orleans, St. Bernard, Jefferson and Plaquemines Parishes (July 1-Sept.30)	\$101
New Orleans - Orleans, St. Bernard, Jefferson and Plaquemines Parishes (Oct 1- June30)	\$135
Out-Of-State (Except Cities Listed in Tier III & IV)	\$85

Tier III	
Breakfast	\$12
Lunch	\$17
Dinner	\$31
Total	\$60

agency discretion an employee may be paid actual expenses up to \$8 per day with a receipt.

C. Travelers using motor vehicles on official state business will be reimbursed for reasonable storage fees, for all other parking, including airport parking except as listed in Subsections A and B above, ferry fares, and road and bridge tolls. For each transaction over \$5, a receipt is required.

D. Tips for valet parking not to exceed \$2 per day.

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§1508. Reimbursement for Other Expenses (These charges are while in travel status only.)

A. The following expenses incidental to travel may be reimbursed:

1. Communications Expenses

a. For Official State Business—all business communication costs may be reimbursed (receipts required).

b. For Domestic Overnight Travel—up to \$3 for personal calls upon arrival at each destination and up to \$3 for personal calls every second night after the first night if the travel extends several days.

c. For International Travel—up to \$10 for personal calls upon arrival at each destination and up to \$10 for personal calls every second night after the first night if the travel extends several days.

d. Internet access charges for official state business from hotels or other travel locations are treated the same as business telephone charges. A department may implement a stricter policy for reimbursement of Internet charges. (Receipts required)

B. Charges for Storage and Handling of State Equipment (receipts required)

C. Baggage Tips

1. Hotel Allowances—up to \$3 tip per hotel check-in and \$3 tip per hotel checkout, if applicable.

2. Airport Allowances—up to \$3 tip for airport outbound departure trip and \$3 tip for inbound departure trip.

D. Luggage Allowances (receipt required). A department head or his designee may approve reimbursement to a traveler for airline charges for first checked bag for a business trip of five days or less and for a second checked bag for a 6-10 day business trip and/or any additional baggage which is business related and required by the department. The traveler must present a receipt to substantiate these charges.

1. Travelers will be reimbursed for excess baggage charges (overweight baggage) only in the following circumstances:

a. when traveling with heavy or bulky materials or equipment necessary for business;

b. the excess baggage consists of organization records or property.

NOTE: Traveler should always consider shipping materials to final destination or splitting materials into additional pieces of luggage to avoid the excess baggage charges in order to save their agency costs.

E. Registration Fees at Conferences—meals that are a designated integral part of the conference may be reimbursed on an actual expense basis with prior approval by the department head.

NOTE: If a meal is included in a conference schedule, it is part of the registration fee, therefore, an employee cannot request/receive additional reimbursement for that meal.

F. Laundry Services—employees on travel for more than 7 days may be reimbursed with department head or his/her designee's approval, up to actual, but reasonable, costs incurred. Receipts are required for reimbursement.

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§1509. Special Meals

A. Reimbursement designed for those occasions when, as a matter of extraordinary courtesy or necessity, it is appropriate and in the best interest of the state to use public funds for provision of a meal to a person who is not otherwise eligible for such reimbursement and where reimbursement is not available from another source. Requests should be within reason and may include tax and tips. Itemized receipts are required.

1. Visiting dignitaries or executive-level persons from other governmental units, and persons providing identified gratuity services to the state. This explicitly does not include normal visits, meetings, reviews, etc., by federal or local representatives.

2. Extraordinary situations are when state employees are required by their supervisor to work more than a 12-hour weekday or 6-hours on a weekend (when such are not normal working hours to meet crucial deadlines or to handle emergencies).

B. All special meals must have prior approval from the Commissioner of Administration or, for Higher Education, the entity head or his designee in order to be reimbursed, unless specific authority for approval has been delegated to a department head for a period not to exceed one fiscal year with the exception in Subsection C, as follows.

C. A department head may authorize a special meal within allowable rates listed under Meals—Tier 1, to be served in conjunction with a working meeting of departmental staff.

D. In such cases, the department will report on a semi-annual basis to the Commissioner of Administration all special meal reimbursements made during the previous six months. For Higher Education, these reports should be sent to the respective Institution of Higher Education management board. These reports must include, for each

special meal, the name and title of the person receiving reimbursement, the name and title of each recipient, the cost of each meal and an explanation as to why the meal was in the best interest of the state. Renewal of such delegation will depend upon a review of all special meals authorized and paid during the period. Request to the commissioner for special meal authorization must include, under signature of the department head:

1. name and position/title of the state officer or employee requesting authority to incur expenses and assuming responsibility for such;

2. clear justification of the necessity and appropriateness of the request;

3. names, official titles or affiliations of all persons for whom reimbursement of meal expenses is being requested;

4. statement that allowances for meal reimbursement according to these regulations will be followed unless specific approval is received from the Commissioner of Administration to exceed this reimbursement limitation;

a. all of the following must be reviewed and approved by the department head or their designee prior to reimbursement:

i. detailed breakdown of all expenses incurred, with appropriate receipts(s);

ii. subtraction of cost of any alcoholic beverages;

iii. copy of prior written approval from the Commissioner of Administration or, for Higher Education, the entity head or his/her designee.

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§1510. Agency Hosted Conferences (Both In-State and Out-of-State)

A. State Sponsored Conferences. An agency must solicit three bona fide competitive quotes in accordance with the governor's Executive Order for small purchase.

B. Conference Lunch Allowance. Lunch direct billed to an agency in conjunction with a state sponsored conference is to be within the following rates plus mandated gratuity.

Lunch In-State excluding New Orleans	\$20
Lunch—New Orleans and Out-of-State	\$25

i. Any other meals such as breakfast and dinner require special approval in accordance with PPM49 §1509. "Special Meal" and must have prior approval from the Commissioner of Administration or for Higher Education, the entity head or his/her designee.

C. Conference Refreshment Allowance. Cost for break allowances for meeting, conference or convention are to be within the following rates.

i. Refreshments shall not exceed \$4.50 per person, per morning and/or afternoon sessions. A mandated gratuity may be added if refreshments are being catered.

D. Conference Lodging Allowances. Lodging rates may not exceed \$20 above the current listed routine lodging rates listed for the area in which the conference is being held.

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§1511. International Travel

A. International travel must be approved by the Commissioner of Administration or, for Higher Education, the entity head or his designee prior to departure, unless specific authority for approval has been delegated to a department head. Requests for approval must be accompanied by a detailed account of expected expenditures (such as room rate/date, meals, local transportation, etc.), and an assessment of the adequacy of this source to meet such expenditures without curtailing subsequent travel plans.

B. International travelers will be reimbursed the Tier IV area rates for meals and lodging, unless U.S. State Department rates are requested and authorized by the Commissioner of Administration or, for Higher Education, the entity head or his designee, prior to departure. Itemized receipts are required for reimbursement of meals and lodging claimed at the U.S. State Department rates.

C. It is the agency's decision, if justification is given, to allow state employees to be reimbursed for a VISA and/or immunizations when the traveler is traveling on behalf of the agency/university on official state business. However, it is not considered best practice for the state to reimburse for a passport, therefore, passport reimbursements must be submitted to the department head for approval along with detailed justification as to why this reimbursement is being requested/approved.

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2007), amended LR 34:1308 (July 2008), LR 35:1201 (July 2009), LR 36:1657 (July 2010), LR 37:2059 (July 2011), LR 38:1486 (July 2012).

§1512. Waivers

A. The Commissioner of Administration may waive in writing any provision in these regulations when the best interest of the state will be served.

AUTHORITY NOTE: Published in accordance with R.S. 39:231.

HISTORICAL NOTE: Written by the Office of the Governor, Division of Administration, November 1, 1972, published LR 1:179 (April 1975), amended LR 1:338 (August 1975), LR 2:312

(October 1976), LR 5:93 (May 1979), LR 6:405 (August 1980), LR 7:7 (January 1981), LR 8:406 (August 1982), LR 15:820 (October 1989), LR 16:965 (November 1990), LR 26:1259 (June 2000), LR 27:809 (June 2001), LR 28:1132 (June 2002), LR 30:1119 (June 2004), LR 31:1192 (June 2005), republished LR 33:1323 (July 2007), amended LR 34:1308 (July 2008), republished LR 35:1202 (July 2009), amended LR 36:1657 (July 2010), LR 37:2059 (July 2011), LR 38:1487 (July 2012).

Denise Lea
Assistant Commissioner

1207#008

Emergency Rules

DECLARATION OF EMERGENCY

Department of Economic Development Office of Business Development

Quality Jobs Program (LAC 13:I.Chapter 11)

The Department of Economic Development, Office of Business Development, as authorized by and pursuant to the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., hereby amends and deletes Section 1129 of the Quality Jobs Program.

The Department of Economic Development has found an imminent need to address an error in the application deadline listed. Whereas R.S. 51:2461 specifies January 1, 2018 as an application deadline, program rules have not incorporated recent statutory extensions and list in error January 1, 2012. This clarification is necessary to provide certainty and assurance to applicants. Without this Rule, the State of Louisiana may suffer the loss of business investment and economic development projects creating or retaining jobs that would improve the standard of living and enrich the quality of life for citizens of this state.

This Rule, adopted in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., shall become effective June 12, 2012, and shall remain in effect for the maximum period allowed under the Act.

Title 13

ECONOMIC DEVELOPMENT

Part I. Financial Incentive Programs

Chapter 11. Quality Jobs Program

§1129. Termination of Program

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2451-2462 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Business Resources Division, LR 29:2312 (November 2003), amended by the Office of Business Development, LR 37:2595 (September 2011), LR 38:

Anne G. Villa
Undersecretary

1207#001

DECLARATION OF EMERGENCY

Department of Economic Development Office of the Secretary Office of Business Development and Louisiana Economic Development Corporation

Economic Development Award Program (EDAP),
Economic Development Loan Program (EDLOP), and
Economic Development Site Readiness Program (EDRED)
(LAC 13:III.Chapter 1)

The Department of Economic Development, Office of the Secretary, Office of Business Development and the Louisiana Economic Development Corporation, pursuant to the emergency provisions of the Administrative Procedure Act, R.S. 49:953(B), and under the authority of R.S. 36:104, 36:108, 51:2302, 51:2312, and 51:2341, are amending and supplementing LAC 13:III.Chapter 1, the rules of the Economic Development Award Program (EDAP) and the Economic Development Loan Program (EDLOP), to create and regulate the Economic Development Site Readiness Program (EDRED). These rules, which have been approved and adopted by the board of directors of the Louisiana Economic Development Corporation, in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., shall be effective on June 20, 2012, and shall remain in effect for the maximum period allowed under the Act or until final rules are promulgated in accordance with law, whichever occurs first.

The Department of Economic Development, Office of the Secretary, Office of Business Development and the Louisiana Economic Development Corporation have found an immediate need to create the Economic Development Site Readiness Program (EDRED), a new program that will promote economic development in the state by increasing the number and quality of sites suitable for business and industrial location and expansion, thereby increasing the state's competitiveness in securing such projects and the resulting new jobs for the state that will improve the standard of living and enrich the quality of life for citizens of the state. Without this Emergency Rule the public welfare may be harmed by the loss of opportunity to secure such projects and the resulting new jobs.

Title 13
ECONOMIC DEVELOPMENT

Part III. Financial Assistance Programs

Chapter 1. Economic Development Award Program (EDAP) and Economic Development Loan Program (EDLOP)

Subchapter C. Economic Development Site Readiness Program (EDRED)

§151. Preamble and Purpose

A. A robust inventory of sites suitable for business and industrial location and expansion, having characteristics that are competitive with site offerings available in other states and availability for such projects within a short time frame, is essential to economic development in the state. Increasing the number of suitable sites, and eliminating or mitigating factors associated with these sites that can cause uncertainties and delays in project development, will enhance the state's ability to secure these projects and thereby increase the number of jobs in the state.

B. The purpose of this program is to provide financial assistance for readying sites that will be useful in promoting the state as a business and industrial location.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104, 36:108, 51:2302, 51:2312, and 51:2341.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, Office of Business Development and the Louisiana Economic Development Corporation, LR 38:

§153. Definitions

LED—the Louisiana Department of Economic Development.

LEDC—the Louisiana Economic Development Corporation, acting through its board of directors.

Program—the Economic Development Site Readiness Program (EDRED).

Project—the location or expansion of a business or industrial facility in the state.

Public Site—a site which a public entity owns or for which a public entity holds an option to acquire the ownership for a project.

Site—immovable property, with or without improvements thereon, located in the state.

Site Readiness Grant—a monetary grant for the purpose of enhancing the suitability and availability of a site for a project.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104, 36:108, 51:2302, 51:2312, and 51:2341.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, Office of Business Development and the Louisiana Economic Development Corporation, LR 38:

§155. Site Readiness Grants

A. Pursuant to R.S. 51:2341, LEDC may award an appropriation or allocation of funds to LED, to be used for site readiness grants.

B. LED may make a site readiness grant upon terms and conditions which it determines, within its discretion, will be beneficial in meeting the goals stated in the preamble and purpose of this Subchapter.

C. Application for a site readiness grant may be made, in a form determined by LED, by the owner or lessor of a site, or by a local governmental entity or an economic development organization on behalf of the owner or lessor.

D. Eligible uses of a site readiness grant may include costs of site assessment, evaluation, preliminary engineering, environmental studies and assessments, soil analysis, wetlands delineation and mitigation, surveys, maps, due diligence, preliminary cost estimates, site preparation, site acquisition, and similar or related costs determined by LED to be beneficial in enhancing the suitability and availability of a site for a potential project.

E. Site readiness grants for non-public sites shall be limited to not more than \$1,000.00 per acre, unless a higher amount is approved by LEDC. This limitation shall not apply to public sites.

F. A site readiness grant shall be made through a cooperative endeavor agreement between LED and the site owner, lessor or other applicant, which shall provide for eligible uses of the grant, obligations as to availability of the site, matching funds if any, and other terms and conditions LED determines to be appropriate to further the purposes of this program. Grant funds may be paid to the site owner, lessor or other applicant to undertake the funded activities, or LED may use grant funds to contract with a third party to undertake such activities.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104, 36:108, 51:2302, 51:2312, and 51:2341.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, Office of Business Development and the Louisiana Economic Development Corporation, LR 38:

Jason El Koubi
Assistant Secretary

1207#004

DECLARATION OF EMERGENCY

**Department of Health and Hospitals
Board of Nursing**

Procedure for Establishing a New Program
(LAC 46:XLVII.3533)

The Louisiana Department of Health and Hospitals, Louisiana State Board of Nursing, pursuant to the power delegated under the laws of the state of Louisiana, in particular R.S. 37:918, and in conformity with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) and (2) and 954(B)(2), as amended, adopts the following Emergency Rule, which amends Section 3533 of the board's rules to include Paragraph E.3, and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

This action is necessary because, while the board's rules respecting nursing education programs, LAC 46:XLVI.Chapter 35, currently provide that a nursing education program shall not be placed on initial approval for more than two consecutive one-year periods following its eligibility to apply for full approval, the rules are currently silent regarding what occurs upon the lapse of the two years when a program has failed to demonstrate eligibility for obtaining full approval, including making no provision for due process considerations nor permitting the board to extend the period for initial approval where the facts may warrant such action. The current Emergency Rule, which is an amendment to Section 3533, is being promulgated in

order to address this silence within the rules and also to provide for a procedure and related matters.

In particular, it is necessary that this Emergency Rule be promulgated in less time than the notice period otherwise required under R.S. 49:953(A) due to there being an existing nursing education program whose approval status and individual circumstances are not fully addressed by the current framework of LAC 46:XLVII.Chapter 35. The board's statutory duty to regulate nursing practice in order to protect public health, safety, and welfare encompasses its authority to oversee nursing education in Louisiana. Moreover, the board is under a duty to ensure that graduates of nursing education programs meet the educational and legal requirements for admission to the state's licensing examination and to facilitate their endorsement to other states and countries. To require compliance with the full notice period set forth under R.S. 49:953(A) in connection with promulgating this Emergency Rule would be detrimental to both the program and its nursing students since that would not permit sufficient time for obtaining full approval, and there is currently no authority under the rules for further extending the initial approval period. Inasmuch as the board's regulation of nursing practice necessarily includes its regulation and endorsement of programs that educate and prepare students to become registered nurses in service to the public, the board finds that promulgation of this Emergency Rule is essential to preventing imminent peril to public health, safety, and welfare. In conjunction with submission of this Emergency Rule, the board is simultaneously submitting a Notice of Intent to adopt a permanent Rule in the form and substance of this Emergency Rule. This Emergency Rule was adopted by the Louisiana State Board of Nursing at its meeting held on June 13, 2012.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XLVII. Nurses: Practical Nurses and Registered Nurses

Subpart 2. Registered Nurses

Chapter 35. Nursing Education Programs

§3533. Procedure for Establishing a New Program

A. - E.2. ...

3. Notwithstanding LAC 46:XLVII.3509.A.2 and 3533.E.2, a program that has failed to achieve full approval within two years following the program's eligibility to apply for full approval shall submit a report to the board noting the reasons for such failure. The board shall thereafter issue a rule to show cause order, requiring the program to appear before the board for a hearing, after which the board may do either of the following:

a. grant the program up to an additional one year period of initial approval post eligibility for full approval. At or before the end of the extended initial approval, if the program has met the standards for full approval, it may petition the board for full approval. If the program remains ineligible for full approval at the end of the extended initial approval, the program shall initiate a phase out of the program as outlined in LAC 46:XLVII.3533.E.3.b; or

b. terminate the program, requiring it to deny admission to any new students in the nursing sequence and to initiate a phase out of the program as outlined below.

i. A plan to phase out the existing nursing program shall include:

(a). dateline for final admission of students to the existing program;

(b). plan for the normal progression of students in the existing program;

(c). contingency plan for students who cannot follow the normal progression sequence in the existing program (i.e., failures, illness, etc); and

(d). the projected date of graduation for the final class of the existing program.

ii. All students shall have assistance with transfers to the new nursing programs or to another program of choice. A list of the names of these students shall be submitted to the board.

iii. The following records of the existing program shall be retained:

(a). students' applications to the program (when applicable);

(b). students' final transcripts;

(c). all curricula plans offered, including catalog course descriptions;

(d). rosters of all graduation classes and dates of graduations.

iv. The board shall be notified of the arrangements for the administrative control and safe storage of the permanent program and student records.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Nursing, LR 3:190 (April 1977), amended LR 10:1027 (December 1984), amended by the Department of Health and Hospitals, Board of Nursing, LR 14:532 (August 1988), repromulgated LR 24:1293 (July 1998), amended LR 26:2791 (December 2000), repromulgated LR 27:853 (June 2001), amended LR 38:

E. Wade Shows
Authorized Designee

1207#003

DECLARATION OF EMERGENCY

Department of Health and Hospitals Bureau of Health Services Financing

Adult Day Health Care—Minimum Licensing Standards
(LAC 48:I.4203, 4207, 4227, 4245, and 4267)

The Department of Health and Hospitals, Bureau of Health Services Financing amends LAC 48:I.4203, §4207, §4227, §4245, and §4267 in the Medical Assistance Program as authorized by R.S. 36:254 and R.S. 40:2120.41-2120.46, and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing amended the standards for payment for adult day health care (ADHC) services to remove those provisions governing licensing from LAC 50:XXI and repromulgated the licensing standards in LAC 48:1 (*Louisiana Register*, Volume 34, Number 10). The October 20, 2008 final Rules were repromulgated due to an error upon submission to the Office of State Register (*Louisiana Register*, Volume 34, Number 12).

The Department of Health and Hospitals, Bureau of Health Services Financing promulgated an Emergency Rule which amended the provisions governing the minimum licensing standards for ADHC centers to revise and clarify the staffing and transportation requirements (*Louisiana Register*, Volume 37, Number 4). This Emergency Rule is being promulgated to continue the provisions of the April 1, 2011 Emergency Rule. This action is being taken to promote the health and welfare of Louisiana citizens by assuring continued access to ADHC services through the development of a more efficient licensing infrastructure in order to stimulate growth in the ADHC provider community.

Effective July 28, 2012, the Department of Health and Hospitals, Bureau of Health Services Financing amends the provisions governing the minimum licensing standards for adult day health care centers.

Title 48

PUBLIC HEALTH—GENERAL

Part I. General Administration

Subpart 3. Licensing and Certification

Chapter 42. Adult Day Health Care

Subchapter A. General Provisions

§4203. Definitions

* * *

Direct Service Worker—an unlicensed staff person who provides personal care or other services and support to persons with disabilities or to the elderly to enhance their well-being, and who is involved in face-to-face direct contact with the participant.

Director—the person designated by the governing body of the ADHC to:

1. manage the center;
2. insure that all services provided are consistent with accepted standards of practice; and
3. ensure that center policies are executed.

* * *

Full Time Equivalent—40 hours of employment per week or the number of hours the center is open per week, whichever is less.

* * *

Key Staff—the designated program manager(s), social worker(s) or social services designee(s), and nurse(s) employed by the ADHC. A key staff person may also serve as the ADHC director.

* * *

Program Manager—a designated staff person, who is responsible for carrying out the center's individualized program for each participant.

* * *

Social Service Designee/Social Worker—an individual responsible for arranging medical and/or social services needed by the participant.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and 40:2120.41-46.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:2177 (October 2008), repromulgated LR 34:2622 (December 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:

§4207. Initial License Application Process

A. - A.6. ...

a. line of credit issued from a federally insured, licensed lending institution in the amount of at least \$50,000; and

b. general and professional liability insurance of at least \$300,000.

c. Repealed.

A.7. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and 40:2120.41-46.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:2178 (October 2008), repromulgated LR 34:2624 (December 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:

Subchapter B. Administration and Organization

§4227. Policy and Procedures

A. - B.9. ...

C. The director, or his designee:

1. is responsible for the execution of ADHC center policies; and

2. shall be accessible to center staff or to any representative of the Department of Health and Hospitals conducting an audit, survey, monitoring activity, or research and quality assurance.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and 40:2120.41-46.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:2182 (October 2008), repromulgated LR 34:2628 (December 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:

Subchapter D. ADHC Center Services

§4245. Transportation Requirements

A. - G. ...

H. Centers are expected to provide transportation to any client within their licensed region, but no client, regardless of their region of origin, may be in transport for more than one hour on any single trip.

1. If the center develops a policy that establishes a limited mileage radius for transporting participants, that policy must be submitted to DHH for review and approval prior to the center being allowed to limit transportation for participants.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and 40:2120.41-46.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:2186 (October 2008), repromulgated LR 34:2631 (December 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:

Subchapter G. Center Responsibilities

§4267. Staffing Requirements

A. Staff at ADHC centers shall meet the following education and experience requirements. All college degrees must be from a nationally accredited institution of higher education as defined in §102(b) of the Higher Education Act

of 1965 as amended. The following “key” staff positions are required and subject to the provisions listed below.

1. Social Service Designee/Social Worker. The center shall designate at least one staff person who shall be employed at least 10 hours a week to serve as the social services designee or social worker.

a. The social services designee shall have, at a minimum, a bachelor’s degree in a human service-related field such as psychology, sociology, education, or counseling. Two years of experience in a human service-related field may be substituted for each year of college.

b. The social worker shall have a bachelor’s or master’s degree in social work.

2. Nurse. The center shall employ one or more LPNs or RNs who shall be available to provide medical care and supervision services as required by all participants. The RN or LPN shall be on the premises daily for at least 8 hours, the number of hours the center is open, or during the time participants are present at the center, whichever is least. Nurses shall have a current Louisiana state license.

a. - b. Repealed.

3. Program Manager. The center shall designate at least one staff member who shall be employed at least 10 hours a week to be responsible for carrying out the center’s individualized program for each participant. The program manager should have program planning skills, good organization abilities, counseling and activity programming experience.

3.a. - 7.e. Repealed.

B. The following additional staff positions are required, subject to the provisions listed below:

1. Food Service Supervisor. The center shall designate one staff member who shall be employed at least 10 hours a week who shall be responsible for meal preparation and/or serving. The food service supervisor must have ServSafe® certification.

2. Direct Service Worker. An unlicensed person who provides personal care or other services and support to persons with disabilities or to the elderly to enhance their well being, and who is involved in face-to-face direct contact with the participant.

3. Volunteers. Volunteers and student interns are considered a supplement to the required staffing component. A center which uses volunteers or student interns on a regular basis shall have a written plan for using these resources. This plan must be given to all volunteers and interns and it shall indicate that all volunteers and interns shall be:

a. directly supervised by a paid staff member;

b. oriented and trained in the philosophy of the center and the needs of participants as well as the methods of meeting those needs;

c. subject to character and reference checks similar to those performed for employment applicants upon obtaining a signed release and the names of the references from the potential volunteer/intern student;

d. aware of and briefed on any special needs or problems of participants; and

e. provided program orientation and ongoing in-service training. The in-service training should be held at least quarterly.

C. The direct service worker to participant ratio shall be a minimum of one full-time direct service worker to every nine participants.

D. Center staffing requirements shall be based on licensed capacity; however, the center shall ensure that the following requirements are met regardless of the licensed capacity of the center.

1. The RN or LPN shall be on the premises daily for at least 8 hours, the number of hours the center is open, or during the time participants are present at the center, whichever is less.

2. If the RN or LPN has been on duty at least 8 hours and there are still participants present in the ADHC, the RN or LPN may be relieved of duty, however, at least one key staff person shall remain on duty at the center. The key staff person shall be the social service designee/social worker or the program manager.

3. A staff member who is certified in CPR must be on the premises at all times while clients are present.

E. Centers with a licensed capacity of 15 or fewer clients may designate one full-time staff person or full-time equivalent person to fill up to three “key staff” positions, and must employ at least one full-time person or full-time equivalent to fulfill key staff requirements.

F. Centers with a licensed capacity to serve 16-30 clients must employ at least two full-time persons or full-time equivalents to fulfill key staff requirements, and may designate one full-time staff person or full-time equivalent person to fill up to, but no more than, two “key staff” positions.

G. Centers with a licensed capacity to serve more than 30 clients must employ at least three full-time persons or full time equivalents to fill key staff positions. Each key staff position must be filled with a full-time person or full-time equivalent.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and 40:2120.41-46.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:2188 (October 2008), repromulgated LR 34:2634 (December 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. She is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Bruce D. Greenstein
Secretary

1207#098

DECLARATION OF EMERGENCY

Department of Health and Hospitals Bureau of Health Services Financing

Adult Dentures Program—Reimbursement Rate Reduction (LAC 50:XXV.701)

The Department of Health and Hospitals, Bureau of Health Services Financing amends LAC 50:XXV.701 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act and as directed by House Bill 1 of the 2012 Regular Session of the Louisiana Legislature which states: “The secretary is directed to utilize various cost containment measures to ensure expenditures remain at the level appropriated in this Schedule, including but not limited to precertification, preadmission screening, diversion, fraud control, utilization review and management, prior authorization, service limitations, drug therapy management, disease management, cost sharing, and other measures as permitted under federal law.” This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

As a result of a budgetary shortfall in state fiscal year 2010, the Department of Health and Hospitals, Bureau of Health Services Financing amended the provisions governing the Adult Denture Program to extend the time period allowed for denture replacements and relines (*Louisiana Register*, Volume 36, Number 9).

Due to a budgetary shortfall in state fiscal year 2013, the department has determined that it is necessary to amend the provisions governing the reimbursement methodology for adult denture services to reduce the reimbursement rates. This action is being taken to avoid a budget deficit in the medical assistance programs. It is estimated that implementation of this Emergency Rule will reduce expenditures in the Medicaid Program by approximately \$8,622 for state fiscal year 2012-2013.

Effective July 1, 2012, the Department of Health and Hospitals, Bureau of Health Services Financing amends the provisions governing the reimbursement methodology for adult denture services to reduce the reimbursement rates.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part XXV. Adult Dentures

Chapter 7. Reimbursement

§701. Fees

A. ...

B. Effective for dates of service on or after July 1, 2012, the reimbursement fees on file for the following adult denture services shall be reduced to the following percentages of the 2009 National Dental Advisory Service Comprehensive Fee Report 70th percentile, unless otherwise stated in this Chapter:

1. 65 percent for the comprehensive evaluation exam; and
2. 56 percent for full mouth x-ray.

C. Removable prosthodontics shall be excluded from the July 1, 2012 reimbursement rate reduction.

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 31:81 (January 2005), repromulgated LR 31:1589 (July 2005), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. She is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Bruce D. Greenstein
Secretary

1207#107

DECLARATION OF EMERGENCY

Department of Health and Hospitals Bureau of Health Services Financing and Office of Aging and Adult Services

All Inclusive Care for the Elderly Reimbursement Rate Reduction (LAC 50:XXIII.1301)

The Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services amend LAC 50:XXIII.1301 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act and as directed by House Bill 1 of the 2012 Regular Session of the Louisiana Legislature which states: “The secretary is directed to utilize various cost containment measures to ensure expenditures remain at the level appropriated in this Schedule, including but not limited to precertification, preadmission screening, diversion, fraud control, utilization review and management, prior authorization, service limitations, drug therapy management, disease management, cost sharing, and other measures as permitted under federal law.” This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

As a result of a budgetary shortfall in state fiscal year 2011, the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services amended the provisions governing the reimbursement methodology for the Program of All Inclusive Care for the Elderly (PACE) to reduce the capitated amount paid to PACE organizations (*Louisiana Register*, Volume 37, Number 6).

Due to a budgetary shortfall in state fiscal year 2013, the department has determined that it is necessary to amend the provisions governing the reimbursement methodology for

PACE to reduce the capitated amount paid to PACE organizations. This action is being taken to avoid a budget deficit in the medical assistance programs. It is estimated that implementation of this Emergency Rule will reduce expenditures in the Medicaid Program by approximately \$247,146 for state fiscal year 2012-2013.

Effective July 1, 2012, the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services amend the provisions governing the reimbursement methodology for the Program of All Inclusive Care for the Elderly to reduce the capitated amount paid to PACE organizations.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part XXIII. All Inclusive Care for the Elderly

Chapter 13. Reimbursement

§1301. Payment

A. - L. ...

M. Effective for dates of service on or after July 1, 2012, the monthly capitated amount paid to a PACE organization shall be reduced by 2 percent of the capitated amount on file as of June 30, 2012.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 30:250 (February 2004), amended LR 33:850 (May 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 37:1572 (June 2011), LR 38:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. She is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Bruce D. Greenstein
Secretary

1207#108

DECLARATION OF EMERGENCY

Department of Health and Hospitals Bureau of Health Services Financing

Ambulatory Surgical Centers
Reimbursement Rate Reduction
(LAC 50:XI.7503)

The Department of Health and Hospitals, Bureau of Health Services Financing amends LAC 50:XI.7503 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act and as directed by House Bill 1 of the 2012 Regular Session of the Louisiana Legislature which states: "The secretary is directed to utilize various cost containment measures to ensure expenditures remain at the level appropriated in this

Schedule, including but not limited to precertification, preadmission screening, diversion, fraud control, utilization review and management, prior authorization, service limitations, drug therapy management, disease management, cost sharing, and other measures as permitted under federal law." This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

As a result of a budgetary shortfall in state fiscal year 2011, the Department of Health and Hospitals, Bureau of Health Services Financing amended the provisions governing the reimbursement methodology for ambulatory surgical centers to further reduce the reimbursement rates paid for ambulatory surgical services (*Louisiana Register*, Volume 37, Number 6).

As a result of a budgetary shortfall in state fiscal year 2013, the department has determined that it is necessary to amend the provisions governing the reimbursement methodology for ambulatory surgical centers to reduce the reimbursement rates. This action is being taken to avoid a budget deficit in the medical assistance programs. It is estimated that implementation of this Emergency Rule will reduce expenditures in the Medicaid Program by approximately \$29,870 for state fiscal year 2012-2013.

Effective July 1, 2012, the Department of Health and Hospitals, Bureau of Health Services Financing amends the provisions governing the reimbursement methodology for ambulatory surgical centers to reduce the reimbursement rates.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part XI. Clinic Services

Subpart 11. Ambulatory Surgical Centers

Chapter 75. Reimbursement

§7503. Reimbursement Methodology

A. - F. ...

G. Effective for dates of service on or after July 1, 2012, the reimbursement for surgical services provided by an ambulatory surgical center shall be reduced by 3.7 percent of the fee amounts on file as of June 30, 2012.

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, Bureau of Health Services Financing, LR 35:1889 (September 2009), amended LR 36:2278 (October 2010), LR 37:1572 (June 2011), LR 38:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. She is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Bruce D. Greenstein
Secretary

1207#109

DECLARATION OF EMERGENCY

Department of Health and Hospitals Bureau of Health Services Financing

Behavioral Health Services
Statewide Management Organization
Adults Capitated Payment Reduction
(LAC 50:XXXIII.501)

The Department of Health and Hospitals, Bureau of Health Services Financing amends LAC 50:XXXIII.501 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act and as directed by House Bill 1 of the 2012 Regular Session of the Louisiana Legislature which states: "The secretary is directed to utilize various cost containment measures to ensure expenditures remain at the level appropriated in this Schedule, including but not limited to precertification, preadmission screening, diversion, fraud control, utilization review and management, prior authorization, service limitations, drug therapy management, disease management, cost sharing, and other measures as permitted under federal law." This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health and Hospitals, Bureau of Health Services Financing adopted provisions to implement a coordinated behavioral health services system under the Louisiana Medicaid Program to provide services through the utilization of a statewide management organization that is responsible for the necessary administrative and operational functions to ensure adequate coordination and delivery of behavioral health services (*Louisiana Register*, Volume 38, Number 2).

As a result of a budgetary shortfall in state fiscal year 2013, the department has determined that it is necessary to amend the provisions governing the reimbursement of adult behavioral health services coordinated through the Statewide Management Organization to reduce the capitated payment amount. This action is being taken to avoid a budget deficit in the medical assistance programs. It is estimated that implementation of this Emergency Rule will reduce expenditures in the Medicaid Program by approximately \$2,474,748 for state fiscal year 2012-2013.

Effective July 1, 2012, the Department of Health and Hospitals, Bureau of Health Services Financing amends the provisions governing the reimbursement of adult behavioral health services coordinated by the Statewide Management Organization to reduce the capitated payment amounts.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part XXXIII. Behavioral Health Services

Subpart 1. Statewide Management Organization

Chapter 5. Reimbursement

§501. Reimbursement Methodology

A. - B. ...

C. Effective for dates of service on or after July 1, 2012, the monthly capitation payments to the PIHP/SMO for adult behavioral health services shall be reduced by 1.927 percent

of the monthly capitation payments on file as of June 30, 2012.

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, Bureau of Health Services Financing, LR 38:363 (February 2012), amended LR 38:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. She is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Bruce D. Greenstein
Secretary

1207#110

DECLARATION OF EMERGENCY

Department of Health and Hospitals Bureau of Health Services Financing

Children's Behavioral Health Services
Reimbursement Rate Reduction
(LAC 50:XXXIII.2701)

The Department of Health and Hospitals, Bureau of Health Services Financing amends LAC 50:XXXIII.2701 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act and as directed by House Bill 1 of the 2012 Regular Session of the Louisiana Legislature which states: "The secretary is directed to utilize various cost containment measures to ensure expenditures remain at the level appropriated in this Schedule, including but not limited to precertification, preadmission screening, diversion, fraud control, utilization review and management, prior authorization, service limitations, drug therapy management, disease management, cost sharing, and other measures as permitted under federal law."

This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health and Hospitals, Bureau of Health Services Financing adopted provisions to implement a coordinated services system through the Louisiana Behavioral Health Partnership to provide behavioral health services to children under the age of 21 (*Louisiana Register*, Volume 38, Number 2).

Due to a budgetary shortfall in state fiscal year 2013, the department has determined that it is necessary to amend the provisions governing the reimbursement methodology for children's behavioral health services to reduce the reimbursement rates. This action is being taken to avoid a budget deficit in the medical assistance programs. It is

estimated that implementation of this Emergency Rule will reduce expenditures in the Medicaid Program by approximately \$2,374,270 for state fiscal year 2012-2013.

Effective July 1, 2012, the Department of Health and Hospitals, Bureau of Health Services Financing amends the provisions governing the reimbursement methodology for children's behavioral health services to reduce the reimbursement rates.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part XXXIII. Behavioral Health Services

Subpart 3. Children's Behavioral Health Services

Chapter 27. Reimbursement

§2701. Reimbursement Methodology

A. ...

B. Effective for dates of service on or after July 1, 2012, the reimbursement rates for the following behavioral health services provided to children/adolescents shall be reduced by 1.44 percent of the rates in effect on June 30, 2012:

1. therapeutic services;
2. rehabilitation services; and
3. crisis intervention services.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:365 (February 2012), amended LR 38:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. She is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Bruce D. Greenstein
Secretary

1207#111

DECLARATION OF EMERGENCY

Department of Health and Hospitals Bureau of Health Services Financing

Direct Service Worker Registry (LAC 48:I.Chapter 92)

The Department of Health and Hospitals, Bureau of Health Services Financing amends LAC 48:I.Chapter 92 as authorized by R.S. 40:2179-2179.1. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

In compliance with the directives of Act 306 of the 2005 Regular Session of the Louisiana Legislature, the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopted provisions governing the establishment and maintenance of the Direct

Service Worker (DSW) Registry and defined the qualifications and requirements for direct service workers (*Louisiana Register*, Volume 32, Number 11). The November 20, 2006 Rule was amended to further clarify the provisions governing the DSW Registry (*Louisiana Register*, Volume 33, Number 1). The department amended the provisions governing the training curriculum for direct service workers to require that licensed providers and other state approved training entities that wish to conduct training for direct service workers, and do not have an approved training curriculum, must use the department-approved training curriculum (*Louisiana Register*, Volume 35, Volume 11).

House Concurrent Resolution (HCR) 94 of the 2010 Regular Session of the Louisiana Legislature suspended LAC 48:I.9201-9203 and directed the department to adopt new provisions governing the DSW Registry which will eliminate duplicative regulations and streamline the DSW process. In compliance with the directives of HCR 94, the department promulgated an Emergency Rule which amended the provisions governing the DSW Registry in order to create a more manageable and efficient DSW process (*Louisiana Registry*, Volume 37, Number 4). This Emergency Rule is being promulgated to continue the provisions of the April 20, 2010 Emergency Rule. This action is being taken to protect the health and well-being of Louisiana citizens who receive care from direct service workers, and to eliminate the risks associated with services rendered by direct service workers who have committed substantiated acts of abuse, neglect, or exploitation.

Effective August 16, 2012, the Department of Health and Hospitals, Bureau of Health Services Financing amends the provisions governing the Direct Service Workers Registry.

Title 48

PUBLIC HEALTH—GENERAL

Part I. General Administration

Subpart 3. Health Standards

Chapter 92. Direct Service Worker

Registry Subchapter A. General Provisions

§9201. Definitions

* * *

Employer—an individual or entity that pays an individual wages or a salary for performing a job.

* * *

Finding—allegations of abuse, neglect, exploitation or extortion that are placed on the registry by the department following a decision by an administrative law judge or a court of law after all appeal delays afforded by law or allegations of abuse, neglect, exploitation or extortion that are placed on the registry by the department as a result of failure to timely request an appeal in accordance with this rule.

* * *

Provider—an entity that furnishes care and services to consumers and has been licensed by the Department of Health and Hospitals to operate in the state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2179-2179.1.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 32:2058 (November 2006), amended LR 33:95 (January 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:

§9202. Introduction

A. The Department of Health and Hospitals (DHH) shall maintain a registry of individuals for whom specific findings of abuse, neglect, exploitation or extortion have been substantiated by the department, an administrative law judge or a court of law.

B. The Direct Service Worker Registry will contain the following items on each individual for whom a finding has been placed:

1. name;
 - a. - i.v. Repealed.
2. address;
3. Social Security number;
4. telephone number;
5. state registration number;
6. an accurate summary of finding(s); and
7. information relative to registry status which will be

available through procedures established by the Department of Health and Hospitals, Bureau of Health Services Financing, Health Standards Section (HSS).

C. Employers must use the registry to determine if there is a finding that a prospective hire has abused or neglected an individual being supported, or misappropriated the individual's property or funds. If there is such a finding on the registry, the prospective employee shall not be hired.

D. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2179-2179.1.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 32:2059 (November 2006), amended LR 33:95 (January 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:

Subchapter B. Training and Competency Requirements

§9211. General Provisions

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2179-2179.1.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 32:2059 (November 2006), amended LR 33:96 (January 2007), repealed by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:

§9213. Trainee Responsibilities

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2179-2179.1.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 32:2059 (November 2006), amended LR 33:96 (January 2007), repealed by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:

§9215. Training Curriculum

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2179-2179.1.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 32:2060 (November 2006), amended LR 33:96 (January 2007), LR 35:2437 (November 2009), repealed by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:

§9217. Training Coordinators

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2179-2179.1.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 32:2060 (November 2006), amended LR 33:97 (January 2007), repealed by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:

§9219. Competency Evaluation

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2179-2179.1.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 32:2060 (November 2006), amended LR 33:97 (January 2007), repealed by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:

§9221. Compliance with Training and Competency Evaluation

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2179-2179.1.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 32:2060 (November 2006), amended LR 33:97 (January 2007), repealed by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:

Subchapter C. Provider Participation

§9231. Provider Responsibilities

A. Prior to hiring any direct service worker or trainee, a licensed provider shall:

1. assure that the individual is at least 18 years of age, and that they have the ability to read, write and carry out directions competently as assigned; and

2. access the registry to determine if there is a finding that he/she has abused or neglected an individual being supported or misappropriated the individual's property or funds. If there is such a finding on the registry, the prospective employee shall not be hired.

B. The provider shall check the registry every six months to determine if any currently employed direct service worker or trainee has been placed on the registry with a finding that he/she has abused or neglected an individual being supported or misappropriated the individual's property or funds.

1. The provider shall maintain printed confirmation from the registry web site as verification of compliance with this procedure.

C. - E.2. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2179-2179.1.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 32:2061 (November 2006), amended LR 33:97 (January 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:

Subchapter E. Violations

§9271. Disqualification of Training Programs

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2179-2179.1.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 32:2061 (November 2006), amended LR 33:98 (January 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:

§9273. Allegations of Direct Service Worker Wrong-Doing

A. The Department, through the Division of Administrative Law, or its successor, has provided for a process of the review and investigation of all allegations of wrong-doing by direct service workers. Direct service workers and trainees must not:

1. - 2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2179-2179.1.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 32:2061 (November 2006), amended LR 33:98 (January 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:

Subchapter F. Administrative Hearings

§9285. General Provisions

A. ...

1. The request for an administrative hearing must be made in writing to the Division of Administrative Law, or its successor.

2. ...

3. Unless a timely and proper request is received by the Division of Administrative Law or its successor, the findings of the department shall be considered a final and binding administrative determination.

a. ...

B. When an administrative hearing is scheduled, the Division of Administrative Law, or its successor, shall notify the direct service worker, his/her representative and the agency representative in writing.

1. - 1.c. ...

C. The administrative hearing shall be conducted by an administrative law judge from the Division of Administrative Law, or its successor, as authorized by R.S. 46:107 and according to the following procedures.

1. - 8. ...

9. When the allegation(s) supporting placement of a finding is substantiated, the direct service worker may not rest on the mere denial in his/her testimony and/or pleading(s) but must set forth specific facts and produce evidence to disprove or contest the allegation(s).

D. - H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2179-2179.1.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 32:2062 (November 2006), amended LR 33:98 (January 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:

§9287. Preliminary Conferences

A. - A.6. ...

B. When the Division of Administrative Law, or its successor, schedules a preliminary conference, all parties shall be notified in writing. The notice shall direct any parties and their attorneys to appear on a specific date and at a specific time and place.

C. - C.1. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2179-2179.1.

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

Services Financing, LR 32:2062 (November 2006), amended LR 33:99 (January 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:

§9293. Failure to Appear at Administrative Hearings

A. If a direct service worker fails to appear at an administrative hearing, a notice/letter of abandonment may be issued by the Division of Administrative Law, or its successor, dismissing the appeal. A copy of the notice shall be mailed to each party.

B. - B.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2179-2179.1.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 32:2063 (November 2006), amended LR 33:100 (January 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. She is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Bruce D. Greenstein
Secretary

1207#099

DECLARATION OF EMERGENCY

**Department of Health and Hospitals
Bureau of Health Services Financing**

Early and Periodic Screening, Diagnosis and Treatment
Dental Program—Reimbursement Rate Reduction
(LAC 50:XV.6905)

The Department of Health and Hospitals, Bureau of Health Services Financing amends LAC 50: XV.6905 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act and as directed by House Bill 1 of the 2012 Regular Session of the Louisiana Legislature which states: “The secretary is directed to utilize various cost containment measures to ensure expenditures remain at the level appropriated in this Schedule, including but not limited to precertification, preadmission screening, diversion, fraud control, utilization review and management, prior authorization, service limitations, drug therapy management, disease management, cost sharing, and other measures as permitted under federal law.” This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

Due to a continuing budgetary shortfall in state fiscal year 2011, the Department of Health and Hospitals, Bureau of Health Services Financing amended the provisions governing the reimbursement methodology for dental services in the Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) Program to further reduce the reimbursement rates (*Louisiana Register*, Volume 37, Number 6).

As a result of a budgetary shortfall in state fiscal year 2013, the department has determined that it is necessary to amend the provisions governing the reimbursement methodology for EPSDT dental services to reduce the reimbursement rates. This action is being taken to avoid a budget deficit in the medical assistance programs. It is estimated that implementation of this Emergency Rule will reduce expenditures in the Medicaid Program by approximately \$3,093,316 for state fiscal year 2012-2013.

Effective July 1, 2012, the Department of Health and Hospitals, Bureau of Health Services Financing amends the provisions governing the reimbursement methodology for EPSDT dental services to reduce the reimbursement rates.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part XV. Services for Special Populations

Subpart 5. Early and Periodic Screening, Diagnosis and Treatment

Chapter 69. Dental Services

§6905. Reimbursement

A. - H. ...

I. Effective for dates of service on or after July 1, 2012, the reimbursement fees for EPSDT dental services shall be reduced to the following percentages of the 2009 National Dental Advisory Service Comprehensive Fee Report 70th percentile, unless otherwise stated in this Chapter:

1. 65 percent for the following oral evaluation services:

- a. periodic oral examination;
- b. oral examination-patients under three years of age; and

c. comprehensive oral examination-new patients;

2. 62 percent for the following annual and periodic diagnostic and preventive services:

- a. radiographs-periapical, first film;
- b. radiographs-periapical, each additional film;
- c. radiographs-panoramic film;
- d. diagnostic casts;
- e. prophylaxis-adult and child;
- f. topical application of fluoride, adult and child (prophylaxis not included); and

g. topical fluoride varnish, therapeutic application for moderate to high caries risk patients (under 6 years of age);

3. 45 percent for the following diagnostic and adjunctive general services:

- a. oral/facial image;
- b. non-intravenous conscious sedation; and
- c. hospital call; and

4. 56 percent for the remainder of the dental services.

J. Removable prosthodontics and orthodontic services are excluded from the July 1, 2012 rate reduction.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 33:1138 (June 2007), amended LR 34:1032 (June 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 35:1890 (September 2009), amended LR 36:2040 (September 2010), LR 37:1598 (June 2011), LR 38:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of

Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. She is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Bruce D. Greenstein
Secretary

1207#112

DECLARATION OF EMERGENCY

Department of Health and Hospitals Bureau of Health Services Financing

End Stage Renal Disease Facilities
Reimbursement Rate Reduction
(LAC 50:XI.6901 and 6903)

The Department of Health and Hospitals, Bureau of Health Services Financing amends LAC 50:XI.6901 and §6903 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act and as directed by House Bill 1 of the 2012 Regular Session of the Louisiana Legislature which states: "The secretary is directed to utilize various cost containment measures to ensure expenditures remain at the level appropriated in this Schedule, including but not limited to precertification, preadmission screening, diversion, fraud control, utilization review and management, prior authorization, service limitations, drug therapy management, disease management, cost sharing, and other measures as permitted under federal law." This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

As a result of a budgetary shortfall in state fiscal year 2011, the Department of Health and Hospitals, Bureau of Health Services Financing amended the provisions governing the reimbursement methodology for end stage renal disease (ESRD) facilities to reduce the reimbursement rates (*Louisiana Register*, Volume 37, Number 6).

Due to a budgetary shortfall in state fiscal year 2013, the department has determined that it is necessary to amend the provisions governing the reimbursement methodology for ESRD facilities to reduce the reimbursement rates. This action is being taken to avoid a budget deficit in the medical assistance programs. It is estimated that implementation of this Emergency Rule will reduce expenditures in the Medicaid Program by approximately \$291,148 for state fiscal year 2012-2013.

Effective July 1, 2012, the Department of Health and Hospitals, Bureau of Health Services Financing amends the provisions governing the reimbursement methodology for end stage renal disease facilities to reduce the reimbursement rates.

Title 50
PUBLIC HEALTH—MEDICAL ASSISTANCE
Part XI. Clinic Services
Subpart 9. End Stage Renal Disease Facilities

Chapter 69. Reimbursement

§6901. General Provisions

A. - F. ...

G. Effective for dates of service on or after July 1, 2012, the reimbursement to ESRD facilities shall be reduced by 3.7 percent of the rates in effect on June 30, 2012.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 30:1022 (May 2004), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 35:1891 (September 2009), LR 36:2040 (September 2010), LR 37:1599 (June 2011), LR 38:

§6903. Medicare Part B Claims

A. - F. ...

G. Effective for dates of service on or after July 1, 2012, the reimbursement to ESRD facilities for Medicare Part B claims shall be reduced by 3.7 percent of the rates in effect on June 30, 2012.

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, Bureau of Health Services Financing, LR 35:1891 (September 2009), amended LR 36:2040 (September 2010), LR 37:1599 (June 2011), LR 38:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. She is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Bruce D. Greenstein
Secretary

1207#113

DECLARATION OF EMERGENCY

Department of Health and Hospitals
Bureau of Health Services Financing

Family Planning Clinics—Reimbursement Rate Reduction
(LAC 50:XI.3501)

The Department of Health and Hospitals, Bureau of Health Services Financing amends LAC 50:XI.3501 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act and as directed by House Bill 1 of the 2012 Regular Session of the Louisiana Legislature which states: “The secretary is directed to utilize various cost containment measures to ensure expenditures remain at the level appropriated in this

Schedule, including but not limited to precertification, preadmission screening, diversion, fraud control, utilization review and management, prior authorization, service limitations, drug therapy management, disease management, cost sharing, and other measures as permitted under federal law.” This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

As a result of a budgetary shortfall in state fiscal year 2011, the Department of Health and Hospitals, Bureau of Health Services Financing amended the provisions governing the reimbursement methodology for family planning clinics to reduce the reimbursement rates (*Louisiana Register*, Volume 37, Number 6). As a result of a budgetary shortfall in state fiscal year 2013, the department has determined that it is necessary to amend the provisions governing the reimbursement methodology for family planning clinics to reduce the reimbursement rates. This action is being taken to avoid a budget deficit in the medical assistance programs. It is estimated that implementation of this Emergency Rule will reduce expenditures in the Medicaid Program by approximately \$3,634 for state fiscal year 2012-2013.

Effective July 1, 2012, the Department of Health and Hospitals, Bureau of Health Services Financing amends the provisions governing the reimbursement methodology for family planning clinics to reduce the reimbursement rates.

Title 50
PUBLIC HEALTH—MEDICAL ASSISTANCE
Part XI. Clinic Services
Subpart 5. Family Planning

Chapter 35. Reimbursement

§3501. Reimbursement Methodology

A. - B. ...

C. Effective for dates of service on or after July 1, 2012, the reimbursement rates for family planning clinics shall be equal to the reimbursement rates for family planning services in the Professional Services Program.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 30:1022 (May 2004), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 37:1600 (June 2011), LR 38:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. She is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Bruce D. Greenstein
Secretary

1207#114

DECLARATION OF EMERGENCY

Department of Health and Hospitals Bureau of Health Services Financing

Family Planning Waiver—Reimbursement Rate Reduction (LAC 50:XXII.2701)

The Department of Health and Hospitals, Bureau of Health Services Financing amends LAC 50:XXII.2701 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act and as directed by House Bill 1 of the 2012 Regular Session of the Louisiana Legislature which states: “The secretary is directed to utilize various cost containment measures to ensure expenditures remain at the level appropriated in this Schedule, including but not limited to precertification, preadmission screening, diversion, fraud control, utilization review and management, prior authorization, service limitations, drug therapy management, disease management, cost sharing, and other measures as permitted under federal law.” This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953.B(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

As a result of a budgetary shortfall in state fiscal year 2011, the Department of Health and Hospitals, Bureau of Health Services Financing amended the provisions governing the reimbursement methodology for family planning waiver services to reduce reimbursement rates (*Louisiana Register*, Volume 37, Number 7).

As a result of a budgetary shortfall in state fiscal year 2013, the department has determined that it is necessary to amend the provisions governing the reimbursement methodology for family planning waiver services in order to align the reimbursement rates in the waiver with the rates for family planning services provided under the Medicaid State Plan. This action is being taken to avoid a budget deficit in the medical assistance programs. It is estimated that implementation of this Emergency Rule will reduce expenditures in the Medicaid Program by approximately \$335,028 for state fiscal year 2013.

Effective July 1, 2012, the Department of Health and Hospitals, Bureau of Health Services Financing amends the provisions governing the reimbursement methodology for family planning waiver services.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part XXII. 1115 Demonstration Waivers

Subpart 3. Family Planning Waiver

Chapter 27. Reimbursement

§2701. Reimbursement Methodology

A. - C. ...

D. Effective for dates of service on or after July 1, 2012, the reimbursement rates for the following Family Planning Waiver services shall be adjusted to be consistent with the reimbursement rates paid on the established Medicaid fee schedule for family planning services covered under the Medicaid State Plan in the Professional Services Program.

1. Rate adjustments shall be made to the following procedure codes:

a. current procedural terminology (CPT) codes 00851, 36415, 58300, 58301, 58600, 58670, 58671, 71020, 80048, 80050, 80051, 82962, 86631, 86703, 87480, 87481, 87490, 87491, 87590, 87591, 87621, 87810, 87850, 88141, 88175, 88174, 93000, 99212, 99241, and 99242, 71010, 80061, 81000, 81001, 81002, 81003, 81005, 81025, 82948, 84520, 84550, 84702, 84703, 85014, 85018, 86592, 86593, 86689, 86701, 87070, 87075, 87081, 87110, and 87210.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 32:1461 (August 2006), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 36:2280 (October 2010), LR 37:2156 (July 2011), LR 38:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. She is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Bruce D. Greenstein
Secretary

1207#115

DECLARATION OF EMERGENCY

Department of Health and Hospitals Bureau of Health Services Financing and Office of Aging and Adult Services

Home and Community-Based Services Waivers Adult Day Health Care—Reimbursement Rate Reduction (LAC 50:XXI.2915)

The Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services amend LAC 50:XXI.2915 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act and as directed by House Bill 1 of the 2012 Regular Session of the Louisiana Legislature which states: “The secretary is directed to utilize various cost containment measures to ensure expenditures remain at the level appropriated in this Schedule, including but not limited to precertification, preadmission screening, diversion, fraud control, utilization review and management, prior authorization, service limitations, drug therapy management, disease management, cost sharing, and other measures as permitted under federal law.” This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act,

R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

As a result of a budgetary shortfall in state fiscal year 2011, the department promulgated amended the provisions governing the reimbursement methodology for the ADHC Waiver to reduce the reimbursement rates (*Louisiana Register*, Volume 37, Number 9).

Due to a budgetary shortfall in state fiscal year 2013, the department has determined that it is necessary to amend the provisions governing the reimbursement methodology for the Adult Day Health Care Waiver to reduce the reimbursement rates. This action is being taken to avoid a budget deficit in the medical assistance programs. It is estimated that implementation of this Emergency Rule will reduce expenditures in the Adult Day Health Care Waiver by approximately \$142,472 for state fiscal year 2012-2013.

Effective July 1, 2012, the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services amend the provisions governing the Adult Day Health Care Waiver to reduce the reimbursement rates.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part XXI. Home and Community-Based Services Waivers

Subpart 3. Adult Day Health Care

Chapter 29. Reimbursement

§2915. Provider Reimbursement

A. - F3. ...

G. Effective for dates of service on or after July 1, 2012, the reimbursement rates for ADHC services shall be reduced by 1.5 percent of the rates in effect on June 30, 2012.

1. The provider-specific transportation component shall be excluded from this rate reduction.

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 Aging and Adult Services, LR 34:2170 (October 2008), repromulgated LR 34:2575 (December 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 37:2157 (July 2011), LR 37:2625 (September 2011), LR 38:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. She is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Bruce D. Greenstein
Secretary

1207#116

DECLARATION OF EMERGENCY

Department of Health and Hospitals Bureau of Health Services Financing and

Office for Citizens with Developmental Disabilities

Home and Community-Based Services Waivers
Children's Choice—Service Cap Reduction
(LAC 50:XXI.11301)

The Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities amend LAC 50:XXI.11301 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act and as directed by House Bill 1 of the 2012 Regular Session of the Louisiana Legislature which states: "The secretary is directed to utilize various cost containment measures to ensure expenditures remain at the level appropriated in this Schedule, including but not limited to precertification, preadmission screening, diversion, fraud control, utilization review and management, prior authorization, service limitations, drug therapy management, disease management, cost sharing, and other measures as permitted under federal law." This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

As a result of a budgetary shortfall in state fiscal year 2011, the department promulgated an Emergency Rule which amended the provisions governing the Children's Choice Waiver to reduce the service cap and to reduce the reimbursement rates paid for waiver services (*Louisiana Register*; Volume 37, Number 7).

As a result of a budgetary shortfall in state fiscal year 2013, the department has determined that it is necessary to amend the provisions governing the Children's Choice Waiver to reduce the service cap for Children's Choice Waiver services. This action is being taken to avoid a budget deficit in the medical assistance programs. It is estimated that implementation of this Emergency Rule will reduce expenditures in the Medicaid Program by approximately \$32,659 for state fiscal year 2013.

Effective August 1, 2012, the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities amend the provisions governing the Children's Choice Waiver to reduce the service cap.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part XXI. Home and Community-Based Services Waivers

Subpart 9. Children's Choice

Chapter 113. Services

§11301. Service Cap

A. - C. ...

D. Effective August 1, 2012, Children's Choice services are capped at \$16,410 per individual per plan of care year.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 28:1987 (September 2002), LR 33:1872 (September 2007), amended by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 34:250 (February 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 36:324 (February 2010), LR 36:2280 (October 2010), LR 37:2157 (July 2011), LR 38:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. She is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Bruce D. Greenstein
Secretary

1207#025

DECLARATION OF EMERGENCY

**Department of Health and Hospitals
Bureau of Health Services Financing
and
Office of Aging and Adult Services**

Home and Community-Based Services Waivers
Community Choices Waiver
Reimbursement Rate Reduction
(LAC 50:XXI.9501)

The Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services amend LAC 50:XXI.9501 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act and as directed by House Bill 1 of the 2012 Regular Session of the Louisiana Legislature which states: "The secretary is directed to utilize various cost containment measures to ensure expenditures remain at the level appropriated in this Schedule, including but not limited to precertification, preadmission screening, diversion, fraud control, utilization review and management, prior authorization, service limitations, drug therapy management, disease management, cost sharing, and other measures as permitted under federal law." This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services adopted provisions which established the Community Choices Waiver Program to replace the Elderly and Disabled Adults (EDA) Waiver (*Louisiana Register*, Volume 37, Number 12). The department promulgated an Emergency Rule which amended the December 20, 2011 Rule to clarify provisions governing the delivery of services, to remove the wage pass-through language that was erroneously included in the Rule, and to comply with a court-mandated standard for use in the determination of expedited Community Choices Waiver slots and addition of waiver opportunities (*Louisiana Register*, Volume 38, Number 2).

As a result of a budgetary shortfall in state fiscal year 2013, the department has determined that it is necessary to amend the provisions governing the reimbursement methodology for the Community Choices Waiver to reduce the reimbursement rates. This action is being taken to avoid a budget deficit in the medical assistance programs. It is estimated that implementation of this Emergency Rule will reduce expenditures in the Community Choices Waiver Program by approximately \$1,749,445 for state fiscal year 2012-2013.

Effective July 1, 2012, the Department of Health and Hospitals, Bureau of Health Services Financing amends the provisions governing the reimbursement methodology for the Community Choices Waiver to reduce the reimbursement rates.

Title 50

PUBLIC HEALTH-MEDICAL ASSISTANCE Part XXI. Home and Community-Based Services Waivers

Subpart 7. Community Choices Waiver Chapter 95. Reimbursement§9501. Reimbursement Methodology

A. - H. ...

I. Effective for dates of service on or after July 1, 2012, the reimbursement rates for Community Choices Waiver personal assistance services furnished to one participant shall be reduced by 1.5 percent of the rates in effect on June 30, 2012.

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, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 37:3525 (December 2011), amended LR 38:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. She is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Bruce D. Greenstein
Secretary

1207#026

DECLARATION OF EMERGENCY

Department of Health and Hospitals Bureau of Health Services Financing

Home and Community-Based Waiver Services Cost Reporting Requirements (LAC 50:XXI.Chapter 7)

The Department of Health and Hospitals, Bureau of Health Services Financing adopts LAC 50:XXI.Chapter 7 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

Act 299 of the 2011 Regular Session of the Louisiana Legislature directed the Department of Health and Hospitals to establish mandatory cost reporting requirements for providers of home and community-based services to verify expenditures and for use in determining appropriate reimbursement rates. In compliance with Act 299, the department proposes to adopt provisions establishing cost reporting requirements for providers of home and community-based waiver services.

This action is being taken to promote the health and welfare of waiver participants and to ensure that these services are rendered in an efficient and cost-effective manner. It is anticipated that implementation of this Emergency Rule will have no fiscal impact to the Medicaid Program in state fiscal year 2012-13.

Effective July 1, 2012, the Department of Health and Hospitals, Bureau of Health Services Financing adopts provisions to establish cost reporting requirements for providers of home and community-based waiver services.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part XXI. Home and Community-Based Services Waivers

Subpart 1. General Provisions

Chapter 7. Cost Reporting Requirements

§701. General Provisions

A. Effective July 1, 2012, the department shall implement mandatory cost reporting requirements for providers of home and community-based waiver services. The cost reports will be used to verify expenditures and to support rate setting for the services rendered to waiver recipients.

B. Providers of services in the following waiver programs shall be required to submit cost reports:

1. Adult Day Health Care Waiver;
2. Children's Choice Waiver;
3. Community Choices Waiver;
4. New Opportunities Waiver;
5. Residential Options Waiver; and
6. Supports Waiver.

C. Each provider shall complete the DHH approved cost report and submit the cost report(s) to the department no later than five months after the state fiscal year ends (June 30).

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, Bureau of Health Services Financing, LR 38:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. She is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Bruce D. Greenstein
Secretary

1207#027

DECLARATION OF EMERGENCY

Department of Health and Hospitals Bureau of Health Services Financing and

Office for Citizens with Developmental Disabilities

Home and Community-Based Services Waivers New Opportunities Waiver Reimbursement Rate Reduction (LAC 50:XXI.14301)

The Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities amend LAC 50:XXI.14301 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act and as directed by House Bill 1 of the 2012 Regular Session of the Louisiana Legislature which states: "The secretary is directed to utilize various cost containment measures to ensure expenditures remain at the level appropriated in this Schedule, including but not limited to precertification, preadmission screening, diversion, fraud control, utilization review and management, prior authorization, service limitations, drug therapy management, disease management, cost sharing, and other measures as permitted under federal law." This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

As a result of a budgetary shortfall in state fiscal year 2011, the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities amended the provisions governing the reimbursement methodology for the New Opportunities Waiver to reduce the reimbursement rates (*Louisiana Register*; Volume 37, Number 7).

Due to a budgetary shortfall in state fiscal year 2013, the department has determined that it is necessary to amend the provisions governing the reimbursement methodology for

the New Opportunities Waiver to reduce reimbursement rates. This action is being taken to avoid a budget deficit in the medical assistance programs. It is estimated that implementation of this Emergency Rule will reduce expenditures in the Medicaid Program by approximately \$4,317,056 for state fiscal year 2013.

Effective July 1, 2012, the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities amend the provisions governing the reimbursement methodology for the New Opportunities Waiver to reduce the reimbursement rates.

Title 50

**PUBLIC HEALTH—MEDICAL ASSISTANCE
Part XXI. Home and Community-Based Services
Waivers**

Subpart 11. New Opportunities Waiver

Chapter 143. Reimbursement

§14301. Reimbursement Methodology

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

K. Effective for dates of service on or after July 1, 2012, the reimbursement rates shall be reduced by 1.5 percent of the rates in effect on June 30, 2012.

1. The following services shall be excluded from the rate reduction:

- a. environmental accessibility adaptations;
- b. specialized medical equipment and supplies;
- c. personal emergency response systems;
- d. one time transitional expenses; and
- e. individualized and family support services—
shared day; and
- f. individualized and family support services—
night.

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 Community Supports and Services, LR 30:1209 (June 2004), amended by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 34:252 (February 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 35:1851 (September 2009), LR 36:1247 (June 2010), LR 37:2158 (July 2011), LR 38:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. She is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Bruce D. Greenstein
Secretary

1207#028

DECLARATION OF EMERGENCY

**Department of Health and Hospitals
Bureau of Health Services Financing
and
Office for Citizens with Developmental Disabilities**

**Home and Community-Based Services Waivers
Residential Options Waiver
Reimbursement Rate Reduction
(LAC 50:XXI.16901)**

The Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities amend LAC 50:XXI.16901 under the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act and as directed by House Bill 1 of the 2012 Regular Session of the Louisiana Legislature which states: “The secretary is directed to utilize various cost containment measures to ensure expenditures remain at the level appropriated in this Schedule, including but not limited to precertification, preadmission screening, diversion, fraud control, utilization review and management, prior authorization, service limitations, drug therapy management, disease management, cost sharing, and other measures as permitted under federal law.” This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities promulgated an Emergency Rule which amended the provisions governing the Residential Options Waiver (ROW) to revise the provisions governing the allocation of waiver opportunities and the delivery of services in order to provide greater clarity (*Louisiana Register*, Volume 36, Number 4).

Due to a budgetary shortfall in state fiscal year 2013, the department has determined that it is necessary to amend the provisions governing the reimbursement methodology for the Residential Options Waiver to reduce the reimbursement rates. This action is being taken to avoid a budget deficit in the medical assistance programs. It is estimated that implementation of this Emergency Rule will reduce expenditures in the Residential Options Waiver program by approximately \$13,097 for state fiscal year 2012-2013.

Effective July 1, 2012, the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities amend the provisions governing the reimbursement methodology for the Residential Options Waiver to reduce the reimbursement rates.

Title 50
PUBLIC HEALTH—MEDICAL ASSISTANCE
Part XXI. Home and Community-Based Services
Waivers

Subpart 13. Residential Options Waiver

Chapter 169. Reimbursement

§16901. Reimbursement Methodology

A. - K.1.d. ...

L. Effective for dates of service on or after July 1, 2012, the reimbursement for Residential Options Waiver services shall be reduced by 1.5 percent of the rates in effect on June 30, 2012.

1. The following services shall be excluded from this rate reduction:

- a. personal emergency response services;
- b. environmental accessibility adaption services;
- c. specialized medical equipment and supplies; and
- d. transitional services.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 33:2456 (November 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 38:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. She is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Bruce D. Greenstein
Secretary

1207#029

DECLARATION OF EMERGENCY

Department of Health and Hospitals
Bureau of Health Services Financing
and
Office of Aging and Adult Services

Home and Community-Based Services Waivers
Support Coordination Standards for Participation
(LAC 50:XXI.Chapter 5)

The Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services adopts LAC 50:XXI.Chapter 5 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services (OAAS) provide Medicaid coverage for support coordination services rendered to waiver participants who receive services in home and community-based waiver programs administered by OAAS. The department promulgated an Emergency Rule which adopted provisions to establish standards for participation for support coordination agencies that provide support coordination services to participants in OAAS-administered waiver programs (*Louisiana Register*, Volume 37, Number 12). This Emergency Rule is being promulgated to continue the provisions of the December 20, 2011 Emergency Rule. This action is being taken to promote the health and welfare of waiver participants and to ensure that these services are rendered in an efficient and cost-effective manner.

Effective August 18, 2012, the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services adopt provisions to establish standards for participation for support coordination agencies that provide services to participants in waiver programs administered by the Office of Aging and Adult Services.

Title 50
PUBLIC HEALTH—MEDICAL ASSISTANCE
Part XXI. Home and Community Based Services
Waivers

Subpart 1. General Provisions

Chapter 5. Support Coordination Standards for Participation for Office of Aging and Adult Services Waiver Programs
Subchapter A. General Provisions

§501. Introduction

A. The Department of Health and Hospitals (DHH) establishes these minimum standards for participation which provides the core requirements for support coordination services provided under home and community-based waiver programs administered by the Office of Aging and Adult Services (OAAS). OAAS must determine the adequacy of quality and protection of waiver participants in accordance with the provisions of these standards.

B. OAAS, or its designee, is responsible for setting the standards for support coordination, monitoring the provisions of this Rule, and applying administrative sanctions for failures by support coordinators to meet the minimum standards for Participation in serving participants of OAAS-administered waiver programs.

C. Support coordination are services that will assist participants in gaining access to needed waiver and other State Plan services, as well as needed medical, social, educational, housing, and other services, regardless of the funding source for these services.

D. Upon promulgation of the final Rule governing these standards for participation, existing support coordination providers of OAAS-administered waiver programs shall be required to meet the requirements of this Chapter as soon as possible and no later than six months from the promulgation of this Rule.

E. If, in the judgment of OAAS, application of the requirements stated in these standards would be impractical in a specified case; such requirements may be modified by

the OAAS assistant secretary to allow alternative arrangements that will secure as nearly equivalent provision of services as is practical. In no case will the modification afford less quality or protection, in the judgment of OAAS, than that which would be provided with compliance of the provisions contained in these standards.

1. Requirement modifications may be reviewed by the OAAS assistant secretary and either continued or cancelled.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 38:

§503. Certification Requirements

A. All agencies that provide support coordination to OAAS-administered home and community-based waivers must be certified by the Department of Health and Hospitals. It shall be unlawful to operate as a support coordination agency for OAAS-administered waivers without being certified by the department.

B. In order to provide support coordination services for OAAS-administered home and community-based waiver programs, the agency must:

1. be certified and meet the standards for participation requirements as set forth in this Rule;
2. sign a performance agreement with OAAS;
3. assure staff attends all training mandated by OAAS;
4. enroll as a Medicaid support coordination agency in all regions in which it intends to provide services for OAAS-administered home and community-based services; and
5. comply with all DHH and OAAS policies and procedures.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and Office of Aging and Adult Services, LR 38:

§505. Certification Issuance

A. A certification shall:

1. be issued only to the entity named in the certification application;
2. be valid only for the support coordination agency to which it is issued after all applicable requirements are met;
3. enable the support coordination agency to provide support coordination for OAAS-administered home and community-based waivers within the specified DHH region; and
4. be valid for the time specified on the certification, unless revoked, suspended, modified or terminated prior to that date.

B. Provisional certification may be granted when the agency has deficiencies which are not a danger to the health and welfare of clients. Provisional licenses shall be issued for a period not to exceed 90 days.

C. Initial certification shall be issued by OAAS based on the survey report of DHH, Health Standards Section (HSS), or its designee.

D. Unless granted a waiver by OAAS, a support coordination agency shall provide such services only to waiver participants residing in the agency's designated DHH region.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and Office of Aging and Adult Services, LR 38:

§507. Certification Refusal or Revocation and Fair Hearing

A. A certification may be revoked or refused if applicable certification requirements, as determined by OAAS or its designee, have not been met. Certification decisions are subject to appeal and fair hearing, in accordance with R.S. 46:107(A)(3).

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and Office of Aging and Adult Services, LR 38:

§509. Certification Inspections

A. Certification inspections are usually annual but may be conducted at any time. No advance notice is given. Surveyors must be given access to all of the areas in the facility and all relevant files and records.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and Office of Aging and Adult Services, LR 38:

Subchapter B. Administration and Organization

§513. Governing Body

A. A support coordination agency shall have an identifiable governing body with responsibility for and authority over the policies and activities of the agency.

1. An agency shall have documents identifying all members of the governing body, their addresses, their terms of membership, officers of the governing body and terms of office of any officers.

2. The governing body shall be comprised of three or more persons and shall hold formal meetings at least twice a year.

3. There shall be written minutes of all formal meetings of the governing body and by-laws specifying frequency of meetings and quorum requirements.

B. The governing body of a support coordination agency shall:

1. ensure the agency's continual compliance and conformity with all relevant federal, state, local and municipal laws and regulations;

2. ensure that the agency is adequately funded and fiscally sound;

3. review and approve the agency's annual budget;

4. designate a person to act as administrator and delegate sufficient authority to this person to manage the agency;

5. formulate and annually review, in consultation with the administrator, written policies concerning the agency's philosophy, goals, current services, personnel practices, job descriptions and fiscal management;

6. annually evaluate the administrator's performance;

7. have the authority to dismiss the administrator;

8. meet with designated representatives of the department whenever required to do so;

9. inform the department, or its designee, prior to initiating any substantial changes in the services provided by the agency;

10. ensure that a continuous quality improvement (CQI) process is in effect; and

11. ensure that services are provided in a culturally sensitive manner as evidenced by staff trained in cultural awareness and related policies and procedures.

C. A support coordination agency shall maintain an administrative file that includes:

1. documents identifying the governing body;
2. a list of members and officers of the governing body, along with their addresses and terms of membership;
3. minutes of formal meetings and by-laws of the governing body, if applicable;
4. documentation of the agency's authority to operate under state law;
5. an organizational chart of the agency which clearly delineates the line of authority;
6. all leases, contracts and purchases-of-service agreements to which the agency is a party;
7. insurance policies;
8. annual budgets and, if performed, audit reports;
9. the agency's policies and procedures; and
10. documentation of any corrective action taken as a result of external or internal reviews.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and Office of Aging and Adult Services, LR 38:

§515. Business Location and Operations

A. Each support coordination agency shall have a business location which shall not be in an occupied personal residence. The business location shall be in the DHH region for which the certification is issued and shall be where the agency:

1. maintains staff to perform administrative functions;
 2. maintains the agency's personnel records;
 3. maintains the agency's participant service records;
- and
4. holds itself out to the public as being a location for receipt of participant referrals.

B. The business location shall have:

1. a published nationwide toll-free telephone number answered by a person which is available and accessible 24 hours a day, 7 days a week, including holidays;
2. a published local business number answered by agency staff during the posted business hours;
3. a business fax number that is operational 24 hours a day, 7 days a week, including holidays;
4. internet access and a working e-mail address which shall be provided to OAAS;
5. hours of operation, which must be at least 30 hours a week, Monday through Friday, posted in a location outside of the business that is easily visible to persons receiving services and the general public; and
6. at least one staff person on the premises during posted hours of operation.

C. Records and other confidential information shall not be stored in areas deemed to be common areas.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and Office of Aging and Adult Services, LR 38:

§517. Financial Management

A. The agency must establish a system of financial management and staffing to assure maintenance of complete and accurate accounts, books and records in keeping with generally accepted accounting principles.

B. The agency must not permit public funds to be paid or committed to be paid, to any person who is a member of the governing board or administrative personnel who may have any direct or indirect financial interest, or in which any of these persons serve as an officer or employee, unless the services or goods involved are provided at a competitive cost or under terms favorable to the agency. The agency shall have a written disclosure of any financial transaction with the agency in which a member of the governing board, administrative personnel, or his/her immediate family is involved.

C. The agency must obtain any necessary performance bonds and/or lines of credit as required by the department.

D. The agency must have adequate and appropriate general liability insurance for the protection of its participants, staff, facilities, and the general public.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and Office of Aging and Adult Services, LR 38:

§519. Policy and Procedures

A. The support coordination agency shall have written policies and procedures approved by the owner or governing body which must be implemented and followed that address at a minimum the following:

1. confidentiality and confidentiality agreements;
2. security of files;
3. publicity and marketing, including the prohibition of illegal or coercive inducement, solicitation and kickbacks;
4. personnel;
5. participant rights;
6. grievance procedures;
7. emergency preparedness;
8. abuse and neglect reporting;
9. critical incident reporting;
10. worker safety;
11. documentation; and
12. admission and discharge procedures.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and Office of Aging and Adult Services, LR 38:

§521. Organizational Communication

A. The agency must establish procedures to assure adequate communication among staff to provide continuity of services to the participant and to facilitate feedback from staff, participants, families, and when appropriate, the community at large.

B. The agency must have brochures and make them available to OAAS or its designee. The brochures must include the following information:

1. that each participant has the freedom to choose their providers and that their choice of provider does not affect their eligibility for waiver, state plan, or support coordination services;

2. that a participant receiving support coordination through OAAS may contact the OAAS Help Line for information, assistance with, or questions about OAAS programs;

3. the OAAS Help Line number along with the appropriate OAAS regional office telephone numbers;

4. information, including the HSS Complaint Line, on where to make complaints against support coordinators, support coordination agencies, and providers; and

5. a description of the agency, services provided, current address, and the agency's local and nationwide toll-free number.

C. The brochure may also include the agency's experience delivering support coordination services.

D. The support coordination agency shall be responsible for:

1. obtaining written approval of the brochure from OAAS prior to distributing to applicants/participants of OAAS-administered waiver programs;

2. providing OAAS staff or its designee with adequate supplies of the OAAS-approved brochure; and

3. timely completing revisions to the brochure, as requested by OAAS, to accurately reflect all program changes as well as other revisions OAAS deems necessary.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and Office of Aging and Adult Services, LR 38:

Subchapter C. Provider Responsibilities

§525. General Provisions

A. Any entity wishing to provide support coordination services for any OAAS-administered home and community-based waiver program shall meet all of the standards for participation contained in this Rule, unless otherwise specifically noted within these provisions.

B. The support coordination agency shall also abide by and adhere to any state law, rule, policy, procedure, performance agreement, manual or memorandum pertaining to the provision of support coordination services for OAAS-administered home and community-based waiver programs.

C. Failure to comply with the requirements of these standards for participation may result in sanctions including, but not limited to:

1. recoupment of funds;

2. cessation of linkages;

3. citation of deficient practice and plan of correction submission;

4. removal from the freedom of choice list; or

5. decertification as a support coordination agency for OAAS-administered home and community-based waiver services.

D. A support coordination agency shall make any required information or records, and any information reasonably related to assessment of compliance with these requirements, available to the department.

E. Designated representatives of the department, in the performance of their mandated duties, shall be allowed by a support coordination agency to:

1. inspect all aspects of a support coordination agency operations which directly or indirectly impact participants; and

2. conduct interviews with any staff member or participant of the agency.

F. A support coordination agency shall, upon request by the department, make available the legal ownership documents of the agency.

G. Support coordination agencies must comply with all of the department's systems/software requirements.

H. Support coordination agencies shall, at a minimum:

1. maintain and/or have access to a resource directory containing all of the current inventory of existing formal and informal resources that identifies services within the geographic area which shall address the unique needs of the elderly and adults with physical disabilities;

2. establish linkages with those resources;

3. demonstrate knowledge of the eligibility requirements and application procedures for federal, state and local government assistance programs, which are applicable to the elderly and adults with physical disabilities;

4. employ a sufficient number of support coordinators and supervisory staff to comply with OAAS staffing, continuous quality improvement (CQI), timeline, workload, and performance requirements;

5. demonstrate administrative capacity and the financial resources to provide all core elements of support coordination services and ensure effective service delivery in accordance with programmatic requirements;

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

7. have appropriate agency staff attend trainings, as mandated by DHH and OAAS;

8. have a documented CQI process;

9. document and maintain records in accordance with federal and state regulations governing confidentiality and program requirements;

10. assure each participant has freedom of choice in the selection of available qualified providers and the right to change providers in accordance with program guidelines; and

11. assure that the agency and support coordinators will not provide both support coordination and Medicaid-reimbursed direct services to the same participant(s).

I. Abuse and Neglect. Support coordination agencies shall establish policies and procedures relative to the reporting of abuse and neglect of participants, pursuant to the provisions of R.S. 15:1504-1505, R.S. 40:2009.20 and any subsequently enacted laws. Providers shall ensure that staff complies with these regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and Office of Aging and Adult Services, LR 38:

§527. Support Coordination Services

A. Support coordination is services that will assist participants in gaining access to needed waiver and other State Plan services, as well as needed medical, social, educational, housing and other services, regardless of the funding source for these services. Support coordination

agencies shall be required to perform the following core elements of support coordination services:

1. intake;
2. assessment;
3. plan of care development and revision;
4. linkage to direct services and other resources;
5. coordination of multiple services among multiple providers;
6. monitoring/follow-up;
7. reassessment;
8. evaluation and re-evaluation of level of care and need for waiver services;
9. ongoing assessment and mitigation of health, behavioral and personal safety risk;
10. responding to participant crisis;
11. critical incident management; and
12. transition/discharge and closure.

B. The support coordination agency shall also be responsible for assessing, addressing and documenting delivery of services, including remediation of difficulties encountered by participants in receiving direct services.

C. A support coordination agency shall not refuse to serve, or refuse to continue to serve, any individual who chooses/has chosen its agency unless there is documentation to support an inability to meet the individual's health, safety and welfare needs, or all previous efforts to provide service and supports have failed and there is no option but to refuse services.

1. OAAS must be immediately notified of the circumstances surrounding a refusal by a support coordination agency to provide/continue to provide services.

2. This requirement can only be waived by OAAS.

D. Support coordination agencies must establish and maintain effective communication and good working relationships with providers of services to participants served by the agency.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and Office of Aging and Adult Services, LR 38:

§529. Transfers and Discharges

A. All participants of OAAS-administered waiver programs must receive support coordination services. However, a participant has the right to choose a support coordination agency. This right includes the right to be discharged from his/her current support coordination agency and be transferred to another support coordination agency.

B. Upon notice by the participant or his/her authorized representative that the participant has selected another support coordination agency or the participant has decided to discontinue participation in the waiver program, the agency shall have the responsibility of planning for the participant's transfer or discharge.

C. The support coordination agency shall also have the responsibility of planning for a participant's transfer when the support coordination agency ceases to operate or when the participant moves from the geographical region serviced by the support coordination agency.

D. The transfer or discharge responsibilities of the support coordinator shall include:

1. holding a transfer or discharge planning conference with the participant, his/her family, providers, legal

representative and advocate, if such are known, in order to facilitate a smooth transfer or discharge, unless the participant declines such a meeting;

2. providing a current plan of care to the receiving support coordination agency (if applicable); and

3. preparing a written discharge summary. The discharge summary shall include, at a minimum, a summary on the health, behavioral, and social issues of the client and shall be provided to the receiving support coordination agency (if applicable).

E. The written discharge summary shall be completed within five working days of any of the following:

1. notice by the participant or authorized representative that the participant has selected another support coordination agency;

2. notice by the participant or authorized representative that the participant has decided to discontinue participation in the waiver program;

3. notice by the participant or authorized representative that the participant will be transferring to a DHH geographic region not serviced by his/her current support coordination agency; or

4. notice from OAAS or its designee that "good cause" has been established by the support coordination agency to discontinue services.

F. The support coordination agency shall not coerce the participant to stay with the support coordination agency or interfere in any way with the participant's decision to transfer. Failure to cooperate with the participant's decision to transfer to another support coordination agency will result in adverse action by department.

G. If a support coordination agency closes, the agency must give OAAS at least 30 days written notice of its intent to close. Where transfer of participants is necessary due to the support coordination agency closing, the written discharge summary for all participants served by the agency shall be completed within 10 working days of the notice to OAAS of the agency's intent to close.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and Office of Aging and Adult Services, LR 38:

§531. Staffing Requirements

A. Agencies must maintain sufficient staff to comply with OAAS staffing, timeline, workload, and performance requirements. This includes, but is not limited to, including sufficient support coordinators and support coordinator supervisors that have passed all of the OAAS training and certification requirements. In no case may an agency have less than one certified support coordination supervisor and less than one certified support coordinator. Agencies may employ staff who are not certified to perform services or requirements other than assessment and care planning.

B. Agencies must maintain sufficient supervisory staff to comply with OAAS supervision and CQI requirements. Support coordination supervisors must be continuously available to support coordinators by telephone.

1. Each support coordination agency must have and implement a written plan for supervision of all support coordination staff.

2. Each supervisor must maintain a file on each support coordinator supervised and hold supervisory

sessions and evaluate each support coordinator at least annually.

C. Agencies shall employ or contract a licensed registered nurse to serve as a consultant. The nurse consultant shall be available a minimum of 16 hours per month.

D. Agencies shall ensure that staff is available at times which are convenient and responsive to the needs of participants and their families.

E. Support coordinators, whether part-time or full-time, may only carry caseloads that are composed exclusively of OAAS participants. Support coordination supervisors, whether part-time or full-time, may only supervise support coordinators that carry caseloads that are composed exclusively of OAAS participants.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and Office of Aging and Adult Services, LR 38:

§533. Personnel Standards

A. Support coordinators must meet one of the following requirements:

1. a bachelor's or masters degree in social work from a program accredited by the Council on Social Work Education;

2. a bachelor's or masters degree in nursing (RN) currently licensed in Louisiana (one year of paid experience as a licensed RN will substitute for the degree);

3. a bachelor's or masters degree in a human service related field which includes:

- a. psychology;
- b. education;
- c. counseling;
- d. social services;
- e. sociology;
- f. philosophy;
- g. family and participant sciences;
- h. criminal justice;
- i. rehabilitation services;
- j. substance abuse treatment;
- k. gerontology; and
- l. vocational rehabilitation; or

4. a bachelor's degree in liberal arts or general studies with a concentration of at least 16 hours in one of the fields in Paragraph B.4 of this Section.

B. Support coordination supervisors must meet the following requirements:

1. a bachelor's or masters degree in social work from a program accredited by the Council on Social Work Education and two years of paid post degree experience in providing support coordination services;

2. a bachelor's or masters degree in nursing (RN) (one year of experience as a licensed RN will substitute for the degree) and two years of paid post degree experience in providing support coordination services;

3. a bachelor's or masters degree in a human service related field which includes: psychology, education, counseling, social services, sociology, philosophy, family and participant sciences, criminal justice, rehabilitation services, child development, substance abuse, gerontology, and vocational rehabilitation and two years of paid post

degree experience in providing support coordination services; or

4. a bachelor's degree in liberal arts or general studies with a concentration of at least 16 hours in one of the following fields: psychology, education, counseling, social services, sociology, philosophy, family and participant sciences, criminal justice, rehab services, child development, substance abuse, gerontology, and vocational rehabilitation and two years of paid post degree experience in providing support coordination services.

C. Documentation showing that personnel standards have been met must be placed in the individual's personnel file.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and Office of Aging and Adult Services, LR 38:

§535. Employment and Recruitment Practices

A. A support coordination agency shall have written personnel policies, which must be implemented and followed, that include:

1. a plan for recruitment, screening, orientation, ongoing training, development, supervision and performance evaluation of staff members;

2. a policy to prevent discrimination and comply with all state and federal employment practices and laws;

3. a policy to recruit, wherever possible, qualified persons of both sexes representative of cultural and racial groups served by the agency, including the hiring of qualified persons with disabilities;

4. written job descriptions for each staff position, including volunteers;

5. an employee grievance procedure that allows employees to make complaints without fear of retaliation; and

6. abuse reporting procedures that require all employees to report any incidents of abuse or mistreatment, whether that abuse or mistreatment is done by another staff member, a family member, a participant or any other person.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and Office of Aging and Adult Services, LR 38:

§537. Orientation and Training

A. Support coordinators must receive necessary orientation and periodic training on the provision of support coordination services arranged or provided through their agency at the agency's expense.

B. Orientation of at least 16 hours shall be provided by the agency to all staff, volunteers and students within five working days of employment which shall include, at a minimum:

1. core OAAS support coordination requirements;
2. policies and procedures of the agency;
3. confidentiality;
4. documentation of case records;
5. participant rights protection and reporting of violations;
6. abuse and neglect policies and procedures;
7. professional ethics;
8. emergency and safety procedures;

9. infection control, including universal precautions; and

10. critical incident reporting.

C. In addition to the minimum 16 hours of orientation, all newly hired support coordinators must receive a minimum of 16 hours of training during the first 90 calendar days of employment which is related to the specific population served and knowledge, skills and techniques necessary to provide support coordination to the specific population. This training must be provided by an individual or organization with demonstrated knowledge of the training topic and the target population. Such resources may be identified and/or mandated by OAAS. These 16 hours of training must include, at a minimum:

1. fundamentals of support coordination;
2. interviewing techniques;
3. data management and record keeping;
4. communication skills;
5. risk assessment and mitigation;
6. person centered planning;
7. emergency preparedness planning;
8. resource identification;
9. back-up staff planning;
10. critical incident reporting; and
11. continuous quality improvement.

D. In addition to the agency-provided training requirements set forth above, support coordinators and support coordination supervisors must successfully complete all OAAS assessment and care planning training.

E. No support coordinator shall be given sole responsibility for a participant until all of the required training is satisfactorily completed and the employee possesses adequate abilities, skills, and knowledge of support coordination.

F. All support coordinators and support coordination supervisors must complete a minimum of 40 hours of training per calendar year. For new employees, the orientation cannot be counted toward the 40 hour minimum annual training requirement. The 16 hours of initial training for support coordinators required in the first 90 days of employment may be counted toward the 40 hour minimum annual training requirement. Routine supervision shall not be considered training.

G. A newly hired or promoted support coordination supervisor must, in addition to satisfactorily completing the orientation and training set forth above, also complete a minimum of 24 hours on all of the following topics prior to assuming support coordination supervisory responsibilities:

1. professional identification/ethics;
2. process for interviewing, screening and hiring staff;
3. orientation/in-service training of staff;
4. evaluating staff;
5. approaches to supervision;
6. managing workload and performance requirements;
7. conflict resolution;
8. documentation;
9. population specific service needs and resources;
10. participant evacuation tracking; and
11. the support coordination supervisor's role in CQI systems.

H. Documentation of all orientation and training must be placed in the individual's personnel file. Documentation

must include an agenda and the name, title, agency affiliation of the training presenter(s) and other sources of training.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and Office of Aging and Adult Services, LR 38:

§539. Participant Rights

A. Unless adjudicated by a court of competent jurisdiction, participants served by a support coordination agency shall have the same rights, benefits, and privileges guaranteed by the constitution and the laws of the United States and Louisiana.

B. There shall be written policies and procedures that protect the participant's welfare, including the means by which the protections will be implemented and enforced.

C. Each support coordination agency's written policies and procedures, at a minimum, shall ensure the participant's right to:

1. human dignity;
2. impartial access to treatment regardless of race, religion, sex, ethnicity, age or disability;
3. cultural access as evidenced by:
 - a. interpretive services;
 - b. translated materials;
 - c. the use of native language when possible; and
 - d. staff trained in cultural awareness;
4. have sign language interpretation;
5. utilize service animals and/or mechanical aids and devices that assist those persons with special needs to achieve maximum service benefits;
6. privacy;
7. confidentiality;
8. access his/her records upon the participant's written consent for release of information;
9. a complete explanation of the nature of services and procedures to be received, including:
 - a. risks;
 - b. benefits; and
 - c. available alternative services;
10. actively participate in services, including:
 - a. assessment/reassessment;
 - b. plan of care development/revision; and
 - c. discharge;
11. refuse specific services or participate in any activity that is against their will and for which they have not given consent;
12. obtain copies of the support coordination agency's complaint or grievance procedures;
13. file a complaint or grievance without retribution, retaliation or discharge;
14. be informed of the financial aspect of services;
15. be informed of any third-party consent for treatment of services, if appropriate;
16. personally manage financial affairs, unless legally determined otherwise;
17. give informed written consent prior to being involved in research projects;
18. refuse to participate in any research project without compromising access to services;
19. be free from mental, emotional and physical abuse and neglect;

20. be free from chemical or physical restraints;
21. receive services that are delivered in a professional manner and are respectful of the participant's wishes concerning their home environment;
22. receive services in the least intrusive manner appropriate to their needs;
23. contact any advocacy resources as needed, especially during grievance procedures; and
24. discontinue services with one provider and freely choose the services of another provider.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and Office of Aging and Adult Services, LR 38:

§541. Grievances

A. The support coordination agency shall establish and follow a written grievance procedure to be used to process complaints by participants, their family member(s), or a legal representative that is designed to allow participants to make complaints without fear of retaliation. The written grievance procedure shall be provided to the participant.

B. Grievances must be periodically reviewed by the governing board in an effort to promote improvement in these areas.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and Office of Aging and Adult Services, LR 38:

§543. Critical Incident Reporting

A. Support coordination agencies shall report critical incidents according to established OAAS policy including timely entries into the designated DHH critical incident database.

B. Support coordination agencies shall perform the following critical incident management actions:

1. coordinate immediate action to assure the participant is protected from further harm and respond to any emergency needs of the participant;
2. continue to follow up with the direct services provider agency, the participant, and others, as necessary, and update the critical incident database follow-up notes until the incident is closed by OAAS;
3. convene any planning meetings that may be needed to resolve the critical incident or develop strategies to prevent or mitigate the likelihood of similar critical incidents from occurring in the future and revise the plan of care accordingly;
4. send the participant and direct services provider a copy of the incident participant summary within 15 days after final supervisory review and closure by the regional office; and
5. during the plan of care review process, perform an annual critical incident analysis and risk assessment and document within the plan of care strategies to prevent or mitigate the likelihood of similar future critical incidents.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and Office of Aging and Adult Services, LR 38:

§545. Participant Records

A. Participant records shall be maintained in the support coordinator's office. The support coordinator shall have a current written record for each participant which shall include:

1. identifying data including:
 - a. name;
 - b. date of birth;
 - c. address;
 - d. telephone number;
 - e. social security number; and
 - f. legal status;
2. a copy of the participant's plan of care, as well as any revisions or updates to the plan of care;
3. required assessment(s) and any additional assessments that the agency may have performed, received, or are otherwise privy to;
4. written monthly, interim, and quarterly documentation according to current policy and reports of the services delivered for each participant for each visit and contact;
5. current emergency planning and agreement form; and
6. current back-up staffing and agreement form.

B. Support Coordination agencies shall maintain participant records for a period of five years.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and Office of Aging and Adult Services, LR 38:

§547. Emergency Preparedness

A. Support coordination agencies shall ensure that each participant has an individual plan for dealing with emergencies and disasters and shall assist participants in identifying the specific resources available through family, friends, the neighborhood, and the community. The support coordinator shall assess monthly whether the emergency plan information is current and effective and shall make changes accordingly.

B. A disaster or emergency may be a local, community-wide, regional, or statewide event. Disasters or emergencies may include, but are not limited to:

1. tornados;
2. fires;
3. floods;
4. hurricanes;
5. power outages;
6. chemical spills;
7. biohazards;
8. train wrecks; or
9. declared health crisis.

C. Support coordination agencies shall update participant evacuation tracking information and submit such to OAAS in the required format and timelines as described in the current OAAS policy for evacuation preparedness.

D. Continuity of Operations. The support coordination agency shall have an emergency preparedness plan to maintain continuity of the agency's operations in preparation for, during, and after an emergency or disaster. The plan shall be designed to manage the consequences of all hazards,

declared disasters or other emergencies that disrupt the agency's ability to render services.

E. The support coordination agency shall follow and execute its emergency preparedness plan in the event of the occurrence of a declared disaster or other emergency.

F. The support coordinator shall cooperate with the department and with the local or parish Office of Homeland Security and Emergency Preparedness in the event of an emergency or disaster and shall provide information as requested.

G. The support coordinator shall monitor weather warnings and watches as well as evacuation orders from local and state emergency preparedness officials.

H. All agency employees shall be trained in emergency or disaster preparedness. Training shall include orientation, ongoing training, and participation in planned drills for all personnel.

I. Upon request by the department, the support coordination agency shall submit a copy of its emergency preparedness plan and a written summary attesting to how the plan was followed and executed. The summary shall contain, at a minimum:

1. pertinent plan provisions and how the plan was followed and executed;
2. plan provisions that were not followed;
3. reasons and mitigating circumstances for failure to follow and execute certain plan provisions;
4. contingency arrangements made for those plan provisions not followed; and
5. a list of all injuries and deaths of participants that occurred during execution of the plan, evacuation or temporary relocation including the date, time, causes, and circumstances of the injuries and deaths.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and Office of Aging and Adult Services, LR 38:

§549. Continuous Quality Improvement Plan

A. Support coordination agencies shall have a continuous quality improvement plan which governs the agency's internal quality management activities.

B. The CQI plan shall demonstrate a process of continuous cyclical improvement and should utilize the Centers for Medicare and Medicaid Services' "DDRI" operative framework for quality reporting of the Medicaid home and community-based services (HCBS) waivers. "DDRI" is comprised of the following four components which are a common vocabulary linking CMS' expectations and state quality efforts:

1. design;
2. discovery;
3. remediation; and
4. improvement.

C. The CQI plan shall follow an evidence-based approach to quality monitoring with an emphasis on the assurances which the state must make to CMS. The assurances falling under the responsibility of support coordination are those of participant health and welfare, level of care determination, plan of care development, and qualified agency staff.

D. CQI plans shall include, at a minimum:

1. internal quality performance measures and valid sampling techniques to measure all of the OAAS support coordination monitoring review elements;

2. strategies and actions which remediate findings of less than 100 percent compliance and demonstrate ongoing improvement in response to internal and OAAS quality monitoring findings;

3. a process to review, resolve and redesign in order to address all systemic issues identified;

4. a process for obtaining input annually from the participant/guardian/authorized representatives and possibly family members to include, but not be limited to:

a. satisfaction surveys done by mail or phone; or

b. other processes for receiving input regarding the quality of services received;

5. a process for identifying on a quarterly basis the risk factors that affects or may affect the health, safety and/or welfare of individuals being supported which includes, but is not limited to:

a. review and resolution of complaints;

b. review and resolution of incidents; and

c. the respective protective services' agency's investigations of abuse, neglect and exploitation;

6. a process to review and resolve individual participant issues that are identified; and

7. a process to actively engage all agency staff in the CQI plan.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and Office of Aging and Adult Services, LR 38:

§551. Support Coordination Monitoring

A. Support coordination agencies shall offer full cooperation with the OAAS during the monitoring process. Responsibilities of the support coordination agency in the monitoring process include, but are not limited to:

1. providing policy and procedure manuals, personnel records, case records, and other documentation;

2. providing space for documentation review and support coordinator interviews;

3. coordinating agency support coordinator interviews; and

4. assisting with scheduling participant interviews.

B. There shall be an annual OAAS support coordination monitoring of each support coordination agency and the results of this monitoring will be reported to the support coordination agency along with required follow-up actions and timelines. All individual findings of noncompliance must be addressed, resolved and reported to OAAS within specified timelines. All recurrent problems shall be addressed through systemic changes resulting in improvement. Agencies which do not perform all of the required follow-up actions according to the timelines will be subject to sanctions of increasing severity as described in §525.C.1-5.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and Office of Aging and Adult Services, LR 38:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. She is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Bruce D. Greenstein
Secretary

1207#100

DECLARATION OF EMERGENCY

Department of Health and Hospitals Bureau of Health Services Financing and

Office for Citizens with Developmental Disabilities

Home and Community-Based Services Waivers Supports Waiver—Reimbursement Rate Reduction (LAC 50:XXI.6101)

The Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities amend LAC 50:XXI.6101 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act and as directed by House Bill 1 of the 2012 Regular Session of the Louisiana Legislature which states: “The secretary is directed to utilize various cost containment measures to ensure expenditures remain at the level appropriated in this Schedule, including but not limited to precertification, preadmission screening, diversion, fraud control, utilization review and management, prior authorization, service limitations, drug therapy management, disease management, cost sharing, and other measures as permitted under federal law.” This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

As a result of a budgetary shortfall in state fiscal year 2011, the department amended the provisions governing the reimbursement methodology for Supports Waiver services to reduce the reimbursement rates (*Louisiana Register*, Volume 37, Number 7).

Due to a budgetary shortfall in state fiscal year 2013, the department has determined that it is necessary to amend the provisions governing the reimbursement methodology for Supports Waiver services to reduce the reimbursement rates. This action is being taken to avoid a budget deficit in the medical assistance programs. It is estimated that implementation of this Emergency Rule will reduce expenditures in the Medicaid Program by approximately \$157,366 for state fiscal year 2013.

Effective July 1, 2012, the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities amend

the provisions governing the reimbursement methodology for Supports Waiver services to reduce the reimbursement rates.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE Part XXI. Home and Community-Based Services Waivers

Subpart 5. Supports Waiver

Chapter 61. Reimbursement Methodology

§6101. Reimbursement Methodology

A. - L.1. ...

M. Effective for dates of service on or after July 1, 2012, the reimbursement rates for Supports Waiver services shall be reduced by 1.5 percent of the rates on file as of June 30, 2012.

1. Personal emergency response system services shall be excluded from the rate reduction.

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, Office for Citizens with Developmental Disabilities, LR 32:1607 (September 2006), amended LR 34:662 (April 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 36:2281 (October 2010), LR 37:2158 (July 2011), LR 38:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. She is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Bruce D. Greenstein
Secretary

1207#030

DECLARATION OF EMERGENCY

Department of Health and Hospitals Bureau of Health Services Financing

Home Health Program—Durable Medical Equipment Reimbursement Rate Reduction (LAC 50:XIII.10301)

The Department of Health and Hospitals, Bureau of Health Services Financing amends LAC 50:XIII.10301 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act and as directed by House Bill 1 of the 2012 Regular Session of the Louisiana Legislature which states: “The secretary is directed to utilize various cost containment measures to ensure expenditures remain at the level appropriated in this Schedule, including but not limited to precertification, preadmission screening, diversion, fraud control, utilization review and management, prior authorization, service limitations, drug therapy management, disease management, cost sharing, and other measures as permitted under federal law.” This Emergency Rule is promulgated in accordance

with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

As a result of a budgetary shortfall in state fiscal year 2010, the Department of Health and Hospitals, Bureau of Health Services Financing amended the provisions governing the reimbursement methodology for medical equipment, supplies and appliances to reduce the reimbursement rates (*Louisiana Register*, Volume 36, Number 9). Due to a budgetary shortfall in state fiscal year 2013, the department has determined that it is necessary to amend the provisions governing the reimbursement methodology for medical equipment, supplies and appliances to reduce the reimbursement rates.

This action is being taken to avoid a budget deficit in the medical assistance programs. It is estimated that implementation of this Emergency Rule will reduce expenditures in the Medicaid Program by approximately \$640,811 for state fiscal year 2012-2013.

Effective July 1, 2012, the Department of Health and Hospitals, Bureau of Health Services Financing amends the provisions governing the reimbursement methodology for medical equipment, supplies and appliances to reduce the reimbursement rates.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part XIII. Home Health Program

Subpart 3. Medical Equipment, Supplies and Appliances

Chapter 103. Reimbursement Methodology

§10301. General Provisions

A. - E.2. ...

F. Effective for dates of service on or after July 1, 2012, the reimbursement paid for medical equipment, supplies and appliances shall be reduced by 3.7 percent of the rates on file as of June 30, 2012.

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, Bureau of Health Services Financing, LR 35:1894 (September 2009), amended LR 36:1247 (June 2010), LR 36:2041 (September 2010), LR 38:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. She is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Bruce D. Greenstein
Secretary

1207#031

DECLARATION OF EMERGENCY

Department of Health and Hospitals Bureau of Health Services Financing

Home Health Program Nursing and Home Health Aide Services Reimbursement Rate Reduction (LAC 50:XIII.701)

The Department of Health and Hospitals, Bureau of Health Services Financing amends LAC 50:XIII.701 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act and as directed by House Bill 1 of the 2012 Regular Session of the Louisiana Legislature which states: "The secretary is directed to utilize various cost containment measures to ensure expenditures remain at the level appropriated in this Schedule, including but not limited to precertification, preadmission screening, diversion, fraud control, utilization review and management, prior authorization, service limitations, drug therapy management, disease management, cost sharing, and other measures as permitted under federal law." This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first

As a result of a budgetary shortfall in state fiscal year 2011, the Department of Health and Hospitals, Bureau of Health Services Financing amended the provisions governing the reimbursement methodology for nursing services covered in the Home Health Program in order to reduce the reimbursement rates paid for extended nursing services (*Louisiana Register*, Volume 37, Number 7).

Due to a budgetary shortfall in state fiscal year 2013, the department has determined that it is necessary to amend the provisions governing the reimbursement methodology for intermittent and extended nursing services and home health aide services covered in the Home Health Program in order to reduce the reimbursement rates. This action is being taken to avoid a budget deficit in the medical assistance programs. It is estimated that implementation of this Emergency Rule will reduce expenditures in the Medicaid Program by approximately \$782,253 for state fiscal year 2012-2013.

Effective July 1, 2012, the Department of Health and Hospitals, Bureau of Health Services Financing amends the provisions governing the reimbursement methodology for nursing and home health aide services covered in the Home Health Program to reduce the reimbursement rates.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part XIII. Home Health

Subpart 1. Home Health Services

Chapter 7. Reimbursement Methodology

§701. Nursing and Home Health Aide Services

A. - C. ...

D. Effective for dates of service on or after July 1, 2012, the reimbursement rates for intermittent and extended nursing services and home health aide services shall be reduced by 3.7 percent of the rates in effect on June 30, 2012.

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 34:654 (April 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 36:2281 (October 2010), LR 37:2159 (July 2011), LR 38:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. She is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Bruce D. Greenstein
Secretary

1207#032

DECLARATION OF EMERGENCY

Department of Health and Hospitals Bureau of Health Services Financing

Home Health Services—Cost Reporting Requirements (LAC 50:XIII.Chapter 1)

The Department of Health and Hospitals, Bureau of Health Services Financing adopts LAC 50:XIII.Chapter 1 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

Act 299 of the 2011 Regular Session of the Louisiana Legislature directed the Department of Health and Hospitals to establish mandatory cost reporting requirements for providers of home and community-based services to verify expenditures and for use in determining appropriate reimbursement rates. In compliance with Act 299, the department proposes to adopt provisions establishing cost reporting requirements for providers of home health services.

This action is being taken to promote the health and welfare of Medicaid recipients and to ensure that these services are rendered in an efficient and cost-effective manner. It is anticipated that implementation of this Emergency Rule will have no fiscal impact to the Medicaid Program in state fiscal year 2012-13.

Effective July 1, 2012, the Department of Health and Hospitals, Bureau of Health Services Financing adopts

provisions to establish cost reporting requirements for providers of home health services.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part XIII. Home Health

Subpart 1. Home Health Services

Chapter 1. General Provisions

§121. Cost Reporting Requirements

A. Effective July 1, 2012, the department shall implement mandatory cost reporting requirements for providers of home health services. The cost reports will be used to verify expenditures and to support rate setting for the services rendered to Medicaid recipients.

B. Each home health agency shall complete the DHH approved cost report and submit the cost report(s) to the department no later than five months after the state fiscal year ends (June 30).

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, Bureau of Health Services Financing, LR 38:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. She is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Bruce D. Greenstein
Secretary

1207#033

DECLARATION OF EMERGENCY

Department of Health and Hospitals Bureau of Health Services Financing

Intermediate Care Facilities for Persons with Developmental Disabilities—Non-State Facilities Reimbursement Methodology (LAC 50:VII.32903)

The Department of Health and Hospitals, Bureau of Health Services Financing amends LAC 50:VII.32903 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

As a result of the allocation of additional funds by the legislature during the 2009 Regular Session of the Louisiana Legislature, the Department of Health and Hospitals, Bureau of Health Services Financing amended the provisions governing the reimbursement methodology for non-state intermediate care facilities for persons with developmental disabilities (ICFs/DD) to increase the per diem rates (*Louisiana Register*, Volume 36, Number 7). As a result of a

budgetary shortfall in state fiscal year 2011, the department determined that it was necessary to amend the provisions governing the reimbursement methodology for non-state ICFs/DD to reduce the per diem rates (*Louisiana Register*, Volume 36, Number 8).

The department promulgated an Emergency Rule which amended the provisions governing the reimbursement methodology for non-state ICFs/DD to restore the per diem rates paid to private providers who have downsized large facilities to less than 35 beds and incurred unusually high capital costs as a result of the downsizing (*Louisiana Register*, Volume 36, Number 8). This Emergency Rule is being promulgated to continue the provisions of the August 1, 2010 Emergency Rule. This action is being taken to protect the health and welfare of Medicaid recipients and to insure continued provider participation in the Medicaid Program.

Effective July 27, 2012, the Department of Health and Hospitals, Bureau of Health Services Financing amends the provisions governing the reimbursement methodology for non-state intermediate care facilities for persons with developmental disabilities.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part VII. Long Term Care

Subpart 3. Intermediate Care Facilities for Persons with Developmental Disabilities

Chapter 329. Reimbursement Methodology

Subchapter A. Non-State Facilities

§32903. Rate Determination

A. - J. ...

K. Effective for dates of service on or after August 1, 2010, the per diem rates for non-state intermediate care facilities for persons with developmental disabilities shall be reduced by 2 percent of the per diem rates on file as of July 31, 2010.

L. Effective for dates of service on or after August 1, 2010, the per diem rates for ICFs/DD which have downsized from over 100 beds to less than 35 beds prior to December 31, 2010 shall be restored to the rates in effect on January 1, 2009.

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 31:2253 (September 2005), amended LR 33:462 (March 2007), LR 33:2202 (October 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 36:1555 (July 2010), LR 38:

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. She is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Bruce D. Greenstein
Secretary

1207#101

DECLARATION OF EMERGENCY

Department of Health and Hospitals Bureau of Health Services Financing

Intermediate Care Facilities for Persons with Developmental Disabilities Reimbursement Rate Reduction (LAC 50:VII.32903)

The Department of Health and Hospitals, Bureau of Health Services Financing amends LAC 50:VII.32903 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act and as directed by House Bill 1 of the 2012 Regular Session of the Louisiana Legislature which states: "The secretary is directed to utilize various cost containment measures to ensure expenditures remain at the level appropriated in this Schedule, including but not limited to precertification, preadmission screening, diversion, fraud control, utilization review and management, prior authorization, service limitations, drug therapy management, disease management, cost sharing, and other measures as permitted under federal law." This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

As a result of a budgetary shortfall in state fiscal year 2011, the department amended the provisions governing the reimbursement methodology for non-state ICFs/DD to reduce the per diem rates (*Louisiana Register*, Volume 37, Number 10).

Due to a budgetary shortfall in state fiscal year 2013, the department has determined that it is necessary to amend the provisions governing the reimbursement methodology for non-state ICFs/DD to further reduce the per diem rates. This action is being taken to avoid a budget deficit in the medical assistance programs. It is estimated that implementation of this Emergency Rule will reduce expenditures in the Medicaid Program by approximately \$2,808,414 for state fiscal year 2012-2013.

Taking the proposed per diem rate reduction into consideration, the department has carefully reviewed the proposed rates and is satisfied that they are consistent with efficiency, economy and quality of care and are sufficient to enlist enough providers so that private (non-state) intermediate care facility services for persons with developmental disabilities under the state plan are available at least to the extent that they are available to the general population in the state.

Effective July 1, 2012, the Department of Health and Hospitals, Bureau of Health Services Financing amends the provisions governing the reimbursement methodology for intermediate care facilities for persons with developmental disabilities to reduce the per diem rates.

Title 50
PUBLIC HEALTH—MEDICAL ASSISTANCE
Part VII. Long Term Care
Subpart 3. Intermediate Care Facilities for Persons with
Developmental Disabilities
Chapter 329. Reimbursement Methodology
Subchapter A. Non-State Facilities
§32903. Rate Determination

A. - L. ...

M. Effective for dates of service on or after July 1, 2012, the per diem rates for non-state intermediate care facilities for persons with developmental disabilities (ICFs/DD) shall be reduced by 1.5 percent of the per diem rates on file as of June 30, 2012.

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 31:2253 (September 2005), amended LR 33:462 (March 2007), LR 33:2202 (October 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 36:1555 (July 2010), LR 37:3028 (October 2011), LR 38:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. She is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Bruce D. Greenstein
Secretary

1207#034

DECLARATION OF EMERGENCY

Department of Health and Hospitals
Bureau of Health Services Financing

Laboratory and Radiology Services
Reimbursement Rate Reduction
(LAC 50:XIX.4329 and 4334-4337)

The Department of Health and Hospitals, Bureau of Health Services Financing amends LAC 50:XIX.4329 and §§4334-4337 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act and as directed by House Bill 1 of the 2012 Regular Session of the Louisiana Legislature which states: "The secretary is directed to utilize various cost containment measures to ensure expenditures remain at the level appropriated in this Schedule, including but not limited to precertification, preadmission screening, diversion, fraud control, utilization review and management, prior authorization, service limitations, drug therapy management, disease management, cost sharing, and other measures as permitted under federal law." This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and

shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

As a result of a budgetary shortfall in state fiscal year 2011, the Department of Health and Hospitals, Bureau of Health Services Financing amended the provisions governing the reimbursement methodology for laboratory and radiology services to reduce the reimbursement rates (*Louisiana Register*, Volume 37, Number 10).

Due to a budgetary shortfall in state fiscal year 2013, the department has determined that it is necessary to amend the provisions governing the reimbursement methodology for laboratory and radiology services to reduce the reimbursement rates. This action is being taken to avoid a budget deficit in the medical assistance programs. It is estimated that implementation of this Emergency Rule will reduce expenditures in the Medicaid Program by approximately \$1,365,514 for state fiscal year 2012-2013.

Effective July 1, 2012, the Department of Health and Hospitals, Bureau of Health Services Financing amends the provisions governing the reimbursement methodology for laboratory and radiology services to reduce the reimbursement rates.

Title 50
PUBLIC HEALTH—MEDICAL ASSISTANCE
Part XIX. Other Services
Subpart 3. Laboratory and X-Ray
Chapter 43. Billing and Reimbursement
Subchapter B. Reimbursement
§4329. Laboratory Services (Physicians and
Independent Laboratories)

A. - J. ...

K. Effective for dates of service on or after July 1, 2012, the reimbursement rates for laboratory services shall be reduced by 3.7 percent of the fee amounts on file as of June 30, 2012.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:153, R.S. 49:1008(A), P.L. 98-369, and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 28:1025 (May 2002), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 35:1897 (September 2009), LR 36:1248 (June 2010), LR 36:2563 (November 2010), LR 37:3028 (October 2011), LR 38:

§4334. Radiology Services

A. - I. ...

J. Effective for dates of service on or after July 1, 2012, the reimbursement rates for radiology services shall be reduced by 3.7 percent of the fee amounts on file as of June 30, 2012.

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, Bureau of Health Services Financing, LR 35:1897 (September 2009), amended LR 36:1248 (June 2010), LR 36:2563 (November 2010), LR 37:3029 (October 2011), LR 38:

§4335. Portable Radiology Services

A. - G. ...

H. Effective for dates of service on or after July 1, 2012, the reimbursement rates for portable radiology services shall be reduced by 3.7 percent of the fee amounts on file as of June 30, 2012.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 30:1026 (May 2004), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 35:1898 (September 2009), LR 36:1248 (June 2010), LR 36:2563 (November 2010), LR 37:3029 (October 2011), LR 38:

§4337. Radiation Therapy Centers

A. - G. ...

H. Effective for dates of service on or after July 1, 2012, the reimbursement rates for radiology services provided by radiation therapy centers shall be reduced by 3.7 percent of the fee amounts on file as of June 30, 2012.

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, Bureau of Health Services Financing, LR 35:1898 (September 2009), amended LR 36:1248 (June 2010), LR 36:2563 (November 2010), LR 37:3029 (October 2011), LR 38:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. She is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Bruce D. Greenstein
Secretary

1207#035

DECLARATION OF EMERGENCY

Department of Health and Hospitals Bureau of Health Services Financing

LaCHIP Affordable Plan—Dental Program Reimbursement Rate Reduction (LAC 50:III.20509)

The Department of Health and Hospitals, Bureau of Health Services Financing adopts LAC 50:III.20509 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act and as directed by House Bill 1 of the 2012 Regular Session of the Louisiana Legislature which states: "The secretary is directed to utilize various cost containment measures to ensure expenditures remain at the level appropriated in this Schedule, including but not limited to precertification, preadmission screening, diversion, fraud control, utilization review and management, prior authorization, service limitations, drug therapy management, disease management, cost sharing, and other measures as permitted under federal law." This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health and Hospitals, Bureau of Health Services Financing adopted provisions to implement phase five of LaCHIP as a stand-alone program under Title XXI provisions to provide coverage to uninsured children whose family income is from 200 percent up to 250 percent of the FPL (*Louisiana Register*, Volume 34, Number 4).

Due to a budgetary shortfall in state fiscal year 2013, the department has determined that it is necessary to adopt provisions governing the reimbursement methodology for the LaCHIP Affordable Dental Program in order to reduce the reimbursement rates. This action is being taken to avoid a budget deficit in the medical assistance programs. It is estimated that implementation of this Emergency Rule will reduce expenditures in the Medicaid Program by approximately \$8,318 for state fiscal year 2012-2013.

Effective July 1, 2012, the Department of Health and Hospitals, Bureau of Health Services Financing adopts provisions governing the reimbursement methodology for the LaCHIP Affordable Dental Program to reduce the reimbursement rates.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part III. Eligibility

Subpart 11. State Children's Health Insurance Program Chapter 205. Louisiana Children's Health Insurance Program (LaCHIP)—Phase V

§20509. Dental Services Reimbursement Methodology

A. Services covered in the LaCHIP Affordable Plan Dental Program shall be reimbursed at the lower of either:

1. the dentist's billed charges minus any third party coverage; or
2. the state's established schedule of fees, which is developed in consultation with the Louisiana Dental Association and the Medicaid dental consultants, minus any third party coverage.

B. Effective for dates of service on or after July 1, 2012, the reimbursement fees for LaCHIP Affordable Plan dental services shall be reduced to the following percentages of the 2009 National Dental Advisory Service Comprehensive Fee Report 70th percentile, unless otherwise stated in this Chapter:

1. 65 percent for the following oral evaluation services:
 - a. periodic oral examination;
 - b. oral examination-patients under 3 years of age;and
 - c. comprehensive oral examination-new patients;
2. 62 percent for the following annual and periodic diagnostic and preventive services:
 - a. radiographs-periapical, first film;
 - b. radiographs-periapical, each additional film;
 - c. radiographs-panoramic film;
 - d. diagnostic casts;
 - e. prophylaxis-adult and child;
 - f. topical application of fluoride, adult and child (prophylaxis not included); and
 - g. topical fluoride varnish, therapeutic application for moderate to high caries risk patients (under 6 years of age);
3. 45 percent for the following diagnostic and adjunctive general services:

- a. oral/facial image;
 - b. non-intravenous conscious sedation; and
 - c. hospital call; and
4. 56 percent for the remainder of the dental services.

C. Removable prosthodontics and orthodontic services are excluded from the July 1, 2012 rate reduction.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. She is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Bruce D. Greenstein
Secretary

1207#036

DECLARATION OF EMERGENCY

Department of Health and Hospitals Bureau of Health Services Financing

Medical Transportation Program
Emergency Ambulance Services
Reimbursement Rate Reduction
(LAC 50:XXVII.325 and 353)

The Department of Health and Hospitals, Bureau of Health Services Financing amends LAC 50:XXVII.325 and §353 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act and as directed by House Bill 1 of the 2012 Regular Session of the Louisiana Legislature which states: "The secretary is directed to utilize various cost containment measures to ensure expenditures remain at the level appropriated in this Schedule, including but not limited to precertification, preadmission screening, diversion, fraud control, utilization review and management, prior authorization, service limitations, drug therapy management, disease management, cost sharing, and other measures as permitted under federal law." This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

As a result of a budgetary shortfall in state fiscal year 2011, the Department of Health and Hospitals, Bureau of Health Services Financing amended the provisions governing the reimbursement methodology for emergency medical transportation services to reduce the reimbursement rates (*Louisiana Register*, Volume 37, Number 10).

As a result of a budgetary shortfall in state fiscal year 2013, the department has determined that it is necessary to amend the provisions governing the reimbursement methodology for emergency medical transportation services to reduce the reimbursement rates. This action is being taken to avoid a budget deficit in the medical assistance programs. It is estimated that implementation of this Emergency Rule will reduce expenditures in the Medicaid Program by approximately \$1,160,159 for state fiscal year 2013.

Effective July 1, 2012, the Department of Health and Hospitals, Bureau of Health Services Financing amends the provisions governing the reimbursement methodology for emergency medical transportation services to reduce the reimbursement rates.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part XXVII. Medical Transportation Program

Chapter 3. Emergency Medical Transportation

Subchapter B. Ground Transportation

§325. Reimbursement

A. - H. ...

I. Effective for dates of service on or after July 1, 2012, the reimbursement rates for emergency ambulance transportation services shall be reduced by 5.25 percent of the rate on file as of June 30, 2012.

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 34:878 (May 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 36:1248 (June 2010), LR 36:2564 (November 2010), LR 37:3029 (October 2011), LR 38:

Subchapter C. Aircraft Transportation

§353. Reimbursement

A. - F. ...

G. Effective for dates of service on or after July 1, 2012, the reimbursement rates for fixed winged and rotor winged emergency air ambulance services shall be reduced by 5.25 percent of the rate on file as of June 30, 2012.

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 35:70 (January 2009), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 36:2594 (November 2010), LR 37:3029 (October 2011), LR 38:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. She is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Bruce D. Greenstein
Secretary

1207#011

DECLARATION OF EMERGENCY

Department of Health and Hospitals Bureau of Health Services Financing

Medical Transportation Program
Non-Emergency Medical Transportation
Public Transit Services (LAC 50:XXVII.573)

The Department of Health and Hospitals, Bureau of Health Services Financing amends LAC 50:XXVII.573 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

Due to a continuing budgetary shortfall in state fiscal year 2011, the Department of Health and Hospitals, Bureau of Health Services Financing amended the reimbursement methodology governing non-emergency medical transportation (NEMT) services in order to reduce the reimbursement rates (*Louisiana Register*, Volume 37, Number 10).

The department promulgated an Emergency Rule which amended the provisions governing the reimbursement methodology for the Medical Transportation Program in order to provide Medicaid reimbursement for NEMT services rendered by public transit providers (*Louisiana Register*, Volume 37, Number 12). This Emergency Rule is being promulgated to continue the provisions of the December 20, 2011 Emergency Rule. This action is being taken to secure new federal funding and to promote the public health and welfare of Medicaid recipients by ensuring continued access to non-emergency medical transportation services.

Effective August 18, 2012, the Department of Health and Hospitals, Bureau of Health Services Financing amends the provisions governing the reimbursement methodology for non-emergency medical transportation services.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part XXVII. Medical Transportation Program

Chapter 5. Non-Emergency Medical Transportation

Subchapter D. Reimbursement

§573. Non-Emergency, Non-Ambulance Transportation

A. - E.1. ...

F. Public Transit Services

1. Effective for dates of service on or after December 20, 2011, the Medicaid Program shall provide reimbursement for non-emergency medical transportation services rendered by public transit providers.

2. Qualifying providers shall be reimbursed their cost through a certified public expenditure (CPE) program approved by the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services.

a. Only public transit providers with local funding available to use for the CPE program shall qualify to receive payments.

3. Public transit providers shall be required to submit a DHH-approved cost report to the department outlining their costs in order to determine payment amounts.

4. Exclusions. Payments shall not be made to public transit providers for NEMT services rendered to Medicaid recipients enrolled in a BAYOU HEALTH prepaid health plan.

5. It is the responsibility of the public transit provider to verify a Medicaid recipient's eligibility status and to determine whether the recipient is enrolled in a BAYOU HEALTH prepaid health plan.

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 34:879 (May 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 37:3030 (October 2011), LR 38:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. She is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Bruce D. Greenstein
Secretary

1207#102

DECLARATION OF EMERGENCY

Department of Health and Hospitals Bureau of Health Services Financing

Nursing Facilities—Reimbursement Rate Reduction
(LAC 50:II.20005)

The Department of Health and Hospitals, Bureau of Health Services Financing amends LAC 50:II.20005 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act and as directed by House Bill 1 of the 2012 Regular Session of the Louisiana Legislature which states: "The secretary is directed to utilize various cost containment measures to ensure expenditures remain at the level appropriated in this Schedule, including but not limited to precertification, preadmission screening, diversion, fraud control, utilization review and management, prior authorization, service limitations, drug therapy management, disease management, cost sharing, and other measures as permitted under federal law." This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health and Hospitals, Bureau of Health Services Financing amended the provisions governing the reimbursement methodology for nursing facilities to reduce the per diem rates paid to non-state nursing facilities in order to remove the rebased amount and sunset the 2011-2012 nursing facility rate rebasing (*Louisiana Register*, Volume 38, Number 5).

As a result of a budgetary shortfall in state fiscal year 2013, the department has determined that it is necessary to amend the provisions governing the reimbursement methodology for non-state nursing facilities to further reduce the reimbursement rates. This action is being taken to avoid a budget deficit in the medical assistance programs. It is estimated that implementation of this Emergency Rule will reduce expenditures in the Medicaid Program by approximately \$10,383,333 for state fiscal year 2012-2013.

Effective July 1, 2012, the Department of Health and Hospitals, Bureau of Health Services Financing amends the provisions governing the reimbursement methodology for non-state nursing facilities to further reduce the reimbursement rates.

Title 50
PUBLIC HEALTH—MEDICAL ASSISTANCE
Part II. Nursing Facilities
Subpart 5. Reimbursement
Chapter 200. Reimbursement Methodology
§20005. Rate Determination
[Formerly LAC 50:VII.1305]

A. - J. ...

K. Effective for dates of service on or after July 1, 2012, the average daily rates for non-state nursing facilities shall be reduced by \$1.15 per day of the average daily rate on file as of June 30, 2012 after the sunset of the state fiscal year 2012 rebase and after the state fiscal year 2013 rebase.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 28:1791 (August 2002), amended LR 31:1596 (July 2005), LR 32:2263 (December 2006), LR 33:2203 (October 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 36:325 (February 2010), repromulgated LR 36:520 (March 2010), amended LR 36:1556 (July 2010), LR 36:1782 (August 2010), LR 36:2566 (November 2010), amended LR 37:902 (March 2011), LR 37:1174 (April 2011), amended LR 37:2631 (September 2011), LR 38:1241 (May 2012), LR 38:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. She is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Bruce D. Greenstein
Secretary

1207#010

DECLARATION OF EMERGENCY

Department of Health and Hospitals
Bureau of Health Services Financing

Nursing Facilities—Reimbursement Rate Reduction
Pre-Rebase Rate Cut (LAC 50:II.20005)

The Department of Health and Hospitals, Bureau of Health Services Financing amends LAC 50:II.20005 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act and as directed by House Bill 1 of the 2012 Regular Session of the Louisiana Legislature which states: “The secretary is directed to utilize various cost containment measures to ensure expenditures remain at the level appropriated in this schedule, including but not limited to precertification, preadmission screening, diversion, fraud control, utilization review and management, prior authorization, service limitations, drug therapy management, disease management, cost sharing, and other measures as permitted under federal law.” This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health and Hospitals, Bureau of Health Services Financing amended the provisions governing the reimbursement methodology for nursing facilities to reduce the per diem rates paid to non-state nursing facilities in order to remove the rebased amount and sunset the 2011-2012 nursing facility rate rebasing (*Louisiana Register*, Volume 38, Number 5).

As a result of a budgetary shortfall in state fiscal year 2013, the department has determined that it is necessary to amend the provisions governing the reimbursement methodology for non-state nursing facilities to reduce the reimbursement rates. This action is being taken to avoid a budget deficit in the medical assistance programs. It is estimated that implementation of this Emergency Rule will reduce expenditures in the Medicaid Program by approximately \$25,514,658 for state fiscal year 2012-2013.

Effective July 1, 2012, the Department of Health and Hospitals, Bureau of Health Services Financing amends the provisions governing the reimbursement methodology for non-state nursing facilities to reduce the reimbursement rates.

Title 50
PUBLIC HEALTH—MEDICAL ASSISTANCE
Part II. Nursing Facilities
Subpart 5. Reimbursement
Chapter 200. Reimbursement Methodology
§20005. Rate Determination
[Formerly LAC 50:VII.1305]

A. - I. ...

J. Effective for dates of service on or after July 1, 2012, the average daily rates for non-state nursing facilities shall be reduced by \$4.11 per day of the average daily rate on file as of June 30, 2012 after the sunset of the state fiscal year 2012 rebase and before the state fiscal year 2013 rebase.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 28:1791 (August 2002), amended LR 31:1596 (July 2005), LR 32:2263 (December 2006), LR 33:2203 (October 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 36:325 (February 2010), repromulgated LR 36:520 (March 2010), amended LR 36:1556 (July 2010), LR 36:1782 (August 2010), LR 36:2566 (November 2010), LR 37:902 (March 2011), LR 37:1174 (April 2011), LR 37:2631 (September 2011), LR 38:1241 (May 2012), LR 38:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. She is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Bruce D. Greenstein
Secretary

1207#039

DECLARATION OF EMERGENCY

Department of Health and Hospitals Bureau of Health Services Financing

Outpatient Hospital Services—Small Rural Hospitals Low Income and Needy Care Collaboration (LAC 50:V.5311, 5511, 5711, 5911 and 6113)

The Department of Health and Hospitals, Bureau of Health Services Financing amends LAC 50:V.5311, 5511, 5711, 5911, and 6113 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

In compliance with Act 327 of the 2007 Regular Session of the Louisiana Legislature, the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing amended the reimbursement methodology governing state fiscal year 2009 Medicaid payments to small rural hospitals for outpatient hospital services (*Louisiana Register*, Volume 35, Number 5). The Department of Health and Hospitals, Bureau of Health Services Financing promulgated an Emergency Rule which amended the provisions governing the reimbursement methodology for outpatient hospital services to provide for a supplemental Medicaid payment to small rural hospitals that enter into an agreement with a state or local governmental entity for the purpose of providing healthcare services to low income and needy patients (*Louisiana Register*, Volume 36, Number 10). The department promulgated an Emergency Rule which amended the provisions of the October 20, 2011 Emergency

Rule in order to clarify the qualifying criteria (*Louisiana Register*, Volume 37, Number 12). This Emergency Rule is being promulgated to continue the provisions of the December 20, 2011 Emergency Rule. This action is being taken to secure new federal funding and to promote the public health and welfare of Medicaid recipients by ensuring sufficient provider participation in the Hospital Services Program.

Effective August 18, 2012, the Department of Health and Hospitals, Bureau of Health Services amends the provisions governing the reimbursement methodology for outpatient hospital services rendered by small rural hospitals.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part V. Hospital Services

Subpart 5. Outpatient Hospital Services

Chapter 53. Outpatient Surgery

Subchapter B. Reimbursement Methodology

§5311. Small Rural Hospitals

A. - B. ...

C. Low Income and Needy Care Collaboration. Effective for dates of service on or after October 20, 2011, quarterly supplemental payments will be issued to qualifying non-state hospitals for outpatient surgery services rendered during the quarter. Maximum aggregate payments to all qualifying hospitals in this group shall not exceed the available upper payment limit per state fiscal year.

1. Qualifying Criteria. In order to qualify for the supplemental payment, the non-state hospital must be affiliated with a state or local governmental entity through a Low Income and Needy Care Collaboration Agreement.

a. A *non-state hospital* is defined as a hospital which is owned or operated by a private entity.

b. A *Low Income and Needy Care Collaboration Agreement* is defined as an agreement between a hospital and a state or local governmental entity to collaborate for purposes of providing healthcare services to low income and needy patients.

2. Each qualifying hospital shall receive quarterly supplemental payments for the outpatient services rendered during the quarter. Payments shall be distributed quarterly based on Medicaid paid claims for service dates from the previous state fiscal year. Payments to hospitals participating in the Medicaid Disproportionate Share Hospital (DSH) Program shall be limited to the difference between the hospital's specific DSH limit and the hospital's DSH payments for the applicable payment period. Aggregate payments to qualifying hospitals shall not exceed the maximum allowable cap for the state fiscal year.

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 35:956 (May 2009), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:

Chapter 55. Clinic Services

Subchapter B. Reimbursement Methodology

§5511. Small Rural Hospitals

A. - B. ...

C. Low Income and Needy Care Collaboration. Effective for dates of service on or after October 20, 2011, quarterly supplemental payments will be issued to qualifying non-state

hospitals for outpatient hospital clinic services rendered during the quarter. Maximum aggregate payments to all qualifying hospitals in this group shall not exceed the available upper payment limit per state fiscal year.

1. Qualifying Criteria. In order to qualify for the supplemental payment, the non-state hospital must be affiliated with a state or local governmental entity through a Low Income and Needy Care Collaboration Agreement.

a. A *non-state hospital* is defined as a hospital which is owned or operated by a private entity.

b. A *Low Income and Needy Care Collaboration Agreement* is defined as an agreement between a hospital and a state or local governmental entity to collaborate for purposes of providing healthcare services to low income and needy patients.

2. Each qualifying hospital shall receive quarterly supplemental payments for the outpatient services rendered during the quarter. Payments shall be distributed quarterly based on Medicaid paid claims for service dates from the previous state fiscal year. Payments to hospitals participating in the Medicaid DSH Program shall be limited to the difference between the hospital's specific DSH limit and the hospital's DSH payments for the applicable payment period. Aggregate payments to qualifying hospitals shall not exceed the maximum allowable cap for the state fiscal year.

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 35:956 (May 2009), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:

Chapter 57. Laboratory Services

Subchapter B. Reimbursement Methodology

§5711. Small Rural Hospitals

A. - B. ...

C. Low Income and Needy Care Collaboration. Effective for dates of service on or after October 20, 2011, quarterly supplemental payments will be issued to qualifying non-state hospitals for outpatient laboratory services rendered during the quarter. Maximum aggregate payments to all qualifying hospitals in this group shall not exceed the available upper payment limit per state fiscal year.

1. Qualifying Criteria. In order to qualify for the supplemental payment, the non-state hospital must be affiliated with a state or local governmental entity through a Low Income and Needy Care Collaboration Agreement.

a. A *non-state hospital* is defined as a hospital which is owned or operated by a private entity.

b. A *Low Income and Needy Care Collaboration Agreement* is defined as an agreement between a hospital and a state or local governmental entity to collaborate for purposes of providing healthcare services to low income and needy patients.

2. Each qualifying hospital shall receive quarterly supplemental payments for the outpatient services rendered during the quarter. Payments shall be distributed quarterly based on the Medicaid paid claims for services rendered during the quarter. Payments to hospitals participating in the Medicaid DSH Program shall be limited to the difference between the hospital's specific DSH limit and the hospital's DSH payments for the applicable payment period. Aggregate

payments to qualifying hospitals shall not exceed the maximum allowable cap for the state fiscal year.

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 35:956 (May 2009), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:

Chapter 59. Rehabilitation Services

Subchapter B. Reimbursement Methodology

§5911. Small Rural Hospitals

A. - B. ...

C. Low Income and Needy Care Collaboration. Effective for dates of service on or after October 20, 2011, quarterly supplemental payments will be issued to qualifying non-state hospitals for outpatient rehabilitation services rendered during the quarter. Maximum aggregate payments to all qualifying hospitals in this group shall not exceed the available upper payment limit per state fiscal year.

1. Qualifying Criteria. In order to qualify for the supplemental payment, the non-state hospital must be affiliated with a state or local governmental entity through a Low Income and Needy Care Collaboration Agreement.

a. A *non-state hospital* is defined as a hospital which is owned or operated by a private entity.

b. A *Low Income and Needy Care Collaboration Agreement* is defined as an agreement between a hospital and a state or local governmental entity to collaborate for purposes of providing healthcare services to low income and needy patients.

2. Each qualifying hospital shall receive quarterly supplemental payments for the outpatient services rendered during the quarter. Payments shall be distributed quarterly based on Medicaid paid claims for service dates from the previous state fiscal year. Payments to hospitals participating in the Medicaid DSH Program shall be limited to the difference between the hospital's specific DSH limit and the hospital's DSH payments for the applicable payment period. Aggregate payments to qualifying hospitals shall not exceed the maximum allowable cap for the state fiscal year. .

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 35:956 (May 2009), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:

Chapter 61. Other Outpatient Hospital Services

Subchapter B. Reimbursement Methodology

§6113. Small Rural Hospitals

A. - B. ...

C. Low Income and Needy Care Collaboration. Effective for dates of service on or after October 20, 2011, quarterly supplemental payments will be issued to qualifying non-state hospitals for services other than clinical diagnostic laboratory services, outpatient surgeries, rehabilitation services, and outpatient facility fees during the quarter. Maximum aggregate payments to all qualifying hospitals in this group shall not exceed the available upper payment limit per state fiscal year.

1. Qualifying Criteria. In order to qualify for the supplemental payment, the non-state hospital must be

affiliated with a state or local governmental entity through a Low Income and Needy Care Collaboration Agreement.

a. A *non-state hospital* is defined as a hospital which is owned or operated by a private entity.

b. A *Low Income and Needy Care Collaboration Agreement* is defined as an agreement between a hospital and a state or local governmental entity to collaborate for purposes of providing healthcare services to low income and needy patients.

2. Each qualifying hospital shall receive quarterly supplemental payments for the outpatient services rendered during the quarter. Payments shall be distributed quarterly based on Medicaid paid claims for service dates from the previous state fiscal year. Payments to hospitals participating in the Medicaid DSH Program shall be limited to the difference between the hospital's specific DSH limit and the hospital's DSH payments for the applicable payment period. Aggregate payments to qualifying hospitals shall not exceed the maximum allowable cap for the state fiscal year.

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 35:956 (May 2009), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. She is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Bruce D. Greenstein
Secretary

1207#103

DECLARATION OF EMERGENCY

Department of Health and Hospitals Bureau of Health Services Financing

Pediatric Day Health Care Program
Reimbursement Rate Reduction
(LAC 50:XV.28101)

The Department of Health and Hospitals, Bureau of Health Services Financing amends LAC 50:XV.28101 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act and as directed by House Bill 1 of the 2012 Regular Session of the Louisiana Legislature which states: "The secretary is directed to utilize various cost containment measures to ensure expenditures remain at the level appropriated in this Schedule, including but not limited to precertification,

preadmission screening, diversion, fraud control, utilization review and management, prior authorization, service limitations, drug therapy management, disease management, cost sharing, and other measures as permitted under federal law." This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health and Hospitals, Bureau of Health Services Financing adopted provisions to implement pediatric day health care services as an optional covered service in the Medical Assistance Program (*Louisiana Register*, Volume 36, Number 7).

Due to a budgetary shortfall in state fiscal year 2013, the department has determined that it is necessary to amend the provisions governing the reimbursement methodology for pediatric day health care services to reduce the reimbursement rates. This action is being taken to avoid a budget deficit in the medical assistance programs. It is estimated that implementation of this Emergency Rule will reduce expenditures in the Medicaid Program by approximately \$16,771 for state fiscal year 2012-2013.

Effective July 1, 2012, the Department of Health and Hospitals, Bureau of Health Services Financing amends the provisions governing the reimbursement methodology for pediatric day health care services to reduce the reimbursement rates.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part XV. Services for Special Populations

Subpart 19. Pediatric Day Health Care

Chapter 281. Reimbursement Methodology

§28101. General Provisions

A. - B. ...

C. Effective for dates of service on or after July 1, 2012, the reimbursement for pediatric day health care services shall be reduced by 3.7 percent of the rates in effect on June 30, 2012.

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, Bureau of Health Services Financing, LR 36:1558 (July 2010), amended LR 38:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. She is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Bruce D. Greenstein
Secretary

1207#015

DECLARATION OF EMERGENCY

Department of Health and Hospitals Bureau of Health Services Financing

Personal Care Services—Long Term
Cost Reporting Requirements
(LAC 50:XV.12919)

The Department of Health and Hospitals, Bureau of Health Services Financing adopts LAC 50:XV.12919 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

Act 299 of the 2011 Regular Session of the Louisiana Legislature directed the Department of Health and Hospitals to establish mandatory cost reporting requirements for providers of home and community-based services to verify expenditures and for use in determining appropriate reimbursement rates. In compliance with Act 299, the department proposes to adopt provisions establishing cost reporting requirements for providers of long-term personal care services.

This action is being taken to promote the health and welfare of Medicaid recipients and to ensure that these services are rendered in an efficient and cost-effective manner. It is anticipated that implementation of this Emergency Rule will have no fiscal impact to the Medicaid Program in state fiscal year 2012-13.

Effective July 1, 2012, the Department of Health and Hospitals, Bureau of Health Services Financing adopts provisions to establish cost reporting requirements for providers of long-term personal care services.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part XV. Services for Special Populations

Subpart 9. Personal Care Services

Chapter 129. Long Term Care

§12919. Cost Reporting Requirements

A. Effective July 1, 2012, the department shall implement mandatory cost reporting requirements for providers of long-term personal care services. The cost reports will be used to verify expenditures and to support rate setting for the services rendered to Medicaid recipients.

B. Each LT-PCS provider shall complete the DHH approved cost report and submit the cost report(s) to the department no later than five months after the state fiscal year ends (June 30).

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, Bureau of Health Services Financing, LR 38:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. She is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Bruce D. Greenstein
Secretary

1207#016

DECLARATION OF EMERGENCY

Department of Health and Hospitals Bureau of Health Services Financing and Office of Aging and Adult Services

Personal Care Services—Long Term
Reimbursement Rate Reduction (LAC 50:XV.12917)

The Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services amend LAC 50:XV.12917 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act and as directed by House Bill 1 of the 2012 Regular Session of the Louisiana Legislature which states: "The secretary is directed to utilize various cost containment measures to ensure expenditures remain at the level appropriated in this Schedule, including but not limited to precertification, preadmission screening, diversion, fraud control, utilization review and management, prior authorization, service limitations, drug therapy management, disease management, cost sharing, and other measures as permitted under federal law." This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953.(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

Due to a continuing budgetary shortfall, the Department of Health and Hospitals, Bureau of Health Services Financing amended the provisions governing the reimbursement methodology for long-term personal care services to reduce the reimbursement rates (*Louisiana Register*, Volume 37, Number 11).

As a result of a budgetary shortfall in state fiscal year 2013, the department has determined that it is necessary to amend the provisions governing the reimbursement methodology for long-term personal care services to reduce the reimbursement rates. This action is being taken to avoid a budget deficit in the medical assistance programs. It is estimated that implementation of this Emergency Rule will reduce expenditures in the Medicaid Program by approximately \$3,124,369 for state fiscal year 2012-2013.

Effective July 1, 2012, the Department of Health and Hospitals, Bureau of Health Services Financing amends the provisions governing the reimbursement methodology for long-term personal care services to reduce the reimbursement rates.

Title 50
PUBLIC HEALTH—MEDICAL ASSISTANCE
Part XV. Services for Special Populations
Subpart 9. Personal Care Services
Chapter 129. Long-Term Care
§12917. Reimbursement Methodology

A. - H.2. ...

I. Effective for dates of service on or after July 1, 2012, the reimbursement rate for long-term personal care services furnished to one participant shall be reduced by 1.5 percent of the rate on file as of June 30, 2012.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:913 (June 2003), amended by the Department of Health and Hospitals, Office of Aging and Adult Services, LR 34:253 (February 2008), LR 34:2581 (December 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 35:1901 (September 2009), LR 36:1251 (June 2010), LR 37:3267 (November 2011), LR 38:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. She is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Bruce D. Greenstein
Secretary

1207#013

DECLARATION OF EMERGENCY

Department of Health and Hospitals
Bureau of Health Services Financing

Pregnant Women Extended Services
Substance Abuse Screening and Intervention Services
(LAC 50:XV.Chapter 163)

The Department of Health and Hospitals, Bureau of Health Services Financing adopts LAC 50:XV.Chapter 163 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health and Hospitals, Bureau of Health Services Financing provides expanded coverage of certain dental services rendered to Medicaid eligible pregnant women who are in need of periodontal treatment as a means of improving the overall health of mothers and their newborns (*Louisiana Register*, Volume 30, Number 3).

As part of the Department of Health and Hospital's ongoing initiative to improve birth outcomes in the state, the

Bureau of Health Services Financing, in collaboration with the Office of Behavioral Health, promulgated an Emergency Rule which adopted provisions to establish Medicaid coverage for substance abuse screening and brief intervention services rendered to Medicaid eligible pregnant women (*Louisiana Register*, Volume 37, Number 4). Research has shown that tobacco dependence and substance abuse intervention programs targeted to pregnant women improves the overall health of the mother and reduces the occurrences of low birth-weight babies and perinatal deaths. It is anticipated that these new services will improve birth outcomes and subsequently reduce Medicaid costs associated with the care of pregnant women and their babies. This Emergency Rule is being promulgated to continue the provisions of the April 1, 2011 Emergency Rule. This action is being taken to promote the health and welfare of Medicaid eligible pregnant women and to reduce the Medicaid costs associated with the care of pregnant women and their babies.

Effective July 28, 2012, the Department of Health and Hospitals, Bureau of Health Services Financing adopts provisions to provide Medicaid coverage of substance abuse screening and brief interventions rendered to Medicaid eligible pregnant women.

Title 50
PUBLIC HEALTH—MEDICAL ASSISTANCE
Part XV. Services for Special Populations
Subpart 13. Pregnant Women Extended Services
Chapter 163. Substance Abuse Screening and Intervention Services

§16301. General Provisions

A. Effective for dates of service on or after April 1, 2011, the department shall provide coverage of substance abuse screening and brief intervention services rendered to Medicaid eligible pregnant women.

B. Substance abuse screening and intervention services may be performed at the discretion of the medical professional providing care to the pregnant woman.

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, Bureau of Health Services Financing, LR 38:

§16303. Scope of Services

A. Screening services shall include the screening of pregnant women for the use of:

1. alcohol;
2. tobacco; and/or
3. drugs.

B. Intervention services shall include a brief 15-30 minute counseling session with a health care professional intended to help motivate the recipient to develop a plan to moderate their use of alcohol, tobacco, or drugs.

C. Service Limits. Substance abuse screening and intervention services shall be limited to one occurrence each per pregnancy, or once every 270 days.

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, Bureau of Health Services Financing, LR 38:

§16305. Reimbursement Methodology

A. Effective for dates of service on or after April 1, 2011, the Medicaid Program shall provide reimbursement for substance abuse screening and intervention services rendered to Medicaid eligible pregnant women.

B. Reimbursement for these services shall be a flat fee based on the appropriate Healthcare Common Procedure Coding (HCPC) code.

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, Bureau of Health Services Financing, LR 38:

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. She is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Bruce D. Greenstein
Secretary

1207#104

DECLARATION OF EMERGENCY

Department of Health and Hospitals Bureau of Health Services Financing

Pregnant Women Extended Services—Dental Services Reimbursement Rate Reduction (LAC 50:XV.16107)

The Department of Health and Hospitals, Bureau of Health Services Financing amends LAC 50:XV.16107 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act and as directed by House Bill 1 of the 2012 Regular Session of the Louisiana Legislature which states: “The secretary is directed to utilize various cost containment measures to ensure expenditures remain at the level appropriated in this Schedule, including but not limited to precertification, preadmission screening, diversion, fraud control, utilization review and management, prior authorization, service limitations, drug therapy management, disease management, cost sharing, and other measures as permitted under federal law.” This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

As a result of a budgetary shortfall in state fiscal year 2011, the Department of Health and Hospitals, Bureau of Health Services Financing amended the provisions governing the reimbursement methodology for dental services to reduce the reimbursement rates for services rendered to Medicaid eligible pregnant women (*Louisiana Register*, Volume 37, Number 11).

Due to a budgetary shortfall in state fiscal year 2013, the department has determined that it is necessary to amend the provisions governing the reimbursement methodology for dental services rendered to Medicaid eligible pregnant women to reduce the reimbursement rates. This action is being taken to avoid a budget deficit in the medical assistance programs. It is estimated that implementation of this Emergency Rule will reduce expenditures in the Medicaid Program by approximately \$71,479 for state fiscal year 2012-2013.

Effective July 1, 2012, the Department of Health and Hospitals, Bureau of Health Services Financing amends the

provisions governing the reimbursement methodology for dental services rendered to Medicaid eligible pregnant women to reduce the reimbursement rates.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part XV. Services for Special Populations

Subpart 13. Pregnant Women Extended Services

Chapter 161. Dental Services

§16107. Reimbursement

A. - F.3.q. ...

G. Effective for dates of service on or after July 1, 2012, the reimbursement fees for dental services provided to Medicaid eligible pregnant women shall be reduced to the following percentages of the 2009 National Dental Advisory Service Comprehensive Fee Report 70th percentile, unless otherwise stated in this Chapter:

1. 65 percent for the comprehensive periodontal evaluation exam;
2. 62 percent for the following diagnostic and preventive services
 - a. intraoral-periapical first film;
 - b. intraoral-periapical, each additional film; and
 - c. panoramic film and prophylaxis, adult; and
3. 56 percent for the remaining diagnostic services and all periodontic procedures, restorative and oral and maxillofacial surgery procedures.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 30:434 (March 2004), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 35:1902 (September 2009), LR 36:2044 (September 2010), LR 37:3270 (November 2011), LR 38:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. She is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Bruce D. Greenstein
Secretary

1207#017

DECLARATION OF EMERGENCY

Department of Health and Hospitals Bureau of Health Services Financing

Professional Services Program—Anesthesia Services Reimbursement Rate Reduction (LAC 50:IX.15133 and 15135)

The Department of Health and Hospitals, Bureau of Health Services Financing amends LAC 50:IX.15133 and §15135 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security

Act and as directed by House Bill 1 of the 2012 Regular Session of the Louisiana Legislature which states: "The secretary is directed to utilize various cost containment measures to ensure expenditures remain at the level appropriated in this schedule, including but not limited to precertification, preadmission screening, diversion, fraud control, utilization review and management, prior authorization, service limitations, drug therapy management, disease management, cost sharing, and other measures as permitted under federal law." This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health and Hospitals, Bureau of Health Services Financing amended the provisions governing anesthesia services in order to revise the formula-based reimbursement methodology for services rendered by physicians and certified registered nurse anesthetists (CRNAs), and to reorganized these provisions in a clear and concise manner in the *Louisiana Administrative Code (Louisiana Register, Volume 36, Number 6)*.

As a result of a budgetary shortfall in state fiscal year 2013, the department has determined that it is necessary to amend the provisions governing the reimbursement methodology for anesthesia services to reduce the reimbursement rates. This action is being taken to avoid a budget deficit in the medical assistance programs. It is estimated that implementation of this Emergency Rule will reduce expenditures in the Medicaid Program by approximately \$309,512 for state fiscal year 2012-2013.

Effective July 1, 2012, the Department of Health and Hospitals, Bureau of Health Services Financing amends the provisions governing the reimbursement methodology for anesthesia services to reduce the reimbursement rates.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part IX. Professional Services Program

Subpart 15. Reimbursement

Chapter 151. Reimbursement Methodology

Subchapter D. Anesthesia Services

§15133. Formula-Based Reimbursement

A. - C.2. ...

D. Effective for dates of service on or after July 1, 2012, the reimbursement for formula-based anesthesia services shall be reduced by 3.7 percent of the rates in effect on June 30, 2012.

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, Bureau of Health Services Financing, LR 36:1251 (June 2010), amended LR 36:2282 (October 2010), LR 38:

§15135. Flat Fee Reimbursement

A. - D.1. ...

E. Effective for dates of service on or after July 1, 2012, the flat fee reimbursement rates paid for anesthesia services shall be reduced by 3.7 percent of the rates in effect on June 30, 2012.

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, Bureau of Health Services Financing, LR 36:1251 (June 2010), amended LR 38:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. She is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Bruce D. Greenstein
Secretary

1207#021

DECLARATION OF EMERGENCY

Department of Health and Hospitals Bureau of Health Services Financing

Professional Services Program—Family Planning Services
Reimbursement Rate Reduction (LAC 50:IX.15143)

The Department of Health and Hospitals, Bureau of Health Services Financing amends LAC 50:IX.15143 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act and as directed by House Bill 1 of the 2012 Regular Session of the Louisiana Legislature which states: "The secretary is directed to utilize various cost containment measures to ensure expenditures remain at the level appropriated in this Schedule, including but not limited to precertification, preadmission screening, diversion, fraud control, utilization review and management, prior authorization, service limitations, drug therapy management, disease management, cost sharing, and other measures as permitted under federal law." This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

As a result of a budgetary shortfall in state fiscal year 2010, the Department of Health and Hospitals, Bureau of Health Services Financing amended the provisions governing the Professional Services Program to reduce the reimbursement rates for family planning services and to promulgate these provisions in a codified format for inclusion in the *Louisiana Administrative Code (Louisiana Register, Volume 36, Number 11)*.

Due to a budgetary shortfall in state fiscal year 2013, the department has determined that it is necessary to amend the provisions governing the reimbursement methodology for family planning services to reduce the reimbursement rates. This action is being taken to avoid a budget deficit in the medical assistance programs. It is estimated that implementation of this Emergency Rule will reduce

expenditures in the Medicaid Program by approximately \$65,238 for state fiscal year 2012-2013.

Effective July 1, 2012, the Department of Health and Hospitals, Bureau of Health Services Financing amends the provisions governing the Professional Services Program to reduce the reimbursement rates paid for family planning services.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part IX. Professional Services Program

Subpart 15. Reimbursement

Chapter 151. Reimbursement Methodology

Subchapter E. Family Planning Services

§15143. Reimbursement

A. - C. ...

D. Effective for dates of service on or after July 1, 2012, the reimbursement rates for family planning services rendered by a physician shall be reduced by 3.7 percent of the rates in effect on June 30, 2012.

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, Bureau of Health Services Financing, LR 36:2566 (November 2010), amended LR 38:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. She is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Bruce D. Greenstein
Secretary

1207#020

DECLARATION OF EMERGENCY

**Department of Health and Hospitals
Bureau of Health Services Financing**

**Professional Services Program—Physician Services
Reimbursement Rate Reduction (LAC 50:IX.15113)**

The Department of Health and Hospitals, Bureau of Health Services Financing amends LAC 50:IX.15113 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act and as directed by House Bill 1 of the 2012 Regular Session of the Louisiana Legislature which states: "The secretary is directed to utilize various cost containment measures to ensure expenditures remain at the level appropriated in this Schedule, including but not limited to precertification, preadmission screening, diversion, fraud control, utilization review and management, prior authorization, service limitations, drug therapy management, disease management, cost sharing, and other measures as permitted under federal

law." This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health and Hospitals, Bureau of Health Services Financing amended the provisions governing the reimbursement methodology for physician services to increase the reimbursement rates for obstetric delivery services (*Louisiana Register*, Volume 37, Number 3).

As a result of a budgetary shortfall in state fiscal year 2013, the department has determined that it is necessary to amend the provisions governing the reimbursement methodology for physician services to reduce the reimbursement rates and discontinue reimbursement for certain procedures. This action is being taken to avoid a budget deficit in the medical assistance programs. It is estimated that implementation of this Emergency Rule will reduce expenditures in the Medicaid Program by approximately \$4,678,059 for state fiscal year 2012-2013.

Effective July 1, 2012, the Department of Health and Hospitals, Bureau of Health Services Financing amends the provisions governing the reimbursement methodology for physician services.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part IX. Professional Services Program

Subpart 15. Reimbursement

Chapter 151. Reimbursement Methodology

Subchapter B. Physician Services

§15113. Reimbursement

A. - I.3. ...

J. Effective for dates of service on or after July 1, 2012, reimbursement shall be as follows for the designated physician services:

1. reimbursement for professional services procedure (consult) codes 99241-99245 and 99251-99255 shall be discontinued;

2. cesarean delivery fees (procedure codes 59514-59515) shall be reduced to equal corresponding vaginal delivery fees (procedure codes 59409-59410); and

3. reimbursement for all other professional services procedure codes, exclusive of Affordable Care Act primary care procedure codes, shall be reduced by 3.4 percent of the rates on file as of June 30, 2012.

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, Bureau of Health Services Financing, LR 36:1252 (June 2010), amended LR 36:2282 (October 2010), LR 37:904 (March 2011), LR 38:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. She is responsible for responding to inquiries regarding this

Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Bruce D. Greenstein
Secretary

1207#019

DECLARATION OF EMERGENCY

Department of Health and Hospitals Bureau of Health Services Financing

Professional Services Program
Supplemental Payments for Tulane
Professional Practitioners (LAC 50:IX.15155)

The Department of Health and Hospitals, Bureau of Health Services Financing adopts LAC 50:IX.15155 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopted provisions in the Professional Services Program to provide supplemental payments to physicians and other eligible professional service practitioners employed by state-owned or operated entities (*Louisiana Register*, Volume 32, Number 6).

The Department of Health and Hospitals, Bureau of Health Services Financing now proposes to amend the provisions governing the Professional Services Program in order to provide supplemental payments to physicians and other eligible professional service practitioners affiliated with the Tulane University School of Medicine located in New Orleans, LA. This action is being taken to promote the health and welfare of Medicaid recipients by encouraging continued provider participation in the Medicaid Program and ensuring recipient access to services. It is estimated that implementation of this Emergency Rule will increase expenditures in the Professional Services Program by approximately \$3,424,878 for state fiscal year 2012-2013.

Effective July 1, 2012, the Department of Health and Hospitals, Bureau of Health Services Financing amends the provisions governing the reimbursement methodology for services rendered by physicians and other professional service practitioners.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part IX. Professional Services Program

Subpart 15. Reimbursement

Chapter 151. Reimbursement Methodology

Subchapter F. Supplemental Payments

§15155. Qualifying Criteria—Professional Services of Practitioners Affiliated with Tulane School of Medicine

A. Effective for dates of service on or after July 1, 2012, physicians and other eligible professional service

practitioners who are employed by a physician group affiliated with Tulane University School of Medicine located in the city of New Orleans may qualify for supplemental payments for services rendered to Medicaid recipients. To qualify for the supplemental payment, the physician or professional service practitioner must be:

1. licensed by the state of Louisiana;
2. enrolled as a Louisiana Medicaid provider; and
3. identified by Tulane University School of Medicine

as a physician or other professional service practitioner that is employed by, or under contract to provide services for that entity.

B. The following professional services practitioners shall qualify to receive supplemental payments:

1. physicians;
2. physician assistants;
3. certified registered nurse practitioners; and
4. certified registered nurse anesthetists.

C. The supplemental payment shall be calculated in a manner that will bring payments for these services up to the community rate level.

1. For purposes of these provisions, the community rate shall be defined as the rates paid by commercial payers for the same service.

D. The private physician group shall periodically furnish satisfactory data for calculating the community rate as requested by the department.

E. The supplemental payment amount shall be determined by establishing a Medicare to community rate conversion factor for the private physician group. At the end of each quarter, for each Medicaid claim paid during the quarter, a Medicare payment amount will be calculated and the Medicare to community rate conversion factor will be applied to the result. Medicaid payments made for the claims paid during the quarter will then be subtracted from this amount to establish the supplemental payment amount for that quarter.

F. The supplemental payments shall be made on a quarterly basis and the Medicare to community rate conversion factor shall be recalculated at least every three years.

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, Bureau of Health Services Financing, LR 38:

Implementation of these provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. She is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Bruce D. Greenstein
Secretary

1207#018

DECLARATION OF EMERGENCY

Department of Health and Hospitals Bureau of Health Services Financing

Prosthetics and Orthotics
Reimbursement Rate Reduction
(LAC 50:XVII.501)

The Department of Health and Hospitals, Bureau of Health Services Financing amends LAC 50:XVII.501 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act and as directed by House Bill 1 of the 2012 Regular Session of the Louisiana Legislature which states: "The secretary is directed to utilize various cost containment measures to ensure expenditures remain at the level appropriated in this Schedule, including but not limited to precertification, preadmission screening, diversion, fraud control, utilization review and management, prior authorization, service limitations, drug therapy management, disease management, cost sharing, and other measures as permitted under federal law." This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953.B (1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

As a result of a budgetary shortfall in state fiscal year 2010, the Department of Health and Hospitals, Bureau of Health Services Financing amended the provisions governing the reimbursement methodology for prosthetics and orthotics to reduce the reimbursement rates (*Louisiana Register*, Volume 36, Number 11).

As a result of a budgetary shortfall in state fiscal year 2013, the department has determined that it is necessary to amend the provisions governing the reimbursement methodology for prosthetics and orthotics to reduce the reimbursement rates. This action is being taken to avoid a budget deficit in the medical assistance programs. It is estimated that implementation of this Emergency Rule will reduce expenditures in the Medicaid Program by approximately \$67,299 for state fiscal year 2012-2013.

Effective July 1, 2012, the Department of Health and Hospitals, Bureau of Health Services Financing amends the provisions governing the reimbursement methodology for prosthetics and orthotics to reduce reimbursement rates.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part XVII. Prosthetics and Orthotics

Subpart 1. General Provisions

Chapter 5. Reimbursement

§501. Reimbursement Methodology

A. - F.1. ...

G. Effective for dates of service on or after July 1, 2012, the reimbursement for prosthetic and orthotic devices shall be reduced by 3.7 percent of the fee amounts on file as of June 30, 2012.

1. The rate reduction shall not apply to items that do not appear on the fee schedule and are individually priced.

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 31:1597 (July 2005), amended LR 34:881 (May 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 35:1903 (September 2009), repromulgated LR 36:521 (March 2010), amended LR 36:1253 (June 2010), LR 36:2567 (November 2010), LR 38:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. She is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Bruce D. Greenstein
Secretary

1207#022

DECLARATION OF EMERGENCY

Department of Health and Hospitals Bureau of Health Services Financing and Office of Behavioral Health

Standards for Community Mental Health
Physical Space Requirements Exemption
(LAC 48:III.537)

The Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Behavioral Health amend LAC 48:III.537 in the Medical Assistance Program as authorized by R.S. 36:254 and R.S. 28:567-573. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health and Human Resources, Office of Mental Health repromulgated all of the provisions governing the minimum licensing standards and policies for community mental health services rendered by mental health centers and clinics for inclusion in the *Louisiana Administrative Code* (*Louisiana Register*, Volume 13, Number 4).

Act 384 of the 2009 Regular Session of the Louisiana Legislature merged the Office for Addictive Disorders (OAD) with the Office for Mental Health (OMH) to form the Office of Behavioral Health (OBH). Existing licensing provisions for the facilities which came under the authority of OAD and OMH did not allow for the facilities to operate in a common space after OBH was formed. The Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Behavioral Health promulgated an Emergency Rule which amended the provisions of the April 20, 1987 Rule governing the minimum licensing standards for community mental health centers and mental health clinics in order to allow for an exemption from the physical space requirements for state- or district-owned or operated facilities which operate in or with a state- or

district-owned or operated substance abuse/addictive disorders facility (*Louisiana Register*, Volume 37, Number 11). This Emergency Rule is being promulgated to continue the provisions of the December 1, 2011 Emergency Rule. This action is being taken to promote the health and welfare of patients receiving services in these facilities.

Effective July 30, 2012, the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Behavioral Health amend the provisions governing the minimum licensing standards for community mental health centers and mental health clinics.

Title 48

PUBLIC HEALTH—GENERAL

Part III. Mental Health Services

Chapter 5. Standards for Community Mental Health

Subchapter A. Centers and Clinics

§537. Facilities Management

A. - C. ...

D. Exemption. A state- or district-owned or operated mental health clinic operating in or with a state- or district-owned or operated substance abuse/addictive disorders facility shall be exempt from the physical space requirements for operating as separate entities.

1. This exemption shall apply to facilities created under the provisions of R.S. 29:911-920 or R.S. 28:831(c).

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 28:567-573.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Mental Health, LR 13:246 (April 1987), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Behavioral Health, LR 38:

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. She is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Bruce D. Greenstein
Secretary

1207#105

DECLARATION OF EMERGENCY

Department of Health and Hospitals Bureau of Health Services Financing and Office of Behavioral Health

Substance Abuse/Addictive Disorders Facilities
Minimum Licensing Standards
Physical Space Requirements Exemption
(LAC 48:I.7403)

The Department of Health and Hospitals, Bureau of Health Services Financing amends LAC 48:I.7403 in the Medical Assistance Program as authorized by R.S. 36:254 and R.S. 40:1058.1-9. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

In compliance with Act 655 of the 2003 Regular Session of the Louisiana Legislature, the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services amended the licensing standards for substance abuse/addiction treatment facilities to reflect the national accreditation standards for such facilities (*Louisiana Register*; Volume 31, Number 3).

Act 384 of the 2009 Regular Session of the Louisiana Legislature merged the Office for Addictive Disorders (OAD) with the Office for Mental Health (OMH) to form the Office of Behavioral Health (OBH). Existing licensing provisions for the facilities which came under the authority of OAD and OMH did not allow for the facilities to operate in a common space after OBH was formed. Hence, the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Behavioral Health promulgated an Emergency Rule which amended the provisions of the March 20, 2005 Rule governing the minimum licensing standards for substance abuse/addictive disorders facilities in order to allow for an exemption from the physical space requirements for state- or district-owned or operated facilities which operate in or with a state- or district-owned or operated mental health center or mental health clinic (*Louisiana Register*, Volume 37, Number 12). This Emergency Rule is being promulgated to continue the provisions of the December 1, 2011 Emergency Rule. This action is being taken to promote the health and welfare of patients receiving services in these facilities.

Effective July 30, 2012, the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Behavioral Health amend the provisions governing the minimum licensing standards for substance abuse/addictive disorders facilities.

Title 48

PUBLIC HEALTH—GENERAL

Part I. General Administration

Chapter 74. Substance Abuse/Addictive Disorders Treatment Facilities

Subchapter A. General Provisions

§7403. Licensing

A. - C.4.f. ...

5. A state- or district-owned or operated substance abuse/addictive disorders facility operating in or with a state- or district-owned or operated mental health clinic shall be exempt from the physical space requirements for operating as separate entities.

a. This exemption shall apply to facilities created under the provisions of R.S. 29:911-920 or R.S. 28:831(c).

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and 40:1058.1-9.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 12:26 (January 1986), amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 26:1453 (July 2000), LR 31:669 (March 2005), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Behavioral Health, LR 38:

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. She is responsible for responding to inquiries regarding this

Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Bruce D. Greenstein
Secretary

1207#106

DECLARATION OF EMERGENCY

Department of Health and Hospitals Bureau of Health Services Financing

Substance Abuse Services—Reimbursement Rate Reduction
(LAC 50:XXXIII.14701)

The Department of Health and Hospitals, Bureau of Health Services Financing amends LAC 50:XXXIII.14701 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act and as directed by House Bill 1 of the 2012 Regular Session of the Louisiana Legislature which states: “The secretary is directed to utilize various cost containment measures to ensure expenditures remain at the level appropriated in this schedule, including but not limited to precertification, preadmission screening, diversion, fraud control, utilization review and management, prior authorization, service limitations, drug therapy management, disease management, cost sharing, and other measures as permitted under federal law.” This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health and Hospitals, Bureau of Health Services Financing adopted provisions to implement a coordinated behavioral health services system under the Medicaid Program which provides coverage of substance abuse services for children and adults (*Louisiana Register*, Volume 38, Number 2).

As a result of a budgetary shortfall in state fiscal year 2013, the department has determined that it is necessary to amend the provisions governing the reimbursement methodology for substance abuse services to reduce the reimbursement rates for outpatient substance abuse services provided to children/adolescents. This action is being taken to avoid a budget deficit in the medical assistance programs. It is estimated that implementation of this Emergency Rule will reduce expenditures in the Medicaid Program by approximately \$6,134 for state fiscal year 2012-2013.

Effective July 1, 2012, the Department of Health and Hospitals, Bureau of Health Services Financing amends the provisions governing the reimbursement methodology for substance abuse services to reduce the reimbursement rates.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part XXXIII. Behavioral Health Services

Subpart 15. Substance Abuse Services

Chapter 147. Reimbursement

§14701. Reimbursement Methodology

A. ...

B. Effective for dates of service on or after July 1, 2012, the reimbursement rates for outpatient substance abuse

services provided to children/adolescents shall be reduced by 1.44 percent of the rates in effect on June 30, 2012.

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, Bureau of Health Services Financing, LR 38:427 (February 2012), amended LR 38:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. She is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Bruce D. Greenstein
Secretary

1207#023

DECLARATION OF EMERGENCY

Department of Health and Hospitals Bureau of Health Services Financing

Surveillance and Utilization Review Subsystem
(LAC 50:I.Chapters 41 and 42)

The Department of Health and Hospitals, Bureau of Health Services Financing amends LAC 50:I.Chapters 41 and 42 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing repromulgated the provisions governing the Surveillance and Utilization Review System (SURS) to move the provisions from Part II to Part I in Title 50 of the *Louisiana Administrative Code* for topical placement and renumbered the provisions for future expansion (*Louisiana Register*, Volume 29, Number 4).

The Department of Health and Hospitals, Bureau of Health Services Financing now proposes to amend the provisions governing the Surveillance and Utilization Review System to ensure compliance with the payment suspension requirements of U.S. Public Law 111-148, the Patient Protection and Affordable Care Act.

This action is being taken to avoid sanctions from the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services for noncompliance with federal regulations. It is anticipated that implementation of this Emergency Rule will have no fiscal impact for state fiscal year 2012-2013.

Effective August 1, 2012, the Department of Health and Hospitals, Bureau of Health Services Financing amends the provisions governing the Surveillance and Utilization

Review System to ensure compliance with the Affordable Care Act requirements for payment suspensions.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part I. Administration

Subpart 5. Provider Fraud and Recovery

**Chapter 41. Surveillance and Utilization Review
Subsystem (SURS)**

Subchapter A. General Provisions

§4101. Foreword

A. The Medical Assistance Program is a four-party arrangement: the taxpayer; the government; the beneficiaries; and the providers. The secretary of the Department of Health and Hospitals (DHH), through this Chapter 41, recognizes:

1. the obligation to the taxpayers to assure the fiscal and programmatic integrity of the Medical Assistance Program. The secretary has zero tolerance for fraudulent, willful, abusive or other ill practices perpetrated upon the Medical Assistance Program by providers, providers-in-fact and others, including beneficiaries. Such practices will be vigorously pursued to the fullest extent allowed under the applicable laws and regulations; and

2. the responsibility to assure that actions brought in pursuit of providers, providers-in-fact and others, including beneficiaries, under this regulation are not frivolous, vexatious or brought primarily for the purpose of harassment. Providers, providers-in-fact and others, including beneficiaries, must recognize that they have an obligation to obey and follow all applicable laws, regulations, policies, criteria, and procedures.

3. Repealed.

B. - B.3. ...

4. establish the procedures to be used when sanctioning or otherwise restricting a provider and others under the Medicaid Program.

C. The purpose of this regulation is to assure the quality, quantity, and need for such goods, services, and supplies and to provide for the sanctioning of those who do not provide adequate goods, services, or supplies or request payment or reimbursement for goods, services, or supplies which do not comply with the requirements of federal laws, federal regulations, state laws, state regulations, or the rules, procedures, criteria or policies governing providers and others under the Medicaid Program.

D. A further purpose of this regulation is to assure the integrity of the Medicaid Program by providing methods and procedures to:

1. - 6. ...

E. Nothing in this Chapter 41 is intended, nor shall it be construed, to grant any person any right to participate in the Medicaid Program which is not specifically granted by federal law or the laws of this state or to confer upon any person's rights or privileges which are not contained within this regulation.

F. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, 46:437.4 and 46:437.1-46:440.3 (Medical Assistance Program Integrity Law).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:584 (April 2003), amended by the

Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:

§4103. Definitions

A. The following specific terms shall apply to all those participating in the Medicaid Program, either directly or indirectly, and shall be applied when making any and all determinations related to this and other departmental regulations, rules, policies, criteria, and procedures applicable to the Medicaid program and its programs.

* * *

Claim—any request or demand, including any and all documents or information required by federal or state law or by rule made against Medical Assistance Program funds for payment. A claim may be based on costs or projected costs and includes any entry or omission in a cost report or similar document, book of account, or any other document which supports, or attempts to support, the claim. Each claim may be treated as a separate claim, or several claims may be combined to form one claim.

Claims or Payment Review—the process of reviewing documents or other information or sources required or related to the payment or reimbursement to a provider by the department, the department's contractor(s), BHSF, SURS, or the fiscal intermediary in order to determine if the bill or claim should be or should have been paid or reimbursed. Payment and claim reviews are the same process.

* * *

Corrective Action Plan—a written plan, short of an administrative sanction, agreed to by a provider, provider-in-fact or other person with the department, BHSF, or program integrity designed to remedy any inefficient, aberrant or prohibited practices by a provider, provider-in-fact or other person. A corrective action plan is not a sanction.

Credible Allegation of Fraud—an allegation which has been verified by BHSF or program integrity, from any source, including, but not limited to the following:

- a. fraud hotline complaints;
- b. claims data mining;
- c. patterns identified through provider audits, civil false claims case; and
- d. law enforcement investigations.

NOTE: Allegations are considered to be credible when they have indicia of reliability and BHSF or Program Integrity has reviewed all allegations, facts, and evidence carefully and acts judiciously on a case-by-case basis.

* * *

Director of Bureau of Health Services Financing—the director of BHSF or authorized designee.

* * *

Exclusion from Participation—a sanction that terminates a provider, provider-in-fact or other person from participation in the Medicaid Program, and cancels the provider's provider agreement.

- a. ...
- b. A provider, provider-in-fact, or any other person who is excluded may not be a provider or provider-in-fact, agent of a provider, or affiliate of a provider or have a direct or indirect ownership in any provider during their period of exclusion.

False or Fraudulent Claim—a claim which the provider or his billing agent submits knowing the claim to be false, fictitious, untrue, or misleading in regard to any material

information. *False or fraudulent claim* shall include a claim which is part of a pattern of incorrect submissions in regard to material information or which is otherwise part of a pattern in violation of applicable federal or state law, rule, or policy.

* * *

Finalized Sanction or Final Administrative Adjudication or Order—a final order imposed pursuant to an administrative adjudication that has been signed by the Secretary or the secretary's authorized designee.

Fiscal Agent or Fiscal Intermediary—an organization or legal entity with whom the department contracts to provide for the processing, review of or payment of provider bills and claims.

* * *

Indirect Ownership—the owner has an ownership interest in the provider through some other entity, whether said ownership interest, at any level, is in whole or in part.

* * *

Informal Hearing—an informal conference between the provider, provider-in-fact, or other persons and the director of Program Integrity or his/her designee related to a notice of corrective action, notice of withholding of payments or notice of sanction.

Investigator or Analyst—any person authorized to conduct investigations on behalf of the department, BHSF, Program Integrity, SURS, or the fiscal intermediary, either through employment or contract for the purposes of payment or programmatic review.

* * *

Law—any written constitution, statutory laws, rules, collection of rules, or code prescribed under the authority of the governments of the state of Louisiana or the United States.

Louisiana Administrative Code (LAC)—the *Louisiana Administrative Code*.

* * *

Medical Assistance Program or Medicaid—the *Medical Assistance Program* (Title XIX of the Social Security Act), commonly referred to as *Medicaid*, and other programs operated by and funded in the department, which provide payment to providers.

* * *

Policies, Criteria or Procedure—those things established or provided for through departmental manuals, provider updates, remittance advice, memorandums, or bulletins issued by the Medical Assistance Program or the department.

* * *

Provider Agreement—the document(s) signed by or on behalf of the provider and those things established or provided for in R.S. 46:437.11-437.14 or by rule, which enrolls the provider in the Medical Assistance Program or one or more of its programs and grants to the provider a provider number and the privilege to participate in the Medicaid Program or one or more of its programs.

Provider Enrollment—the process through which a person becomes enrolled in the Medical Assistance Program or one of its programs for the purpose of providing goods, services, or supplies to one or more Medicaid recipients.

Provider-in-Fact—person who directly or indirectly participates in management decisions, has an ownership interest in the provider, or other persons defined as a *provider-in-fact* by federal or state law or by rule. A person is presumed to be a *provider-in-fact* if the person is:

a. - f. ...

g. an agent of the provider or a billing.

* * *

Recovery—the collection of overpayments, damages, fines, penalties, costs, expenses, restitution, attorney fees, interest, or settlement amounts.

Referring Provider—any provider, provider-in-fact or anyone operating on the provider's behalf who refers a recipient to another person for the purpose of providing goods, services, or supplies.

* * *

Statistical Sample—a statistical formula and sampling technique used to produce a statistical extrapolation of the amount of overpayment made to a provider.

* * *

Surveillance and Utilization Review Subsystem (SURS)—the section within the department assigned to identify providers for review, conduct payment reviews, and sanction providers resulting from payments to and claims from providers, and any other functions or duties assigned by the secretary.

Suspension from Participation—Repealed.

Terms of the Provider Agreement—Repealed.

* * *

Withhold Payment—to reduce or adjust the amount, in whole or in part, to be paid to a provider for pending or future claims during the time of a criminal, civil, or departmental investigation, departmental proceeding, or claims review of the provider.

* * *

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, 46:437.4 and 46:437.1-46:440.3 (Medical Assistance Program Integrity Law).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:584 (April 2003), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:

§4105. Material

A. The secretary of the Department of Health and Hospitals establishes the following definitions of *material*.

1. For the purpose of R.S. 46:438.8 as required under R.S. 46:438.8(D), in determining whether a pattern of incorrect submissions exists in regards to an alleged false or fraudulent claim the incorrect submissions must be 5 percent or more of the total claims submitted, or to be submitted, by the provider during the period covered in the civil action filed or to be filed. The total amount of claims for the purpose of this provision is the total number of claims submitted, or to be submitted, by the provider during the period of time and type or kind of claim which is the subject of the civil action under R.S. 46:438.8.

2. Statistically valid sampling techniques may be used by either party to prove or disprove whether the pattern was material.

3. Repealed.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, 46:437.4 and 46:437.1-46:440.3 (Medical Assistance Program Integrity Law).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:587 (April 2003), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:

§4107. Statistical Sampling

A. ...

B. A valid sampling technique may be used to produce an extrapolation of the amount of overpayment made to a provider or to show the number of violations committed by a provider.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, 46:437.4 and 46:437.1-46:440.3 (Medical Assistance Program Integrity Law).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:587 (April 2003), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:

Subchapter B. Prepayment or Post-Payment Claims Review

§4115. Departmental and Provider Obligations

A. The department, through the secretary, has an obligation, imposed by federal and state laws and regulations, to:

1. ...

a. Payments made by the Medicaid Program are subject to review by DHH, Program Integrity Division, a contractor to DHH, or the fiscal intermediary at anytime to ensure the quality, quantity, and need for goods, services, or supplies provided to or for a recipient by a provider;

b. it is the function of the Program Integrity Division (PID) and the Surveillance and Utilization Review Subsystem (SURS) to provide for and administer the utilization review process within the department;

2. ...

3. recognize the need to obtain advice from applicable professions and individuals concerning the standards to be applied under this Chapter;

4. recognize the right of each individual to exercise all rights and privileges afforded to that individual under the law including, but not limited to, the right to counsel as provided under the applicable laws.

5. Repealed.

B. Providers have no right to receive payment for bills or claims submitted to BHSF or its fiscal intermediary. Providers only have a right to receive payment for valid claims. Payment of a bill or claim does not constitute acceptance by the department or its fiscal intermediary that the bill or claim is a valid claim. The provider is responsible for maintaining all records necessary to demonstrate that a bill or claim is in fact a valid claim. It is the provider's obligation to demonstrate that the bill or claim submitted was for goods, services, or supplies:

1. ...

2. were medically necessary;

3. were provided by, or authorized by, an individual with the necessary qualifications to make that determination; and

4. - 5. ...

C. The provider must maintain and make available for inspection all documents required to demonstrate that a bill or claim is a valid claim. Failure on the part of the provider to adequately document means that the goods, services, or supplies will not be paid for or reimbursed by the Medicaid program.

D. ...

E. Providers, providers-in-fact and others, including recipients, must recognize that they have an obligation to obey and follow all applicable laws, regulations, policies, criteria, and procedures. In the case of an action brought for incorrect submissions, providers and providers-in-fact recognize the department may impose judicial interest on any outstanding recovery or recoupment, or reasonable cost and expenses incurred as the direct result of the investigation or review, including, but not limited to, the time and expenses incurred by departmental employees or agents and the fiscal intermediary's employees or agents.

F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, 46:437.4 and 46:437.1-46:440.3 (Medical Assistance Program Integrity Law).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:587 (April 2003), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:

§4117. Claims Review

A. ...

1. Prepayment Review

a. Upon concurrence of the director of BHSF and the director of Program Integrity, bills or claims submitted by a provider may be reviewed by BHSF, its contractor(s), or its fiscal intermediary prior to the issuing of or denial of payment or reimbursement.

b. If, during the prepayment review process, it is determined that the provider may be overpaid, BHSF, its contractor(s), or its fiscal intermediary must conduct an investigation to determine the reasons for and estimates of the amount of the potential overpayments.

i. If it is determined that evidence exists which would lead the director of BHSF and the director of Program Integrity to believe that the provider, provider-in-fact, agent of the provider, or affiliate of the provider has engaged in fraudulent, false, or fictitious billing practices or willful misrepresentation, current and future payments shall be withheld, suspended, or zero paid.

ii. If it is determined that evidence exists which would lead the director of BHSF and the director of Program Integrity to believe that overpayments may have occurred through reasons other than fraudulent, false or fictitious billing or willful misrepresentation, current and future payments may be withheld, suspended, or zero paid.

c. Prepayment review is not a sanction and cannot be appealed nor is it subject to an informal hearing. In the case of an ongoing criminal or outside governmental investigation, information related to the investigation shall not be disclosed to the provider, provider-in-fact or other person unless release of such information is otherwise authorized or required under law. Denials or refusals to pay individual bills or claims that are the result of the edit and audit system are not withholdings of payments.

- d. ...
- 2. Post-payment Review

a. Providers have a right to receive payment only for those bills that are valid claims. A person has no property interest in any payments or reimbursements from Medicaid, which are determined to be an overpayment or are subject to payment review. After payment to a provider, BHSF, its contractor(s), or its fiscal intermediary may review any or all payments made to a provider for the purpose of determining if the amounts paid were for valid claims.

b. If, during the post-payment review process, it is determined that the provider may have been overpaid, BHSF, its contractor(s), or its fiscal intermediary must conduct an investigation to determine the reasons for and estimated amounts of the alleged overpayments.

i. If it is determined that evidence exists that would lead the director of BHSF and the director of Program Integrity to believe that the provider, provider-in-fact, agent of the provider, or affiliate of the provider may have engaged in fraudulent, false, or fictitious billing practices or willful misrepresentation, current and future payments shall be withheld, suspended and/or zero paid.

ii. If it is determined that evidence exists that overpayments may have occurred through reasons other than fraud or willful misrepresentation, current and future payments may be withheld, suspended and/or zero paid.

c. Post-payment review resulting in a sanction(s) is appealable and subject to an informal hearing. In the case of an ongoing criminal or outside government investigation, information related to the investigation shall not be disclosed to the provider, provider-in-fact or other person. Denials or refusals to pay individual bills that are the result of the edit and audit system are not withholdings of payments.

- d. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, 46:437.4 and 46:437.1-46:440.3 (Medical Assistance Program Integrity Law).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:588 (April 2003), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:

§4119. Claims Review Scope and Extent

- A. ...

B. The length of time a provider is on prepayment or post-payment review shall be at the sole discretion of the director of BHSF and the director of Program Integrity.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, 46:437.4 and 46:437.1-46:440.3 (Medical Assistance Program Integrity Law).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:589 (April 2003), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:

Subchapter C. Investigations

§4127. Formal or Informal Investigations

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, 46:153 and 46:442.1, 46:437.4 and 46:437.1-46:440.3 (Medical Assistance Program Integrity Law).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:589 (April 2003), repealed by the

Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:

§4129. Investigations

A. An investigation may be initiated without cause and requires no justification. The provider and provider-in-fact of the provider have an affirmative duty to cooperate fully with the investigation. The provider and provider-in-fact shall:

1. make all records requested as part of the investigation available for review or copying including, but not limited to, any financial or other business records of the provider or any or all records related to the recipients;

2. make available all agents and affiliates of the provider for the purpose of being interviewed during the course of the investigation at the provider's ordinary place of business or any other mutually agreeable location; and

3. allow the department to take statements from the provider, provider-in-fact, agents of the provider, and any affiliates of the provider, as well as any recipients who have received goods, services, or supplies from the provider or whom the provider has claimed to have provided goods, services, or supplies.

B. The provider and provider-in-fact of the provider have an affirmative duty to cooperate fully with the department and the department's agents, including full and truthful disclosure of all information requested and questions asked.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, 46:153 and 46:442.1, 46:437.4 and 46:437.1-46:440.3 (Medical Assistance Program Integrity Law).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:589 (April 2003), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:

§4131. Formal Investigatory Process

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, 46:153 and 46:442.1, 46:437.4 and 46:437.1-46:440.3 (Medical Assistance Program Integrity Law).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:589 (April 2003), repealed by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:

§4133. Investigatory Discussion

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, 46:437.4 and 46:437.1-46:440.3 (Medical Assistance Program Integrity Law).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:589 (April 2003), repealed by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:

§4135. Written Investigatory Reports

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, 46:437.4 and 46:437.1-46:440.3 (Medical Assistance Program Integrity Law).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:590 (April 2003), repealed by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:

Subchapter D. Conduct

§4147. Violations

A. The following is a list of violations.

1. Failure to comply with any or all federal or state laws, regulations, policy, or rules applicable to the Medical Assistance Program or a program of the Medical Assistance Program in which the provider, provider-in-fact, agent of the provider, billing agent, affiliate or other person is participating.

a. - b. ...

c. Requirements or conditions imposed by a regulation can only be waived, modified, or changed through formal promulgation of a new or amended regulation, unless authority to do so is specifically provided for in the regulation.

d. Providers, providers-in-fact are required and have an affirmative duty to fully inform all their agents and affiliates, who are performing any function connected to the provider's activities related to the Medicaid Program, of the applicable laws, regulations, or rules.

e. Providers, providers-in-fact, agents of providers, billing agents, and affiliates of providers are presumed to know the law, regulations, or rules. Ignorance of the applicable laws, regulations, or rules is not a defense to any administrative action.

2. Failure to comply with any or all policies, criteria, or procedures of the Medical Assistance Program or the applicable program of the Medical Assistance Program in which the provider, provider-in-fact, agent of the provider, billing agent, or affiliate of the provider is participating.

a. Policies, criteria, and procedures are contained in program manuals, training manuals, remittance advice, provider updates or bulletins issued by or on behalf of the secretary or director of BHSF.

b. Policies, criteria, and procedures can be waived, amended, clarified, repealed, or otherwise changed, either generally or in specific cases, only by the secretary, undersecretary, deputy secretary, or director of BHSF.

c. Such waivers, amendments, clarifications, repeals, or other changes must be in writing and state that it is a waiver, amendment, clarification, or change in order to be effective.

d. Notice of the policies, criteria, and procedures of the Medical Assistance Program and its programs are provided to providers upon enrollment and receipt of a provider number. It is the duty of the provider to obtain the policies, criteria, and procedures which are in effect while they are enrolled in the Medical Assistance Program.

e. Waivers, amendments, clarifications, repeals, or other changes may be mailed to the provider at the address given to BHSF or the fiscal intermediary by the provider for the express purpose of receiving such notifications. Waivers, amendments, clarifications, repeals, or other changes may also be posted on a BHSF or the fiscal intermediary's website for the express purpose of the provider receiving such notifications.

i. It is the duty of the provider to provide the above address and make arrangements to receive these mailings through that address. This includes the duty to inform BHSF or the fiscal intermediary of any changes in the above address prior to actual change of address. It is also the duty of the provider to check the BHSF or the fiscal

intermediary's website to obtain policies, criteria, or procedures.

ii. Mailing to the provider's last known address or the posting to a BHSF or the fiscal intermediary's website of a manual, new manual pages, provider updates, bulletins, memorandums, or remittance advice creates a reputable presumption that the provider received it. The burden of proving lack of notice of policy, criteria, or procedure or waivers, amendments, clarifications, repeals, or other changes in same is on the party asserting it.

iii. Providers and providers-in-fact are presumed to know the applicable policies, criteria, and procedures and any or all waivers, amendments, clarifications, repeals, or other changes to the applicable rules, policies, criteria, and procedures which have been mailed to the address provided by the provider or posted to a BHSF or the fiscal intermediary's website for the purpose of receiving notice of same.

iv. Ignorance of an applicable policy, criteria, or procedure or any and all waivers, amendments, clarifications, repeals, or other changes to applicable policies, criteria, and procedures is not a defense to an administrative action brought against a provider or provider-in-fact.

f. Providers and providers-in-fact are required and have an affirmative duty to fully inform all of their agents and affiliates, who are performing any function connected to the provider's activities related to the Medicaid Program, of the applicable policies, criteria, and procedures and any waivers, amendments, clarifications, repeals, or other changes in applicable policies, criteria, or procedures.

3. Failure to comply with one or more of the terms or conditions contained in the provider's provider agreement or any and all forms signed by or on behalf of the provider setting forth the terms and conditions applicable to participation in the Medical Assistance Program or one or more of its programs.

a. The terms or conditions of a provider agreement or those contained in the signed forms, unless specifically provided for by law or regulation or rule, can only be waived, changed, or amended through mutual written agreement between the provider and the secretary, undersecretary, deputy secretary or the director of BHSF. Those conditions or terms that are established by law or regulation or rule may not be waived, altered, amended, or otherwise changed except through legislation or rulemaking.

b. A waiver, change, or amendment to a term or condition of a provider agreement and any signed forms must be reduced to writing and be signed by the provider and the secretary, undersecretary, deputy secretary or the director of BHSF in order to be effective.

c. Such mutual agreements cannot waive, change, or amend the law, regulations, rules, policies, criteria, or procedures.

d. The provider and provider-in-fact are presumed to know the terms and conditions in their provider agreement and any signed forms related thereto, and any changes to their provider agreement or the signed forms related thereto.

e. The provider and provider-in-fact are required and have an affirmative duty to fully inform all their agents or affiliates, who are performing any function connected to the provider's activities related to the Medicaid Program, of

the terms and conditions contained in the provider agreement and the signed forms related thereto and any change made to them. Ignorance of the terms and conditions in the provider agreement or signed forms or any changes to them is not a defense.

i. The department, BHSF, or the fiscal intermediary may, from time to time, provide training sessions and consultation on the law, regulations, rules, policies, criteria, and procedures applicable to the Medical Assistance Program and its programs. These training sessions and consultations are intended to assist the provider, provider-in-fact, agents of providers, billing agents, and affiliates. Information presented during these training sessions and consultations do not necessarily constitute the official stands of the department and BHSF in regard to the law, regulations, and rules, policies, or procedures unless reduced to writing in compliance with this Subpart.

f. - g. Repealed.

4. Making a false, fictitious, untrue, misleading statement or concealment of information during the application process or not fully disclosing all information required or requested on the application forms for the Medical Assistance Program, provider number, enrollment paperwork, or any other forms required by the department, BHSF, or its fiscal intermediary that is related to enrollment in the Medical Assistance Program or one of its programs, or failing to disclose any other information which is required under this regulation, or other departmental regulations, rules, policies, criteria, or procedures. This includes the information required under R.S. 46:437.11-437.14. Failure to pay any fees or post security related to enrollment is also a violation of this Section.

a. The provider and provider-in-fact have an affirmative duty to inform BHSF in writing through provider enrollment of any and all changes in ownership, control, or managing employee of a provider and fully and completely disclose any and all administrative sanctions, withholding of payments, criminal charges, or convictions, guilty pleas, or no contest pleas, civil judgments, civil fines, or penalties imposed on the provider, provider-in-fact, agent of the provider, billing agent, or affiliates of the provider in this or any other state or territory of the United States.

i. Failure to do so within 10 working days of when the provider or provider-in-fact knew or should have known of such a change or information is a violation of this provision.

ii. If it is determined that a failure to disclose was willful or fraudulent, the provider's enrollment can be voided back to the date of the willful misrepresentation or concealment or fraudulent disclosure.

b. - d. Repealed.

5. Not being properly licensed, certified, or otherwise qualified to provide for the particular goods, services, or supplies provided or billed for or such license, certificate, or other qualification required or necessary in order to provide a good, service, or supply has not been renewed or has been revoked, suspended, or otherwise terminated is a violation of this provision. This includes, but is not limited to, professional licenses, business licenses, paraprofessional certificates, and licenses or other similar licenses or certificates required by federal, state, or local governmental

agencies, as well as, professional or paraprofessional organizations or governing bodies which are required by the Medical Assistance Program. Failure to pay required fees related to licensure or certification is also a violation of this provision.

a - a.ii. Repealed.

6. Having engaged in conduct or performing an act in violation of official sanction which has been applied by a licensing authority, professional peer group, or peer review board or organization, or continuing such conduct following notification by the licensing or reviewing body that said conduct should cease.

7. Having been excluded or suspended from participation in Medicare. It is also a violation of this provision for a provider to employ, contract with, or otherwise affiliate with any person who has been excluded or suspended from Medicare during the period of exclusion or suspension.

a. The provider and provider-in-fact after they knew, or should have known of same, have an affirmative duty to:

i. inform BHSF in writing of any such exclusions or suspensions on the part of the provider, provider-in-fact, their agents or their affiliates;

ii. not hire, contract with, or affiliate with any person or entity who has been excluded or suspended from Medicare; and

iii. terminate any and all ownership, employment and contractual relationships with any person or entity that has been excluded or suspended from Medicare.

b. Failure to do so on the part of the provider or provider-in-fact within 10 working days of when the provider or provider-in-fact knew or should have known of any violation of this provision by the provider, provider-in-fact, their agents, or affiliates is a violation of §4147.A.4.

8. Having been excluded, suspended, or otherwise terminated from participation in Medicaid or other publicly funded health care or insurance programs of this state or any other state or territory of the United States. It is also a violation of this Section for a provider to employ, contract with, or otherwise affiliate with any person who has been excluded, suspended, or otherwise terminated from participation in Medicaid or other publicly funded health care or health insurance programs of this state or another state or territory of the United States. It is also a violation of this provision for a provider to employ, contract with, or otherwise affiliate with any person who has been excluded from Medicaid or other publicly funded health care or health insurance programs of this state or any other state or territory of the United States during the period of exclusion or suspension.

a. The provider and provider-in-fact after they knew or should have known of same have an affirmative duty to:

i. ...

ii. not hire, contract with, or affiliate with any person or entity who has been excluded or suspended from any Medicaid or other publicly funded health care or health insurance programs; and

iii. terminate any and all ownership, employment and contractual relationships with any person or entity that has been excluded or suspended from any Medicaid or other publicly funded health care or health insurance programs.

b. Failure to do so on the part of the provider or provider-in-fact within 10 working days of when the provider or provider-in-fact knew or should have known of any violation of this provision by the provider, provider-in-fact, their agents, or affiliates is a violation of §4147.A.4.

c. Repealed.

9. Having been convicted of, pled guilty, or pled no contest to a crime, including attempts or conspiracy to commit a crime, in federal court, any state court, or court in any United States territory related to providing goods, services, or supplies or billing for goods, services, or supplies under Medicare, Medicaid, or any other program involving the expenditure of public funds. It is also a violation for a provider to employ, contract with, or otherwise affiliate with any person who has been convicted of, pled guilty, or pled no contest to a crime, including attempts to or conspiracy to commit a crime, in federal court, any state court, or court in any United States territory related to providing goods, services, or supplies or billing for goods, services, or supplies under Medicare, Medicaid, or any other program involving the expenditure of public funds.

a. The provider and provider-in-fact after they knew or should have known of same have an affirmative duty to:

i. inform BHSF in writing of any such convictions, guilty pleas, or no contest plea to the above felony criminal conduct on the part of the provider, provider-in-fact, their agents or their affiliates;

ii. not hire, contract with, or affiliate with any person or entity who has been convicted, pled guilty to, or pled no contest to the above felony criminal conduct; and

iii. terminate any and all ownership, employment and contractual relationships with any person or entity that has been convicted, pled guilty to, or pled no contest to the above felony criminal conduct.

b. Failure to do so on the part of the provider or provider-in-fact within 10 working days of when the provider or provider-in-fact knew or should have known of any violation of this provision by the provider, provider-in-fact, their agents or affiliates is a violation of §4147.A.4.

c. If five years have passed since the completion of the sentence and no other criminal misconduct by that person has occurred during that five year period, this provision is not violated. Criminal conduct which has been pardoned does not violate this provision.

10. Having been convicted of, pled guilty, or pled no contest in federal court, any state court, or court in any United States territory to criminal conduct involving the negligent practice of medicine or any other activity or skill related to an activity or skill performed by or billed by that person or entity under the Medical Assistance Program or one of its programs or which caused death or serious bodily, emotional, or mental injury to an individual under their care. It is also a violation of this provision for a provider to employ, contract with, or otherwise affiliate with any person who has been convicted of, pled guilty, or pled no contest in federal court, any state court, or court in any United States territory to criminal conduct involving the negligent practice of medicine or any other activity or skill related to an activity or skill performed by or billed by that person or entity under the Medical Assistance Program or one of its programs or which caused death or serious bodily, emotional, or mental injury to an individual under their care.

a. The provider and provider-in-fact after they knew or should have known of same have an affirmative duty to:

i. inform BHSF in writing of any such convictions, guilt plea, or no contest plea to the above criminal conduct on the part of the provider, provider-in-fact, their agents or affiliates;

ii. not hire, contract with, or affiliate with any person or entity who has been convicted, pled guilty to, or pled no contest to the above criminal conduct; and

iii. terminate any and all ownership, employment and contractual relationships with any person or entity that has been convicted, pled guilty to, or pled no contest to the above criminal conduct.

b. Failure to do so on the part of the provider or provider-in-fact within 10 working days of when the provider or provider-in-fact knew or should have known of any violation of this provision by the provider, provider-in-fact, their agents or affiliates is a violation of §4147.A.4.

c. If five years have passed since the completion of the sentence and no other criminal misconduct by that person has occurred during that five-year period, this provision is not violated. Criminal conduct which has been pardoned does not violate this provision.

11. Having been convicted of, pled guilty to, or pled no contest to, in any federal court, state court, or court in any territory of the United States to any of the following criminal conduct, attempt to commit or conspire to commit any of the following crimes:

a. bribery or extortion;

i. - iii. Repealed.

b. sale, distribution, or importation of a substance or item that is prohibited by law;

c. tax evasion or fraud;

d. money laundering;

e. securities or exchange fraud;

f. wire or mail fraud;

g. violence against a person;

h. act against the aged, juveniles or infirmed;

i. any crime involving public funds; or

j. other similar felony criminal conduct.

i. The provider and provider-in-fact after they knew or should have known of same have an affirmative duty to:

(a). inform BHSF in writing of any such criminal charges, convictions, or pleas on the part of the provider, provider-in-fact, their agents, or their affiliates;

(b). not hire, contract with, or affiliate with any person or entity who has engaged in any such criminal misconduct; and

(c). terminate any and all ownership, employment and contractual relationships with any person or entity that has engaged in any such criminal misconduct.

ii. Failure to do so on the part of the provider or provider-in-fact within 10 working days of when the provider or provider-in-fact knew or should have known of any violation of this provision by the provider, provider-in-fact, their agents or their affiliates is a violation of §4147.A.4.

iii. If five years have passed since the completion of the sentence and no other criminal misconduct by that person has occurred during that five-year period, this provision is not violated. Criminal conduct that has been pardoned does not violate this provision.

12. Being found in violation of or entering into a settlement agreement under this state's Medical Assistance Program Integrity Law, the Federal False Claims Act, Federal Civil Monetary Penalties Act, or any other similar civil statutes in this state, in any other state, United States or United States territory.

a. Relating to violations of this provision, the provider and provider-in-fact after they knew or should have known have an affirmative duty to:

i. inform BHSF in writing of any violations of this provision on the part of the provider, provider-in-fact, their agents or their affiliates;

ii. not hire, contract with, or affiliate with any person or entity who has violated this provision; and

iii. terminate any and all ownership, employment or contractual relationships with any person or entity that has violated this provision.

b. Failure to do so on the part of the provider or provider-in-fact within 10 working days of when the provider or provider-in-fact knew or should have known of any violation of this provision by the provider, provider-in-fact, their agents or affiliates is a violation of §4147.A.4.

c. If a False Claims Act action or other similar civil action is brought by a Qui-Tam plaintiff, no violation of this provision has occurred until the defendant has been found liable in the action.

d. If five years have passed from the time a person is found liable or entered a settlement agreement under the False Claims Act or other similar civil statute and the conditions of the judgment or settlement have been satisfactorily fulfilled, no violation has occurred under this provision.

13. Failure to correct the deficiencies or problem areas listed in a notice of sanction, or failure to meet the provisions of a corrective action plan or failure to correct deficiencies in delivery of goods, services, or supplies after receiving written notice to do so from the secretary, director of BHSF, or director of Program Integrity.

a. - c. Repealed.

14. Having presented, causing to be presented, attempting to present, or conspiring to present false, fraudulent, fictitious, or misleading claims or billings for payment or reimbursement to the Medical Assistance Program through BHSF or its authorized fiscal intermediary for goods, services, or supplies, or in documents related to a cost report or other similar submission.

a. - i.iii. Repealed.

15. Engaging in the practice of charging or accepting payments, in whole or in part, from one or more recipients for goods, services, or supplies for which the provider has made or will make a claim for payment to the Medicaid Program, unless this prohibition has been specifically excluded within the program under which the claim was submitted or will be made, or the payment by the recipient is an authorized copayment or is otherwise specifically authorized by law or regulation. Having engaged in practices prohibited by R.S. 46:438.2 or the federal anti-kickback or anti-referral statute is also a violation of this provision.

a. - d. Repealed.

16. Having rebated or accepted a fee or a portion of a fee or anything of value for a Medicaid recipient referral, unless this prohibition has been specifically excluded within

the program or is otherwise authorized by statute or regulation, rule, policy, criteria, or procedure of the department through BHSF. Having engaged in practices prohibited by R.S. 46:438.2 or the federal anti-kickback or anti-referral statute is also a violation of this provision.

17. Paying to another a fee in cash or kind for the purpose of obtaining recipient lists or recipients names, unless this prohibition has been specifically excluded within the program or is otherwise authorized by statute or regulation, rule, policy, criteria or procedure of the department through BHSF. Using or possessing any recipient list or information, which was obtained through unauthorized means, or using such in an unauthorized manner. Having engaged in practices prohibited by R.S. 46:438.2 or R.S. 46:438.4 or the federal anti-kickback or anti-referral statute.

18. Failure to repay or make arrangements to repay an identified overpayment or otherwise erroneous payment within 10 working days after the provider or provider-in-fact receives written notice of same. Failure to pay any and all administrative or court ordered restitution, civil money damages, criminal or civil fines, monetary penalties or costs or expenses is also a violation of this provision. Failure to pay any assessed provider fee or payment is also a violation of this provision.

19. Failure to keep or make available for inspection, audit, or copying records related to the Medicaid Program or one or more of its programs for which the provider has been enrolled or issued a provider number or has failed to allow BHSF or its fiscal intermediary or any other duly authorized governmental entity an opportunity to inspect, audit, or copy those records. Failure to keep records required by Medicaid or one of its programs until payment review has been conducted is also a violation of this provision.

20. Failure to furnish or arrange to furnish information or documents to BHSF within five working days after receiving a written request to provide that information to BHSF or its fiscal intermediary.

21. Failure to cooperate with BHSF, its fiscal intermediary or the investigating officer during the post-payment or prepayment process, investigative process, informal hearing or the administrative appeal process or any other legal process or making, or caused to be made, a false or misleading statement of a material fact in connection with the post-payment or prepayment process, corrective action, investigation process, informal hearing or the administrative appeals process or any other legal process. The exercising of a constitutional or statutory right is not a failure to cooperate. Requests for scheduling changes or asking questions are not grounds for failure to cooperate.

22. Making, or causing to be made, a false, fictitious or misleading statement or making, or caused to be made, a false, fictitious or misleading statement of a fact in connection with the administration of the Medical Assistance Program which the person knew or should have known was false, fictitious or misleading. This includes, but is not limited to, the following:

a. claiming costs for non-covered non-chargeable services, supplies, or goods disguised as covered items;

b. billing for services, supplies, or goods which are not rendered to person(s) who are eligible to receive the services, supplies, or goods;

c. misrepresenting dates and descriptions and the identity of the person(s) who rendered the services, supplies, or goods;

d. duplicate billing that are abusive, willful, or fraudulent;

e. upcoding of services, supplies, or goods provided;

f. misrepresenting a recipient's need or eligibility to receive services, goods, or supplies;

g. improperly unbundling goods, services, or supplies for billing purposes;

h. misrepresenting the quality or quantity of services, goods, or supplies;

i. submitting claims for payment for goods, services, and supplies provided to non-recipients if the provider knew or should have known that the individual was not eligible to receive the good, supply, or service at the time the good, service, or supply was provided or billed;

j. furnishing or causing to be furnished goods, services, or supplies to a recipient which:

i. are in excess of the recipient's needs;

ii. were or could be harmful to the recipient;

iii. serve no real medical purpose;

iv. are of grossly inadequate or inferior quality;

v. were furnished by an individual who was not qualified under the applicable Medicaid Program to provide the good, service, or supply;

vi. the good, service, or supply was not furnished under the required programmatic authorization; or

vii. the goods, services, or supplies provided were not provided in compliance with the appropriate licensing or certification board's regulations, rules, policies, or procedures governing the conduct of the person who provided the goods, services, or supplies;

k. providing goods, services, or supplies in a manner or form that is not within the normal scope and range of the standards used within the applicable profession; or

l. billing for goods, services, or supplies in a manner inconsistent with the standards established in relevant billing codes or practices.

23. In the case of a managed care provider or provider operating under a voucher, notwithstanding any contractual agreements to the contrary, failure to provide all medically necessary goods, services, or supplies of which the recipient is in need of and entitled to.

24. Submitting bills or claims for payment or reimbursement to the Medicaid Program through BHSF or its fiscal intermediary on behalf of a person or entity which is serving out a period of suspension or exclusion from participation in the Medical Assistance Program or one of its programs, Medicare, publicly funded health care, or publicly funded health insurance program in any other state or territory of the United States.

25. Engaging in a systematic billing practice which is abusive or fraudulent and which maximizes the costs to the Medicaid Program after written notice to cease such billing practice(s).

a. - l. Repealed.

26. Failure to meet the terms of an agreement to repay or settlement agreement entered into under this state's

Medical Assistance Program Integrity Law or this regulation.

27. - 30.c.iii. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, 46:437.4 and 46:437.1-46:440.3 (Medical Assistance Program Integrity Law).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:590 (April 2003), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:

§4149. Scope of a Violation

A. Violations may be imputed in the following manner.

1. - 3. ...

4. The provider and provider-in-fact are responsible for the conduct of any and all officers, employees, contractors, or agents of the provider. The conduct of these persons or entities may be imputed to the provider or provider-in-fact.

5. - 10. ...

11. A recoupment, fine, recovery or penalty, which is owed to the department by a provider or provider-in-fact, can be imputed to a group and/or entity to which the provider or provider-in-fact is linked.

B. Attributing, imputing, extension or imposing under this provision shall be done on a case-by-case basis with written reasons for same.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, 46:437.4 and 46:437.1-46:440.3 (Medical Assistance Program Integrity Law).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:596 (April 2003), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:

§4151. Types of Violation

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, 46:437.4 and 46:437.1-46:440.3 (Medical Assistance Program Integrity Law).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:597 (April 2003), repealed by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:

§4153. Elements

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, 46:437.4 and 46:437.1-46:440.3 (Medical Assistance Program Integrity Law).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:597 (April 2003), repealed by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:

Subchapter E. Administrative Sanctions, Procedures and Processes

§4161. Sanctions for Prohibited Conduct

A. Any or all of the following sanctions may be imposed for any one or more of the above listed kinds of prohibited conduct, except as provided for in this Chapter 41:

1. issue a warning to a provider or provider-in-fact or other person through written notice;

2. ...

3. require that the provider or provider-in-fact receive prior authorization for any or all goods, services or supplies under the Medicaid Program or one or more of its programs;

4. ...

5. require a provider or provider-in-fact to post a bond or other security or increase the bond or other security already posted as a condition of continued enrollment in the Medicaid Program or one or more of its programs;

6. require that a provider terminate its association with a provider-in-fact, agent of the provider, or affiliate as a condition of continued enrollment in the Medicaid Program or one or more of its programs;

7. prohibit a provider from associating, employing or contracting with a specific person or entity as a condition of continued participation in the Medicaid Program or one or more of its programs;

8. - 13. ...

14. exclusion from the Medicaid Program or one or more of its programs;

15. suspension from the Medicaid Program or one or more of its programs pending the resolution of the department's administrative appeals process;

16. require the forfeiture of a bond or other security;

17. impose an arrangement to repay;

18. impose monetary penalties not to exceed \$10,000;

or
19. impose withholding of payments.

20. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, 46:437.4 and 46:437.1-46:440.3 (Medical Assistance Program Integrity Law).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:598 (April 2003), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:

§4163. Scope of Sanctions

A. Sanction(s) imposed can be extended to other persons or entities and to other provider numbers held, or obtained by the provider in the following manner.

1. ...

2. Sanction(s) imposed on an agent of the provider or affiliate of the provider may be imposed on the provider or provider-in-fact if it can be shown that the provider or provider-in-fact knew or should have known about the violation(s) and failed to report the violation(s) to BHSF in a timely manner.

3. - 4. ...

5. Sanction(s) imposed on a person remains in effect unless and until its terms and conditions are fully satisfied. The terms and conditions of the sanction(s) remain in effect in the event of the sale or transfer of ownership of the sanctioned provider.

a. The entity or person who obtains an interest in, merges with or otherwise consolidates with a sanctioned provider assumes liability and responsibility for the sanctions imposed on the purchased provider including, but not limited to, all recoupments or recovery of funds or arrangements to repay that the entity or person knew or should have known about.

b. ...

c. Repealed.

B. Exclusion from participation in the Medicaid Program precludes any such person from submitting claims for payment, either personally or through claims submitted by any other person or entity, for any goods, services, or supplies provided by an excluded person or entity. Any payments, made to a person or entity which are prohibited by this provision, shall be immediately repaid to the Medical Assistance Program through BHSF by the person or entity which received the payments.

C. No provider shall submit claims for payment to the department or its fiscal intermediary for any goods, services, or supplies provided by a person or entity within that provider who has been excluded from the Medical Assistance Program or one or more of its programs for goods, services, or supplies provided by the excluded person or entity under the programs which it has been excluded from. Any payments, made to a person or entity, which are prohibited by this provision, shall be immediately repaid to the Medical Assistance Program through BHSF by the person or entity which received the payments.

D. When these provisions are violated, the person or entity which committed the violations may be sanctioned using any and all of the sanctions provided for in this Chapter.

E. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, 46:437.4 and 46:437.1-46:440.3 (Medical Assistance Program Integrity Law).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:598 (April 2003), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:

§4165. Imposition of Sanction(s)

A. The decision as to the sanction(s) to be imposed shall be at the discretion of the director of BHSF or his/her designee and the director of Program Integrity except as provided for in this provision, unless the sanction is mandatory. In order to impose a sanction, the director of BHSF or his/her designee and the director of Program Integrity must concur. One or more sanctions may be imposed for a single violation. The imposition of one sanction does not preclude the imposition of another sanction for the same or different violations.

B. At the discretion of the director of BHSF or his/her designee and the director of Program Integrity, each occurrence of misconduct may be considered a violation or multiple occurrences of misconduct may be considered a single violation or any combination thereof.

C. - C.10. ...

D. - E. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, 46:437.4 and 46:437.1-46:440.3 (Medical Assistance Program Integrity Law)

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:599 (April 2003), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:

§4167. Mandatory Sanctions

A. Mandatory Exclusion from the Medical Assistance Program. Notwithstanding any other provision to the

contrary, the director of BHSF and the director of Program Integrity have no discretion and shall exclude the provider, provider-in-fact or other person from the Medical Assistance Program if the violation involves one or more of the following:

1. ...
2. has been excluded from Medicare; or
3. ...

B. In these situations (Paragraphs A.1-3 above), the exclusion from the Medical Assistance Program is automatic and can be longer than, but not shorter in time than, the sentence imposed in criminal court, the exclusion from Medicaid or Medicare or time provided to make payment.

1. - 2. ...

a. If the conviction is overturned, plea set aside, or exclusion or judgment is reversed on appeal, the mandatory exclusion from the Medical Assistance Program shall be removed.

- b. - c. ...

C. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, 46:437.4 and 46:437.1-46:440.3 (Medical Assistance Program Integrity Law).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:599 (April 2003), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:

§4169. Effective Date of a Sanction

A. All sanctions, except exclusion, are effective upon the issuing of the notice of the results of the informal hearing. The filing of a timely and adequate notice of administrative appeal does not suspend the imposition of a sanction(s), except that of exclusion. In the case of the imposition of exclusion from the Medicaid Program or one or more of its programs, the filing of a timely and adequate notice of appeal suspends the exclusion. A sanction becomes a final administrative adjudication if no administrative appeal has been filed, and the time for filing an administrative appeal has run. Or in the case of a timely filed notice of administrative appeal, a sanction(s) becomes a final administrative adjudication when the order on appeal has been entered by the secretary. In order for an appeal to be filed timely it must be sent to the Division of Administrative Law within 30 days from the date of receipt of the letter informing the person of the results of the informal discussion.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, 46:437.4 and 46:437.1-46:440.3 (Medical Assistance Program Integrity Law).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:600 (April 2003), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:

Subchapter F. Withholding

§4177. Withholding of Payments

A. The director of BHSF or his/her designee and the director of Program Integrity may initiate the withholding of a portion of or all payments or reimbursements to be made to a provider for the purpose of protecting the interest and fiscal integrity of the Medicaid Program if, during the course of claims review, the director of BHSF or his/her designee

and the director of Program Integrity have a reasonable expectation:

1. - 4. ...

B. Payments to the provider may be withheld if the director of BHSF or his/her designee and the director of Program Integrity has been informed in writing by a prosecuting authority that a provider or provider-in-fact:

1. has been formally charged or indicted for crimes; or
- a. - c. Repealed.

2. is being investigated for potential criminal activities which relate to the Medicaid Program or one or more of its programs or Medicare.

- a. - b. Repealed.

C. If the director of BHSF or his/her designee and the director of Program Integrity has been informed in writing by any governmental agency or authorized agent of a governmental agency that a provider or a provider-in-fact is being investigated by that governmental agency or its authorized agent for billing practices related to any government funded health care program, payment may be withheld.

D. Withholding of payments may occur without first notifying the provider.

E. Notice of Withholding

1. The provider shall be sent written notice of the withholding of payments within five working days of the actual withholding of the first check that is the subject of the withholding. The notice shall set forth in general terms the reason(s) for the action, but need not disclose any specific information concerning any ongoing investigations nor the source of the allegations. The notice must:

- a. state that payments are being withheld;
- b. state that the withholding is for a temporary period and cite the circumstances under which the withholding will be terminated;
- c. specify to which type of Medicaid claims withholding is effective;
- d. inform the provider of its right to submit written documentation for consideration and to whom to submit that documentation; and
- e. inform the provider of its right to an administrative appeal.

2. Failure to provide timely notice of the withholding to the provider or provider-in-fact may be grounds for dismissing or overturning the withholding.

F. Duration of Withholding

1. All withholding of payment actions under this Chapter will be temporary and will not continue after:

- a. the director of BHSF or his/her designee and the director of Program Integrity has determined that insufficient information exists to warrant the withholding of payments;
- b. recoupment or recovery of overpayments has been imposed on the provider;
- c. the provider or provider-in-fact has posted a bond or other security deemed adequate to cover all past and future projected overpayments; and
- d. the notice of the results of the informal hearing.

2. In no case shall withholding remain in effect past the issuance of the notice of the results of the informal hearing, unless the withholding is based on written notification by an outside agency that an active and ongoing criminal investigation is being conducted or that formal

criminal charges have been brought. In that case, the withholding may continue for as long as the criminal investigation is active and ongoing or the criminal charges are still pending, unless adequate bond or other security has been posted with BHSF.

G. Amount of the Withholding

1. If the withholding of payment results from projected overpayments, then when determining the amount to be withheld, the ability of the provider to continue operations and the needs of the recipient serviced by the provider shall be taken into consideration by the director of BHSF and the director of Program Integrity. In the event that a recipient cannot receive needed goods, services or supplies from another source, arrangements shall be made to assure that the recipient can receive goods, supplies, and services. The burden is on the provider to demonstrate that absent that provider's ability to provide goods, supplies, or services to that recipient, the recipient could not receive needed goods, supplies, or services. Such showing must be made at the informal hearing.

2. The amount of the withholding shall be determined by the director of BHSF or his/her designee and the director of Program Integrity. The provider should be notified of the amount withheld every 90 days from the date of the issuing of the notice of withholding until the withholding is terminated or the results of the informal hearing are issued, whichever comes first.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, 46:437.4 and 46:437.1-46:440.3 (Medical Assistance Program Integrity Law).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:600 (April 2003), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:

Subchapter G. Suspension of Medicaid Payments Pending Investigation of Credible Allegations of Fraud

§4181. General Provisions

A. Basis for Suspension

1. The director of BHSF and the director of Program Integrity must suspend all Medicaid payments to a provider after it determines there is a credible allegation of fraud for which an investigation is pending under the Medicaid Program against a provider unless it has good cause to not suspend payments or to suspend payment only in part.

2. The director of BHSF and the director of Program Integrity may suspend payments without first notifying the provider of its intention to suspend such payments.

3. A provider is entitled to an administrative review of the suspension of payment.

B. Notice of Suspension

1. The director of BHSF and the director of Program Integrity must send notice of its suspension of Medicaid payments within the following timeframes:

a. five days of taking such action unless requested in writing by a law enforcement agency to temporarily withhold such notice; and

b. 30 days if requested by law enforcement in writing to delay sending such notice, which request for delay may be renewed in writing up to twice and in no event may exceed 90 days.

2. The notice must include or address all of the following:

a. Medicaid payments are being suspended in accordance with 42 CFR 455.23;

b. set forth the general allegations as to the nature of the suspension action, but need not disclose any specific information concerning an ongoing investigation;

c. state that the suspension is for a temporary period, and cite the circumstances under which the suspension will be terminated;

d. specify, when applicable, to which type(s) of Medicaid claims or business units of a provider suspension is effective;

e. inform the provider of the right to submit written evidence for consideration by the director of BHSF and the director of Program Integrity; and

f. inform the provider of their right to a administrative appeal.

C. Duration of Suspension

1. All suspension of payment actions under this Section will be temporary and will not continue after either of the following:

a. legal proceedings related to the provider's alleged fraud are completed; or

b. the director of BHSF and the director of Program Integrity or the prosecuting authorities determine that there is insufficient evidence of fraud by the provider.

D. Good Cause Not to Suspend Payments. The director of BHSF and the director of Program Integrity may find that good cause exists not to suspend payments, or not to continue a payment suspension previously imposed, to a provider against which there is an investigation of a credible allegation of fraud if any of the following are applicable.

1. Law enforcement officials have specifically requested that a payment suspension not be imposed because such a payment suspension may compromise or jeopardize an investigation.

2. Other available remedies implemented by BHSF or Program Integrity more effectively or quickly protect Medicaid funds.

3. The director of BHSF and the director of Program Integrity determine, based upon the submission of written evidence by the provider that is the subject of the payment suspension, that the suspension should be removed.

4. Recipient access to items or services would be jeopardized by a payment suspension because of either of the following:

a. a provider is the sole community physician or the sole source of essential specialized services in a community; or

b. a provider serves a large number of recipients within a HRSA-designated medically underserved area.

5. Law enforcement declines to certify that a matter continues to be under investigation.

6. The director of BHSF and the director of Program Integrity determine that payment suspension is not in the best interest of the Medicaid program.

E. Good Cause to Suspend Payment Only in Part. The director of BHSF and the director of Program Integrity may find that good cause exists to suspend payments in part, or to

convert a payment suspension previously imposed in whole to one only in part, to a provider against which there is an investigation of a credible allegation of fraud if any of the following are applicable.

1. Recipient access to items or services would be jeopardized by a payment suspension because of either of the following:

a. a provider is the sole community physician or the sole source of essential specialized services in a community; or

b. a provider serves a large number of recipients within a HRSA-designated medically underserved area.

2. The director of BHSF and the director of Program Integrity determines, based upon the submission of written evidence by the provider that is the subject of a whole payment suspension, that such suspension should be imposed only in part.

3. The credible allegation of fraud focuses solely and definitively on only a specific type of claim or arises from only a specific business unit of a provider and the director of BHSF and the director of Program Integrity determine and document in writing that a payment suspension in part would effectively ensure that potentially fraudulent claims were not continuing to be paid.

4. Law enforcement declines to certify that a matter continues to be under investigation.

5. The director of BHSF and the director of Program Integrity determine that payment suspension only in part is in the best interest of the Medicaid Program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, 46:437.4 and 46:437.1-46:440.3 (Medical Assistance Program Integrity Law).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:

Subchapter H. Arrangements to Repay

Subchapter I. Corrective Actions

§4195. Corrective Actions Plans

A. ...

1. Corrective Action Plan-Notification

a. The director of BHSF and the director of Program Integrity may at any time issue a notice of corrective action to a provider or provider-in-fact, agent of the provider, or affiliate of the provider. The provider, provider-in-fact, agent of the provider, or affiliate of the provider shall comply with the corrective action plan within 10 working days of receipt of the corrective action plan. The purpose of a corrective action plan is to identify potential problem areas and correct them before they become significant discrepancies, deviations or violations. This is an informal process.

i. The provider, provider-in-fact, agent of the provider, or affiliate of the provider must submit their agreement with the corrective action plan in writing, signed by the provider, the provider-in-fact, agent of the provider, or affiliate of the provider.

ii. Repealed.

b. ...

2. Corrective Action Plan-Inclusive Criteria. The corrective action plan must be in writing and contain at least the following:

a. ...

b. the corrective action(s) that must be taken; and

c. notification of any action required of the provider, provider-in-fact, agent of the provider, billing agent or affiliate of the provider.

d. - e. Repealed.

3. Corrective Action Plans-Restrictions. Corrective actions, which may be included in a corrective action plan, are the following:

a. ...

b. require that the provider, provider-in-fact, agent of the provider, or affiliate receive education and training in the law, rules, policies, criteria and procedures related to the Medical Assistance Program, including billing practices or programmatic requirements and practices. Such education or training is at the provider or provider-in-fact's expense;

3.c. - 4. ...

5. No right to an informal hearing or administrative appeal can arise from a corrective action plan, unless the corrective action plan violates the provisions of this Chapter.

6. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, 46:437.4 and 46:437.1-46:440.3 (Medical Assistance Program Integrity Law).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:601 (April 2003), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:

Subchapter J. Informal Hearing Procedures and Processes

§4203. Informal Hearing

A. A provider, provider-in-fact, agent of the provider, billing agent, affiliate of the provider or other person who has received a notice of sanction or notice of withholding of payment shall be provided with an informal hearing if that person makes a written request for an informal hearing within 15 days of receipt of the notice. The request for an informal hearing must be made in writing and sent in accordance with the instruction in the notice. The time and place for the informal hearing will be set out in the notice of setting of the informal hearing.

B. - B.3. ...

C. Notice of the Results of the Informal Hearing. Following the informal hearing, BHSF shall inform the provider, provider-in-fact, agent of the provider, billing agent, affiliate of the provider or other person in writing of the results which could range from canceling, modifying, or upholding the any or all of the violations, sanctions or other actions contained in a notice of sanction or notice of withholding of payments and the provider, provider-in-fact, agent of the provider, billing agent, affiliate of the provider or other person's right to an administrative appeal. The notice of the results of the informal hearing must be signed by the director of BHSF or his/her designee and the director of Program Integrity.

1. The provider, provider-in-fact, agent of the provider, billing agent, affiliate of the provider or other person has the right to request an administrative appeal within 30 days of the receipt of the notice of the results of the informal hearing. At any time prior to the issuance of the written results of the informal hearing, the notice of corrective action or notice of administrative sanction or withholding of payment may be modified.

a. - b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, 46:437.4 and 46:437.1-46:440.3 (Medical Assistance Program Integrity Law).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:602 (April 2003), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:

Subchapter K. Administrative Appeals

§4211. Administrative Appeal

A. The provider, provider-in-fact, agent of the provider, billing agent, or affiliate of the provider may seek an administrative appeal from the notice of the results of an informal hearing if the provider, provider-in-fact, agent of the provider, billing agent, or affiliate of the provider has had one or more appealable sanctions imposed upon him.

B. The notice of administrative appeal must be adequate as to form and lodged with the Division of Administrative Law within 30 days of the receipt of the notice of the results of the informal hearing. The lodging of a timely and adequate request for an administrative appeal does not affect the imposition of a sanction, unless the sanction imposed is exclusion. All sanctions imposed through the notice of the results of the informal hearing are effective upon mailing, emailing, or faxing of the notice of the results of the informal hearing to the provider, provider-in-fact, agent of the provider, billing agent, affiliate of the provider or other person, except exclusion from participation in the Medical Assistance Program or one or more of its programs.

C. In the case of an exclusion from participation, if the director of BHSF and the director of Program Integrity determines that allowing that person to participate in the Medicaid Program during the pendency of the administrative appeal process poses a threat to the programmatic or fiscal integrity of the Medicaid Program or poses a potential threat to health, welfare or safety of any recipients, then that person may be suspended from participation in the Medicaid Program during the pendency of the administrative appeal. If the exclusion is mandatory, a threat to Medicaid Program or recipients is presumed. This determination shall be made following the informal hearing. If no informal hearing is requested, the determination shall be made after the delay for requesting an informal hearing has run.

D. Failure to lodge a timely and adequate request for an administrative appeal will result in the imposition of any and all sanctions in the notice of the results of the informal hearing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, 46:437.4 and 46:437.1-46:440.3 (Medical Assistance Program Integrity Law).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:603 (April 2003), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:

§4213. Right to Administrative Appeal and Review

A. Only the imposing of one or more sanctions can be appealed to the Division of Administrative Law.

1. - 2. ...

B. The following actions are not sanctions, even if listed as such in the notice of sanction or notice of the results of

the informal hearing, and are not subject to appeal or review by the Division of Administrative Law:

1. - 5. ...

6. conducting prepayment review;

7. place the provider's claims on manual review status before payment is made;

8. require that the provider or provider-in-fact receive prior authorization for any or all goods, services, or supplies under the Medicaid Program or one or more of its programs;

9. - 12. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, 46:437.4 and 46:437.1-46:440.3 (Medical Assistance Program Integrity Law).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:603 (April 2003), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:

Subchapter M. Miscellaneous

§4229. Mailing

A. Mailing refers to the sending of a hard copy via U.S. mail or commercial carrier. Sending via facsimile or email is also acceptable, so long as a hard copy is mailed. Delivery via hand is also acceptable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, 46:437.4 and 46:437.1-46:440.3 (Medical Assistance Program Integrity Law).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:604 (April 2003), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. She is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Bruce D. Greenstein
Secretary

1207#117

DECLARATION OF EMERGENCY

**Department of Health and Hospitals
Bureau of Health Services Financing**

Targeted Case Management
Reimbursement Rate Reduction
(LAC 50:XV.10701)

The Department of Health and Hospitals, Bureau of Health Services Financing amends LAC 50:XV.10701 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act and as directed by House Bill 1 of the 2012 Regular Session of the

Louisiana Legislature which states: "The secretary is directed to utilize various cost containment measures to ensure expenditures remain at the level appropriated in this Schedule, including but not limited to precertification, preadmission screening, diversion, fraud control, utilization review and management, prior authorization, service limitations, drug therapy management, disease management, cost sharing, and other measures as permitted under federal law." This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act.

The Department of Health and Hospitals, Bureau of Health Services Financing amended the provisions governing the reimbursement methodology for targeted case management services (TCM) to reduce the reimbursement rates paid for TCM services provided in the Nurse Family Partnership (NFP) Program and to restrict reimbursement of TCM services in the NFP Program to prenatal and postnatal services only (*Louisiana Register*, Volume 36, Number 8).

As a result of a budgetary shortfall in state fiscal year 2013, the department has determined that it is necessary to amend the provisions governing the reimbursement methodology for TCM services to reduce the reimbursement rates. This action is being taken to avoid a budget deficit in the medical assistance programs. It is estimated that implementation of this Emergency Rule will reduce expenditures in the Medicaid Program by approximately \$272,198 for state fiscal year 2012-2013.

Effective July 1, 2012, the Department of Health and Hospitals, Bureau of Health Services Financing amends the provisions governing the reimbursement methodology for targeted case management services to reduce the reimbursement rates.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part XV. Services for Special Populations

Subpart 7. Targeted Case Management

Chapter 107. Reimbursement

§10701. Reimbursement

A. - F.1. ...

G. Effective for dates of service on or after July 1, 2012, the reimbursement for case management services provided to the following targeted populations shall be reduced by 1.5 percent of the rates on file as of June 30, 2012:

1. participants in the Nurse Family Partnership Program;
2. participants in the Early Periodic Screening, Diagnosis, and Treatment Program;
3. individuals diagnosed with HIV; and
4. individuals with developmental disabilities who participate in the New Opportunities Waiver.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 30:1040 (May 2004), amended LR 31:2032 (August 2005), LR 35:73 (January 2009), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 35:1903 (September 2009), LR 36:1783 (August 2010), LR 38:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of

Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. She is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Bruce D. Greenstein
Secretary

1207#024

DECLARATION OF EMERGENCY

Department of Health and Hospitals Bureau of Health Services Financing and Office of Public Health

Uncompensated Care Payments (LAC 50:I.Chapter 13)

The Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Public Health adopts LAC 50:I.Chapter 13 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Public Health (OPH) propose to adopt provisions to establish Medicaid payment of uncompensated care costs for services rendered by OPH to Medicaid eligible recipients. The Office of Public Health shall certify public expenditures to the Medicaid Program as a means of financing in order for the Medicaid Program to secure federal funding for OPH's uncompensated care costs of providing services to Medicaid recipients. This action is being taken to secure new federal funding and to promote the public health and welfare of Medicaid recipients by ensuring continued access to primary care and clinic services provided by OPH. It is estimated that implementation of this Emergency Rule will increase expenditures in the Medicaid Program by \$1,415,742 for state fiscal year 2012-13.

Effective July 1, 2012, the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Public Health adopt provisions governing the reimbursement of uncompensated care costs for services rendered by the Office of Public Health.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part I. Administration

Subpart 1. General Provisions

Chapter 13. Office of Public Health Uncompensated Care Payments

§1301. General Provisions

A. Effective for dates of service on or after July 1, 2012, the department shall provide the Office of Public Health

(OPH) with Medicaid payment of their uncompensated care costs for services rendered to Medicaid recipients.

B. The Office of Public Health shall certify public expenditures to the Medicaid Program in order to secure federal funding for services provided at the cost of OPH. The following services shall qualify for Medicaid reimbursement under these provisions:

1. family planning services;
2. sexually transmitted diseases (STDs);
3. tuberculosis;
4. Children's Special Health Services (CSHS);
5. laboratory services;
6. newborn screening;
7. Nurse Family Partnership;
8. maternity services; and
9. child health.

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, Bureau of Health Services Financing and the Office of Public Health, LR 38:

§1303. Payment Methodology

A. The OPH will submit an estimate of costs for the Medicaid-covered services provided. The estimated costs will be calculated based on the previous state fiscal year's (July 1 through June 30) expenditures and reduced by the estimate of payments made for services to OPH for the fiscal year. The difference between estimated costs and estimated interim payments will be referred to as the net uncompensated care cost. The net uncompensated care cost will be reported on a quarterly basis on the CMS Form 64.

B. Upon completion of the fiscal year, the OPH shall submit a cost report which will be used as a settlement of cost within one year of the end of the fiscal year.

C. Any adjustments to the net uncompensated care cost for a fiscal year will be reported on the CMS Form 64 as a prior period adjustment in the quarter of settlement.

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, Bureau of Health Services Financing and the Office of Public Health, LR 38:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Interested persons may submit written comments to J. Ruth Kennedy, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. She is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Bruce D. Greenstein
Secretary

1207#014

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

2012 Large Coastal Shark Commercial Season Closure

In accordance with the emergency provisions of R.S. 49:953, the Administrative Procedure Act, R.S. 49:967 which allows the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission to use emergency procedures to set finfish seasons, R.S. 56:326.3 which provides that the Wildlife and Fisheries Commission may set seasons for saltwater finfish, and the authority given to the secretary of the department by the commission in its rule LAC 76:VII.357.M.2 which allows the secretary authority to modify seasons to maintain consistency with the adjacent federal waters, and that such closure order shall close the season until the date projected for the re-opening of that fishery in the adjacent federal waters, the secretary of the Department of Wildlife and Fisheries hereby declares:

Effective 11:30 p.m., July 6, 2012, the commercial fishery for large coastal sharks in Louisiana waters, as described in LAC 76:VII.357.B.2 (great hammerhead, scalloped hammerhead, smooth hammerhead, nurse shark, blacktip shark, bull shark, lemon shark, sandbar shark, silky shark, spinner shark and tiger shark) will remain closed until further notice. This closure will not pertain to persons holding a Federal Shark Research Permit issued by NOAA Fisheries Service, when those persons are legally fishing under the regulations promulgated for that permit including that a NMFS-approved observer is aboard the vessel. Nothing herein shall preclude the legal harvest of large coastal sharks by legally licensed recreational fishermen during the open season for recreational harvest. Effective with this closure, no person shall commercially harvest, possess, purchase, exchange, barter, trade, sell or attempt to purchase, exchange, barter, trade or sell large coastal sharks, whether taken from within or without Louisiana waters, except for a Federal Shark Research Permit holder, when legally operating under that permit. Also effective with the closure, no person shall possess large coastal sharks in excess of a daily bag limit whether taken from within or without Louisiana waters, which may only be in possession during the open recreational season. Nothing shall prohibit the possession or sale of fish legally taken prior to the closure, or from Federal Shark Research Permit holders operating legally under that permit, provided that all commercial dealers possessing large coastal sharks taken legally prior to the closure shall maintain appropriate records in accordance with R.S. 56:306.5 and R.S. 56:306.6.

The secretary has been notified by NOAA Fisheries Service that the harvest of large coastal sharks in the federal waters of the Gulf of Mexico will close at 11:30 p.m. local time on July 6, 2012, and will be closed until 30 days after promulgation of seasonal rules for the 2013 shark season. The commercial season for harvest of large coastal shark in

Louisiana waters will remain closed until the announcement is made of the seasons for the harvest of large coastal shark in federal waters off of Louisiana. Establishing this closure is necessary to ensure that compatible regulations are in effect, and to increase effectiveness of enforcement operations.

Robert J. Barham
Secretary

1207#062

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

2012 Red Snapper Recreational Fishery Extension

The recreational season for the harvest of red snapper in Louisiana state waters has previously been set to close at 11:59 p.m. July 10, 2012. The season is hereby extended and will remain open until 11:59 p.m. on July 16, 2012. The secretary has been informed that the recreational season for red snapper in the federal waters of the Gulf of Mexico off the coast of Louisiana, previously scheduled to close at 12:01 a.m. July 11, 2012, will be extended and close at 12:01 a.m. on July 17, 2012, and will remain closed until 12:01 a.m. June 1, 2013, when the season is scheduled to re-open in both state and federal waters, or until any modified season is established in Title 76 of the LAC or action is taken by the Wildlife and Fisheries Commission. This Declaration of Emergency for Louisiana state waters closes this season two minutes prior to the announced closure of the federal waters since it provides clarity in the language of the Rule.

In accordance with the emergency provisions of R.S. 49:953, the Administrative Procedure Act, R.S. 49:967 which allows the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission to use emergency procedures to set finfish seasons, R.S. 56:326.3 which provides that the Wildlife and Fisheries Commission may set seasons for saltwater finfish, and the authority given to the secretary of the Department by the Commission in its resolution of January 5, 2012 to modify opening and closing dates of 2012 recreational red snapper seasons in Louisiana state waters when he is informed by the regional director of NOAA Fisheries that the season dates have been modified in adjacent federal waters, and that NOAA Fisheries requests that the season be modified in Louisiana state waters, the secretary hereby declares:

The recreational fishery for red snapper in Louisiana waters will be extended and close at 11:59 p.m. on July 16, 2012, and remain closed until 12:01 a.m., June 1, 2013 or until any modified season date is established in Title 76 LAC or action is taken by the Wildlife and Fisheries Commission. This Declaration of Emergency for Louisiana state waters closes this season two minutes prior to the announced closure of the federal waters since it provides clarity in the language of the Rule. Effective with this closure, no person shall recreationally harvest or possess red snapper whether within or without Louisiana waters.

The secretary has been notified by NOAA Fisheries that the recreational red snapper season in federal waters,

previously scheduled to close at 12:01 a.m. July 11, 2012, of the Gulf of Mexico has been extended and will close at 12:01 a.m. on July 17, 2012, and the season will remain closed until 12:01 a.m. June 1, 2013 or until any modified season date is established in Title 76 of the LAC or action is taken by the Wildlife and Fisheries Commission. Having compatible season regulations in state waters helps provide effective rules and efficient enforcement for the fishery, to prevent overfishing of this species in the long term.

Robert J. Barham
Secretary

1207#061

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Additional Spring Inshore Shrimp Season Closure Calcasieu Ship Channel to the Louisiana/Texas State Line

In accordance with the emergency provisions of R.S. 49:953 of the Administrative Procedure Act which allows the Wildlife and Fisheries Commission to use emergency procedures to set shrimp seasons and R.S. 56:497 which provides that the Wildlife and Fisheries Commission shall fix no less than two open seasons each year for all or part of inside waters and a Declaration of Emergency adopted by the Wildlife and Fisheries Commission on May 3, 2012 which authorized the secretary of the Department of Wildlife and Fisheries to close the 2012 Spring Inshore Shrimp Season in any portion of Louisiana's inside waters to protect small white shrimp if biological and technical data indicate the need to do so, or enforcement problems develop, the secretary hereby declares:

The 2012 spring inshore shrimp season in state inside waters from the eastern shore of the Calcasieu Ship Channel westward to the Louisiana/Texas state line will close on July 12, 2012 at 6:00 p.m.

Effective with this closure all state inside waters will be closed to shrimping except for the following waters:

Lake Pontchartrain, Rigolets Pass, Chef Menteur Pass, the Mississippi River Gulf Outlet (MRGO), that part of Lake Borgne seaward of a line extending one-half mile from the shoreline, and that portion of Mississippi Sound beginning at a point on the Louisiana-Mississippi Lateral Boundary at 30 degrees 09 minutes 39.6 seconds north latitude and 89 degrees 30 minutes 00.0 seconds west longitude; thence due south to a point at 30 degrees 05 minutes 00.0 seconds north latitude and 89 degrees 30 minutes 00.0 seconds west longitude; thence southeasterly to a point on the western shore of Three-Mile Pass at 30 degrees 03 minutes 00.0 seconds north latitude and 89 degrees 22 minutes 23.0 seconds west longitude; thence northeasterly to a point on Isle Au Pitre at 30 degrees 09 minutes 20.5 seconds north latitude and 89 degrees 11 minutes 15.5 seconds west longitude, which is a point on the double-rig line as described in R.S. 56:495.1(A)2; thence northerly along the double-rig line to a point on the Louisiana-Mississippi Lateral Boundary at 30 degrees 12 minutes 37.9056 seconds north latitude and 89 degrees 10 minutes 57.9725 seconds west longitude; thence westerly

along the Louisiana-Mississippi Lateral Boundary to the point of beginning; and, the open waters of Breton and Chandeleur Sounds as described by the double-rig line.

In addition, all state outside waters seaward of the Inside/Outside Shrimp Line as described in R.S. 56:495(A) will remain open to shrimping until further notice except for those areas closed to recreational and commercial fishing due to the Deepwater Horizon drilling rig accident.

The number, distribution and percentage of small juvenile white shrimp taken in biological samples have rapidly increased in recent weeks and these waters are being closed to protect developing shrimp populations.

Robert J. Barham
Secretary

1207#060

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Additional Spring Inshore Shrimp Season Closure
Mississippi/Louisiana State Line to Bayou Lafourche and
Freshwater Bayou Canal to the Calcasieu Ship Channel

In accordance with the emergency provisions of R.S. 49:953 of the Administrative Procedure Act which allows the Wildlife and Fisheries Commission to use emergency procedures to set shrimp seasons and R.S. 56:497 which provides that the Wildlife and Fisheries Commission shall fix no less than two open seasons each year for all or part of inside waters and a Declaration of Emergency adopted by the Wildlife and Fisheries Commission on May 3, 2012 which authorized the secretary of the Department of Wildlife and Fisheries to close the 2012 Spring Inshore Shrimp Season in any portion of Louisiana's inside waters to protect small white shrimp if biological and technical data indicate the need to do so, or enforcement problems develop, the secretary hereby declares:

The 2012 spring inshore shrimp season in state inside waters from the Mississippi/Louisiana state line to the eastern shore of Bayou Lafourche; and, in state inside waters from the western shore of Freshwater Bayou Canal to the eastern shore of the Calcasieu Ship Channel will close on July 9, 2012 at 6:00 a.m. except for the following waters:

Lake Pontchartrain, Rigolets Pass, Chef Menteur Pass, the Mississippi River Gulf Outlet (MRGO), that part of Lake Borgne seaward of a line extending one-half mile from the shoreline, and that portion of Mississippi Sound beginning at a point on the Louisiana-Mississippi Lateral Boundary at 30 degrees 09 minutes 39.6 seconds north latitude and 89 degrees 30 minutes 00.0 seconds west longitude; thence due south to a point at 30 degrees 05 minutes 00.0 seconds north latitude and 89 degrees 30 minutes 00.0 seconds west longitude; thence southeasterly to a point on the western shore of Three-Mile Pass at 30 degrees 03 minutes 00.0 seconds north latitude and 89 degrees 22 minutes 23.0 seconds west longitude; thence northeasterly to a point on Isle Au Pitre at 30 degrees 09 minutes 20.5 seconds north latitude and 89 degrees 11 minutes 15.5 seconds west longitude, which is a point on the double-rig line as described in R.S. 56:495.1(A)2; thence

northerly along the double-rig line to a point on the Louisiana-Mississippi Lateral Boundary at 30 degrees 12 minutes 37.9056 seconds north latitude and 89 degrees 10 minutes 57.9725 seconds west longitude; thence westerly along the Louisiana-Mississippi Lateral Boundary to the point of beginning; and, the open waters of Breton and Chandeleur Sounds as described by the double-rig line.

In addition to those inside waters listed above, all state inside waters from the eastern shore of the Calcasieu Ship Channel westward to the Louisiana/Texas state line; and, all state outside waters seaward of the Inside/Outside Shrimp Line as described in R.S. 56:495(A) will remain open to shrimping until further notice except for those areas closed to recreational and commercial fishing due to the Deepwater Horizon drilling rig accident.

The number, distribution and percentage of small juvenile white shrimp taken in biological samples have rapidly increased in recent weeks and these waters are being closed to protect developing shrimp populations.

Robert J. Barham
Secretary

1207#046

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Early Season Migratory Bird Hunting Regulations

In accordance with the emergency provisions of R.S. 49:953 of the Administrative Procedure Act, and under authority of R.S. 56:115, the secretary of the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission hereby adopts the following Emergency Rule.

The hunting seasons for early migratory birds during the 2012-2013 hunting season shall be as follows:

Dove: The term *dove* refers to the following species, and only the following species: mourning doves, white-winged doves, Eurasian collared-doves, and ringed turtle-doves.

Dove South Zone:

Sep. 1-9

Oct. 13-Nov. 25

Dec. 22-Jan. 7

Dove North Zone:

Sep. 1-16

Oct. 6-Nov. 4

Dec. 15-Jan. 7

Bag Limit: Mourning and white-winged doves and fully dressed Eurasian collared- and ringed turtle-doves:

Daily bag limit 15 in aggregate, possession 30 in aggregate, but note: there is no bag limit on Eurasian-collared doves or ringed turtle-doves provided that a fully feathered wing and head remain attached to the carcass of the bird. Fully dressed Eurasian-collared doves and ringed turtle-doves (those without a fully feathered wing and head naturally attached to the carcass) shall be included in the aggregate bag.

Dove Hunting Zones: The state shall be divided into north and south dove hunting zones by the following boundary:

Beginning at the Texas-Louisiana border on La. Highway 12; thence east along La. Highway 12 to its intersection with U.S. Highway 190; thence east along U.S. Highway 190 to its intersection with Interstate 12; thence east along Interstate 12 to its intersection with Interstate 10; thence east along Interstate 10 to the Mississippi state line.

Teal: September 15 - September 30.

Daily bag limit 4, possession limit 8, blue-winged, green-winged and cinnamon teal only. Federal and state waterfowl stamps required.

Rails: split season, statewide, 70 days.

September 15 - September 30

Remainder of season to be set in August with the duck regulations.

King and Clapper: daily bag limit 15 in the aggregate and possession 30 in the aggregate.

Sora and Virginia: daily and possession bag 25 in the aggregate.

Gallinules: split season, statewide, 70 days.

September 15 - September 30

Remainder of season to be set in August with the duck regulations.

Common and Purple: daily bag limit 15 in the aggregate, possession of 30 in the aggregate.

Woodcock: December 18 - January 31, statewide.

Daily bag limit 3, possession limit 6.

Snipe: deferred to be set in August with the duck regulations.

Extended Falconry Season:

Mourning Doves: statewide.

September 17 - October 3

Woodcock: split season, statewide.

October 28 - December 17

February 1 - February 11

Falconry daily bag and possession limits for all permitted migratory game birds must not exceed 3 and 6 birds, respectively, singly or in the aggregate, during the extended falconry seasons and regular hunting seasons. Remainder of extended falconry seasons for ducks, rails, gallinules to be set in August with the duck regulations.

Shooting and Hawking Hours:

Dove: one-half hour before sunrise to sunset except 12:00 noon to sunset.

September 1, 2012

Teal, Rails, Gallinules, and Woodcock: one-half hour before sunrise to sunset.

A Declaration of Emergency is necessary because the U.S. Fish and Wildlife Service establishes the framework for all migratory species. In order for Louisiana to provide hunting opportunities to the 100,000 sportsmen, selection of season dates, bag limits, and shooting hours must be established and presented to the U.S. Fish and Wildlife Service immediately.

The aforementioned season dates, bag limits and shooting hours will become effective on September 1, 2012 and extend through sunset on February 28, 2013.

Ann L. Taylor
Chairman

1207#045

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Gray Triggerfish Commercial Season Closure

The commercial season for the harvest of gray triggerfish in Louisiana state waters will close effective 11:59 p.m. on June 30, 2012. The secretary has been informed that the commercial season for gray triggerfish in the federal waters of the Gulf of Mexico off the coast of Louisiana will close at 12:01 a.m. on July 1, 2012, and will remain closed until 12:01 a.m. January 1, 2013. This Declaration of Emergency for Louisiana state waters closes this season two minutes prior to the announced closure of the federal waters since it provides clarity in the language of the Rule.

In accordance with the provisions of R.S. 49:953, which allows the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission to use seasonal rules to set finfish seasons, R.S. 56:326.3 which provides that the Wildlife and Fisheries Commission may set seasons for saltwater finfish, and the authority given to the secretary of the department by the commission in its resolution of January 5, 2012 to modify opening and closing dates of 2012-2013 commercial reef fish seasons in Louisiana state waters when he is informed by the regional director of NOAA Fisheries that the seasons have been closed in adjacent federal waters, and that NOAA Fisheries requests that the season be modified in Louisiana state waters, the secretary hereby declares:

The commercial fishery for gray triggerfish in Louisiana waters will close at 11:59 p.m. on June 30, 2012, and remain closed until 12:01 a.m., January 1, 2013. Effective with this closure, no person shall commercially harvest, possess, purchase, barter, trade, sell or attempt to purchase, barter, trade or sell gray triggerfish whether within or without Louisiana waters. Nothing shall prohibit the possession or sale of fish legally taken prior to the closure providing that all commercial dealers possessing gray triggerfish taken legally prior to the closure shall maintain appropriate records in accordance with R.S. 56:306.5 and R.S. 56:306.6.

The secretary has been notified by NOAA Fisheries that the commercial gray triggerfish season in the federal waters of the Gulf of Mexico will close at 12:01 a.m. on July 1, 2012, and the season will remain closed until 12:01 a.m. January 1, 2013. This Declaration of Emergency for Louisiana state waters closes this season two minutes prior to the announced closure of the federal waters since it provides clarity in the language of the Rule. Having compatible season regulations in state waters is necessary to provide effective rules and efficient enforcement for the fishery, to prevent overfishing of the species in the long term.

Robert Barham
Secretary

1207#012

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Gray Triggerfish Recreational Season Closure

The reef fish fishery in the Gulf of Mexico is cooperatively managed by the Louisiana Department of Wildlife and Fisheries (LDWF), the Wildlife and Fisheries Commission (LWFC) and the National Marine Fisheries Service (NMFS) with advice from the Gulf of Mexico Fishery Management Council (Gulf Council). Regulations promulgated by NMFS are applicable in waters of the Exclusive Economic Zone (EEZ) of the U.S., which in Louisiana is generally three miles offshore. An analysis by NMFS has determined that the 2012 recreational quota for gray triggerfish was harvested by June 11, 2012. NMFS issued a closure of the recreational fishery for gray triggerfish in the federal waters off of Louisiana effective at 12:01 a.m. on June 11, 2012. NMFS has requested consistent regulations in order to enhance the effectiveness and enforceability of regulations for EEZ waters.

In order to enact regulations in a timely manner so as to have compatible regulations in place in Louisiana waters to coincide with the recreational closure set forth by NMFS, it is necessary that emergency rules be enacted.

The recreational season for the harvest of gray triggerfish in Louisiana state waters will close at 11:59 p.m. July 4, 2012 and remain closed until January 1, 2013 when the season is scheduled to re-open in the federal waters of the Gulf of Mexico. This Declaration of Emergency for Louisiana state waters closes this season two minutes prior to the announced closure of the federal waters of the Gulf of Mexico since it provides clarity in the language of the Rule.

In accordance with the emergency provisions of R.S. 49:953 which allows the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission to use emergency procedures to set finfish seasons, R.S. 56:6(25)(a) and R.S. 56:326.3 which provides that the Wildlife and Fisheries Commission may set seasons for saltwater finfish, the Wildlife and Fisheries Commission hereby declares:

The recreational fishery for the harvest of gray triggerfish will close in Louisiana waters effective at 11:59 p.m. on July 4, 2012, and shall remain closed until January 1, 2013 when the season is scheduled to re-open in the federal waters of the Gulf of Mexico. Effective with this closure, no person shall recreationally harvest or possess gray triggerfish whether within or without Louisiana waters.

The commission also hereby grants authority to the secretary of the Department of Wildlife and Fisheries, upon informing the chairman of the Louisiana Wildlife and

Fisheries Commission, to modify the recreational season for gray triggerfish when notified by NOAA Fisheries that the recreational season for the harvest of gray triggerfish has been modified in the federal waters of the Gulf of Mexico, or as needed to effectively implement the provisions herein upon notification to the chairman of the Wildlife and Fisheries Commission. Such authority shall extend through January 31, 2013.

Ann L. Taylor
Chairman

1207#044

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Spring Inshore Shrimp Season Closure in Portions of State Inside Waters

In accordance with the emergency provisions of R.S. 49:953 of the Administrative Procedure Act which allows the Wildlife and Fisheries Commission to use emergency procedures to set shrimp seasons and R.S. 56:497 which provides that the Wildlife and Fisheries Commission shall fix no less than two open seasons each year for all or part of inside waters and a Declaration of Emergency adopted by the Wildlife and Fisheries Commission on May 3, 2012 which authorized the secretary of the Department of Wildlife and Fisheries to close the 2012 Spring Inshore Shrimp Season in any portion of Louisiana's inside waters to protect small white shrimp if biological and technical data indicate the need to do so, or enforcement problems develop, the secretary hereby declares:

The 2012 spring inshore shrimp season will close on June 23, 2012 at 6:00 a.m. in that portion of state inside waters from the western shore of Freshwater Bayou Canal eastward to the eastern shore of Bayou Lafourche. All remaining state inside waters as well as all state outside waters seaward of the Inside/Outside Shrimp Line, as described in R.S. 56:495 will remain open until further notice except for those areas closed to recreational and commercial fishing due to the Deepwater Horizon oil spill disaster.

The number, distribution and percentage of small juvenile white shrimp taken in biological samples within these waters has rapidly increased in recent weeks and these waters are being closed to protect these developing shrimp.

Robert J. Barham
Secretary

1207#005

Rules

RULE

Department of Agriculture and Forestry Advisory Commission on Pesticides

Restrictions on Applications of Certain Pesticides (LAC 7:XXIII.1103)

In accordance with the Administrative Procedures Act, R.S. 49:950 et seq., and with the enabling statute, R.S. 3:3203, the Department of Agriculture and Forestry adopts these rules and regulations (“the rules”) to implement a herbicide application program by the Sabine River Authority, State of Louisiana (SRA) to manage the noxious aquatic weed Giant Salvinia in the Toledo Bend Reservoir (Toledo Bend). The rules also implement a herbicide application program by the Louisiana Department of Wildlife & Fisheries (LDWF) to manage the noxious aquatic weed Giant Salvinia in Lake Bistineau. Emergency Rules regarding the proposed action were published in the March 20, 2012 Register.

The SRA’s herbicide application program will allow Louisiana property owners whose property adjoins Toledo Bend to apply certain herbicides to control Giant Salvinia in, on and around their property. The SRA, the Louisiana Department of Wildlife and Fisheries, (LDWF), the LSU Agricultural Center (Ag Center), the Toledo Bend Residents Association, and Bass Unlimited have requested the adoption of these Rules. The Rules were adopted in March 2011. The Rules were inadvertently removed by a clerical error when the complete set of rules for the Advisory Commission on Pesticides were re-numbered and published in the Louisiana Register in December 2011. Therefore, these Rules need to be adopted in order to allow spraying and controlling Giant Salvinia during the spring and summer prime growing season.

Giant Salvinia was first discovered on Toledo Bend in 1998 and has proliferated to the point that it threatens the continued productivity and usefulness of the lake itself. This threat is not only to the native plants and animals that live in the lake and the biodiversity of that aquatic life, but also to the continued commercial and recreational use of the lake. The threat to the native aquatic life of Toledo Bend to the continued commercial and recreational use of the lake and to the economy of this state is such that it creates peril to the public health, safety, and welfare of the citizens of this state.

The LDWF’s herbicide application program will allow Louisiana property owners whose property adjoins Lake Bistineau to apply certain herbicides to control Giant Salvinia in, on and around their property. The Lake Bistineau Task Force, the Louisiana Department of Wildlife and Fisheries, (LDWF), the Bienville Parish Police Jury, the Bossier Parish Police Jury, the Webster Parish Police Jury, the Saline Soil and Water Conservation District, the Bodcau Soil and Water Conversation District, the Dorcheat Soil and Water Conversation District and the Trailblazer Resource Conservation and Development Council have requested the

adoption of these Rules at the earliest possible date to begin spraying and controlling Giant Salvinia during the spring and summer prime growing season. Giant Salvinia was recently discovered on Lake Bistineau and has proliferated to the point that it threatens the continued productivity and usefulness of the lake itself.

This threat is not only to the native plants and animals that live in the lake and the biodiversity of that aquatic life, but also to the continued commercial and recreational use of the lake. The threat to the native aquatic life of Lake Bistineau to the continued commercial and recreational use of the lake and to the economy of this state is such that it creates peril to the public health, safety, and welfare of the citizens of this state.

Title 7

AGRICULTURE AND ANIMALS

Part XXIII. Pesticides

Chapter 11. Regulations Governing Application of Pesticides

§1103. Restrictions on Application of Certain Pesticides

A. - I. ...

J. The commissioner hereby establishes a herbicide application permitting program for the Sabine River Authority, State of Louisiana (SRA) in, on and around the waters of the Louisiana portion of Toledo Bend Reservoir.

1. Any person who applies or uses any herbicide or incorporates the use of any herbicide, for the management, control, eradication or maintenance of Giant Salvinia in, on or around the waters of the Louisiana portion of Toledo Bend Reservoir, shall comply with all of the following requirements, prior to making any applications to Giant Salvinia in SRA waters.

a. Complete the SRA designated Giant Salvinia applicator training program.

b. Apply for and receive a herbicide application permit from the SRA which shall be good for the remainder of the calendar year in which issued, but may be renewed annually by contacting the SRA.

c. Apply, use, or incorporate herbicides to be applied to or used on or for Giant Salvinia only as prescribed by the SRA herbicide application program.

d. Prepare and maintain records of applications by recording accurate information as required on the Toledo Bend application log sheet provided by the SRA.

e. Deliver (mail, hand deliver, e-mail, fax, etc.) to the SRA office at Pendleton Bridge Office, 15091 Texas Highway, Many, LA 71449 a completed copy of each Toledo Bend application log sheet recording the information regarding an application or use of a herbicide on or for Giant Salvinia within 14 days of each application.

f. Keep a completed copy of the application record for a period of three years after application.

g. Make application records available, during normal business hours, to any authorized person with the department, Department of Wildlife and Fisheries (LDWF), or the SRA.

2. Any person making applications to the Louisiana portion of Toledo Bend Reservoir under contract with the LDWF or SRA, authorized LDWF employees and any person conducting a research project on the Louisiana portion of Toledo Bend Reservoir with the LSU Agricultural Center, LDWF or SRA is exempted from the provisions of this Subsection, but are not exempted from any other provisions of this Part, except as may be provided therein.

K. The commissioner hereby establishes a herbicide application permitting program for the LDWF in, on and around the waters of Lake Bistineau.

1. Any person who applies or uses any herbicide or incorporates the use of any herbicide, for the management, control, eradication or maintenance of Giant Salvinia in, on or around the waters of Lake Bistineau, shall comply with all of the following requirements, prior to making any applications to Giant Salvinia in Lake Bistineau waters:

a. Complete the LDWF designated Lake Bistineau spray permit training.

b. Apply for and receive a herbicide application permit from the LDWF which shall be good for the remainder of the calendar year in which issued, but may be renewed annually by contacting the LDWF.

c. Apply, use, or incorporate herbicides to be applied to or used on or for Giant Salvinia only as prescribed by the Lake Bistineau private spray training program.

d. Prepare and maintain records of applications by recording accurate information as required on the Lake Bistineau application log sheet provided by the LDWF.

e. Deliver (mail, hand deliver, e-mail, fax, etc.) to the Saline Soil and Water Conservation District office at P.O. Box 528, 2263 Hall Street, Ringgold, LA 71068 a completed copy of each Lake Bistineau Application Log Sheet recording the information regarding an application or use of a herbicide on or for Giant Salvinia within 14 days of each application.

f. Keep a completed copy of the application record for a period of three years after application.

g. Make application records available, during normal business hours, to any authorized person with the department, or LDWF.

2. Any person making applications to Lake Bistineau under contract with the LDWF, authorized LDWF employees and any person conducting a research project on Lake Bistineau with a Louisiana University or LDWF is exempted from the provisions of this Subsection, but are not exempted from any other provisions of this Part, except as may be provided therein.

L. - O.5.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3203, R.S. 3:3242 and R.S. 3:3249.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Advisory Commission on Pesticides, LR 9:189 (April 1983), amended LR 10:196 (March 1984), LR 11:219 (March 1985), LR 11:942 (October 1985), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 18:953 (September 1992), LR 19:1119 (September 1993), LR 21:668 (July 1995), LR 24:281 (February 1998), LR 24:2076 (November 1998), LR 26:1428 (July 2000), LR 26:1966 (September 2000), LR 27:279 (March 2001), LR 27:1672 (October 2001), LR 33:1855 (September 2007), LR 35:628 (April 2009), LR

36:1980 (September 2010), LR 37:269 (January 2011), LR 37:809 (March 2011), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Advisory Commission on Pesticides, LR 37:3478 (December 2011), amended by the Department of Agriculture and Forestry, Advisory Commission on Pesticides, LR 38:1556 (June 2012).

Mike Strain, DVM
Commissioner

1207#095

RULE

Department of Agriculture and Forestry Office of Agriculture and Environmental Sciences Seed Commission

Seed Inspection Fees (LAC 7:XIII.115 and 143)

In accordance with the Administrative Procedures Act, R.S. 49:950 et seq., and with the enabling statute, R.S. 3:1433, the Department of Agriculture and Forestry amends these rules and regulations ("the rules") to amend the current inspection fees on agricultural seed to include vegetable seed and to increase fees for certain seed certification inspections currently offered by the department.

The department currently provides seed certification inspection services to Louisiana certified seed growers. The requests for certified seed field inspections are voluntarily made by the grower and the service is provided over and above the regulatory function of the department in regard to seed. The cost of the field inspections have continued to increase to the point that the cost of the inspections exceeds the fees being charged. A survey of several other states determined that the department is charging significantly less than these other states for similar inspections. The rules adjust certain existing seed certification fees to help recover the actual cost of the inspections.

The rules amend the current inspection fees on agricultural seed to include vegetable seed. Seed regulatory inspection fees are currently in place for all agricultural seed kinds to help defray the costs of regulating the seed industry in Louisiana. Vegetable seed sales into Louisiana continue to increase to the point that the department is no longer able to provide regulatory services without assistance to defray inspection, sampling and laboratory testing costs. A significant percentage of Louisiana consumers purchase vegetable seed and therefore will benefit from the proposed regulations. According to the LSU AgCenter Agricultural Survey, 298,207 acres of residential and commercial vegetables were grown in Louisiana in 2010. In order to protect the Louisiana consumer, the department is currently, on a limited basis, inspecting, sampling, and laboratory testing all vegetable seed kinds sold into Louisiana. However, to further protect the consumers, the department would like to fully enforce the labeling and quality requirements in place for all vegetable seed kinds. The rules will help recover the actual cost of regulating vegetable seed sold into Louisiana and allow the department to continue to regulate the vegetable seed industry within Louisiana.

Title 7
AGRICULTURE AND ANIMALS

Part XIII. Seeds

Chapter 1. Louisiana Seed Law

Subchapter A. Enforcement of the Louisiana Seed Law

§115. Inspection Fees on Agricultural Seed

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

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

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

2. - 3. ...

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

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Seed Commission, LR 14:603 (September 1988), amended LR 29:2632 (December 2003), LR 38:1558 (July 2012).

§143. Fees

A. - A.3. ...

B. Application Fees

1. The application fee for certification for each producer shall be \$28 for each variety with only one variety per application if the application is timely submitted.

2. ...

C. Field inspection fees shall be charged as follows:

1. all crop, grass, and other seeds not listed in this Section—\$1.15 per acre;

2. - 2.b. ...

3. rice—\$1.15 per acre;

4. small grains—\$1.15 per acre;

5. sugarcane—\$3 per acre;

6. sweet potato;

a. field inspection—\$2.25 per acre;

b. greenhouse and seedbed inspections—\$62.50 per

crop year;

c. seed storage inspection:

i. a fee of \$25 per hour, per inspector shall be charged for each seed sweet potato storage inspection; and

ii. mileage for travel to and from the inspection location shall be charged at the rate set by the Division of Administration for state employees pursuant to R.S. 39:231;

7. turf and pasture grass—\$31.25 per acre.

D. ...

E. Fees for phytosanitary inspections—\$1.15 per acre.

F. - H.1.d. ...

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

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

29:2632 (December 2003), LR 31:420 (February 2005), LR 31:1511 (July 2005), LR 34:2339 (November 2008), LR 37:2979 (October 2011), LR 38:1558 (July 2012).

Mike Strain, DVM
Commissioner

1207#094

RULE

Department of Children and Family Services
Division of Programs
Economic Stability and Self-Sufficiency

TANF Initiatives (LAC 67:III.5501)

In accordance with the provisions of R.S. 49:950 et seq., the Administrative Procedure Act, the Department of Children and Family Services, has amended the Louisiana Administrative Code, Title 67, Part III, Subpart 15, Temporary Assistance to Needy Families (TANF).

This Rule allows the agency the flexibility to make adjustments to the TANF Initiatives based upon the availability of funding from the TANF Block Grant. This action was made effective by an Emergency Rule dated and effective February 1, 2012.

Title 67

SOCIAL SERVICES

Part III. Economic Stability and Self-Sufficiency

Subpart 15. Temporary Assistance for Needy Families
(TANF) Initiatives

Chapter 55. TANF Initiatives

§5501. Introduction to the TANF Initiatives

A. - C.4. ...

D. To the extent that appropriations are available, the secretary may establish and make available to eligible families the TANF Initiatives.

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq.; P.L. 104-193.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Economic Stability and Self-Sufficiency Section, LR 36:2537 (November 2010), amended by the Department of Children and Family Services, Division of Programs, Economic Stability and Self-Sufficiency, LR 38:1558 (July 2012).

Suzy Sonnier
Secretary

1207#121

RULE

Department of Children and Family Services
Division of Programs
Licensing Section

Juvenile Detention Facilities
(LAC 67:V.Chapter 75)

The Department of Children and Family Services (DCFS), Division of Programs, Licensing Section in accordance with provisions of the Administrative Procedure Act, R.S. 49:953(A) has adopted LAC 67:V, Chapter 75 to include standards for juvenile detention facilities.

Subpart 8, Residential Licensing has been amended to add Chapter 75 in accordance with R.S. 15:1110 which requires DCFS to license juvenile detention facilities. This law requires the creation of licensing standards for juvenile detention facilities and for such standards to be promulgated and in place by January 2012. All juvenile detention facilities are mandated to be licensed by January 1, 2013.

This Rule was made active by an Emergency Rule effective January 31, 2012.

Title 67

SOCIAL SERVICES

Part V. Child Welfare

Subpart 8. Residential Licensing

Chapter 75. Juvenile Detention Facilities

§7501. Purpose

A. It is the intent of the legislature to protect the health, safety, and well-being of the youth of this state who are placed in a Juvenile Detention Facility (JDF). Toward this end, it is the purpose of R.S. 15:1110 to provide for the establishment of statewide standards for juvenile detention facilities, to ensure maintenance of these standards, and to regulate conditions in these facilities through a licensing program. It shall be the policy of this state that all juvenile detention facilities provide temporary, safe, and secure custody of youth during the pendency of youth proceedings, when detention is the least restrictive alternative available to secure the appearance of the youth in court or to protect the safety of the child or the public.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:1110.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:1559 (July 2012)

§7503. Authority

A. Legislative Provisions

1. R.S. 15:1110 is the legal authority under which the department prescribes minimum standards for the health, safety and well-being of youth placed in Juvenile Detention Facilities (JDF).

B. Penalties

1. Whoever operates a child care JDF without a valid license may be fined in accordance with the law.

C. Waiver Request

1. In specific instances, the secretary of DCFS may waive compliance with a minimum standard if it is determined that the economic impact is sufficiently great to make compliance impractical, as long as the health and well-being of the staff and/or youth are not imperiled.

a. Standards shall be waived only when the secretary determines, upon clear and convincing evidence, that the demonstrated economic impact is sufficient to make compliance impractical for the provider despite diligent efforts, and when alternative means have been adopted to ensure that the intent of the regulation has been met ensuring the health, safety, and well being of the youth served.

b. An application for a waiver shall be submitted by a provider using the request for waiver from licensing standards form. The form shall be submitted to the DCFS Licensing Section. A request for a waiver shall provide the following information: a statement of the provisions for which the waiver is being requested, an explanation of the reasons why the provisions cannot be met, including information demonstrating that the economic impact is

sufficiently great to make compliance impractical, and a description of alternative methods proposed for meeting the intent of the regulation sought to be waived.

c. All requests for a waiver will be responded to in writing by the DCFS secretary or designee. A copy of the waiver decision shall be kept on file at the facility and presented to licensing staff during all licensing inspections.

d. A waiver is issued at the discretion of the secretary and continues in effect at his/her pleasure. The waiver may be revoked by the secretary at any time, either upon violation of any condition attached to it at issuance, or upon failure of any of the statutory prerequisites to issuance of a waiver (i.e., the cost of compliance is no longer so great as to be impractical or the health or safety of any staff or any child in care is imperiled), or upon his/her determination that continuance of the waiver is no longer in the best interest of DCFS.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:1110.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:1559 (July 2012).

§7505. Definitions

Abuse—any one of the following acts which seriously endangers the physical, mental, or emotional health of the youth:

1. the infliction, attempted infliction, or, as a result of inadequate supervision, the allowance of the infliction or attempted infliction of physical or mental injury upon the youth by a parent or any other person;

2. the exploitation or overwork of a youth by a parent or any other person; and

3. the involvement of the youth in any sexual act with a parent or any other person, or the aiding or toleration by the parent or the caretaker of the youth's sexual involvement with any other person or of the youth's involvement in pornographic displays or any other involvement of a youth in sexual activity constituting a crime under the laws of this state.

Administrative Segregation—restriction of a youth to a designated sleeping room or dorm for reasons other than current acting-out behavior, discipline, medical reasons, or threats to the youth.

Administrator—the person with authority and responsibility for the on-site, daily implementation and supervision of the facility's overall operation.

Affiliate—

1. with respect to a partnership, each partner thereof;

2. with respect to a corporation, limited liability company, or other corporate entity, each officer, director and stockholder thereof; and

3. with respect to a natural person: anyone related within the third degree of kinship to that person; each partnership and each partner thereof of which that person or any affiliate of that person is a partner; and each corporation in which that person or any affiliate of that person is an officer, director or stockholder.

Alternate Power Source—an alternate source of electrical power that provides for the simultaneous operations of life safety systems during times of emergency.

Average Daily Population—a calculation determined by counting the number of youth in detention each day of the

month, adding the daily counts (at 0600 hours), and dividing the sum by the number of days in the month.

Average Length of Stay (ALOS)—average length of stay is calculated on those youth who end a placement during the reporting period. ALOS is the sum of all the days of all the stays for those released during the period divided by the number of “releases.” Stays should be calculated by counting admission date but not date of release.

Body Cavity Search—a visual inspection of a body cavity, defined as a rectal cavity, or vagina, for the purpose of discovering whether contraband is concealed in it.

Complaint—an allegation that any person or facility is violating any provisions of these standards or engaging in conduct, either by omission or commission, that negatively affects the health, safety, rights, or welfare of any youth who is residing in a juvenile detention facility.

Contraband—any object prohibited within a juvenile detention facility, which may include but is not limited to: currency, stolen property, articles of food or clothing, intoxicating beverages, narcotics, firearms or dangerous weapons, telecommunications devices, tattooing equipment, electronic devices, or any other object or instrumentality intended for use as a tool in the planning or aiding in an escape or attempted escape by a youth in a local juvenile detention facility in the state.

Delinquent Act—an act committed by a child of 10 years of age or older, which if committed by an adult is designated an offense under the statutes or ordinances of this state, or of another state if the offense occurred there or under federal law, except traffic violations.

Department (DCFS)—the Louisiana Department of Children and Family Services.

Direct Care Staff—a person counted in the staff/youth ratio, whose duties include the direct care, supervision, guidance, and protection of youth. This may include staff such as administrative staff that has the required background clearances and appropriate training that may serve temporarily as a detention officer.

Electronic Security Wand Scanner—an electronic hand-held security scanner used to detect metal weapons in a detention facility.

Frisk—to search a youth for something concealed, including a weapon or illegal contraband, by passing the hands quickly over clothes or through pockets.

Governing Body—a parent agency exercising administrative control over a facility.

Grievance Procedure—a method for the expression and resolution of youth’s grievances or complaints.

Inspection—a thorough investigatory review of information, including written records and interviews with staff and youth, to determine whether and the extent to which a facility’s policies, practices, and protocols comply with the standards.

Juvenile Detention Facility (JDF)—means a facility that provides temporary safe and secure custody of youth during the pendency of juvenile proceedings, when detention is the least restrictive alternative available to secure the appearance of the youth in court or to protect the safety of the child or the public, as described in R.S. 15:1110.

Mechanical Restraints—an approved professionally manufactured mechanical device to aid in the restriction of a

person's bodily movement. The following are approved mechanical restraint devices:

1. *Ankle Cuffs*—metal, cloth or leather band designed to be fastened around the ankle to restrain free movement of the legs.

2. *Anklets*—cloth or leather band designed to be fastened around the ankle or leg.

3. *Handcuffs*—metal devices designed to be fastened around the wrist to restrain free movement of the hands and arms.

4. *Waist Band*—a cloth, leather, or metal band designed to be fastened around the waist used to secure the arms to the sides or front of the body.

5. *Wristlets*—a cloth or leather band designed to be fastened around the wrist or arm which may be secured to a waist belt.

6. *Plastic Cuffs*—plastic devices designed to be fastened around the wrist or legs to restrain free movement of hands, arms or legs.

Medical Isolation—the restriction of a youth to a sleeping room specifically for medical reasons that may pose a threat to himself/herself, or others at the facility.

Neglect—the refusal or unreasonable failure of a parent or caretaker to supply the child with necessary food, clothing, shelter, care, treatment, or counseling for any injury, illness, or condition of the child, as a result of which the child's physical, mental, or emotional health and safety is substantially threatened or impaired.

Pat-down Search—a running of the hands over the clothed body of a youth by a staff member to determine whether the youth possesses contraband.

Physical Escort Techniques—the touching or holding a youth with a minimum use of force for the purpose of directing the youth's movement from one place to another. A physical escort is not considered a physical restraint.

Physical Restraint—a professionally trained restraint technique that uses a person’s physical exertion to completely or partially constrain another person’s body movement without the use of mechanical restraints.

Protective Isolation—is the restriction of a youth to a designated sleeping room or dorm due to his/her safety being threatened.

Qualified Medical Professional—health professional who, by virtue of education, credentials, and experience, is permitted by law to evaluate and care for youth within the scope of his or her professional practice.

Qualified Mental Health Professional—a mental health professional who, by virtue of education, credentials, and experience, is permitted by law to evaluate and care for youth within the scope of his or her professional practice.

Relatives—spouses, children of spouses, brothers, sisters, parents, brother-in-law, sister-in-law, aunts, uncles, nieces, nephews, grandparents, and first cousins.

Room Confinement—the restriction of a youth to his/her assigned sleeping room, due to disciplinary reasons.

Room Isolation—the restriction of a youth to a room that is separated from the general population, due to current acting out behavior.

Shall—must or mandatory.

Special Needs—the individual requirements (as for education) of a person with a mental, emotional,

developmental, or physical disability or a high risk of developing one.

Status Offense—an allegation that a youth is truant or has willfully and repeatedly violated lawful school rules, ungovernable, a runaway, committed an offense applicable only to youth, or a youth under age 10 years of age who has committed any act which if committed by an adult would be a crime under any federal, state, or local law.

Strip Search—a search that requires a person to remove some or all of his or her clothing so as to permit a visual inspection of the underclothing, breasts, buttocks, or genitalia of such person.

Substantial Bodily Harm—physical injury serious enough that a prudent person would conclude that the injury required professional medical attention. It does not include minor bruising, the risk of minor bruising, or similar forms of minor bodily harm that will resolve healthily without professional medical attention.

Support Staff—a person who works directly for the facility or a person who provides direct services to youth in a facility on a recurring basis with no discipline authority over youth.

Unencumbered Space—usable space that is not occupied by furnishing or fixtures.

Validated Mental Health Screening Tool—an instrument that has been scientifically tested to determine that it accurately measures what it purports to measure.

Volunteer—an individual who works at the facility and whose work is uncompensated. This may include students, interns, tutors, counselors, persons providing recreational activities including religious service, and other non-staff individuals who may or may not interact with youth in a supervised or unsupervised capacity.

Waiver—an exemption granted by the secretary of the department, or designee, from compliance with a standard that will not place the youth or staff member at risk.

Youth—an individual placed in a JDF in accordance with limitations and exceptions noted in state law who is not less than 10 years of age nor older than 21 years of age.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:1110.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:1559 (July 2012).

§7507. Licensing Requirements

A. General Provisions

1. All providers in operation prior to January 1, 2013 may continue to operate without a license if timely application for a license has been made to DCFS. Providers shall make application to the department within 90 days of the effective date of this rule. All requirements herein shall be met, unless otherwise expressly stated in writing by the department prior to the issuance of a license.

2. Effective January 1, 2013, it is mandatory to obtain a license from the department prior to beginning operation.

3. Anyone applying for a license after the effective date of these standards shall meet all of the requirements herein, unless otherwise stated in these regulations or other official written policy of the department.

4. Two licenses shall not be issued simultaneously for the same physical address. If a second license is issued for a physical address which is already licensed, the second license shall be null and void.

5. The provider shall allow representatives of DCFS access to the facility, the youth, and all files and records at any time during hours of operation and/or anytime youth are present. DCFS staff shall be allowed to interview any staff member or youth. DCFS staff shall be admitted immediately and without delay, and shall be given access to all areas of a facility, including its grounds. If any portion of a facility is set aside for private use by the facility's owner, DCFS representatives shall be permitted to verify that no youth is present in that portion and that the private areas are inaccessible to youth.

6. All new construction to a currently licensed facility or renovation requires approval from the Office of State Fire Marshal, Office of Public Health, City Fire (if applicable), and the Licensing Section prior to occupying the new space.

7. Neither providers nor staff shall permit an individual convicted of a sex offense as defined in R.S. 15:541, other than youthful offenders convicted of such offense and committed to the custody of that specific facility, to have physical access to a JDF.

8. Providers shall comply with the requirements of the Americans with Disabilities Act, 42 U.S.C. §12101 et seq. (ADA).

9. If the facility is located in the same building or on the grounds of any type of adult jail, lockup, or corrections facility, it shall be a separate, self-contained unit. All applicable federal and state laws pertaining to the separation of youth from adult inmates will apply.

10. The population using housing or living units shall not exceed the designated or rated capacity of the facility.

11. All providers shall adhere to all policies with regard to practice and procedures.

12. DCFS is authorized to determine the period during which the license shall be effective. A license shall be valid until the expiration date shown on the license, unless the license is modified, extended, revoked, suspended, or terminated.

13. Once a license has been issued, DCFS shall conduct licensing inspections at intervals (not to exceed one year) deemed necessary by DCFS to determine compliance with licensing standards, as well as other required statutes, laws, ordinances, rules, and regulations. These inspections shall be unannounced.

14. Whenever DCFS is advised or has reason to believe that any person, agency, or organization that holds a license or has applied for a license is operating in violation of the JDF regulations or laws, DCFS shall conduct an investigation to ascertain the facts.

B. Initial Licensing Application Process

1. An initial application for licensing as a JDF shall be obtained from DCFS. A completed initial license application packet along with a fee as required by law shall be submitted to and approved by DCFS prior to an applicant providing JDF services. The completed initial licensing packet shall include:

- a. application and fee as established by law;
- b. current Office of State Fire Marshal approval for occupancy;
- c. current Office of Public Health, Sanitarian Services approval;
- d. current city fire department approval, if applicable;

- e. city or parish building permits office approval, if applicable;
- f. current local zoning approval, if applicable;
- g. current department of education approval, if applicable;
- h. copy of proof of current general liability and property insurance for JDF;
- i. copy of proof of insurance for vehicle(s) used to transport youth;
- j. organizational chart or equivalent list of staff titles and supervisory chain of command;
- k. administrator resume and proof of educational requirements;
- l. list of consultant/contract staff to include name, contact information, and responsibilities;
- m. copy of table of contents of all policy and procedure manuals;
- n. copy of evacuation plan;
- o. copy of facility rules and regulations;
- p. copy of grievance process; and
- q. a floor sketch or drawing of the premises to be licensed.

2. If the initial licensing packet is incomplete, the applicant will be notified in writing of the missing information and will have 14 calendar days to submit the additional requested information. If the department does not receive the additional requested information within the 14 calendar days, the application will be closed. After an initial licensing application is closed, an applicant who is still interested in becoming a JDF shall submit a new initial licensing packet with a new application fee to start the initial licensing process. Once the department has determined the application is complete, the applicant will be notified to contact the department to schedule an initial inspection. If an applicant fails to contact the department and coordinate the initial inspection within 45 calendar days of the notification, the initial licensing application shall be closed. After an initial licensing application is closed, an applicant who is still interested in becoming a JDF shall submit a new initial licensing packet with a new application fee to re-start the initial licensing process.

C. Initial Licensing Inspection

1. In accordance with R.S. 15:1110(E), prior to the initial license being issued to the JDF, an initial licensing inspection shall be conducted on-site at the JDF to assure compliance with all licensing standards. No youth shall be provided services by the JDF until the initial licensing inspection has been performed and DCFS has issued a license. The licensing inspection shall not be completed if the provider is found in operation prior to the issuance of a license and the application shall be denied.

2. In the event the initial licensing inspection finds the JDF is compliant with all licensing laws and standards, and is compliant with all other required statutes, laws, ordinances, rules, regulations, and fees, DCFS may issue a license to the JDF. The license shall be valid until the expiration date shown on the license, unless the license is modified, extended, revoked, suspended, or terminated.

3. The license shall be displayed in a prominent place at the JDF.

D. Fees

1. An annual fee as established by law shall be payable to DCFS 30 days prior to the date of expiration of the current license by certified check, business check, or money order. Non-payment of fee by due date may result in revocation or non renewal of the license.

2. Other license fees include:

a. a replacement fee as established by law shall be submitted to the department for replacing a license when changes are requested, i.e., name change, age range, etc. No replacement charge shall be incurred when the request coincides with the regular renewal of a license;

b. a processing fee as established by law shall be submitted to the department for issuing a duplicate license with no changes.

E. Renewal of License

1. The license shall be renewed on an annual basis prior to its expiration date.

2. The JDF shall submit, at least 30 days prior to its license expiration date, a completed renewal application form, and fee as established by law. The following documentation shall also be included:

- a. Office of Fire Marshal approval;
- b. Office of Public Health, Sanitarian Services approval;
- c. city fire department approval, if applicable;
- d. copy of proof of current general liability and property insurance for JDF; and
- e. copy of proof of insurance for vehicle(s) used to transport youth.

3. Prior to renewing the JDF license, an on-site inspection shall be conducted to assure compliance with all licensing laws and standards. If the JDF is found to be in compliance with the licensing laws and standards, and any other required statutes, laws, ordinances, or regulations, the license shall be renewed for a 12-month period.

4. In the event the annual licensing inspection finds the JDF is non-compliant with any licensing laws or standards, or any other required statutes, ordinances or regulations but the department, in its sole discretion, determines that the noncompliance does not present a threat to the health, safety, or welfare of the youth, the JDF shall be required to submit a corrective action plan to the department for approval. The department shall specify the timeline for submitting the corrective action plan based on such non-compliance or deficiencies cited but no later than 14 calendar days from the date of notification. The corrective action plan shall include a description of how the deficiency shall be corrected and the date by which correction(s) shall be completed. Failure to submit an approved corrective action plan timely shall be grounds for non-renewal of the license.

5. If it is determined that such noncompliance or deficiencies have not been corrected prior to the expiration of the license, the department may issue an extension of the license not to exceed two months.

6. When it is determined by the department that such noncompliance or deficiencies have been corrected, a license will be issued for a period not to exceed 12 months.

7. If it is determined that all areas of noncompliance or deficiencies have not been corrected prior to the expiration date of the extension, DCFS may revoke the license.

F. Notification of Changes

1. A license is not transferable to another person, entity, or location.

2. When a JDF changes location, it is considered a new operation and a new application and fee as required by law for licensure shall be submitted 30 days prior to the anticipated move. An onsite inspection verifying compliance with all standards is required prior to youth occupying the new space.

3. When a JDF is initiating a change in ownership, a written notice shall be submitted to DCFS prior to the ownership change. Within seven calendar days of the change of ownership, the new owner shall submit a completed application, the applicable licensing fee, and a copy of bill of sale or a lease agreement. A change of ownership occurs when the license and/or facility is transferred from one natural or juridical person to another, or when an officer, director, member, or shareholder not listed on the initial application exercises or asserts authority or control on behalf of the entity. The addition or removal of members of a board of directors shall not be considered a change of ownership where such addition or removal does not substantially affect the entity's operation and shall require only notice be given to the DCFS of such addition or removal.

4. The JDF shall provide written notification to the department within 30 calendar days of changes in the administrator. A statement with supporting documentation of qualifications for the new administrator shall be submitted to DCFS.

G. Denial, Revocation, or Non-Renewal of License

1. An application for a license may be denied, a license may be revoked, or a license renewal may be denied for any of the following reasons:

a. cruelty or indifference to the welfare of the youth in care;

b. violation of any provision of the standards, rules, regulations, or orders of the department;

c. disapproval from any agency whose approval is required for licensing;

d. any validated instance of abuse, neglect, corporal punishment, physical punishment, or cruel, severe, or unusual punishment, if the JDF administrator is responsible or if the staff member who is responsible remains in the employment of the licensee;

e. the JDF is closed with no plans for reopening and no means of verifying compliance with minimum standards for licensure;

f. falsifying or altering documents required for licensure;

g. the owner, administrator, officer, board of directors member, or any person designated to manage or supervise the JDF or any staff providing care, supervision, or treatment to a youth of the JDF has been convicted of or pled guilty or nolo contendere to any offense listed in R.S. 15:587.1. A copy of a criminal record check performed by the Louisiana State Police (LSP) or other law enforcement entity, or by the Federal Bureau of Investigation (FBI), or a copy of court records in which a conviction or plea occurred, indicating the existence of such a plea or conviction shall create a rebuttable presumption that such a conviction or plea exists;

h. the JDF, after being notified that an officer, administrator, board of directors member, manager, supervisor or any staff has been convicted of or pled nolo contendere to any offense referenced above, allows such officer, director, or staff to remain employed, or to fill an office of profit or trust with the JDF. A copy of a criminal record check performed by the LSP or other law enforcement entity, or by the FBI, or a copy of court records in which a conviction or plea occurred, indicating the existence of such a plea or conviction shall create a rebuttable presumption that such a conviction or plea exists;

i. failure of the owner, administrator or any staff to report a known or suspected incident of abuse or neglect to child protection authorities;

j. revocation or non-renewal of a previous license issued by the state of Louisiana;

k. a history of non-compliance with licensing statutes or standards, including but not limited to failure to take prompt action to correct deficiencies, repeated citations for the same deficiencies, or revocation or denial of any previous license issued by DCFS;

l. failure to timely submit an application for renewal or to timely pay fees as required by law; and/or

m. operating any unlicensed JDF and/or program.

H. Disqualification of Facility and/or Provider

1. If a facility's license is revoked or not renewed due to failure to comply with state statutes or licensing rules or surrendered to avoid adverse action, DCFS may elect not accept a subsequent application from the provider for that facility, or any new facility, up to but not exceeding a period of 24 months after the effective date of revocation, non-renewal due to adverse action, or surrender to avoid adverse action, or for a period up to but not exceeding 24 months after all appeal rights have been exhausted, whichever is later (the disqualification period). The effective date of a revocation, denial, or non-renewal of a license shall be the last day for applying to appeal the action, if the action is not appealed. Any pending application by the same provider shall be treated as an application for a new facility for purposes of this section and may be denied and subject to the disqualification period. Any subsequent application for a license shall be reviewed by the secretary or designee prior to a decision being made to grant a license. DCFS reserves the right to determine, at its sole discretion, whether to issue any subsequent license.

2. If a provider has multiple licensed facilities and one of the facility's licenses is revoked or not renewed, a capacity increase shall not be granted at any of the existing licensed facilities for a minimum period of 24 months after the effective date of revocation or non-renewal, or for a minimum period of 24 months after all appeal rights have been exhausted, whichever is later.

3. Any voluntary surrender of a license by a provider facing the possibility of adverse action against its license (revocation or non-renewal) shall be deemed to be a revocation for disqualification purposes and shall trigger the same disqualification period as if the license had actually been revoked.

4. If the applicant has had a history of non-compliance, including but not limited to revocation of a

previous license, operation without a license, or denial of one or more previous applications for licensure, DCFS may refuse to accept a subsequent application from that applicant for a minimum period of 24 months after the effective date of denial.

5. With respect to an application in connection with the revoked, denied, or not renewed facility, the disqualification period provided in this Section shall include any affiliate of the provider.

6. If a facility's license was revoked due solely to the disapproval from any agency whose approval is required for licensure or due solely to the facility being closed and there are no plans for immediate re-opening within 30 calendar days and no means of verifying compliance with minimum standards for licensure, the disqualification rule (or period) may not apply. DCFS may accept a subsequent application for a license that shall be reviewed by the secretary or designee prior to a decision being made to grant a license. DCFS reserves the right to determine, at its sole discretion, whether to issue any subsequent license.

7. In the event a license is revoked or renewal is denied, (other than for cessation of business or non-operational status), or voluntarily surrendered to avoid adverse action any owner, officer, member, manager, or administrator of such licensee may be prohibited from owning, managing, or operating another licensed facility for a period of not less than 24 months from the date of the final disposition of the revocation or denial action. The lapse of 24 months shall not automatically restore a person disqualified under this provision eligibility for employment. DCFS, at its sole discretion, may determine that a longer period of disqualification is warranted under the facts of a particular case.

I. Appeal Process

1. The DCFS Licensing Section, shall advise the administrator or owner in writing of the reasons for non-renewal or revocation of the license, or denial of an application, and the right of appeal. If the administrator or owner is not present at the facility, delivery of the written reasons for such action may be made to any staff of the facility. Notice to a staff shall constitute notice to the facility of such action and the reasons therefore. A request for appeal shall include a copy of the letter from the Licensing Section that notes the reasons for revocation, denial, or non-renewal, together with the specific areas of the decision the appellant believes to be erroneous and/or the specific reasons the decision is believed to have been reached in error, and shall be mailed to: Department of Children and Family Services, Appeals Section, P.O. Box 2944, Baton Rouge, LA 70821-9118.

2. A provider may appeal the revocation or non-renewal of a license by submitting a written request to appeal the decision along with a copy of the letter within 15 calendar days of receipt of the letter notifying of the revocation or non-renewal. Provider may continue to operate legally throughout the appeals process. Provider shall be issued a license noting that the provider is in the appeal process.

3. If provider's license expires during the appeal process, the provider shall submit a licensing renewal application and a copy of the satisfactory criminal background clearance for every owner. Each provider is

solely responsible for obtaining the licensing application form. The licensing application and full licensure fee as well as copies of the criminal background clearances for all owners shall be received on or postmarked by the last day of the month in which the license expires, or the provider shall cease operation at the close of business by the expiration date noted on the license.

4. A provider may appeal the denial of an application for a license by submitting a written request to appeal the decision along with a copy of the letter within 30 calendar days of receipt of the letter notifying of the denial of application.

5. The DCFS Appeals Section shall notify the Division of Administrative Law of receipt of an appeal request. Division of Administrative Law shall conduct a hearing. The appellant will be notified by letter of the decision, either affirming or reversing the original decision.

6. If the decision of DCFS is affirmed or the appeal dismissed, the provider shall terminate operation of the JDF immediately. If the provider continues to operate without a license, the DCFS may file suit in the district court in the parish in which the facility is located for injunctive relief.

7. If the decision of DCFS is reversed, the license will be re-instated and the appellant may continue to operate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:1110.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:01561000 (July 2012).

§7509. Administration

A. Governing Body

1. The provider shall have an identifiable governing body with responsibility and authority over the policies, procedures, and activities of the facility.

2. The provider shall have documents identifying:

- a. all members of the governing body;
- b. business address;
- c. the term of their membership, if applicable;
- d. officers of the governing body, if applicable;
- e. the terms of office of all officers, if applicable;

and

f. officer responsibilities.

3. When the governing body is composed of more than one person, there shall be recorded minutes of all formal meetings and bylaws specifying frequency of meetings and quorum requirements.

B. Accessibility of Administrator

1. There shall be a single administrator, or designee, on site with authority and responsibility for the daily implementation and supervision of the facility's overall operation.

2. The administrator, or designee, shall be accessible to DCFS 24 hours per day, seven days per week.

C. Statement of Philosophy and Goals

1. The provider shall have a written statement describing its philosophy and goals.

D. Policies and Procedures

1. The provider shall have written policies and procedures approved by the administrator and/or governing body that address, at a minimum, the following:

- a. detecting and reporting suspected abuse and neglect;

- b. intake, to include classification procedures and release;
 - c. behavior support and intervention program;
 - d. youth grievance process;
 - e. retention of youth files;
 - f. emergency and safety procedures including medical emergencies;
 - g. staff intervention/restraints;
 - h. room isolation;
 - i. room confinement/due process;
 - j. incidents;
 - k. health care (dental, mental, and medical);
 - l. youth rights;
 - m. infection control to include blood borne pathogens;
 - n. confidentiality;
 - o. training;
 - p. environmental issues;
 - q. physical plant;
 - r. access issues;
 - s. safety;
 - t. security;
 - u. suicide prevention and emergency procedures in case of suicide attempt; and
 - v. sexual misconduct including but not limited to the following:
 - i. right to be free from sexual misconduct and from retaliation for reporting sexual misconduct;
 - ii. dynamics of sexual misconduct in confinement;
 - iii. common reactions of sexual misconduct victims; and
 - iv. policy for prevention and response to sexual misconduct.
2. The policies and procedures for operating and maintaining the facility shall be specified in a manual that is accessible to all staff and the public. The policies and procedures listed in Section 7509.D.1 above shall be reviewed at least annually, updated as needed, signed, and dated by the administrator or a representative of the governing body.

3. New or revised policies and procedures shall be disseminated to designated staff, volunteers, and to the youth, as applicable.

E. Facility Rules and Regulations

1. The rules and regulations shall be written in simple, clear, and concise language that most youth can understand and be specific to ensure that the youth know what is expected of them.

2. A staff member shall read the rules and regulations or provide a video presentation of these rules to each youth at the time of admission or within 24 hours after admission, and provide the youth a written copy.

3. Reasonable accommodations shall be made for those youth with limited English proficiency or disabilities.

4. A copy of the rules and regulations shall be posted in each of the common areas and in the living units.

5. Enforcement

a. Rule violations and corresponding staff actions shall be recorded in the youth's file.

b. Disciplinary sanctions shall be objectively administered and proportionate to the gravity of the rule and the severity of the violation.

c. If a youth is alleged to have committed a crime while in the facility, at the discretion of the administrator, the case may be referred to a law enforcement agency for possible investigation and/or prosecution.

d. If a case is referred to a law enforcement agency for possible investigation and/or prosecution, efforts shall be made as soon as possible to notify or attempt to notify the parent/guardian, and the attorney of record of the incident and referral.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:1110.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:1564 (July 2012).

§7511. Facility Responsibilities

A. Personnel

1. Policies and Procedures

a. The provider shall have written policies and procedures that establish the provider's staffing, recruiting, and review procedures for staff. The personnel policy manual shall be available for staff and shall include a minimum of the following areas:

- i. organization chart (table of organization);
- ii. recruitment to include equal employment opportunity provisions;
- iii. job descriptions and qualifications, and if applicable, a physical fitness policy;
- iv. personnel files and performance reviews;
- v. staff development, including in-service training;
- vi. termination;
- vii. employee/management relations, including disciplinary procedures and grievance and appeals procedures; and
- viii. employee code of ethics.

b. A written policy and procedure shall require that each staff sign a statement acknowledging access to the policy manual.

2. Job Qualifications

a. The administrator shall meet one of the following qualifications upon hire:

- i. a bachelor's degree plus two years experience relative to the population being served; or
- ii. a master's degree; or
- iii. six years of administrative experience in health or social services, or a combination of undergraduate education and experience for a total of six years.

b. Direct care staff shall be at least 18 years of age and have a high school diploma or equivalency at the time of hire.

3. Volunteers

a. If the provider utilizes volunteers, a written policy and procedure shall establish responsibility for the screening and operating procedures of the volunteer program.

b. Program Coordination

i. There shall be a staff member who is responsible for operating a volunteer service program for the benefit of youth.

ii. The provider shall specify the lines of authority, responsibility, and accountability for the volunteer service program.

c. Screening and Selection

i. Relatives of a youth shall not serve as a volunteer with the youth to whom they are related or in the facility where that youth is detained.

d. Professional Services

i. Volunteers shall perform professional services only when they are certified or licensed to do so.

B. Criminal Background Clearance

1. No staff of the facility shall be hired until such person has submitted his/her fingerprints to the Louisiana Bureau of Criminal Identification and Information so that it may be determined whether or not such person has a criminal conviction of a felony, or a plea of guilty, or nolo contendere of a felony, or a criminal conviction, or a plea of guilty or nolo contendere to any offense included in R.S. 15:587.1, or any offense involving a juvenile victim. If it is determined that such a person has a conviction or has entered a plea of guilty or nolo contendere to a crime listed in R.S. 15:587.1(C) or any offense involving a juvenile victim, that person shall not be hired. No staff shall be present on the JDF premises until such a clearance is received.

2. The provider shall contact all prior institutional employers for information on substantiated allegations of sexual abuse consistent with federal, state, and local laws.

3. A criminal record check shall be conducted on all volunteers that interact with the youth. No volunteer of the facility shall be allowed to work with youth until such person has submitted his/her fingerprints to the Louisiana Bureau of Criminal Identification and Information so that it may be determined whether or not such person has a criminal conviction, or a plea of guilty or nolo contendere to any offense included in R.S. 15:587.1, or any offense involving a juvenile victim. If it is determined that such a person has a conviction or has entered a plea of guilty or nolo contendere to a crime listed in R.S. 15:587.1(C) or any offense involving a juvenile victim, that person shall not be allowed to volunteer with youth at the JDF. No volunteer shall be present on the JDF premises until such a clearance is received.

C. Health Screening

1. All staff shall receive a physical examination prior to employment, including screening for infectious and contagious diseases prior to job assignment, in accordance with state and federal laws.

D. Performance Reviews

1. The provider shall conduct an annual written performance review of each staff and the results shall be discussed with the staff.

E. Drug-free Workplace

1. The provider shall have a written policy and procedure regarding a drug-free workplace for all staff.

F. Training and Staff Development

1. Policy and Procedure

a. The provider shall have written policies and procedures that require training and staff development programs, including training requirements for all categories of personnel.

b. Program Coordination and Supervision. The program coordinator shall ensure that the provider's staff development and training program is planned, coordinated and supervised.

2. Orientation

a. All new staff shall receive a minimum of 40 hours of orientation training before assuming any job duties. This training shall include, at a minimum, the following:

i. philosophy, organization, program, practices and goals of the facility;

ii. specific responsibilities of assigned job duties;

iii. administrative procedures;

iv. emergency and safety procedures including medical emergencies;

v. youth's rights;

vi. detecting and reporting suspected abuse and neglect;

vii. infection control to include blood borne pathogens;

viii. confidentiality;

ix. reporting of incidents;

x. intake to include classification procedures and release;

xi. discipline and due process rights of incarcerated youth;

xii. access to health care (dental, mental, and medical);

xiii. crisis/conflict management, de-escalation techniques, and management of assaultive behavior, including when, how, what kind, and under what conditions physical force, mechanical restraints, and room confinement, isolation may be used;

xiv. suicide prevention and emergency procedures in case of suicide attempt;

xv. sexual misconduct including but not limited to the following:

(a) youth's rights to be free from sexual misconduct, and from retaliation for reporting sexual misconduct;

(b) dynamics of sexual misconduct in confinement;

(c) common reactions of sexual misconduct victims; and

(d) agency policy for prevention and response to sexual misconduct.

3. First Year Training

a. Direct care staff shall receive an additional 120 hours of training during their first year of employment. This training shall include, at a minimum, the following:

i. within the first 60 calendar days of employment:

(a) adolescent development for males and females; and

(b) first aid/CPR;

ii. within the first year of employment:

(a) classification procedures to include intake screenings;

(b) an approved crisis/conflict intervention program;

(c) facility's policy and procedures for suicide prevention, intervention and response;

(d). lesbian, gay bisexual, transgender specific, cultural competence and sensitivity training;

(e). communication effectively and professionally with all youth;

(f). sexual misconduct including but not limited to the following:

(i). youth's rights to be free from sexual misconduct, and from retaliation for reporting sexual misconduct;

(ii). dynamics of sexual misconduct in confinement;

(iii.) common reactions of sexual misconduct victims; and

(iv). the agency policy for prevention and response to sexual misconduct;

(g). key control;

(h). universal safety precautions;

(i). effective report writing; and

(j). needs of youth with behavioral health disorders and intellectual disabilities and medication.

b. All support (non-direct care) staff shall receive an additional 40 hours of training during their first year of employment. The training shall include, at a minimum, the following:

i. philosophy, organization, program, practices and goals of the facility;

ii. specific responsibilities of assigned job duties;

iii. youth's rights;

iv. detecting and reporting suspected abuse and neglect (mandatory reporting guidelines);

v. infection control to include blood borne pathogens;

vi. confidentiality;

vii. reporting of incidents;

viii. discipline and due process rights of incarcerated youth;

ix. sexual misconduct including but not limited to the following:

(a). youth's rights to be free from sexual misconduct, and from the retaliation for reporting sexual misconduct;

(b). dynamics of sexual misconduct in confinement;

(c). common reactions of sexual misconduct victims; and

(d). agency policy for prevention and response to sexual misconduct;

x. first aid/ CPR; and

xi. basic safety and security practices.

4. Annual Training

a. All staff shall receive a minimum of 40 hours of training annually. This training shall include, at a minimum, the following:

i. classification procedures to include intake screenings;

ii. an approved crisis/conflict intervention program;

iii. facility's policy and procedures for suicide prevention, intervention and response;

iv. communication effectively and professionally with all youth;

v. sexual misconduct including but not limited to the following:

(a). youth's rights to be free from sexual misconduct, and from retaliation for reporting sexual misconduct;

(b). dynamics of sexual misconduct in confinement;

(c). common reactions of sexual misconduct victims-add additional; and

(d). the agency policy for prevention and response to sexual misconduct;

vi. key control;

vii. universal safety precautions;

viii. discipline and due process rights of incarcerated youth;

ix. detecting and reporting suspected abuse and neglect (mandatory reporting guidelines);

x. effective report writing; and

xi. needs of youth with behavioral health disorders and intellectual disabilities and medication.

5. Volunteer Training

a. All volunteers shall receive notification and acknowledge in writing their agreement to abide by the following prior to their beginning work and updated annually:

i. philosophy and goals of the facility;

ii. specific responsibilities and limitations;

iii. youth's rights;

iv. detecting and reporting suspected abuse and neglect;

v. confidentiality;

vi. reporting of incidents;

vii. discipline and due process rights of incarcerated youth;

viii. sexual misconduct including but not limited to the following:

(a). youth's rights to be free from sexual misconduct, and from retaliation for reporting sexual misconduct;

(b). dynamics of sexual misconduct in confinement;

(c). common reactions of sexual misconduct victims-add additional; and

(d). the agency policy for prevention and response to sexual misconduct.

ix. basic safety and security practices.

G. Staffing Requirements

1. The provider shall have sufficient available staff to meet the needs of all of the youth.

2. At least two direct care staff shall be on duty at all times in the facility.

3. There shall be a minimum of 1 to 8 ratio of direct care staff to youth during the hours that youth are awake.

4. There shall be a minimum of 1 to 16 ratio of direct care staff to youth during the hours that youth are asleep.

5. Direct care staff of one gender shall be the sole supervisor of youth of the same gender during showers, physical searches, pat downs, or during other times in which personal hygiene practices or needs would require the presence of a direct care staff of the same gender.

6. Video and audio monitoring devices shall not substitute for supervision of youth.

7. The provider shall provide youth that have limited English proficiency with meaningful access to all programs and activities. The provider shall provide reasonable modifications to policies and procedures to avoid discrimination against persons with disabilities.

H. Record Keeping

1. Personnel Files

a. The provider shall maintain a current, accurate, confidential personnel file on each staff. This file shall contain, at a minimum, the following:

i. an application for employment, including the resume of education, training, and experience, including evidence of professional or paraprofessional credentials/certifications according to state law, if applicable;

ii. a criminal background check in accordance with state law;

iii. documentation of staff orientation and annual training;

iv. staff hire and termination dates;

v. documentation of staff current driver's license, if applicable;

vi. annual performance evaluations; and

vii. any other information, reports, and notes relating to the individual's employment with the facility.

2. Youth Files

a. Active Files. The provider shall maintain active files for each youth. The files shall be maintained in an accessible, standardized order and format. The files shall be current and complete and shall be maintained in the facility in which the youth resides. The provider shall have sufficient space, facilities, and supplies for providing effective storage of files. The files shall be available for inspection by the department at all times. Youth files shall contain at least the following information:

i. youth's name, date of birth, social security number, previous home address, sex, religion, and birthplace;

ii. dates of admission and discharge;

iii. other identification data including documentation of court status, legal status or legal custody, and who is authorized to give consents;

iv. name, address, and telephone number of the legal guardian(s), and parent(s), if appropriate;

v. name, address, and telephone number of a physician and dentist;

vi. the pre-admission assessment and admission assessment;

vii. youth's history including family data, educational background, employment record, prior medical history, and prior placement history;

viii. a copy of the physical assessment report;

ix. continuing record of any illness, injury, or medical or dental care when it impacts the youth's ability to function or impacts the services he or she needs;

x. reports of any incidents of abuse, neglect, or incidents, including use of time out, personal restraints, or seclusion;

xi. a summary of releases from the facility;

xii. a summary of court visits;

xiii. a summary of all visitors and contacts including dates, name, relationship, telephone number, address, the nature of such visits/contacts and feedback from the family;

xiv. a record of all personal property and funds, which the youth has entrusted to the provider;

xv. reports of any youth grievances and the conclusion or disposition of these reports;

xvi. written acknowledgment that the youth has received clear verbal explanation and copies of his/her rights, the facility rules, written procedures for safekeeping of his/her valuable personal possessions, written statement explaining his/her rights regarding personal funds, and the right to examine his/her file;

xvii. all signed informed consents; and

xviii. a release order, as applicable.

b. Confidentiality and Retention of Youth Files

i. The provider shall maintain records in accordance with public records and confidentiality laws.

ii. The provider shall maintain the confidentiality and security of all records. Staff shall not disclose or knowingly permit the disclosure of any information concerning the youth or his/her family, directly or indirectly, to any unauthorized person.

I. Incident Reporting

1. Critical Incidents. The provider shall have written policies and procedures for documenting, reporting, investigating, and analyzing critical incidents.

a. The provider shall report any of the following critical incidents to parties noted in Section 7511.1.1.b below:

i. suspected abuse;

ii. suspected neglect;

iii. injuries of unknown origin;

iv. death;

v. attempted suicide;

vi. escape;

vii. sexual assault;

viii. any serious injury that occurs in a facility, including youth on youth assaults, that requires medical treatment; and/or

ix. injury with substantial bodily harm while in confinement, during transportation or during use of physical intervention.

b. The administrator or designee shall immediately report all critical incidents to the:

i. parent/legal guardian;

ii. law enforcement authority, if appropriate, in accordance with state law;

iii. DCFS Licensing Section management staff;

iv. defense counsel for the youth; and

v. judge of record.

c. At a minimum, the incident report shall contain the following:

i. date and time the incident occurred;

ii. a brief description of the incident;

iii. where the incident occurred;

iv. any youth or staff involved in the incident;

v. immediate treatment provided, if any;

vi. symptoms of pain and injury discussed with the physician if applicable;

vii. signature of the staff completing the report;

- viii. name and address of witnesses;
- ix. date and time the legal guardian, and other interested parties were notified;
- x. any follow-up required;
- xi. actions to be taken in the future to prevent a reoccurrence; and
- xii. any documentation of supervisory and administrative reviews.

d. Investigation of Abuse and Neglect

i. The provider shall submit a final written report of the incident to Licensing, if indicated, as soon as possible but no later than five calendar days following the incident.

ii. An internal investigation shall be conducted of any allegations involving staff and/or youth of abuse or neglect of a youth.

iii. Until the conclusion of the internal investigation, any person alleged to be a perpetrator of abuse or neglect may be placed on administrative leave or may be reassigned to a position having no contact with the complainant or any youth in the facility, relatives of the alleged victim, participants in a juvenile justice program, or individuals under the jurisdiction of the juvenile court. The provider shall take any additional steps necessary to protect the alleged victim and witnesses.

iv. At the conclusion of the internal investigation, the administrator or designee shall take appropriate measures to provide for the safety of the youth.

v. In the event the administrator is alleged to be a perpetrator of abuse or neglect, the governing body or commission shall:

(a). conduct the internal investigation or appoint an individual who is not a staff of the facility to conduct the internal investigation;

(b). place the administrator on administrative leave, until the conclusion of the internal investigation, or ensure the administrator has no contact with the youth in the facility, relatives of the alleged victim, participants in a youth justice program, or individuals under the jurisdiction of the youth court.

vi. Copies of all written reports shall be maintained in the youth's file.

J. Abuse and Neglect

1. Provider shall ensure staff adheres to a code of conduct that prohibits the use of physical abuse, sexual abuse, profanity, threats, or intimidation. Youth shall not be deprived of basic needs, such as food, clothing, shelter, medical care, and/or security.

2. In accordance with Article 603 of the Louisiana Youth's Code, all staff employed by a juvenile detention facility are mandatory reporters. In accordance with Article 609 of the Louisiana Youth's Code, a mandatory reporter who has cause to believe that a child's physical or mental health or welfare is endangered as a result of abuse or neglect or was a contributing factor in a child's death shall report in accordance with Article 610 of the Louisiana Youth's Code.

K. Grievance Procedure

1. The provider shall have a written policy and procedure which establishes the right of every youth and the youth's legal guardian(s) to file grievances without fear of retaliation.

2. The written grievance procedure shall include, but not be limited to:

a. a formal process for the youth and the youth's legal guardian(s) to file grievances that shall include procedures for filing verbal, written, or anonymous grievances. If written, the grievance form shall include the youth's name, date, and all pertinent information relating to the grievance;

b. a formal process for the provider to communicate with the youth about the grievance within 24 hours and to respond to the grievance in writing within five calendar days;

c. a formal appeals process for provider's response to grievance.

3. Assistance by staff not involved in the issue of the grievance shall be provided if the youth requests.

4. Documentation of any youth's or youth's legal guardian(s) grievance and the conclusion or disposition of these grievances shall be maintained in the youth's file. This documentation shall include any action taken by the provider in response to the grievance and any follow up action involving the youth.

5. The provider shall maintain a log documenting all verbal, written, and/or anonymous grievances filed and the manner in which they were resolved.

6. A copy of the grievance and the resolution shall be given to the youth, a copy maintained in the youth's file, and a copy in a central grievance file.

L. Quality Improvement

1. The provider shall have a written policy and procedure for maintaining a quality improvement program to include:

a. systematic data collection and analysis of identified areas that require improvement;

b. objective measures of performance;

c. periodic review of youth files;

d. quarterly review of incidents and the use of personal restraints and seclusion to include documentation of the date, time and identification of youth and staff involved in each incident; and

e. implementation of plans of action to improve in identified areas.

2. Documentation related to the quality improvement program shall be maintained for at least two years.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:1110.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:1565 (July 2012).

§7513. Admission and Release

A. Limitations for Admission

1. Pre-admission criteria shall limit eligibility to youth likely to commit a serious offense pending resolution of their case, youth likely to fail to appear in court or youth held pursuant to a specific court order for detention.

2. Status offenders shall be detained at the facility only in accordance with state law, or if they have violated a valid court order and have received due process protections and consideration of less restrictive alternatives to include as required by the Federal Juvenile Justice and Delinquency Prevention Act.(OJJDP Act 42 U.S.C.5633)

3. Youth with serious medical, mental health needs, or youth who are detectably intoxicated are not admitted into the facility unless and until appropriate medical professionals clear them. Youth transferred from or cleared by outside medical or mental health facilities are admitted only if the facility has the capacity to provide appropriate ongoing care.

B. Intake on Admission

1. The provider shall have written policies and procedures regarding admission to the facility. Upon admission to the facility, the following shall be adhered to:

- a. staff shall review inactive files from any previous admission to obtain history on the youth;
- b. each youth shall be informed of the process at the initiation of intake;
- c. staff shall review paperwork with law enforcement; and
- d. staff shall conduct electronic security wand scanner, frisk, and search of the youth.

2. Youth shall be processed into the facility within four hours of admission. Intake for the juvenile justice system shall be available either onsite or through on-call arrangements 24 hours a day, 7 days a week.

3. Screenings shall include approaches that ensure that available medical/mental health services are explained to youth in a language suitable to his/her age and understanding.

4. All screenings shall be conducted by a qualified medical/mental health professional or staff who have received instruction and training by a qualified medical/mental health professional.

5. Screenings conducted by trained staff shall be reviewed by a qualified medical/ mental health professional within 72 hours of admission.

6. The screenings shall occur within two hours of presentation for admission.

7. The screenings shall be in a confidential setting.

8. When a youth shows evidence of suicide risk, the facility's written procedures governing suicide intervention shall be immediately implemented.

C. Admission Screenings

1. Mental Health Screening

a. The provider shall use a standardized, validated mental health screening tool to identify youth who may be at risk of suicide or who may need prompt mental health services. Provider will ensure that persons administering the mental health screening tool are annually trained/re-trained in its administration and the use of its scores, as recommended by the author of the screening tool if more frequent than annually.

b. All youth whose mental health screening indicates the need for an assessment shall be seen by a qualified mental health professional within 24 hours of admission.

2. Medical Screening

a. The screening shall include:

i. inquiry into current and past illnesses, recent injuries, and history of medical and mental health problems and conditions, including:

- (a). medical, dental, and psychiatric/mental health problems;
- (b). current medication;

(c). allergies;

(d). use of drugs or alcohol, including types, methods of use, amounts, frequency, time of last use, previous history of problems after ceased use, and any recent hiding of drugs in his/her body;

(e). recent injuries (e.g. at or near the time of arrest);

(f). pregnancy status; and

(g). names and contact information for physicians and clinics treating youth in the community.

b. During this screening, staff shall observe:

i. behavior and appearance, indications of alcohol or drug intoxication, state of consciousness, and sweating;

ii. indications of possible disabilities to include but not limited to vision, hearing, intellectual disabilities and mobility limitations;

iii. conditions of skin, bruises, lesions, yellow skin, rash, swelling, and needle marks or other indications of drug use or physical abuse; and

iv. tattoos and piercings.

c. After the screening, staff shall refer the following youth for needed services:

i. youth who are identified in the screening as requiring additional medical services shall be referred and receive an expedited medical follow-up within 24 hours or sooner if medically necessary;

ii. when a youth shows evidence or alleges abuse or neglect by a parent, guardian, or relative, a staff member shall immediately contact law enforcement and DCFS. In situations where a youth shows evidence of or alleges abuse by law enforcement officials, the parish district attorney's office shall be notified.

D. Processing

1. Staff shall document in the youth's file that the youth was allowed to attempt to contact parents/guardians by phone within six hours of arrival at the facility.

2. The provider shall provide the youth food regardless of the time of arrival.

3. Within 24 hours of admission, youth shall receive a written and oral orientation and documentation of the orientation shall be placed in the youth's file.

4. The orientation shall include the following:

- a. identification of key staff and roles;
- b. policy on contraband and searches;
- c. due process protections;
- d. grievance procedures;
- e. access to emergency and routine health and mental health care;
- f. housing assignments;
- g. youth rights;
- h. access to education, programs, and recreational materials;
- i. policy on use of force, restraints, and isolation;
- j. behavior management system;
- k. emergency procedures;
- l. how to report problems at the facility such as abuse, feeling unsafe, and theft;
- m. non-discrimination policies;
- n. a list of prohibited practices; and
- o. facility rules and regulations.

5. Youth shall be showered and given uniforms and toiletry articles. The youth's own clothing may be laundered, then stored and ready for their release. If the youth refuses to have clothing laundered, there shall be documentation in the youth's file of the refusal.

6. Youth admitted to the facility shall be presented in court for a continued custody hearing within 72 hours or released as required in CC Article 819.

E. Admission Assessments

1. Mental Health Assessment

a. Youth shall receive a mental health assessment performed by a qualified mental health professional within 72 hours unless the youth was assessed within 24 hours of admission. The assessment shall include:

- i. history of psychiatric hospitalizations and outpatient treatment (including all past mental health diagnoses);
- ii. current and previous use of psychotropic medication;
- iii. suicidal ideation and history of suicidal behavior;
- iv. history of drug and alcohol use;
- v. history of violent behavior;
- vi. history of victimization or abuse (including sexual victimization and domestic violence);
- vii. special education history;
- viii. history of cerebral trauma or seizures;
- ix. emotional response to incarceration and arrest;

and
x. history of services for intellectual/developmental disabilities.

2. Medical Assessment

a. Youth shall receive a medical assessment, performed by a qualified medical professional within 72 hours following admission. The medical assessment shall include the following:

- i. a review with the parent or legal guardian (phone or in person) of the physical issues of the youth;
- ii. detailed history of potentially preventable risks to life and health including smoking, drug and alcohol use, unsafe sexual practices, eating patterns, and physical activity;
- iii. contact with physician(s) in the community as needed to ensure continuity of medical treatment;
- iv. record of height, weight, pulse, blood pressure, and temperature;
- v. vision and hearing screening;
- vi. testing for pregnancy;
- vii. review of screening results and collection of additional data to complete the medical, dental, and mental health histories;
- viii. review of immunization history, if available, and attempt to notify parent(s)/guardian(s) of the needed immunization records;
- ix. testing for sexually transmitted infections, consistent with state recommendations;
- x. review of the results of medical examinations and tests, and initiation of treatment when appropriate; and
- xi. identification of signs and symptoms of victimization or abuse including sexual victimization and domestic violence.

b. Youth shall receive a Mantoux Tuberculin skin test within 72 hours of arrival at the facility, unless documentation has been received that a Mantoux Tuberculin skin test was completed in the last six months.

F. Population Management

1. The facility staff shall review the institutional population on a daily basis to ensure that the institutional population does not exceed its capacity.

G. Classification Decisions

1. The provider shall have written policies and procedures regarding housing and programming decisions. The administrator, or designee, will review, on a weekly basis, the process and any decisions that depart from established policies, and shall document such review and any departure from those policies.

2. Classification policies shall include potential safety concerns when making housing and programming decisions including:

- a. separation of younger from older youth;
- b. physical characteristics to include height, weight, and stature;
- c. separation of genders;
- d. separation of violent from non-violent youth;
- e. maturity;
- f. presence of mental or physical disabilities;
- g. suicide risk;
- h. alleged sex offenses;
- i. criminal behavior;
- j. specific information about youth who need to be separated from each other (not just general gang affiliation); and
- k. identified or suspected risk to include medical, escape, and security.

3. Youth shall be assigned to a room based on classification and will be reclassified if changes in behavior or status are observed.

4. Decisions for housing or programming of youth who are or are perceived to be gay, lesbian, bisexual, or transgender youth on the basis of their actual or perceived sexual orientation shall be made on an individual basis in consultation with the youth and the reason(s) for the particular treatment shall be documented in the youth's file. The administrator or designee shall review each decision.

5. When necessary, staff shall develop individualized classification decisions to provide for the safety of particular youth.

H. Release Procedures

1. The provider shall have a written policy and procedure for releasing youth to include, but not limited to, the following:

- a. verification of identity of the person who the youth is being released to;
- b. verification that a release order is obtained;
- c. completion of release arrangements, including the person or agency to whom the youth is to be released;
- d. return of personal property;
- e. completion of any pending action, such as claims for damaged or lost possessions;
- f. notification of arrangements for medical follow-up when needed, including continuity of medications; and
- g. instructions on forwarding of mail.

2. The provider shall have a written policy and procedure for the temporary release of youth for escorted and unescorted day leaves into the community for the following:

- a. needed medical and dental care;
- b. to visit ill family members or attend funerals; and
- c. to participate in community affairs and/or events that would have a positive influence on the youth.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:1110.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:1569 (July 2012).

§7515. Youth Protections

A. Rights

1. The provider shall have written policies and procedures that ensure each youth's rights are guaranteed and protected.

2. A youth shall not be subjected to discrimination based on race, national origin, religion, sex, sexual orientation, gender identity, or disability.

3. A youth shall not be subjected to supervision or control by other youth. Supervision is to be exercised only by facility staff.

4. A youth has the right to be free from physical, verbal, or sexual assault by other youth or staff.

5. A youth shall not be required to work unless the activity is related to general housekeeping or as required by a court order or deferred prosecution agreement for community service restitution.

6. A youth shall not participate in medical, pharmaceutical, or cosmetic experiments.

7. A youth has the right to consult with clergy and participate in religious services in accordance with his/her faith, subject to the limitations necessary to maintain facility security and control. Youth shall not be forced to attend religious service and disciplinary action shall not be taken toward the youth who choose not to participate in such services.

8. Each youth shall be fully informed of these rights and of all rules and regulations governing youth conduct and responsibilities, as evidenced by written acknowledgment, at the time of admission of the receipt of a copy of youth rights, and when changes occur.

B. Access Issues

1. Telephone Usage

a. The provider shall have a written policy and procedure regarding telephone use.

b. Youth shall be permitted to have unrestricted and confidential telephone contact with professionals, such as attorneys, probation officers, and caseworkers.

c. In addition to the persons identified above in Section 7515.B.1.b, the youth shall be allowed a minimum of two free telephone calls per week, 10 minutes each to persons on the youth's approved list.

2. Mail/Correspondence

a. The provider shall have a written policy and procedure regarding youth sending and receiving mail/correspondence.

b. A youth's written correspondence shall not be opened or read by staff unless the administrator, or designee, has compelling reasons to believe the correspondence

contains material which presents a clear and present danger to the health or safety of the youth, other persons, or the security of the facility. A record shall be maintained in the youth's file when mail is read by staff, documenting the specific reason why the mail was read, and signed by the administrator or designee. Mail may be opened by staff only in the presence of the youth with inspection limited to searching for contraband.

c. Written communication with specific individuals may be restricted by:

i. the youth's court ordered rules of probation or parole;

ii. the facility's rules of separation; or

iii. a specific list of individuals furnished by the youth's parent/legal guardian indicating individuals who should not communicate with the youth.

d. Incoming correspondence from a restricted source shall be returned unopened to the sender. When mail is withheld from the youth, the reasons shall be documented in the youth's file and the youth shall be informed.

e. Youth shall be provided writing material and postage for the purpose of correspondence. Outgoing mail shall be sealed by the youth in the presence of staff.

f. Provisions shall be made to forward mail when the youth is released or transferred.

g. Money received in the mail shall be held for the youth in his/her personal property inventory or returned to the sender.

h. Incoming legal mail shall not be opened, read, or copied.

3. Visitation

a. The parent/legal guardian shall be allowed to visit youth unless prohibited by the court.

b. Visits with youth by attorneys and/or their representatives, and other professionals associated with the youth shall not be restricted and shall be conducted in private such that confidentiality may be maintained.

c. Visits to youth may be restricted if it is determined by the administrator, or designee, that allowing the visit would pose a threat to the safety or security of the staff, other youth, visitors, or the facility. When a visit is restricted, the visitor(s) shall be notified at the time the determination is made. The reason why the visit was restricted shall be documented in the youth's file.

d. The visitors of the youth shall be provided a written copy of the visitation policy and schedule.

e. Visitation rules shall be posted in public view.

f. Other individuals may be granted visits at the discretion of the administrator or his/her designee.

g. Visitors who are under the influence of alcohol or drugs, in possession of contraband, exhibiting disruptive behavior, wearing improper attire, or unable to produce valid identification shall not be permitted to visit, and the occurrence shall be documented in the youth's file.

h. A record shall be maintained in the youth's file of the names of all persons who visit the youth.

i. A record shall be maintained in the youth's file of the names of individuals prohibited to visit with the youth and the reason(s) for the denial.

j. Visiting hours shall be regularly scheduled so that visitors have an opportunity to visit at set times at least twice a week.

k. Special visiting arrangements shall be made for visitors who cannot visit the youth during the regular visiting schedule.

l. Youth who do not have visitors shall not be routinely locked in their rooms during visiting hours.

C. Prohibited Practices

1. The provider shall have a written list of prohibited practices by staff. The following practices are prohibited:

a. the use of corporal punishment by any staff. Corporal punishment does not include the right of staff to protect themselves or others from attack, nor does it include the exercise of approved physical restraint as may be necessary to protect a youth from harming himself/herself or others;

b. any act or lack of care that injures or significantly impairs the health of any youth, or is degrading or humiliating in any way;

c. placement of a youth in unapproved quarters;

d. forcing a youth to perform any acts that could be considered cruel or degrading;

e. delegation of the staff's authority for administering discipline and privileges to other youth in the facility;

f. group punishment for the acts of an individual;

g. deprivation of a youth's meals or regular snacks;

h. deprivation of a youth's court appearances;

i. deprivation of a youth's clothing, except as necessary for the youth's safety;

j. deprivation of a youth's sleep;

k. deprivation of a youth's medical or mental health services;

l. physical exercise used for discipline, compliance, or intimidation;

m. use of any mechanical restraint as a punishment;

n. use of any chemical restraint; and

o. administration of medication for purposes other than treatment of a medical, dental, or mental health condition.

2. Use of force by staff on detained youth, through either acts of self-defense or the use of force to protect a youth from harming himself/herself or others, shall be immediately reported in writing to the administrator of the facility. A copy of the written report shall be maintained in the youth's file.

3. The youth shall receive a list of the prohibited practices. There shall be documentation of acknowledgement of receipt of the list of prohibited practices by the youth in the youth's file.

4. A list of prohibited practices shall be posted in the facility.

5. Any instance of a prohibited practice shall be documented immediately in the youth's file.

D. Behavior Management System

1. The provider shall have a written policy and procedure for the behavior management system to be used to assist the youth in conforming to established standards of behavior and the rules and regulations of the facility.

2. The behavior management system shall provide written guidelines and parameters that are readily definable and easily understood by youth and staff.

3. The behavior management system shall be designed to provide graduated incentives for positive behavior and

afford proportional measures of accountability for negative behavior.

4. Incentives shall not include any program, service, or physical amenity to which the youth is already entitled by these rules or federal, state, or local laws.

E. Room Confinement/Isolation/Segregation

1. The provider shall have written policies and procedures to be adhered to when a youth is confined to his/her sleeping room or an isolation room. They will include the use of room confinement, room isolation, protective isolation, and administrative segregation.

2. When a youth is placed in room confinement/isolation/segregation, the following shall be adhered to:

a. The administrator or designee shall approve the confinement of a youth to his/her sleeping room or an isolation room.

b. During the period of time a youth is in confinement, the youth shall be checked by a staff member at least every 15 minutes. The staff shall be alert at all times for indications of destructive behavior on the part of the youth, either self-directed or toward the youth's surroundings. Any potentially dangerous item on the youth or in the sleeping rooms shall be removed to prevent acts of self-inflicted harm.

c. The following information shall be recorded and maintained for that purpose prior to the end of the shift on which the restriction occurred:

i. the name of the youth;

ii. the date, time and type of the youth's restriction;

iii. the name of the staff member requesting restriction;

iv. the name of the administrator or designee authorizing restriction;

v. the reason for restriction;

vi. the date and time of the youth's release from restriction; and

vii. the efforts made to de-escalate the situation and alternatives to isolation that were attempted.

d. Staff involved shall file an incident report with the shift supervisor by the end of the shift. The report shall outline in detail the presenting circumstances and a copy shall be kept in the youth's file and a central incident report file. At a minimum, the incident report shall contain the following:

i. name of the youth;

ii. date and time the incident occurred;

iii. a brief description of the incident;

iv. where the incident occurred;

v. any youth and/or staff involved in the incident;

vi. immediate treatment provided if any;

vii. signature of the staff completing the report; and

viii. any follow-up required.

e. If the confinement continues through a change of shifts, a relieving staff member shall check the youth and the room prior to assuming his or her post and assure that the conditions set forth in these rules are being met.

f. There shall be a means for the youth to communicate with staff at all times.

g. There shall be no reduction in food or calorie intake.

h. The youth shall have access to bathroom facilities, including a toilet and washbasin.

3. Room Isolation

a. This type of isolation shall be utilized only while the youth is an imminent threat to safety and security.

b. Staff shall hold a youth in isolation only for the time necessary for the youth to regain self-control and no longer pose a threat. The amount of time shall in no case be longer than four hours.

4. Room Confinement

a. Room confinement shall not be imposed for longer than 72 hours.

b. If a youth is placed in room confinement for longer than eight hours, the youth shall be allowed due process. Due process procedures include the following:

i. written notice to the youth of the alleged rule violation;

ii. a hearing before a disciplinary committee comprised of impartial staff who were not involved in the incident of alleged violation of the rule. The disciplinary committee may gather evidence and investigate the alleged violation. During the hearing, the youth will be allowed to be present provided he/she does not pose a safety threat. The youth may have a staff member of his/her choosing present for assistance. The youth will be allowed to present his/her case and present evidence and/or call witnesses;

iii. following the hearing, the disciplinary committee shall render decision and find the youth at fault or not;

iv. the youth shall receive a written notice of the committee's decision and the reasons for the decision;

v. the youth may appeal a finding of being at fault to the administrator assigned to the JDF.

5. Administrative Segregation

a. No youth shall be placed on administrative segregation for longer than 24 hours without a formal review of the youth's file by a qualified mental health professional and the facility administrator.

b. While a youth is on administrative segregation, the youth shall be provided with daily opportunities to engage in program activities such as education and large muscle exercise, as his/her behavior permits. The program activities may be individual or with the general population, at the discretion of the administrator or designee.

F. Staff Intervention/Restraints

1. The provider shall have written policies and procedures and practices regarding the progressive response for a youth who poses a danger to themselves, others, or property. Approved physical escort techniques, physical restraints and mechanical restraint devices are the only types of interventions that may be used in the facility. Physical and mechanical restraints shall only be used in instances where the youth's behavior threatens imminent harm to the youth or others, or serious property destruction, and shall only be used as a last resort. Plastic cuffs shall only be used in emergency situations. Use of any percussive or electrical shocking devices or chemical restraints is prohibited.

2. Restraints shall not be used for punishment, discipline, retaliation, harassment, intimidation or as a substitute for room restriction or confinement.

3. When a youth exhibits any behavior that may require staff intervention, the following protocol shall be

adhered to when implementing the intervention unless the circumstances do not permit a progressive response:

a. Staff shall begin with verbal calming or de-escalation techniques.

b. Staff shall use an approved physical escort technique when it is necessary to direct the youth's movement from one place to another.

c. Staff shall use the least restrictive physical or mechanical restraint necessary to control the behavior.

d. If physical force is required, the use of force shall be reasonable under the circumstances existing at the moment the force is used and only the amount of force and type of restraint necessary to control the situation shall be used.

e. Staff may proceed to a mechanical restraint only when other interventions are inadequate to deal with the situation.

f. Staff shall stop using the intervention as soon as the youth re-gains self control.

4. During the period of time a restraint is being used:

a. the youth shall be checked by a staff member at least every 15 minutes. Documentation of these checks shall be recorded and maintained in the youth's file. If the use of the restraint exceeds 60 minutes, a health professional must authorize the continued use of the restraint. However, restraints cannot be used for longer than four hours;

b. there shall be a means for the youth to communicate with staff at all times;

c. staff shall not withhold food while a youth is in a mechanical restraint;

d. the youth shall have access to bathroom facilities, including a toilet and washbasin.

5. In all situations in which a restraint is used, staff involved shall record an incident report with the shift supervisor by the end of the shift. The report shall outline in detail the presenting circumstances and a copy shall be kept in the youth's file and a central incident report file. At a minimum, the incident report shall contain the following:

a. the name of the youth;

b. the date, time, and location the intervention was used;

c. the type of intervention used;

d. the name of the staff member requesting use of the intervention;

e. the name of the supervisor authorizing use of the intervention;

f. a brief description of the incident and the reason for the use of the intervention;

g. the efforts made to de-escalate the situation and alternatives to the use of intervention that were attempted;

h. any other youth and/or staff involved in the incident;

i. any injury that occurred during the intervention restraint and immediate treatment provided if any;

j. the date and time the youth was released from the intervention;

k. the name and title of the health professional authorizing continued use of a restraint if necessary beyond 60 minutes;

l. signature of the staff completing report; and

m. any follow-up required.

6. The youth shall receive a list of the prohibited practices. There shall be documentation of acknowledgement of receipt of the list of prohibited practices by the youth in the youth's file.

7. Facility staff shall not use physical restraints or mechanical restraints unless they have been trained in the use of such restraints. Training shall include methods of monitoring and assessing a restrained youth for injuries and loss of circulation as a result of the use of mechanical restraint.

8. After any incident of use of a restraint, medical follow-up shall occur as soon as a qualified medical professional is available at the facility, or sooner if medically necessary as determined by the facility administrator.

G. Prohibited Practices When Using Restraints

1. The provider shall have a written list of prohibited practices by staff members when using a restraint. This following are prohibited:

- a. restraints that are solely intended to inflict pain;
- b. restraints that put a youth face down with sustained or excessive pressure on the back, chest cavity, neck or head;
- c. restraints that obstruct the airway or impair the breathing of the youth;
- d. restraints that restrict the youth's ability to communicate;
- e. restraints that obstruct a view of the youth's face;
- f. any technique that does not allow monitoring of the youth's respiration and other signs of physical distress during the restraint;
- g. any use of four or five-point restraints, straightjackets, or restraint chairs;
- h. mechanical restraint devices that are so tight they interfere with circulation or that are so loose they cause chafing of the skin;
- i. use of a waistband restraint on a pregnant youth;
- j. use of a mechanical restraint that secures a youth in a position with his/her arms and/or hands behind the youth's back (hog-tied) or front, with arms or hands secured to the youth's legs;
- k. use of a mechanical restraint that affixes the youth to any fixed object, such as room furnishings or fixtures; and/or

1. use of any maneuver that involves punching, hitting, poking, pinching, or shoving.

2. A youth in mechanical restraints shall not participate in any physical activity, other than walking for purposes of transportation.

3. A list of these prohibitions shall be posted in the facility.

4. The youth shall receive a list of the prohibitions when using a restraint. There shall be documentation of acknowledgement of receipt of the list of prohibitions in the youth's file.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:1110.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:1572 (July 2012).

§7517. Facility Services

A. Education

1. The provider shall have written policies and procedures, and practices to ensure that each youth has

access to the most appropriate educational services consistent with the youth's abilities and needs, taking into account his/her age, and level of functioning.

2. The provider shall provide accommodations for educational services to be provided by the local school district in accordance with local school board calendar.

3. Prior to the end of the first official school day following admission, the youth shall receive a brief educational history screening with respect to their school status, special education status, grade level, grades, and history of suspensions or expulsions. Staff shall use this information to determine initial placement in the facility educational program.

4. The youth shall receive a free and appropriate public education.

5. Within three calendar days of the youth's arrival at the facility, the provider shall request educational records from the youth's previous school.

6. The youth shall attend the facility school at the earliest possible time but within three calendar days of admission to the facility.

7. The youth's admission assessment shall identify if the youth has any disabilities. Youth with disabilities shall be identified to the local school district.

8. The provider shall ensure youth have access to vocational training, GED programs, and other alternative educational programming if available from the local school district.

9. Youth in restricted, disciplinary, or high security units shall receive an education program comparable to youth in other units in the facility consistent with safety needs.

10. When youth are suspended from the facility school, the suspension shall comply with local jurisdiction due process requirements.

11. Behavior intervention plans shall be developed for a youth whose behavior interferes with their school attendance and progress.

12. The provider shall have available reading materials geared to the reading levels, interests, and primary languages of confined youth.

13. The school classes shall be held in classrooms/multi-purpose rooms. The provider shall ensure that the educational space is adequate to meet the instructional requirements of each youth.

14. The provider shall ensure that youth are available for the minimum minutes in a school day required by law.

15. The administrator shall immediately report in writing to the local school district if the facility school is not being staffed adequately to meet state student to teacher ratios for education, including not but not limited to, special education staff and substitute teaching staff. If the issue is not timely resolved by the local school district, then the administrator shall file a written complaint with the State Board of Education and cooperate with any subsequent directives received from the State Board of Education.

B. Daily Living Services

1. Written schedules of daily routines shall be posted and available to the youth.

2. Personal Possessions

a. Space shall be provided for secure storage of each youth's personal property.

b. A separate locked cabinet or drop safe for money and other valuables shall be provided.

3. Clothing and Bedding

a. The provider shall maintain an inventory of clothing, and bedding to ensure consistent availability and replacement of items that are lost, destroyed, or worn out.

b. The provider shall provide clean underclothing, socks, and outerwear that fit properly.

c. The provider shall provide for the thorough cleaning and when necessary, disinfecting of youth's personal clothing.

d. The provider shall issue clean bedding and linen, including two sheets, a pillow, pillowcase, a mattress, and sufficient blankets to provide reasonable comfort.

e. Linen shall be exchanged weekly and towels exchanged daily.

4. Bathing and Personal Hygiene

a. Youth shall be given appropriate instructions on hygiene and shall be required to comply with facility rules of personal cleanliness and oral hygiene.

b. Youth shall be required to bath or shower daily and/or after strenuous exercise.

c. Youth shall have access to adequate personal hygiene and toiletry supplies, such as hairbrushes, toothbrushes including hygiene supplies specific for females, if females are detained in the facility.

d. Items that could allow for spread of germs shall not be shared among youth.

e. Shaving equipment shall be made available upon request under close supervision on an as needed basis.

C. Food Services

1. Food Preparation

a. The provider shall develop and implement a written policy and procedure for providing food services. Accurate records shall be maintained of all meals served. All components of the food service operation in the facility shall be in compliance with all applicable public health requirements.

b. A staff member experienced in food service management shall supervise food service operations.

c. A nutritionist, dietitian, or other qualified professional shall ensure compliance with recommended food allowances and review a system of dietary allowances.

d. A different menu shall be followed for each day of the week and the provider shall keep dated records of menus, including substitutions and changes.

e. The kitchen, consisting of all food storage, food preparation, food distribution, equipment storage, and layout shall comply with Office of Public Health requirements.

2. Nutritional Requirements

a. A youth shall receive no fewer than three nutritionally balanced meals in a 24 hour period.

b. Meals shall be planned and shall provide a well-balanced diet sufficient to meet nutritional needs.

c. Youth shall receive snacks in the evenings.

3. Modified Diets

a. The provider shall provide meals for youth with special dietary requirements, such as youth with allergies or other medical issues, pregnant youth, and youth with dental problems, and youth with religious beliefs that require adherence to religious dietary laws.

4. Daily Schedule

a. Three meals, two of which shall be hot, shall be provided daily, lasting a minimum of 20 minutes each.

b. No more than 14 hours shall elapse between the evening meal and breakfast meal.

c. Variations shall be allowed on weekends and holidays.

d. Regular meals and/or snacks shall not be withheld for any reason.

e. Youth shall not be forced to eat any given food item.

f. Provisions shall be made for the feeding of youth admitted after the kitchen has been closed for the day.

g. Normal table conversation shall be permitted during mealtimes.

h. There shall be a single menu for staff and youth.

5. General Issues

a. The general population shall not be fed meals in sleeping rooms except under circumstances where safety and security of the building and/or staff would otherwise be jeopardized.

D. Health Related Services

1. Health Care

a. The provider shall have written policies and procedures and practices to ensure preventive, routine, and emergency medical, mental health and dental care for youth.

b. The provider shall have a responsible health authority accountable for health care services pursuant to a contract or job description.

c. The provider shall provide health services to youth free of charge.

d. Limit sharing of confidential information to those who need the information to provide for the safety, security, health, treatment, and continuity of care for youth, consistent with state and federal law.

e. Each provider shall provide a dedicated room or rooms for examinations.

2. Medical Care

a. The provider shall have availability or access to a physician or local emergency room 24 hours, seven days a week.

b. Staff assigned to provide medical care shall be qualified to do so as required by law.

c. The youth shall be notified of how and to whom to report complaints about any health related issues or concerns.

d. The provider shall ensure that each youth receive medical care if they are injured or abused.

e. The provider shall immediately attempt to notify the youth's parent/legal guardian of a youth's illness or injury that requires service from a hospital.

f. Youth may request to be seen by a qualified medical professional without disclosing the medical reason and without having non-health care staff evaluate the legitimacy of the request.

g. The provider shall ensure that any medical examination and treatment conforms to state laws on medical treatment of minors, who may give informed consent for such treatment, and the right to refuse treatment.

h. Medical staff shall obtain informed consent from a youth and/or parent/legal guardian as required by law, and shall honor refusals of treatment.

i. When medical and/or mental health staff believe that involuntary treatment is necessary, the treatment shall be conducted in a hospital and not at the facility after compliance with legal requirements.

j. Staff shall document the youth and/or parent/legal guardian's consent or refusal, including counseling with respect to treatment, in the youth's medical file.

k. Pregnant youth shall be provided prenatal care. Any refusal for prenatal care by the pregnant youth shall be documented in their file.

l. Youth who are victims of sexual assault shall receive immediate medical treatment, counseling, and other services.

m. Files of all medical examinations, follow-ups and services, together with copies of all notices to a parent/legal guardian shall be kept in the youth's medical file.

n. Youth placed in medical isolation shall participate in programming as determined by the facility's qualified medical professional.

3. Mental Health Care

a. The provider shall ensure that 24-hour on-call or emergency mental health services are available for youth.

b. Youth shall be appropriately assessed and treated for suicide risk, to include the following principles.

i. All staff working with youth shall receive training on recognition of behavioral and verbal cues indicating vulnerability to suicide, and what to do in case of suicide attempts or suicides to include the use of a cut-down tool for youth hanging.

ii. Staff shall document the monitoring of youth on suicide watch at the time they conduct the monitoring.

iii. Qualified mental health professionals shall determine the level of supervision to be provided.

iv. Qualified mental health professionals shall provide clear, current information about the status of youth on suicide watch to staff supervising youth.

v. Staff shall not substitute supervision aids, such as closed circuit television or placement with roommates, for in-person one-on-one staff monitoring.

vi. Youth at risk of suicide shall be engaged in social interaction and shall not be isolated. Youth on all levels of suicide precautions shall have an opportunity to participate in school and activities to include the one-on-one staff person.

vii. Youth on suicide watch shall not be left naked. Clothing requirements shall be determined by a qualified mental health professional.

viii. Only a qualified mental health professional shall authorize the release of a youth from suicide watch or lower a youth's level of precautions. Qualified mental health professionals shall return youth to normal activity as soon as possible.

ix. A qualified mental health professional shall follow-up with youth during and after the youth is released from suicide watch. The follow-up shall be to the degree and frequency that the qualified mental health professional determines is necessary to meet the youth's mental health needs.

x. Suicides or attempts of suicide shall be accurately documented. There shall be an administrative and

mental health review and debriefing after each such occurrence.

xi. Staff shall immediately notify the parent/legal guardian following any incident of suicidal behavior.

xii. Staff shall immediately notify the parent/legal guardian following any incident of self-harm as determined by a qualified mental health professional.

4. Medication

a. The provider shall ensure that medication is administered by a registered nurse, licensed practical nurse, or licensed medical physician; by persons with appropriate credentials, training, or expertise in accordance with R.S. 15:911.; or self-administered according to state law. All administration, conditions, and restrictions of medication administration shall be in accordance with R.S. 15:911.

b. The administration of all prescription and non-prescription medication shall be documented whether administered by staff or supervised by staff while self-administering. This documentation shall include:

i. the youth's name;

ii. date;

iii. time;

iv. medication administered;

v. the name of the person administering the medication; and

vi. the youth's signature, if self-administered.

c. If a youth refuses to take medication, documentation shall include:

i. the youth's name;

ii. date;

iii. time;

iv. medication to be administered;

v. the name of the person attempting to administer the medication;

vi. the refusal;

vii. reason for the refusal; and

viii. the youth's signature, if youth is willing to sign.

d. Receipt of prescription medication shall be by a qualified medical professional or unlicensed trained personnel and the process shall be as follows.

i. When medication arrives at the facility, the qualified medical professional/unlicensed trained personnel shall conduct a count with the name of the person delivering the medication and document the count utilizing a facility form which includes the person delivering medication; the name of youth to whom the medication is prescribed and the amount, physician, and date prescribed for all medication.

ii. All medication shall be in the original container and not expired.

iii. The qualified medical professional shall prepare a medication administration record for all medications.

iv. The qualified medical professional shall place the medication in a locked medication location.

e. The qualified medical professional shall identify and confirm the prescription of all medication received at the facility.

f. There shall be a system in place to ensure that there is a sufficient supply of prescribed medication available for all youth at all times.

i. At shift change, a qualified medical professional or unlicensed trained personnel shall review the medication administration record to ensure that medication was administered as ordered and maintain an inventory of the medication.

ii. Any deviation in the medication count shall be reported to the administrator or designee when identified.

iii. The qualified medical professional or unlicensed trained personnel shall ensure that any medication given to a youth is in accordance with a physician's order.

iv. There shall be a system in place for the documentation of medication errors.

g. Standing orders for non-prescription medication, including directions from the physician indicating when they should be contacted, shall be signed by a physician. There shall be no standing orders for prescription medication. The orders shall be reviewed and signed annually.

h. Medication shall not be used as a disciplinary measure, for the convenience of staff, or as a substitute for programming.

i. The provider shall notify the youth's parent/legal guardian of the potential benefits and side effects of medication prescribed while the youth is in the facility. The youth or the youth's parent/legal guardian must consent to changes to their medication, prior to administration of any new or altered medication.

j. The qualified medical professional or unlicensed trained personnel shall ensure that the on call physician is immediately notified of any side effects observed by the youth, or by staff, as well as, any medication errors. Any negative side effects shall be promptly recorded in the youth record. The parent/legal guardian shall be notified verbally or in writing within 24 hours of any such side effects and a notation of such communication shall be documented in the youths file.

k. Medication shall be stored under proper conditions of sanitation, temperature, light, moisture, ventilation, and security, as required by manufacturer's guidelines and/or law.

l. Discontinued and outdated medication, as well as, medication with damaged containers, or illegible or missing labels shall be properly disposed of according to state law.

m. The provider shall maintain an adequate supply of emergency medication and easily accessible information to include the phone number of the poison control center in case of overdoses or toxicological emergencies.

5. Dental Care

a. The provider shall have a written policy and procedure and practice for providing dental services to all youth to include the following.

i. Youth shall be allowed to brush their teeth at least twice daily.

ii. The provider shall provide a dental examination by a physician/dentist, as needed.

iii. The provider shall provide emergency dental care, as needed.

iv. The qualified medical professional will contact the youth's parents/legal guardian regarding any dental needs identified.

v. All dental examinations, follow-ups, and services shall be documented in the youth's medical file.

6. Immunizations

a. The provider shall have a written policy and procedure and practice regarding the maintenance of immunization records.

b. Within seven days of admission, each youth's immunization records shall be requested from the school of record or other resources. If not received in the time specified, staff shall follow-up with school or other resources. Any immunization record received shall be included in the youth's medical file.

c. The provider shall provide or make arrangements for needed immunizations, as identified by a qualified medical professional.

E. Exercise/Recreation/Other Programming

1. The provider shall have a policy and procedure for approving a program of exercise, recreation, and other programming for all youth. The program will ensure that girls have reasonable opportunities for similar activities, skill development, and an opportunity to participate in programs of comparable quality.

2. Youth in the facility, including youth on disciplinary or restricted status, shall receive at least one hour of large muscle exercise daily. This exercise shall be outside, weather permitting.

3. Youth in the facility shall receive a minimum of one hour of recreational time per day outside of the youth's sleeping room. Recreational activities shall include a range of activities in dayroom/multipurpose rooms or common areas, including but not limited to reading, listening to the radio, watching television or videos, board games, drawing or painting, listening to or making music, and letter writing.

4. The provider shall provide functioning recreational equipment and supplies for physical education activities.

5. Youth shall be provided unstructured free time. There shall be an adequate supply of games, cards, writing, and art materials for use during unstructured recreation time.

6. Reading materials appropriate for the age, interests, and literacy levels of youth shall be available in sufficient variety and quantity to the youth. Youth shall be allowed to keep reading materials in their rooms including religious reading material.

7. The provider shall offer life and social skill competency development, which helps youth function more responsibly and successfully in everyday life situations. These shall include social skills that specifically address interpersonal relationships, through staff interactions, organized curriculums, or other programming.

8. Staff, volunteers, and community groups shall provide additional programming reflecting the interests and needs of various racial and cultural groups within the facility and are gender-responsive. The facility activities may include art, music, drama, writing, health, fitness, meditation/yoga, substance abuse prevention, mentoring, and voluntary religious or spiritual groups.

9. The provider shall offer gender-responsive programming, to include topics such as physical and mental abuse, high-risk sexual behavior, mental health, parenting classes, and substance abuse issues.

10. The provider shall develop a daily activity schedule, which is posted in each living area and outlines the days and times of each youth activity.

F. Transportation

1. The provider shall have written policies and procedures and practices to ensure that each youth is provided with transportation necessary to meet his/her needs and in a safe and secure manner.

2. The provider shall ensure proper use of official vehicles and guard against use of a vehicle in an escape attempt.

3. Any vehicle used in transporting youth shall be properly licensed and inspected according to state law.

4. The driver shall be properly licensed.

5. The number of passengers shall not exceed vehicle rated capacity.

6. Youth shall not be permitted to drive facility vehicles.

7. Bodily injury and property damage liability shall be maintained for all vehicles.

8. Youth shall not be transported in open truck beds.

9. Seat belts shall be worn at all times.

10. Doors shall remain locked when in transport.

11. Youth shall not be affixed to any part of the vehicle or secured to another youth.

12. Mechanical restraints used during routine transportation in a vehicle or movement of a youth from the facility to another location outside the facility shall not be required to be documented as a restraint.

13. At least one staff member transporting a youth shall be of the same gender as the youth in transport.

14. The driver shall have the ability to communicate to the facility.

15. All vehicles used for the transportation of youth shall be maintained in a safe condition and in conformity with all applicable motor vehicle laws.

16. The provider shall ensure that an appropriately equipped first aid kit is available in all vehicles used to transport youth.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:1110.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:1575 (July 2012).

§7519. Physical Environment

A. Physical Appearance and Conditions

1. The provider shall have written policies and procedures and practices for the maintenance of a clean and sanitary facility that promotes a safe and secure environment for youth and addresses emergency repairs, replacement of equipment and general upkeep, preventive and ongoing maintenance of the physical plant and equipment.

2. Weekly sanitation inspections shall be made of all facility areas. A designated staff member shall submit a written sanitation report to the administrator. A copy of the report shall be kept on file.

3. The provider shall have an effective pest control program to prevent insect and rodent infestation.

4. The facility's perimeters shall be controlled by appropriate means to provide that youth remain within the perimeter and to prevent access by the general public without proper authorization. Facilities shall not utilize razor wire to secure the perimeter.

5. The provider shall provide heating, cooling and ventilation systems that are appropriate to summer and winter comfort zones, with no unhealthy extremes.

6. The provider shall ensure access to clean drinking water.

B. Positive Institutional Atmosphere

1. Staff demonstrates an appropriate level of tolerance of normal adolescent behavior in their day to day working with youth.

2. Furnishings and other decorations reflect a home-like, non-penal environment to the maximum extent possible.

3. Staff recognizes and celebrates important holidays, birthdays, and other dates of significance to youth.

4. The décor and programming acknowledge and value the diverse population of youth in the facility.

C. Dining Areas

1. Dining areas shall be clean, well lit, ventilated and equipped with dining tables and appropriate seating for the dining tables.

D. Sleeping Areas

1. Size requirements for single and double occupancy housing units shall be as follows.

a. A single occupancy room shall have at least 35 square feet of unencumbered space. At least one dimension of the unencumbered space shall be no less than seven feet. In determining unencumbered space in the cell or room, the total square footage is obtained and the square footage of fixtures and equipment is subtracted.

b. A double occupancy room shall have at least 50 square feet of unencumbered space.

2. Ceilings shall be a minimum of 10 feet from ceiling to floor.

3. There shall be separate sleeping rooms for male and female youth.

4. Youth held in sleeping rooms shall have access to a toilet above floor level, a washbasin, clean drinking water, running water, and a bed above floor level.

5. The provider shall not use any room that does not have natural lighting as a sleeping room.

6. The provider shall remove protrusions and other tie-off points from rooms.

7. Doors

a. The doors of every sleeping room shall have a view panel that allows complete visual supervision of all parts of the room. The view panel shall be one-quarter inch tempered or safety glass panels at least 10 inches square.

b. Doors shall be hinged to a metal frame set securely in the wall with sound insulation strips on the jamb.

c. Hinge pins of doors shall be tamperproof and non-removable.

d. In newly constructed or renovated facilities doors to sleeping rooms shall be arranged alternately so that they are not across the corridor from each other.

e. Each youth's housing door shall be hung so that it opens outward, in the opposite direction of the youth living area, or slide horizontally into a recessed pocket in order to prevent the door from being barricaded.

8. Lighting in sleeping rooms shall provide adequate illumination and shall be protected by a tamperproof safety cover.

9. Furniture and Fixtures

- a. All furnishings, fixtures, and hardware in sleeping rooms shall be as suicide resistant as possible.
- b. All youth shall have a bed above floor level
- c. Only flame-retardant furnishings shall be used in the facility.

10. There shall not be any exposed pipes in sleeping rooms. Traps and shut-off valves shall be behind locked doors outside the sleeping rooms.

E. Bathrooms

1. Individual showers shall be provided for all youth, with a ratio of not less than one shower for each six youth in the population.

2. At least one washbasin shall be provided for each six youth.

3. Urinals may be substituted for up to one-half of the toilets in male units.

4. A minimum of one toilet for each six youth shall be provided in each living unit.

5. Youth in "dry" rooms (without toilets) shall have immediate access to toilets (no longer than a five minute delay after a youth request).

6. Bathroom fixtures shall be sturdy, securely fastened to the floor and/or wall.

7. Showers shall be equipped to prevent slipping.

8. Bathroom facilities shall be designed so that youth are able to shower and perform bodily functions without staff or other youth viewing them naked.

F. Exercise Area

1. Facilities shall have outdoor exercise areas 100 square feet per youth for the maximum number of youth expected to use the space at one time, but not less than 1,500 square feet of unencumbered space.

G. Day Room Area

1. Facilities shall have dayrooms that provide a minimum of 35 square feet of space per youth (exclusive of lavatories, showers, and toilets) for the maximum number of youth per the unit capacity, and no dayroom encompasses less than 100 square feet of space (exclusive of lavatories, showers, and toilets).

H. Interview, Visitation and Counseling Areas

1. The provider shall provide sufficient space for interviewing, counseling, and visiting areas.

2. The interview and visiting room shall allow privacy, yet permit visual supervision by staff, and shall be located within the security perimeter completely separate from the youth living quarters.

I. Laundry

1. The provider shall have a process in place to ensure clean laundry is available for the youth.

J. Storage Areas

1. The provider shall have securely locked storage space for all potentially harmful materials. Keys to such storage spaces shall only be available to authorized staff members.

2. All service and maintenance areas shall be locked and shall be inaccessible to the youth.

3. Separate areas for mechanical equipment shall be provided in a location inaccessible to the youth.

4. Storage space shall be provided for janitorial supplies, food/kitchen supplies and equipment, arts and crafts materials, office supplies, and other supplies required for the maintenance of the facility.

5. Storage areas shall not be accessible by youth.

6. There shall be a location for secure storage of restraining devices and related security equipment. This equipment shall be readily accessible to authorized persons.

K. Housekeeping

1. There shall be a provision for providing housekeeping services for the facility's physical plant.

2. Cleaning and janitorial supplies shall be kept in a locked supply area. Supplies shall be issued and controlled by staff.

3. Unsupervised youth shall not have unrestricted access to areas where cleaning chemicals are stored.

4. Youth shall be directly supervised when cleaning chemicals and equipment are in use.

5. Chores shall be assigned in relation to the youth's age and abilities, and shall be planned so as not to interfere with regular school programs, study periods, recreation, or sleep.

6. The provider shall store and secure objects that can be used as weapons, including but not limited to knives, scissors, tools, and other instruments.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:1110.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:1579 (July 2012).

§7521. Emergency Preparedness

A. The provider shall have a written policy and procedure and practice which ensures the smooth operation, evacuation, if necessary, and steps to be taken during a security threat or disaster, which could impact the operations of the facility or the safety of youth, staff and/or visitors. Quick reference guides shall be located in a designated area for easy access. These procedures shall be reviewed and revised, as necessary. Procedures will incorporate responses to the following events:

- 1. disturbances and riots;
- 2. hostages;
- 3. bomb threats;
- 4. use of emergency medical services;
- 5. gas leaks, spills or attacks;
- 6. power failure;
- 7. escapes;
- 8. hurricanes, tornados, severe weather, flooding;
- 9. fires/smoke;
- 10. chemical leaks;
- 11. work stoppage; or
- 12. national security threat.

B. The emergency preparedness plan shall cover:

- 1. the identification of key personnel and their specific responsibilities during an emergency or disaster;
 - 2. agreements with other agencies or departments;
 - 3. transportation to pre-determined evacuation sites;
 - 4. notification to families;
 - 5. needs of youth with disabilities in cases of an emergency;
 - 6. immediate release of a youth from locked areas in case of an emergency, with clearly delineated responsibilities for unlocking doors;
 - 7. the evacuation of youth to safe or sheltered areas.
- Evacuation plans shall include procedures for addressing both planned and unplanned evacuations and to alternate

locations both in close proximity of the facility as well as long distance evacuations;

8. ensuring access to medication and other necessary supplies or equipment.

C. Drills

1. The provider shall conduct fire drills once per month, one drill per shift every 90 days, at varying times of the day. Documentation of the fire drill shall include the following:

- a. date of drill;
- b. time of drill;
- c. number of minutes to evacuate facility;
- d. number of youth evacuated;
- e. problems/concerns observed during the drill;
- f. corrections if problems or concerns noted; and
- g. signatures of staff present during drill.

2. The provider shall make every effort to ensure that staff and youth recognize the nature and importance of fire drills.

D. Alternate Power Source

1. An alternate power source policy shall be developed. The facility shall have an alternate source of electrical power that provides for the simultaneous operations of life safety systems including:

- a. emergency lighting;
- b. illuminated emergency exit lights and signs;
- c. emergency audible communication systems and equipment;
- d. fire detection alarms systems;
- e. ventilation and smoke management systems;
- f. refrigeration of medication;
- g. medical devices; and
- h. door locking devices.

2. Testing of Alternate Power Source

a. The alternate power source system shall be tested by automatic self-checks or manual checks to ensure the system is in working condition.

b. Any system malfunctions or maintenance needs that are identified during a test, or at any other time, shall require that a written maintenance request be immediately submitted to the appropriate personnel.

E. Emergency Plan for Unlocking Doors

1. The facility will adhere to Life Safety Code, Article 10-3141 and 10-3142.

2. The provider will ensure that reliable means are provided to permit the prompt release of youth confined in locked sections, spaces or rooms in the event of fire or other emergency.

3. Prompt release from secure areas shall be guaranteed on a 24 hour basis by sufficient personnel with ready access to keys.

F. Declared State of Emergency

1. Facilities under a declared state of emergency due to a natural disaster or other operational emergency of facilities housing youth from these affected facilities shall be exempt from capacity requirements as determined by law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:1110.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:1580 (July 2012).

§7523. Safety Program

A. Policies and Procedures

1. The provider shall have policies and procedures and practices that ensure an on-going safety program is maintained.

B. General Safety Practices

1. Firearms and weapons shall be prohibited in secure areas. The provider shall require that visiting law enforcement personnel store their weapons either in provided lock-boxes or locked in their vehicles.

2. Staff shall accompany private contractors when in the presence of youth.

3. The provider shall ensure that a properly equipped first aid kit is available in each living unit.

C. Security

1. Doors and Perimeter Control

a. The provider shall maintain controlled access to the facility and internal doors at all times.

b. The provider shall designate entrances and exits for use by staff and the public. Designated perimeter entrances and doors will be secured to ensure that youth remain on facility grounds and to prevent unauthorized public access to the facility.

c. The provider shall record admissions and departures of visitors entering and exiting the facility to include the nature of business, arrival and departure times, and a brief notation of unusual circumstances surrounding any visit.

d. The provider shall control access to any vehicular entrance, when applicable.

e. The provider shall maintain security of all doors, unoccupied areas and storage rooms and accessibility of authorized persons to secured areas.

2. Youth Supervision and Movement

a. Supervision of movement shall include the following:

i. staff shall be aware of the location and the number of youth he/she is responsible for at all times;

ii. staff shall not leave his/her area of responsibility without first informing the supervisor;

iii. at least one escort must be the same sex and/or gender of youth during movement;

iv. staff shall conduct a periodic head count;

v. instruction shall be provided for staff escorting youth within and outside the facility;

vi. prohibition of the supervision of youth by youth; and

vii. shift assignments, including the use, location, and scope of assignment.

3. Searches

a. The provider shall have a written policy and procedure for conducting searches.

b. The provider shall conduct routine and unannounced searches/inspections of all areas of the physical plant and other areas deemed necessary by administration to ensure the facility remains secure at all times.

c. The provider shall conduct individual room searches when necessary with the least amount of disruption and with respect for youth's personal property.

d. Search of visitors shall be conducted when it is deemed necessary (as permitted by applicable law) to ensure the safety and security of the operation of the facility.

e. Searches of youth, except body cavity searches conducted by a qualified medical professional, shall be conducted by a facility staff member of the same gender as the youth and limited to the following conditions:

i. pat down/frisk search to prevent concealment of contraband and as necessary for facility security; and

ii. oral cavity search to prevent concealment of contraband, to ensure the proper administration of medication, and as necessary for facility security.

f. Youth may be required to surrender their clothing and submit to a strip search under the following guidelines:

i. only if there is reasonable suspicion to believe that youth are concealing contraband or it is necessary for facility security; and

ii. only with supervisory approval.

g. Youth may be required to undergo body cavity search under the following guidelines:

i. only if there is reasonable suspicion to believe that youth are concealing contraband;

ii. only with the approval of the administrator or designee; and

iii. only if conducted by a qualified medical professional, in the presence of one other staff member of the same gender as the youth being searched.

h. The provider shall document justification for a body cavity search and the results of the search placed in the youth's file.

i. All searches, excluding pat down/frisk searches, shall be conducted with youth individually and in a private setting.

j. Staff shall not conduct searches of youth and/or youth's room as harassment or for the purpose of punishment or discipline.

4. Key Control

a. The provider shall ensure safe and secure inventory, accountability, distribution, storage, loss, transfer, and emergency availability of all keys. The provider shall develop and implement written policy addressing loss of keys.

5. Equipment and Tool Control

a. The provider shall ensure safe and secure inventory, accountability, distribution, storage of all tools and equipment. The provider shall develop and implement a written policy addressing loss of equipment and tools.

b. Equipment and tool use by youth shall be under the direct supervision of designated staff and according to state law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:1110.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:1581 (July 2012).

§7525. Data

A. Admission Data

1. The provider shall maintain accurate records on all new admissions, to include the following data fields:

a. demographics of youth admitted, aggregated by:

i. race;

ii. ethnicity;

iii. gender;

iv. date of birth;

v. parish of residence; and

vi. geographical zone determined by provider to include zip code, local law enforcement zones);

b. legal status of youth, aggregated by:

i. custody status of the youth; and

ii. adjudication status;

(a) pre-adjudicated-status/delinquent; and

(b) post-adjudicated-status/delinquent;

c. offenses of youth admitted, aggregated by:

i. specific charge(s);

ii. intake date; and

iii. release data;

d. youth participation in Families in Need of Services (FINS) program:

i. dates of participation in FINS (formal or informal); and/or

ii. referrals to FINS (formal or informal).

B. Operational Data

1. The provider shall maintain accurate records of operational events that include the following data fields:

a. youth released, aggregated by:

i. race;

ii. ethnicity;

iii. gender; and

iv. custody status;

b. average daily population of youth in the facility; and

c. average length of stay of youth in the facility.

C. Detention Screening Data

1. If a provider conducts a Risk Assessment Instrument (RAI) on new admissions, it shall maintain an accurate record of the following data fields:

a. demographics of youth screened, aggregated by:

i. race;

ii. ethnicity;

iii. gender;

iv. date of birth;

v. parish of residence; and

vi. geographical zone determined by provider to include zip code, local law enforcement zones);

b. offense of youth screened:

i. specific charge(s); and

ii. release date;

c. screen data:

i. date completed;

ii. overrides usage; and

iii. screening outcomes: release/alternative to detention/secure detention;

d. outcome data:

i. successful/unsuccessful; and

ii. recidivism/failure to appear (FTA).

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:1110.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:1582 (July 2012).

Suzy Sonnier
Secretary

1207#120

RULE

Board of Elementary and Secondary Education

Bulletin 126—Charter Schools
(LAC 28:CXXXIX.103 and 515)

Editor’s Note: These Sections are being repromulgated to correct citation errors. The original Rule can be viewed in its entirety in the March 20, 2012 edition of the *Louisiana Register* on pages 750-753.

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has amended *Bulletin 126—Charter Schools*: Chapters 1, 5-19, 27, and 39. This Rule will ensure the greater effectiveness of charter schools throughout the state. Additionally, during the 2011 Regular Legislative Session, several charter school bills were passed into law. The laws allowed for authorizers to grant extended or shortened opening timelines for approved charters, remove requirements regarding the months a school may open, corporate partnerships with charter schools, the allowance of residential charter schools, and for applications to be revised and resubmitted as part of the application process.

**Title 28
EDUCATION**

Part CXXXIX. Bulletin 126—Charter Schools

Chapter 1. General Provisions

§103. Definitions

A. - F. ...

G. *Management Organization*—a for-profit company that manages academic, fiscal, and operational services on behalf of boards of directors of BESE-authorized charter schools through contractual agreements.

H. - V. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:3981, and R.S. 17:3973.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1357 (July 2008), amended LR 37:867 (March 2011), LR 37:2383 (August 2011), LR 38:750 (March 2012), repromulgated LR 38:1392 (June 2012), repromulgated LR 38:1583 (July 2012).

Chapter 5. Charter School Application and Approval Process

§515. Charter School Application Components

A. - D.48. ...

49. a description of any proposed corporate partnerships as specified in Chapter 39 of this bulletin.

E. - H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:3981, and R.S. 17:3991.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1362 (July 2008), amended LR 37:869 (March 2011), LR 37:2383 (August 2011), LR 38:750 (March 2012), repromulgated LR 38:1392 (June 2012), repromulgated LR 38:1583 (July 2012).

Catherine R. Pozniak
Executive Director

1207#007

RULE

Board of Elementary and Secondary Education

Bulletin 741—Louisiana Handbook for
School Administrators—Approval for
Alternative Schools or Programs
(LAC 28:CV.2903)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has amended *Bulletin 741—Louisiana Handbook for School Administrators*: §2903. Approval For Alternative Schools or Programs. This policy revision, related to approval for alternative schools or programs, will ensure that LEAs comply with prescribed policies and standards for approval of alternative schools and programs. Revisions included: (1) establishing a deadline for alternative program approval by BESE (July 1 of a given year); (2) revising the deadline for the DOE to provide an annual report from alternative schools/programs to BESE (June to September); and (3) establishing monitoring for alternative schools and programs as needed. Revisions to Bulletin 111, Chapter 35 (Inclusion of Alternative Education Schools and Students in Accountability), defined and distinguished alternative schools and programs and established the category within the school accountability. These revisions required the establishment of a deadline for alternative program approval by BESE.

**Title 28
EDUCATION**

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

Chapter 29. Alternative Schools and Programs

§2903. Approval for Alternative Schools or Programs

A. Alternative schools or programs shall comply with prescribed policies and standards according to *Bulletin 131—Alternative Education Schools/Programs Standards* and for regular schools except for those deviations granted by BESE. Additional information can be obtained in the Louisiana Alternative Education Handbook found on the DOE website.

B. Approval to operate an alternative school or program shall be obtained from BESE. No alternative program shall be approved after July 1 of any given year.

1. An LEA choosing to implement a new alternative school or program shall submit an application to the Office of College and Career Readiness, Division of Dropout Prevention on or before the date prescribed by the DOE.

2. The DOE will provide BESE with an annual report from alternative schools or programs by September of each year.

C. An approved alternative school or program shall be described in the LEA's pupil progression plan.

D. Approved alternative programs and alternative schools shall be subject to monitoring by the DOE staff, as needed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:100.5.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1308 (June 2005), amended LR 35:2318 (November 2009), LR 37:2128 (July 2011), LR 38:1583 (July 2012).

Catherine R. Pozniak
Executive Director

1207#056

RULE

Board of Elementary and Secondary Education

Bulletin 741—Louisiana Handbook for
School Administrators—Curriculum and Instruction
(LAC 28: CXV.2318 and 2325)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has amended to *Bulletin 741—Louisiana Handbook for School Administrators*: §2318. The College and Career Diploma and §2325. Advanced Placement and International Baccalaureate. These revisions add some advanced placement (AP) courses to the list of courses that can be taken for the fourth science and fourth social studies requirements for the LA Core 4 curriculum. Completion of the LA Core 4 curriculum is required for students who will be attending a four-year university in Louisiana. The revisions will allow these more rigorous courses to count for graduation requirements.

Title 28 EDUCATION

Part CXV. Bulletin 741—Louisiana Handbook for School Administrators

Chapter 23. Curriculum and Instruction

§2318. The College and Career Diploma

A. - C.3.c.ii. ...

iii. 2 units from the following courses:

- (a). Physical Science;
- (b). Integrated Science;
- (c). Physics I*;
- (d). Physics of Technology I;
- (e). Aerospace Science;
- (f). Biology II*;
- (g). Chemistry II*;
- (h). Earth Science;
- (i). Environmental Science;
- (j). Physics II*;
- (k). Physics of Technology II;
- (l). Agriscience II;
- (m). Anatomy and Physiology;
- (n). AP Physics C: Electricity and Magnetism;
- (o). AP Physics C: Mechanics;
- (p). a locally initiated elective approved by

BESE as a science substitute.

c.iv. - d.iii.(d). ...

iv. 1 unit from the following:

- (a). World History*;
- (b). World Geography*;
- (c). Western Civilization*;
- (d). AP European History;
- (e). Law Studies;
- (f). Psychology*;

- (g). Sociology;
- (h). Civics (second semester—1/2 credit);
- (i). African American Studies; or
- (j). Economics;
- (k). AP Economics: Micro;
- (l). AP Government and Politics: Comparative;
- (m). AP Government and Politics: U.S.;
- (n). AP Human Geography.

NOTE: Students may take two half credit courses for the fourth required social studies unit.

3.d.v. - 5.a.i.(c).(iv). ...

(d). Social Studies—4 units:

(i). Civics* (1 unit) or 1/2 unit of Civics* and 1/2 unit of Free Enterprise;

NOTE: Students entering the ninth grade in 2011-2012 and beyond must have one unit of Civics with a section on Free Enterprise.

(ii). U.S. History*;

(iii). 1 unit from the following:

- [a]. World History*;
- [b]. World Geography*;
- [c]. Western Civilization*;
- [d]. AP European History;

(iv). 1 unit from the following:

- [a]. World History*;
- [b]. World Geography*;
- [c]. Western Civilization;
- [d]. AP European History;
- [e]. Law Studies;
- [f]. Psychology*;
- [g]. Sociology;
- [h]. African American Studies;
- [i]. Economics;
- [j]. AP Economics: Micro;
- [k]. AP Government and Politics:

Comparative;

[l]. AP Government and Politics: US;

or

[m]. AP Human Geography.

5.a.i.(e). - 6.a.vi. ...

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1291 (June 2005), amended LR 31:2211 (September 2005), LR 31:3070 (December 2005), LR 31:3072 (December 2005), LR 32:1414 (August 2006), LR 33:429 (March 2007), LR 33:432 (March 2007), LR 33:2050 (October 2007), LR 33:2354 (November 2007), LR 33:2601 (December 2007), LR 34:1607 (August 2008), LR 36:1486 (July 2010), LR 37:547 (February 2011), LR 37:1128 (April 2011), LR 37:2129 (July 2011), LR 37:2132 (July 2011), LR 37:3193 (November 2011), LR 38:754, 761 (March 2012), LR 38:1584 (July 2012).

§2325. Advanced Placement and International Baccalaureate

A. Each high school shall provide students access to at least one advanced placement (AP) or international baccalaureate (IB) course.

B. High school credit shall be granted to a student successfully completing an AP course or an IB course, regardless of his test score on the examination provided by the college board or on the IB exam.

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

2. Courses listed in the program of studies may be designated as advanced placement courses on the student's transcript by following procedures established by the DOE.

a. The chart below lists the college board AP course titles, the IB course titles, and the corresponding Louisiana course titles for which these courses can be substituted.

College Board AP Course Title(s)	IB Course Title	Louisiana Course Title
U.S. History	U.S. History IB	U.S. History
World History		World History
	World History IB	Western Civilization

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1294 (June 2005), amended LR 34:2032 (October 2008), LR 37:3198 (November 2011), LR 38:759 (March 2012), LR 38:1584 (July 2012).

Catherine R. Pozniak
Executive Director

1207#055

RULE

Student Financial Assistance Commission Office of Student Financial Assistance

Scholarship/Grant Programs—J.R. Justice Awards
(LAC 28:IV.2001, 2007 and 2013)

The Louisiana Student Financial Assistance Commission (LASFAC) has amended its scholarship/grant rules (R.S. 17:3021-3025, R.S. 3041.10-3041.15, R.S. 17:3042.1, and R.S. 17:3048.1) (SG12136R).

Title 28 EDUCATION

Part IV. Student Financial Assistance—Higher Education Scholarship and Grant Programs Chapter 20. John R. Justice Student Grant Program §2001. General Provisions

- A. - C. ...
- D. Award Amount

1. For the 2011 calendar year, twelve prosecutors will receive awards of \$5,000 each and six public defenders will receive awards of \$10,000 each. One public defender and two prosecutors will be selected for participation from each of the First, Second, Third, and Fifth Louisiana Circuit Court of Appeal Districts. Two public defenders and four prosecutors will be selected for participation from the Fourth Louisiana Circuit Court of Appeal.

2. Beginning in the 2012 calendar year, the number of awards and the amount of each grant shall be recalculated based on the amount of the federal grant allocated to Louisiana by the United States Department of Justice. Each calendar year's awards shall be allocated so that the total amount awarded to prosecutors is equal to the total amount awarded to public defenders.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1, R.S. 17:3048.1 and R.S. 17:3048.5.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 37:1387 (May 2011), amended LR 38:1585 (July 2012).

§2007. Applicable Deadlines

- A. Application Deadline

1. Applicants must complete and submit the on-line application each calendar year no later than April 30.

College Board AP Course Title(s)	IB Course Title	Louisiana Course Title
Art History		AP Art History
Biology	Biology II IB	Biology II or Biology I
	Biology III IB	Biology Elective
Calculus AB	Math Methods II IB	Calculus
Calculus BC		AP Calculus BC
Chemistry		Chemistry II or Chemistry I
Computer Science A		AP Computer Science A
Economics: Macro	Economics IB	Economics
Economics: Micro		AP Economics: Micro
English Language and Composition	English III IB	English III
English Literature and Composition	English IV IB	English IV
Environmental Science	Environmental Systems IB	Environmental Science
European History		AP European History
French Language	French IV IB	French IV
	Film Study I IB	Visual Arts Elective
	Film Study II IB	Visual Arts Elective
French Literature	French V IB	French V
German Language		German IV
Government and Politics: Comparative		AP Government and Politics: Comparative
Government and Politics: United States		AP Government and Politics: United States (substitute for Civics)
Human Geography	World Geography IB	World Geography or AP Human Geography
	Informational Technology IB	Computer Systems/Networking I
Latin Literature		Latin V
Latin: Vergil		Latin IV
	Math Methods I IB	Pre-Calculus
	Music I IB	Music Theory I
Music Theory	Music II IB	Music Theory II
Physics B	Physics I IB	Physics
Physics C: Electricity and Magnetism		AP Physics C: Electricity and Magnetism
Physics C: Mechanics		AP Physics C: Mechanics
	Physics II IB	Physics II
Psychology		Psychology
Spanish Language	Spanish IV IB	Spanish IV
Spanish Literature	Spanish V IB	Spanish V
Statistics		Probability and Statistics
Studio Art: 2-D Design	Art/Design IV IB	Art IV
Studio Art: 3-D Design		AP Studio Art 3-D Design
Studio Art: Drawing	Art Design III IB	Art III
	Theory of Knowledge I IB	Social Studies Elective
	Theory of Knowledge IB	Social Studies Elective

2. Applications received after the deadline will not be considered unless there are insufficient qualifying applications received by the deadline to make awards for all grants.

3. In the event there are insufficient applications to award all grants, a second deadline will be announced.

4. In the event all grants cannot be awarded after a second application deadline has passed, LOSFA shall inform LASFAC and distribute the available remaining funds as directed by LASFAC.

B. Documentation Deadline. An applicant from whom documentation is requested must provide the required documentation within 45 days from the request.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1, R.S. 17:3048.1 and R.S. 17:3048.5.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 37:1388 (May 2011), amended LR 38:1585 (July 2012).

§2013. Responsibilities of LASFAC

A. LASFAC shall:

1. - 2. ...

3. Approve the number of awards and the amount of each grant each year based upon the funding allocated to Louisiana by the United States Department of Justice. LASFAC shall ensure that fifty percent of the funds awarded are allocated for awards to prosecutors and fifty percent of the funds awarded are allocated for awards to public defenders.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1, R.S. 17:3048.1 and R.S. 17:3048.5.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 37:1388 (May 2011), amended LR 38:1586 (July 2012).

George Badge Eldredge
General Counsel

1207#040

RULE

**Department of Environmental Quality
Office of the Secretary**

**Permit Review
(LAC 33:I.1503 and 1507)(OS087)**

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 Office of the Secretary regulations, LAC 33:I.Chapter 15 (OS087).

The Rule will provide a technical review period for working draft permit documents. This technical review period will provide the applicant an opportunity to provide comments of a technical nature regarding the working draft permit document so that significant errors are avoided prior to issuance of a draft permit decision. By allowing this review period, the department will benefit by not having to reissue draft permit decisions for public comment based on errors that can be caught by the applicant in a technical review.

This Rule provides a regulatory basis for the program currently being administered by the Air Permits Division and Waste Permits Division. Air and waste permits are currently undergoing this technical review based on divisional policies. This Rule will memorialize the process into the regulatory scheme. The basis and rationale for the Rule is to meet the requirements of Act 986 of the Louisiana State Legislature, effective July 6, 2010, which enacts R.S. 30:2022(D). Paragraph (D)(5) of this Act requires the secretary to adopt rules, in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., to implement the requirements of R.S. 30:2022(D). 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.

Title 33

ENVIRONMENTAL QUALITY

Part I. Office of the Secretary

Subpart 1. Departmental Administrative Procedures

**Chapter 15. Permit Application and Working Draft
Permit Review**

§1503. Definitions

A. For all purposes of this regulation, the terms defined in this Chapter shall have the following meanings, unless the context of use clearly indicates otherwise.

Database—the Tools for Environmental Management and Protection Organizations (TEMPO) information management system or any similar information management system used by the department to generate permits.

Permit Differences Report—a document generated by TEMPO summarizing the differences between the existing permit for a facility or process unit, and a draft permit renewal or substantial permit modification for the same facility or process unit.

Technical Review Period—the time during which a permit applicant may review and comment on a *working draft permit*.

Working Draft Permit—the initial draft document prepared by one or more department employees based on the application and supplemental information submitted by the permit applicant. The document is not yet approved for public notice (where required) or for a final permit decision. The document includes supporting material such as statements of basis or fact sheets when required by regulation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2022(B) and (D).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Legal Affairs and Enforcement, Enforcement and Regulatory Compliance Division, LR 19:487 (April 1993), amended by the Office of the Secretary, Legal Affairs Division, LR 33:1341 (July 2007), LR 38:1586 (July 2012).

§1507. Review of Working Draft Permits

A. Technical Review Period

1. If requested by the permit applicant, the department shall provide the applicant with a reasonable opportunity to

review a working draft permit renewal or a modification to a hazardous waste, solid waste, water discharge, or air quality permit before public notice is provided. If the draft permit includes revisions to an existing permit, the working draft permit, as defined in LAC 33:I.1503, shall clearly identify each change made by the department to the existing permit.

2. When public notice is not required, the department shall provide the applicant with a reasonable opportunity to review the working draft permit or permit modification prior to a final permit decision if:

a. a technical review period, as defined in LAC 33:I.1503, is requested by the applicant; or

b. the department proposes modifications or revisions not associated with the applicant's request. In lieu of a technical review period, the department may reopen the permit in accordance with applicable law.

3. When a technical review period is not requested or required by Subparagraph A.2.b of this Section, an opportunity to review a working draft permit may be provided to the permit applicant upon a determination of need by the department.

B. Permit Differences Report. If requested by the permit applicant, the department shall transmit to the applicant, with the working draft permit, a permit differences report, as defined in LAC 33:I.1503, when such report can be generated by the department's database, as defined in LAC 33:I.1503. When the database cannot generate a permit differences report, a written summary of specific changes to the existing permit shall be provided whenever the department prepares a draft database permit renewal, extension, or substantial modification.

C. The technical review period shall be no longer than 10 business days. The department may extend the review period upon request of the permit applicant.

D. The permit applicant shall name a designated contact to receive the working draft permit, and provide the appropriate mailing and electronic mail addresses for the contact. Hardcopies of working draft permits shall be provided only when electronic copies are not available.

E. Comments on a working draft permit provided by the permit applicant shall be submitted by the designated contact using the appropriate form provided by the department.

F. When public notice is required, the notice shall indicate that a working draft of the proposed permit was provided to the permit applicant's designated contact and that any remarks submitted on behalf of the permit applicant, and the department's responses thereto, are included in the permit record that is available for public review.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2022(D).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 38:1586 (July 2012).

Herman Robinson, CPM
Executive Counsel

1207#070

RULE

Office of the Governor Board of Architectural Examiners

Administration—Placing of Seal or Stamp (LAC 46:I.1305)

Under the authority of R.S. 37:144(C) and in accordance with the provisions of R.S. 49:951 et seq., the Board of Architectural Examiners amended LAC 46:I.1305.A pertaining to the sealing or stamping of contract drawings and specifications prepared by an architect or consulting engineer. The existing Rule provides that an architect shall affix his or her seal or stamp to all contract drawings and specifications requiring the services of an architect prepared by the architect or under the architect's responsible supervision, and the consulting engineer shall affix his or her seal or stamp to contract drawings and specifications prepared by the engineer. However, the existing Rule does not define the term *contract drawings and specifications*. The amended Rule provides that contract drawings and specifications include construction documents prepared for bidding or for receipt of proposals, as well as such documents submitted for permitting.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part I. Architects

Chapter 13. Administration

§1305. Placing of Seal or Stamp

A. An architect shall affix his or her seal or stamp to all contract drawings and specifications requiring the services of an architect which were prepared by the architect or under the architect's responsible supervision. Contract drawings and specifications prepared by a consulting electrical, mechanical, structural, or other engineer shall be sealed or stamped only by the consulting engineer. Contract drawings and specifications within the meaning of this rule include construction documents prepared for bidding or for receipt of proposals, as well as such documents submitted for permitting.

B. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:564 (April 2003), amended LR 38:1587 (July 2012).

Mary "Teeny" Simmons
Executive Director

1207#037

RULE
Office of the Governor
Commission on Law Enforcement and
Administration of Criminal Justice

Formula for Distribution of Federal Funds
(LAC 22:III.5701-5703)

In accordance with the provision of R.S. 15:1204, R.S. 14:1207, and R.S. 49:950 et seq., the Administrative Procedure Act, the Commission on Law Enforcement and Administration of Criminal Justice hereby promulgates rules and regulations relative to the formula for distribution of federal grant funds.

Title 22
CORRECTIONS, CRIMINAL JUSTICE, AND LAW
ENFORCEMENT
Part III. Commission on Law Enforcement and
Administration of Criminal Justice
Subpart 5. Grant Application or Subgrants Utilizing
Federal, State or Self-Generated Funds
Chapter 57. Formula for Distribution of Federal
Grant Funds

§5701. Adoption

A. The proposed distribution formula for federal grant funds was adopted by the commission at its meeting on March 1, 2012.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:1201, et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Commission on Law Enforcement and Administration of Criminal Justice, LR 26:1018 (May 2000), amended LR 38:1588 (July 2012).

§5702. Introduction

A. The commission distributes federal grant funds to the state's local law enforcement agencies through law enforcement planning districts via a funding formula initially devised in 1977, and subsequently modified as necessary by the Commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:1201, et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Commission on Law Enforcement and Administration of Criminal Justice, LR 26:1018 (May 2000), amended LR 38:1588 (July 2012).

§5703. Distribution Formula

A. - A.3. ...

B. Given the changes in the state's crime, population, and manpower figures since 1977, the commission collected data on the aforementioned variables through the year 2011, to include the most recent year for which data was available. The distribution formula devised for the years 2012 through 2021 modifies the variable base and maintains the rural and urban adjustments to reflect existing conditions within each planning district.

C. The proposed distribution formula percentage for each Law Enforcement Planning District for the years 2012 through 2021, as based on the most recent data, is as follows.

Law Enforcement Planning District	Formula Distribution Percentage
Northwest	11.07
North Delta	10.77
Red River	9.74
Evangeline	10.66
Capital	15.95
Southwest	10.44
Metropolitan	15.48
Orleans	15.89

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:1201 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Commission on Law Enforcement and Administration of Criminal Justice, LR 26:1018 (May 2000), amended LR 38:1588 (July 2012).

Joseph M. Watson
Executive Director

1207#067

RULE

Office of the Governor
Division of Administration
Property Assistance Agency

Luxury Vehicles (LAC 34:XI.101 and 103)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and with R.S. 39:361-363 and R.S. 39:1761-1771, the Office of the Governor, Division of Administration, Louisiana Property Assistance Agency has amended §101, Definitions, and §103, Functions of the Fleet Management Program, to clarify the definition of *luxury vehicles*.

Title 34
GOVERNMENT CONTRACTS, PROCUREMENT
AND PROPERTY CONTROL
Part XI. Fleet Management

Chapter 1. General Provisions

§101. Program Definition

A. - D. ...

* * *

Luxury Vehicles—those vehicles equipped with non-essential, indulgent rather than necessity type options, which exceed state vehicle contract award, and enhance comfort and/or prestige.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:361-363 and R.S. 39:1761-1771.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, LR 13:15 (January 1987), amended by the Office of the Governor, Division of Administration, Property Assistance Agency, LR 38:1588 (July 2012).

§103. Functions of the Fleet Management Program

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

iii. the annual evaluation of specifications for the purchase of fleet vehicles. The state fleet manager shall recommend to the director of state purchasing changes in the

specifications for the purchase of new vehicles based on the previous year's experience with fleet operations. The Office of State Purchasing shall then develop said specifications and establish procedures for the purchase of new vehicles by state agencies. These specifications shall exclude luxury automobiles;

c. non-essential options may not be added by the agency to the automobile after the purchase or lease of said motor vehicle except at the employees own expense and shall become the property of the state. The commissioner of administration shall authorize the purchase of any luxury or full-size motor vehicle for personal assignment by a statewide elected official other than the governor and lieutenant governor, such official shall first submit the request to the Joint Legislative Committee on the Budget for approval, as provided by R.S. 39:362.1.

2. - 5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:361-363 and R. S. 39:1761-1771.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, LR 13:15 (January 1987), amended by the Office of the Governor, Division of Administration, Property Assistance Agency, LR 13:742 (December 1987), amended LR 23:300 (March 1997), LR 38:1588 (July 2012).

Denise Lea
Assistant Commissioner

1207#089

RULE

Department of Health and Hospitals Board for Hearing Aid Dealers

Offices of the Board, Ethics and Licenses
(LAC 46:XXXIX.101, 301, and 901)

Under the authority of R.S. 37:2456, and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Health and Hospitals, Board for Hearing Aid Dealers, amended LAC 46:XXXIX.101, 301 and 901, to change the physical address of the administrative office and clarify the supervision of temporary training permit holders.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XXXIX. Hearing Aid Dealers

Chapter 1. Organization of Board for Hearing Aid Dealers

§101. Offices of the Board

A. The offices of the Louisiana Board for Hearing Aid Dealers shall be at 100 South Pavilion Circle, Room 107, West Monroe, LA 71292. It may have offices at such other places as the board may designate from time to time or as the business of the board may require.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2457.

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources, Board for Hearing Aid Dealers, July 1969, amended by the Department of Health and Hospitals, Board for Hearing Aid Dealers, LR 38:1589 (July 2012).

Chapter 3. Ethics

§301. Unethical Conduct

A. It shall be the responsibility of each holder of a license, temporary training permit, or certificate of endorsement under R.S. 37:2441-2465 to be familiar with and to avoid commission of any of the acts regarded as unethical practices by the Act. Full responsibility for the ethical conduct of a temporary training permit holder shall rest with the license or certificate holders who sponsored his application for a temporary training permit; provided, however, that such sponsoring license or certificate holders may relieve themselves of such responsibility by discharging the holder of the temporary training permit, returning said license by registered mail, to the board, together with a letter explaining fully the circumstances under which the temporary training permit holder was separated from the employment of the sponsor(s). If the certificate cannot be returned, full explanation shall be included in same letter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2457.

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources, Board for Hearing Aid Dealers, July 1969, amended by the Department of Health and Hospitals, Board for Hearing Aid Dealers, LR 32:1048 (June 2006), LR 38:1589 (July 2012).

Chapter 9. License

§901. Display of License

A. On his application to the board each hearing aid dealer shall state the name and location of the office or place of business where his license or certificate will be regularly displayed. Such office shall be accessible to the public during reasonable business hours and shall contain adequate equipment and supplies for serving the needs of the licensee's clientele and such office and equipment shall at all times be kept in a sanitary condition.

B. In any case where the office of a license or a certificate holder is to be removed from the address shown in the files of the secretary-treasurer of the board, notice of such change must be filed with the secretary-treasurer, together with the new address, within five working days of such removal. Failure to give such notice shall be deemed just cause by the board to refuse him renewal of license.

C. An identification card will be issued to each license or certificate holder which shall list the location of the office where his certificate is displayed and which he shall be required to keep in his possession at all times during the performance of his duties. On the request of any client or prospective client, a board member, or any peace officer, he shall permit identification card to be inspected for the purpose of identification.

D. In any case where a temporary training permit holder is separated from the employment of his sponsor(s) for any cause, he shall surrender his identification card to his sponsor(s) for return to the board with his temporary permit. Upon application of a new sponsor and/or co-sponsor, a new identification card will be issued to the temporary training permit holder and his certificate shall be forwarded to his new sponsor and/or co-sponsor.

E. All persons holding temporary training permits must work out of the office of the sponsor or co-sponsor, where the sponsor or co-sponsor is permanently and regularly located, and must be directly supervised by the fully licensed

sponsor or co-sponsor. Exceptions to this ruling must be hardship cases, such as death or disabling illness of sole owner of business. Each case to be handled individually by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2443 and R.S. 37:2457.

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources, Board for Hearing Aid Dealers, July 1969, amended by the Department of Health and Hospitals, Board for Hearing Aid Dealers, LR 32:1048 (June 2006), LR 38:1589 (July 2012).

Resa Brady
Administrative Secretary

1207#038

RULE

Department of Health and Hospitals Board of Optometry Examiners

Licensing—Dispensation of Medication (LAC 46:LI.301, 503 and 603)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., that the Louisiana State Board of Optometry Examiners, pursuant to authority vested in the Louisiana State Board of Optometry Examiners by the Optometry Practice Act, R.S. 37:1041-1068, has amended Title 46, Part LI by adopting the following amendments to the Rules set forth below.

The Louisiana State Board of Optometry Examiners has amended Chapters 3, 5 and 6 of Title 46, Part LI of the Louisiana Administrative Code by adoption of the following amended Rules.

A preamble which explains the basis and rationale for the intended action, and summarizing the information and data supporting the intended action has not been prepared. A description of the subjects and issues involved is as follows:

- Section 301.A.2 strikes: "four" and adds "two" to provide that "no more than 'two' hours of CPR continuing education may be applied to the continuing education requirement in any two calendar year periods;"
- Section 503 adds a new Paragraph 503.G.3 to provide certain restrictions on the use of the term "board certified" in conjunction with the title, name, business or practice of an optometrist;
- Section 603 adds a new definition for the term "student extern;"
- Section 503 adds a new Subsection 503.I to provide for optional participation by an optometrist in student extern program;
- Section 503.G.2.b.ii adds language to clarify that an optometrist must be certified in cardiopulmonary resuscitation only at the time of original application for certification to treat pathology and use and prescribe therapeutic pharmaceutical agents;
- Section 503.G.2.b.iii adds language to clarify that an optometrist must possess unexpired child and adult automatic epinephrine injector kits only at the time of original application for certification to treat

pathology and use and prescribe therapeutic pharmaceutical agents.

The Rules are adopted in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LI. Optometrists

Chapter 3. License

§301. Continuing Education

A. Each licensed optometrist shall comply with the following continuing education requirements.

1. Standard optometry license holders and diagnostic pharmaceutical certificate holders shall complete between January 1 and December 31 of each calendar year at least 12 hours of continuing education courses, of which a minimum of 10 hours must be obtained in a classroom setting, approved by the Louisiana State Board of Optometry Examiners.

2. License holders authorized to diagnose and treat pathology and use and prescribe therapeutic pharmaceutical agents shall complete between January 1 and December 31 of each calendar year at least 16 hours of continuing education courses, of which a minimum of 14 hours must be obtained in a classroom setting, approved by the Louisiana State Board of Optometry Examiners, and of which at least eight classroom hours shall consist of matters related to ocular and systemic pharmacology and current diagnosis and treatment of ocular disease. Such certificate holders will be entitled to apply the CPR continuing education to their required annual continuing education, provided that such CPR continuing education shall not count toward the required eight classroom hours related to ocular and system pharmacology and current diagnosis and treatment of ocular disease, and provided further that no more than two hours of CPR continuing education may be applied to the continuing education requirement in any two calendar year periods. The eight hours of continuing education relating to ocular and systemic pharmacology and/or current diagnosis and treatment of ocular disease shall be obtained solely from the following sources:

2.a. - 6...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1048.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Optometry Examiners, LR 32:631 (April 2006), amended LR 35:1111 (June 2009), LR 38:1590 (July 2012).

Chapter 5. Practicing Optometry

§503. License to Practice Optometry

A. - F.5. ...

G. Certification to Use Diagnostic Drugs to Treat Ocular Pathology. An optometrist may be certified to use diagnostic and therapeutic pharmaceutical agents and to diagnose and treat ocular pathology. In order to obtain such certification, an optometrist shall comply with the following requirements.

1. - 1.c....

2. Certification to Treat Pathology and to Use and Prescribe Therapeutic Pharmaceutical Agents

a. ...

* * *

b. Requirements for Certification. In order to be approved as an optometrist authorized to treat pathology and use and prescribe therapeutic pharmaceutical agents, an optometrist shall present to the secretary of the Louisiana State Board of Optometry Examiners for approval by the board, the following:

- i. ...
- ii. certification from a source acceptable to the board evidencing current qualification to perform cardiopulmonary resuscitation (CPR) or basic life support, which certification shall be current as of the time of application to the board for certification to treat pathology and use and prescribe therapeutic pharmaceutical agents;
- iii. a signed statement from the applicant stating that he or she possesses child and adult automatic epinephrine injector kits in every office location in which the applicant practices, which injector kits shall be operable and unexpired as of the date of application to the board for certification to treat pathology and use and prescribe therapeutic pharmaceutical agents.

iv. - v. ...
3. Declaration of Certification. An optometrist shall not use the term "board certified" or "Board Certified" in connection with their title, name, business or practice except to reference certification by organizations approved by the Louisiana State Board of Optometry Examiners.

H. - H.4. ...
I. Participation in Student Extern Program. An optometrist may participate in student extern programs in accordance with rules and regulations promulgated from time to time by the board.

1. The level of responsibility assigned to a student extern shall be at the discretion of the supervising optometrist who shall be ultimately responsible for the duties, actions or work performed by such student extern.

2. The duties, actions and work performed by a student extern in accordance with the provisions of this §503 and §603 shall not be considered the practice of optometry without a license as set forth in R.S. 37:1061(14).

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1048.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Optometry Examiners, LR 32:632 (April 2006), amended LR 34:873 (May 2008), LR 38:1590 (July 2012).

Chapter 6. Dispensation of Medication

§603. Definitions

A. ...
* * *
Student Extern—a student extern is a person who is a regular student at an optometry school or program approved by the board pursuant to §503 who is performing duties or actions assigned by his or her instructors or as part of his or her curriculum, which must be under the direct supervision of an optometrist licensed by the board as defined in this Rule.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1048.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Optometry Examiners, LR 32:634 (April 2006), amended LR 38:1591 (July 2012).

Dr. James Sandefur, OD
Secretary

1207#052

RULE

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

Licensure Procedures, Continuing Veterinary Education, Fees (LAC 46:LXXXV.303, 401, 405, 500, and 503)

The Louisiana Board of Veterinary Medicine amends and adopts LAC 46:LXXXV.303, 401, 405, 500, and 503 in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953 et seq., and the Louisiana Veterinary Practice Act, La. R.S. 37:1518A(9). The Rules are being amended and adopted to implement the limited number of five times an applicant is eligible to take the national veterinary examination in Louisiana which is the standard in a fast growing number of states and as requested by the national examination agency used by all US states; to more clearly define the status of a Louisiana veterinary license as either active status or inactive status based on qualified retirement or disability; to define the reduced annual license renewal fee for a qualified retired or disabled licensee on inactive status, as well as to confirm the annual license renewal fee exemption for a licensee on active military duty; and to more clearly define the exemption from annual continuing education requirements for a qualified retired or disabled licensee on inactive status, and for a licensee on active military duty.

The Rules in general are being adopted and amended in order to maintain and improve professional competencies for the health, welfare, and safety of the citizens and animals of Louisiana. The Rule regarding the limited number of five times an applicant is eligible to take the national veterinary examination shall become effective upon promulgation with the exception of any pending application submitted to the board prior to such promulgation date. The Rules regarding active status or inactive status based on qualified retirement or disability, as well as the reduction of the annual license renewal fee and the exemption from continuing education for a qualified retired or disabled licensee on inactive status shall become effective on July 1, 2013 (the beginning date) for the 2013-2014 annual license renewal and every annual license renewal period thereafter. The Rules governing the exemption from annual license renewal fee and exemption from annual continuing education requirements for a licensee on active military duty will state in the board's rules current legal authority in effect on the subject.

Title 46
PROFESSIONAL AND OCCUPATIONAL
STANDARDS

Part LXXXV. Veterinarians

Chapter 3. Licensure Procedures

§303. Examinations

A. - B.6.b. ...

7. An applicant for licensure may only sit for the national examinations a maximum of five times. Thereafter, the applicant will no longer be eligible for licensure in Louisiana and any application submitted will be rejected.

C. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Veterinary Medicine, LR 8:66 (February 1982), amended LR 8:144 (March 1982), amended by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 19:343 (March 1993), LR 19:1327 (October 1993), LR 23:964 (August 1997), LR 25:2232 (November 1999), LR 28:1982 (September 2002), LR 38:1592 (July 2012).

Chapter 4. Continuing Veterinary Education

§400. Definitions

Active Status—a veterinarian who has met all of the requirements for annual licensure and is entitled to practice veterinary medicine in the state of Louisiana.

* * *

Inactive Status—a veterinarian who wishes to retain a Louisiana license, but who has not met all of the requirements for active status and, therefore, is not entitled to practice veterinary medicine in the state of Louisiana.

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 38:1592 (July 2012).

§405. Exceptions and Exemptions

A. - B. ...

C. Exemptions from these requirements may be made for persons in the following categories:

1. disabled licensees for whom participation in a program represents undue hardship. A request for a disability exemption must be documented by submitting a physician's statement of total disability without probability of return to practice for the annual renewal period. The documentation must be submitted annually with the registration form;

2. a licensee who submits an affidavit of retirement for inactive status as provided by the board is entitled to a waiver of continuing education if he has reached the age of 65 years, or he submits an affidavit of disability and physician's statement of total disability without probability of return to practice for the annual renewal period:

a. once an affidavit is received by the board, a written request for reinstatement of a license may thereafter be submitted to the board within five years of such date of receipt, provided the applicant demonstrates that he has successfully obtained all continuing education hours for the past years at issue, as well as the current year;

b. a request for reinstatement within five years of the date an affidavit is received by the board may be subject to certain conditions being met as set by the board prior to such reinstatement;

c. once an affidavit is received by the board, a written request for reinstatement of a license may be submitted to the board after the expiration of five years of such date of receipt, however, the applicant shall submit an application for re-licensure, pay all required fees and satisfactorily pass all licensure examinations; and

d. a request for reinstatement shall be made in writing for review and consideration by the board;

3. licensees on active military. An affidavit, or other sworn document from the licensee's commanding officer must accompany the annual re-registration form.

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), repromulgated LR 33:848 (May 2007), amended LR 38:1592 (July 2012).

Chapter 5. Fees

§500. Definitions

Active Status—the fees charged to a veterinarian who has met all of the requirements for annual licensure and is entitled to practice veterinary medicine in the state of Louisiana.

* * *

Inactive Status—the fees charged to a veterinarian who wishes to retain a Louisiana license, but who has not met all of the requirements for active status and, therefore, is not entitled to practice veterinary medicine in the state of Louisiana. Inactive status licenses may be upgraded to active status by written request and payment of the differences between the fees.

* * *

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 19:1429 (November 1993), amended LR 38:1592 (July 2012).

**§503. Exemption of Fee for Active Military
Duty/Reduction of Fee for Qualified
Retirement/Disability**

A. The board shall exempt a veterinarian licensed in the state of Louisiana from the annual license renewal fee for active status if he is a member of the armed forces and is on active duty. The board shall apply the reduced annual renewal fee for inactive status if the veterinarian is totally disabled to practice veterinary medicine without probability of return to practice for the annual renewal period at issue as certified by a physician's statement, or if he is retired and has reached the age of 65 years.

B. In each of the above cases, the veterinarian who requests fee exemption or reduction for inactive status must register with the board annually and provide proof of his eligibility for fee exemption or reduction for inactive status in affidavit form approved by the board.

C. A licensee who submits an affidavit of retirement as provided by the board for this purpose is entitled to the reduced annual fee for inactive status if he has reached the age of 65 years, or submits an affidavit of disability and physician's statement of total disability without probability of return to practice for the annual renewal period at issue.

The documentation must be submitted annually with the registration form.

1. Once an affidavit is received by the board, a written request for reinstatement of a license may thereafter be submitted to the board within five years of such date of receipt, provided the applicant submits with his request the payment of all back active annual renewal fees, as well as current active annual renewal fees for application.

2. A request for reinstatement within five years of the date an affidavit is received by the board may be subject to certain conditions being met as set by the board prior to such reinstatement.

3. Once an affidavit is received by the board, a written request for reinstatement of a license may be submitted to the board after the expiration of five years of such date of receipt, however, the applicant shall submit an application for re-licensure, pay all required fees and satisfactorily pass all licensure examinations.

4. A request for reinstatement shall be made in writing for review and consideration by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518 and 1520.A.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Veterinary Medicine, LR 10:208 (March 1984), amended by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 23:963 (August 1997), LR 29:1478 (August 2003), LR 38:1592 (July 2012).

Wendy D. Parrish
Executive Director

1207#051

RULE

**Department of Health and Hospitals
Bureau of Health Services Financing**

**Facility Need Review—Hospice Providers
(LAC 48:I.12503, 12505 and 12526)**

The Department of Health and Hospitals, Bureau of Health Services Financing has amended LAC 48:I.12503 and §12505 and has adopted §12526 in the Medical Assistance Program as authorized by R.S. 36:254 and R.S. 40:2116. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

Title 48

PUBLIC HEALTH—GENERAL

Part I. General Administration

Subpart 5. Health Planning

Chapter 125. Facility Need Review

Subchapter A. General Provisions

§12503. General Information

A. - C.1. ...

2. home and community-based service providers, as defined under this Chapter;

3. adult day health care providers; and

4. hospice providers or inpatient hospice facilities.

D. - F.4. ...

G. Additional Grandfather Provision. An approval shall be deemed to have been granted under FNR without review

for HCBS providers, ICFs-DD, ADHC and hospice providers that meet one of the following conditions:

1. ...

2. existing licensed ICFs-DD that are converting to the proposed Residential Options Waiver;

3. ADHC providers who were licensed as of December 31, 2009 or who had a completed initial licensing application submitted to the department by December 31, 2009, or who are enrolled or will enroll in the Louisiana Medicaid Program solely as a program for all-inclusive care for the elderly provider; or

4. hospice providers that were licensed, or had a completed initial licensing application submitted to the department, by March 20, 2012.

H. - H.2....

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2116.

HISTORICAL NOTE: Repealed and repromulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 21:808 (August 1995), amended LR 28:2190 (October 2002), LR 30:1483 (July 2004), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 34:2612 (December 2008), amended LR 35:2437 (November 2009), LR 36:323 (February 2010), LR 38:1593 (July 2012).

§12505. Application and Review Process

A. FNR applications shall be submitted to the Bureau of Health Services Financing, Health Standards Section, Facility Need Review Program. The application shall be submitted on the forms (on 8.5 inch by 11 inch paper) provided for that purpose, contain such information as the department may require and be accompanied by a nonrefundable fee of \$200. An original and three copies of the application are required for submission.

A.1. - B.3.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2116.

HISTORICAL NOTE: Repealed and repromulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 21:812 (August 1995), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 34:2612 (December 2008), amended LR 35:2438 (November 2009), LR 36:323 (February 2010), LR 38:1593 (July 2012).

Subchapter B. Determination of Bed, Unit, Facility or Agency Need

§12526. Hospice Providers

A. No hospice provider shall be licensed to operate unless the FNR Program has granted an approval for the issuance of a hospice provider license. Once the FNR Program approval is granted, a hospice provider is eligible to be licensed by the department, subject to meeting all of the requirements for licensure.

B. The service area for proposed or existing hospice providers is within a 50 mile radius of the proposed geographic location where the provider is or will be licensed.

C. Determination of Need/Approval

1. The department will review the application to determine if there is a need for an additional hospice provider within a 50 mile radius of the proposed geographic location for which the application is submitted.

RULE

**Department of Health and Hospitals
Bureau of Health Services Financing
and
Office of Aging and Adult Services**

**Home and Community-Based Services Waivers
Adult Day Health Care (LAC 50:XXI.2915)**

Editor's Note: This Section is being repromulgated to correct citation errors. The original Rule can be viewed in its entirety in the September 20, 2011 edition of the *Louisiana Register* on pages 2624-2629.

2. The department shall grant FNR approval only if the FNR application, the data contained in the application and other evidence effectively establishes the probability of serious, adverse consequences to the recipients' ability to access hospice care if the provider is not allowed to be licensed.

3. In reviewing the application, the department may consider, but is not limited to, evidence showing:

a. the number of other hospice providers within a 50 mile radius of the proposed geographic location servicing the same population; and

b. allegations involving issues of access to hospice care and services.

4. The burden is on the applicant to provide data and evidence to effectively establish the probability of serious, adverse consequences to recipients' ability to access hospice care if the provider is not allowed to be licensed. The department shall not grant any FNR approvals if the application fails to provide such data and evidence.

D. Applications for approvals of licensed providers submitted under these provisions are bound to the description in the application with regard to the type of services proposed as well as to the site and location as defined in the application. FNR approval of licensed providers shall expire if these aspects of the application are altered or changed.

E. FNR approvals for licensed providers are non-transferrable and are limited to the location and the name of the original licensee.

1. A hospice provider undergoing a change of location within a 50 mile radius of the licensed geographic location shall submit a written attestation of the change of location and the department shall re-issue the FNR approval with the name and new location. A hospice provider undergoing a change of location outside of the 50 mile radius of the licensed geographic location shall submit a new FNR application and fee and undergo the FNR approval process.

2. A hospice provider undergoing a change of ownership shall submit a new FNR application to the department's FNR Program. FNR approval for the new owner shall be granted upon submission of the new application and proof of the change of ownership, which must show the seller's or transferor's intent to relinquish the FNR approval.

3. FNR approval of a licensed provider shall automatically expire if the hospice agency is moved or transferred to another party, entity or location without an application being made to, and approval from, the FNR Program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2116.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:1593 (July 2012).

Bruce D. Greenstein
Secretary

1207#118

The Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services have amended LAC 50:XXI.2103, §2107, §2301, §2501, §2503, §2701, §2901-2905, and §2915 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

**Part XXI. Home and Community-Based Services
Waivers**

Subpart 3. Adult Day Health Care

Chapter 29. Reimbursement

§2915. Provider Reimbursement

A. Cost Determination Definitions

* * *

Base Rate Components—the base rate is the summation of the following:

- a. direct care;
- b. care related costs;
- c. administrative and operating costs;
- d. property costs; and
- e. transportation costs.

* * *

B. Rate Determination

1. - 5. ...

6. Allowable quarter hours are used to calculate the per quarter hour costs for each of the rate components. Allowable quarter hours are calculated using the following criteria:

- a. a maximum daily reimbursement limit of 10 hours per participant day;
- b. reimbursement will be for full quarter hour (15 minute) increments only; and
- c. the quarter hour data used in rate setting shall be from the database of hours provided by the department.

7. Formulae. Each median cost component shall be calculated as follows.

a. **Direct Care Cost Component.** Direct care allowable quarter hour costs from all acceptable full year cost reports, except those for which an audit disclaimer has been issued, shall be arrayed from lowest to highest. The

cost at the midpoint of the array shall be the median cost. Should there be an even number of arrayed cost, an average of the two midpoint centers shall be the median cost. The median cost shall be trended forward by dividing the value of the Consumer Price Index-Medical Services (South Region) Index for December of the year preceding the base rate year by the value of the index for the December of the year preceding the cost report year. The direct care rate component shall be set at 115 percent of the inflated median.

i.-ii. Repealed.

b. Care Related Cost Component. Care related allowable quarter hour costs from all acceptable full year cost reports, except those for which an audit disclaimer has been issued, shall be arrayed from lowest to highest. The cost of the center at the midpoint of the array shall be the median cost. Should there be an even number of arrayed cost, an average of the two midpoint centers shall be the median cost. The median cost shall be trended forward by the value of the Consumer Price Index-All Items (South Region) Index for December of the year preceding the base rate year by the value of the index for the December of the year preceding the cost report year. The care related rate component shall be set at 105 percent of the inflated median.

c. Administrative and Operating Cost Component. Administrative and operating allowable quarter hour cost from all acceptable full year cost reports, except those for which an audit disclaimer has been issued, shall be arrayed from lowest to highest. The cost of the midpoint of the array shall be the median cost. Should there be an even number of arrayed cost, an average of the two midpoint centers shall be the median cost. The median cost shall be trended forward by dividing the value of the CPI-All Items (South Region) Index for December of the year preceding the base rate year by the value of the index for the December of the year preceding the cost report year. The administrative and operating rate component shall be set at 105 percent of the inflated median.

d. Property Cost Component. The property allowable quarter hour costs from all acceptable full year cost reports, except those for which an audit disclaimer has been issued, shall be arrayed from lowest to highest. The cost at the midpoint of the array shall be the median cost. Should there be an even number of arrayed cost, an average of the two midpoint centers shall be the median cost. This will be the rate component. Inflation will not be added to property costs.

e. Transportation Cost Component. The transportation allowable quarter hour costs from all acceptable full year cost reports, except those for which an audit disclaimer has been issued, will be calculated on a provider by provider basis. Should a provider not have filed an acceptable full year cost report, the provider's transportation cost will be reimbursed as follows:

i. New provider, as described in §2915.E.1, will be reimbursed in an amount equal to the statewide allowable quarter hour median transportation costs.

(a). In order to calculate the statewide allowable quarter hour median transportation costs, all acceptable full year cost reports, except those for which an audit disclaimer has been issued, shall be arrayed from lowest to highest. The cost at the midpoint of the array shall be the median cost. Should there be an even number of arrayed cost, an average

of the two midpoint centers shall be the median cost. This will be the rate component. Inflation will not be added to transportation costs.

ii. Providers that gave gone through a change of ownership (CHOW), as described in §2915.E.2, will be reimbursed for transportation costs based upon the previous owner's specific allowable quarter hour transportation costs for the period of time between the effective date of the CHOW and the first succeeding base year in which the new owner could possibly file an allowable 12-month cost report. Thereafter, the new owner's data will be used to determine the provider's rate following the procedures specified in this Rule.

iii. Providers that have been issued an audit disclaimer, or have a non-filer status, as described in §2915.E.3, will be reimbursed for transportation costs at a rate equal to the lowest allowable quarter hour transportation cost in the state as of the most recent audited and/or desk reviewed rate database.

8. Budgetary Constraint Rate Adjustment. Effective July 1, 2011, the allowable quarter hour rate components for direct care, care related, administrative and operating, property, and transportation shall be reduced by 10.8563 percent.

9. Interim Adjustments to Rates. If an unanticipated change in conditions occurs that affects the cost of at least 50 percent of the enrolled ADHC providers by an average of five percent or more, the rate may be changed. The department will determine whether or not the rates should be changed when requested to do so by 25 percent or more of the enrolled providers, or an organization representing at least 25 percent of the enrolled providers. The burden of proof as to the extent and cost effect of the unanticipated change will rest with the entities requesting the change. The department may initiate a rate change without a request to do so. Changes to the rates may be temporary adjustments or base rate adjustments as described below.

a. Temporary Adjustments. Temporary adjustments do not affect the base rate used to calculate new rates.

i. Changes Reflected in the Economic Indices. Temporary adjustments may be made when changes which will eventually be reflected in the economic indices, such as a change in the minimum wage, a change in FICA or a utility rate change, occur after the end of the period covered by the indices, i.e., after the December preceding the rate calculation. Temporary adjustments are effective only until the next annual base rate calculation.

ii. Lump Sum Adjustments. Lump sum adjustments may be made when the event causing the adjustment requires a substantial financial outlay, such as a change in certification standards mandating additional equipment or furnishings. Such adjustments shall be subject to the bureau's review and approval of costs prior to reimbursement.

b. Base Rate Adjustment. A base rate adjustment will result in a new base rate component value that will be used to calculate the new rate for the next fiscal year. A base rate adjustment may be made when the event causing the adjustment is not one that would be reflected in the indices.

10. Provider Specific Adjustment. When services required by these provisions are not made available to the recipient by the provider, the department may adjust the

prospective payment rate of that specific provider by an amount that is proportional to the cost of providing the service. This adjustment to the rate will be retroactive to the date that is determined by the department that the provider last provided the service and shall remain in effect until the department validates, and accepts in writing, an affidavit that the provider is then providing the service and will continue to provide that service.

C. Cost Settlement. The direct care cost component shall be subject to cost settlement. The direct care floor shall be equal to 70 percent of the median direct care rate component trended forward for direct care services (plus 70 percent of any direct care incentive added to the rate). The Medicaid Program will recover the difference between the direct care floor and the actual direct care amount expended. If a provider receives an audit disclaimer, the cost settlement for that year will be based on the difference between the direct care floor and the lowest direct care per diem of all facilities in the most recent audited and/or desk reviewed database trended forward to the rate period related to the disclaimer.

D. Support Coordination Services Reimbursement. Support coordination services previously provided by ADHC providers and included in the rate, including the minimum data set home care (MDS/HC), the social assessment, the nursing assessment, the CPOC and home visits will no longer be the responsibility of the ADHC provider. Support coordination services shall be provided as a separate service covered in the ADHC waiver. As a result of the change in responsibilities, the rate paid to ADHC providers shall be adjusted accordingly.

1. - 2. Repealed.

E. ...

F. New Facilities, Changes of Ownership of Existing Facilities, and Existing Facilities with Disclaimer or Non-Filer Status

1. New facilities are those entities whose beds have not previously been certified to participate, or otherwise have participated, in the Medicaid program. New facilities will be reimbursed in accordance with this Rule and receiving the direct care, care related, administrative and operating, property rate components as determined in §2915.B.1-7. These new facilities will also receive the state-wide average transportation rate component, as calculated in §2915.B.7.e.i.(a), effective the preceding July 1.

2. A change of ownership exists if the beds of the new owner have previously been certified to participate, or otherwise have participated, in the Medicaid program under the previous owner's provider agreement. Rates paid to facilities that have undergone a change in ownership will be based upon the rate paid to the previous owner for all rate components. Thereafter, the new owner's data will be used to determine the facility's rate following the procedures in this rule.

3. Existing providers that have been issued an audit disclaimer, or are a provider who has failed to file a complete cost report in accordance with §2903, will be reimbursed based upon the statewide allowable quarter hour median costs for the direct care, care related, administrative and operating, and property rate components as determined in §2915.B.1-7. The transportation component will be reimbursed as described in §2915.B.7.e.iii.

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 Aging and Adult Services, LR 34:2170 (October 2008), repromulgated LR 34:2575 (December 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 37:2627 (September 2011), repromulgated LR 38:1594 (July 2012).

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Bruce D. Greenstein
Secretary

1207#119

RULE

Department of Public Safety and Corrections Board of Private Investigator Examiners

Continuing Education (LAC 46:LVII.518)

The Board of Private Investigator Examiners, in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., and relative to the authority granted to it to adopt, amend or repeal rules provided by R.S. 37:3505, and to prescribe and adopt regulations governing the manner and conditions under which credit shall be given by the board for participation in professional education, amends Chapter 5 of LAC 46:LVII.

The Board of Private Investigator Examiners amends LAC 46:LVII.518, Continuing Education, to change the eight hour continuing education annual requirement for licensees to a biennial requirement and to allow the board the authority to extend the time for a licensee to obtain investigative educational instruction or suspend the requirement for good cause shown. This is being done to address recent issues involving continuing education. The board is in the process of revamping its policies with regard to continuing education. The biennial requirement will allow licensees the time needed to be educated on the changes to continuing education. It also allows the board the flexibility to act in a natural disaster or other emergency. The changes to continuing education policy are being made for the purpose of improving the courses provided to licensees to maintain the highest standards of the private investigator industry in the state. The amendment is consistent with the law and strictly part of the board's enforcement and regulation function as authorized by R.S. 37:3505.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LVII. Private Investigator Examiners

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

§518. Continuing Education

A. Each licensed private investigator is required to complete a minimum of eight hours of approved investigative educational instruction every two years in order to qualify for a license renewal. The deadline for completing the approved investigative educational instruction is as follows.

RULE

**Department of Public Safety and Corrections
Corrections Services**

**Performance Grid and Administrative Sanctions
(LAC 22:1.409)**

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950), the Department of Public Safety and Corrections, Corrections Services, hereby adopts Section 409, Performance Grid and Administrative Sanctions.

Title 22

**CORRECTIONS, CRIMINAL JUSTICE AND LAW
ENFORCEMENT**

Part I. Corrections

Chapter 4. Division of Probation and Parole

§409. Performance Grid and Administrative Sanctions

A. Purpose—to establish the secretary's policy for addressing the behavior of an offender through the use of a performance grid and administrative sanctions. The performance grid and administrative sanctions ensure consistent and timely actions which shall be imposed in response to violations enumerated on the grid. This works to achieve public safety by holding offenders accountable for their behavior and reinforcing positive behavior.

B. Applicability—deputy secretary, director of probation and parole, regional administrators, district administrators and all probation and parole officers. The director of probation and parole is responsible for ensuring that appropriate unit written policy and procedures are in place to comply with the provisions of this regulation.

C. Policy. It is the secretary's policy to address violations in a timely, consistent and reasonable manner by use of the performance grid, which may include administrative sanctions. Absent significant risk to public safety, these actions and/or administrative sanctions would be graduated and proportional with the level of violations. The needs of the offender shall also be considered to assist in the successful completion of their sentence. The grid is a tool to guide probation and parole officers in the application of administrative sanctions. It is also the secretary's policy to recognize and reward offenders for achieving progress made towards goals formulated in the supervision plan.

D. Definitions

Actions—added conditions or requirements placed on the offender by the probation and parole officer, the court or the board of parole in an effort to prevent any further violations by an offender.

Administrative Sanctions—imposed by the probation and parole officer to address technical violations in accordance with Act No. 104 of the 2011 Regular Session to include, but not be limited to: jail; non-custodial treatment; community service work; house arrest; electronic monitoring, restitution centers, transitional work programs, day reporting centers and other local sanctions not already imposed as special conditions of supervision.

1. A licensed private investigator that completed a minimum of eight hours of approved investigative educational instruction in connection with a license renewal in the year 2011 shall complete a minimum of eight hours of approved investigative educational instruction prior to the license renewal date in the year 2013. Thereafter, a minimum of eight hours of approved investigative educational instruction must be completed biennially prior to the license renewal date in odd numbered years.

2. A licensed private investigator that is in good standing but that did not complete a minimum of eight hours of approved investigative educational instruction in connection with a license renewal in the year 2011 shall complete a minimum of eight hours of approved investigative educational instruction prior to the license renewal date in the year 2012. Thereafter, a minimum of eight hours of approved investigative educational instruction must be completed biennially prior to the license renewal date in even numbered years.

3. A newly licensed private investigator that successfully completed a 40 hour training class shall complete a minimum of eight hours of approved investigative educational instruction prior to the licensee's second license renewal date. Thereafter, eight hours of approved investigative educational instruction must be completed biennially prior to the license renewal date.

B. Each licensed private investigator is required to complete and return the LSBPIE continuing education compliance form with the request for license renewal each year. The form shall be signed under penalty of perjury and shall include documentation of each hour of approved investigative education instruction completed and the date it was completed. The biennial continuing education requirement does not negate the necessity of a licensed private investigator to renew a license annually.

C. Any licensee who wishes to apply for an extension of time to complete investigative educational instruction requirements must submit a signed written request setting forth the reasons for the extension request to the executive director of the LSBPIE 30 days prior to the license renewal date. The training committee shall rule on each request. If an extension is granted, the investigator shall be granted 30 days or additional time as the training committee determines is needed to complete the required hours. Hours completed during an extension shall only apply to the previous investigative educational instruction requirement period.

D. The LSBPIE may suspend or waive an investigative educational instruction requirement for good cause shown.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3505 (B)(1)(2).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Board of Private Investigator Examiners, LR 22:371 (May 1996), amended LR 27:564 (April 2001), LR 27:1016 (July 2001), LR 28:855 (April 2002), LR 38:1596 (July 2012).

Pat Englade
Executive Director

1207#086

Performance Grid—a four level instrument used to register any violation enumerated on the performance grid by an offender and the actions taken by a probation and parole officer in response to those violations. Each level is graduated to address the seriousness of the violations that occur.

Violations—any behavior, action or inaction, which is contrary to the conditions of probation or parole supervision which may or may not be enumerated on the performance grid.

E. The following violations are specific to violations in which probation and parole officers may use the administrative sanctions.

Parole Technical Violations—all violations of the conditions of parole, except those resulting in a new arrest, charge, conviction of a felony or an intentional misdemeanor directly affecting the person or being in possession of a firearm or other prohibited weapon.

Probation Technical Violations—all violations of probation, except those resulting in an arrest for a subsequent criminal act.

F. General Application of Performance Grid in Response to Violations

1. Timely and appropriate actions shall be taken in accordance with the procedures of this regulation when a probation and parole officer becomes aware of an offender's violation(s).

2. The officer shall utilize the performance grid for enumerated violations specific to the offender and the violation. The absence of any other technical violation from the performance grid does not prohibit the probation and parole officer from addressing these violations in an appropriate manner.

3. The performance grid shall not be utilized to address violations of not guilty by reason of insanity and interstate compact cases.

4. When using the performance grid, the probation and parole officer shall locate the performance grid specific to the offender, select the enumerated violation(s) and choose the appropriate coinciding action(s) and/or administrative sanctions. When imposing sanction(s) for violations, all appropriate actions shall be selected to fully address violations, especially when selecting jail as an administrative sanction (i.e., substance abuse treatment after jail sanction is imposed).

5. Although a wide range of actions and administrative sanctions are available for response to certain violations, probation and parole officers may determine that a departure from the recommended actions may be a more appropriate response to a violation(s). The reasons for the departure shall be explained in the narratives.

6. Actions taken for a positive drug screen shall also include mandatory retesting within 45 days.

7. When the offender completes the last action directed, the offender returns to a compliant status. Any new violation that occurs after the offender has returned to compliant status for six months will be addressed as a level 1 violation.

G. Administrative Sanctions

1. When using the performance grid, probation and parole officers may opt to utilize administrative sanctions when authorized by the court or board of parole. These

administrative sanctions are located in the actions column of the performance grid. The violation(s) and subsequent sanction(s) shall be noted on the performance grid when completing case narratives as described in Paragraph E.5 of this regulation. The performance grid establishes the level and type of administrative sanctions that may be imposed by probation and parole officers and the level and type of violations that warrant a recommendation that the offender be returned to the court or the board of parole.

2. When imposing administrative sanctions, the following factors shall be taken into consideration:

- a. severity of the violation;
- b. prior violation history;
- c. severity of the underlying criminal conviction;
- d. any special circumstances, characteristics or resources of the offender;
- e. protection of the community;
- f. deterrence;
- g. availability of local sanctions, including, but not limited to: jail; non-custodial treatment; community service work; house arrest; electronic monitoring; restitution centers; transitional work programs; day reporting centers and other local sanctions not already imposed as special conditions of supervision.

3. When imposing administrative sanctions (including jail sanctions) that are not already conditions of supervision (i.e., electronic monitoring, substance abuse treatment, etc.) the probation and parole officer shall complete the notification of administrative sanctions and shall obtain supervisor approval prior to imposing the sanctions.

4. For the offender to accept the administrative sanction, the offender must be given notice of the violation(s), must waive his right to a hearing and counsel, must consent to the administrative sanction being imposed and must admit the violation(s). All offenders who are offered administrative sanction(s) shall receive the following process.

4. For the offender to accept the administrative sanction, the offender must be given notice of the violation(s), must waive his right to a hearing and counsel, must consent to the administrative sanction being imposed and must admit the violation(s). All offenders who are offered administrative sanction(s) shall receive the following process.

a. The notification of administrative sanctions form shall be printed, read and thoroughly explained to the offender. The offender shall then be given the option of accepting or refusing the imposed administrative sanction(s).

b. When the offender agrees to the administrative sanction(s), the offender, supervising probation and parole officer and supervisor shall sign and date the notification of administrative sanctions form. The offender shall be provided a copy of the completed notification of administrative sanctions form.

c. If jail is being imposed as an administrative sanction, CAJUN and case management shall be updated by appropriate district office staff (support employee or probation and parole officer) to indicate correct location and transfer dates. The local jail facility shall also be provided a completed notification of administrative sanctions form for their records.

d. When a jail sanction is chosen, the probation and parole officer is limited to the number of jail days in the appropriate level, regardless of the number of violations that have occurred. The number of total jail days an offender serves cannot exceed 60 days in a 12 month period. This twelve month period begins upon the imposition of the first jail sanction.

e. The court, board of parole, district attorney and defense counsel of record shall be provided a copy of the notification of administrative sanctions form.

5. If the offender refuses the administrative sanction(s), the offender shall be given the opportunity to explain in writing on the notification of administrative sanctions form why the administrative sanction is being refused. The refusal shall be witnessed and dated. This information shall be provided to the court or board of parole for further action.

6. Monthly reports shall be submitted electronically no later than the tenth day of the month following the reporting period utilizing the C-05-001 reporting database and appropriate C-05-001 form.

H. Rewards and Recognition

1. The performance grid shall also recognize and reward offenders for positive behavior changes, compliance with the conditions of supervision and progress made towards achievement of goals. Timely and appropriate action shall be taken in response to positive behavior as enumerated in the performance grid.

2. Recognition shall also be achieved by reducing the level of supervision and early termination, suspended status and self reporting as established in current policy and procedure.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:950.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Corrections Services, LR 38:1597 (July 2012).

James M. Le Blanc
Secretary

1207#122

RULE

Department of Public Safety and Corrections Corrections Services

Sex Offender Treatment Plans and Programs (LAC 22:I.337)

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950), the Department of Public Safety and Corrections, Corrections Services, hereby amends the contents of Section 337, Sex Offender Treatment Plans and Programs.

Title 22

CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT

Part I. Corrections

Chapter 3. Adult Services

Subchapter A. General

§337. Sex Offender Treatment Plans and Programs

A. Purpose—to state the department's procedures for providing sex offender treatment plans and programs as set forth pursuant to the laws of this state.

B. Applicability—deputy secretary, chief of operations, department's medical/mental health director, director of probation and parole, chairman of the board of parole, regional wardens, wardens and sheriffs or administrators of local jail facilities. Each unit head is responsible for ensuring

that appropriate unit written policy and procedures are in place to comply with the provisions of this regulation.

C. Policy. It is the secretary's policy that certain convicted sex offenders (as specifically defined in Subsections E, F, G and H) shall participate in appropriate sex offender treatment plans pursuant to the provisions of this regulation and the statutory requirements as stated herein.

D. Definitions

Mental Health Evaluation (for the purpose of this regulation)—an examination by a qualified mental health professional with experience in treating sex offenders.

Qualified Mental Health Professional (for the purpose of this regulation)—an individual who provides sex offender treatment to offenders in keeping with their respective levels of education, experience, training and credentials.

E. Sex offender treatment plan pursuant to R.S. 15:538(C):

1.a. no sex offender whose offense involved a minor child who is twelve years old or younger or who is convicted two or more times of a violation of:

- i. R.S. 14:42—aggravated rape;
- ii. R.S. 14:42.1—forcible rape;
- iii. R.S. 14:43—simple rape;
- iv. R.S. 14:43.1—sexual battery;
- v. R.S. 14:43.2—second degree sexual battery;
- vi. R.S. 14:43.3—oral sexual battery;
- vii. R.S. 14:43.4—Repealed.
- viii. R.S. 14:78—incest;
- ix. R.S. 14:78.1—aggravated incest;
- x. R.S. 14:89.1—aggravated crime against nature;

b. shall be eligible for probation, parole, suspension of sentence, or diminution of sentence if imposed as a condition by the sentencing court pursuant to R.S. 15:537(A), unless, as a condition thereof, the offender undergoes a treatment plan based upon a mental health evaluation.

2. It shall be the responsibility of ARDC specialists during the pre-class verification process to identify those offenders whose sentence places them under the provisions of R.S. 15:538(C). It is preferable that state offenders in this category be transferred from a local jail facility to a departmental reception and diagnostic center. The Office of Adult Services' Transfer Section shall be responsible for the transport of these offenders to the department's custody. The basic jail guidelines regional team leaders shall assist local jail facilities with any questions or concerns regarding the provisions of R.S. 15:538(C).

a. If an offender assigned to an institution should receive a new sentence for an identified sex offense, it will be the responsibility of the warden to determine if they are subject to the conditions of R.S. 15:538(C).

3. Each institution and the division of probation and parole shall make arrangements with qualified mental health professionals for the purpose of conducting mental health evaluations and to develop and implement treatment plans.

4. The treatment plan shall be based upon a mental health evaluation and shall effectively deter recidivist sexual offenses by the offender, thereby reducing the risk of reincarceration of the offender and increasing the safety of the public, and under which the offender may reenter society.

5. The treatment plan may include:
a. the utilization of medroxyprogesterone acetate treatment (MPA) or its chemical equivalent as a preferred method of treatment;

b. a component of defined behavioral intervention if the evaluating qualified mental health professional determines that is appropriate for the offender.

6. The provisions of R.S. 15:538(C) shall only apply if parole, probation, suspension of sentence, or diminution of sentence is permitted by law and the offender is otherwise eligible.

7. If on probation or subject to a sentence that has been suspended, the offender shall begin MPA or its chemical equivalent treatment as ordered by the court or a qualified mental health professional and medical staff.

8. If MPA or its chemical equivalent is part of an incarcerated offender's treatment plan, the offender shall begin such treatment at least six weeks prior to release.

9. Once a treatment plan is initiated, based upon a mental health evaluation, it shall continue unless it is determined by a physician or qualified mental health professional that it is no longer necessary. The attending physician or qualified mental health professional may seek a second opinion.

10. If an offender voluntarily undergoes a permanent, surgical alternative to hormonal chemical treatment for sex offenders, he shall not be subject to the provisions of this regulation.

11. Before beginning MPA or its chemical equivalent therapy, the offender shall be informed about the uses and side effects of MPA therapy, and shall acknowledge in writing using the consent/refusal for medroxyprogesterone treatment (Form B-06-002-A) that he has received this information.

12. The offender shall be responsible for the costs of the evaluation, the treatment plan and the treatment:

a. if the offender is not indigent, these services will be rendered by an outside mental health provider based upon a fee schedule established by the Department of Public Safety and Corrections. If the offender is on probation or under parole supervision, services will be rendered at the provider's place of business. If the offender is housed in an institution, services will be rendered by the provider at the state or local jail facility. In either event, the department reserves the right to determine the eligibility of the provider to furnish services;

b. indigent offenders who are on probation or under parole supervision will be responsible for seeking services through the Department of Health and Hospitals, Office of Mental Health (with assistance, as needed, from their probation and parole officer). The provision of such services is strictly subject to the availability of resources and programs within the Department of Health and Hospitals. If the offender is housed in a state institution, services will be provided by Department of Public Safety and Corrections' mental health staff. A set-up fee will be charged to the offender based upon the fee scale for non-indigent offenders and the offender's account shall reflect the cost of the service as a debt owed;

c. indigent offenders housed in local jail facilities requiring these services should be transferred, if possible, to the department's reception and diagnostic center. In unusual

circumstances when this is not possible, services for these offenders shall be coordinated by the administrator of the local jail facility with the Department of Health and Hospitals, Office of Mental Health (with assistance, as needed, from the department's medical/mental health director or the basic jail guidelines regional team leader). The provision of such services is strictly subject to the availability of resources and programs within the Department of Health and Hospitals.

13. Chemical treatment shall be administered through a licensed medical practitioner. Any physician or qualified mental health professional who acts in good faith in compliance with this regulation in the administration of treatment shall be immune from civil or criminal liability for his actions in connection with the treatment. The offender may decline to participate in the evaluation or treatment plan by signing the consent/refusal for medroxyprogesterone treatment (Form B-06-002-A) indicating that he acknowledges his decision renders him ineligible for probation, parole, suspension of sentence or diminution of sentence if conditioned by the court. However, the provisions of R.S. 15:828, R.S. 14:43.6 or C.Cr.P. Art. 895(J) may still be applicable. (See Subsections F, G and H of this regulation for additional information.)

14. Failure to continue or complete treatment shall be grounds for revocation of probation, parole, or suspension of sentence, or, if so conditioned by the parole board, revocation of release on diminution of sentence.

a. Good time earned may be forfeited pursuant to R.S. 15:571.4. Should an offender in an institutional setting fail to continue or complete his sex offender treatment plan, an incident report shall be initiated and good time forfeited, if appropriate, pursuant to established policy and procedures.

15. Wardens and the director of probation and parole shall ensure strict adherence to the procedures of this regulation.

F. Sex Offender Treatment Program Pursuant to R.S. 15:828

1. *Sex offenders* for the purpose of R.S. 15:828 and this Section are defined as persons committed to the custody of the Department of Public Safety and Corrections for a crime enumerated in R.S. 15:541. An individual convicted of the attempt or conspiracy to commit any of the defined sex offenses shall be considered a sex offender for the purposes of R.S. 15:828 and this Section.

a. Subject to the availability of resources and appropriate individual classification criteria, sex offenders as defined in Paragraph F.1 of this regulation and who are housed in a state correctional facility should be provided counseling and therapy by institutional mental health staff in a sex offender treatment program until successfully completed or until expiration of sentence, release on parole in accordance with and when permitted by R.S. 15:574.4, or other release in accordance with law, whichever comes first.

b. A sex offender treatment program means one which includes either or both group and individual therapy and may include arousal reconditioning. Group therapy should be conducted by two therapists, one male and one female. Subject to availability of staff, at least one of the therapists should be licensed as a psychologist, board-certified as a psychiatrist or a clinical social worker. A

therapist may also be an associate to a psychologist under the supervision of a licensed psychologist.

c. Reports, assessments, and clinical information, as available, including any testing and recommendations by mental health professionals, shall be made available to the board of parole.

2. If the offender is convicted of a crime enumerated in R.S. 15:538(C), then he shall be treated in accordance with that statute and not R.S. 15:828.

G. Sex offender treatment program pursuant to R.S. 14:43.6:

1.a. notwithstanding any other provision of law to the contrary, the court may order an offender convicted of the following offenses:

- i. R.S. 14:41—aggravated rape;
- ii. R.S. 14:42.1—forcible rape;
- iii. R.S. 14:43.2—second degree sexual battery;
- iv. R.S. 14:78.1—aggravated incest;
- v. R.S. 14:81.2(D)(1)—molestation of a juvenile when the victim is under the age of 13;

vi. R.S. 14:89.1—aggravated crime against nature;

b. to be treated with medroxyprogesterone acetate (MPA) according to a schedule of administration monitored by the Department of Public Safety and Corrections.

2. If the court orders the offender to be treated with MPA, this treatment may not be imposed in lieu of, or reduce, any other penalty prescribed by law. However, in lieu of treatment, the court may order the defendant to undergo physical castration provided the offender files a written motion with the court stating that he intelligently and knowingly gives his voluntary consent to physical castration as an alternative to the treatment.

3. An order of the court sentencing the offender to MPA pursuant to R.S. 14:43.6 shall be contingent upon a determination by a court appointed medical expert that the offender is an appropriate candidate for treatment. This determination shall be made not later than 60 days from the imposition of the sentence. The court order shall specify the duration of the treatment for a specific term of years, or in the discretion of the court, up to the life of the offender.

4. In all cases involving the administration of MPA, the treatment shall begin not later than one week prior to the offender's release from incarceration.

5. The department shall provide the services necessary to administer the MPA treatment and shall not be required to continue the treatment when it is not medically appropriate as determined by the department.

6. If an offender fails to appear as required by the schedule of administration as determined by the department, or the offender refuses to allow the administration of MPA, the offender shall be charged with a violation of R.S. 14:43.6.

7. If an offender ordered to be treated with MPA or ordered to undergo physical castration takes any drug or other substance to reverse the effects of the treatment, he shall be held in contempt of court in accordance with R.S. 14:43.6.

8. If an offender is ordered by the court pursuant to R.S. 14:43.6, then he shall be treated in accordance with that statute and no others.

H. Sex Offender Treatment Program Pursuant to C.Cr.P. Art. 895(J)

1. In addition to other requirements of law and established policy and procedure, in cases where a defendant has been convicted of an offense involving criminal sexual activity, the court shall order as a condition of probation that the defendant successfully complete a sex offender treatment program. As part of the sex offender treatment program, the offender shall participate with a victim impact panel or program providing a forum for victims of criminal sexual activity and sex offenders to share experiences on the impact of the criminal sexual activity in their lives. The director of probation and parole shall establish procedures to implement victim impact panels. All costs for the sex offender treatment program, pursuant to this Paragraph shall be paid by the offender.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:538(C).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Corrections Services, LR 24:2308 (December 1998), amended LR 26:332 (February 2000), LR 38:1598 (July 2012).

James M. Le Blanc
Secretary

1207#123

RULE

Department of Public Safety and Corrections Gaming Control Board

Gaming—Regulation Consolidation
(LAC 42:III, VII, IX and XIII)

The Louisiana Gaming Control Board hereby gives notice that pursuant to R.S. 27:15 and R.S. 27:24 has adopted a regulation reorganization by consolidating Chapters from Parts VII, IX and XIII of Title 42 of the Louisiana Administrative Code into Part III as the changes are intended to create uniformity. Those Chapters within Parts VII, IX and XIII will be repealed.

Title 42

LOUISIANA GAMING

Part III. Gaming Control Board

Chapter 17. General Provisions

Editor's Note: The information for this Chapter was consolidated from corresponding Chapters in Parts VII, IX, and XIII prior to their being repealed.

§1701. Definitions

A. The provisions of the Act relating to definitions, words and terms are hereby incorporated by reference and made a part hereof and will therefore apply and govern the interpretation of these rules, unless the context otherwise requires or unless specifically redefined in a particular Section. Any word or term not defined in these rules shall have the same meaning ascribed to it in the Act. Any word not defined by the Act or these regulations shall be construed in accordance with its plain and ordinary meaning.

B. As used in the Part III, Part VII, Part IX and Part XIII of Title 42 of the Louisiana Administrative Code, the following words and terms shall have the following meanings.

Act—the Louisiana Gaming Control Law, R.S. 27:1 et seq.

Administrative Action—any revocation, suspension, finding of unsuitability, or conditioning of a license or permit, or imposition of a civil penalty.

Affiliate—

a. a person that directly or indirectly through one or more intermediary or holding company, controls, or is controlled by, or is under common control with the licensee, casino operator or casino manager and is involved in gaming activities in this state or involved in the ownership of property in this state upon which gaming activities are conducted;

b. whenever the term affiliate is used with respect to the casino operator, the term also means and includes any person holding a direct or indirect shareholder interest that gives such person the ability to control the casino operator or any person owning a 5 percent or more direct interest in the casino operator.

i. For purposes of calculating the percentage of ownership interest, the following shall be attributed to such person:

(a). the ownership, income, or profit interest held by a trustee of a trust of which a person is a beneficiary; and

(b). the interest held by a member of such person's immediate family. Immediate family means a person's spouse, children, parents, brothers, sisters, nieces, nephews and cousins to the first degree.

ii. Notwithstanding the foregoing, a shareholder owning, directly or indirectly, 5 percent or more ownership, income or profit interest in a corporation, the shares of which are widely held and publicly traded, shall not be an affiliate of a person, unless the board determines the shareholder controls that person or an intermediary, effectively controls, or is controlled by, or is under common control with, a specified person.

Applicant—any person who has submitted an application or bid to the board or division for a license, permit, registration, contract, certificate or other finding of suitability or approval, or renewal thereof, authorized by the Act or rule of the board.

Applicant Records—those records which contain information and data pertaining to an applicant's criminal record, background, and financial records, furnished to or obtained by the board or division from any source incidental to an investigation for licensing or permitting, findings of suitability, registration, the continuing obligation to maintain suitability, or other approval.

Application—the documentation, forms and schedules prescribed by the board or division upon which an applicant seeks a license, permit, registration, contract, certificate or other finding of suitability or approval, or renewal thereof, authorized by the Act or rule. Application also includes questionnaires, information, disclosure statements, financial statements, affidavits, and all documents incorporated in, attached to, or submitted by an applicant or requested by the board or division.

Approve, Approves, Approved or Approval—the authority of the board or division, prior to an action or transaction, to confirm, uphold or grant permission with respect to the subject matter of that action or transaction.

Architectural Plans and Specifications or Architectural Plans or Plans or Specifications—all of the plans, drawings, and specifications for the construction, furnishing, and

equipping of a riverboat or the official gaming establishment or a licensed eligible facility, including, but not limited to, detailed specifications and illustrative drawings or models depicting the proposed size, layout and configuration of the component parts of the vessel, or the official gaming establishment or licensed eligible facility, including electrical and plumbing systems, engineering, structure, and aesthetic interior and exterior design as are prepared by one or more licensed professional architects and engineers. *Architectural plans and specifications* does not include FF and E.

Associated Equipment—any gaming equipment which does not affect the outcome of the game, is not used to facilitate gaming funds transfers or is not related to the security of a gaming device, except as otherwise provided in these rules.

Background Investigation—all efforts, whether prior to or subsequent to the filing of an application, designed to discover information about an applicant, affiliate, licensee, permittee, registrant, casino operator or other person required to be found suitable and includes without time limitations, any additional or deferred efforts to fully develop the understanding of information which was provided or should have been provided or obtained during the application process.

Base Amount—the amount of the progressive jackpot offered before it increases.

Berth—a location where a riverboat is or will be authorized to dock as provided in the Act and rules.

Board—the Louisiana Gaming Control Board.

Business Entity or Legal Entity—a natural person, a corporation, limited liability company, partnership, joint stock association, sole proprietorship, joint venture, business association, cooperative association, professional corporation or any other legal entity or organization through which business is conducted.

Business Year—the annual period used by a licensee or casino operator for internal accounting purposes as approved by the division.

Casino—the entirety of the building and improvements including the furniture, fixture, and equipment, the operating equipment and operating supplies and all other improvements located at the licensed eligible facility, at the Rivergate site in the parish of Orleans or upon a riverboat.

Casino Gaming Operations—gaming operations offered or conducted at or in the official gaming establishment.

Casino Manager—a person with whom the casino operator contracts to provide all or substantially all of the services necessary for the day-to-day management and operation of the official gaming establishment pursuant to the casino operating contract and these regulations, who or which has been found suitable by the board.

Casino Operating Contract—a contract let or bid by the board, in accordance with the provisions of the Act, authorizing a casino operator to conduct casino gaming operations at the official gaming establishment for the benefit of the state and the casino operator.

Casino Operator—any person who enters into a casino operating contract with the board.

Certification Fees—the fees charged by the board or division incidental to the certification of documents.

Chairman—the chairman of the board.

Cheating Device—any tangible object, item, contrivance, part or device, including a computerized, electronic or mechanical device used, or attempted to be used, to alter the randomness of any game or any gaming device in a casino; or to play any game or gaming device without placing the required wager in order for a person to win, or attempt to win, money or property or combination thereof, or reduce or attempt to reduce, or increase or attempt to increase, either a losing or winning wager; or any device used by a person to gain an unfair advantage.

Check Cashing Cage—the area of a casino to be accessed by the designated check cashing representative or its employees for the purposes of cashing checks and making credit card advances.

Confidential Record—any paper, document or other record or data reduced to a record which is not open to public inspection pursuant to the Act or Chapter 39 of these rules.

Confidential Source—a person who provides information and the revelation of whose identity would tend to compromise the flow of information from that particular provider or his class of providers.

Counterfeit Chips or Counterfeit Tokens—any chip or token-like objects that have not been approved by the division, including objects commonly referred to as "slugs," but not including coins of the United States or any other nation.

Day—shall mean a calendar day unless preceded by the words "gaming" or "casino gaming."

Debt Transaction—a transaction in which the licensee, casino operator, casino manager or an affiliate incurs debt including, but not limited to, the following:

- a. loans, lines of credit or similar financing;
- b. public and private debt offerings; or
- c. any transaction that provides guarantees, grants a form of security or encumbers assets of the licensee, casino operator or casino manager or an affiliate.

Default Interest Rate—a floating rate of interest at all times equal to the greater of:

- a. the prime rate of Citibank, N.A. or its successor plus 5 percent; or
- b. 15 percent per annum, provided, however, that the default interest rate shall not exceed the maximum interest rate allowed by applicable law.

Designated Check Cashing Representative—a person designated by the licensee or casino operator to oversee and assume responsibility for cashing patrons' checks and facilitating credit card cash advances to patrons.

Designated Gaming Area—

- a. for the licensed eligible facility, the contiguous area of the eligible facility at which slot machine gaming may be conducted in accordance with the Act, determined by measuring the area, in square feet, inside the interior walls of the eligible facility, excluding any space therein in which gaming activities may not be conducted, such as bathrooms, stairwells, cage and beverage areas, and emergency evacuation routes that meet or exceed the minimum size required by law;

- b. for the casino operator, those portions of the official gaming establishment in which gaming activities may be conducted. The designated gaming area shall not be less than 100,000 square feet of usable space;

- c. for riverboats, that portion of a riverboat in which gaming activity may be conducted which shall not exceed 60 percent of the total square footage of the passenger access area of the vessel or 30,000 square feet, whichever is less. Designated gaming area shall be determined by measuring the area (in square feet) inside the interior walls of the riverboats, excluding any space therein in which gaming activities may not be conducted, such as bathrooms, stairwells, cage and beverage area, and emergency evacuation routes. Plans shall be submitted to and approved by the board or division, as applicable.

Designated Representative—a person designated by a licensee or the casino operator to oversee and assume responsibility for the operation of the licensee's or casino operator's gaming business.

Designated River or Designated Waterway—those rivers or bodies of water upon which gaming activities may be conducted in accordance with the Act.

Division or Department—the division of the office of state police, Department of Public Safety, which provides investigatory, regulatory and enforcement services to the board in the implementation, administration and enforcement of the Act.

Division Agent—any commissioned Louisiana state police trooper or designated employee of the division.

Dock or Docking—to lower the gangplank to a pier or shore or to anchor a riverboat at a pier or shore, or both.

Dock Side Facility—the place where docking occurs and where one or more berths may be located.

Drop—

- a. for table games, the total amount of money and cash equivalents contained in the drop boxes;

- b. for slot machines, the total amount of money and cash equivalents contained in the drop box, bill validator acceptor, and the amounts deducted from a player's slot account as a result of slot machine play.

Duplication Fees—a charge for duplicating documents for release to the requesting person.

Economic Interest—any interest in a casino operating contract, license or permit from which a person receives or is entitled to receive, by agreement or otherwise, a profit, gain, thing of value, loss, credit, security interest, ownership interest or other benefit. Economic interest includes voting shares of stock or otherwise exercising control of the day to day operations through a management agreement or similar contract. Economic interest does not include a debt unless upon review of the instrument, contract, or other evidence of indebtedness, the board or division determines a finding of suitability is required based upon the economic relationship with the casino operator, licensee, or permittee.

Electronic Fund Transfer or Sweep—any transfer of funds, other than a transaction originated by check, draft, or similar paper instrument, that is initiated through an electronic terminal, telephone, computer, or magnetic tape for the purpose of ordering, instructing, or authorizing a financial institution to debit or credit an account.

Electronic Gaming Device or EGD or Slot Machine—any mechanical, electrical, or other device, contrivance, or machine which, upon insertion of a coin, cash, token, or similar object therein or upon payment of any consideration whatsoever, is available to play or operate, the play or operation of which, whether by reason of the skill of

the operator or application of an element of chance, or both, may deliver or entitle the person playing or operating the machine to receive cash, premiums, merchandise, tokens, or anything of value, where the payoff is made automatically from the machine or in any other manner.

Eligible Facility—a facility as defined in the Act at which the Louisiana Racing Commission has licensed the conduct of live horse race meetings.

Emergency Evacuation Route—

a. for a licensed eligible facility it means those areas within the designated slot machine gaming area which are clearly defined and identified by the licensee as necessary, and approved by the state fire marshal or other federal or state regulatory agency, for the evacuation of patrons and employees from the facility, and from which and in which no gaming activity may occur.

b. for a riverboat it means those areas within the designated gaming area which are clearly defined and identified by the licensee as necessary, and approved by the United States Coast Guard or the board's third party inspector, for the evacuation of passengers and crew from the riverboat, and from which and in which no gaming activity may be conducted.

FF and E (Furniture, Fixture and Equipment)—any part of a casino that may be installed or put into use as purchased from a manufacturer, supplier, or non-gaming supplier including, but not limited to, gaming devices, television cameras, television monitors, computer systems, computer programs, computers, computer printers, ready-made furniture and fixtures, appliances, accessories, and all other similar kinds of equipment and furnishings.

Financial Statements or Financial Records—both summaries of financial matters of any sort and any source documents or records from which summaries are or may be derived. Those statements and the information contained therein which relate to balance sheets, profit and loss statements, mortgages, debt instruments, ledgers, journals, invoices, and any other document bearing on the financial status of an entity, whether historical or current.

Finder's Fee—

a. any compensation in money in excess of the sum of \$5,000 annually, or real or personal property valued in excess of the sum of \$5,000 annually, which is paid or transferred or agreed to be paid or transferred to any person in consideration for the arrangement or negotiation of an extension of credit to a licensee, casino operator a registered company, or applicant if the proceeds of such extension of credit are intended to be used for any of the following purposes:

- i. the acquisition of an interest in the licensee, casino operator or registered company; or
- ii. the financing of the gaming operations of licensee, casino operator or registered company;

b. the term *finder's fees* shall not include:

- i. compensation to the person who extends the credit;
- ii. normal and customary payments to employees of the person to whom the credit was extended if the arrangement or negotiation of credit is part of their normal duties;

iii. normal and customary payments for bona fide professional services rendered by lawyers, accountants, engineers and appraisers;

iv. underwriting discounts paid to a member of the National Association of Securities Dealers, Inc.; and

v. normal and customary payments to a person qualifying as a suitable lender, as defined by the casino operating contract or the Act.

Fiscal Year—

a. for the state, the period beginning July 1 and ending June 30 the following year;

b. for the casino operator, the period beginning April 1 and ending March 31 the following year. The first fiscal year shall be the period commencing on the casino opening date and ending on the first March 31 to occur after the casino opening date. The term full fiscal year means any fiscal year containing not fewer than 365 days. A fiscal year containing 366 days is a fiscal leap year. Any partial fiscal year ending with the expiration of the term but not ending due to a termination as a result of an event of default shall constitute the last fiscal year.

Funds—money or anything of value.

Game—any banking or percentage game which is played with cards, dice, or any electronic, electrical, or mechanical device or machine for money, property, or anything of value. Game does not include lottery, bingo, charitable games, raffles, electronic video bingo, pull tabs, cable television bingo, wagering on dogs, sports betting, or wagering on any type of sports event, inclusive of but not limited to football, basketball, baseball, hockey, boxing, tennis, wrestling, jai alai, or other sports contest or event. Except for riverboat gaming as provided by the Act, game does not include horse wagering.

Game Outcome—the final result of the wager.

Gaming Activities or Gaming Operations—the use, operation, offering, or conducting of any game or gaming device by a licensee or casino operator in accordance with the provisions of the Act.

Gaming Day—the 24-hour period by which the casino keeps its books and records for business, accounting, and tax purposes.

Gaming Device—any equipment or mechanical, electro-mechanical, or electronic contrivance, component, or machine, including a slot machine or EGD, used directly or indirectly in connection with gaming or any game, which affects the results of a wager by determining wins or losses.

Gaming Employee—a key gaming employee or Non-key gaming employee.

Gaming Employee Permit or Employee Permit—the permit issued to a key gaming employee or non-key gaming employee

Gaming Equipment—equipment used directly or indirectly in connection with gaming or any game which affects the result of a wager by determining wins or losses or the amount of the win; equipment used to facilitate gaming funds transfer; or equipment related to the security of the associated gaming devices.

Gaming License—see *license*.

Gaming Operator—a person licensed by the board or authorized by contract with the board to conduct gaming activities in accordance with the Act.

Gaming Supplier or Distributor—any person who supplies, sells or leases, or contracts to sell or lease, gaming devices, equipment, or supplies to a licensee or casino operator.

Gaming Supplier Permit—the permit of a gaming supplier.

Gaming Supplies—all materials, equipment and supplies other than gaming devices which the board or division finds or determines to be used or expended in gaming operations or gaming activities.

Gross Gaming Revenue—the total receipts of the casino operator from gaming operations, including cash, checks, property and credit extended to a patron for purposes of gaming less the total value of all amount paid out as winnings to patrons and credit instruments or checks which are uncollected subject to an annual cap of uncollected credit instruments and checks of 4 percent of the total receipts of the casino operator from gaming operations, including all cash, checks, property, and credit extended to a patron for purposes of gaming in a fiscal year. Winnings for purposes of this definition means the total amount delivered by a gaming device as win to a patron or the amount determined by the approved table games odds as win to a patron, exclusive of any double jackpots, increased payouts in addition to table games odds or other increased payouts that result from promotional activities, unless otherwise approved in advance by the board.

Incremental Amount—the difference between the amount of a progressive jackpot and its base amount.

Inspection—surveillance and observation by the board or division of operations conducted by a licensee, casino operator or permittee which may or may not be made known to the licensee, casino operator or permittee. Inspection also means a surveillance or examination of the activities of a licensee, casino operator, or permittee including the construction of a riverboat, eligible facility or the official gaming establishment.

Internal Controls—internal procedures and administration and accounting controls designed by the licensee or the casino operator for the purpose of exercising control over the gaming operations and for complete and accurate calculation and reporting of financial data and approved by the division.

Junket Representative—

a. any person who contracts with a licensee, casino operator or their affiliates to provide services consisting of arranging transportation to the casino where the person is to receive compensation based upon either:

- i. a percentage of win or drop of the casino's patrons;
- ii. a percentage of the theoretical win or drop of the casino's patrons; or
- iii. any other method of compensation that is contingent on or related to the gaming activity of the casino's patrons including, but not limited to, any lump sum or flat rate compensation;

b. the term *junket representative* shall not include:

- i. a licensee, casino operator and their employees or any licensed or approved affiliate;
- ii. a supplier of transportation or a travel agency whose compensation is based solely upon the price of transportation arranged for by the agency; or

iii. a person that is paid a nominal fixed fee for each casino patron that the person brings to the casino, provided that:

(a). the fixed fee does not exceed \$20 for each casino patron; and

(b). no portion of the compensation paid is based upon the gaming activity of the patron at the casino.

Key Gaming Employee or Managerial Employee—an employee, agent or representative of a licensee, casino operator or permittee, whether or not a gaming employee, who, in the opinion of the board or division, holds or exercises critical or significant management or operating authority over the casino operator, licensee or permittee. *Key gaming employee* or *managerial employee* includes, but is not limited to:

a. any individual who is employed in a director or department head capacity and who is empowered to make discretionary decisions that regulate gaming activities including, but not limited to, the general manager and assistant general manager, director/manager of finance, accounting controller, director/manager of cage and/or credit operations, director/manager of casino operations, director/manager of table games, director/manager of slots, slot performance director/manager, director/manager of security, director/manager of surveillance, and director/manager of management information systems;

b. any employee who supervises the operations of the departments identified in Subparagraph a of this definition or to whom the individual department directors report;

c. any other position which the board or division later determines is a key position based upon a detailed analysis of job descriptions as provided in the internal controls and observations of the functions of the position; and

d. any individual designated as managerial representative on premises by a licensee or the casino operator.

Key Gaming Employee Permit—the permit of a key gaming employee.

License or Operator's License—the authorization to conduct gaming activities on a riverboat or at an eligible facility issued in accordance with the Act.

Licensee—person issued a license in accordance with the Act.

Louisiana Business, Louisiana Company, Louisiana Corporation or Louisiana Firm—a business, company, corporation or firm which is at least 51 percent owned by one or more Louisiana individual domiciliaries and/or a corporation, limited liability company or other business entity with a legal and commercial domicile in Louisiana who also control and operate the business shall be considered a Louisiana business, company, corporation or firm for purposes of Louisiana Gaming Control Law and Regulations. A business, company, corporation or firm qualified with the Secretary of State and authorized to do business in Louisiana which has a physical presence in the state in the form of property or facilities owned or leased in Louisiana and which employs Louisiana residents who control and operate the Louisiana business activity or enterprise may be considered a Louisiana business, company, corporation or firm. *Control* in this context means

exercising the power to make policy decisions. *Operate* in this context means being actively involved in the day-to-day management of the business. *Commercial domicile* in this context means the place from which the business is directed or managed.

Manufacturer—any person that manufactures, assembles, produces, or programs slot machines or gaming devices, supplies, or equipment for sale, use or play in this state.

Manufacturer Permit—the permit of a manufacturer.

MEAL—machine entry authorization log.

Minority Business Enterprise or *Minority Owned Business*—a business performing a commercially useful function which is at least 51 percent owned by one or more minority individuals domiciled in Louisiana who also control and operate the business. Control in this context means exercising the power to make policy decisions. Operate in this context, means being actively involved in the day-to-day management of the business.

Net Gaming Proceeds—the total of all cash and property including checks, whether collected or not, received by a riverboat licensee from gaming operations less the total of all cash paid out as winnings to patrons.

Net Slot Machine Proceeds—the total of all cash and property received by a licensee of an eligible facility minus the amount of cash and prizes paid to winners.

Non-Gaming Supplier or *Supplier of Goods* or *Services Other than Gaming Devices* or *Gaming Equipment*—any person who sells, leases or otherwise distributes, directly or indirectly, goods or services other than gaming equipment and supplies to a licensee or casino operator.

Non-Gaming Supplier Permit—the permit of a non-gaming supplier.

Non-Key Gaming Employee—a person employed in the operation or supervision of a gaming activity including employees empowered to make discretionary decisions that regulate gaming activities. Non-key gaming employee includes, but is not limited to:

a. captains, master of the vessel, pit bosses, pit managers, floormen, boxmen, dealers or croupiers, device technicians, designated gaming area security employees, count room personnel, cage personnel, slot machine and slot booth personnel, slot machine technicians and mechanics, slot machine change personnel, credit and collection personnel, casino surveillance personnel, bartenders that are allowed to make change for gaming, shift supervisors, shift bosses, credit executives, gaming cashier supervisors, gaming managers and assistant managers;

b. any individual whose employment duties require or authorize access to designated gaming areas as determined by the board or division, other than non-gaming equipment maintenance personnel, cleaning personnel, waiters, waitresses, and secretaries; and

c. any person whose access level allows authorization to change or distribute complimentary balances of patron accounts in the licensee's or the casino operator's gaming database.

Non-Key Gaming Employee Permit—the permit of a non-key gaming employee.

Nonprofit Charitable Organization—a nonprofit board, association, corporation, or other organization and qualified

with the United States Internal Revenue Service for an exemption from federal income tax under section 501(c)(3), (4), (5), (6), (7), (8), (10), or (19) of the Internal Revenue Code.

Official Gaming Establishment—the entirety of the building and improvements including the furniture, fixtures and equipment, operating supplies and all other improvements located at the Rivergate site in Orleans Parish.

Paddlewheel Driven—having one or more functional paddlewheels which, in the opinion of the board, substantially contribute to the overall propulsion of a riverboat.

Passenger—a natural person who is present on a riverboat but has no part in the vessel's operation.

Passenger Access Area—any enclosed or unenclosed area of a riverboat that is open to the public including, but not limited to, lavatories, restaurants, shopping areas, seating, lounges, entertainment areas, the outside deck areas and the designated gaming area.

Patron—an individual who is at least 21 years of age and who has lawfully placed a wager in an authorized game at a casino.

Payout—winnings earned on a wager.

Permit—any permit or authorization, or application therefore, issued pursuant to the Act.

Permittee—any person issued a permit in accordance with the Act.

Person—any individual, partnership, association, joint stock association, trust, corporation or other legal or business entity.

Premises—land, together with all buildings, improvements, and personal property located thereon.

Progressive EGD—an electronic gaming device with a payoff that increases, or appears to increase, uniformly as the EGD or another device on the same link is played.

Progressive Jackpot—a slot machine payoff that increases, or appears to increase, automatically over time or as the machine or another is played.

Promotional Chip or *Token*—a chip or token issued by the licensee for use in promotions or tournaments at the casino.

Public Offering—a sale of securities (other than employee stock option plans—ESOP) that is subject to the registration requirements of section 5 of the Federal Securities Act, or that is exempt from such requirements solely by reason of an exemption contained in section 3(a)(11) or 3(c) of said Act or regulation adopted pursuant to section 3(b) of said Act.

Publicly Traded Company—any person, other than an individual, that:

a. has one or more voting securities registered under section 12 of the Securities and Exchange Act of 1934, as amended;

b. is an issuer of securities subject to section 15(d) of the Securities and Exchange Act of 1934, as amended; or

c. has one or more classes of securities exempted from the registration requirements of section 5 of the Securities Act of 1933, as amended, solely by reason of an exemption contained in section 3(a)(10), 3(a)(11), or 3(c) of the Securities Act of 1933, as amended.

Racehorse Wagering—wager placed on horse racing conducted under the pari-mutuel form of wagering at

licensed racing facilities that is accepted by a licensed racehorse wagering operator in accordance with the Act.

Racehorse Wagering Operator—the licensed racing association whose facility is located close to the licensed berth of the riverboat on which gaming activities are approved.

Records—accounts, correspondence, memorandums, audio tapes, videotapes, computer tapes, computer disks, electronic media, papers, books, and other documents or transcribed information of any type, whether expressed in ordinary or machine language.

Restricted Sensitive Keys—those keys that are listed in §2715 which can only be reproduced by the manufacturer of the lock or its authorized agent.

ROM or Read Only Memory—the electronic component used for storage of nonvolatile information in a gaming device, including programmable ROM and erasable programmable ROM.

Riverboat—a vessel as defined in the Act upon which gaming may be conducted.

Securities—any stock; membership in an incorporated association; bond; debenture; or other evidence of indebtedness, investment contract, voting trust certificate, certificate of deposit for a security; or, in general, any interest or instrument commonly known as a security; or any certificate of interest or participation in, temporary or interim certificate for, receipt for, or warrant or right to subscribe to or purchase, any of the foregoing regardless of whether evidenced in writing.

Sensitive Keys—all restricted sensitive keys and all keys, including originals and duplicates, used in the process of accessing cash, chips, tokens, die, or cards. Sensitive keys also include keys used to access secure areas.

Slot Machine Gaming—the use, operation, offering, or conducting of slot machines at an eligible facility in accordance with the Act.

Supervisor—the person in charge of the division, or his designee, who has authority to act on his behalf.

Surveillance Room—a secure location on the licensee's or casino operator's premises that is used primarily for casino surveillance.

Surveillance System—a system of video cameras, monitors and recorders that is used for casino surveillance.

Taxable Net Slot Machine Proceeds—net slot machine proceeds from an eligible facility less the amount of support, payment or contributions required by the Act.

Tilt Condition—a programmed error state for an electronic gaming device which occurs when the gaming device detects an internal error, malfunction, or attempted cheating wherein the gaming device ceases processing further input, output, or display information other than indicating the tilt condition itself.

Toll-free Telephone Number—the telephone number of the National Council on Problem Gambling or similar number approved by the board.

Wager—a sum of money or thing of value risked on a game.

Win—the total of all cash and property, including checks, whether collected or not, received by the licensee or the casino operator from gaming activities or gaming operations, less the amount paid out to patrons.

Women's Business Enterprise or Woman Owned Business—a business that performs a commercially useful function which is at least 51 percent owned by one or more women who are citizens of the United States domiciled in Louisiana and who also control and operate the business. Control in this context means exercising the power to make policy decisions. Operate in this context means being actively involved in the day-to-day management of the business. In determining whether a business is 51 percent owned by one or more women, the percentage ownership by a woman shall not be diminished because she is part of the community property regime.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1601 (July 2012).

§1703. Ownership of Licenses and Permits

A. Licenses and permits issued by the board or division as provided in the Act are and shall remain the property of the board or division at all times.

B. A license shall be issued in the name of the owner of the riverboat or of the eligible facility. One license will be issued for each riverboat or eligible facility with a designated gaming area even though multiple individuals may file or be required to file applications related thereto.

C. All licenses and permits shall be surrendered to the board or division upon their expiration or revocation at which time they will be destroyed unless needed for a pending investigation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1607 (July 2012).

§1705. Transfers of Licenses or Permits

A. Licenses and permits are not transferable or assignable. If the status of the licensee or permittee should change such that the person no longer needs or is entitled to the license or permit, then the license or permit shall be cancelled and any tangible item which evinces such a license or permit shall be surrendered to the board or division within five days of the change of status. Any license or permit surrendered pursuant to the Section shall be marked cancelled or destroyed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1607 (July 2012).

Chapter 19. Administrative Procedures and Authority

Editor's Note: The information for this Chapter was consolidated from corresponding Chapters in Parts VII, IX, and XIII prior to their being repealed.

§1901. Policy

A. It is the declared policy of the Louisiana Gaming Control Board that casino gaming in Louisiana be strictly regulated and controlled through administrative rules and/or the casino operating contract to protect the public morals, good order and welfare of the inhabitants of the state of Louisiana and to develop the economy.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1607 (July 2012).

§1907. Construction of Regulations and Administrative Matters

A. Construction of Regulations; Severability

1. Nothing contained in these regulations shall be so construed as to conflict with any provision of the Act, any other applicable statute or the casino operating contract. If any regulation is held invalid by a final order of a court of competent jurisdiction at the state or federal level, such provision shall be deemed severed and the court's finding shall not be construed to invalidate any other regulation.

B. Captions, Pronouns, and Gender

1. Captions appearing at the beginning of regulations are descriptive only, are for convenient reference to the regulations and in no way define, limit or describe the scope, intent or effect of the regulation. Masculine or feminine pronouns or neuter gender may be used interchangeably and the plural shall be substituted for the singular form and vice versa, in any place or places in the regulations where the context requires such substitution.

C. These regulations as they relate to the casino operator or casino manager are intended to be a detailed explanation or implementation of the casino operating contract between the board and the casino operator. The regulations are intended to be read in *pari materia* with the casino operating contract.

D. The regulations contained in Title 42, Part III, Chapters 17-47 of the Louisiana Administrative Code shall not apply to persons licensed pursuant to Chapter 6 of the Act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1608 (July 2012).

§1909. Casino Operator or Licensed Eligible Facility is Licensee

A. These regulations, subject to any rights in the casino operating contract, intend for the terms casino operator or casino manager and licensee to have the same meaning.

B. These regulations intend for the terms Type A licensee or licensed eligible facility and licensee to have the same meaning.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1608 (July 2012).

§1911. Obligations, Duties, and Responsibilities of a Casino Manager

A. In the event the casino operator subcontracts all, or substantially all of the services for the day-to-day management and operation of the casino, pursuant to the casino operating contract, to a casino manager, the casino manager's acts or omissions shall be considered the acts or omissions of the casino operator. All obligations, duties, and responsibilities imposed on the casino operator by these regulations, that the casino operator has subcontracted with a casino manager to perform or that the casino manager has undertaken to perform, shall be the obligations, duties and

responsibilities of the casino manager and the casino operator.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1608 (July 2012).

Chapter 21. Licenses and Permits

Editor's Note: The information for this Chapter was consolidated from corresponding Chapters in Parts VII, IX, and XIII prior to their being repealed.

§2101. General Authority of the Board and Division

A. The board or the division shall have the authority to call forth any person who, in their opinion, has the ability to exercise significant influence over a licensee, permittee, applicant, casino operator, casino manager, or the gaming industry, and such person shall be subject to all suitability requirements.

B. In the event a person is found unsuitable, then no licensee, permittee, casino operator, casino manager or applicant shall have any association or connection with such person. No licensee, permittee, casino operator, casino manager or applicant shall have any association or connection with any person that has had an application for a license or permit denied, had a license or permit revoked, or has been found unsuitable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1608 (July 2012).

§2103. Applications in General

A. Any license or permit issued by the board and any permit issued by the division is deemed to be a revocable privilege, and no person holding such a license or permit is deemed to have acquired any vested rights therein, subject to any rights in the casino operating contract.

B. An applicant for a license or permit authorized by the Act is seeking the granting of a privilege, and the burden of proving qualification and suitability to receive the license or permit is at all times on the applicant.

C. An applicant accepts the risk of adverse public notice, embarrassment, criticism, or other action or financial loss that may result from action with respect to an application and expressly waives any claim for damages as a result thereof, except relating to willful misconduct by the board or division.

D. The filing of an application under the Act or these regulations constitutes a request for a decision upon the applicant's general suitability, character, integrity, and ability to participate or engage in or be associated with a licensee or permittee. By filing an application, the applicant specifically consents to the making of such a decision by the board or division.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1608 (July 2012).

§2105. Investigations; Scope

A. The board or division shall investigate all applications for licenses or permits or other matters requiring board or division approval. The board or division may investigate, without limitation, the background of the applicant, the

suitability of the applicant, the suitability of the applicant's finances, the applicant's business integrity, the suitability of the proposed premises for gaming, the suitability of a person with an ownership or economic interest in the applicant of 5 percent or more, the suitability of any person who in the opinion of the board or division has the ability to exercise significant influence over the activities of an applicant and the applicant's compliance with all applicable federal, state, and local laws and regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1608 (July 2012).

§2107. Applicants in General; Restrictions

A. The securing of a license, permit or approval required under the Act is a prerequisite for conducting, operating, or performing any activity regulated by the Act. Each applicant must file a complete application as prescribed by the board or division.

B. The multi jurisdictional personal history disclosure Form and DPSSP 0074/0077/0092 or other approved forms shall be filed as part of an application, by the following individuals:

1. If the applicant is a corporation, each officer, director, and shareholder having a 5 percent or greater ownership interest.

2. If the applicant is a limited liability company, each officer, managing member, manager and any member having a 5 percent or greater ownership interest.

3. If the applicant is a general partnership or joint venture, each individual partner and joint venturer.

4. If the applicant is a limited partnership, the general partner and each limited partner having a 5 percent or greater ownership interest.

5. If the applicant is a registered limited liability partnership pursuant to R.S. 9:3431 et seq., the managing partner and each partner having a 5 percent or greater ownership interest.

6. If such shareholder, owner, partner, or member from Paragraphs 1-5 of this Subsection is a legal entity, each officer, director, manager or managing member and each person with an indirect ownership or economic interest equal to or greater than 5 percent in the applicant.

C. A multi jurisdictional personal history disclosure form and DPSSP 0074/0077/0092 or other approved forms may be required to be filed by any person who in the opinion of the board or division:

1. has significant influence over an applicant, casino operator, licensee, or permittee;

2. receives or may receive any share or portion of the money generated by gaming activities subject to the limitations provided in R.S. 27:28(H)(2)(b);

3. receives compensation or remuneration as an employee of an applicant, casino operator, licensee or permittee in exchange for any service or thing provided to the applicant, casino operator, licensee, or permittee; or

4. has any contractual agreement with an applicant, casino operator, licensee or permittee.

D. Failure to submit the applications required by this Section may constitute grounds for delaying consideration of the application or for denying the application.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1609 (July 2012).

§2108. Non-Gaming Suppliers

A. Any non-gaming supplier, regardless of whether having been permitted or not and regardless of the dollar amount of goods or services provided to a licensee or casino operator, may be requested to apply to the division for a finding of suitability.

B. No licensee or casino operator shall pay more than the amount provided in R.S. 27:29.3 to any non-gaming supplier during any calendar year period as payment for providing services or goods, unless such non-gaming supplier holds a valid non-gaming suppliers permit, exemption pursuant to the provisions of Subsection C of this Section or a waiver pursuant to the provisions of Subsection E of this Section.

C. The following persons shall be exempt from obtaining a non-gaming supplier permit pursuant to this Section:

1. nonprofit charitable organizations and educational institutions which receive funds from the licensee or casino operator including educational institutions that receive tuition reimbursement on behalf of employees of a licensee or casino operator;

2. entities which provide one or more of the following services and which are the sole source provider of such service:

- a. water;
- b. sewage;
- c. electricity;
- d. natural gas; and
- e. local telephone services;

3. regulated insurance companies providing insurance to a licensee, casino operator and its employees including providers of medical, life, dental, and property insurance;

4. administrators of employee benefit and retirement plans including incorporated 401K plans and employee stock purchase programs;

5. national or local professional associations which receive funds from a licensee or casino operator for the cost of enrollment, activities, and membership;

6. all state, federal and municipal operated agencies;

7. all liquor, beer and wine industries regulated by the Office of Alcohol and Tobacco Control;

8. state and federally regulated banks and savings and loan associations;

9. newspapers, television stations and radio stations which contract with a licensee or the casino operator to provide advertising services;

10. providers of professional services, including but not limited to accountants, auditors, actuaries, architects, landscaping or surveying services, attorneys, legal services, advertising or public relation services, consultants, engineers and lobbyists, when acting in their respective professional capacities;

11. hotels and restaurants;

12. nationwide shipping services, including Federal Express, United Parcel Service, Airborne Express and Emory Freight; and

13. publicly traded companies or wholly owned subsidiaries of publicly traded companies subject to

regulation by the Securities and Exchange Commission, who are in good standing and are current with required filings.

D. The board, in its sole discretion, may rescind any exemption granted in Subsection C of this Section and require any person to make application for a non-gaming supplier permit.

E. Any non-gaming supplier required to obtain a non-gaming suppliers permit, other than those listed in Subsection C of this Section, may request a waiver of the necessity of obtaining a non-gaming suppliers permit. The division may grant such a request upon showing of good cause by the non-gaming supplier. The division may rescind any such waiver which has been previously granted upon written notice to the non-gaming supplier.

F. Junket representatives shall be subject to the provisions of this Section in the same manner as other non-gaming suppliers.

G. Each licensee and casino operator shall submit to the division, on a quarterly basis, a report containing a list of all non-gaming suppliers that have received \$10,000 or more from the licensee or casino operator during the previous quarter, or an amount equal to or greater than the amount provided in R.S. 27:29.3 during the preceding calendar year as payment for providing non-gaming services or goods. This report shall include the name and address of the supplier, a description of the type of goods or services provided, the supplier's non-gaming supplier permit number if paid an amount equal to or greater than the amount provided in R.S. 27:29.3 during the year included in the report, federal tax identification number, and the total amount of all payments made by the licensee or casino operator, or any person acting on behalf of the licensee or casino operator, to each supplier. The report shall be sent to the division no later than 20 days after the end of each quarter.

H. Each licensee and casino operator shall also submit a report naming each individual, corporation, firm, partnership, association, or other legal entity that furnishes professional services, as defined in Paragraph C.10 of this Section, to the licensee or the casino operator. The report shall be sent to the board and division by certified mail or electronic transmission no later than twenty days after the end of each quarter. The report required by the provisions of this Section shall contain the name and address of each individual, corporation, firm, partnership, association, or other legal entity that furnishes professional services to each holder of a license and the casino operator a description of the type of goods or services provided, the supplier's non-gaming supplier permit number, if applicable, and the supplier's federal tax identification number. The report required by the provisions of this Section shall not be required to contain the amount of compensation paid to each individual, corporation, firm, partnership, association, or other legal entity in exchange for furnishing professional services to each holder of a license and the casino operator.

I. The division shall determine whether non-gaming suppliers providing goods or services to licensees or the casino operator are legitimate ongoing businesses and are not utilized for the primary purpose of compliance with voluntary procurement goals. In making such determination, the division shall consider any or all of the following nonexclusive factors:

1. years in business providing specific goods and/or services procured by the licensees or casino operator;
2. number of employees;
3. total customer base;
4. dollar volume of all sales compared to sales to the licensees or casino operator;
5. existence and nature of warehouse and storage facilities;
6. existence and number of commercial delivery vehicles owned or leased;
7. existence and nature of business offices, equipment and facilities;
8. whether the goods or services provided to the licensee or casino operator are brokered, and, if so, whether the actual supplier distributes through brokers as a common business practice;
9. registration with and reporting to appropriate local, state and federal authorities, as applicable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1609 (July 2012).

§2109. Suitability Determination

A. An applicant, licensee, permittee, casino operator, owner or operator of onshore facilities, and officers, directors, and any person having a 5 percent or more economic interest in such entities shall be required to submit to an investigation to determine suitability.

B. Any person, who in the opinion of the board or division, has the ability to exercise significant influence over the activities of an applicant, licensee, casino operator or permittee shall be required to submit to an investigation to determine suitability.

C. All costs associated with conducting an investigation for suitability shall be borne by the applicant, licensee, casino operator or permittee or the person who is the subject of the investigation.

D. Failure to submit to a suitability determination as required by this Section may constitute grounds for delaying consideration of the application or for denial of the application.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1610 (July 2012).

§2110. Plans and Specifications

A. Riverboat

1. The applicant or licensee shall submit all plans and specifications of the vessel and its qualifications to operate a riverboat, including a statement of maritime experience as a riverboat operator, to the board and division. The applicant or licensee shall have an ongoing duty to update the division of changes in the vessel plans, specifying layout and design as they become available. Such changes are subject to prior approval by the board or division.

B. Licensed Eligible Facility

1. The applicant shall submit all plans and specifications of the eligible facility to the board and the division at the time of application. The applicant or licensee shall have an ongoing duty to inform the division of changes

in the facility plans, specifying layout and design as they become available. Such changes are subject to prior approval by the board or division.

C. Official Landbased Gaming Establishment

1. The casino operator shall deliver to the board and division accurate scale drawings of the floor plans of the casino showing and designating the use for each room or enclosed area, the secured areas, and particularly areas where gross gaming receipts and other casino revenues are handled. The casino operator shall have an ongoing duty to inform the board and division of changes in the facility plans, specifying layout and design as they become available. Such changes may be subject to approval of the board in accordance with Article XI of the casino operating contract.

D. Every contract for construction entered into by a licensee or casino operator shall contain an indemnification provision for the protection of the state, the board and division and their agents and employees against claims for personal injury or property damage arising out of errors and omissions in the:

1. approval of riverboat, casino or support facility plans, designs and specifications;
2. granting of approval or licensure;
3. issuance of emergency orders; and
4. denial, suspension or revocation of a license.

E. Failure to comply with the provisions of this Section may constitute grounds for delaying consideration of the application or for denial of the application.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1610 (July 2012).

§2111. License or Permit Disqualification Criteria

A. The board or division shall not issue a license, permit or finding of suitability to any person who fails to prove by clear and convincing evidence that he is suitable and qualified in accordance with the provisions of the Act and these regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1611 (July 2012).

§2112. Continuing Suitability, Duty to Report

A. Suitability is an ongoing process. An applicant, licensee, casino operator, permittee, registrant, or person required to submit to suitability by the Act or these regulations has a continuing duty to inform the board and division of any action which could reasonably be believed to constitute a violation of the Act or regulations. This obligation to report is to be construed in the broadest possible manner; any question that exists regarding whether a particular action or circumstance constitutes a violation shall be decided in favor of reporting. The board and division shall be notified no later than 15 days from the date the applicant, licensee, casino operator, permittee, registrant or person knew or should have known of the possible violation. No person who so informs the board and division shall be discriminated against by an applicant, licensee, casino operator, permittee or registrant because of supplying such information.

B. An applicant, licensee, casino operator, permittee, registrant, or person required to submit to suitability by the Act or these regulations shall also have a continuing duty to inform the board and division of material changes in their affiliations, businesses, financial standing, operations, ownership relationships, corporate management personnel, officers or directors within 15 days of the change. However, in the case of a publicly traded company, this obligation shall be satisfied if such company files with the board and division copies of all form 10Ks, 10Qs, and 8Ks filed with the Securities and Exchange Commission within 15 days of the filing with the Securities and Exchange Commission.

C. An applicant, licensee, casino operator, permittee, registrant, or person required to submit to suitability by the Act or these regulations shall also have a continuing duty to inform the board and division of all administrative actions instituted or pending in any other jurisdiction against or involving the applicant, licensee, casino operator, permittee, registrant or the parent corporation or affiliate of the applicant, licensee, casino operator, permittee, registrant within 15 days of receipt of notice of the administrative actions instituted or pending in any other jurisdiction.

D. Failure to report or provide notice required by this Section may constitute grounds for delaying consideration of the application or denial of the application or the imposition of a civil penalty.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1611 (July 2012).

§2113. Licensing Criteria

A. No person shall be eligible to conduct gaming operations at a casino or obtain any license or permit issued pursuant to the provisions of the Act or these regulations unless the applicant proves by clear and convincing evidence he is suitable.

B. The applicant must prove by clear and convincing evidence that it has, or guarantees acquisition of, the competence and experience to conduct gaming operations, by demonstrating through training, education, business experience, or a combination thereof, the capability to operate a casino.

C. The applicant shall demonstrate that the proposed financing of the casino and the gaming operations is adequate for the nature of the proposed operation and from a source suitable and acceptable to the board.

D. If a natural person, the applicant for a license shall be a Louisiana domiciliary.

E. If not a natural person, the applicant for a license shall be a Louisiana corporation, partnership, limited liability company, or a registered limited liability partnership authorized to conduct business in the state of Louisiana.

F. If not a natural person, the applicant for a permit shall be authorized to conduct business in the state of Louisiana.

G. Riverboat Applicants

1. The applicant shall demonstrate a proven ability to operate a vessel of comparable size and capacity and of comparable complexity to a riverboat so as to ensure the safety of its passengers as set forth in these regulations.

2. The applicant shall submit a detailed plan of design of the riverboat.

3. The applicant shall show adequate financial ability to construct and maintain a riverboat.

4. The applicant shall designate the docking facilities to be used by the riverboat.

5. The applicant shall have a good-faith plan to recruit, train, and upgrade minorities in all employment classifications.

6. The applicant shall have a plan to provide the maximum practical opportunities for participation by the broadest number of minority-owned businesses.

H. Casino Operator Applicants

1. The casino operator applicant shall demonstrate it has or is capable of and guarantees the obtaining of a bond or satisfactory financial guarantee of sufficient amount, as determined by the board, to guarantee successful completion of and compliance with the casino operating contract or such other projects which are regulated by the board.

I. Failure to satisfy this Section may constitute grounds for delaying consideration of the application or for denial of the application.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1611 (July 2012).

§2114. Tax Clearances Required of an Applicant, Licensee or Permittee

A. The applicant, its officers, directors, any person with an economic interest of at least 5 percent in an applicant and any person who in the opinion of the board or division has the ability to exercise significant influence over the activities of the applicant shall provide tax clearances from the appropriate federal and state agencies prior to the granting of a license or permit.

B. Failure to provide the tax clearances required by Subsection A of this Section may constitute grounds for delaying consideration or for denial of the application.

C. Any licensee, casino operator or permittee, its officers, directors, any person with an economic interest of 5 percent or greater, and any person who, in the opinion of the board or division, has the ability to exercise significant influence over the activities of a licensee, casino operator or permittee shall remain current in filing all applicable tax returns and in the payment of all taxes, interest and penalties owed to the state of Louisiana and the Internal Revenue Service, excluding items under formal appeal in accordance with applicable statutes and regulations, and items for which the Department of Revenue and Taxation or the Internal Revenue Service has accepted a payment schedule for taxes owed.

1. Any failure to timely file all applicable tax returns or pay any tax delinquency shall be corrected within 30 days of the receipt of written notice from the division.

2. At the expiration of the 30 day period, if the failure to file or the tax delinquency is not corrected to the satisfaction of the appropriate taxing authority, the license or permit shall be suspended and a civil penalty imposed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1612 (July 2012).

§2115. Tax Clearances Required of an Applicant for a Gaming Employee Permittee

A. An applicant for a gaming employee permit shall be current in filing all applicable tax returns and in the payment of all taxes, interest and penalties owed to the state of Louisiana and the Internal Revenue Service, excluding items under formal appeal in accordance with applicable statutes and regulations, and items for which the Department of Revenue and Taxation or the Internal Revenue Service has accepted a payment schedule for taxes owed.

B. Failure to provide the tax clearances required by Subsection A of this Section may constitute grounds for delaying consideration or for denial of the application.

C. A gaming employee permittee shall remain current in filing all applicable tax returns and in the payment of all taxes, interest and penalties owed to the state of Louisiana and the Internal Revenue Service, excluding items under formal appeal in accordance with applicable statutes and regulations, and items for which the Department of Revenue and Taxation or the Internal Revenue Service has accepted a payment schedule for taxes owed.

1. Any failure to timely file tax returns or pay any tax delinquency shall be corrected within 30 days of receipt of written notice from the division.

2. At the expiration of the 30 day period, if the failure to file or the tax delinquency is not corrected to the satisfaction of the appropriate taxing authority, the permit shall be suspended and a civil penalty imposed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1612 (July 2012).

§2117. Certification Required, Riverboat Only

A. Before any riverboat may be operated under the authority of the Act, the applicant or, if the application has been approved, the licensee, shall provide to the division evidence that the riverboat has a valid certificate of inspection from the United States Coast Guard for carriage of passengers on navigable rivers, lakes, and bayous as provided by the Act and for the carriage of a minimum total of 600 passengers and crew or evidence that the riverboat has a valid certificate of compliance from a board approved third party inspector.

B. In addition, the applicant or licensee shall document compliance with all applicable federal, state and local laws.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1612 (July 2012).

§2120. Modifications of Routes, Excursion Schedules and Berth, Riverboat Only

A. Except for emergency orders and applications therefore, all proposed modifications to routes, excursion schedules, and berth sites shall be submitted by the applicant or licensee for prior approval by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1612 (July 2012).

§2121. Form of Application for a License

A. An application for a license or finding of suitability shall be filed by way of forms prescribed by and obtained from the board or division. Such forms may include, but are not limited to:

1. information regarding the background of the applicant;
2. a financial statement;
3. a statement disclosing the nature, source, and amount of any financing, the proposed uses of all available funds, the amount of funds available after opening for the actual operation of the casino, and economic projections for the first three years of operation of the casino;
4. an affidavit of full disclosure, signed by the applicant;
5. an authorization to release information to the board and division, signed by the applicant;
6. a standard bank confirmation form, signed by the applicant;
7. a release of all claims, signed by the applicant; and
8. a security statement explaining the type of security procedures, practices, and personnel to be utilized by the applicant.

B. All applications are to contain a properly notarized oath wherein the applicant states that:

1. the information contained therein is true and correct;
2. the applicant has read the Act and these rules, and any other informational materials supplied by the division; and
3. the applicant agrees to comply with these rules and the Act.

C. Failure to comply with the provisions of this Section may constitute grounds for delaying consideration or for denial of the application.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1613 (July 2012).

§2122. Form of Application for a Permit

A. An application for a permit or finding of suitability shall be filed by way of forms prescribed by and obtained from the board or division. Such forms may include, but are not limited to:

1. information regarding the background of the applicant;
2. a financial statement;
3. an affidavit of full disclosure, signed by the applicant;
5. an authorization to release information to the board and division, signed by the applicant;
6. a standard bank confirmation form, signed by the applicant;
7. a release of all claims, signed by the applicant.

B. All applications are to contain a properly notarized oath wherein the applicant states that:

1. the information contained therein is true and correct;
2. the applicant has read the Act and these rules, and any other informational materials supplied by the division; and

3. the applicant agrees to comply with these rules and the Act.

C. Failure to comply with the provisions of this Section may constitute grounds for delaying consideration or for denial of the application.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1613 (July 2012).

§2123. Information Required from an Applicant for a License

A. Every application for a license shall contain the following information including but not limited to:

1. two copies of detailed plans of design of the casino, including a layout of each floor stating the projected use of each area;
2. the total estimated construction cost of the casino proposed by the applicant distinguishing between known costs and projections, and separately identifying:
 - a. facility design expense;
 - b. land acquisition or site lease costs;
 - c. site preparation costs;
 - d. construction cost or renovation cost;
 - e. equipment acquisition cost;
 - f. cost of interim financing;
 - g. organization, administrative and legal expenses;

and

- h. projected permanent financing costs;
3. an estimated timetable for the proposed financing arrangements through completion of construction;
4. the construction schedule proposed for completion of the casino including therein projected dates for completion of construction and commencement of gaming activities and indicating whether the construction contract includes a performance bond;
5. explanation and identification of the source or sources of funds for the construction of the casino;
6. description of the casino size and approximate configuration of slot machines and table games including the type of slot machine and table games and the proposed distributors and manufacturers of this equipment;
7. a detailed plan of surveillance and surveillance equipment to be installed;
8. proposed hours of operation;
9. the proposed management plan, management personnel by function and organizational chart by position;
10. a general promotion and advertising plan. A general description of the amounts, kinds and types of general promotion and advertising campaign(s) which will likely be undertaken by the applicant including information whether any national or regional advertising will occur, the medium(s) which may be used, the proposed market and whether any other facility or activity except the casino will be included in such advertising;
11. a feasibility study. Each applicant shall submit or make available to division or board personnel a feasibility study performed by an independent or approved applicant's staff consultant, which study shall examine, evaluate and attest to the feasibility of the applicant's proposed operation and shall describe or list the evaluation methodology used. The feasibility study shall include a list of the consultant's

qualifications, a discussion of the overall market for gaming operations and the effect of the proposed casino on the market. In addition, the feasibility study shall address possible competition from other casinos and other forms of gaming in all areas of Louisiana and other states; and,

12. an economic development and utilization plan. Each applicant shall submit an economic development plan addressing the purchasing of or utilization of goods and services in the construction and operation of the proposed casino. The plan shall include a list and offer of voluntary conditions by the applicant regarding the following procurement:

a. an estimated procurement budget for resources and goods to be used in the operation of a casino listing the amount of the proposed utilization of Louisiana resources, goods and services in the operation of the casino and the area from which they will be procured;

b. a list of employees which the applicant anticipates employing in the casino operation, including job classifications and total estimated salaries;

c. the percentage of Louisiana residents projected to be hired and the percentage of minorities and women projected to be employed.

B. Upon request by the board or division, an applicant for a license shall provide a copy proposed internal controls which shall include:

1. accounting and financial controls including procedures to be utilized in counting, banking, storage and handling of cash;

2. procedures, forms and where appropriate, formulas covering the calculation of hold percentages, revenue drop, expenses and overhead schedules, complimentary services, cash equivalent transactions, salary structure, and personnel practices;

3. job descriptions and the systems of personnel and chain-of-command, establishing a diversity of responsibility among employees engaged in gaming operations and identifying primary and secondary supervisor positions for areas of responsibility, which areas shall not be so extensive as to be impractical for an individual to monitor;

4. procedures within the cashier's cage for the receipt, storage, and disbursement of chips, if applicable, cash, and other cash equivalents used in gaming, the payoff of jackpots, and the recording of transactions pertaining to gaming operations;

5. if applicable, procedures for the collection and security of monies at the gaming tables;

6. if applicable, procedures for the transfer and recordation of chips between the gaming tables and the cashier's cage;

7. if applicable, procedures for the transfer of monies from the gaming tables to the counting process;

8. procedures for the counting and recordation of revenue;

9. procedures for the security, storage, and recordation of cash equivalents utilized in other gaming operations;

10. procedures for the transfers of monies, cash equivalents or chips, if applicable from and to the slot machines;

11. procedures and standards for the opening and security of slot machines;

12. procedures for the payment and recordation of slot machine jackpots;

13. procedures for the cashing and recordation of checks exchanged by patrons;

14. procedures governing the utilization of the private security force within the designated area;

15. procedures and security standards for the handling and storage of gaming devices, machines, apparatus, including cards and dice, if applicable, and all other gaming equipment;

16. procedures and rules governing the conduct of particular games and the responsibilities of the gaming personnel in respect thereto; and,

17. such other procedures, rules or standards that the division may impose on a licensee regarding its operations.

C. In addition, the division may require an applicant to provide such other information and details as it needs to discharge its duties properly.

D. Failure to comply with the provisions of this Section may constitute grounds for delaying consideration or for denial of the application.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1613 (July 2012).

§2124. Additional Application Information Required, Riverboat Only

A. Every application for a riverboat license shall contain the following additional information:

1. a statement that the vessel has or will obtain a valid certificate of inspection from the United States Coast Guard or valid certificate of compliance from a board-approved third party inspector;

2. if required to cruise and conduct excursions by the Act, the proposed route to be followed identifying the designated waterways; and a description of proposed excursions including frequency and approximate schedule of excursions, projected passenger load, admission charges, and a proposed berth site.

B. Failure to comply with the provisions of this Section may constitute grounds for delaying consideration or for denial of the application.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1614 (July 2012).

§2125. Access to Premises and Records

A. The board and division, upon displaying proper credentials, shall be given immediate access to any premises to be used in the licensed or permitted operation of an applicant for the purpose of inspecting or examining:

1. records or documents required to be kept under the provisions of the Act and these regulations;

2. gaming devices or equipment to be used in the licensed or permitted operation; or

3. the conduct of any gaming activity in the licensed or permitted operation.

B. The board and division are empowered to inspect, examine, audit, photocopy and if necessary seize, all papers, books, records, documents, information and electronically stored media of an applicant, licensee, casino operator or

permittee pertaining to the licensed or permitted operation or activity on all premises where such information is maintained. The division shall provide an evidence receipt to the applicant, licensee, casino operator or permittee providing a general description of all documents and items seized.

C. Failure to allow access and inspection as provided in Subsections A and B of this Section may constitute grounds for delaying consideration of the application, administrative action against the licensee, casino operator or permittee, or denial of the application.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1614 (July 2012).

§2127. Information Constituting Grounds for Delay or Denial of Application; Amendments

A. All information included in an application shall be true, correct and a complete, accurate account of the information requested to the best of the applicant's knowledge as of the date submitted. The applicant shall notify the division in writing of all changes to any information in the application within 15 business days of the effective date of the change.

B. No applicant shall make any untrue statement of material fact in any application, form, statement, report or other document filed with the board or division.

C. An applicant shall not omit any material fact in any application, form, statement, report or other document filed with the board or division. The applicant shall provide all information which is necessary to make the information supplied in an application complete and accurate.

D. No applicant shall make any untrue statement in any written or verbal communication with the board or division.

E. An application may be amended upon approval of the chairman or division supervisor. An amendment to an application may have the effect of establishing the date of such amendment as the filing date of the application with respect to the time requirements for action on the application. A request for amendment to an application shall be in writing.

F. Upon request of the board or division for additional information, the applicant shall provide the requested information within 10 days of receipt of written notice of the request or within such additional time as allowed by the board or division.

G. Failure to comply with the provisions of this Section may constitute grounds for delaying consideration or for denial of the application.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1615 (July 2012).

§2129. Other Considerations for Licensing

A. The board may consider the following criteria when deciding whether to issue a license or a finding of suitability to conduct casino gaming. The various criteria set forth may not have the same importance in each instance. Other factors may present themselves in the consideration of an application for a license and a finding of suitability. The following criteria are not listed in order of priority:

1. Proper Financing. The board may consider whether the proposed casino is properly financed.

2. Adequate Security and Surveillance. The board may consider whether the proposed casino is planned in a manner which provides adequate security and surveillance for all aspects of its operation and for the people working or patronizing the casino.

3. Character and Reputation. The board may consider the character and reputation of all persons identified with the ownership and operation of the casino and their capability to comply with regulations and the Act.

4. Miscellaneous. The board may consider such other factors as may arise in the circumstances presented by a particular application.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1615 (July 2012).

§2131. Time Table for Construction

A. The timetable for construction shall be approved by the board and monitored for compliance by the division.

B. All riverboat licenses shall be subject to the condition that within 24 months from the date the license is granted the riverboat shall commence gaming operations. Upon the recommendation of the division, an extension of time may be granted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1615 (July 2012).

§2133. Filing of Application

A. Each application, including renewal applications, shall be deemed filed with the board or division when the application form has been received by the division, as evidenced by the date stamp on the application.

B. Renewal applications for licenses to conduct gaming operations shall be submitted to the division no later than 120 days prior to the expiration of the license.

C. Renewal applications for permits shall be submitted to the division no later than 60 days prior to the expiration of the permit and all fees as required by the Act shall be paid on or before the date of expiration of the permit.

D. Failure to timely file applications or submit application may constitute grounds for delaying consideration of the application or for denial of the application or imposition of a civil penalty.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1615 (July 2012).

§2137. Fingerprinting

A. An initial application is not complete unless all persons required by the division have submitted to fingerprinting by or at the direction of the division.

B. Failure to submit to fingerprinting may constitute grounds for delaying consideration of the application or for denial of the application.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1615 (July 2012).

§2139. Application Filing Fees

A. All monies deposited by an applicant to defray the costs associated with the applicant investigation conducted by the division must be deposited into a designated state treasury fund.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1616 (July 2012).

§2141. Renewal Applications

A. Applications for renewal of a license or permit shall be made by way of forms prescribed by the board or division and shall contain all information requested by the board or division.

B. The renewal application shall contain a statement made, under oath, by the applicant that any and all changes in the history and financial information provided in the previous application have been disclosed. This statement shall also be provided by each officer or director, each person with a 5 percent or greater economic interest in the applicant, and any person who, in the opinion of the board or division, has the ability to exercise significant influence over the activities of the applicant.

C. Renewal applications shall further contain:

1. a list of all civil lawsuits to which the applicant is a party instituted since the previous application;

2. a current list of all stockholders of the applicant, if the applicant is a corporation, or a list of all partners, if applicant is a partnership or limited partnership, or a list of all members if the applicant is a limited liability company, or a list of persons with a 5 percent or greater economic interest in the applicant. Applicants who are publicly traded corporations need not provide this information for any shareholder owning less than 5 percent of the applicant unless requested by the board or division;

3. a list of all administrative actions instituted or pending in any other jurisdiction against or involving the applicant, parent company of the applicant, or an affiliate;

4. prior year's corporate or company tax return of the applicant;

5. a list of all charitable and political contributions made by the applicant during the last three years, indicating the recipient and amount contributed.

D. The board or division may require an applicant to provide any other documentation or information as is necessary to determine suitability of the applicant or to discharge their duties under the Act and rules.

E. Failure to comply with the provisions of this Section may constitute grounds for delaying consideration or for denial of the application.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1616 (July 2012).

§2144. Multiple Licensing Criteria, Riverboat Only

A. A person licensed as a riverboat gaming operator may apply for additional licenses. In all such cases, the board shall consider whether such multiple approval is in the best

interest of the state of Louisiana, having due regard for the state's policy concerning economic development and gaming. In making this determination, the board may consider any index or criteria deemed to be relevant to the effect of multiple licenses upon the public health, safety, morals, good order and general welfare of the public of the state of Louisiana, including but not limited to the following factors:

1. the quality of the applicant's performance under the Act and regulations;

2. the adequacy of resources available to the applicant to undertake additional operations including, but not limited to, manpower, managerial and financial resources;

3. whether additional operations would jeopardize the stability of the existing operation; and

4. whether additional operations would be inimical to the economic development of the state.

B. If a licensee is issued more than one license by the board and has a license suspended or revoked, the board may suspend or revoke all licenses issued.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1616 (July 2012).

§2145. Hearing to Consider Application; Licensee

A. Prior to issuing a license, the board shall hold a public hearing to determine if the provisions of the Act have been met, and if issuance of a license to the applicant is in the best interest of the state and consistent with the intent of the legislature as expressed in the Act. The public hearing will be conducted in accordance with the provisions of the Act and these regulations.

1. The board will notify the applicant in writing of the date, time, and place of the public hearing to consider its application at least 20 days prior to said hearing.

2. The board may summon any person named in an application to appear and testify; and all such testimony shall be given under oath and may encompass any matter that the board deems relevant to the application. Failure of applicant to appear and testify fully at the time and place designated, unless excused by the board, is grounds for denial of the application. Any request by applicant for excuse of appearance shall be in writing and filed with the board at least five days prior to the scheduled appearance.

B. The applicant shall prove by clear and convincing evidence that it is qualified to receive a license under the provisions of the Act and the rules.

C. The applicant shall agree to all conditions proposed by the board for the prospective license prior to the board granting a license. An applicant shall indicate in writing its agreement to all conditions attached to the license prior to the issuance of the license

D. The failure to comply with a condition attached to a license may be grounds to revoke or suspend the license.

E. The board shall make its determination concerning the application for a license within ten days of the conclusion of the public hearing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1616 (July 2012).

§2146. Subpoenas and Subpoenas Duces Tecum

A. Pursuant to the Act, the division's supervisor or the board shall have the authority to issue subpoenas to compel the attendance of witnesses or production of documents under the authority of the division or jurisdiction of the board.

B. For failure or refusal to comply with any subpoena issued by the board and duly served, the board may cite the subpoenaed party for contempt and may impose a fine as provided in the laws of the state of Louisiana. Such contempt citations and fines may be appealed to the Nineteenth Judicial District Court.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1617 (July 2012).

§2151. Applicant Refusal to Answer, Privilege

A. An applicant or individual may claim any privilege afforded by the Constitution of the United States or of the state of Louisiana in refusing to provide information to, answer questions of, or cooperate in any investigation by the division or board.

B. Refusal to provide information to, answer questions of, or cooperate in any investigation by the division or board, or a claim of privilege with respect to any testimony or evidence, may constitute sufficient grounds for denial of the application.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1617 (July 2012).

§2153. Surrender of a License or Permit

A. A license or permit may not be surrendered without the prior approval of the board or division.

B. If a request to surrender a license or permit is approved, the person is immediately eligible to apply for a license or permit, unless the board or division has placed a condition which the applicant shall have to fulfill in order to reapply.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1617 (July 2012).

§2155. Withdrawal of Application

A. A request to withdraw an application shall be made in writing to the chairman or division supervisor at any time prior to issuance of the determination with respect to the application. The board or division may deny or grant the request.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1617 (July 2012).

§2159. Gaming Employee Permits Required, Temporary Permit

A. No licensee or casino operator may employ an individual as a gaming employee unless such individual is the holder of a valid gaming employee permit issued by the board or division.

B. Prior to obtaining a key gaming employee permit, no person shall commence work or perform any duties as a key gaming employee or managerial employee without approval of the board.

C. The board or division may issue a temporary permit pending completion of investigation of an application for a gaming employee permit. If the division discovers grounds to recommend denial of the application, the employee shall immediately surrender his temporary permit to the division or a person designated by the division and cease working as a gaming employee. A temporary permit is not valid unless the applicant for the gaming employee permit agrees in writing to comply with the rules regarding temporary permits.

D. In the case of vacation, leave of absence, illness, resignation, termination or other planned or unplanned extended absence of a key gaming employee department head and upon written request made to the division or board and receipt of written approval by the division or board, a non-key gaming employee assistant director or manager may serve as head of the department for not more than 90 calendar days during one calendar year.

E. A gaming employee permit is not transferable.

F. A fee of \$15 shall be paid to the division for any modifications of a permit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1617 (July 2012).

§2161. Application for Gaming Employee Permit; Procedure

A. An application for a gaming employee permit shall be made on forms prescribed by the board or division and shall contain all information requested by the board or division. All applications are to contain a properly notarized oath wherein the applicant states that:

1. the information contained therein is true and correct;
2. the applicant has read the Act and these rules, and any other informational materials supplied by the division; and
3. the applicant agrees to comply with these rules and the Act.

B. An applicant for a gaming employee permit shall submit to fingerprinting at the direction of the division and supply a color passport size photograph. The photograph must be satisfactory to the division and must have been taken not earlier than three months before the date of filing the application.

C. The applicant shall also provide any other information requested by the division.

D. An applicant for a gaming employee permit shall pay the application fee established by the Act prior to the issuance of the permit.

E. Failure to comply with the provisions of this Section may constitute grounds for delaying consideration of the application or for denial of the application.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1617 (July 2012).

§2165. Display of Gaming Identification Badge

A. Every gaming employee shall keep his gaming employee permit identification badge on his person and displayed at all times when on the licensed premises. The badge shall meet all requirements of the division.

B. With prior approval of the division, individual employees may be authorized to conceal their gaming employee identification badge. An employee authorized to conceal his gaming employee identification badge is responsible for producing his identification badge without delay if requested by the division.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1618 (July 2012).

§2169. Additional Manufacturer and Gaming Supplier Permit Criteria

A. The division shall determine whether manufacturer and gaming supplier applicants and/or permittees are legitimate ongoing businesses. In making such determination the division shall consider any or all of the following nonexclusive factors:

1. years in business providing goods and/or services procured by a licensee or casino operator;
2. number of employees;
3. total customer base;
4. dollar volume of all sales compared to sales to licensees;
5. existence and nature of warehouse and storage facilities;
6. existence and number of commercial delivery vehicles owned or leased;
7. existence and nature of business offices, equipment and facilities;
8. whether the goods and/or services provided to the licensee are brokered, and if so, whether the actual supplier distributes through brokers as a common business practice;
9. registration with and reporting to appropriate local, state and federal authorities, as applicable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1618 (July 2012).

Chapter 23. Compliance, Inspections and Investigations

Editor's Note: The information for this Chapter was consolidated from corresponding Chapters in Parts VII, IX, and XIII prior to their being repealed.

§2301. Applicability and Resources

A. This Chapter is applicable to inspections and investigations relative to compliance with the Act and the rules. The board and division are empowered to employ such personnel as may be necessary for such inspections and investigations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1618 (July 2012).

§2303. Inspections and Observations

A. The board or division shall conduct inspections and investigations relative to compliance with the Act and these rules.

B. The board, the division and their representatives shall have complete, immediate and unrestricted access at all times and without notice or demand to a licensee, casino operator, permittee or any other person, to enter and:

1. inspect the entire casino and its ancillary facilities, including all restricted areas;
2. inspect the premises where gaming devices and gaming equipment are stored, manufactured, sold or distributed;
3. inspect any gaming device or gaming equipment;
4. observe the conduct of any gaming activity; or
5. observe the transportation and count of each of the following: electronic gaming device drop, all table game drops, tip box and slot drops, slot fills, fills and credits for table games, and any other implemented internal control procedure(s).

C. A licensee, casino operator, or permittee shall, upon request, immediately make available for inspection by the board, division and their representatives all papers, documents, books and records used in the licensed or permitted operations.

D. Such inspections and observations may or may not be made known to the licensee, casino operator or permittee.

E. All requests for access to premises and production of records and documents in connection with any inspection shall be granted in accordance with the provisions of the Act and these regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1618 (July 2012).

§2305. Inspections during Construction

A. The division may inspect a riverboat and dockside facility, the landbased gaming facility or an eligible facility during construction.

B. Upon presentation of identification, the division shall be given immediate access to any place where construction of a casino or any of its component parts is underway.

C. The division shall ensure that the casino complies with the plans and specifications and any applicable change orders. If the division determines an event of noncompliance occurred, a report shall be prepared describing the noncompliance and forwarded to the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1618 (July 2012).

§2306. Inspections of Persons Furnishing Services or Property or Doing Business with a Licensee

A. The board, the division and their representatives shall have the right to inspect the physical property and buildings, all books and records and all computer programs, files and disks of any permittee transacting business or providing services or property to a licensee or casino operator. This right of inspection covers all persons regardless of the amount of business conducted with a licensee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1618 (July 2012).

§2307. Investigations

A. All investigations of any possible violations of the Act or of the rules by an applicant, licensee, casino operator or permittee may or may not be made known to the applicant, licensee, casino operator or permittee before being completed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1619 (July 2012).

§2309. Investigative Powers of the Board and Division

A. In conducting an investigation or inspection, the board and division are empowered to:

1. inspect and examine the entire premises wherein gaming activities are conducted or proposed to be conducted, wherein gaming devices, gaming equipment or gaming supplies are maintained or repaired, and wherein all papers, books, records, documents and electronically stored media are maintained;

2. summarily seize and remove gaming equipment and devices from such premises and impound any equipment for the purpose of examination and inspection;

3. have access to inspect, examine, photocopy and, if necessary seize all papers, books, records, documents, information and electronically stored media of an applicant, licensee, casino operator or permittee pertaining to the licensed or permitted operation or activity, on all premises where such information is maintained;

4. review all papers, books, records, and documents pertaining to the licensed or permitted operation;

5. conduct audits to determine compliance with all gaming laws and rules on gaming activities and operations under the board or division's jurisdiction;

6. issue subpoenas in connection with any investigation conducted by the board or division;

7. issue written interrogatories; and

8. conduct depositions, interviews, and obtain formal statements.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1619 (July 2012).

§2310. Licensee or Permittee Refusal to Answer, Privilege

A. A licensee, casino operator, permittee or individual may claim any privilege afforded by the Constitution of the United States or of the state of Louisiana in refusing to provide information to, answer questions of, or cooperate in any investigation by the division or board.

B. Refusal to provide information to, answer questions of, or cooperate in any investigation by the division or board or a claim of privilege with respect to any testimony or evidence may constitute sufficient grounds for administrative action against a licensee casino operator, permittee or individual.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1619 (July 2012).

§2311. Seizure and Removal of Gaming Equipment and Devices

A. Gaming equipment, devices and/or associated equipment may be summarily seized by the division. Whenever the division seizes and removes gaming equipment, devices and/or associated equipment:

1. an inventory of the gaming equipment, devices and/or associated equipment seized will be made by the division, identifying all such gaming equipment, devices and/or associated equipment as to make, model, serial number, type, and such other information as may be necessary for authentication and identification;

2. all such gaming equipment, devices and/or associated equipment will be sealed or by other means made secure from tampering or alteration;

3. the time and place of the seizure will be recorded; and

4. a copy of the inventory of the seized gaming equipment, devices and/or associated equipment will be provided to the licensee, casino operator or permittee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1619 (July 2012).

§2315. Seized Equipment and Devices as Evidence

A. All gaming equipment, devices and/or associated equipment seized by the division shall be considered evidence, and as such shall be subject to the laws of Louisiana governing chain of custody, preservation and return, except that:

1. any article of property that constitutes a cheating device shall not be returned. All cheating devices shall become the property of the division upon their seizure and may be disposed of by the division, which disposition shall be documented as to date and manner of disposal;

2. if the property is not characterized as a cheating device, such property may be returned to the claimant;

3. items seized for inspection or examination may be returned by the division without a court order.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1619 (July 2012).

§2317. Subpoenas in Connection with Investigative Hearings

A. The board or division supervisor has full power and authority to issue subpoenas to compel the attendance of witnesses and the production of documents in accordance with the Act and these rules for investigative hearings at any place within the state, and to administer oaths and require testimony under oath. Any such subpoena issued by the board or division supervisor will be served in a manner consistent with the service of process and notices in civil actions.

B. For failure or refusal to comply with any subpoena issued by the board or division and duly served, the board or division may cite the subpoenaed party for contempt and may impose a fine as provided in the laws of the state of Louisiana. Such contempt citations and fines may be appealed to the Nineteenth Judicial District Court.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1619 (July 2012).

§2319. Refusal to Answer, Privilege

A. A person may claim any privilege afforded by the Constitution of the United States or of the state of Louisiana in refusing to provide information to, answer questions of, or cooperate in any investigation by the division or board.

B. Refusal to provide information to, answer questions of, or cooperate in any investigation by the division or board, or a claim of privilege with respect to any testimony or evidence, may constitute sufficient grounds for administrative action.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1620 (July 2012).

§2321. Investigative Hearings

A. Investigative hearings may be conducted by the board at such times and places as may be convenient to the board. Investigative hearings may be conducted in private at the discretion of the board. A transcript of the hearing shall be made by a licensed court reporter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1620 (July 2012).

§2323. Interrogatories

A. All interrogatories propounded by the board or the division shall be in writing and shall be served in the manner consistent with the service of process in civil actions. The respondent is entitled to 15 days within which to respond.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1620 (July 2012).

§2325. Administrative Actions and Penalty Schedule

A. The board or division may initiate administrative action authorized by the Act for any violation of the Act or of the rules after notice of the proposed administrative action and after opportunity to request a hearing before the board.

B. The board or division may initiate administrative action authorized by the Act for any violation of any condition, restriction, or limitation imposed by the board on a license or permit.

C. The board or division may initiate administrative action authorized by the Act for violation of a licensee’s or casino operator’s internal controls as approved by the division.

D. Subject to the rights in the casino operating contract, administrative action includes revocation, suspension, finding of unsuitability, or conditioning of a license or permit, imposition of a civil penalty or such other costs as the board or division deems appropriate. The board or division may determine the appropriate sanction considering factors contained in the Act including, but not limited to:

1. the risk to the public and the integrity of gaming operations created by the conduct;

2. the seriousness of the conduct and whether the conduct was purposeful and with knowledge that the conduct was in violation of the Act or rules promulgated in accordance with the Act;

3. a justification or excuse for the conduct;

4. the history of the licensee, casino operator or permittee with respect to gaming activity;

5. the corrective action taken to prevent similar misconduct from occurring in the future;

6. whether there was any material involvement, directly or indirectly, with the licensee, casino operator or permittee by a disqualified person as defined in the Act; and

7. in the case of a civil penalty or fine, the amount of the fine in relation to the severity of the misconduct and the financial means of the licensee, casino operator or permittee

E. The board or division may assess a civil penalty as provided for in the penalty schedule. The penalty schedule lists a base fine and proscriptive period for each violation committed by the licensee, casino operator or permittee. If the total amount of the penalty or penalties recommended by the division resulting from an inspection or investigation exceeds \$300,000.00, the matter shall be forwarded to the board for administrative action.

F. The proscriptive period is the amount of time in which a prior violation is still considered active for purposes of consideration in assessment of penalties. A prior violation is a past violation of the same type which falls within the current violation's proscriptive period. The date of a prior violation shall be the date the licensee, casino operator, or permittee receives the significant action report or violation/inspection report. If one or more violations exist within the proscriptive period, the base fine shall be multiplied by a factor based on the total number of violations within the proscriptive period.

G. A violation of §2931 may result in a civil penalty in the same amount as provided in the penalty schedule for the respective violation.

H. Penalty Schedule

Section Reference	Description	Base Penalty	Proscriptive Period (Months)
Louisiana Administrative Code, Title 42, Part III			
Chapter 21. Licenses and Permits			
2101.B	General Authority of the Board and Division	\$10,000	18
2108	Non-Gaming Suppliers	\$2,000	12
2112.B	Continuing Suitability, Duty to Report	\$10,000	24
2112.C	Continuing Suitability, Duty to Report	\$5,000	24
2115	Tax Clearances Required of a Gaming Employee Permittee	\$250	24
2131.B	Time Table for Financing and Construction	\$25,000	24
2159	Gaming Employee Permits Required	\$10,000	18
2165	Display of Gaming Identification Badge	\$500	12
Chapter 23. Compliance, Inspections, and Investigations			
2325	Administrative Actions and Penalty Schedule	\$2,500	12

Section Reference	Description	Base Penalty	Proscriptive Period (Months)
2329	Notification of Supplier Recommendation or Solicitations	\$2,000	12
Chapter 25. Transfers of Interest in Licensees and Permittees; Loans and Restrictions			
2521	Financial Transaction; Incurring Debt	\$75,000	60
Chapter 27. Accounting Regulation			
2701	Procedures for Reporting and Paying Gaming Revenues and Fees: Late Reports	\$2,000	12
2701	Procedures for Reporting and Paying Gaming Revenues and Fees: Late Wire Transfers	\$5,000	12
2703	Accounting Records (per issue)	\$2,000	12
2705	Records of Ownership	\$500	12
2707	Record Retention	\$10,000	18
2709.B	Quarterly Financial Statements	\$1,000	12
2709.C	SEC Reports	\$500	12
2711.A	Guidelines	\$10,000	12
2711.B	Required Signatures	\$500	12
2711.D	Change of CPA Requirements	\$10,000	60
2711.E	Separate Financial Statements	\$5,000	12
2711.F	Audited Financial Statements (Submission Date)	\$10,000	60
2711.G	Change of Business Year	\$2,000	60
2711.H	Other CPA Reports	\$2,000	60
2711.I	Quarterly Net Win Reports	\$5,000	24
2711.J	Additional CPA Information	\$10,000	60
2711.K	IRS Audit Report	\$5,000	60
2713.B	Written Approval Required for Licensees Own Calculation Procedure	\$5,000	12
2713.C	Submit Monthly Calculation to Division	\$5,000	12
2713.D	Submission of Revised Calculated Amount	\$5,000	12
2714	Internal Controls, General	\$2,500	12
2714.G	Amendments to Internal Controls Required by the Division	\$20,000	24
2715.A	Keys	\$10,000	24
2715.B	Restricted Areas	\$10,000	24
2715.C	Internal Audit	\$10,000	18
2715.D	Addition of Game or Computerized System	\$25,000	24
2715.E	Training	\$5,000	24
2716	Clothing Requirements	\$5,000	12
2717.A-E	Fills and Credits	\$2,000	12
2717.F	Table Games Inventory Procedures	\$5,000	12
2717.G	Credit Procedures in Pit	\$2,000	12
2717.H	Non-Marker Credit Play	\$5,000	12
2717.I	Call Bets	\$10,000	18
2717.J	Table Games Drop Procedures	\$10,000	24
2717.K	Table Games Count Procedures	\$10,000	24
2717.L	Table Games Key Control Procedures	\$10,000	24
2717.M	Supervisory Controls	\$2,500	12
2717.N	Accounting and MIS Functions	\$2,500	12

Section Reference	Description	Base Penalty	Proscriptive Period (Months)
2719.A	Handling of Cash at Gaming Tables	\$5,000	18
2719.B	No Cash Wagers Allowed	\$10,000	18
2721	Tips and Gratuities	\$2,000	12
2723.B and C	Jackpot Request	\$2,000	12
2723.D	Jackpot Payout Slip	\$2,000	12
2723.E	Jackpot Payout Slips greater than \$1,200	\$1,000	12
2723.F	Jackpot Payout Slips greater than \$5,000	\$5,000	12
2723.G	Jackpot Payout Slips greater than \$10,000	\$10,000	18
2723.H	Jackpot Payout Slips greater than \$500,000	\$15,000	24
2723.I	Slot Fill Slips	\$2,000	12
2723.J	Slot Hard Drop	\$10,000	12
2723.K	Slot Count	\$10,000	12
2723.L	Hard Count Weigh Scale	\$10,000	12
2723.M	Accurate and Current Records for Each Slot Machine	\$5,000	12
2723.N	Slot Machines Removed from Gaming Floor	\$10,000	18
2723.O	Currency Acceptor Drop and Count Standards	\$10,000	24
2723.P	Computer Records	\$5,000	12
2723.Q	Management Information Systems (MIS) Functions	\$5,000	18
2723.R	Accounting Department Audit Procedures Relative to Slot Operations	\$10,000	24
2723.S	Slot Department Requirements	\$2,000	12
2725	Poker	\$2,500	12
2727	Race Book	\$5,000	12
2729	Cage, Vault and Credit	\$5,000	12
2730	Exchange of Chips and Tokens	\$1,000	12
2731	Currency Transaction Reporting	\$5,000	12
2735	Net Gaming Proceeds Computation	\$5,000	12
2736	Treatment of Credit for Computing Net Gaming Proceeds	\$5,000	12
Chapter 29. Operating Standards			
2901	Code of Conduct of Licensees and Permittees	\$10,000	24
2901.B.4.c	Notification; arrest, summons, citation or charge for any criminal offense or violation which if convicted would be a disqualification pursuant to R.S. 27:28(B)	\$500	24
	Notification: arrest, summons, citation or charge for any criminal offense or violation which if convicted would not be a disqualification pursuant to R.S. 27:28(B)	\$250	24
	Notification: Death of Owner/Member/Officer/Revenue Recipient	\$250	24
	Notification: Stock Or Interest Transfer	\$500	24
	Notification: Company Structure Change (Conversion/Merger Etc)	\$500	24

Section Reference	Description	Base Penalty	Proscriptive Period (Months)
	Notification: Company Management Structure Change	\$500	24
2904	Record Retention	\$10,000	18
2911	Accessibility to Premises; Parking	\$1,000	12
2915	Methods to Prevent Minors from Gaming Area	\$10,000	12
2919	Finder's Fees	\$10,000	12
2921	Collection of Gaming Credit	\$10,000	60
2923	Gaming Employee Badge Equipment	\$2,500	12
2927	Advertising	\$1,000	18
2935	Entertainment Activities	\$5,000	12
2937.A	Distributions	\$2,000	12
2937.B	Distributions	\$5,000	12
2943	Gaming Employees Prohibited from Gaming	\$2,500	12
2945	Restricted Areas	\$10,000	24
2953	Promotions	\$5,000	12
2954	Tournaments	\$5,000	12
2955	Managerial Representative on Premises	\$25,000	18
Chapter 31. Rules of Play			
3101.A and B	Only Authorized Games Allowed	\$25,000	24
3101.C	Games Must Be Conducted According to Rules and Licensee's Rules of Play	\$5,000	12
3103	Rules of Play	\$5,000	12
3104	Gaming equipment, gaming table, and gaming table layout requirements	\$5,000	12
3105	Procedures for opening and closing of the gaming table	\$5,000	12
3106	Procedures for each game that uses cards	\$5,000	12
3107	Wagers	\$5,000	12
3109	Game Limits	\$5,000	12
3111	Publication of Payoffs	\$5,000	12
3113	Periodic Payoffs	\$5,000	12
Chapter 33. Surveillance			
3301	Required Surveillance Equipment	\$10,000	24
3302	Digital Video Recording Standards	\$10,000	24
3303	Surveillance System Plans	\$25,000	24
3305	Surveillance and Division Room Requirements	\$10,000	24
3307	Segregated Telephone Communication	\$5,000	24
3309	Surveillance Logs	\$10,000	24
3311	Storage and Retrieval	\$20,000	24
3315	Maintenance and Testing	\$20,000	24
3317	Surveillance System Compliance	\$25,000	24
Chapter 34. Security			
3403	Security Plans	\$25,000	24
3409	Security Logs	\$10,000	24
Chapter 35. Patron Disputes			
3502	Division Notification	\$1,000	12
Chapter 40. Designated Check Cashing Representatives			
4003	Cash Transaction Reporting for Designated Check Cashing Representative	\$5,000	12
4004	General Requirements	\$2,500	12

Section Reference	Description	Base Penalty	Proscriptive Period (Months)
4006	Record Retention for Designated Check Cashing Representatives	\$10,000	18
4007	Designated Check Cashing Representative's Clothing Requirements	\$5,000	12
4008	Internal Controls; Designated Check Cashing Representative	\$2,500	12
4009	Internal Controls; Designated Check Cashing Representative Cage and Credit	\$5,000	12
4010	Designated Check Cashing Representative Currency Transaction Reporting	\$5,000	12
4011	Internal Controls Compliance	\$2,500	12
Chapter 42. Electronic Gaming Devices			
4202	Approval of Gaming Devices; Applications and Procedures; Manufacturers and Suppliers	\$10,000	12
4204	Progressive EGDs	\$5,000	12
4205	Computer Monitoring Requirements of Electronic Gaming Devices	\$10,000	12
4208	Certification by Manufacturer	\$1,000	12
4209	Approval of New Electronic Gaming Devices	\$5,000	12
4210	Electronic Gaming Device Tournament	\$5,000	12
4211	Duplication of Program Storage Media	\$20,000	24
4212	Marking, Registration, and Distribution of Gaming Devices	\$5,000	12
4213	Approval to Sell or Dispose of Gaming Devices	\$10,000	24
4214	Maintenance of Gaming Devices	\$20,000	24
4215	Analysis of Questioned Electronic Gaming Devices	\$20,000	12
Chapter 43. Specifications for Gaming Devices and Equipment			
4301	Approval of Chips and Tokens; Applications and Procedures	\$5,000	12
4309	Use of Chips and Tokens	\$1,000	12
4311	Receipt of Gaming Chips and Tokens	\$1,000	12
4313	Inventory of Chips	\$5,000	12
4315	Redemption and Disposal of Discontinued Chips and Tokens	\$5,000	12
4317	Destruction of Counterfeit Chips and Tokens	\$5,000	12
4318	Promotional and Tournament Chips or Tokens	\$5,000	12
4319	Approval and Specifications for Dice	\$5,000	12
4321	Dice; Receipt, Storage, Inspections and Removal From Use	\$5,000	12

Section Reference	Description	Base Penalty	Proscriptive Period (Months)
4323	Approval and Specifications for Cards	\$5,000	12
Revised Statutes, Title 27. Louisiana Gaming Control Law			
Chapter 2. Louisiana Gaming Control Board			
27:29.3	Annual Fee	\$500	60
27:29.5	Renewal of permits; penalties	\$500 plus not less than \$25 or 25percent of the amount due, whichever is the greater	60
Chapter 4. The Louisiana Riverboat Economic Development and Gaming Control Act			
Part III. Gaming Enforcement Division			
27:58.10	Toll-Free Telephone Number	\$1,000 per day	24
27:61(1)	Net Gaming Procedures	\$2,000	12
27:61(2)	Tax Paid	\$2,000	12
27:61(3)	Quarterly Financial Statements	\$1,000	12
27:61(3)	Annual Financial Statements	\$10,000	60
Part V. Conducting of Gaming Operations			
27:65B(1)	Sailing Requirements	\$5,000	12
27:65B(2)	Sailing Duration	\$5,000	12
27:65B(3)	Division Agents May Inspect Anytime	\$25,000	60
27:65B(4)	Gaming Equipment Must Be from Permitted Suppliers	\$25,000	
27:65B(5)	Wagering Restrictions	\$10,000	18
27:65B(7)	Gaming Equipment Storage	\$25,000	60
27:65B(9)	No One under 21 Allowed	\$10,000	12
27:65B(11)	Wagering Only with Chips, Tokens, etc.	\$10,000	18
27:65B(13)	Adequate Insurance	\$25,000	60
27:65B(15)	Must Obey All Rules	\$10,000	18
Part VIII. Issuance of Permits to Manufacturers, Suppliers, and Others			
27:84	Gaming Employee Permits	\$10,000	18
27:85A	Unpermitted Employee	\$10,000	18
27:85B	Underage Patron/Employees	\$10,000	12
27:86	Issuance of Permit to Conduct Racehorse Wagering	\$5,000	12
Chapter 5. The Louisiana Economic Development And Gaming Corporation Law			
Part V. General Corporation Gaming Operations			
27:230E	License or Permit Required	\$10,000	60
Part VI. Land-Based Casino Operating Contract			
27:244A(7)	Adequate Insurance	\$25,000	60
Part VII. Licenses, Fees, and Registration			
27: 250A	License or Permit Required	\$10,000	60
27:250(G)	Unpermitted Employee	\$10,000	18
Part IX. Prohibitions, Exclusions, and Gaming Offenses			
27:260A	No One Under 21 Allowed	\$10,000	12
Chapter 7. Pari-Mutuel Live Racing Facility Economic Redevelopment and Gaming Control Act			
Part II. O Conduct of Slot Machine Gaming Activity			
27:376	No One under 21 Allowed	\$10,000	12

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1620 (July 2012).

§2327. Proof of Compliance

A. If a licensee, casino operator or permittee is notified by the division of a possible violation of the Act or the rules, the licensee, casino operator or permittee may submit proof of compliance with the Act and rules within 10 days of receipt of the notification.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1623 (July 2012).

§2329. Notification of Supplier Recommendations or Solicitations

A. The casino operator and all licensees shall file a written report with the division on the twentieth day of the following month providing the name, address, and telephone number of any person who recommends to, or solicits through any agent, employee, or representative who has authority to contract for the licensee or casino operator, for the purchase of goods or services from a particular supplier during the month. The licensee and casino operator shall also report the name, address, and telephone number of the recommended supplier to the division at the same time. This provision shall only apply to the solicitation or purchase of goods or services with a value in excess of \$10,000. This provision shall not apply to any recommendations made to the licensee or casino operator for the hiring of employees working in the day-to-day operations of the casino.

B. The licensee or casino operator shall also report any recommendation or solicitation received under circumstances in which a reasonable person would perceive there to be pressure, intimidation of any kind or other conduct not customary in an ordinary business transaction.

C. Supplier, for the purposes of this Section, shall include, but is not limited to, any manufacturer, distributor, gaming supplier, non-gaming supplier, junket representative, professional, independent contractor, consultant, or other person in the business of providing goods and services regardless of whether required to be licensed, permitted, or registered.

D. If no recommendations or solicitations have occurred during a month, a report shall not be submitted for that period.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1623 (July 2012).

Chapter 25. Transfers of Interest in the Casino Operator, Licensees, and Permittees; Loans and Restrictions

Editor's Note: The information for this Chapter was consolidated from corresponding Chapters in Parts VII, IX, and XIII prior to their being repealed.

§2501. Transfers of Interest, General

A. The transfer of a license, permit or an application for a license or permit is prohibited.

B. No person shall transfer any interest of any sort whatsoever in a licensee, permittee, casino operator or

casino manager, or foreclose on a security interest in a licensee, permittee, casino operator or casino manager, or enter into or create a voting trust agreement or any agreement of any sort in connection with any licensee, permittee, casino operator or casino manager except in accordance with the Act and rules.

C. The following definitions shall apply to transfers of interest.

Acquire Control or Change of Control—any act or conduct by a person whereby he obtains control, whether accomplished through the ownership of equity or voting securities, ownership of rights to acquire equity or voting securities, by management or consulting agreements or other contract, by proxy or power of attorney, by merger, consummation of tender offer, acquisition of assets, or otherwise. Any acquisition by a person or group of persons acting in concert of more than 20 percent ownership or economic interest shall be considered a change of control.

Control—the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of a person.

Economic Interest—same meaning as in §1701.

Ownership Interest—owning shares or securities issued by a corporation, being a partner in any kind of partnership, being a member of a limited liability company, or owning or possessing any interest in any other kind of legal entity.

Transfer—to alienate, assign, acquire, bequeath, bestow, cede, convey, dispose of, divest, donate, lease, purchase or sell.

D. No person shall transfer any interest in a licensee, permittee, casino operator or casino manager to any person acting as an agent, trustee or in any other representative capacity for or on behalf of another person without having first fully disclosed all facts pertaining to such transfer and representation to the board and division. No person acting in such representative capacity shall hold or acquire any such interest or so invest or participate without having first fully disclosed all facts pertaining to such representation to the board and division and having obtained approval of the board or division.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1623 (July 2012).

§2502. Transfer of Interest; Prior Approval

A. Except as otherwise provided in this Chapter, the transfer of the following interests shall receive prior written approval of the board or division:

1. other than the transfer of securities in a publicly traded corporation, an ownership or economic interest of 5 percent or more in a licensee, permittee, casino operator or casino manager;

2. other than the transfer of securities in a publicly traded corporation, an ownership or economic interest of 5 percent or more in any person required to meet the qualification and suitability requirements of the Act;

3. a transaction that results in a change of control of a licensee, permittee, casino operator or casino manager; or

4. a transaction in which a person acquires control of a licensee, permittee, casino operator or casino manager.

B. The acquisition of an ownership or economic interest in a licensee, permittee, casino operator or casino manager not listed in Subsection A of this Section is conditional and ineffective if subsequently disapproved by the board or division. The person involved in an acquisition other than one listed in Subsection A of this Section may request prior approval of the transaction from the board or division.

C. The requirements of Subsection A of this Section shall apply should an accumulation of transfers occur wherein 5 percent or more ownership or economic interest or such other interest that otherwise leads to a change of control in a licensee, permittee, casino operator or casino manager is transferred.

D. Any person seeking prior approval required by this Section shall comply with the provisions of this Chapter unless the board or division waives any or all of the requirements upon receipt of a written request for such waiver.

E. No transfer of interest for which prior approval is required pursuant to this Chapter may be completed unless the transfer and proposed transferee have been approved, in writing, by the board and any transfer that occurs without the prior approval of the board is void and without effect. Failure to obtain prior approval as required by this Section may be grounds for administrative action against a licensee, permittee, casino operator or casino manager.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1624 (July 2012).

§2503. Procedure for Proposed Transfer; Prior Approval

A. Any person seeking prior approval of a transfer of interest as required by this Chapter shall make application to the board or division. The application shall include:

1. all application forms, including personal history forms, required by the board or division;

2. all documents which evince the transfer of interest including any financing arrangements, if applicable;

3. all documents which evince any side agreements or related agreements regarding the transfer of interest; and

4. all other documents the division deems necessary for a full and complete investigation and evaluation of the proposed transferee's qualifications and suitability to hold the interest to be transferred.

B. All costs associated with the investigation of the application for a transfer shall be paid by the person seeking to acquire the interest. An application fee of \$50,000 shall be paid at the time of filing of the application to defray the costs associated with the background investigation conducted by the division. Any portion of the application fee remaining upon completion of the background investigation shall be refunded to the person making application.

C. All persons required to obtain approval pursuant to this Chapter shall meet the qualification and suitability requirements as set forth in the Act and rules.

D. The board shall give the applicant notice of the granting of its application for a transfer of interest. The granting of an application for a transfer of interest may be subject to any condition, limitation, or restriction in the same manner as the granting of a license or permit. The applicant

shall indicate its acceptance of any condition, limitation, or restriction by documentation approved by the board.

E. An applicant served with notice of a recommendation of denial of the application for transfer of interest may make written request for a hearing as provided in the Act and rules. The applicant shall provide by clear and convincing evidence that he is qualified and suitable in accordance with the Act and rules. Appeals of any decision of the hearing officer resulting from such hearing shall be made to the board as provided in the Act and rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1624 (July 2012).

§2504. Transfer of Interest; Among Owners and Affiliates

A. The transfer of an interest in a licensee, permittee, casino operator or casino manager to a person who then holds an interest in, or is an affiliate of, such licensee, permittee, casino operator or casino manager and who has previously been determined qualified and suitable in accordance with the Act and rules does not require prior approval of the board or division.

B. At least 30 days prior to consummation, the parties shall provide written notice of the transfer to the board or division. The notice shall contain the name and addresses of the parties, the extent of the interest transferred and the consideration provided for the transfer. The notice shall also include the following as attachments:

1. a sworn statement from the transferee explaining and identifying the source of funds used in acquiring the interest, if any, and attesting that the transferee continues to meet all qualification and suitability requirements of the Act and rules;

2. a copy of all documents which evince the transfer including any financing arrangements;

3. a copy of all documents which evince any side agreements or related agreements regarding the transfer; and

4. any other documents the board or division may deem necessary.

C. The board or division may conduct such investigation pertaining to the transaction as it deems appropriate to assure the continued qualification and suitability of the transferee in accordance with the Act and rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1625 (July 2012).

§2505. Transfer of Interest; Publicly Traded Securities

A. Each person, other than an institutional investor as defined in the Act, who individually, or in association with others, acquires an ownership or economic interest of 5 percent or more of any class of publicly traded voting securities of a licensee, permittee, casino operator or casino manager, or an affiliate, shall submit all required applications to the board or division for a determination of qualification and suitability in accordance with the Act and rules. The application for the suitability determination shall be filed within 30 days of acquisition of the securities.

B. An institutional investor as defined by the Act who individually, or in association with others, acquires an

ownership or economic interest of 5 percent or more of any class of publicly traded voting securities of a licensee, permittee, casino operator or casino manager, or an affiliate, shall notify the board or division within 10 business days after the acquisition of the voting securities. Upon receipt of the notice, the division shall determine if the institutional investor has previously submitted the certification required by R.S. 27:27. If the institutional investor does not have a valid certification on file, it shall submit the required certification documents within 30 days of receiving written notice from the division.

C. The licensee, permittee, casino operator or casino manager shall provide notice to the board and division within 5 days of obtaining knowledge of the accumulation of an ownership interest of 5 percent or more of any class of publicly traded voting securities of the licensee, permittee, casino operator or casino manager, or an affiliate.

D. If the board finds that the holder of the security is not qualified and suitable in accordance with the Act and rules, the holder of the security shall not receive dividends or interest on the security, exercise directly or indirectly any right conferred by the security, receive any remuneration or economic benefit or continue in ownership of the security. Within 30 days of the finding that the holder is not qualified and suitable, the issuer of the security shall purchase the security from the holder for the lesser of the current fair market value or the original purchase price.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1625 (July 2012).

§2506. Prohibited Transfers; Licensed Eligible Facility; Casino Operator

A. The transfer of more than 50 percent ownership or economic interest or a transfer that has the effect of transferring control in a licensed eligible facility is prohibited.

B. The casino operator shall not transfer the casino operating contract or any interest therein, or subcontract the performance of any of the casino operator's duties or obligations there under, to any person without first obtaining the approval of the board.

C. Except a transfer to a leasehold mortgagee in compliance with the casino lease or in connection with the initial plan financing or other approved financing or a transfer pursuant to section 23.6(g) of the casino operating contract, the casino operator shall not voluntarily or involuntarily transfer the casino lease, or any interest therein, to any person without first obtaining the approval of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1625 (July 2012).

§2507. Stock Restrictions

A. Unless otherwise expressly approved by the board, all ownership securities or stock issued by a licensee, permittee, casino operator or casino manager shall bear on both sides of the certificate a statement of the restrictions containing the following inscription:

1. "The purported sale, assignment, transfer, pledge or other disposition of this security must receive prior approval of the Louisiana Gaming Control Board. The purported sale, assignment, transfer, pledge or other disposition, of any security or shares issued by the entity issuing this security is void unless approved in advance by the Louisiana Gaming Control Board. If at any time an individual owner of any such security is determined to be unsuitable under the Act and rules to continue as a permittee or suitable person, the issuing entity shall ensure that such person or persons may not receive any dividend or interest upon any such security, exercise, directly or indirectly through any trustee or nominee, any voting right conferred by such security, receive remuneration in any form from the entity or an affiliate for services rendered or otherwise, receive any economic benefit from the entity or an affiliate, or continue in an ownership or economic interest in the entity or function as a manager, officer, director or partner in the entity."

B. A publicly traded company organized and formed prior to applying for a license, permit, or casino operating contract under the provisions of the Act is only required to put the restriction on securities issued after the entity files its application for a license or permit or transfer for approval.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1625 (July 2012).

§2508. Notice of Significant Regulatory Violation; Application of Sanction to Transferee

A. In the event the division institutes an administrative action against a licensee, permittee, casino operator or casino manager which involves an alleged significant violation of the Act or rules, the division may, at the time of instituting the action or any time thereafter, file a notice of significant violation in accordance with the terms of this Section. The filing of the notice of significant violation shall serve as actual and constructive notice of the pending proceeding to any person and bind them in accordance with Subsection C of this Section.

B. The division may apply to the hearing officer for the issuance of a notice of significant violation. A notice of significant violation shall issue upon written application of the division specifying facts establishing that there are reasonable grounds to believe that the licensee, permittee, casino operator or casino manager has violated the Act or rules and that such alleged violation could lead to a civil penalty or the suspension or revocation of any license or permit or the termination of any contract. If accepted by the hearing officer as complying with the terms of this Section, the notice of significant violation shall be filed with the board which shall maintain a separate notice of significant violation index as a public record.

C. Any sale, assignment, transfer, pledge or other disposition of an ownership or economic interest in a licensee, permittee, casino operator or casino manager that takes place after the filing of the notice of significant violation shall render the transferee responsible and subject to any sanction subsequently imposed upon the licensee, permittee, casino operator or casino manager based upon any conduct described in the notice of significant violation.

D. If, after hearing, there is a determination that the grounds for the notice of the significant violation do not exist, the notice of significant violation shall be canceled and be of no effect.

E. Nothing herein shall be construed to limit the division or board with respect to any other right or remedy provided by the Act or rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1626 (July 2012).

§2509. Emergency Situations

A. If a transfer of interest which requires prior board approval under this Chapter is contemplated, and in the opinion of the board, the exigencies of the situation require that the proposed transferee be permitted to take part in the conduct of operations or to make available financing or other credit for use in connection with such operation during the pendency of an application for approval of the transfer of interest, then the board may by emergency order implement the emergency procedures described in §2510 of this Chapter.

B. An emergency as used in this Chapter may be deemed to include, but is not limited to any of the following:

1. the licensee, permittee, casino operator, casino manager or person who was required to be qualified and suitable in accordance with the Act and rules has died or has been declared legally incompetent;

2. the licensee, permittee, casino operator, casino manager or person who was required to be qualified and suitable in accordance with the Act and rules is a legal entity that has been dissolved by operation of law;

3. the licensee, permittee, casino operator, casino manager or person who was required to be qualified and suitable in accordance with the Act and rules has filed a petition of bankruptcy, or in the opinion of the board, is or will likely become insolvent;

4. the license or permit has been suspended or revoked;

5. a person with an interest in the licensee, permittee, casino operator, casino manager or person who was required to be qualified and suitable in accordance with the Act and rules no longer meets the suitability requirements of the Act and rules;

6. the licensee, permittee, casino operator, casino manager or person who was required to be qualified and suitable in accordance with the Act and rules, or an interest in a licensee, permittee, casino operator or casino manager is subject to foreclosure or other forced sale permitted by law; or

7. any other emergency circumstance that is approved by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1626 (July 2012).

§2510. Emergency Procedures

A. A proposed transferee who seeks to participate in an operation pursuant to an emergency order of the board must submit a written request to the board which shall contain the following:

1. a complete description of the extent to which and the manner in which the proposed transferee will participate in the operations pending the completion of the proposed transfer of interest;

2. a complete description of the plan for effecting the proposed transfer of interest;

3. a complete financial statement, including the sources for all funds to be used in the transfer and that will be used in the participation prior to completion of the transfer;

4. full, true and correct copies of all documents pertaining to the proposed transfer, including but not limited to all agreements between the parties, leases, notes, mortgages or deeds of trust, and pertinent agreements or other documents with or involving third parties;

5. a complete description of any and all proposed changes in the manner or method of operations, including but not limited to the identification of all proposed changes of and additions to supervisory personnel;

6. all such additional documentation and information as may be requested by the board; and

7. a certification that a copy of the request for emergency participation has been provided to the board.

B. The proposed transferee must file a complete application with the board for approval of the transfer of interest and for any necessary license or permit as provided in this Chapter within five business days after an order for emergency participation has been issued. The board may waive any and all requirements of this Section upon written request of the proposed transferee with a showing of good cause.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1626 (July 2012).

§2511. Emergency Permission to Participate; Investigation; Extent of Participation

A. After receipt of a proper application for emergency permission to participate, the division shall determine if all necessary documents and information have been provided by the transferee. If the division determines all necessary documents and information have been provided by the proposed transferee, then the division shall notify the proposed transferee of that fact in a manner deemed appropriate by the board.

B. After the notice required by Subsection A of this Section has been provided to the proposed transferee, the division shall commence the background investigation of the proposed transferee. The division may request such additional documents and information during the investigation as it deems necessary. Upon conclusion of the background investigation, the board may grant or deny the request for emergency participation. No hearing will be granted to review the denial of a request for emergency participation. Any conditions imposed by the board on the proposed transferee must be accepted by the proposed transferee in a manner approved by the board prior to the board granting a request for emergency participation.

C. Emergency permission to participate shall be defined with respect to time and shall be limited as follows.

1. Pending final action on the application to approve transfer of interest, the existing licensee, permittee, casino

operator, casino manager or person who has met the suitability requirements of the Act and rules and the proposed transferee approved for emergency participation shall both be responsible for the payment of all taxes, fees and fines, and the acts or omissions of each.

2. No proposed transferee who has been granted emergency permission to participate shall receive any portion of the gross or net gaming revenue from the gaming operations until final approval of the proposed transfer of interest has been granted. If approval is granted, such approval shall be retroactive to the effective date of the emergency participation.

3. A proposed transferee who has been granted emergency permission to participate and who actually renders services to the gaming operation or permitted operation may be compensated for any services actually rendered, but such compensation is subject to prior written approval of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1627 (July 2012).

§2512. Effect of Permission to Participate; Withdrawal

A. The granting of emergency permission to participate is a revocable privilege. The granting of emergency permission to participate is not a finding by the board that the applicant for emergency participation is qualified and suitable in accordance with the Act and rules. Such emergency permission to participate is without prejudice to any action that the division or board may take with respect to any application for approval of the proposed transfer of interest. All emergency permissions to participate are subject to the condition that they may be revoked or suspended at any time without a right to a hearing to review the board's decision. The provisions contained in this Section are to be considered a part of any emergency participation granted by the board whether or not they are included in the order granting such emergency participation.

B. Upon notice that the emergency permission to participate has been withdrawn, suspended or revoked, the proposed transferee shall immediately terminate any participation whatsoever in the operations of the licensee, permittee, casino operator, casino manager or person required to meet the suitability requirements of the Act and rules. Anything of value, including money, contributed to the operations of the licensee, permittee, casino operator, casino manager or person required to meet the suitability requirements of the Act and rules shall be immediately returned to the proposed transferee. Non-compliance with this Section shall be considered a violation of the Act and rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1627 (July 2012).

§2513. Escrow Accounts

A. No money or other thing of value shall be paid, remitted, or distributed, directly or indirectly, to a proposed transferee, including a transferee with emergency permission to participate, until the board has approved the transfer and transferee.

B. All money or other things of value to be paid, remitted, or distributed, directly or indirectly, to a proposed transferee, including a transferee with emergency permission to participate, shall be placed in escrow in a manner acceptable to the board until the board has approved the transfer and transferee.

C. Upon approval of the transfer and transferee, the money or other thing of value held in escrow may be distributed to the transferee.

D. If a transfer or transferee is disapproved by the board, any money or thing of value placed in escrow shall be returned to the person depositing the money or other thing of value in escrow.

E. A transferee with emergency permission to participate may be paid such compensation for services rendered as has been approved by the board in writing without such compensation being placed in escrow.

F. Any violation of this Section shall be grounds to deny the transfer and disapprove the transferee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1627 (July 2012).

§2514-2520 Reserved.

Chapter 27. Accounting Regulations

Editor's Note: The information for this Chapter was consolidated from corresponding chapters in Parts VII, IX, and XIII prior to their being repealed.

§2701. Procedure for Reporting and Paying Gaming Revenues and Fees

A. All gaming revenue summary reports, together with all necessary subsidiary schedules, shall be submitted to the division no later than 48 hours from the end of the licensee's or casino operator's specified gaming day in a manner specified by the division.

1. For reporting purposes, licensee's the specified gaming day shall be submitted in writing to the division for approval prior to implementation.

2. Each licensee or casino operator shall have only one gaming day common to all its departments. Any change to the gaming day shall be submitted to the division 10 days prior to implementation of the change.

B. Riverboat

1. All riverboat license and franchise fees related thereto must be electronically transferred to the designated bank account as directed by the division. In addition to any other administrative action, civil penalties, or criminal penalties, riverboat licensees who are late in electronically transferring these fees may retroactively be assessed late penalties of 15 percent of the amount due per annum after notice and opportunity for a hearing held in accordance with the Act. Interest may be imposed on the late payment of fees at the daily rate of 0.00041 multiplied by the amount of unpaid fees for each day the payment is late.

C. Casino Operator

1. All Louisiana gross gaming revenue share payments must be electronically transferred to the designated bank account as directed by the division and the casino operating contract. Interest shall be imposed on the late payment of fees at the default interest rate as defined by the casino operating contract. In addition to any other administrative action, civil penalties, or criminal penalties

allowed by law, casino operators or casino managers who are late in electronically transferring these payments may retroactively be assessed late penalties after notice and opportunity for a hearing held in accordance with the Act.

D. Licensed Eligible Facility

1. All taxes must be electronically transferred to the designated bank account as directed by the division. In addition to any other administrative action, civil penalties, or criminal penalties, licensed eligible facilities who are late in electronically transferring these taxes may retroactively be assessed late penalties of 15 percent of the amount due per annum after notice and opportunity for a hearing held in accordance with the Act. Interest may be imposed on the late payment of taxes at the daily rate of 0.00041 multiplied by the amount of unpaid taxes for each day the payment is late.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1628 (July 2012).

§2703. Accounting Records

A. The following requirements shall apply throughout this Chapter.

1. Each licensee and casino operator, in such manner as the division may approve or require, shall keep accurate, complete, legible, and permanent records of all transactions pertaining to revenue that is taxable or subject to fees under the Act.

2. Each licensee and casino operator shall keep records of all transactions including, but not limited to, contracts or agreements with suppliers/vendors, contractors, consultants, attorneys, accounting firms; accounts/trade payable files; insurance policies; and bank statements, reconciliations and canceled checks or legible copies thereof.

3. Each licensee and casino operator that keeps permanent records using a computer or microfiche system shall, upon request, immediately provide division agents with a detailed index to the microfiche or computer record that is indexed by casino department and date, and provide the division agent with access to a computer or microfiche reader. Only documents which do not contain original signatures required by these rules may be kept in a microfiche or computer system.

B. Each licensee and casino operator shall keep general accounting records on a double entry system of accounting, with transactions recorded on a basis consistent with generally accepted accounting principles, maintaining detailed, supporting, subsidiary records, including but not limited to:

1. records identifying:

- a. revenues by day;
- b. expenses;
- c. assets;
- d. liabilities;
- e. equity for the establishment; and
- f. admissions or if approved by the division,

reasonable estimates of admissions;

2. records of all markers, IOU's, returned checks, hold checks, or other similar credit instruments;

3. individual and statistical game records to reflect drop, win, and the percentage of win to drop by table for each table game, and to reflect drop, win, and the percentage

of win to drop for each type of table game, for each day or other accounting periods approved by the division and individual and game records reflecting similar information for all other games, including slots;

4. slot analysis reports comparing actual hold percentage to theoretical hold percentage for each machine;

5. records required by the internal controls;

6. journal entries and all work papers, electronic or manual, prepared by the licensee or casino operator and their independent accountant;

7. records supporting the accumulation of the costs for complimentary services and items. A complimentary service or item provided to patrons in the normal course of business shall be expended at an amount based upon the full cost of such services or items to the licensee or casino operator;

8. gaming chip and token perpetual inventory records which identify the purchase, receipt, and destruction of gaming chips and tokens from all sources, and any other necessary adjustments to the inventories. The recorded accountability shall be verified by physical counts at least once per year;

9. work papers supporting the daily reconciliation of cash and cash equivalent accountability;

10. financial statements and supporting documents; and

11. any other records the division requires.

C. Each licensee and casino operator shall create and maintain records sufficient to accurately reflect gross income and expenses relating to its gaming operations.

D. If a licensee or casino operator fails to keep the records used to calculate gross and net gaming revenue, or if the records are not adequate to determine these amounts, the division may compute and determine the amount of gross gaming revenue, net gaming proceeds, or net slot machine proceeds based on an audit and statistical analysis conducted by the division.

E. The division may review or take possession of records at any time.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1628 (July 2012).

§2705. Records of Ownership

A. Each licensee or casino operator that is a corporation shall keep on the premises of its gaming establishment, or other premises as approved by the division, the following documents pertaining to the corporation:

1. a certified copy of the articles of incorporation and any amendments;

2. a copy of the bylaws and any amendments;

3. a copy of the certificate issued by the Louisiana Secretary of State authorizing the corporation to transact business in Louisiana;

4. the address of registered office and agent(s);

5. a list of all current and former officers and directors;

6. a certified copy of minutes of all meetings of the stockholders;

7. a certified copy of minutes of all meetings of the directors;

8. a list of all stockholders listing each stockholder's name, birth date, Social Security number, address, the

number of shares held, and the date the shares were acquired;

9. the stock certificate ledger;

10. a record of all transfers of the corporation's stock;

11. a record of amounts paid to the corporation for issuance of stock and other capital contributions; and

12. a schedule of all salaries, wages, and other remuneration (including perquisites), direct or indirect, paid during the calendar or fiscal year by the corporation to all officers, directors, and stockholders with an ownership interest at any time during the calendar or fiscal year equal to 5 percent or more of the outstanding capital stock of any class of stock.

B. Each licensee or casino operator that is a limited liability company (LLC) shall keep on the premises of its gaming establishment or other premises as approved by the division, the following documents pertaining to the company:

1. a certified copy of the articles of organization and any amendments;

2. a copy of the initial report, setting forth location and address of registered office and agent(s);

3. a copy of required records to be maintained at the registered office of the LLC including a current list of names and addresses of members and managers;

4. a copy of the operating agreement and amendments; and

5. a copy of the certificate issued by the Louisiana Secretary of State authorizing the LLC to transact business in Louisiana.

C. Each licensee or casino operator that is a partnership shall keep on the premises of its gaming establishment or other premises as approved by the division, the following documents pertaining to the partnership:

1. a copy of the partnership agreement and, if applicable, the certificate of limited partnership;

2. a list of the partners including their names, birth date, Social Security number, addresses, the percentage of interest held by each, the amount and date of each capital contribution of each partner, and the date the interest was acquired;

3. a record of all withdrawals of partnership funds or assets;

4. a schedule of salaries, wages and other remuneration (including perquisites), direct or indirect, paid to each partner during the calendar or fiscal year; and

5. a copy of the certificate issued by the Louisiana Secretary of State authorizing the partnership to transact business in Louisiana.

D. Each licensee or casino operator that is a sole proprietorship shall keep on the premises of its gaming establishment or other premises as approved by the division, the following documents:

1. a schedule showing the amount and date of the proprietor's original investment and of any additions and withdrawals; and

2. a schedule of salaries, wages and other remuneration (including perquisites), direct or indirect, paid to the proprietor during the calendar or fiscal year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1629 (July 2012).

§2707. Record Retention

A. Upon request and at a location designated by the division, each licensee and casino operator shall provide the division with the records required to be maintained by this Chapter. Each licensee and casino operator shall retain all such records for a minimum of five years in a location approved by the division. In the event of a change of ownership, records of prior owners shall be retained in a location approved by the division for a period of five years unless a different period is authorized by the division. Electronic records may be maintained in other locations if access to the records is available on computers located at the casino premises or other location approved by the division.

B. Each licensee and casino operator shall conduct a complete system data backup to an off-site location a minimum of once a month. For purposes of this Section, the licensee and casino operator shall submit the name, location, and security controls of the off-site storage facility to the division. Licensees and the casino operator shall submit changes to the location and security controls of the off-site storage facility at least 30 days prior to the change. Any changes less than 30 days in advance must include justification for the late submission. A complete system data backup includes, but is not limited to:

1. all automated slot data information;
2. all automated table game information;
3. all automated cage and credit information; and
4. all automated revenue reports.

C. Licensees and the casino operator shall have a written contingency plan in the event of a system failure or other event resulting in the loss of system data. The plan shall address backup and recovery procedures and shall be sufficiently detailed to ensure the timely restoration of data in order to resume operations after a hardware or software failure or other event that results in the loss of data.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1630 (July 2012).

§2709. Standard Financial Statements

A. The division may prescribe a uniform chart of accounts including account classifications in order to insure consistency, comparability, and appropriate disclosure of financial information. The prescribed chart of accounts shall be the minimum level of detail to be maintained for each accounting classification by the licensees or casino operator. A licensee or casino operator shall prepare its financial statements in accordance with the division's chart of accounts or the licensee's or casino operator's chart of accounts if the division does not prescribe a chart of accounts.

B. A licensee and casino operator shall furnish to the division on a form, as prescribed by the division, a quarterly financial report. The quarterly financial report shall also present all data on a monthly basis. Monthly financial reports shall include reconciliation of general ledger amounts with amounts reported to the division. The quarterly financial report shall be submitted to the division no later than 60 days following the end of each quarter.

C. A licensee or casino operator shall submit to the division one copy of any report including, but not limited to, Forms S-1, 8-K, 10-Q, and 10-K, required to be filed with the Securities and Exchange Commission or other domestic or foreign securities regulatory agency by the licensee or casino operator, and their holding company, intermediate company, or parent company. These reports shall be delivered to the division within 15 days of the time of filing with such commission or agency or within 15 days of the due date prescribed by such commission or regulatory agency, whichever comes first.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1630 (July 2012).

§2711. Audited Financial Statements

A. Each licensee and casino operator shall submit to the division, in a manner prescribed by the division, audited financial statements reflecting all financial activities of the licensee's or casino operator's establishment prepared in accordance with generally accepted accounting principles and subjected to an examination conducted according to generally accepted auditing standards by an independent Certified Public Accountant (CPA). The CPA shall incorporate the guidelines established by the division into current procedures for preparing audited financial statements. The submitted audited financial statements required by this Section shall be based on the licensee's or casino operator's business year as approved by the division. The financial statements must further reflect the operating records of food, beverage, hotel, and retail facilities or enterprises owned by the licensee or casino operator or an affiliate and located on the premises or considered part of the operations.

B. The reports required to be filed pursuant to this Section shall be sworn to and signed by:

1. if from a corporation, the chief executive officer and the financial vice president, treasurer or controller;
2. if from a limited liability company, the manager or managing member and the financial vice president, treasurer or controller;
3. if from a partnership, the managing general partner and the financial director;
4. if from a sole proprietorship, the proprietor; or
5. if from any other form of business association, the chief executive officer or other person approved by the division.

C. All audits and reports required by this Section shall be prepared at the sole expense of the licensee or casino operator.

D. Each licensee and casino operator shall engage an independent Certified Public Accountant (CPA) licensed by the Louisiana State Board of Certified Public Accountants. The CPA shall examine the statements in accordance with generally accepted auditing standards. The CPA is prohibited from providing internal audit services. Should the CPA previously engaged as the principal accountant to audit the licensee's or casino operator's financial statements resign or be dismissed as the principal accountant, or if another CPA is engaged as principal accountant, the licensee or casino operator shall file a report with the division within 10 days

following the end of the month in which the event occurs, setting forth the following:

1. the date of the resignation, dismissal, or engagement;

2. any disagreements with a former accountant, in connection with the audits of the two most recent years, on any matter of accounting principles, or practices, financial statement disclosure, auditing scope or procedure, which disagreements, if not resolved to the satisfaction of the former accountant, would have caused him to make reference in connection with his report to the subject matter of the disagreement; including a description of each such disagreement; whether resolved or unresolved;

3. whether the principal accountant's report on the financial statements for any of the past two years contained an adverse opinion or a disclaimer of opinion or was qualified. The nature of such adverse opinion, disclaimer of opinion, or qualification shall be described; and

4. a letter from the former accountant furnished to the licensee or casino operator and addressed to the division stating whether the CPA agrees with the statements made by the licensee or casino operator in response to this Section.

E. Unless the division approves otherwise in writing, the statements required must be presented on a comparative basis. Consolidated financial statements may be filed by commonly owned or operated establishments, but the consolidated statements must include consolidating financial information or consolidated schedules presenting separate financial statements for each establishment licensed or authorized to conduct gaming. The CPA shall express an opinion on the consolidated financial statements as a whole and shall subject the accompanying consolidating financial information to the auditing procedures applied in the examination of the consolidated financial statements.

F. Each licensee and casino operator shall submit to the division two originally signed copies of its audited financial statements and the applicable CPA's letter of engagement not later than 120 days after the last day of the licensee's or casino operator's business year. In the event of a license or contract termination, change in business entity, or a change in the percentage of ownership of more than 20 percent, the licensee or casino operator or former licensee or former casino operator shall, not later than 120 days after the event, submit to the division two originally signed copies of audited statements covering the period between the filing of the last financial statement and the date of the event. The division may waive this requirement if the date of the event is within 30 days of the end of the licensee's or casino operator's business year. If a license or contract termination, change in business entity, or a change in the percentage of ownership of more than 20 percent occurs within 120 days after the end of the business year for which a statement has not been submitted, the licensee or casino operator may submit statements covering both the business year and the final period of business.

G. If a licensee or casino operator changes its fiscal year, the licensee or casino operator shall prepare and submit to the division audited financial statements covering the period from the end of the previous business year to the beginning of the new business year not later than 120 days after the end of the period.

H. Reports that directly relate to the CPA's examination of the licensee's or casino operator's financial statements shall be submitted within 120 days after the end of the licensee's or casino operator's business year. The CPA shall incorporate the guidelines established by the division into current procedures for preparing the reports.

I. Each licensee and casino operator shall engage an independent CPA to conduct a quarterly audit of its net gaming proceeds, gross gaming revenue, or net slot machine proceeds. Quarters shall be based upon the licensee's fiscal year. Two signed copies of the auditor's report shall be forwarded to the division not later than 60 days after the last day of the applicable quarter. The CPA shall incorporate the guidelines established by the division into current procedures for preparing the quarterly audit.

J. The division may request additional information and documents from either the licensee or casino operator or their CPA, regarding the financial statements or the services performed by the CPA. The division may review any and all work papers of the CPA at a time and place determined by the division. These requirements shall be included in agreements between the licensee, casino operator or its affiliates and the CPA.

K. The licensee or casino operator shall submit to the division, postmarked by the United States Postal Service or deposited for delivery with a private or commercial interstate carrier, or in another manner approved by the division, any audit report prepared by the Internal Revenue Service (IRS) and issued to the licensee or casino operator. The report is due within 30 days of receipt from the IRS.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1630 (July 2012).

§2713. Cash Reserve and Bonding Requirements

A. Each licensee and casino operator shall maintain in cash or cash equivalent amounts sufficient to protect patrons against defaults in gaming debts owed by the licensee or casino operator. The licensee or casino operator shall use the appropriate calculation below:

1. Licensed Eligible Facility

SLOTS: Non-progressive:
Number of Machines x \$50 = _____
Progressive:
Total of all in house progressive jackpots: _____
OTHER: Operating Accounts Payable: _____
(amount equal to two weeks payables)
Payroll for Two Weeks : _____
Debt Service for One Month: _____
TOTAL REQUIREMENTS: _____
CASH RESERVE COMPRISED OF
Cash in Cage : _____
Cash in Banks, TCD, Savings, etc.: _____
Entity's Cash on Hand (Do not include slot
machine bucket cash): _____
Less: Safekeeping Money (_____) _____
TOTAL CASH RESERVE AVAILABLE: _____

2. Casino Operator—in accordance with the internal controls.

3. Riverboat

GAMES: All Table Games
Number of games X table limit average X \$50 = _____

SLOTS: Non-progressive:
 Number of Machines X \$50 = _____
 Progressive:
 Total of all in house progressive jackpots = _____
 KENO: Number of Games X \$25,000 = _____
 (or game limit, whichever is smaller)
 OTHER: Operating Accounts Payable = _____
 (amount equal to two weeks payables)
 Payroll for Two Weeks = _____
 Debt Service for One Month = _____
 TOTAL REQUIREMENTS:
 CASH RESERVE COMPRISED OF
 Cash in Cage:
 Cash in Banks, TCD, Savings, etc. = _____
 Casino Cash on Hand
 (Do not include slot machine bucket cash)
 Less: Safekeeping Money (_____)
 TOTAL CASH RESERVE AVAILABLE

a. For the purposes of this Section, table limit average shall be defined as the sum of the highest table limit set for each and all tables during the calendar month, divided by the total number of tables. All tables shall be included in the calculation whether they are opened or closed.

B. Each licensee and casino operator may submit its own procedure for calculating its cash reserve requirement for approval by the division in writing prior to implementation. After approval of the licensee's or casino operator's procedure, division approval must be issued prior to reverting to the calculation provided in Subsection A of this Section.

C. Each licensee and casino operator shall submit monthly calculations of its cash reserve to the division no later than 30 days following the end of each month.

D. Cash equivalents are defined as all highly liquid investments with an original maturity of 12 months or less and available unused lines of credit issued by a federally regulated financial institution as permitted in Chapter 25 and approved pursuant to that Chapter. Approved lines of credit shall not exceed 50 percent of the total cash reserve requirement. Any changes to the initial computation submitted to the division shall require the licensee or casino operator to resubmit the computation with all changes delineated therein including a defined time period for adjustment of the cash reserve account balance (e.g., monthly, quarterly, etc.).

E. Each licensed eligible facility and riverboat shall be required to secure and maintain a bond from a surety company licensed to do business within the state of Louisiana that ensures specific performance under the provisions of the Act for the payment of taxes, fines and other assessments. The amount of the bond shall be set at \$250,000 unless the division determines that a higher amount is appropriate. The licensed eligible facility and riverboat shall submit the surety bond to the division prior to the commencement of gaming operations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1631 (July 2012).

§2714. Internal Controls, Procedures

A. Each licensee and casino operator shall describe, in such manner as the division may approve or require, its procedures in detail in a written system of internal controls. Each licensee and casino operator shall submit a copy of its

internal controls to the division for approval prior to commencement of operations. The internal controls shall be implemented to reasonably ensure that:

1. all assets are safeguarded;
2. financial records are accurate and reliable;
3. transactions are performed only in accordance with the internal controls;
4. transactions are recorded adequately to permit proper reporting of gaming revenue, fees and taxes, and all revenues deriving from casino and related facilities and to maintain accountability for assets;
5. access to assets is permitted only in accordance with the internal controls;
6. recorded accountability for assets is compared with actual assets at least annually and appropriate action is taken with respect to any discrepancies; and
7. functions, duties, and responsibilities are appropriately segregated and performed in accordance with sound practices by competent, qualified personnel.

B. The internal controls shall include:

1. an organizational chart depicting appropriate segregation of functions and responsibilities;
2. a description of the duties, responsibilities, access to sensitive areas, and signatory authority of each position shown on the organizational chart;
3. a detailed, narrative description of the administrative and accounting procedures designed to satisfy the requirements of this Section;
4. flow charts illustrating the information required in Paragraphs 1, 2, and 3 of this Subsection;
5. a written statement signed by an officer of the licensee or casino operator attesting that the system satisfies the requirements of this Section;
6. accounting and financial controls including procedures to be utilized in counting, banking, storage and handling of cash;
7. procedures, forms and, where appropriate, formulas covering the calculation of hold percentages, revenue drop, expenses and overhead schedules, complimentary services, cash equivalent transactions, salary structure, and personnel practices;
8. job descriptions and the systems of personnel and chain-of-command, establishing a diversity of responsibility among employees engaged in gaming operations and identifying primary and secondary supervisor positions for areas of responsibility, which areas shall not be so extensive as to be impractical for an individual to monitor;
9. procedures within the cashier's cage for the receipt, storage, and disbursal of chips, if applicable, cash, and other cash equivalents used in gaming, the payoff of jackpots, and the recording of transactions pertaining to gaming operations;
10. if applicable, procedures for the collection and security of monies at the gaming tables;
11. if applicable, procedures for the transfer and recordation of chips between the gaming tables and the cashier's cage;
12. if applicable, procedures for the transfer of monies from the gaming tables to the counting process;
13. procedures for the counting and recordation of revenue;

14. procedures for the security, storage, and recordation of cash equivalents utilized in other gaming operations;

15. procedures for the transfers of monies, cash equivalents or chips, if applicable from and to the slot machines;

16. procedures and standards for the opening and security of slot machines;

17. procedures for the payment and recordation of slot machine jackpots;

18. procedures for the cashing and recordation of checks exchanged by patrons;

19. procedures governing the utilization of the private security force within the designated area;

20. procedures and security standards for the handling and storage of gaming devices, machines, apparatus, including cards and dice, if applicable, and all other gaming equipment;

21. procedures for recording multiple transactions and aggregating the transactions of individuals or on behalf of individuals to ensure compliance with currency transaction report for casinos (CTRC) and suspicious activity report for casinos (SARC) requirements;

22. procedures and rules governing the conduct of particular games and the responsibilities of the gaming personnel in respect thereto; and

23. such other procedures, rules or standards that the division may impose on a licensee or casino operator regarding its operations.

C. The licensee or casino operator may not implement its initial internal controls unless the division determines the proposed internal controls satisfy this Section, and approves the internal controls in writing. In addition, the licensee and casino operator shall engage an independent CPA to review the proposed internal controls prior to implementation. The CPA shall forward two signed copies of the report reflecting the results of the evaluation of the proposed internal controls prior to implementation.

D. Once the division approves the internal controls, the licensee and casino operator shall comply with all provisions of the approved internal controls.

E. The licensee and casino operator shall have a continuing duty to review its internal controls to ensure the internal controls remain in compliance with the Act and these rules. The licensee and casino operator shall amend its internal controls to comply with the requirements with the Act and these rules.

F. Any change or amendment in procedure including any change or amendment in the internal controls previously approved by the division shall be submitted to the division for prior written approval in accordance with division policies on internal control changes.

G. If the division determines that internal controls do not comply with the requirements of this Section, the division shall so notify the licensee or casino operator in writing. After receiving the notification, the licensee or casino operator shall amend its internal controls to comply with the requirements of this Section.

H.1. Each licensee and casino operator shall require the independent CPA, engaged for purposes of examining the financial statements, to submit to the licensee and casino operator two signed copies of a written report detailing the

continuing effectiveness and adequacy of the internal controls.

2. Using the division's standard Minimum Internal Control questionnaire and guidelines, the independent CPA shall report each event and procedure discovered by him, or otherwise brought to his attention, that does not satisfy the internal controls approved by the division.

3. Not later than 150 days after the end of the its fiscal year, the licensee or casino operator shall submit a signed copy of the CPA's report, the division's standard Minimum Internal Control questionnaire, and any other correspondence directly relating to the internal controls to the division accompanied by the licensee's or casino operator's statement addressing each item of noncompliance as noted by the CPA and describing corrective measures taken.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1632(July 2012).

§2715. Internal Controls—Keys, Restricted Areas, Internal Audit, Addition of Game or Computerized System, Training

A. Keys

1. Sensitive keys are maintained in a secure area subject to surveillance.

2. All restricted sensitive keys shall be stored in an immovable lockable key box or an automated access key box.

3. The lockable key box shall have two differently keyed locks:

a. the two keys to the key box locks shall only be issued to employees from different departments;

b. one key shall open only one lock on the key box; and

c. an employee shall be issued only a single key to a key box lock.

4. There shall be dedicated surveillance coverage of all key boxes with restricted sensitive keys .

5. Sensitive keys shall not be removed from the premises unless prior approval has been granted by the division. For purposes of this rule, a licensee's or casino operator's premises shall be specified in the internal controls.

6. Access to the keys in dual-locked boxes storing restricted sensitive keys shall be documented on key access log forms. The logs shall include the following:

a. date and time of issuance;

b. the key or ring of keys issued;

c. printed name, signature, and employee number of the person to whom the key is issued;

d. printed name, signature, and employee number of the person issuing the key;

e. printed name, signature, and employee number of the witness to the issuance of the key;

f. reason for issuance of the key;

g. date and time of return of the key to the key box;

h. signature and employee number of the person returning the key. This shall be the same employee to whom the key was issued. If, due to unforeseen circumstances, a different employee returns the key, surveillance shall be

notified and surveillance shall monitor and record the entire log-in process. The recording of the transaction shall be maintained by surveillance for 30 days;

i. signature and employee number of the person receiving the key; and

j. signature and employee number of the witness to the return of the key to the key box.

7. Key logs shall be reviewed at least monthly and an investigation and documentation made of any omissions or instances in which keys are not signed out and signed back in by the same individual.

8. Approved electronically monitored (automated access) key systems do not require the log in paragraph 6 above if the system logs the same or similar information, except signatures, as the transaction takes place.

a. The electronic key box may act as the issuer or receiver in key transactions. The internal controls shall specify the number of employees required for each electronic key transaction.

b. The licensee or casino operator is responsible for establishing access to keys in the electronic key box. Access shall be in accordance with job descriptions and detailed in the internal controls.

c. Access to multiple keys in one transaction, not including multiple keys on one key ring, require the employee to enter all key numbers prior to accessing the keys. Each key or key ring shall be secured individually within the electronic key box to prevent employees from accessing keys without authorization.

d. Electronic key access lists shall be updated within 72 hours after a change to an employee's status and/or position.

e. A licensee or casino operator shall review reports daily to identify questionable key transactions and exceptions identified by the system or licensee's or casino operator's employees. Investigations of possible violations shall be documented and maintained for five years.

9. Cage keys, change bank/booth keys and the two keys used to access the key box are the only restricted sensitive keys not required to be maintained in a dual locked key box. All restricted sensitive keys and all other keys stored in a key box with restricted sensitive keys shall be inventoried and accounted for on a quarterly basis. If an electronic key box is used and each key is secured individually, only restricted sensitive keys in the box must be inventoried in accordance with this Section. Restricted sensitive keys include, but are not limited to:

- a. slot drop cabinet keys;
- b. bill validator release keys;
- c. bill validator contents keys;
- d. table drop release keys;
- e. table drop contents keys;
- f. count room keys;
- g. high level Caribbean stud key;
- h. vault entrance key;
- i. CCOM (processor) keys;
- j. card and dice storage keys;
- k. slot office storage box keys where sensitive keys are stored for issuance;
- l. dual lock box keys;
- m. change bank/booth keys;
- n. secondary chip access keys;

o. weigh calibration key;

p. cage door keys; and

q. main bank door keys.

10. Slot drop cabinet keys, bill validator release keys, and table drop release keys shall be accompanied by security at all times.

11. All other sensitive keys not listed in §2715.A.9 shall be listed in the internal controls and controlled as prescribed therein.

12. All sensitive keys shall be logged out and in on a per shift basis unless otherwise approved by the division.

13. If key rings are used, a list must be maintained at the key box with all keys on each key ring.

14. Duplicate keys shall be maintained and issued in such a manner as to provide the same degree of control as is required for the original keys.

15. All damaged sensitive keys shall be disposed of timely and adequately. The licensee or casino operator shall notify the division of the destruction in advance. Notification shall include type of key(s), number of key(s), and the place and manner of disposal.

16. The licensee or casino operator shall notify the division within two hours of discovery that a sensitive key may have been lost or removed from the premises.

B. Restricted Areas

1. All access to the count rooms and the vault shall be documented on a log maintained by the count team and vault personnel respectively. Such logs shall be kept in the count rooms and vault room respectively and be available at all times. The logs shall contain entries with the following information:

- a. name of each person entering the room;
- b. reason each person entered the room;
- c. date and time each person enters and exits the room;
- d. date, time and type of any equipment malfunction in the room;
- e. a description of any unusual events occurring in the room; and
- f. such other information required in the internal controls.

2. The logs shall be forwarded to a department independent of the count team and vault personnel for review of appropriateness of access and to ensure all required information is included.

3. Only transparent trash bags are utilized in restricted areas.

C. Internal Audit

1. An independent CPA firm or an autonomous internal audit department of the licensee or casino operator or their parent company shall be used to perform internal audit work. The same CPA firm shall not perform both internal and external audit functions. The performance of reviews at the request of the licensee's or casino operator's management does not affect independence as long as the internal auditor performs the work free of restrictions from the licensee's or casino operator's management.

2. The licensee or casino operator is responsible for notifying the division of any known, actual, or potential conflict that could impair the internal auditors' independence.

3. The internal audit department or independent CPA firm shall develop reports providing details of all exceptions found and subsequent action taken by the licensee or casino operator.

4. Each licensee and casino operator shall submit copies of the internal audit reports to the division within 15 days of completion of the final report.

5. The licensee or casino operator shall investigate and resolve all material exceptions resulting from internal audit work. The results of the investigation shall be documented, retained, and available to division agents for five years.

D. Addition of Game or Computerized System

1. Before adding or eliminating any game; adding or modifying any computerized system that affects the proper reporting of gaming revenue; adding or modifying any computerized system of betting at a race book; or adding or modifying any computerized system for monitoring slot machines or other games, or any other computerized equipment, the licensee and casino operator shall:

a. amend its accounting and administrative procedures and its internal controls, as necessary;

b. submit to the division a copy of the amendment of the internal controls, signed by the licensee's or casino operator's chief financial officer or general manager, and a written description of the amendments;

c. comply with any written requirements imposed by the division regarding approval of computerized equipment; and

d. after compliance with Subparagraphs a-c of this Paragraph and approval has been issued by the division, implement the procedures and internal controls as amended.

E. Training

1. All personnel responsible for slot machine operations and related computer functions shall be adequately trained before they are allowed to perform gaming functions, maintenance functions, or computerized functions.

a. Each licensee and casino operator shall maintain records to document employee training.

b. Each licensee and casino operator shall create training programs for in-house training and ensure outsourced training adheres to its program requirements.

i. Designated in-house instructors shall meet the following requirements:

(a). full-time employee of the licensee or casino operator; and

(b). certified as an instructor by the manufacturer or its representative.

c. Each licensee and casino operator shall ensure personnel receive training on any new equipment and system prior to implementation. The training shall be in all areas to be used by the licensee or casino operator. Each licensee and casino operator must ensure employees are trained prior to adding or enabling capabilities to equipment or systems.

d. The licensee and casino operator has a continuing obligation to secure additional training whenever necessary to ensure all new employees receive adequate training before they are allowed to perform gaming functions, maintenance functions, or computerized functions.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1633 (July 2012).

§2716. Clothing Requirements

A. All authorized persons accessing any count room when unaudited funds are present shall wear clothing without any pockets or other compartments with the exception of division agents, security personnel, internal auditors, and external auditors.

B. Cage employees shall not bring purses, handbags, briefcases, bags or any other similar item into the cage unless it is transparent.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1633 (July 2012).

§2717. Internal Controls; Table Games

A. Table Games Fill and Credit Slip Requirements (computerized and manual)

1. Each licensee and casino operator shall utilize fill and credit slips to document the transfer of chips and tokens to and from table games. Fill and credit slips shall, at a minimum, be in triplicate form, in a continuous numerical series, pre-numbered or numbered by the computer in a form utilizing the alphabet and only in one series at a time. The alphabet need not be used if the numerical series is not repeated during the business year. All table game fill and credit slips shall be safeguarded in their distribution, use, and control as follows.

a. Each slip shall be clearly and correctly marked "Fill" or "Credit," whichever applies, and shall contain the following:

i. date and time of transaction;

ii. shift;

iii. table number;

iv. game type;

v. amount of fill or credit by denomination and in total;

vi. sequential slip number (manual slips may be issued in sequential order by location); and

vii. identification code of the requestor, in stored data.

b. All fill slips shall be distributed as follows.

i. One part shall be deposited in the table drop box by the dealer/boxperson. The part that is placed in the drop box shall be of a different color for fills than that used for credits or other manner approved by the division.

ii. One part shall be retained in the cage for reconciliation of the cashier bank.

iii. One part shall be forwarded to accounting or retained internally within the computer. This copy shall be known as the "restricted copy" and shall not be accessible to cage or pit employees. The stored data shall not be susceptible to change or removal by cage or pit personnel after preparation of a fill, with the exception of voids. Only accounting shall have access to the restricted copies of the fill slips.

c. All credit slips shall be distributed as follows.

i. One part shall be retained in the cage for reconciliation of the cashier bank.

ii. One part shall be deposited in the table drop box by the dealer/boxperson. The part that is placed in the

drop box shall be a different color for credits than that used for fills or other manner approved by the division.

iii. One part shall be forwarded to accounting or retained internally within the computer. This copy shall be known as the "restricted copy" and shall not be accessible to cage or pit employees. The stored data shall not be susceptible to change or removal by cage or pit personnel after preparation of a credit, with the exception of voids. Only accounting shall have access to the restricted copies of the credit slips.

2. Processed slips shall be signed by the following individuals to indicate that each has counted the amount of the fill or credit and the amount agrees with the slip:

a. cashier who prepared the slip and issued the fill or received the credit transferred from the pit;

b. runner, who shall be a gaming employee independent of the transaction, who carried the chips, tokens, or monetary equivalents to or from the table. This count shall be performed prior to transferring chips, tokens, or equivalents;

c. dealer/boxperson who received the fill or had custody of the credit prior to the transfer; and

d. pit supervisor who supervised the fill or credit.

3. Fill and credit slips that are voided shall be clearly marked "Void" across the face of all non-restricted copies. The cashier shall print his employee number and sign his name on the voided slip. A brief statement of why the void was necessary shall be written on the face of the copies. The pit or cage supervisor who approves the void shall print his employee number and sign his name and shall print or stamp the date and time the void is approved. All copies shall be forwarded to accounting on a daily basis.

4. Access to slips and slip processing areas shall be restricted to authorized personnel.

a. All unissued, pre-numbered fill and credit slips shall be securely stored under the control of the accounting or security department.

b. All unissued pre-numbered fill and credit slips shall be controlled by a log. Monthly, the accounting department shall reconcile the log to purchase invoices for these slips.

5. The accounting department shall account for all slips daily and investigate all missing slips within 10 days. The investigation shall be documented and the documentation retained for a minimum of five years.

B. Computerized Table Fill Transactions

1. Computerized table fill transactions shall be:

a. initiated by a pit supervisor and the order acknowledged by a cage cashier prior to the issuance of a fill slip and transportation of the chips, tokens, and monetary equivalents. The pit supervisor or pit clerk shall process the order for fill by entering the following information into the computer:

i. date and time of transaction;

ii. shift;

iii. table number;

iv. game type;

v. amount of fill by denomination and in total;

and

vi. identification code of preparer;

b. transported and deposited on the table only when accompanied by a completed fill slip;

c. transported from the cage by a gaming employee independent of the transaction. This must be the employee who signs as the runner;

d. broken down or verified by the dealer/boxperson in public view before the dealer/boxperson places the fill in the tray;

e. acknowledged by the pit clerk or cage personnel by computer upon completion of the fill; and

f. finalized by the cage cashier who shall complete the transaction by computer entry.

C. Cross-fills

1. Cross-fills between tables are prohibited.

D. Computerized Table Credit Transactions

1. Computerized table credit transactions shall be:

a. initiated by a pit supervisor and the order acknowledged by a cage cashier prior to the issuance of a credit slip and transportation of the chips, tokens, and monetary equivalents. The pit supervisor or pit clerk shall process the order for credit by entering the following information into the computer:

i. date and time of transaction;

ii. shift;

iii. table number;

iv. game type;

v. amount of credit by denomination and in total;

and

vi. identification code of preparer;

b. broken down or verified by the dealer/boxperson in public view before the dealer/boxperson places the credit in racks for transfer to the cage;

c. transacted and transferred from the table to the cage only when accompanied by a completed credit slip;

d. transported from the table by a gaming employee independent of the transaction. This must be the employee who signs as the runner;

e. acknowledged by the pit clerk or cage personnel by computer upon completion of the credit; and

f. finalized by the pit clerk or cage cashier who shall complete the transaction by computer entry.

E. Alternate Internal Controls for Non-Computerized Table Games Transactions

1. For any non-computerized table games systems, alternate documentation and procedures which provide at least the level of control required by the standards in this Section for fills and credits will be acceptable. Such procedures must be enumerated in the internal controls.

F. Table Games Inventory Procedures

1. All table game inventories shall be counted each gaming day simultaneously by a dealer/boxperson and a pit supervisor, or two pit supervisors. The count shall be conducted at the end of the gaming day, except for tables which are counted and closed before the end of the gaming day. These tables do not have to be recounted at the end of the gaming day if they remained closed. At the beginning and end of each gaming day, each table's chip, token, and coin inventory shall be counted and recorded on a table inventory form. Tables which have remained closed after crediting the entire inventory back to the cage will be exempt from conducting a daily count; however, the zero balance shall be documented in the table games paperwork for each day that they maintain a zero balance.

2. Table inventory forms shall be prepared, verified and signed by the individuals conducting the count.

3. If the table banks are maintained on an imprest basis, a final fill or credit shall be made to bring the bank back to the imprest amount.

4. If final fills are not made, beginning and ending inventories shall be recorded on the master game sheet for win calculation purposes.

5. Table inventory forms shall be placed in the drop box by someone other than a pit supervisor.

G. Credit Procedures in the Pit

1. Prior to the issuance of gaming credit to a player, the employee extending the credit shall determine if credit is available.

2. Proper authorization to extend credit in excess of the previously established limit shall be documented.

3. Issuance of credit shall be documented by the creation of a marker slip, which is a formal record of the credit transaction.

4. Marker preparation shall be initiated and other records updated within two hands of play following the initial issuance of credit to the player.

5. All credit extensions shall be initially evidenced by marker buttons representing the amount of credit extended, which shall be placed by pit supervisory personnel on the table in public view.

6. Marker buttons shall be removed only by the dealer or boxperson employed at the table upon completion of a marker transaction.

7. The marker slip shall, at a minimum, be in triplicate form, pre-numbered or numbered by the printer, and utilized in numerical sequence. Manual markers may be issued in numerical sequence by location. The three parts shall be utilized as follows:

a. the original slip shall be maintained in the pit until paid or transferred to the cage;

b. the payment slip shall be sent to the cage accompanied by the original and a transfer slip, or maintained in the pit until:

i. the marker is paid, including partial payments, at which time it shall be placed in the drop box;

ii. the end of the gaming day, at which time it shall be sent to the cage accompanied by the original and a transfer slip;

c. the issue slip shall be inserted into the appropriate table drop box when credit is extended or when the player has signed the original.

8. The original slip shall include the following information:

a. marker number;

b. player's name and signature;

c. date; and

d. amount of credit issued.

9. The issue slip shall include the same marker number as the original slip, the table number, date and time of issuance, and amount of credit issued. The issue slip also shall include the signature of the individual extending the credit and the signature or initials of the dealer at the applicable table, unless this information is included on another document verifying the issued marker.

10. The payment slip shall include the same marker number as the original. When the marker is paid in full in the

pit, it shall also include the table number where paid, date and time of payment, manner of payment such as cash or chips and amount of payment. The payment slip shall also include the signature of a pit supervisor acknowledging payment and the signature or initials of the dealer/boxperson receiving payment, unless this information is included on another document verifying the payment of the marker.

11. The pit shall notify the cage by computer when the transaction is completed. The cage or another independent source shall update the patron's credit record within a reasonable time, in accordance with the internal controls, subsequent to each issuance.

12. Voided markers (computer-generated and manual) shall be clearly marked "Void" across the face of all copies. The supervisor who approves the void shall print their employee number and sign their name, print or stamp the date and time the void is approved, and print the reason for the void. All copies of the voided marker shall then be forwarded to accounting and retained for a minimum of five years.

13. Marker documentation shall be inserted in the drop box by the dealer/boxperson at the table.

14. When partial payments are made in the pit, a new marker shall be completed which shall note the remaining balance and the number of the original marker.

15. When partial payments are made in the pit, the payment slip of the original marker shall be properly cross-referenced to the new marker number and inserted into the drop box.

16. The cashier's cage or another independent source shall be notified when payments, full or partial, are made in the pit so credit records can be updated for such transactions. Notification shall be before the patron's play is completed or at shift end, whichever is earlier.

17. All portions of markers, both issued and unissued, shall be safeguarded and procedures shall be employed to control the distribution, use and access to the forms.

18. The accounting department shall investigate the loss of any part of a numbered marker form immediately upon discovery of the missing part. Accounting shall be notified immediately when another department discovers part of a numbered marker form is missing. The investigation is to determine the cause and responsibility for the lost form. The results of the investigation shall be documented and maintained for five years. The licensee or casino operator shall notify the division in writing of the loss, disappearance or failure to account for marker forms within 10 days of such occurrence.

19. When markers are transferred to the cage, marker transfer slips shall be utilized and such documents shall include, at a minimum, the date, time, shift, marker number(s), table number(s), amount of each marker, the total amount transferred, and the signature of pit supervisor releasing instruments from the pit.

20. Markers shall be transported to the cashier's cage by an individual who is independent of the marker issuance and payment functions. Pit clerks may perform this function.

21. Marker log documentation shall be maintained by numerical sequence, indicating marker number, name of patron, date marker issued, date paid, manner of payment, if a combination of payment methods, the amount paid by each method, and amount of credit remaining.

H. Non-marker Credit Play

1. Non-marker credit play shall be prohibited except as provided in this Section.

2. Prior to accepting credit instruments, except traveler's checks, from a player, the employee extending the credit shall contact the cashier or another independent source to determine if the player's credit limit has been properly established and the remaining credit available is sufficient for the advance.

3. All credit instruments shall be transferred to the cashier's cage immediately following the acceptance of the instrument and issuance of chips.

4. An order for credit shall be completed and include the patron's name and amount of the credit instrument in addition to the information required for a standard table credit.

5. The acceptance of payments in the pit for non-marker credit instruments is strictly prohibited.

6. All non-marker credit play shall be evidenced by the placement of a lammer, a button with numbers representing the total amount of credit provided, or other item in the amount equal to the wager.

7. The pit supervisor shall place the lammer in the wagering area of the table only after the supervisor's specific authorization.

8. Non-marker credit extensions shall be settled at the end of each hand of play by the preparation of a marker or payoff of the wager.

9. There shall be no other extension of credit without a marker.

I. Call Bets

1. Call bets shall be prohibited. A call bet is a wager made without chips, tokens, or cash.

J. Table Games Drop Procedures

1. The drop process shall be conducted at least once each gaming day according to a schedule submitted to the division setting forth the specific times for such drops. Each licensee and casino operator shall notify the division of any changes to such schedules at least five days prior to implementing a change to this schedule, except in emergency situations. Emergency drops, which require removal of the table drop box, require written notification to the division within 24 hours following the emergency drop. The drop process shall be conducted as follows:

a. All locked drop boxes shall be removed from the tables by an individual independent of the pit. Surveillance shall be notified when the drop process begins. The entire drop process shall be recorded by surveillance. At least one surveillance employee shall monitor the drop process at all times. This employee shall record on the surveillance log the times that the drop process begins and ends, and any exceptions or variations to established procedures observed during the drop including each time the count room door is opened.

b. Upon removal from the tables, the drop boxes are to be placed in a drop box storage rack and locked therein for transportation directly to the count area or other secure place approved by the division and locked in a secure manner until the count takes place.

c. The transporting of drop boxes shall be performed by a minimum of two individuals, at least one of whom is a security officer.

d. Access to all drop boxes regardless of type, full or empty, shall be restricted to authorized members of the drop and count teams.

K. Table Games Count Procedures. The counting of table game drop boxes shall be performed by a soft count team with a minimum of three persons. Count tables shall be transparent to enhance monitoring. Surveillance shall be notified when the count process begins and the count process shall be monitored in its entirety and recorded by surveillance. At least one surveillance or internal audit employee shall watch the entire count process on at least two days per month that shall be randomly selected. Surveillance shall record on the surveillance log any exceptions or variations to established procedures observed during the count. Surveillance shall notify count team members immediately if surveillance observes the visibility of hands or other activity is consistently obstructed in any manner. Testing and verification of the accuracy of the currency counter shall be conducted and documented quarterly. This test shall be witnessed by someone independent of the count team members.

1. Count team members shall be:

a. rotated on a routine basis. Rotation is such that the count team does not consist of only the same three individuals more than four days per week; and

b. independent of transactions being reviewed and counted and the subsequent accountability of soft drop proceeds.

2. Soft count shall be performed daily and include:

a. a test count of the currency counter prior to the start of each count;

b. the emptying and counting of each drop box individually;

c. the recordation of the contents of each drop box on the count sheet in ink or other permanent form prior to commingling the funds with funds from other boxes;

d. the display of empty drop boxes to another member of the count team or to surveillance;

e. the comparison of table numbers scheduled to be dropped to a listing of table numbers actually counted to ensure that all table game drop boxes are accounted for during each drop period;

f. the correction of information originally recorded by the count team on soft count documentation by crossing out the error, entering the correct figure, and then obtaining the initials of at least two count team members who verified the change;

g. the signatures of all members of the soft count team on the count sheet attesting to the accuracy of table games drop after the count sheet has been reconciled to the currency;

h. the transfer of all monies and monetary equivalents that were counted to the cage cashier who is independent of the count team or to an individual independent of the revenue generation and the count process for verification. This individual certifies by his signature the accuracy of the monies delivered and received from the soft count team. If a pass-through window between the count room and the vault is not utilized, monies shall be transferred in a locked transport cart; and

i. the delivery of the count sheet, with all supporting documents, promptly to the accounting

department by a count team member. Alternatively, it may be adequately secured (e.g., locked in a container to which only accounting personnel can gain access) until retrieved by the accounting department.

3. Access to the count room during the count shall be restricted to members of the drop and count teams, division agents, authorized observers as approved by the division and supervisors for resolution of problems. Access shall be further restricted unless three count team members are present. Authorized maintenance personnel shall enter only when accompanied by security.

4. Accounting shall perform the following functions:

a. match the original and first copy of the fill and credit slips;

b. match orders for fills and credits to the fill and credit slips;

c. examine fill and credit slips for inclusion of required information and recordation on the master gaming report;

d. trace or record pit marker issue and payment slips to the master gaming report by the count team, unless other procedures are in effect which assure that issue and payment slips were placed into the drop box in the pit;

e. examine and trace or record the opening and closing table and marker inventory forms to the master gaming report; and

f. review accounting exception reports for the computerized table games on a daily basis for propriety of transactions and unusual occurrences. Documentation of the review and its results shall be retained for five years.

L. Table Games Key Control Procedures

1. The keys used for table game drop boxes and soft count keys shall be controlled as follows.

a. Drop box release keys shall be maintained by a department independent of the pit department. Only the person authorized to remove drop boxes from the tables shall be allowed access to the release keys. Count team members may have access to the release keys during the soft count in order to reset the drop boxes. Persons authorized to remove the table game drop boxes are precluded from having access to drop box contents keys. The physical custody of the keys needed for accessing full drop box contents requires involvement of persons from three separate departments. The involvement of at least two individuals independent of the cage department is required to access empty drop boxes.

b. Drop box storage rack keys shall be maintained by a department independent of the pit department. Someone independent of the pit department shall be required to accompany such keys and observe each time drop boxes are removed from or placed in storage racks. Persons authorized to obtain drop box storage rack keys shall be precluded from having access to drop box contents keys with the exception of the count team.

c. Drop box contents keys shall be maintained by a department independent of the pit department. Only count team members are allowed access to the drop box contents keys. This control is not applicable to emergency situations which require drop box access at other than scheduled count times. At least three persons from separate departments, one of which shall be management, must participate in these situations. The reason for access must be documented with the signatures of all participants and observers.

d. The issuance of soft count room keys and other count keys shall be witnessed by two gaming employees who shall be from different departments. Neither of these two employees shall be members of the soft count team.

e. All duplicate keys shall be maintained and issued in a manner which provides the same degree of control over drop boxes as is required for the original keys.

M. Supervisory Controls

1. Pit supervisory personnel with authority equal to or greater than those being supervised shall provide supervision of all table games.

N. Accounting and MIS

1. Backup and Recovery

a. MIS shall perform backup of system data daily. Backup and recovery procedures shall be written and distributed to all applicable personnel. These policies shall include information and procedures (e.g., a description of the system, systems manual, etc.) that ensure the timely restoration of data in order to resume operations after a hardware or software failure.

b. MIS shall maintain either printed or electronic copies of system-generated edit reports, exception reports, and transaction logs.

2. Access to Software and Hardware

a. Management shall establish security groups based on each employee's job requirements. These groups will determine the access level of the employee. This information shall be maintained by MIS and include the employee's name, position, identification number, and the date authorization is granted. These files shall be updated as employees or the functions they perform change.

b. MIS shall print and review the computer security access report monthly. Discrepancies shall be investigated, documented, and maintained for five years.

c. Only authorized personnel shall have physical access to the computer software and hardware.

d. All changes to the system and the name of the individual who made the change shall be documented.

e. Reports and other output generated by the system shall be available and distributed to authorized personnel only.

3. Computer Control

a. The pit credit system shall be secured so that only authorized users can access it.

b. The delete option within an individual program shall be secured so that only authorized users can execute it. The delete option shall not allow for the deletion of any gaming transaction or void.

c. Each licensee and casino operator shall change passwords in accordance with documented IT password security best practices, as specified in the internal controls. Password complexity shall be of sufficient strength to ensure security against false entry by unauthorized personnel.

d. The secured copies, restricted copies, and other electronically stored documents required by these rules and those necessary to calculate gaming revenue and expenses shall be retained for five years.

e. The division shall have access to all information pertaining to table games.

O. Table Games Records

1. Each licensee and casino operator shall maintain records and reports reflecting drop, win and drop hold

percentage by table and type of game by day, cumulative month-to-date, and cumulative year-to-date. The reports shall be presented to and reviewed by management independent of the pit department on at least a monthly basis. The independent management shall investigate any unusual statistical fluctuations with pit supervisory personnel. At a minimum, investigations are performed for all statistical percentage fluctuations from the base level for a month in excess of plus or minus three percentage points. The base level is defined as the licensee's or casino operator's statistical win to statistical drop percentage for the previous business year. The results of such investigations shall be documented in writing and maintained for at least five years by the licensee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1635 (July 2012).

§2719. Internal Controls; Handling of Cash

A. Currency of the United States received from a patron in the gaming area shall be promptly placed:

1. in the lock box at the table;
2. in the appropriate place in the cashiers' cage; or
3. in an appropriate place on the table, in the cash register, or in another repository approved by the division on those games which do not have a lock box, including poker tables.

B. No cash wagers shall be accepted at any gaming table. Cash shall be converted to chips or tokens for wagering. All wagers other than those made with the licensee's or casino operator's approved chips, tokens, or other division approved methods are expressly prohibited.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1640 (July 2012).

§2721. Internal Controls; Tips or Gratuities

A. All gaming employees shall convert cash tips or gratuities from a patron to value chips except for slot gaming employees, change persons, cashiers, and bar tenders who may accept cash as a tip or gratuity from a patron. Security personnel may accept cash tips or gratuities outside the designated gaming areas of the casino.

B. No key gaming employee or any other gaming employee who serves in a supervisory position as outlined in the internal controls, shall accept a tip or gratuity.

C. No employee shall solicit a tip or gratuity.

D. All tips and gratuities given to dealers at table games, except as provided for in Subsection E of this Section, shall be:

1. immediately deposited in a transparent locked box reserved for that purpose. If non-value chips are received at a roulette table, the marker button indicating their specific value shall not be removed from the slot or receptacle attached to the outer rim of the roulette wheel until after a dealer in the presence of a supervisor has converted the non-value chips into value chips. Procedures for accepting non-value chips received as tips shall be defined in the internal controls;

2. counted and recorded by a randomly selected dealer and a randomly selected employee who is independent of the tips being counted; and

3. placed in a pool for pro rata distribution among the dealers on a basis that coincides with the normal pay period. Tips or gratuities from this pool shall be deposited into the licensee's or casino operator's payroll account. Distributions to dealers from this pool shall be made in accordance with the payroll accounting practices and shall be subject to all applicable state and federal withholding taxes.

E. A licensee or casino operator may elect to handle tips generated in its poker room separately from the pro rata distribution pool. Tips or gratuities may be assigned to the dealer generating the tip or gratuity, and the following procedures shall be used.

1. Each dealer shall have a locked transparent box marked with his name or otherwise coded for identification. Keys to these boxes shall be maintained by the cage department. When not in use, these boxes shall be stored in a locked storage cabinet or other approved lockable storage in the poker room. Keys to the storage cabinet shall be maintained and used as specified in the internal controls.

2. When a poker dealer arrives at his assigned poker table, the dealer shall obtain his marked transparent locked box. The box shall be placed at the poker table in the same manner as any other dealer token box. If the dealer leaves the poker table, the dealer's marked box shall be removed from the table by the dealer and secured.

3. At the end of the dealer's shift, the dealer shall take that dealer's marked transparent locked box to the cage for counting. The cage employee shall unlock, empty, and relock the box. The cage employee shall count the contents of the box in the presence of the dealer. The amount shall be recorded on a three-part voucher and signed by the cage employee and the dealer. The three parts of the voucher shall be distributed as follows:

- a. one part shall be given to the dealer;
- b. one part shall be maintained by the cage; and
- c. one part shall be forwarded to the payroll department.

4. Tips or gratuities shall be deposited into the licensee's or casino operator's payroll account. Distribution to the dealer shall be made in accordance with the payroll accounting practices and shall be subject to all applicable state and federal withholding taxes and regulations. No distributions shall be made to the dealer in any other manner.

5. A poker room dealer may tip any cashier working as the poker room cashier during the poker room dealer's shift. Any such tip shall be handled when the poker room dealer's tips are counted as defined above. A section of the dealer's tip voucher shall be marked to allow the dealer to indicate which cashier(s) the dealer wishes to tip and the amount. The tip shall be deducted from the dealer's total tips at the time of the count. Tips given to a cashier in this manner shall be distributed to the cashier in accordance with the payroll accounting practices and shall be subject to all applicable state and federal withholding taxes and regulations. No tips from a poker room dealer shall be made to a cashier in any other manner.

F. Upon receipt from a patron of a tip or gratuity, a dealer assigned to the gaming table shall extend his arm in an overt motion and deposit such tip or gratuity in the transparent locked box reserved for such purpose.

G. All tips received by employees not covered in Subsections D and E of this Section shall be deposited into the licensee's or casino operator's payroll account and distributed to employees in accordance with the internal controls. Distributions to employees from this pool shall be made following the payroll accounting practices and shall be subject to all applicable state and federal withholding taxes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1640 (July 2012).

§2723. Internal Controls; Slots

A. Any reference to slot machines or slots in this Section includes all electronic gaming devices. Provisions in this Section which are only applicable when coins and tokens are used shall not apply to coinless and tokenless devices.

B. Whenever a patron wins a jackpot that is not totally and automatically paid directly from the electronic gaming device, a slot attendant shall prepare and process a request for jackpot payout form in accordance with the internal controls. A request for jackpot payout form is not required if all of the following conditions are met:

1. a slot representative initiates an automated jackpot slip at the game;
2. a jackpot slip is generated through the computer system; and
3. the cashier uses this information to pay the jackpot.

C. The request for jackpot payout form shall contain, at a minimum, the following information:

1. date and time the jackpot was processed;
2. the electronic gaming device machine number and location number;
3. the denomination of the electronic gaming device;
4. number of credits played;
5. combination of reel characteristics;
6. on short pays, amount the machine paid;
7. amount of hand-paid jackpot;
8. signature of the slot attendant if for a pouch pay, quick pay, or other similar approved payment process; and
9. if a pouch pay, quick pay, or other similar payment process, the signature of the witness to the payment. If the pouch pay is under the amount approved by the division in the internal controls, this signature is not required.

D. Each licensee and casino operator shall use multi-part jackpot payout slips to document any jackpot payouts or short pays. The jackpot slips shall be in a continuous numerical series, pre-numbered or numbered by the printer in a form utilizing the alphabet, and only in one series at a time. The alphabet need not be used if the numerical series is not repeated during the business year. Manual jackpot slips may be utilized in numerical sequence by location

1. A three-part jackpot payout slip which is clearly marked "jackpot" shall be utilized. The third copy may be the secured copy retained in the computer or whiz machine. Each jackpot slip shall include the following information:

- a. date and time the jackpot was processed;
- b. denomination;

c. machine and location number of the electronic gaming device on which the jackpot was registered;

d. number of credits played;

e. dollar amount of payout in both alpha and numeric. Alpha is optional if another unalterable method is used for evidencing the amount of the jackpot or short pay;

f. game outcome including reel symbols, card values and suits, etc., for jackpot payouts;

g. slip number;

h. signature of the cashier;

i. signature of a slot attendant. This signature is after the receipt of money from the cashier to verify the attendant received the correct amount of money; and

j. verification and witness by an additional permitted gaming employee if the jackpot is less than \$1,200. This signature is not required if the jackpot is paid in accordance with §2723.C.9. If the jackpot is \$1,200 or greater, the additional permitted gaming employee shall be a security officer.

2. When paying a jackpot slip where the jackpot request is used to document a pouch pay, quick pay or other similar payment process, the cashier shall:

- a. verify the required signatures are on the request;
- b. verify the information on the request matches the information on the jackpot payout form;
- c. sign the jackpot payout form verifying that the request and the slip match and that the proper amount of money was paid to the attendant; and
- d. attach the request to the jackpot payout form.

3. Voided jackpot slips shall be clearly marked "Void" across the face of all copies. On manual jackpot slips, only the first and second copies must have "Void" written across the face. The employee initiating the void shall print their name and employee number and sign their name on the voided slip. The supervisor who approves the void shall print their name and employee number and sign the voided slip. The supervisor shall print or stamp the date and time the void is approved. Either the supervisor or the initiating employee shall note why the slip was voided on the face of all copies. All copies of the voided slip shall be forwarded to accounting.

4. Computerized slot systems and components shall be restricted to prevent unauthorized access and fraudulent payouts.

5. Jackpot payout forms shall be controlled and routed in a manner that precludes a fraudulent payout by forging signatures, or by altering the amount paid subsequent to the payout, and misappropriating the funds. One copy of the jackpot payout slip shall be retained in a locked box located outside the change booth or cage where jackpot payout slips are executed or as otherwise approved by the division.

6. Jackpot overrides shall have the notation "override" printed on all copies, and shall be approved by a slot supervisor. Jackpot override reports shall be run on a daily basis by a department independent of slots.

E. If a jackpot is \$1,200 or greater in value, the following shall be obtained by the slot attendant prior to payout and for preparation of a Form W-2G:

1. a valid ID;
2. the name, address, and Social Security number, if applicable, of the patron;

3. amount of the jackpot; and
4. any other information required for completion of the Form W-2G.

F. If the jackpot is \$5,000 or more, in addition to Subsections D and E of this Section, a surveillance photograph shall be taken of the winner and the payout form shall be signed by a slot supervisor or casino shift manager. The requirements of this Subsection shall be met prior to the device being returned to operation.

G. If the jackpot is greater than \$10,000, in addition to Subsections D, E, and F of this Section, the slot attendant shall notify a slot technician who shall remove the electronic board housing the program storage media and inspect the board to ensure no division seals are broken. A surveillance photograph of the division seal covering the program storage media shall be taken before the jackpot is paid. This photograph shall be attached to the jackpot payout form. The requirements of this Subsection shall be complied with prior to the device being returned to operation.

H. If the jackpot is \$500,000 or more, in addition to Subsections D, E, F, and G of this Section, the licensee or casino operator shall immediately call for a division agent. Surveillance shall constantly monitor the electronic gaming device until payment of the jackpot has been completed or until otherwise directed by a division agent. With the exception of surveillance monitoring the game and the processing of the jackpot slip, W-2G, and DCFS jackpot intercept search, no action shall be taken until a division agent is present. A slot technician shall remove the electronic board housing the program storage media. The slot technician shall inspect and test the program storage media in a manner prescribed by the division. Surveillance shall monitor the entire process of inspecting and testing. The payout form shall be signed by a designated licensee or casino operator representative as specified in the internal controls. The device shall not be placed back into service until all requirements of this Subsection are met.

I. Each licensee and casino operator shall use multi-part slot fill slips to document any fill made to a slot machine hopper. The fill slips shall be in a continuous numerical series, pre-numbered or numbered by the printer in a form utilizing the alphabet, and only in one series at a time. The alphabet need not be used if the numerical series is not repeated during the business year. Manual fill slips may be utilized in numerical sequence by location.

1. A three-part slot fill slip which is clearly marked "fill" shall be utilized. The third copy may be the secured copy retained in the computer or whiz machine. Each fill slip shall include the following information:

- a. date and time;
- b. machine and location number;
- c. dollar amount of slot fill in both alpha and numeric. Alpha is optional if another unalterable method is used for evidencing the amount of the slot fill;
- d. signatures of at least two employees verifying and witnessing the slot fill; and
- e. slip number.

2. Computerized slot fill slips shall be restricted so as to prevent unauthorized access and fraudulent slot fills.

3. Hopper fill slips shall be controlled and routed in a manner that precludes a fraudulent fill by forging signatures, or by altering the amount paid subsequent to the fill, and

misappropriating the funds. One copy of the hopper fill slip shall be retained in a locked box located outside the change booth or cage where hopper fill slips are executed or as otherwise approved by the division.

4. The initial slot fills shall be considered part of the coin inventory and shall be clearly designated as "slot loads" on the slot fill slip.

5. Voided slot fill slips shall be clearly marked "Void" across the face of all copies. On manual fill slips, only the first and second copies shall have "Void" written across the face. The employee initiating the void shall print their name and employee number and sign their name on the voided slip. The supervisor who approves the void shall print their name and employee number and sign the slip. The supervisor shall stamp or print the date and time the void is approved. Either the supervisor or the initiating employee shall note why the slip was voided on the face of all copies. All copies shall be forwarded to accounting for accountability and retention on a daily basis.

6. Slot fill slips shall be used in sequential order.

J. Slot Drop

1. The licensee or casino operator shall remove the slot drop from each machine according to a schedule submitted to the division, setting forth the specific times for such drops. The division reserves the right to deny a licensee's or casino operator's drop schedule or schedule change with cause. All slot drop buckets, including empty slot drop buckets, shall be removed according to the schedule. Each licensee and casino operator shall notify the division at least five days prior to implementing a change to this schedule, except in emergency situations. Emergency drops, including those for maintenance and repairs, which require removal of the slot drop, require written notification to the division within 24 hours detailing date, time, machine number and reason.

2. Each licensee and casino operator shall submit its drop transportation route from the gaming area to the count room to the division prior to implementing or changing the route.

3. The slot drop process shall be completed as follows.

a. Prior to opening any slot machine, emptying or removing any slot drop bucket, security and surveillance shall be notified that the drop is beginning. The slot drop process shall be monitored in its entirety and recorded by surveillance including transportation to the count room or other secured area as approved by the division. At least one surveillance employee shall monitor the drop process at all times. This employee shall document on the surveillance log the time that the drop process begins and ends and any exceptions or variations to established procedures observed during the drop.

b. A minimum of three employees shall be involved in the removal of the slot drop, at least one of whom is independent of the slot department.

c. The drop team shall collect each drop bucket and ensure that the correct tag or number is added to each bucket.

d. Security shall be provided over the slot buckets removed from the slot drop cabinets prior to being transported to the count area. Slot drop buckets must be

secured in a locked slot drop cabinet or cart during transportation to the count area.

e. If more than one trip is required to remove the slot drop buckets from all of the machines, the filled carts or coins shall be either locked in the count room or secured in another equivalent manner as approved by the division.

f. At least once per year, in conjunction with the regularly scheduled drop, a complete sweep shall be made of hopper and drop bucket cabinets for loose tokens and coins. Such tokens and coins should be placed in respective hoppers and drop buckets and not commingled with other machines' hoppers and drop buckets.

g. Once all drop buckets are collected, the drop team shall notify security and surveillance that the drop has ended.

h. At the end of the last gaming day of each calendar month, the licensee's or casino operator's drop shall include drop buckets from all slot machines.

K. The contents of the slot drop shall be counted in a hard count room according to a schedule, submitted to the division, setting forth the specific times for such counts. The hard count process shall be completed as follows.

1. The issuance of the hard count room key shall be witnessed by two gaming employees, who shall be from different departments. Neither of these two employees shall be members of the count team.

2. Access to the hard count room during the slot count shall be restricted to members of the drop and count team, supervisors for resolution of problems, division agents, and authorized observers as approved by the division. Authorized maintenance personnel may enter only when accompanied by security. All persons exiting the count room, with the exception of division agents, shall be examined by security with a properly functioning hand-held metal detector (wand).

3. The slot count process shall be monitored in its entirety and recorded by surveillance including transportation to the count room or other secured area as approved by the division. On at least two days per calendar month that shall be randomly selected, at least one surveillance or internal audit employee shall watch the count process. Surveillance shall document on the surveillance log the times that the count process begins and ends, and any exceptions or variations to established procedures observed during the count, including each time the count room door is opened. If surveillance observes the visibility of the count team's hands or other activity is continuously obstructed at any time, surveillance shall immediately notify the count room employees.

4. Prior to each count, the count team shall perform a test of the weigh scale with varying weights or with varying amounts of previously counted coin for each denomination to ensure the scale is properly calibrated. The results shall be recorded and signed by at least two count team members. The initial weigh and count shall be performed by a minimum of three employees, who shall be rotated on a routine basis. The rotation shall be such that the count team does not consist of only the same three employees more than four days per week.

5. The slot count team shall be independent of the generation of slot revenue and the subsequent accountability of slot count proceeds. Slot department employees can be

involved in the slot count or subsequent transfer of the wrap, if they perform in a capacity below the level of slot shift supervisor.

6. The following functions shall be performed in the counting of the slot drop.

a. The slot weigh and wrap process shall be controlled by a count team supervisor. The supervisor shall be precluded from performing the initial recording of the weigh and count unless a weigh scale with a printer is used.

b. Each drop bucket shall be emptied and counted individually. Drop buckets with zero drop shall be individually entered.

c. Contents of each drop bucket shall be recorded on the count sheet in ink or other permanent form prior to commingling the funds with funds from other buckets. If a weigh scale interface is used, the slot drop figures shall be transferred by direct line to computer storage media.

d. The recorder and at least one other count team member shall sign the weigh tape attesting to the accuracy of the initial weigh and count.

e. All employees who participate in the weigh, count or wrap process shall sign the count sheet.

f. The coins shall be wrapped and reconciled in a manner which precludes the commingling of the current slot drop with the next slot drop.

g. Transfers out of the count room shall be recorded on a separate multi-part numbered form, used solely for slot count transfers, which is subsequently reconciled by the accounting department to ensure the accuracy of the reconciled wrapped slot drop. Transfers are counted and signed for by at least two members of the count team, a cage or vault cashier, and someone independent of the count team who is responsible for authorizing the transfer.

h. If the count room serves as a coin room and coin room inventory is not secured so as to preclude access by the count team, there shall be compliance with the following:

i. at the commencement of the slot count:

(a). the coin room inventory shall be counted by at least two employees, one of whom shall be a member of the count team and the other shall be independent of the weigh, count, and wrap procedures; and

(b). the above count shall be recorded on an appropriate inventory form;

ii. upon completion of the wrap of the slot drop:

(a). at least two members of the count team shall count the ending coin room inventory separately and reconcile the two counts;

(b). the above counts shall be recorded on a summary report(s) which evidences the calculation of the final wrap by subtracting the beginning inventory from the sum of the ending inventory and transfers in and out of the coin room;

(c). the same count team members who counted the ending coin room inventory shall compare the calculated wrap to the initial weigh or count, recording the comparison and noting any variances on the summary report;

(d). a member of the cage or vault department counts the ending coin room inventory by denomination. This count shall be reconciled to the beginning inventory, wrap, transfers and initial weigh or count on a timely basis by the cage or vault or other department independent of the slot department and the weigh and wrap procedures; and

(e). at the conclusion of the reconciliation, at least two count team members and the verifying employee shall sign the summary report(s) attesting to its accuracy.

i. If the count room is segregated from the coin room, or if the coin room is used as a count room and the coin room inventory is secured to preclude access by the count team, upon completion of the wrap of the slot drop:

i. at least two members of the count team shall count the final wrapped slot drop independently from each other;

ii. the above counts shall be recorded on a summary report;

iii. the same count team members as discussed above (or the accounting department) shall compare the final wrap to the weigh or count recording the comparison and noting any variances on the summary report;

iv. a member of the cage or vault department shall count the wrapped slot drop by denomination and reconcile it to the count;

v. at the conclusion of the reconciliation, at least two count team members and the cage or vault employee shall sign the summary report attesting to its accuracy; and

vi. the wrapped coins, exclusive of proper transfers, are transported to the cage, vault or coin vault after the reconciliation of the weigh or count to the wrap.

j. The count team shall compare the weigh or count to the wrap count daily. Variances of 2 percent or greater per denomination between the weigh or count and wrap shall be investigated on a daily basis. The results of such investigation shall be documented and maintained for five years.

k. All slot count and wrap documentation, including any applicable computer storage media, shall be immediately delivered to the accounting department by an employee independent of the cage department. Alternatively, it may be secured until retrieved by the accounting department.

l. Corrections on slot count documentation shall be made by crossing out the error, entering the correct figure, and having at least two count team employees initial the correction. If a weigh scale interface is used, corrections to slot count data shall be made using either of the following:

i. crossing out the error on the slot document, entering the correct figure, and having at least two count team employees initial the correction. If this procedure is used, an employee independent of the slot department and count team enters the correct figure into the computer system prior to the generation of a related slot report(s);

ii. during the count process, correcting the error in the computer system and entering the passwords of at least two count team employees. If this procedure is used, an exception report shall be generated by the computer system identifying the slot machine number, the error, the correction and the count team employees attesting to the corrections.

m. At least three employees shall be present throughout the wrapping of the slot drop. If the slot count is conducted with a continuous mechanical count meter, which is not reset during the count and is verified in writing by at least three employees at the start and end of each denomination count, then this requirement is not applicable.

n. If the coins are not wrapped immediately after being weighed and counted, they shall be secured and not

commingled with other coin. The term "wrapped slot drop" includes wrapped, bagged (with continuous metered verification), and racked coins and tokens.

o. If the coins are transported off the property, a second, alternative count procedure shall be performed before the coins leave the property and any variances shall be documented.

L. Each hard count area shall be equipped with a weigh scale to weigh the contents of each slot drop bucket.

1. A weigh scale calibration module shall be secured to prevent unauthorized access and shall have the manufacturer's control to preserve the integrity of the device. Internal audit shall observe testing of the accuracy of the weigh scale and weigh scale interface at a minimum of once per quarter, document the results, and maintain the records for five years. The manufacturer shall calibrate the weigh scale at a minimum of once per year. Someone independent of the cage, vault, slot and count team functions shall be required to be present whenever the calibration module is accessed. Such access shall be documented and maintained. The controller or his designee shall be the only person(s) with access to the weigh calibration keys.

2. If a weigh scale interface is used, it shall be adequately restricted to prevent unauthorized access.

3. If the weigh scale has a "zero adjustment mechanism," it shall be either physically limited to minor adjustments or physically situated such that any unnecessary adjustments to it during the weigh process would be observed by other count team members.

4. If a mechanical coin counter is used, instead of a weigh scale, procedures equivalent to those described in this Section shall be utilized.

M. Each licensee and casino operator shall maintain accurate and current records for each slot machine including:

1. initial meter readings, both electronic and system, including coin in, coin out, drop, total jackpots paid, and games played for all machines. These readings shall be recorded prior to commencement of patron play for both new machines and machines changed in any manner other than changes in theoretical hold;

2. a report produced at least monthly showing month-to-date and year-to-date actual hold percentage computations for individual machines and a comparison to each machine's theoretical hold percentage. If practicable, the report should include the actual hold percentage for the entire time the machine has been in operation. Actual hold equals dollar amount of win divided by dollar amount of coin in. Variances between theoretical hold and actual hold of greater than 2 percent shall be investigated on an annual basis, resolved, and the findings documented;

3. records for each machine which indicate the dates and type of changes made and the recalculation of theoretical hold as a result of the changes;

4. the date the machine was placed into service, the date the machine was removed from operation, the date the machine was placed back into operation, and any changes in machine numbers and designations;

5. system meter readings which:

a. shall be recorded immediately prior to or subsequent to each slot drop;

b. shall be reviewed by the accounting department for reasonableness using pre-established parameters. Meters

which do not meet the parameters for reasonableness shall be reviewed with slot department employees and documented. As necessary, meters shall be repaired and clerical errors in the recording of meter readings shall be corrected; and

c. shall be backed up daily and transferred weekly to an off-site secured storage location that is approved by the division;

6. statistical reports, which shall be reviewed by both slot department management and management employees independent of the slot department on a monthly basis;

7. theoretical hold worksheets, which shall be reviewed by both slot department management and management employees independent of the slot department semi-annually;

8. maintenance of the computerized slot monitoring system data files, which shall be performed by a department independent of the slot department. Alternatively, maintenance may be performed by slot supervisory employees if sufficient documentation is generated and it is randomly verified by employees independent of the slot department on a daily basis; and

9. updates to the computerized slot monitoring systems which reflect additions, deletions or movements of slot machines, which shall be made immediately preceding the addition or deletion in conjunction with electronic meter readings and the weigh process.

N. When slot machines are removed from the floor, slot loads, including hopper fills, shall be dropped in the slot drop bucket and routed to the coin room for inclusion in the next hard count.

O. Currency Acceptor Drop and Count Standards

1. Electronic gaming devices accepting U.S. currency and other approved equivalents shall provide a locked drop box whose contents are separately keyed from the drop bucket cabinet.

2. The currency acceptor drop box shall be removed by an employee independent of the slot department according to a schedule, submitted to the division, setting forth the specific times for such drops. Each licensee and casino operator shall notify the division at least five days prior to implementing a change to this schedule, except in emergency situations. Emergency drops, including those for maintenance and repairs, which require removal of the currency acceptor drop box, require written notification to the division within 24 hours detailing date, time, machine number and reason. Prior to emptying or removing any currency acceptor drop box, the drop team shall notify security and surveillance that the drop is beginning.

3. The currency acceptor drop process shall be monitored in its entirety and recorded by surveillance including transportation to the count room or other secured areas as approved by the division. At least one surveillance employee shall monitor the drop process at all times. This employee shall document on the surveillance log the time that the drop begins and ends, as well as any exceptions or variations to established procedures observed during the drop, including each time the count room door is opened.

4. Each licensee and casino operator shall submit its drop transportation route from the gaming area to the count room to the division prior to implementing or changing the route. At the end of the last gaming day of each calendar

month, the licensee's or casino operator's drop shall include the currency acceptor drop boxes for all slot machines.

5. The drop team shall collect each currency acceptor drop box and ensure that the correct tag or number is added to each box.

6. Security shall be provided over the currency acceptor drop boxes removed from the electronic gaming devices until received in the count area.

7. Upon removal, the currency acceptor drop boxes shall be placed in a drop box storage rack and locked therein for transportation directly to the count area or other secure place approved by the division and locked in a secure manner until the count takes place.

8. The transporting of currency acceptor drop boxes shall be performed by a minimum of two employees, at least one of whom shall be a security officer.

9. Once all currency acceptor drop boxes are collected, the drop team or security shall notify surveillance and other appropriate personnel that the drop has ended.

10. The currency acceptor count shall be performed in the soft count room and shall be recorded by surveillance. If at any time surveillance observes that the visibility of the count team's hands or other activity is consistently obstructed, surveillance shall immediately notify count room employees. At least one surveillance or internal audit employee shall watch the currency acceptor count process on at least two randomly selected days per calendar month. Surveillance shall document on the surveillance log any exceptions or variations to established procedures observed during the count.

11. The currency acceptor count shall be performed by a minimum of three employees consisting of a recorder, counter and verifier.

12. Currency acceptor count team members shall be rotated on a routine basis. Rotation shall be such that the count team does not consist of only the same three employees more than four days per week.

13. The currency acceptor count team shall be independent of transactions being reviewed and counted, and the subsequent accountability of currency drop proceeds.

14. Daily, the count team shall verify the accuracy of the currency counter by performing a test count. The test count shall be recorded and signed by at least two count team members.

15. The currency acceptor drop boxes shall be individually emptied and the contents separated on the count room table.

16. As the contents of each box are counted and verified, the count shall be recorded on the count sheet in ink or other permanent form of recordation prior to commingling the funds with funds from other boxes.

17. Drop boxes, when empty, shall be shown to another member of the count team or to surveillance.

18. The count team shall compare a listing of currency acceptor drop boxes scheduled to be dropped to a listing of those drop boxes actually counted, to ensure that all drop boxes are accounted for during each drop period

19. Corrections to information originally recorded by the count team on currency acceptor count documentation shall be made by crossing out the error, entering the correct figure, and having at least two count team employees verify the change by initialing the correction.

20. After the count sheet has been reconciled to the currency from the count, all members of the count team shall attest by signature to the accuracy of the currency acceptor drop count. Three verifying signatures on the count sheet shall be adequate if all additional count team employees sign a supplemental document evidencing their involvement in the count process.

21. All monies that were counted shall be transferred to the cage cashier, who shall be independent of the count team, or to an employee independent of the revenue generation and the count process for verification, who shall certify by signature as to the accuracy of the currency delivered and received.

22. Access to all drop boxes, whether full or empty, shall be restricted to authorized members of the drop and count teams. In the case of an emergency drop, including those for maintenance and repairs which require access to the currency acceptor box, a slot technician, slot supervisor or other employee approved in writing by the division may have access to the drop boxes with a security escort. However, at no time shall the slot technician have access to the drop box contents key or deviate from normal drop procedures. At least one surveillance employee shall monitor the entire emergency drop process.

23. Access to the soft count room and vault shall be restricted to members of the drop and count teams, supervisors for resolution of problems, division agents, and authorized observers as approved by the division. Authorized maintenance personnel shall enter only when accompanied by security.

24. The count sheet, with all supporting documents, shall be promptly delivered to the accounting department by someone independent of the cashiering department. Alternatively, it may be secured until retrieved by the accounting department.

25. The individual possessing the keys needed to access full currency acceptor drop box contents shall be recorded by surveillance at all times.

26. Currency acceptor drop box release keys shall be maintained by a department independent of the slot department. Only the employee authorized to remove drop boxes from the currency acceptor shall be allowed access to the release keys. The count team members may have access to the release keys during the count in order to reset the drop boxes if necessary. Employees participating in the drop process are precluded from simultaneously possessing both the drop box contents keys and the drop box release keys.

27. An employee independent of the slot department shall be required to accompany the currency acceptor drop box storage rack keys and observe each time the drop boxes are removed from or placed in storage racks. Employees authorized to obtain drop box storage rack keys shall be precluded from having access to drop box contents keys, except the count team.

28. Only count team members shall be allowed access to drop box contents keys. This standard does not affect emergency situations which require currency acceptor drop box access at other than scheduled count times. At least three employees from separate departments, including management, shall participate in these situations. The reason for access shall be documented and verified by the signatures of all participants and observers.

P. Computer Records

1. At a minimum, the licensee or casino operator shall generate, review, document this review, and maintain slot reports on a daily basis for the respective system(s) utilized in their operation.

Q. Management Information Systems (MIS) Functions

1. Backup and Recovery

a. MIS shall perform backup of system data daily. Backup and recovery procedures shall be written and distributed to all applicable personnel. These policies shall include information and procedures, which includes, at a minimum, a description of the system and system manual(s) that ensure the timely restoration of data in order to resume operations after a hardware or software failure.

b. MIS shall maintain copies of system-generated edit reports, exception reports and transaction logs.

2. Software and Hardware

a. MIS shall maintain a personnel access listing which includes, at a minimum, the employee's name, position, identification number, and a list of functions the employee is authorized to perform including the date authorization is granted. These files shall be updated as employees or the functions they perform change. The licensee and casino operator is responsible for establishing access authority.

b. MIS shall print and review the computer security access report at the end of each month. Discrepancies shall be investigated, documented and maintained for five years.

c. Only authorized personnel shall have physical access to the computer software and hardware.

d. All changes to the system and the name of the individual who made the change shall be documented.

e. Reports and other output generated by the system shall only be available and distributed to authorized personnel.

3. Application Controls

a. Application controls shall include procedures that prove assurance of the accuracy of the data input, the integrity of the processing performed, and the verification and distribution of the output generated by the system. Examples of these controls include:

i. proper authorization prior to data input, for example, passwords;

ii. use of parameters or reasonableness checks; and

iii. use of control totals on reports and comparison of them to amounts input.

b. Documents created from the above procedures shall be maintained for five years.

R. The accounting department shall perform the following audit procedures relative to slot operations:

1. collect jackpot and hopper fill slips, computerized and manual, and other paperwork daily from the locked accounting box and the cashier cage or as otherwise approved by the division;

2. review jackpot and fill slips daily for continuous sequence. Ensure that proper procedures were used to void slips. Investigate all missing slips and errors. Document the investigation and retain the results for a minimum of five years;

3. manually add, on a daily basis, all jackpot and fill slips and trace the totals from the slips to the system-

generated totals. Document all variances and retain the documentation for five years;

4. collect the hard count and currency acceptor count results from the count teams and compare the actual count to the system-generated meter reports on a daily basis;

5. prepare reports of their daily comparisons by device, by denomination, and in total of the actual count for hard and soft count to system-generated totals. Report variance(s) of \$100 or greater to the slot department for investigation. Maintain a copy of these reports for five years;

6. compare a listing of slot machine numbers scheduled to be dropped to a listing of slot machine numbers actually counted to ensure that all drop buckets and currency acceptors are accounted for during each drop period;

7. immediately investigate any variance of 2 percent or more per denomination between the weigh or count and wrap. Document and maintain the results of such investigation for five years;

8. compare 10 percent of jackpot and hopper fill slips to signature cards for proper signatures one day each month;

9. compare the weigh tape to the system-generated weigh, as recorded in the slot statistical report at least one drop period per month. Resolve any discrepancies prior to generation and distribution of slot reports to management;

10. review the weigh scale tape of one gaming day each quarter to ensure that:

a. all electronic gaming device numbers were properly included;

b. only valid identification numbers were accepted;

c. all errors were investigated and properly documented, if applicable;

d. the weigh scale correctly calculated the dollar value of coins; and

e. all discrepancies are documented and the documentation is maintained for a minimum of five years;

11. verify the continuing accuracy of the coin-in meter readings as recorded in the slot statistical report at least monthly;

12. compare the "bill-in" meter reading to the currency acceptor drop amount at least monthly. Discrepancies shall be resolved prior to the generation and distribution of slot statistical reports to management;

13. maintain a personnel access listing for all computerized slot systems which includes, at a minimum:

a. employee name;

b. employee identification number, or equivalent; and

c. listing of functions the employee can perform or equivalent means of identifying same;

14. review sensitive key logs. Investigate and document any omissions and any instances in which these keys are not signed out and signed in by the same individual;

15. on a daily basis, review exceptions, jackpot overrides, and verification reports for all computerized slot systems, including tokens, coins and currency acceptors, for propriety of transactions and unusual occurrences. These exception reports shall include the following:

a. cash variance which compares actual cash to metered cash by machine, by denomination and in total;

b. drop comparison which compares the drop meter to weigh scale by machine, by denomination and in total.

S. Slot Department Requirements

1. The slot booths, change banks, and change banks incorporated in beverage bars (bar banks) shall be counted down and reconciled each shift utilizing appropriate accountability documentation.

2. The wrapping of loose slot booth and cashier cage coin shall be performed at a time or location that does not interfere with the hard count process or the accountability of that process.

3. A record shall be maintained evidencing the transfers of unwrapped coin.

4. Slot booth, change bank, and bar bank token and chip storage cabinets and drawers shall be constructed to provide maximum security of the chips and tokens.

5. Each station shall have a separate lock and shall be keyed differently.

6. Slot booth, change bank, and bar bank cabinet and drawer keys shall be maintained by the supervisor and issued to the change employee assigned to sell chips and tokens. Issuance of these keys shall be evidenced by a key log, which shall be signed by the change employee to whom the key is issued. All slot booth, change bank, and bar bank keys shall be returned to the supervisor at the end of each shift. The return of these keys shall be evidenced on the key log, which shall be signed by the cage employee to whom the key was previously issued. The key log shall include:

a. the change employee's employee number and signature;

b. the date and time the keys is signed out; and

c. the date and time the key is returned.

7. At the end of each shift, the outgoing and incoming change employee shall count the bank. The outgoing employee shall fill out a count sheet, which shall include opening and closing inventories listing all currency, coin, tokens, chips and other supporting documentation. The count sheet shall be signed by both employees.

8. In the event there is no incoming change employee, the supervisor shall count and verify the closing inventory of the slot booth, change bank, and bar bank.

9. Increases and decreases to the slot booths, change banks, and bar banks shall be supported by written documentation signed by the cage cashier and the slot booth, change bank, or bar bank employee.

10. The slot department or MIS shall maintain documentation of system-related problems, including, but not limited to, system failures, extreme values for no apparent reason, and problems with data collection units, and document the follow-up procedures performed. Documentation shall include at a minimum:

a. date the problem was identified;

b. description of the problem;

c. name and position of person who identified the problem;

d. name and position of person(s) performing the follow up;

e. date the problem was corrected; and

f. how the problem was corrected.

11. The slot department shall investigate all meter variances received from accounting. Copies of the results of the slot department's investigation shall be retained by the accounting department for five years.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1641 (July 2012).

§2725. Internal Controls; Poker

A. Supervision shall be provided during all poker games by personnel with authority greater than those employees conducting the games.

B. Poker area transfers between table banks and the poker bank or casino cage shall be authorized by a supervisor and evidenced by the use of a lammer button or other means approved by the division. Such transfers shall be verified by the poker area dealer and the runner. A lammer is not required if the exchange of chips, tokens, or currency takes place at the table.

C. The amount of the main poker area bank shall be counted, recorded and reconciled on a shift basis by two gaming supervisors or two cashiers, who shall attest to the amount counted by signing the check-out form.

D. At least once per gaming day, the table banks shall be counted by a dealer and a gaming supervisor, or two gaming supervisors, and shall be attested to by signatures of those two employees on the proper form. The count shall be recorded and reconciled at least once per day.

E. The procedure for the collection of poker drop boxes and the count of the contents thereof shall comply with the internal control standards applicable to the table game drop boxes in §2717.

F. Playing cards, both used and unused, shall be maintained in a secure location to prevent unauthorized access and reduce the possibility of tampering.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1648 (July 2012).

§2727. Race Book, Riverboat Licensee Only

A. This Section shall only apply to a licensee as defined in R.S. 27:44 pursuant to R.S. 27:86.

B. Access to the computer system shall be adequately restricted. Adequate restrictions in this context include changing passwords and physically restricting access to computer hardware.

C. Procedures shall be developed prior to commencement of gaming for use in case of hardware failure, power failure, fire, or other similar events.

D. All race book wagers shall be transacted through the computer system. In case of computer failure, tickets may be written up to 24 hours after the failure. In those instances where system failure has occurred and tickets are handwritten, a log shall be maintained which includes:

1. date and time of system failure;
2. reason for failure; and
3. date and time system restored.

E. All handwritten or paid tickets shall be entered into the computer system as soon as possible to verify the accuracy of the write and the payout. This does not apply to purged, unpaid winning tickets. All manually-paid tickets shall be re-graded as part of the end-of-day audit process should the computer system be inoperative.

F. The time generated by the computer during ticket writing shall be tested each day by a supervisor independent of the ticket writing and cashiering function. This person may also be independent of the book.

G. The test, and any adjustments necessary due to discrepancies, shall be documented in a log or in an equivalent manner, which includes the station number, date, time of test, time per computer, name or signature of the employee performing test, and any other relevant information.

H. All date, time, and numerical sequence stamping machines used by the book for parlay cards, voiding cards/tickets, and payouts shall be directly and permanently wired to the electrical supply system (or in another approved manner).

I. Only maintenance, engineering or security employees/personnel shall have access to fuses or fuse-like devices used in connection with the machines.

J. At least once during each eight hours of operation, each book shall examine and test the stamping machines to ensure their date and time accuracy to the nearest minute. This test shall be performed by someone independent of the ticket writing function.

K. The test, and any adjustments necessary due to discrepancies, shall be documented in a log which includes the station number, date, time of test, time on machine, name or signature of employee performing the test, and any other relevant information.

L. All original and duplicate keys to the date, time and numerical sequence stamping devices are maintained and used by a department or personnel who are independent of the ticket writing and cashiering functions.

M. Whenever a betting station is opened for wagering or turned over to a new writer, the betting ticket writer shall sign on and the computer documents the writer's identity, the date and time, and the fact that the station was opened on either the unused ticket that is first in sequence or in a separate report.

N. Whenever the betting station is closed or the writer is replaced, the writer shall sign off and the computer documents the date and time, and the fact that the station was closed out on either the unused ticket that is next in sequence after the last ticket written or in a separate report.

O. When a wager is accepted, a betting ticket shall be created which consists of at least three parts.

1. An original which shall be transacted and issued through a printer and given to the patron.

2. A copy which shall be recorded concurrently with the generation of the original ticket either on paper or other storage media, for example, tape or diskette.

3. An internally recorded copy to which access by book employees shall be adequately restricted.

P. If a book voids a betting ticket then:

1. the word "Void" shall be immediately written or stamped and the date and time at which the ticket was voided shall be stamped on the original; and

2. a key employee and one other person shall sign the ticket at the time of voiding.

Q. The computer system shall adequately document supervisory approval for appropriate transactions, as applicable.

R. A race wager shall not be accepted after the occurrence of post time.

S. The computer shall be incapable of transacting or accepting a wager subsequent to the above cutoff times.

T. The computer shall be incapable of voiding a ticket subsequent to the cutoff time unless it produces a report which specifically identifies such voided tickets.

U. The computer shall be incapable of establishing or changing a cutoff or starting time to a time that is earlier than the current time of day.

V. Tickets shall not be written or voided after the outcome of an event is known.

W. Prior to patrons receiving payouts on winning tickets, results shall be input into the computer's administrative terminal for computerized grading of all wagers.

X. Prior to making payment on a ticket or crediting the winnings to the patron's account, the cashier shall input the ticket sequence number into the cashier's terminal. Alternatively, the computer system may automatically update the patron's account when the event results are posted.

Y. Upon computer authorization of payment, the patron is paid and the patron's copy shall be marked "paid", noted with the amount of payment, and date stamped.

Z. For all payouts which are made without computer authorization, documentation supporting and explaining such payouts shall be maintained.

AA. The computer shall be incapable of authorizing payment on a ticket which has been previously paid, a voided ticket, a losing ticket, or an unissued ticket.

BB. Within 72 hours following the payment of a winning ticket for net winnings greater than \$10,000 (i.e., payout less initial wager), an employee independent of the ticket verification shall confirm the integrity of the patron's copy by comparing it to, re-grading, and initialing the transaction on the computer sales/transaction report and initialing the patron's copy.

CC. If a progressive pool is used for wagers:

1. adequate documentation shall be retained regarding the rules, increment procedures and any reductions in the progressive amounts;

2. the progressive amount shall be displayed in the book;

3. the progressive liability shall be recorded on a daily basis;

4. audit personnel shall recalculate the progressive increment on a sample basis, at least once a week; and

5. for each writer and cashier station:

- a. the system shall indicate the amount of cash that should be in a given drawer; and

- b. writers and cashiers shall not be permitted access to this information without supervisory approval.

DD. For each writer station, a summary report shall be completed at the conclusion of each shift including:

1. computation of net cash proceeds for the shift; and

2. signatures of two employees who have verified the net cash proceeds for the shift.

EE. For each cashier station a summary report shall be completed at the conclusion of each shift including:

1. computation of cash turned in for the shift; and

2. signatures of two employees who have verified the cash turned in for the shift.

FF. Employees who write or cash tickets shall not perform administrative or supervisory functions. Administrative functions in this context include setting up

events, changing event data, and inputting results at any time. Supervisory functions in this context include approving void tickets, large wagers and access to cash information in the computer.

GG. Race book employees shall be prohibited from wagering on race events while on duty including during break periods.

HH. At a minimum, the following types of reports shall be maintained, if applicable:

1. write transaction report;

2. payout transaction report;

3. credit transaction report;

4. results report;

5. futures report;

6. unpaid winners report;

7. exception report, which include past-post voids, past-post write, voids, and odds changes;

8. daily recap report; and

9. personnel access listing.

II. The reports shall contain, at a minimum, the following information:

1. daily write, payout and credit transaction reports:

- a. ticket number;

- b. date/time written/paid;

- c. type/amount of wager;

- d. horse identification;

- e. amount of payout; and

- f. total by writer/cashier and day;

2. daily futures report, or when applicable:

- a. ticket number;

- b. date/time written;

- c. amount of wager;

- d. future wagers for the day by total and broken out by dates of events; and

- e. summary of future wagers by dates of events and in total at the time of revenue recognition;

3. daily unpaid winners report:

- a. ticket number;

- b. date/time written;

- c. amount of wager/payout; and

- d. totals;

4. daily exception report:

- a. ticket number;

- b. date/time written;

- c. type/amount of wager;

- d. exception;

- e. time of exception; and

- f. summary by exception, listed and sorted by exception type);

5. daily results report:

- a. date and time of event per the cutoff time input to the computer;

- b. horse number; and

- c. event results and any other relevant payoff data;

6. daily recap report:

- a. date; and

- b. totals:

- i. cash write for the day;

- ii. futures written for the day;

- iii. futures brought back into revenue for the day's events;

iv. accrual write Clause i less Clause ii plus Clause iii of this Subparagraph;

v. cash paid out on prior day's events;

vi. cash paid out on current day's events;

vii. cash payouts for the day;

viii. unpaid tickets for the day;

ix. accrual payouts Clause vi plus Clause viii of this Subparagraph;

x. unpaid winners brought back into revenue;

xi. taxable revenue Clause iv less Clause vii or Clause i less Clause vii of this Subparagraph;

xii. book (accounting) revenue Clause iv less Clause ix plus Clause x of this Subparagraph;

7. personnel access listing:

a. name;

b. employer identification number; and

c. listing of functions employee can perform or equivalent means of identifying same.

JJ. The race book accounting and audit procedures shall be performed by personnel who are independent of the transactions being audited/accounted for.

KK. For a minimum of two writer stations per shift per month, rotated among writers, accounting personnel shall:

1. foot the sequentially connected copy of written tickets and trace the totals to those produced by the system; and

2. review the connected copies for sequential numbering and document follow-up on missing numbers or blank tickets.

LL. Accounting personnel shall foot the customer copy of paid tickets for a minimum of one cashier station per month and trace the totals to those produced by the system.

MM. The write and payouts shall be compared to the cash proceeds/disbursements with a documented investigation being performed on all large variances, which include overages or shortages greater than \$100 per writer/cashier.

NN. For all winning and voided race book tickets in excess of \$1,000, and for a random sample of 0.2 percent of all other winning race book tickets:

1. the tickets shall be recalculated and re-graded using the computer record of event results;

2. the date and starting time of the race per the results report shall be compared to the date and time stamp on the ticket and in the computer sales/transaction report; and

3. the terms of the wagers per the computer sales/transaction report or per the results report shall be reviewed and compared to an independent source for extravagant or questionable activity.

OO. For all voided tickets:

1. the computer reports which display voided ticket information shall be examined to verify that tickets were properly voided prior to the cutoff times for event wagering; and

2. the voided tickets shall be examined for the word "Void" and proper signatures.

PP. The book's computerized summary of events/results report shall be traced to an independent source for 5 percent of all races to verify the accuracy of starting times and final results, if available from an independent source.

QQ. Exception reports shall be reviewed on daily basis for propriety of transactions and unusual occurrences.

RR. Any investigation performed regarding the exception reports shall be documented.

SS. At least one day per calendar quarter, the computer-generated reports shall be reviewed for proper handling of future wagers and unpaid winners.

TT. Reports shall be maintained for each day, month and year-to-date which indicate the total amount paid out on winning wagers, the net amount won by the book, and the win-to-write percentage.

UU. At least monthly, this information shall be presented to and reviewed by management independent of the race book.

1. Management shall investigate any unusual statistical fluctuations with race book personnel. This review shall be performed by comparing the current period statistics for each type of event with those of applicable prior periods.

2. The results of the investigations shall be documented in writing and maintained for at least five years.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1648 (July 2012).

§2729. Internal Controls; Cage, Vault and Credit

A. Each licensee and casino operator shall have a main bank that serves as the financial consolidation of transactions relating to all gaming activity.

B. Individuals accessing the main bank or casino cages, who are not employees assigned to those areas, shall sign a log maintained in the main bank and casino cages recording:

1. name of each person entering;

2. reason each person entered;

3. date and time each person enters and exits;

4. date, time and type of any equipment malfunction; and

5. a description of any unusual events.

C. All transactions that flow through the main bank or casino cages shall be summarized on a cage accountability form on a per shift basis and signed by the outgoing and incoming cashier after verifying the amounts. Variances of \$50 or greater shall be investigated and the results of the investigation maintained for five years.

D. Increases and decreases to the cage inventory shall be supported by written documentation.

E. Open cage windows, the main bank, and the vault, including the inventory in the coin room, shall be counted by outgoing and incoming cashiers and recorded at the end of each shift during which any activity took place or once per gaming day if no activity took place. This documentation shall be signed by each person who counted the inventory. In the event there is a variance of \$50 or greater, a supervisor shall verify the inventory count and sign the documentation.

F. All net changes in outstanding casino receivables shall be summarized on a cage accountability form or similar document on a daily basis. Such information shall be summarized and posted to the accounting records at least monthly.

G. All cage paperwork shall be transported to the accounting department by an employee independent of the cage.

H. All cashier tips shall be placed in a transparent locked box located inside the cage and shall not be commingled with cage inventory.

I. A licensee or casino operator may issue credit for gaming purposes.

J. Prior to the issuance of gaming credit to a player, the employee extending the credit shall determine if credit is available. If a manual system is used, prior to the issuance of gaming credit to a player, the employee extending the credit shall contact the cashier or other independent source to determine if the player's credit limit has been properly established and remaining credit available is sufficient for the advance.

K. Proper authorization to extend credit in excess of the previously established limit shall be documented.

L. Prior to extending credit, each licensee and casino operator shall obtain and copy a valid driver's license or if a valid driver's license is not available, another generally accepted means of identification, and document that it:

1. received information from a bona fide credit-reporting agency that the patron has an established credit history that meets documented company standards for issuing credit; or

2. received information from a legal business that has extended credit to the patron that the patron has an established credit history that meets documented company standards for issuing credit; or

3. received information from a financial institution at which the patron maintains an account that the patron has an established credit history that meets documented company standards for issuing credit; or

4. examined records of its previous credit transactions with the patron, showing that the patron has paid substantially all of his credit instruments and otherwise documents that it has a reasonable basis for placing the amount or sum placed at the patron's disposal; or

5. obtained information from another licensee that extended gaming credit to the patron that the patron paid substantially all of the debt to the other licensee, and the licensee extending the credit otherwise documents a reasonable basis for the amount of credit it is granting the patron; or

6. is unable to obtain information from any of the sources listed in Paragraphs 1-5 of this Subsection for a patron who is not a resident of the United States. In this case, the licensee or casino operator shall receive in writing, information from an agent or employee of the licensee or casino operator who has personal knowledge of the patron's credit reputation or financial resources that there is a reasonable basis for extending credit in the amount or sum placed at the patron's disposal.

M. Subsection L of this Section applies to personal checks and third party checks whether in exchange for cash, chips, tokens, or other cash equivalents or as payment for a previous credit instrument. If the licensee or casino operator utilizes a check guarantee company, the licensee or casino operator is only required to obtain and copy the ID as required in Subsection L of this Section, as long as it follows the requirements of the check guarantee company.

N. The following information shall be recorded for patrons who will have credit limits or are issued credit in an amount greater than \$1,000 excluding cashier's checks and traveler's checks:

1. patron's name, current address, and signature;
2. identification verifications, including Social Security number or passport number if patron is a nonresident alien;
3. authorized credit limit;
4. documentation of authorization by an individual designated by management to approve credit limits; and
5. credit issuances and payments.

O. Prior to extending credit, the patron's credit application and any additional documentation shall be examined to determine the following:

1. properly authorized credit limit;
2. whether remaining credit is sufficient to cover the advance;

3. identity of the patron;
4. credit extensions over a specified dollar amount are authorized by personnel designated by management;

5. proper authorization of credit extension over 10 percent of the previously established limit or \$1,000, whichever is greater, is documented; and

6. if cage credit is extended to a single patron in an amount exceeding \$3,000, applicable gaming personnel are notified on a timely basis that the patron is playing on cage credit, the applicable amount of credit issued, and the available balance.

P. The following information shall be maintained either manually or in the computer system for markers:

1. the signature or initials of the individual(s) approving the extension of credit unless such information is contained elsewhere for each issuance;

2. the name of the individual receiving the credit;

3. the date and shift granting the credit;

4. the amount of credit issued;

5. the marker number;

6. the amount of credit remaining after each issuance or the total credit available for all issuances;

7. the amount of payment received and nature of settlement, for example, credit slip number, cash, and chips; and

8. the signature or initials of the individual receiving payment or settlement.

Q. The marker slip shall, at a minimum, be in triplicate form, pre-numbered or numbered by the printer, and utilized in numerical sequence. Manual markers may be issued in numerical sequence by location. The three parts of the cage-issued marker shall be utilized as follows:

1. the original slip shall be maintained in the cage until settled;

2. the payment slip shall be maintained in the cage until the marker is paid; and

3. the issue slip shall be maintained in the cage until forwarded to accounting.

R. The original slip shall include the following information:

1. patron's name and signature;

2. marker number;

3. date of issuance; and

4. amount of credit issued.

S. The issue slip shall include the same number as the original slip, date and time of issuance, and amount of credit issued. The issue slip shall also include the signature of the individual extending the credit unless this information is included on another document verifying the issued marker.

T. The payment slip shall include the same number as the original slip. When the marker is paid in full, it shall also include, the date and time of payment, the manner of payment, such as cash, chips, or tokens, and amount of payment. The payment slip shall also include the signature of the cashier receiving the payment unless this information is included on another document verifying the payment of the marker.

U. Marker log documentation shall be maintained by numerical sequence, indicating marker number, name of patron, date marker issued, date paid, method of payment, and amount of credit remaining.

V. Voided markers, computer-generated and manual, shall be clearly marked "Void" across the face of all copies. The cashier and supervisor shall print their employee numbers and sign their names on the voided marker. The supervisor who approves the void shall print or stamp the date and time the void is approved and print the reason for the void on the slip. All copies of the voided marker shall be forwarded to accounting for accountability and retention on a daily basis.

W. All portions of markers, both issued and unissued, shall be safeguarded and procedures shall be employed to control the distribution, use and access to the marker forms.

X. The accounting department shall investigate the loss of any part of a numbered marker form immediately upon discovery that the marker form or a part of the marker form is missing. The investigation shall determine the cause and responsibility for the lost form. The results of the investigation shall be documented and maintained for five years. The licensee or casino operator shall notify the division in writing of the loss, disappearance or failure to account for marker forms within 10 days of such occurrence.

Y. All payments received on outstanding credit instruments shall be permanently recorded in the licensee's or casino operator's records.

Z. When partial payments are made on a marker, a new marker shall be completed reflecting the original date, remaining balance, and number of the original marker.

AA. Personal checks or cashier's checks shall only be cashed at the cage and the cashier shall examine and record at least one valid form establishing the patron's identification.

BB. When travelers checks are presented, the cashier must comply with examination and documentation procedures as required by the issuer of the travelers checks.

CC. Payments by mail shall be received by a department independent of credit instrument custody and collection.

DD. Payments received by mail shall be:

1. recorded on a listing indicating the following:
 - a. customer's name;
 - b. amount of payment;
 - c. type of payment including check number or similar identifying number, if applicable; and
 - d. date payment received.
2. applied to credit balances by a different employee from the employee receiving the payments; and

3. reconciled in accordance with the internal controls to ensure all payments received are recorded and applied to the correct account.

EE. Access to credit information, including outstanding credit instruments and credit write-offs, shall be restricted to those positions which require access and are authorized by management. This access shall be noted in the appropriate job descriptions in the internal controls.

FF. All extensions of pit credit transferred to the cage and subsequent payments shall be documented on a credit instrument control form.

GG. Records of all correspondence, transfers to and from outside agencies, and other documents related to issued credit instruments shall be maintained.

HH. Written-off credit instruments shall be authorized in writing. Such authorizations shall be made by at least two management officials from departments independent of the credit transaction.

II. If outstanding credit instruments are transferred to outside offices, collection agencies or other collection representatives, a copy of the credit instrument and a receipt from the collection representative shall be obtained and maintained until such time as the credit instrument is returned or payment is received. A detailed listing shall be maintained to document all outstanding credit instruments which have been transferred to other offices. The listing shall be prepared or reviewed by an individual independent of credit transactions and collections.

JJ. The receipt or disbursement of front money or a customer cash deposit shall be evidenced by at least a two-part document with one copy going to the customer and one copy remaining in the cage file.

1. The multi-part form shall contain the following information:

- a. identical number on all copies;
- b. customer's name and signature;
- c. date of receipt and disbursement;
- d. dollar amount of deposit; and
- e. type of deposit or disbursement, cash, check, or chips.

2. Procedures shall be established to:

- a. maintain a detailed record by patron name and date of all funds on deposit;
- b. maintain a current balance of all customer cash deposits which are in the cage or vault inventory or accountability; and
- c. reconcile this current balance with the deposits and withdrawals at least daily.

KK. The trial balance of casino accounts receivable shall be reconciled to the general ledger at least quarterly.

LL. An employee independent of the cage, credit, and collection departments shall perform all of the following at least three times per year:

1. ascertain compliance with credit limits and other established credit issuance procedures;
2. randomly reconcile outstanding balances of active and inactive accounts on the listing to individual credit records and physical instruments;
3. examine credit records to determine that appropriate collection efforts are being made and payments are being properly recorded; and

4. for a minimum of five days per month, reconcile partial payment receipts to the total payments recorded by the cage for the day.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1650 (July 2012).

§2730. Exchange of Tokens and Chips

A. A licensee or casino operator may exchange a patron's tokens and chips issued by another licensee, foreign chips and tokens, only for its own tokens and chips. A licensee or casino operator shall not exchange tokens or chips issued by another licensee or casino operator for cash. Licensees and the casino operator shall document the exchange in accordance with their internal controls.

B. The exchange of tokens and chips issued by another licensee or casino operator shall occur only at a casino cage.

C. The total dollar value of the chips or tokens submitted by a patron for exchange shall equal the total dollar value of the tokens or chips issued by the licensee or casino operator to the patron. Tokens or chips shall not be exchanged for a discount or a premium.

D. All foreign tokens and chips received by a licensee or casino operator shall be returned to the issuing licensee or casino operator as an even exchange. A licensee or casino operator shall return foreign chips and tokens at least annually unless the division approves otherwise in writing. Each licensee and casino operator shall document the redemption in accordance with their internal controls.

E. A licensee or casino operator shall not knowingly accept as a wager any foreign token or chip. A licensee or casino operator shall not accept tokens or chips issued by another licensee or casino operator in any manner other than authorized in this Section.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1653 (July 2012).

§2731. Currency Transaction Reporting

A. Each licensee and casino operator shall be responsible for proper reporting of certain monetary transactions to the federal government as required by the Bank Records and Foreign Transactions Act, commonly referred to as the "Bank Secrecy Act" of 1970 as codified in 31 USC 5311-5323 (Sept. 13, 1982) and 12 USC 1829 (Sept. 21, 1950) and 1951-1959 (Oct. 26, 1970). Specific requirements concerning record keeping and reports are delineated in 31 CFR Chapter X and shall be followed in their entirety. The Bank Secrecy Act of 1970 and the rules and regulations promulgated by the federal government pursuant to the Bank Secrecy Act of 1970 are adopted by reference and are to be considered incorporated herein.

B. Penalties may be assessed against a licensee or casino operator, and any director, partner, official or employee who participated in willful violations of the reporting requirements of the Bank Secrecy Act.

C. All employees of the licensee and casino operator shall be prohibited from providing any information or assistance to patrons in an effort to aid the patron in circumventing any and all currency transaction reporting requirements.

D. A licensee's or casino operator's employees shall be responsible for preventing a patron from circumventing the currency transaction reporting requirements if the employee has knowledge, or through reasonable diligence in performing their duties, should have knowledge of the patron's efforts at circumvention.

E. For each required currency transaction report for casinos (CTRC) or suspicious activity report for casinos (SARC), a clear surveillance photograph of the patron shall be taken and attached to the licensee's or casino operator's copy. If a clear photograph cannot be taken at the time of the transaction, a file photograph of the patron, if available, may be used to supplement the required photograph. The licensee or casino operator shall maintain and make available for inspection each CTRC and SARC, with the attached photographs, for a period of five years.

F. One legible copy of each CTRC shall be forwarded to the division in a manner determined by the division, in accordance with federal deadlines.

G. One legible copy of each SARC shall be forwarded to the division in a manner determined by the division, in accordance with federal deadlines.

H. The licensee and casino operator shall be responsible for maintaining a single log which aggregates all transactions in excess of \$3,000 from the various multiple transaction logs. The licensee and casino operator shall include in its internal controls the procedures for recording multiple transactions and aggregating the transactions of individuals or on behalf of individuals to ensure compliance with CTRC and SARC requirements. The internal controls shall include, but are not limited to:

1. all cash transactions in excess of \$3,000 shall be recorded on a multiple transaction log and signed by the employee handling the transaction;

2. any multiple transaction log which reflects no activity shall be signed by the supervisor;

3. the employee handling the transaction shall be responsible for accurate and complete log entries. No log entry shall be omitted. Each log entry shall include the date and time, the amount of the transaction, the location of the transaction, the type of transaction, and the name or physical description of the patron;

4. once any patron's cash activity has exceeded \$3,000, any and all additional cash activity shall be logged regardless of the amount or location;

5. personnel of the licensee or casino operator shall coordinate their efforts to ensure all cash transactions in excess of \$3,000 are properly logged and aggregated;

6. personnel of the licensee or casino operator shall coordinate their efforts to ensure any required currency transaction reports are properly completed;

7. as the \$10,000 amount is about to be exceeded, the employee consummating the transaction shall be responsible for obtaining and verifying the patron's identification prior to completing the transaction;

8. all multiple transaction logs shall be turned in to the cage for submittal to the accounting department daily.

I. The information required to be gathered by this Section shall be obtained from the individual on whose behalf the transaction is conducted, if other than the patron.

J. If a patron is unable or unwilling to provide any of the information required for currency transaction reporting, the

transaction shall be terminated until the patron provides the required information.

K. A transaction shall not be completed if it is known that the patron is seeking to avoid compliance with currency transaction requirements.

L. Each licensee and casino operator shall report any administrative or criminal proceedings against it alleging a violation pertaining to a cash transaction report, as defined by the Internal Revenue Service, to the division within 10 days of knowledge by the licensee or casino operator of the alleged violation.

M. Any violation of or any administrative or criminal proceedings alleging a violation of a cash transaction reporting requirement in any jurisdiction by a licensee, the casino operator, casino manager or any of their affiliates including all companies with common ownership, shall be reported to the division within 30 days of the notice of violation or proceedings in the jurisdiction.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1653 (July 2012).

§2735. Net Gaming Proceeds Computations

A. In this Section and §2736, the term *net gaming proceeds* shall have the same meaning as:

1. for riverboat licensees, net gaming proceeds;
2. for casino operator or casino manager, gross gaming revenue; and
3. for a licensed eligible facility, net slot machine proceeds.

B. For each table game, net gaming proceeds shall equal the soft count drop, plus or minus the change in table inventory, plus or minus the chip float adjustment. The change in table inventory shall be equal to the beginning table inventory, plus chip fills to the table, less credits from the table, less ending table inventory. The first step in the calculation of the chip float adjustment shall be the daily chip float calculation, which shall be the total chips received to date, (the initial chips received from vendors plus all subsequent shipments of chips received) less the total day's chip count (the sum of chips in the vault, cage drawers, tables, change lockers and all other locations). The daily ending inventory chip count shall at no time exceed the total amount of chips in the total casino chip accountability. If at any time the calculated daily chip float is less than zero, the licensee or casino operator shall adjust to reflect a zero current day chip float. Afterwards, the chip float adjustment shall be calculated daily by subtracting the previous day's chip float from the current day's chip float.

C. For each slot machine, net gaming proceeds shall equal drops less fills to the machine, jackpot payouts, redeemed tickets, plus or minus the token float adjustment. The first step in the calculation of the token float adjustment shall be the daily token float calculation which shall be the total tokens received to date (the initial tokens received from vendors plus all subsequent shipments of tokens received) less the total day's token count (tokens in the hard count room plus tokens in the vault, cage drawers, change lockers, tokens in other locations and initial tokens in hoppers). The daily ending inventory token count shall at no time exceed the total amount of tokens in the total casino token accountability. Foreign tokens and slugs do not constitute a

part of token inventory. If at any time the calculated daily token float is less than zero, the licensee or casino operator shall adjust to reflect a zero current day token float. The initial hopper load is not a fill and does not affect net gaming proceeds.

D. For each card game and any other game in which the licensee or casino operator is not a party to a wager, net gaming proceeds shall equal all money received by the licensee or casino operator as compensation for conducting the game, including time buy-ins. A time buy-in is a fixed amount of money charged for the right to participate in certain games for a period of time.

E. If in any day the amount of net gaming proceeds is less than zero, the licensee or casino operator may deduct the excess in the succeeding days, until the loss is fully offset against net gaming proceeds.

F. Slot machine meter readings from the drop process shall not be utilized to calculate net gaming proceeds, unless otherwise approved by the division.

G. All gaming tournaments conducted by or on behalf of the licensee or casino operator are subject to the following requirements:

1. all entry fees, buy-ins, re-buys, and similar payments, paid by or on behalf of tournament participants, shall be included in net gaming proceeds. No cost incurred by the licensee or casino operator associated with holding the tournament shall be deducted from the tournament revenues before calculating the net gaming proceeds. All cash prizes awarded in the tournament may be deducted as payouts up to the amount received from or on behalf of tournament participants. No other deductions shall be made for purposes of calculating net gaming proceeds. If cash prizes awarded exceed revenues received from or on behalf of tournament participants, the licensee or casino operator shall not deduct the excess from net gaming proceeds; and

2. all amounts paid directly or indirectly, by or on behalf of a person playing in a tournament and cash prizes shall be reported on gaming revenue summaries in a manner approved by the division. Copies of source documents such as transfer slips of the participants' entry fees and transfer slips of participants' winnings paid out must accompany the gaming revenue summary on which the entry fee or payout is reported.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1654 (July 2012).

§2736. Treatment of Credit for Computing Net Gaming Proceeds

A. Net gaming proceeds shall include the amount of gaming credit extended to a patron when wagered.

1. The casino operator or casino manager may take a deduction against credit extended for credit instruments and checks, which are uncollectable subject to an annual cap of 4 percent of gross revenue as defined in R.S. 27:205.

B. Each licensee and casino operator shall include in net gaming proceeds all or any portion of an unpaid balance on any credit instrument if the original credit instrument or a substituted credit instrument is not available to support the outstanding balance.

C. A licensee and casino operator shall include in net gaming proceeds the unpaid balance of a credit instrument

even if the licensee eventually settles the debt for less than its full amount. The settlement shall be authorized by a person designated to do so in the internal controls, and a settlement agreement shall be prepared within 10 days of the settlement. The agreement shall include:

1. the patron's name;
2. the original amount of the credit instrument;
3. the amount of the settlement stated in words;
4. the date of the agreement;
5. the reason for the settlement;
6. the signatures of the licensee's employees who authorized the settlement; and
7. the patron's signature or in cases when the patron's signature is not on the settlement agreement, documentation which supports the licensee's attempt to obtain the patron's signature.

D. A licensee and casino operator shall include in net gaming proceeds all money and the net fair market value of property or services received by the licensee in payment of credit instruments unless the full dollar amount of the credit instrument was previously included in the calculation of net gaming proceeds.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1654 (July 2012).

§2739. Extension of Time for Reporting

A. The board or division may extend the time for filing any report or document required by this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1655 (July 2012).

§2741. Petitions for Determination; Procedures

A. If a licensee or casino operator disputes the division's determination or calculation of taxes and fees owed, it may file a petition with the board requesting a determination of the taxes and fees. A copy of the petition shall be served on the division.

B. Within 30 days of filing a petition, the licensee or casino operator shall:

1. pay all taxes, fees, penalties, and interest not disputed in the petition and submit a schedule to the division that contains its calculation of the interest due on non-disputed assessments;

2. file with the board a memorandum of facts and authorities in support of its petition, and serve a copy of the memorandum on the division; and

3. file with the board a certification that it has complied with the requirements of Subparagraphs 1 and 2 of this Subsection.

C. Within 30 days after receipt of the licensee's or casino operator's memorandum, the division shall file a memorandum of facts and authorities in opposition to the licensee's or casino operator's petition and serve a copy on the licensee or casino operator. Within 15 days after service of the division's memorandum, the licensee or casino operator may file a reply memorandum.

D. The division and the licensee or casino operator may stipulate to extend the deadlines specified in this Section if the stipulation is filed with the board before the expiration of

the applicable time period. On motion of either the licensee or casino operator or division, the chairman may extend the deadlines in this Section upon a showing of good cause.

E. The board may deny a petition for determination for failure to comply with the requirements of this Section.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1655 (July 2012).

§2743. Claims for Refunds; Procedures

A. If a licensee or casino operator asserts a claim for a refund of taxes or fees paid, it may file a claim for a refund with the board and serve a copy of the claim on the division.

B. A licensee or casino operator shall file with the board a memorandum of facts and authorities in support of the claim within 30 days after the claim is filed. The memorandum shall set forth the legal basis for the claim, the calculations of the amount of the refund, and certification that it has complied with the requirements of this Section. The licensee or casino operator shall serve a copy of the memorandum on the division.

C. The division shall file a memorandum of facts and authorities in opposition to the claim with the board within 30 days after receipt of the licensee's or casino operator's memorandum and serve a copy on the licensee or casino operator. The licensee or casino operator may file a reply memorandum with the board within 15 days after service of the division's memorandum.

D. The division and the licensee or casino operator may stipulate to extend the deadlines specified in this Section if the stipulation is filed with the board before the expiration of the applicable time period. On motion of either the division or the licensee or casino operator, the chairman may extend the deadlines specified in this Section upon a showing of good cause.

E. The board may deny a claim for refund for failure to comply with the requirements of this Section.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1655 (July 2012).

Chapter 29. Operating Standards

Editor's Note: The information for this Chapter was consolidated from corresponding Chapters in Parts VII, IX, and XIII prior to their being repealed.

§2901. Code of Conduct of Licensees, the Casino Operator and Permittees

A. General Provisions

1. All licensees, permittees and the casino operator shall comply with all applicable federal, state, and local laws and regulations.

2. All licensees, permittees and the casino operator shall at all times conduct themselves in a professional manner when communicating with the public, the division and the board.

3. Any violation of the provisions of the Act shall also constitute a violation of these rules.

4. All notifications to the board or division required by this Section shall be in writing.

B. Unsuitable Conduct

1. A licensee, casino operator or permittee shall not engage in unsuitable conduct or practices and shall not

employ or have a business association with any person, natural or juridical, that engages in unsuitable conduct or practices.

2. For purposes of this Section, unsuitable conduct or practices shall include, but not be limited to, the following:

a. employment of, in a managerial or other significant capacity as determined by the division or board, business association with, or participation in any enterprise or business with a person disqualified pursuant to R.S. 27:28(B)(1)-(4) or declared unsuitable by the division or board;

b. employment of, association with, or participation in any enterprise or business with a documented or identifiable organized crime group or recognized organized crime figure;

c. failure to provide information or documentation of any material fact or information to the division or board;

d. misrepresentation of any material fact or information to the division or board;

e. engaging in, furtherance of, or profit from any illegal activity or practice, or any violation of these rules or the Act;

f. obstructing or impeding the lawful activities of the board, division or its agents; or

g. persistent or repeated failure to pay amounts due or to be remitted to the state.

3. A licensee, casino operator or permittee shall not engage in, participate in, facilitate, or assist another person in any violation of these rules or the Act or any criminal activity.

4. Notification

a. Any person required to be found suitable or approved in connection with the granting of any license, permit, contract or other approval shall have a continuing duty to notify the division of his arrest, summons, citation or charge for any criminal offense or violation including DWI; however, minor traffic violations need not be included.

b. All licensees and permittees shall have a continuing duty to notify the division of any fact, event, occurrence, matter or action that may affect the conduct of gaming or the business and financial arrangements incidental thereto or the ability to conduct the activities for which the licensee or permittee is licensed or permitted.

c. The notification required by this Paragraph shall be made within 15 calendar days of the arrest, summons, citation, charge, fact, event, occurrence, matter or action.

5. A licensee, casino operator or permittee, or its employee, agent or representative, shall not intentionally make, cause to be made, or aid, assist, or procure another to make, any false statement in any report, disclosure, application, form, or any other document, including improperly notarized documents, submitted to the board or division.

C. Additional Causes for Disciplinary Action

1. Further instances of conduct by a licensee, casino operator or permittee for which the division or board may impose sanctions shall include, but are not be limited to:

a. the licensee, casino operator or permittee has been involved in the diversion of gaming equipment for unlawful means;

b. the licensee, casino operator, permittee, or its employee, agent or representative has been involved in

activities prohibited by law or the purpose of which was to circumvent or contravene the provisions of the rules or the Act;

c. the licensee, casino operator or permittee has demonstrated a reluctance or inability to comply with the requirements set forth in these rules and the Act;

d. the licensee, casino operator or permittee violates conditions placed upon the licensee, casino operator or permittee by the board or division;

e. the board or division discovers incomplete, untrue or misleading information as to a material or a substantial matter provided on an application, record or any document which affects the decision whether to license, permit or approve the applicant;

f. the board or division discovers substantial, incomplete, untrue or misleading information provided in a report or other required communication;

g. the licensee, casino operator or permittee has failed to timely pay a penalty imposed by the board or division;

h. the licensee, casino operator or permittee submits tardy, inaccurate, or incomplete reports to the division or board;

i. the licensee, casino operator or permittee fails to respond in a timely manner to communications from the board or division;

j. the licensee, casino operator, or permittee, or its employee, agent or representative is not available; and

k. The licensee or casino operator fails to obtain approval from the board or division prior to changing, adding, or altering the casino configuration. For the purpose of this Section, altering the casino configuration does not include the routine movement of EGDs for cleaning or maintenance purposes.

D. Specific Provisions

1. Responsibility for the employment and maintenance of suitable methods of operation rests with the licensee, casino operator or permittee and willful or persistent use or toleration of methods of operation deemed unsuitable is cause for administrative action.

2. The board or division may deem any activity on the part of a licensee, casino operator or permittee, their agents, employees or representatives, that is inimical to the public health, safety, morals, good order and general welfare of the people of the state of Louisiana or that would reflect or tend to reflect discredit upon the state of Louisiana or the gaming industry to be an unsuitable method of operation and cause for administrative action.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1655 (July 2012).

§2903. Compliance with Laws

A. Acceptance of a license or permit or renewal thereof constitutes an agreement on the part of the licensee or permittee to be bound by all of the applicable provisions of the Act and the regulations. It is the responsibility of the licensee or permittee to keep informed of the content of all such laws, and ignorance thereof will not excuse violations. Violation of any applicable provision of the Act or the rules by a licensee or permittee or their agent, employee or representative is contrary to the public health, safety, morals,

good order and general welfare of the inhabitants of the state of Louisiana and constitutes cause for administrative action.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1656 (July 2012).

§2904. Record Retention

A. Unless otherwise provided by the Act or rule or authorized by the division, each licensee and casino operator shall retain all records, reports, logs and documents required to be maintained by the Act or rule for a minimum of five years, including but not limited to variance reports, investigations, security logs, EGD logs and supporting documents.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1657 (July 2012).

§2905. Weapons in the Designated Gaming Area

A. No weapons, as defined in the Louisiana Criminal Code, are permitted in the designated gaming area other than those in the possession of full-time commissioned law enforcement officers who are on duty and within their respective jurisdiction or on-duty gaming security personnel who are licensed by the Louisiana State Board of Private Security Examiners.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1657 (July 2012).

§2909. Emergencies, Riverboat Only

A. A riverboat may dock at any berth other than its authorized berth in case of emergency. An "emergency" is a call to immediate action including, but not limited to:

1. any circumstance that presents a foreseeable danger to human life;
2. any circumstance declared to be an emergency by any governmental authority; or
3. any circumstance that presents an unreasonable risk of loss or damage to a riverboat, any dock, other vessel, or other property.

B. Should the master of the riverboat determine and certify in writing that the weather conditions or water conditions are such that danger to the riverboat is present, the riverboat may remain docked until such time as the master determines that conditions have diminished enough to proceed or until the authorized excursion has expired.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1657 (July 2012).

§2910. Passenger Embarkation and Disembarkation, Riverboat Only

A. Except in the case of emergencies, passengers and crew may embark and disembark from a riverboat only at its authorized berth.

B. In the event that the vessel master, pursuant to the provisions to R.S. 27:65(B)(1)(a), certifies in writing that weather or water conditions make it unsafe for a riverboat to commence or continue on its authorized excursion and

gaming activities are conducted while the vessel is at dockside, there shall be no restriction on the embarking or disembarking of passengers.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1657 (July 2012).

§2911. Accessibility to Premises; Parking

A. Each licensee and casino operator shall provide parking for exclusive use by the board, division or their representatives pursuant to the division's specification. Parking shall be in close proximity to the division office and/or the designated gaming area pursuant to the division's specification.

B. Each licensee and casino operator shall ensure that division agents are provided an expedient means for entry and departure in regard to access to private roads, parking lots, buildings, structures, and land which the licensee owns, leases or uses in relationship to the casino operation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1657 (July 2012).

§2915. Age Restrictions for the Casino; Methods to Prevent Minors from Gaming Area

- A. No persons under the age of 21 shall:
1. enter the designated gaming area;
 2. loiter or be permitted to loiter in or about any room, premises, or designated area where any licensed game or gaming device is located, operated or conducted;
 3. play or be allowed to play any game or gaming device; or
 4. be employed as a gaming employee or an operator of any game or gaming device.

B. Each licensee and casino operator shall implement methods to prevent minors from entering the designated gaming area. Such methods shall be part of the internal controls and include, but are not limited to, the following:

1. policies and procedures pertaining to documentation relating to proof of age and the examination of such document by a responsible gaming employee or employees of security service providers and to provide suitable security to enforce the policies and procedures;
2. posting signs at all entrances to the gaming area notifying patrons that persons under 21 years of age are not permitted to loiter in or about the gaming area. The signs shall be displayed in English, Spanish, and Vietnamese; and
3. posting signs or other approved means displaying the date of birth of a person who is 21 years old that date.

C. Each quarter the licensee and casino operator shall report and remit to the division all winnings withheld from customers who are determined to be under the age of 21.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1657 (July 2012).

§2919. Finder's Fees

A. No licensee, casino operator, permittee, registered company or applicant for licensing or registration shall pay a finder's fee without the prior approval of the board. An application for approval of payment of a finder's fee shall

make a full disclosure of all material facts. Any person to whom the finder's fee is proposed to be paid shall demonstrate that he is suitable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1657 (July 2012).

§2921. Collection of Gaming Credit

A. Only bonded, duly licensed collection agencies; a licensee's or casino operator's employees, independent agents, attorneys, or an affiliated or wholly-owned corporation and their employees; or a permitted junket representative may collect on the licensee's or casino operator's behalf, for any consideration, gaming credit extended by the licensee or casino operator.

B. Notwithstanding the provisions of Subsection A of this Section, no licensee or casino operator shall permit any person who has been found unsuitable; who has been denied a gaming license or permit; or who has had a gaming license or permit revoked, to collect, on the licensee's or casino operator's behalf, for any consideration, gaming credit extended by the licensee or casino operator.

C. Each licensee and casino operator shall maintain records that describe credit collection arrangements including any written contract entered into with persons described in Subsection A of this Section unless such persons are the licensee's or casino operator's key employees or permitted junket representatives.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1658 (July 2012).

§2923. Gaming Employee Permit Identification Badge Issuance Equipment

A. Each licensee and casino operator shall be required to furnish and maintain all necessary equipment for the production and issuance of gaming employee identification/permit badges. The badges shall meet all standards set forth by the division and shall be approved by the division. The equipment shall be housed in or near the casino and shall be capable of printing the gaming employee permit number issued by the division on the identification badge.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1658 (July 2012).

§2927. Advertising; Mandatory Signage

A. The board may establish procedures for the regulation of advertising of licensed gaming activities. The board may require a licensee or casino operator to advertise or publish specified information, slogans and telephone numbers relating to avoidance and treatment of compulsive or problem gambling or gaming. Each licensee and casino operator shall immediately comply with any order of the board issued pursuant to this regulation.

B. All letters accompanying the toll-free telephone number shall be in capital letters and the same size as the toll-free telephone number. The toll-free telephone number and letters shall appear in conspicuous and legible type in

contrast by typography, layout, or color with all other printed material on the advertisement.

C. Exterior print advertising including, but not limited to, billboards, shall display the toll-free telephone number and all accompanying letters in a rectangle. The rectangle shall comprise an area equal to 1/10 of the entire advertisement's height and extend across the entire width of the advertisement. The toll-free telephone number and accompanying letters must be sized to utilize the entire area within the rectangle. In the case of billboards, the rectangle containing the toll-free telephone number shall be a part of the billboard itself and not a separate add-on to the frame.

D. Signs displaying the toll-free number shall be posted at each public entrance to the designated gaming area and at each public entrance into the casino. The toll-free telephone number and accompanying letters must be sized to utilize the entire area within a rectangle with a height of at least 8 1/2 inches and length of at least 11 inches and the characters shall be of a contrasting color from the background color of the sign. The signs may be either wall mounted or free standing. A licensee or casino operator may include the toll-free telephone number on other interior signage in locations other than the required areas in this subsection in a style and size of its choosing.

E. Print advertising which is handheld or which is customarily viewed by the person holding the advertisement including, but not limited to, newspapers, flyers, coupons and other forms of advertising shall display the toll-free telephone number and all accompanying letters in a rectangle. The rectangle shall comprise an area equal to 1/20 of the entire advertisement's height and extend across the entire width of the advertisement. The toll-free telephone number and accompanying letters must be sized to utilize the entire area within the rectangle.

F. A licensee or casino operator which is required to display the toll-free telephone number may seek approval from the division for particular forms of print advertising on an individual basis. In those instances where the licensee or casino operator seeks approval, the division may in its discretion, approve the print advertisement in writing. The advertisement shall conform to the division's written approval.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1658 (July 2012).

§2931. Assisting in or Notification of Violations

A. No licensee, casino operator, permittee, or their employee, agent, or representative shall assist another person in violating any provision of the Act or rules; any order, authorization or approval from the board or division; or the internal controls. Such assistance shall constitute a violation of these rules.

B. It is incumbent upon a licensee, casino operator, permittee, or their employee, agent, or representative to promptly notify the division of any possible violation of any federal, state or municipal law, the Act, rules, any order, authorization or approval from the board or division, or the internal controls.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1658 (July 2012).

§2935. Entertainment Activities

A. No motion picture shall be exhibited within any casino either by direct projection or by closed circuit television which would be classified as obscene material.

B. No live entertainment shall be permitted within a casino which includes:

1. the performance of acts, or simulated acts, of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law;

2. the actual or simulated touching, caressing or fondling of breasts, buttocks, anus or genitals; or

3. the actual or simulated display of the pubic hair, vulva, genitals, anus, female nipple or female areola.

C. No entertainment shall be offered within the designated gaming area unless the licensee or casino operator receives approval from the division to provide such entertainment.

D. The licensee or casino operator shall file a written submission with the division at least five days prior to the commencement of such entertainment which includes, at a minimum, the following information:

1. the date and time of the scheduled entertainment;

2. a detailed description of the type of entertainment to be offered;

3. the number of persons involved in the entertainment;

4. the exact location of the entertainment in the designated gaming area;

5. a description of any additional security measures that will be implemented as a result of the entertainment; and

6. a certification from the licensee or casino operator that the proposed entertainment will not adversely affect security, surveillance, the integrity of the gaming operations and the safety and security of persons in the casino.

E. The submission from Subsection D of this Section shall be deemed approved by the division unless the licensee or casino operator is notified in writing to the contrary within five days of filing.

F. The division may at any time after the granting of approval require the licensee or casino operator to immediately cease any entertainment offered within the designated gaming area if the entertainment provided is in any material manner different from the description contained in the submission filed pursuant to Subsection D of this Section or in any way compromises the integrity of gaming operations.

G. In reviewing the suitability of an entertainment proposal, the division shall consider the extent to which the entertainment proposal:

1. may unduly interfere with efficient gaming operations;

2. may unduly interfere with the security of the casino or any of the games therein or any restricted casino area, or may unduly interfere with surveillance operations; and

3. may unduly interfere with the safety and security of persons in the casino.

H. The division, in its sole discretion, may grant ongoing approval for scheduled entertainment events that follow a set

pattern. The duration of the approval shall be at the discretion of the division.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1659 (July 2012).

§2937. Distributions

A. Each licensee and casino operator shall submit to the division a report for each fiscal quarter reflecting intercompany financial transactions between the licensee or casino operator and any affiliate. The quarterly report shall set forth any intercompany flow of funds and any intercompany loan(s).

B. Other than repayment of debt that has been approved by the board, debt otherwise deemed approved by these regulations, or transactions that are included in the quarterly report required by Subsection A of this Section, a licensee or casino operator or its holding company shall provide written notice to the division within five days of the completion of the following transactions:

1. withdrawal of capital in excess of 5 percent of the licensee's net gaming proceeds or net slot machine proceeds or the casino operator's gross gaming revenue for the preceding 12-month period;

2. the granting of a loan or any other extension of credit in excess of 5 percent of the licensee's net gaming proceeds or net slot machine proceeds or the casino operator's gross gaming revenue for the preceding 12-month period;

3. any advance or other distribution of any type of asset in excess of 5 percent of the licensee's net gaming proceeds or net slot machine proceeds or the casino operator's gross gaming revenue for the preceding 12-month period.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1659 (July 2012).

§2939. Action Based upon Order of Another Jurisdiction

A. The board or division may initiate administrative action against a licensee, casino operator, permittee, registrant, or person required to submit to suitability by the Act or these regulations who, or whose affiliate or parent company, has been subject to administrative action in another jurisdiction for gaming related activity.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1659 (July 2012).

§2941. Access by Board and Division to Licensee Computer Systems

A. Board and division agents shall have unrestricted access to all records, data, documents and electronically stored media of a licensee. The board or division may require a licensee to place a computer terminal in the board or division room whereby the board and division has contemporaneous access to records, data, documents and electronically stored media relating to the gaming operations. Such data shall include, but are not limited to, credit transactions, amounts wagered and paid to winners,

player tracking information and expenses relating to payment of compensation to employees.

B. The casino operator shall provide computer access and accessibility as provided in the casino operating contract.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1659 (July 2012).

§2943. Gaming Employees Prohibited from Gaming or Promotions

A. A permitted gaming employee is prohibited from participating in any game, gaming activity or promotion where the permittee is employed.

AUTHORITY NOTE Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1660 (July 2012).

§2944. Waivers and Authorizations

A. All requests to the board or division for waivers, approvals, or authorizations, except matters concerning emergency situations, shall be submitted in writing to the board or division no less than 90 days prior to the licensee's or casino operator's planned implementation date, unless a shorter time is approved by the board or division.

B. No waiver, approval, or authorization is valid until such time as the licensee or casino operator receives written authorization from the board or division which includes an authorization number.

C. The board or division declares the right to determine an emergency situation on a case by case basis.

D. A licensee and casino operator shall adhere to all the requirements and provisions of the authorization. Violation of the terms of a written authorization may be cause for administrative action.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1660 (July 2012).

§2945. Restricted Areas

A. Only authorized persons as provided in these regulations, or in the internal controls may enter restricted areas. For the purpose of this Subsection, restricted areas shall include, but are not limited to, the following:

1. cage and cashier areas;
2. pit areas;
3. casino vault;
4. soft count and hard count rooms;
5. surveillance room;
6. card and dice room;
7. computer room; and
8. any other room or area designated by the licensee, casino operator, board, or division.

B. The licensee and casino operator shall implement procedures to insure compliance with this Section. The division may require the licensee and casino operator to erect barriers, stanchions, signage, and other equipment as necessary to prohibit unauthorized persons from entering these areas.

C. The licensee or casino operator may submit for approval to the board or division internal control procedures which allow housekeeping and maintenance personnel access to sensitive areas for maintenance purposes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1660 (July 2012).

§2951. Approvals

A. All approvals shall be in writing and signed by the chairman or supervisor or a division agent authorized to sign on behalf of the supervisor.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1660 (July 2012).

§2953. Promotions

A. All promotional programs, including contests and tournaments, conducted by or on behalf of a licensee or casino operator shall comply with the Act and the rules and all federal and state laws and regulations and municipal ordinances including R.S. 4:701 et seq., the Louisiana Charitable Raffles, Bingo and Keno Licensing Law.

B. The licensee and casino operator are responsible for ensuring that all promotional programs are in compliance with Subsection A of this Section.

C. Promotional programs, including contests or tournaments, which impair the integrity of the games, the security, surveillance and well-being of persons on the licensee's or casino operator's property or the calculation of gaming revenue are prohibited. Issuance of coupons, scrip, and other cash equivalents used in conjunction with a promotion that does not impact the calculation of gaming revenues shall be considered a promotional expense of the licensee or casino operator. A licensee or casino operator that intends to offer coupons, scrip, and cash equivalents as part of a promotion shall adopt internal controls prior to the implementation of any such programs governing the use and accountability of the coupon, scrip, or cash equivalent.

D. A slot jackpot may be increased as part of a promotional program. The increased portion of the jackpot which results from the promotion shall not be paid out by the machine. The increased portion of the jackpot shall be paid manually and shall be considered a promotional expense of the licensee or casino operator and may not be considered a payout for purposes of calculating net gaming proceeds, net slot machine proceeds, or gross gaming revenue.

E. Any promotional program involving a giveaway of prizes or drawing for cash or prizes shall incorporate the following elements.

1. Only persons 21 years of age and older shall be eligible to participate.

2. Entry forms required in drawings open to the general public shall be displayed in a prominent manner inside the casino.

3. No payment or purchase of anything of value, including chips or tokens from the casino or any other business, shall be required for participation in any giveaway or drawing, nor shall there be a requirement to pay an entry fee.

F. The division may terminate a promotional program at anytime by issuance of an order. This order need not be in writing to be effective but shall be followed by written notice of the action within three business days.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1660 (July 2012).

§2954. Tournaments

A. All notifications for gaming tournaments conducted by or on behalf of the licensee or casino operator shall be submitted to the division in a manner approved by the division.

1. A gaming tournament is a contest or event wherein persons play a game or games previously authorized by the division in competition with each other to determine the winner of a prize or prizes.

2. A gaming tournament shall include, but is not limited to, any contest or event wherein an entry fee is paid to play a game previously approved by the division. An entry fee shall include any fee paid, directly or indirectly, by or on behalf of the person playing in the tournament.

3. Gaming tournament notifications shall be made in writing and received by the division prior to the commencement date of the tournament. The notification shall contain a complete description of the tournament, the manner of entry, a description of those persons eligible to enter the tournament, the entry fee assessed, if any, the prizes to be awarded, the manner in which the prizes are to be awarded and the dates of the tournament. The division may request additional information.

4. Licensees and the casino operator shall maintain all tournament documentation and shall report tournaments on the gaming revenue summary in accordance with §2735.

5. All tournament slot meters shall be read electronically or manually before the machine is enabled for tournament play and again once the tournament has ended. All meter readings shall be recorded and retained in accordance with the division's rules concerning record retention in Chapter 27.

B. The division may waive any of the above requirements upon a showing of good cause.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1661 (July 2012).

§2955. Managerial Representative on Premises

A. Each licensee and casino operator shall establish a position designated as managerial representative on premises. A managerial representative on premises shall be on the licensee's and casino operator's premises at all times and shall have authority to immediately act on behalf of the general manager in any matter or concern of the board or division. A description of the duties and responsibilities of the managerial representative on premises shall be included in the internal controls.

B. Each licensee and casino operator shall provide, in writing, a current list of all managerial representatives on premises. Each managerial representative on premises shall have a valid current non-key gaming employee permit and shall be approved by the division.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1661 (July 2012).

Chapter 31. Rules of Play

Editor's Note: The information for this Chapter was consolidated from corresponding Chapters in Parts VII, IX, and XIII prior to their being repealed.

§3101. Authority and Applicability

A. The licensee or casino operator may only conduct those games and gaming activities expressly authorized by the Act, the rules or its internal controls.

B. The division may conditionally approve a new game to allow testing and evaluation to insure that approval of such is in the best interest of the public and patrons. A new game authorized pursuant to this Section shall not be conducted unless the internal controls are amended to include the new game and the division has approved the amendment in writing.

C. The games and gaming activities authorized by this Chapter shall be conducted pursuant to these rules and the internal controls.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1661 (July 2012).

§3103. Rules of Play

A. Each licensee and casino operator shall submit in writing to the division for review and approval the proposed rules of play prior to the commencement of gaming operations. The rules of play shall be included in the internal controls. The rules of play for each game shall include, but are not limited to:

1. the object of the game and method of play including what constitutes win, loss or tie bets;
2. the requirements of the gaming equipment, gaming table, and gaming table layout;
3. procedures for opening and closing of the gaming table;
4. the permissible wagers and payout odds, the amounts to be paid on winning wagers, the manner in which wagers may be made, the minimum and maximum wagers, and the maximum table payouts, as applicable;
5. rules relating to side wagers;
6. procedures for closing of bets that shall include the dealer announcing "no more bets" while waving his hand across the table from left to right prior to the first card being dealt;
7. inspection procedures for all table games;
8. procedures for shuffling, card cutting, dealing, taking, removing used, damaged, and burning cards;
9. the number of decks, number of cards in deck and the valuation of the cards for each game that uses cards;
10. procedures for collection of bets and payouts including all requirements for Internal Revenue Service purposes;
11. procedures for handling disputes including documentation, forms, and submissions to the division;
12. procedures for handling suspected cheating and irregularities including the immediate notification to the division;

13. procedures for dealers and box persons conducting each game, including relief procedures. These procedures shall include, but are not limited to:

- a. the incoming dealer shall tap the shoulder of the dealer being relieved;
- b. the outgoing dealer must complete all transactions for the given round of play; and
- c. the dealers shall clap their hands and turn palms up before leaving the table and before resuming the game; and

14. procedures describing irregularities of each game.

B. All table games utilizing cards, for which procedures are described above, shall be dealt from a shoe or shuffling device, except card games which have been approved by the division.

C. Any change in the licensee's or casino operator's rules of play including permissible rules, wagers and payout odds must be submitted in writing and approved by the division before implementation.

D. For each game, the licensee and casino operator shall provide a written set of game rules to the division in advance of commencing the game's operation or within such time period as the division may designate.

E. The rules of play shall not be considered confidential and copies shall be made available to all persons.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1661 (July 2012).

§3104. Gaming Equipment, Gaming Table, and Gaming Table Layout Requirements

A. Requirements for gaming equipment, gaming table and gaming table layout shall include, but not be limited to:

1. a gaming table shall have designated positions for the players and for the dealer(s);
2. a gaming table cloth covering shall be imprinted with the name of the licensee or casino operator or some other logo approved by the division;
3. a gaming table cloth covering shall be imprinted with the name of the table game, spaces for cards dealt, and designated betting areas;
4. a gaming table shall have other inscriptions on the cloth covering as required or approved by the division;
5. a game's payouts shall be imprinted on the cloth covering of the table or posted on a sign placed on top of the table in full view of patron(s); and
6. a gaming table shall have a locked drop box and a locked transparent token (tip) box attached to it as approved by the division.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1662 (July 2012).

§3105. Procedures for Opening and Closing of the Gaming Table

A. The gaming equipment shall be removed from storage and inspected for defects. The tray cover shall be stored and the table bankroll physically counted by the dealer in the presence of a table games supervisor or higher supervisory authority, and verified against the opening table inventory

slip. The opening table inventory slip shall then be checked to ensure the following are correct:

1. current date;
2. shift, time and pit, if applicable;
3. game type and number;
4. total amount of each denomination;
5. final total of all denominations; and
6. signatures of the outgoing table games supervisor and dealer.

B. Upon verification of the process set forth in Subsection A of this Section, the verifying supervisor and dealer shall sign the opening table inventory slip and the dealer shall drop the appropriate copy of this document in the locked drop box. A table games supervisor shall retain the other copy for the pit clerk.

C. Any discrepancy or variance found on a game opening table inventory slip shall be immediately investigated by the surveillance department. Investigative findings and supporting documents shall be forwarded to and maintained by the accounting and compliance departments.

D. The dealer and the table games supervisor, or two table games supervisors, shall complete a table inventory slip. The dealer and the table games supervisor shall sign the table game inventory slip, place the opening table inventory slip in the table chip tray, and cover and lock the chip tray. The dealer shall drop the closing table inventory slip copy in the locked drop box.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1662 (July 2012).

§3106. Procedures for Card Games

A. Shuffling procedures shall include, but are not limited to:

1. cards shall be shuffled:
 - a. at table opening;
 - b. after each round of play;
 - c. every time a new deck is entered into play;
 - d. when the cutting card has been reached;
 - e. when the automatic shuffler malfunctions;
 - f. when instructed by casino supervisor or above;
- and
- g. when instructed by a division agent.

B. Procedures for removing used and damaged cards shall include:

1. if one card is flawed, a table games supervisor may utilize a replacement card from the make-up deck. If more than one card is flawed, or a card is missing, a table games supervisor shall obtain a replacement deck of cards from the pit manager or above. The licensee or casino operator shall conduct an investigation and notify the division;
2. The color of the replacement decks must be different than those being removed from play.

C. Procedures for burning of cards shall include, but are not limited to:

1. cards shall be burned:
 - a. after shuffling the cards;
 - b. when a card has been exposed or dealt by mistake;
 - c. for dead games, prior to resuming play; and

d. when a dealer is relieved, the new dealer shall burn the first card prior to resuming play.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1662 (July 2012).

§3107. Wagers

A. All wagers at gaming tables shall be made by placing gaming chips or tokens on the appropriate area of the gaming table layout. In addition, each player shall be responsible for the correct positioning of their wager or wagers on the gaming layout regardless of whether or not they are assisted by the dealer. Each player shall ensure that any instructions they give to the dealer regarding the placement of their wager are correctly carried out.

B. Minimum and maximum wagers and maximum table payouts shall be posted on a sign at each table.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1663 (July 2012).

§3109. Game Limits

A. Each licensee and casino operator shall establish, for each approved game and electronic gaming device, a minimum and maximum amount that can be wagered on each opportunity of play and shall at all times conspicuously display these limits.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1663 (July 2012).

§3111. Publication of Payoffs

A. Payoff schedules or award cards, subject to approval by the division, shall be displayed at all times either in a conspicuous place on or immediately adjacent to every licensed game or gaming device. Payoff schedules or award cards shall accurately state actual payoffs or awards applicable to the particular game or gaming device and must not be worded in such manner as to mislead or deceive the public. Maintenance of any misleading or deceptive matter on any payoff schedule or award card or failure on the part of a licensee or casino operator to make payment in strict accordance with posted payoff schedules or award cards may be deemed a violation of the Act, the rules, or the internal controls.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1663 (July 2012).

§3113. Periodic Payments Prohibited

A. The payment of winnings over a specified period of time is prohibited unless otherwise approved by the division.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1663 (July 2012).

Chapter 33. Surveillance

Editor's Note: The information for this Chapter was consolidated from corresponding Chapters in Parts VII, IX, and XIII prior to their being repealed.

§3301. Required Surveillance Equipment

A. Each licensee and casino operator shall install a surveillance system in its casino which meets or exceeds specifications established by the division and shall provide access to the division at all times.

B. All cameras shall be installed in fixed positions with matrix control or with pan, tilt and zoom capabilities, concealed from public and non-surveillance personnel view, to effectively and clandestinely monitor activity in detail, from various vantage points.

C. Color cameras, as approved by the division, shall monitor in detail, from various vantage points, the following:

1. the operations conducted at the fills and credit area of the cashier's cage(s);

2. roulette tables, in a manner to clearly observe the wagers, patrons, and the outcome of each game; and

3. such other areas as designated by the division.

D. Cameras, as approved by the division, shall monitor in detail, from various vantage points, the following:

1. the gaming conducted at the electronic gaming devices including, but not limited to, the coin and currency acceptor area, the payout tray, and the designated house number assigned to the device or its location;

2. the count processes conducted in the count rooms;

3. the movement of cash, chips, drop boxes, token storage boxes, and drop buckets within the casino and any area of transit of uncounted tokens, chips, cash and cash equivalents;

4. any area where cash or cash equivalents can be purchased or redeemed;

5. the entrance and exits to the casino and the count rooms;

6. for all live games regardless of patron or employee position:

a. hands of all gaming patrons and dealers;

b. tray; and

c. the overall layout of the table area capable of capturing clear individual images of gaming patrons and dealers, inclusive of, without limitation, facial views and the playing surface so that the outcome of each game may be clearly observed; and

7. such other areas as designated by the division.

E. All cameras shall be equipped with lenses of sufficient magnification to allow the operator to clearly distinguish the value of the chips, tokens and playing cards.

F. All video monitors shall meet or exceed the resolution requirement for video cameras with solid state circuitry, and have time and date insertion capabilities for recording what is being viewed by any camera in the system. Each video monitor screen must measure diagonally at least 12 inches.

G. All photo printers shall be capable of adjustment and possess the capability to instantly generate, upon command, a clear, color or black and white, copy of the image depicted on the recording.

H. All date and time generators shall be based on a synchronized, central or master clock, recorded and visible on any monitor when recorded.

I. The surveillance system and power wiring shall be tamper resistant.

J. The system shall be supplemented with a back-up gas or diesel generator power source which is automatically

engaged in case of a power outage and capable of returning to full power within 7 to 10 seconds. The surveillance room shall be notified when the backup system is in operation.

K. The system shall have an additional uninterrupted power supply system so that time and date generators remain active and accurate, and switching gear memory and video surveillance of all casino entrances and exits and cage areas is continuous.

L. Video switchers shall be capable of both manual and automatic sequential switching for the appropriate cameras.

M. Videotape recorders, as approved by the division, shall be capable of producing high quality first generation pictures and recording on a standard 1/2-inch VHS tape with high speed scanning and flickerless playback capabilities in real time, or other medium approved by the division. Such videotape recorders must possess time and date insertion capabilities for recording what is being viewed by any camera in the system.

N. The system shall have audio capability in the soft count and surveillance rooms.

O. The casino shall have adequate lighting in all areas where camera coverage is required. The lighting shall be of sufficient intensity to produce clear recording and still picture production, and correct color correction where color camera recording is required. The video must demonstrate a clear picture, in existing light under normal operating conditions.

P. At all times during the conduct of gaming, the licensee or casino operator shall have a reserve of six back-up cameras and appropriate recording equipment as approved by the division to be used as replacements in the event of failure.

Q. The division may allow alternative surveillance equipment at the supervisor's discretion.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1663 (July 2012).

§3302. Digital Video Recording Standards

A. As used in this Section, a digital video (DV) shall mean: visual images of the natural world converted into numbers and stored on tape, digital video disk, or other storage medium, for later reproduction.

B. In addition to the requirements of §3301, the use of digital recording equipment may be authorized if the following requirements are met.

1. All DV equipment and systems used by a licensee or casino operator in its surveillance system shall:

a. record and replay activity in all gaming areas where cash is handled including, but not limited to, cages, vaults, count rooms, table games, and the drop process, at a minimum of 30 frames per second and in real time; and in all other gaming areas, a minimum number of frames per second as specified in the internal controls;

b. record, review and download simultaneously;

c. have visual image resolution of a minimum of 4CIF (common intermediate format) and shall be of sufficient clarity to meet division requirements;

d. maintain for a period of not less than seven days, or additional period as specified by the division, all images obtained from the video cameras;

e. have a failure notification system that provides an audible and a visual notification of any failure in the surveillance system or the DV media storage system;

f. have a media storage system that is configured so that a failure of any single component will not result in the loss of any data from the media storage system; and

g. be connected to an uninterruptible power source to ensure the safe shutdown of the system in the event of a power loss, and shall reboot in the record mode.

2. For areas where gaming is conducted, cameras not specifically addressed by the surveillance standards shall operate at a minimum frames per second as specified by the division.

3. Any part of the licensee's or casino operator's surveillance system that uses DV shall not use quads or multi-view devices to record activity in gaming related areas. In areas where the use of quads or multi-view devices are authorized, no more than four cameras shall be recorded on one DV device.

4. If the licensee or casino operator uses a network for the digital recording equipment, it shall be a closed network with limited access. The licensee or casino operator shall seek authorization from the division prior to implementation. The licensee or casino operator shall provide written policies on the administration of the network including employee access levels which set forth the location and to whom access is being provided other than surveillance personnel and key employees, and certifies that the transmission is encrypted, fire-walled on both ends, and password protected.

5. If remote access to its network by the provider is requested by the licensee or casino operator, written procedures shall be submitted to the division for approval. The remote access shall be encrypted, fire-walled on both ends, and password protected. A written report shall be generated weekly indicating the person given access, date, beginning and ending time, and reason for access. This report shall be reviewed at each end of the system to ensure that there has not been any unauthorized access. The reviewer shall initial and date this report.

6. All digital video disks or other storage media produced from the DV system shall have a visual resolution of 640 x 480 pixels or greater unless the division determines that an alternate visual resolution is capable of achieving the clarity required to meet the purposes of this Section; and shall contain the data with the time and date it was recorded superimposed, the media player that has the software necessary to view the DV images and a video verification encryption code or watermark.

7. Pursuant to the division's specifications and at the licensee's or casino operator's costs, the licensee or casino operator shall provide the division with the necessary software and hardware, to review a downloaded recording and the video verification encryption code or watermark, before the division's inspection and approval of the DV system. A watermark will be required to authenticate dates and times and validity of live and archived data.

8. The licensee and casino operator shall be responsible for the training of surveillance employees in the use of the digital system and the downloading of recordings for evidentiary purposes.

9. Surveillance room equipment shall have override capability over all surveillance equipment located outside the surveillance room excluding the division's surveillance room.

10. The division's surveillance room shall be equipped as specified by the division and fully functional with total override capabilities

11. Any failure of a DV storage media system, resulting in loss of data or picture, shall be immediately reported to the division, and shall be repaired or replaced within eight hours of the failure.

12. All DV equipment shall be located in the surveillance room of the licensee or casino operator, or other areas as approved by the division, and the surveillance department shall be ultimately responsible for its proper operation and maintenance.

13. A licensee or casino operator shall obtain prior authorization from the division before changing any portion of their surveillance system from an analog to a digital format. The request for authorization shall describe the change including when the change will occur and how the change will affect their surveillance system as a whole.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1664 (July 2012).

§3303. Surveillance System Plans

A. An applicant for a license or the casino operator shall submit to the division for approval a surveillance system plan no later than 90 days prior to the commencement of gaming operations. The surveillance system plan shall include a floor plan indicating the placement of all surveillance equipment and a detailed description of the casino surveillance system and its equipment. The plan shall also include a detailed description of the layout of the surveillance room and the configuration of the monitoring equipment. The plan may include other information that evidences compliance with this Subsection by the applicant including, but not limited to, a casino configuration detailing the location of all gaming devices and equipment.

B. Any changes to the surveillance room or the surveillance system shall be submitted to the division for prior approval.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1665 (July 2012).

§3304. Surveillance Personnel Employment Provisions

A. Surveillance department employees shall be independent of all other departments and shall report directly to the general manager or higher corporate official.

B. Employees of the licensee or casino operator assigned to monitoring duties in the surveillance room are prohibited from being concurrently employed in any other capacity by that licensee or casino operator or any affiliate of the licensee or casino operator.

C. An employee with monitoring duties in the surveillance room may work in the same capacity at an affiliate of the licensee or casino operator.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1665 (July 2012).

§3305. Surveillance and Division Room Requirements

A. There shall be rooms approved by the division for monitoring and recording purposes.

1. The room for the exclusive use of the division shall be designated the division room. The room for the use of the employees of the licensee or casino operator shall be designated the surveillance room.

2. A riverboat licensee shall provide a secure and segregated room at the dock site for the exclusive use of division agents. This room shall be in addition to the division room provided for division agents on the riverboat. The dock site room shall be furnished with all necessary furniture and fixtures as specified by the division.

B. All equipment that is utilized to monitor or record must remain solely accessible to the surveillance room personnel and the division and be used exclusively for surveillance, except when such equipment is being repaired or replaced, unless otherwise approved by the division.

C. Employees of the licensee or casino operator assigned to monitoring duties in the surveillance room shall have no other duties.

D. The interior of the division room and the surveillance room shall not be visible to the public.

E. Room Requirements

1. Each riverboat and the casino operator shall have a minimum of 10 monitors in the surveillance room and three monitors in the division room.

2. Each eligible facility shall have a minimum of five monitors in the surveillance room and two monitors in the division room.

3. Each room shall have appropriate switching capabilities to insure that all surveillance cameras are accessible to monitors in both rooms. The equipment in the division room shall be able to monitor and record, without being overridden, anything visible by monitor to employees of the licensee or casino operator.

4. The casino operator shall equip the division room with two stations with switching capabilities and a video printer with capabilities outlined in §3301 of these regulations.

F. The division shall have absolute, unfettered access to the surveillance room at all times and the division shall have the right to take control of the room. Upon request, the division shall be provided copies of recorded activities and copies of any images.

G. The division room shall be furnished with all necessary furniture and fixtures as specified by the division, be equipped with a security radio and house telephone, and shall house a dedicated computer which provides computer accessibility for division agents to review, monitor and record data with the same functionality and specifications as provided in §4205.

H. The surveillance room shall be manned at all times by a sufficient number of surveillance operators as approved in the internal controls. The division may require additional surveillance personnel should it be determined that an inadequacy of surveillance monitoring exists.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1665 (July 2012).

§3307. Segregated Telephone Communication

A. A segregated telephone communication system shall be provided for use by division agents in the division room.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1666 (July 2012).

§3309. Surveillance Logs

A. The licensee and the casino operator shall maintain a division-approved surveillance log. The log shall be maintained by surveillance room personnel in the surveillance room. The division shall have access to the log at all times. A log entry shall be made in the surveillance log of each surveillance activity. Each log entry shall include the following:

1. the identity of any person entering and exiting the surveillance room;
2. a summary, including date, time and duration, of each surveillance activity;
3. a record of any equipment or camera malfunctions;
4. a description of any unusual events occurring; and
5. any additional information as required by the division.

B. The surveillance logs required by this Section shall be retained and stored by month and year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1666 (July 2012).

§3311. Storage and Retrieval

A. All video recordings shall be retained for at least seven days, unless otherwise provided for in these rules or required by the division. All video recordings shall be listed on a log by surveillance personnel with the date, times, and identification of the person monitoring or changing the recording media. Original videotaped or downloaded digital recordings shall be released to the division upon demand.

B. Any video recording of illegal or suspected illegal activity shall, upon completion of the recording, be removed from the recorder and etched with date, time and identity of surveillance personnel. The video recording shall be placed in a separate, secure area and the division shall be notified. The video recording shall be preserved until the division notifies the licensee or casino operator that it is no longer needed.

C. All video recordings relating to the following shall be retained in a secure area approved by the division for at least 15 days and shall be listed on a log maintained by surveillance personnel:

1. all count room areas;
2. the vault area;
3. all credit and fill slip confirmation recordings; and
4. all cage areas.

D. All video recordings relating to the following shall be retained in a secure area approved by the division for at least 30 days and shall be listed on a log maintained by surveillance personnel:

1. all check cashing activity; and

2. all credit card advance activity.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1666 (July 2012).

§3315. Maintenance and Testing

A. All surveillance equipment shall be subject to unscheduled testing of minimum standards of resolution and operation by the division.

B. The division shall be notified immediately of the malfunction of surveillance equipment.

C. Any malfunction of surveillance equipment shall necessitate the immediate replacement of the faulty equipment. If immediate replacement is not possible, alternative live monitoring shall be provided by security personnel.

D. The division shall determine if gaming should continue with live monitoring and shall have authority to cease gaming operations not monitored by the surveillance system.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1666 (July 2012).

§3317. Surveillance System Compliance

A. A licensee and the casino operator shall have a continuing duty to review its surveillance system plan to ensure the surveillance system plan remains in compliance with the Act and the rules.

B. A licensee and the casino operator shall submit any modification to its surveillance system plan required to bring the surveillance system plan in compliance with a new rule or a rule amendment within 30 days of the effective date.

C. The division shall review any amendments submitted pursuant to this Section and issue a decision approving, approving with conditions, or disapproving the amendments.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1666 (July 2012).

Chapter 34. Security

Editor's Note: The information for this Chapter was consolidated from corresponding Chapters in Parts VII, IX, and XIII prior to their being repealed.

§3403. Security Plans

A. An applicant for a license shall submit to the division a security plan no later than 90 days prior to the commencement of gaming operations. The security plan shall include, at a minimum, the following:

1. a detailed description by position of each security officer or employee which includes their duties, assignments and responsibilities;
2. the number of security employees assigned by shift;
3. general procedures for handling incidents requiring the assignment of a security officer;
4. radio protocol and a description of authorized radio codes to be used;
5. training requirements and procedures; and
6. other information required by the division that evidences compliance with this Chapter by the applicant.

B. Modifications to the security plan shall be submitted to the division for approval prior to implementation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1666 (July 2012).

§3409. Security Logs

A. The licensee and casino operator shall maintain a security log of all unusual incidents. Each incident without regard to materiality, shall be assigned a sequential number and an entry made in the log containing, at a minimum, the following information:

1. the assignment number;
2. the date;
3. the time;
4. the nature of the incident;
5. the person involved in the incident; and
6. the security department employee assigned.

B. The security logs required by this Section shall be retained and stored by month and year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1667 (July 2012).

Chapter 35. Patron Disputes

Editor's Note: The information for this Chapter was consolidated from corresponding Chapters in Parts VII, IX, and XIII prior to their being repealed.

§3501. Patron Dispute Form

A. Whenever a licensee or casino operator and a patron are unable to resolve a dispute regarding the payment of winnings, the licensee or casino operator shall provide the patron a patron dispute form.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1667 (July 2012).

§3502. Licensee Duty to Provide Patron Dispute Information

A. Within seven days of the licensee or casino operator being notified of a written patron dispute, the licensee or casino operator shall provide the division, in writing, the identity of the parties involved in the dispute and all facts regarding the dispute.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1667 (July 2012).

Chapter 39. Public and Confidential Records

Editor's Note: The information for this Chapter was consolidated from corresponding Chapters in Parts VII, IX, and XIII prior to their being repealed.

§3901. Public Records

A. Except as provided in R.S. 27:21, records of the board and division shall be public records.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1667 (July 2012).

§3905. Sealing of Documents

A. The board or hearing officer may allow any party to an administrative action to file a document or portions of a document with the board or hearing office under seal if:

1. the document or portions of the document contain information that is confidential pursuant to the Act or these rules;

2. the party makes a request in writing or on the record of an administrative hearing to allow the filing of the document or portions of the document under seal, setting forth the reasons that such filing under seal should be permitted;

3. the party requesting the filing of the document or portions of the document under seal has, to the extent practicable, segregated the portions of the document containing confidential information from the remainder of the document so that no more of the document than is necessary is filed under seal; and

4. the board or hearing officer finds that the public interest in maintaining the confidentiality of the information outweighs the public interest in making the information public.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1667 (July 2012).

§3907. Access to Public Records

A. A request for access to public records shall be made in accordance with R.S. 44:1 et seq.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1667 (July 2012).

§3909. Access to Confidential Records

A. The board or division may only release confidential records pursuant to lawful order from a court of competent jurisdiction or pursuant to an intelligence sharing, reciprocal use or restricted use agreement executed between the board or division and a gaming regulatory or law enforcement agency.

B. All requests for access to confidential records must be made in writing to the board or division.

C. Pursuant to a written request, as described in Subsection B of this Section, from any duly authorized agent of any agency of the United States government, any state, or any political subdivision of this state which has executed the requisite information sharing agreement with the board or division, the board or division may release confidential records to the agency requesting them upon a finding by the board or division that the release is consistent with the policy of this state as reflected in the Act.

D. The board or division may require any party receiving confidential information to agree in writing or on the record of any hearing to any limitations that the board or division deems necessary prior to giving that party the confidential information.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1667 (July 2012).

§3911. Unauthorized Procurement of Records Prohibited

A. An applicant, licensee, casino operator, or permittee shall not, directly or indirectly, procure or attempt to procure from the division or board information or records that are not made available by proper authority. Any violation of this regulation constitutes reasonable cause for administrative action or to deny any application.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1668 (July 2012).

Chapter 40. Designated Check Cashing Representatives

Editor's Note: The information for this Chapter was consolidated from corresponding Chapters in Parts VII, IX, and XIII prior to their being repealed.

§4001. Designated Check Cashing Representative; Permit

A. A person who conducts check cashing and credit card services for a licensee shall obtain a non-gaming supplier permit prior to providing the services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1668 (July 2012).

§4002. Application for Permit for Designated Check Cashing Representative; Additional Requirements; Summary of Proposed Operations

A. The division may require any applicant who conducts services pursuant to the provisions of this Chapter to provide the division with a summary describing the financial, internal, and security aspects of the proposed check cashing and credit card advance operations including, but not limited to:

1. accounting and financial controls, including the procedures to be utilized in counting, banking, storage and handling of cash;
2. procedures, forms, expense and overhead schedules, cash equivalent transactions, salary structure and personnel practices;
3. job descriptions and a system of personnel and chain of command, establishing a diversity of responsibility among employees engaged in operations and identifying primary and secondary supervisor positions for areas of responsibility;
4. procedures within the check cashing cage for the receipt, storage, and disbursal of cash and other cash equivalents;
5. procedures and security for the counting and recordation of transactions;
6. procedures for the cashing and recordation of checks exchanged by customers of the designated check cashing representative; and
7. procedures governing the utilization of the licensee's or casino operator's security force within the check cashing cage.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1668 (July 2012).

§4003. Cash Transaction Reporting for Designated Check Cashing Representative

A. A designated check cashing representative shall report a cash transaction reporting violation to the division immediately upon obtaining knowledge of the violation.

B. Violation of cash transaction reporting requirements in any other jurisdiction by a designated check cashing representative shall be reported to the division within 30 days of the notice of violation in the other jurisdiction.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1668 (July 2012).

§4004. General Requirements

A. The check cashing cage may be accessed by security personnel of the licensee or casino operator and personnel from the division upon presentation of proper identification.

B. The designated check cashing representative shall be a single source provider for these services and its responsibilities shall not be assigned or subcontracted to any party.

C. The designated check cashing representative shall not issue credit or credit instruments, chips, markers, counter checks, tokens or electronic cards which may be used directly in gaming.

D. The designated check cashing representative shall be located in the casino.

E. The designated check cashing representative shall not participate in management or operation of the casino or gaming activities.

F. The designated check cashing representative shall be located in a designated check cashing cage.

G. No employee of the designated check cashing representative shall be an employee of any licensee or casino operator.

H. The designated check cashing representative shall maintain detailed records of all returned checks.

I. The designated check cashing representative shall maintain work papers supporting the daily reconciliation of cash and cash equivalent accountability.

J. The designated check cashing representative shall maintain detailed records as required by the division.

K. The division may review records of the designated check cashing representative at any time upon request.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1668 (July 2012).

§4005. Imposition of Actions for Designated Check Cashing Representatives

A. Any administrative action authorized by the Act and the rules for violation of the designated check cashing representative's internal controls may be initiated.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1668 (July 2012).

§4006. Record Retention for Designated Check Cashing Representatives

A. Each designated check cashing representative shall provide the division, upon its request, with the records required to be maintained by the Act or these rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1669 (July 2012).

§4007. Designated Check Cashing Representative's Clothing Requirements

A. Designated check cashing representative's employees shall not bring purses, handbags, briefcases, bags or any other similar item into the check cashing cage unless it is transparent.

B. No employee shall wear clothing with pockets or other compartments.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1669 (July 2012).

§4008. Internal Controls; Designated Check Cashing Representative

A. Each designated check cashing representative shall describe, in such manner as the division may approve or require, its administrative and accounting procedures in detail in a written system of internal controls. Each designated check cashing representative shall submit a copy of its internal controls to the division for approval prior to commencement of the designated check cashing representative's operations. The internal controls shall reasonably ensure that:

1. all assets are safeguarded;
2. financial records are accurate and reliable;
3. transactions are performed only in accordance with the designated check cashing representative's internal controls;
4. access to assets is permitted only in accordance with the designated check cashing representative's internal controls;
5. functions, duties and responsibilities are appropriately segregated and performed in accordance with sound practices by competent, qualified personnel.

B. The internal controls shall include:

1. an organizational chart depicting appropriate segregation of functions and responsibilities;
2. a description of the duties and responsibilities of each position shown on the organizational chart;
3. a detailed, narrative description of the administrative and accounting procedures designed to satisfy the requirements of Subsection A of this Section;
4. a written statement signed by an officer of the designated check cashing representative attesting that the system satisfies the requirements of this Section;
5. other information as the division may require; and
6. a flow chart illustrating the information required in Paragraphs 1, 2 and 3 of this Subsection.

C. Each designated check cashing representative shall establish and provide, at the request of the division, the following:

1. an income statement summarizing the revenue and expenses of the entire check cashing cage operation;
2. summary credit card cash advance transaction information:
 - a. number of transactions per day;
 - b. total amount advanced by day; and
 - c. fee revenue generated by day;
3. summary check cashing transaction information:
 - a. number of transactions per day;
 - b. total amount advanced by day; and
 - c. fee revenue generated by day;
4. return check information:
 - a. total amount of returned checks per month; and
 - b. total amount of collections per month.

D. The designated check cashing representative shall not implement its initial internal controls unless the division determines that the designated check cashing representative's proposed internal controls satisfy Subsection A of this Section, and approves the system in writing.

E. The designated check cashing representative shall provide to the division a monthly report detailing all insufficient fund checks. The report required under this Subsection shall be submitted to the division within 15 days of the end of each month.

F. Prior to changing any procedure required by this Chapter to be included in the designated check cashing representative's internal controls, the designated check cashing representative shall obtain written approval by the division in the manner prescribed for obtaining approvals in Chapter 29.

G. The internal controls adopted by the designated check cashing representative and approved by the division shall be incorporated into the licensee's or casino operator's internal controls. A violation of any part of the approved internal controls committed by an employee of the designated check cashing representative shall constitute a violation by the designated check cashing representative and shall also constitute a violation by the licensee or casino operator. The licensee or casino operator may be sanctioned in the same manner as the designated check cashing representative for such violation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1669 (July 2012).

§4009. Internal Controls; Designated Check Cashing Representative Cage and Credit

A. Each check cashing cage shall comply with the following minimum requirements.

1. All transactions that flow through the check cashing cage shall be summarized on a cage accountability form on a per shift basis.

2. Personal checks or cashier checks shall be cashed at the cage cashier or at the check cashing cage by the designated check cashing representative and subjected to the following procedures:

- a. examine and record at least one item of patron identification;
- b. record a bank number and Social Security number on all check transactions.

3. The cashier or designated check cashing representative shall comply with examination and documentation procedures as required by the issuer.

B. The requirements of this Section shall be included in the designated check cashing representative's internal controls.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1669 (July 2012).

§4010. Designated Check Cashing Representative Currency Transaction Reporting

A. Each designated check cashing representative shall be responsible for proper reporting of certain monetary transactions to which it is a party to the federal government as required by the Bank Records and Foreign Transactions Act (Public Law 91-508), (Bank Secrecy Act of 1970) as codified in 31 USC 5311-5323 (September 13, 1982) and 12 USC 1829 (September 21, 1950) and 1951-1959 (Oct. 26, 1970). Specific requirements concerning record keeping and reports are delineated in 31 CFR Chapter X (March 1, 2011) and shall be followed in their entirety. The Bank Secrecy Act of 1970 and the rules and regulations promulgated by the federal government pursuant to the Bank Secrecy Act of 1970 are adopted by reference and are to be considered incorporated in this Chapter.

B. Civil and criminal penalties may be assessed by the federal government for willful violations of the reporting requirements of the Bank Secrecy Act. These penalties may be assessed against the designated check cashing representative, as well as any director, partner, official or employee that participated in the above referenced violations.

C. All employees of the designated check cashing representative shall be prohibited from providing any information or assistance to patrons in an effort to aid the patron in circumventing any and all currency transaction reporting requirements to which it is a party.

D. Designated check cashing representative employees shall be responsible for preventing a patron from circumventing the currency transaction reporting requirements if the employee has knowledge, or through reasonable diligence in performing their duties, should have knowledge of the patron's efforts at circumvention.

E. For each required currency transaction report, a surveillance photograph of the patron shall be taken and attached to the licensee's, casino operator's, or the designated check cashing representative's copy of the currency transaction report. The employee consummating the transaction shall be responsible for contacting a surveillance department employee. The designated check cashing representative shall maintain and make available for inspection all copies of currency transaction reports, with the attached photographs, which it has prepared. The designated check cashing representative shall be responsible for maintaining a transaction log in compliance with all requirements of §2731.G.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1670 (July 2012).

§4011. Internal Controls Compliance

A. The designated check cashing representative shall have a continuing duty to review its internal controls to ensure the internal controls remain in compliance with the Act and these rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1670 (July 2012).

§4012. Servant of Licensee

A. The designated check cashing representative shall be considered a servant of the licensee or casino operator for the limited purpose of R.S. 27:101 and shall not cash any of the checks identified in that section and will be subject to the enforcement provisions of that section.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1670 (July 2012).

§4013. Violations by the Designated Check Cashing Representative

A. A violation of any applicable statute or rule by the designated check cashing representative shall constitute a violation of such statute or rule by the licensee or casino operator.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1670 (July 2012).

Chapter 41. Board Orders

Editor's Note: The information for this Chapter was consolidated from corresponding Chapters in Parts VII, IX, and XIII prior to their being repealed.

§4101. Orders

A. An order may be issued by the chairman, or at the direction of the chairman, the supervisor or his designee when circumstances necessitate action to protect the public health, safety, welfare or the interests of the state of Louisiana. The chairman, or at the direction of the chairman, the supervisor or his designee may also issue emergency orders when extraordinary situations require immediate action.

B. An order shall be in writing and signed by the chairman, or at the direction of the chairman, the supervisor or his designee and set forth the grounds upon which it is issued.

C. An order is effective immediately upon issuance and service to the licensee, casino operator or permittee. Service of the order may be made by hand delivery, certified mail or electronic transmission. If the circumstances of an emergency necessitate immediate action, the order need not be in writing to be effective, but shall be reduced to writing and served as soon as is practicable thereafter.

D. An emergency order will expire in 10 days unless a shorter period is specified in the order. An emergency order may be reissued after 10 days if the circumstances for the emergency remain unresolved.

E. Any violation of an order is subject to administrative action as set forth in these regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1670 (July 2012).

Chapter 42. Electronic Gaming Devices

Editor's Note: The information for this Chapter was consolidated from corresponding Chapters in Parts VII, IX, and XIII prior to their being repealed.

§4201. Division's Central Computer System (DCCS)

A. Pursuant to R.S. 27:30.6, all electronic gaming devices on licensed riverboats and slot machines at live racing facilities shall be linked by telecommunications to the division's central computer system (DCCS).

B. The DCCS shall be located within and administrated by the division.

C. The DCCS shall be capable of monitoring and reading financial aspects of each electronic gaming device including, but not limited to, coin in, coin out, coins to the drop, games played, hand paid jackpots, bills and paper currency accepted, and bills and paper currency by denomination accepted. This information shall be reported to the DCCS.

D. Any device malfunction that causes any meter information to be altered, cleared, or otherwise inaccurate may require immediate disablement of the electronic gaming device from patron play as instructed by the division. The licensee shall report the malfunction to the division within four hours after the occurrence.

E. No electronic gaming device that is required by a division agent to be disabled shall be enabled for patron play after a meter malfunction until authorized by a division agent;

F. A communication test shall be performed on the electronic gaming device that malfunctioned to ensure all required data is being sent to the slot monitoring system and that accounting totals are consistent with actual game play and game transactions. Upon successful completion of the communications test, all final meter information shall be documented in a manner prescribed by the division.

G. The DCCS shall provide for the monitoring and reading of exception code reporting to ensure direct scrutiny of conditions detected and reported by the electronic gaming device including any tampering, device malfunction, and any door opening to the drop areas.

1. Exception or event codes that signal illegal door opening(s) may necessitate an investigation by a division agent, which may result in an administrative action against the licensee.

2. All events that can be reported by an electronic gaming device shall be transmitted to the DCCS. The events reported include, but are not limited to, the following:

- a. machine power loss;
- b. main door open or closed;
- c. BVA or stacker accessed;
- d. hard drop door open or closed;
- e. logic board accessed;
- f. reel tilt;
- g. hopper empty;
- h. excess coin dispensed by the hopper;
- i. hopper jam;
- j. coin diverter error;
- k. battery low;
- l. jackpot win;

- m. jackpot reset; and
- n. logic board failure.

3. In the event of any exception or event code, or combination thereof reported to the DCCS, the division may require the disablement of the electronic gaming device.

H. No EGD monitoring system shall be authorized for operation unless it meets the minimum requirements of this Section.

I. The DCCS shall not provide for the monitoring or reading of personal or financial information concerning any patron's gaming activities.

J. The annual fee required by R.S. 27:30.6 shall be paid prior to operation of each new electronic gaming device placed on line and enabled for patron play.

K. The payment of the electronic gaming device fee required by R.S. 27:30.6 shall be made in such manner as prescribed by the division.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1671 (July 2012).

§4202. Approval of Electronic Gaming Devices

A. Applications and Procedures; Manufacturers and Suppliers

1. A manufacturer or supplier shall not sell, lease or distribute EGDs or equipment in this state and a licensee or casino operator shall not offer EGDs for play without first obtaining the requisite permit or license and obtaining prior approval by the board or division for such action.

B. Applications for approval of a new EGD shall be made and processed in such manner and using such forms as the division may prescribe. A licensee or casino operator may apply for approval of a new EGD. Each application shall include:

1. a complete, comprehensive, and technically accurate description and explanation in both technical and lay language of the manner in which the device operates, signed under penalty of perjury;

2. a statement, under penalty of perjury, that to the best of the applicant's knowledge, the EGD meets the standards set forth in this Chapter; and

3. any other items or information required by the division.

C. No game or EGD other than those specifically authorized in this Chapter may be offered for play or played in a casino.

D. Approval shall be obtained from the division prior to changing, adding, or altering the casino configuration once such configuration has received final approval. For the purpose of this Section, altering the casino configuration does not include the routine movement of EGDs for cleaning or maintenance purposes.

E. All components, tools, and test equipment used for installation, repair or modification of EGDs shall be stored in the slot technician repair office or in a division approved locked storage area. Such office or storage area shall be kept secure and only authorized personnel shall have access.

F. Any compartment or room that contains communications equipment used by the EGDs and the EGD monitoring system shall be kept secure.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1671 (July 2012).

§4203. Minimum Standards for Electronic Gaming Devices

A. All EGDs submitted for approval:

1. shall be electronic in design and operation and shall be controlled by a microprocessor or micro-controller or the equivalent;

2. shall theoretically pay out a mathematically demonstrable percentage of all amounts wagered, which shall be at least 80 percent and less than 100 percent for each wager available for play on the device;

3. shall use a random selection process to determine the game outcome of each play of a game. The random selection process shall meet 99 percent confidence limits using a standard chi-squared test for goodness of fit and:

a. each possible permutation or combination of game elements which produce winning or losing game outcomes shall be available for random selection at the initiation of each play; and

b. the selection process shall not produce detectable patterns of game elements or detectable dependency upon any previous game outcome, the amount wagered, or upon the style or method of play;

4. shall display an accurate representation of the game outcome. After selection of the game outcome, the EGD shall not make a variable secondary decision which affects the result shown to the player;

5. shall display the rules of play and payoff schedule;

6. shall not automatically alter pay-tables or any function of the device based on internal computation of the hold percentage;

7. shall be compatible with on-line data monitoring;

8. shall have the control circuit board and the program storage media locked and secured within the device;

9. shall be able to continue a game with no data loss after a power failure;

10. shall have the ability to recall the data from the current and previous two games;

11. shall have a complete set of nonvolatile meters including coins-in, coins-out, coins dropped and total jackpots paid;

12. shall contain a surge protector on the line that feeds power to the device. The battery backup or an equivalent backup shall be kept within the locked logic board compartment and shall be capable of maintaining the accuracy of all required information for 180 days after power is discontinued from the device;

13. shall have an on/off switch that controls the electrical current used in the operation of the device which shall be located in an accessible place within its interior;

14. shall be designed so that it is not adversely affected by static discharge or other electromagnetic interference;

15. may have at least one electronic coin acceptor and may be equipped with an approved currency acceptor. Coin and currency acceptors shall be designed to accept designated coins and currency and reject others. The coin acceptor on a device shall be designed to prevent the use of cheating methods such as slugging, stringing, or spooning. All types of coin and currency acceptors are subject to the

approval by the division. The control program shall be capable of handling rapidly fed coins so that occurrences of inappropriate "coin-ins" are prevented;

16. shall not contain any unsecured hardware switches that alter the pay-tables or payout percentages in its operation. Hardware switches may be installed to control graphic routines, speed of play, and sound;

17. shall have a non-removable identification plate on the exterior of the device displaying the manufacturer, serial number and model number;

18. shall have a communications data format from the EGD to the EGD monitoring system approved by the division;

19. shall be capable of continuing the current game with all current game features after a malfunction is cleared. This does not apply if a device is rendered totally inoperable. The current wager and all credits appearing on the screen prior to the malfunction shall be returned to the patron;

20. may have an attached locked compartment separate from any other compartment of the device for housing a drop bucket. The compartment shall be equipped with a switch or sensor that provides detection of the drop door opening and closing by signaling to the EGD monitoring system;

21. shall have a locked compartment for housing currency if equipped with a currency acceptor;

22. shall, at a minimum, be capable of detecting and displaying the following error conditions:

- a. coin-in jam;
- b. coin-out jam;
- c. currency acceptor malfunction or jam;
- d. hopper empty or time-out;
- e. program error;
- f. hopper runaway or extra coin paid out;
- g. reverse coin-in;
- h. reel error; and
- i. door open;

23. shall use a communication protocol which ensures that erroneous data or signal will not adversely affect the operation of the device;

24. shall have a mechanical, electrical, or electronic device that automatically precludes a player from operating the device after a jackpot requiring a manual payout; and

25. shall be outfitted with any other equipment required by this Chapter or the Act.

B. Pursuant to R.S. 27:364, no electronic gaming device offered for play in the designated gaming area of a pari-mutuel eligible facility shall offer a game which resembles a game the play of which requires, or typically includes, the participation of another natural person.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1672 (July 2012).

§4204. Progressive Electronic Gaming Devices

A. This Section authorizes the use of progressive EGDs among gaming operations licensed pursuant to the provisions of R.S. 27:51 et seq., R.S. 27:201 et seq., and R.S. 27:351 et seq., within one casino, provided that the EGDs meet the requirements stated in this Chapter and any additional requirements imposed by the Act, rules, the board, or the division.

B. Wide area progressive games that link EGDs located in more than one casino shall be approved by the board or division on a case-by-case basis.

C.1. A progressive jackpot may be won where certain pre-established conditions, which do not have to be a winning combination, are satisfied.

2. A bonus game where certain circumstances are required to be satisfied prior to awarding a fixed bonus prize, or a prize that does not appear to increase with play, is not a progressive EGD and is not subject to this Chapter.

D. Transferring of Progressive Jackpot Which Is in Play

1. All transfers of progressive jackpots require prior written authorization from the division.

2. A progressive jackpot which is currently in play may be transferred to another progressive EGD in the casino in the event of:

- a. an EGD malfunction;
- b. an EGD replacement; or
- c. division approval of a transfer for any other reason deemed appropriate to ensure compliance with this Chapter.

3. The licensee or casino operator shall distribute the incremental amount to another progressive jackpot at the casino provided that:

- a. the licensee or casino operator documents the distribution;
- b. any machine offering the jackpot to which the licensee or casino operator distributes the incremental amount does not require that more money be played on a single play to win the jackpot than the machine from which the incremental amount is distributed;
- c. any machine offering the jackpot to which the incremental amount is distributed complies with the minimum theoretical payout requirement of §4203.A.2; and
- d. the distribution is completed within 30 days after the progressive jackpot is removed from play or within such longer period as the division may for good cause approve. The division may approve a reduction, elimination, distribution, or procedure not otherwise described in this Subsection, which approval is confirmed in writing; and
- e. the licensee or casino operator preserves and maintains the records required by this Section.

4. Unless otherwise approved by the division, all progressive jackpot transfers shall be prominently posted at or near the applicable EGD at least 14 days in advance of the requested transfer date.

5. If the events set forth above do not occur, the progressive award shall be permitted to remain until it is won by a player or transfer is approved by the division.

E. Recording, Keeping and Reconciliation of Jackpot Amount

1. The licensee and casino operator shall maintain a record of the amount shown on a progressive jackpot meter on the premises. The progressive jackpot meter information shall be read and documented for each tier of the progressive jackpot, at a minimum, every 24 hours. Electronic meter information shall be recorded when a primary jackpot occurs on an EGD.

2. Supporting documents shall be maintained to explain any reduction in the payoff amount from a previous entry.

3. The licensee or casino operator shall confirm and document, on a quarterly basis, that proper communication was maintained on each EGD linked to the progressive controller during that time.

4. The licensee or casino operator shall record the progressive liability on a daily basis.

5. The licensee or casino operator shall review, on a quarterly basis, the incremented rate and reasonableness of the progressive liability by completing a communications test, generating slot or progressive system documentation, or other method approved by the division.

6. Each licensee and casino operator shall formally adopt the manufacturer's division approved internal controls for wide area progressive EGDs as part of the licensee's or casino operator's internal controls.

F. The Progressive Meter

1. The EGD shall be linked to a progressive meter or meters showing the current payoff to all individuals playing an EGD who may potentially win the progressive amount. A meter that shows the amount of the progressive jackpot shall be conspicuously displayed at or near the machines to which the jackpot applies.

G. Consistent Odds on Linked EGDs

1. When two or more progressive gaming devices are linked together, each device on the link shall have a probability of winning the progressive award which is within 1 percent of every other device on the same link. The probability shall be in proportion to the amount wagered. The method of equalizing the expected probability of winning any progressive award shall be conspicuously displayed on each device connected to the system.

H. Operation of Progressive Controller-Normal Mode

1. During the normal operating mode of the progressive controller, the controller or another attached approved component or system shall:

- a. continuously monitor each EGD attached to the controller to detect inserted coins or credits wagered; and
- b. determine the correct amounts to apply to the progressive jackpot.

2. The progressive display shall be constantly updated as play on the link is continued. A slight delay in the update is acceptable if the jackpot amount is shown immediately when a jackpot is triggered.

I. Operation of Progressive Controller-Jackpot Mode

1. When a progressive jackpot is recorded on an EGD which is attached to the progressive controller or another attached approved component or system, "progressive controller," the progressive controller shall:

- a. display the winning amount; and
- b. display the EGD identification that caused the progressive meter to activate if more than one EGD is attached to the controller.

2. The progressive controller is required to send to the EGD the amount that was won. The EGD is required to update its electronic meters to reflect the winning jackpot amount consistent with this Chapter.

3. When more than one progressive EGD is linked to the progressive controller, the progressive controller shall automatically reset to the reset amount and continue normal play. During this time, the progressive meter or another attached approved component or system shall display:

- a. the identity of the EGD that caused the progressive meter to activate;
- b. the winning progressive amount; and
- c. the new normal mode amount that is current on the link.

4. A progressive EGD where a jackpot of \$500,000 or more is won shall automatically enter into a non-play mode which prohibits additional play on the device after a primary jackpot has been won on the device. Upon the conclusion of necessary inspections and tests as required by the division, the device may be offered for play.

J. Alternating Displays

1. When the rules require multiple items of information to be displayed on a progressive meter, it is sufficient to have the information displayed in an alternating fashion.

K. Security of Progressive Controller

1. Each progressive controller linking two or more progressive EGDs shall be housed in a double keyed compartment in a location approved by the division. All keys shall be maintained in accordance with Chapter 27 of these rules.

2. Only employees approved by the division may have access to the progressive controller.

L. Progressive Controller

1. A progressive controller entry authorization log shall be maintained within each controller. The log shall be in a form prescribed by the division and completed by each individual who gains entrance to the controller.

2. The progressive controller shall keep the following information in nonvolatile memory which shall be displayed upon demand:

- a. the number of progressive jackpots won on each progressive level if the progressive display has more than one winning amount;
- b. the cumulative amounts paid on each progressive level if the progressive display has more than one winning amount;
- c. the maximum amount of the progressive payout for each level displayed;
- d. the minimum amount or reset amount of the progressive payout for each level displayed; and
- e. the rate of progression for each level displayed.

M. Limits on Jackpot of Progressive EGDs

1. A licensee or casino operator may impose a limit on the jackpot of a progressive EGD if the limit imposed is greater than the possible maximum jackpot payout on the EGD at the time the limit is imposed. The licensee and casino operator shall inform the public with a prominently posted notice of progressive EGDs and their limits.

N. Reduction or Elimination of Progressive Jackpots

1. A licensee and casino operator shall not reduce the amount displayed on a progressive jackpot meter or otherwise reduce or eliminate a progressive jackpot unless:

- a. a player wins the jackpot;
- b. the licensee or casino operator adjusts the progressive jackpot meter to correct a malfunction or to prevent the display of an amount greater than a limit imposed pursuant to §4204.M and the licensee or casino operator documents the adjustment and the reasons for it;
- c. the licensee's or casino operator's gaming operations at the establishment cease for any reason other

than a temporary closure where the same licensee or casino operator resumes gaming operations at the same establishment within a month; or

d. the licensee or casino operator distributes the incremental amount to another progressive jackpot at the establishment and:

- i. obtains prior written authorization from the division;
- ii. the licensee or casino operator documents the distribution;
- iii. any machine offering the jackpot to which the licensee or casino operator distributes the incremental amount does not require that more money be played on a single play to win the jackpot than the machine from which the incremental amount is distributed;
- iv. any machine offering the jackpot to which the incremental amount is distributed complies with the minimum theoretical payout requirement of §4203.A.2; and
- v. the distribution is completed within 30 days after the progressive jackpot is removed from play or within such longer period as the division may for good cause approve. The division may approve a reduction, elimination, distribution, or procedure not otherwise described in this Subsection.

O. Individual Progressive EGD Controls

1. Individual EGDs shall have a minimum of seven electronic meters, including a coin-in meter, drop meter, jackpot meter, win meter, hand paid jackpot meter, progressive hand paid jackpot meter and a progressive meter.

P. Link Progressive EGD Controls

1. When a progressive jackpot is hit on a machine in the group, all other machines shall be locked out. If an individual progressive meter unit is visible from the front of the machine then the progressive control unit shall lock out only the machine in the progressive link that hit the jackpot and all other progressive meters in the group shall show the current progressive jackpot amount.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1672 (July 2012).

§4205. Computer Monitoring Requirements of Electronic Gaming Devices

A. The Licensee and casino operator shall have a computer connected to all EGDs in the casino to record and monitor the activities of such devices. No EGDs shall be operated unless it is on-line and communicating to a computer monitoring system approved by a designated gaming laboratory specified by the division or board. Such computer monitoring system shall provide on-line, real-time monitoring and data acquisition capability in the format and media approved by the division.

1. Any occurrence of malfunction or interruption of communication between the EGDs and the EGD monitoring system shall immediately be reported to the division for determination of further action to be taken. These malfunctions include, but are not limited to, system down for maintenance or malfunctions, zeroed meters, invalid meters and any variance between EGD drop meters and the actual count of the EGD drop.

2. Prior written approval from the division is required before implementing any changes to the computerized EGD

monitoring system or adopting manual procedures to utilize when the computerized EGD monitoring system is down.

3. Each modification of the software shall be approved by a designated gaming laboratory specified by the division or board.

B. The computer required in Subsection A of this Section shall be designed and operated to automatically perform and report functions relating to EGD meters, and other functions and reports including, but not limited to:

1. record the number and total value of cash equivalents placed in the EGD for the purpose of activating play;

2. record the total value of credits received from the currency acceptor for the purpose of activating play;

3. record the number and total value of cash equivalents deposited in the drop bucket of the EGD;

4. record the number and total value of cash equivalents automatically paid by the EGD as the result of a jackpot;

5. record the number and total value of cash equivalents to be paid manually as the result of a jackpot. The system shall be capable of logging in this data if such data is not directly provided by EGD;

6. have an on-line computer alert and alarm monitoring capability to insure direct scrutiny of conditions detected and reported by the EGD including any device malfunction, any type of tampering, and any open door to the drop area. Any person opening the EGD or the drop area, except the drop team, shall complete the machine entry authorization log including time, date, machine identity and reason for entry;

7. be capable of logging in and reporting any revenue transactions not directly monitored by the token meter including tokens placed in the EGD as a result of a fill and any tokens removed from the EGD in the form of a credit;

8. record date, time and EGD identification number of any EGD taken off-line or placed on-line; and

9. report the time, date and location of open doors or events specified in §4201.G.2 by EGD.

C. The licensee and casino operator shall store, in machine-readable format, all information required by Subsection B of this Section for a period of five years. The licensee and casino operator shall store all information in a secure area and certify that this information is complete and unaltered. This information shall be available upon request by a division agent in the format and media approved by the division.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1674 (July 2012).

§4206. Employment of Individual to Respond to Inquiries from the Division

A. Slot system and EGD manufacturers shall employ or retain an individual who understands their equipment design and function. This employee shall respond within the time specified by the division to any inquiries. On or before December 31 of each year, manufacturers shall report in writing the name of the individual designated pursuant to this Section. Manufacturers shall report in writing any change in the designation within 15 days of the change.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1675 (July 2012).

§4207. Evaluation of New Electronic Gaming Devices

A. The division may require transportation of not more than two working models of a new EGD or associated equipment to a designated gaming laboratory for review and inspection. The manufacturer or supplier seeking approval of the device or associated equipment shall pay the cost of the inspection and investigation. The designated gaming laboratory may dismantle the models and may destroy electronic components in order to fully evaluate the device.

B. The division may require the manufacturer or supplier seeking approval to provide specialized equipment or the services of an independent technical expert to evaluate the device or equipment, and may employ an outside designated gaming laboratory to conduct the evaluation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1675 (July 2012).

§4208. Certification by Manufacturer

A. After completing its evaluation, the gaming laboratory shall send a report of its evaluation to the division and the manufacturer seeking approval. The report shall include an explanation of the manner in which the device or equipment operates. The manufacturer shall return the report to the lab within 15 days and shall either:

1. certify, under penalty of perjury, that to the best of its knowledge the explanation is correct; or

2. make appropriate corrections, clarifications, or additions to the report and certify, under penalty of perjury, that to the best of its knowledge the explanation is correct as amended.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1675 (July 2012).

§4209. Approval of New Electronic Gaming Devices

A. After completing its evaluation of a new EGD, the division shall determine whether the application for approval of the new EGD should be granted. In considering whether a new EGD will be given final approval, the division shall consider whether approval of the new EGD is consistent with this Chapter. The division's approval of an EGD does not constitute certification of the device's safety.

1. Equipment Registration and Approval

a. All EGDs shall be approved by the division or its approved designated gaming laboratory and registered by the division prior to use.

b. The following shall not be used for gaming by any licensee or casino operator without prior written approval of the division:

i. bill acceptors or bill validators;

ii. coin acceptors;

iii. progressive controllers;

iv. signs depicting payout percentages, odds, and rules of the game; and

v. associated gaming equipment as specified in this Chapter.

c. The licensee's, casino operator's or manufacturer's request for approval shall describe with particularity the equipment or device for which the division's approval is requested.

d. The division may request additional information or documentation prior to issuing written approval.

2. Testing

a. The following shall be tested prior to registration or approval for use:

- i. all EGDs;
- ii. EGD monitoring systems;
- iii. any other device or equipment the division deems necessary.

3. Designated Gaming Laboratory

a. The division may employ the services of a designated gaming laboratory to conduct testing.

b. Any new EGD not presently approved by the division shall first meet the approval and testing criteria of the designated gaming laboratory, which shall evaluate and test the product and issue a written opinion to the division of all test results.

c. The licensee, casino operator, manufacturer or supplier shall incur all costs associated with the testing of the product. This may include costs for field test, travel, laboratory test, and other associated costs. Failure on the part of the requesting party to timely pay these costs may be grounds for the denial of the request and cause for administrative action by the division.

d. Recommendations of approval by the designated gaming laboratory with regard to program approval(s) may constitute division approval and may not require separate written approval by the division. These approvals may be subject to additional conditions by the division.

e. In situations wherein the need for specific guidelines and internal controls are required, the division will work in concert with the designated gaming laboratory to develop guidelines for each licensee and casino operator. Licensees and casino operators shall be required to comply with these guidelines which shall become part of the internal controls. At no time shall an unauthorized program, gaming device, associated equipment or component be installed, stored, possessed, or offered for play by a licensee, casino operator, permittee, its agent, representative, employee or other person in the Louisiana gaming industry.

4. Costs of Testing

a. Registration and approval shall not be issued unless payment for all costs of testing is current.

5. Registration

a. Registration, approval, or the denial of EGDs, or any other device or equipment shall be issued in accordance with these rules.

6. Specifications

a. EGDs shall meet all specifications as required in §4203 and shall meet the following security and audit specifications:

- i. be controlled by a microprocessor;
- ii. be connected and communicating to an approved on-line EGD monitoring system;
- iii. have an internal enclosure for the circuit board which is locked or sealed, or both, prior to and during game play;

iv. be able to continue a game with no loss of data after a power failure;

v. have game data recall for the current game and the previous two games;

vi. have a random selection process that satisfies the 99 percent confidence level using the following tests which shall not be predictable by players:

(a). standard chi-squared;

(b). runs; and

(c). serial correlation;

vii. clearly display applicable rules of play and the payout schedule;

viii. display an accurate representative of each game outcome utilizing:

(a). rotating wheels;

(b). video monitoring; or

(c). any other type of display mechanism that accurately depicts the outcome of the game.

7. Registration Sticker

a. All EGDs shall be registered with the division and shall have a registration sticker affixed on the inside portion of the device. Each licensee and casino operator shall ensure that the registration sticker is properly affixed and is valid. In the event the registration sticker becomes damaged or voided, the licensee or casino operator shall immediately notify the division in writing. The division shall issue a replacement sticker and re-register the device as soon as practical.

8. Location of EGDS

a. All EGDs shall be located within the designated gaming area. This is inclusive of all "free pull" machines or similar devices. A device which is not in use may be stored in a secured area if approved in writing by the division.

9. Inventory Report

a. The licensee and casino operator shall maintain a current inventory report of all EGDs and equipment. The inventory report shall include, but is not limited to, the following:

i. the serial number assigned to the EGD by the manufacturer;

ii. the registration number issued by the division;

iii. the type of game for which the EGD is designed and used;

iv. the denomination of tokens or coins accepted by each EGD;

v. the location of EGDs equipped with bill validators;

vi. the manufacturer of the EGD; and

vii. the location or house number of the EGD.

b. Upon request by the division, this inventory report shall be submitted to the division in a format prescribed by the division.

10. House Number

a. All EGDs offered for play shall be given a house number by the licensee or casino operator. This house number shall not be altered or changed without prior written approval from the division. The licensee or casino operator shall issue the house numbers in a systematic manner which provides for easy recognition and location of the device. This number shall be a part of the licensee's or casino operator's EGD monitoring system, and shall be displayed, in part, on all on-line system reports. Each EGD shall have

its respective house number and location code attached to the device in a manner which allows for easy recognition by division personnel and surveillance cameras.

11. Control Program Requirements

a. EGD control programs shall test themselves for possible corruption caused by failure of the program storage media.

b. The test methodology shall detect 99.99 percent of all possible failures.

c. The control program shall allow for the EGD to be continually tested during game play.

d. The control program shall reside in the EGD which is contained in a storage medium not alterable through any use of the circuitry or programming of the EGD itself.

e. The control program shall check the following:

i. corruption of RAM locations used for crucial EGD functions;

ii. information relating to the current play and final outcome of the two prior games;

iii. random number generator outcome; and

iv. error states.

f. The control RAM areas shall be checked for corruption following game initiation, but prior to display of the game outcome to the player.

g. Detection of corruption is a game malfunction that shall result in a tilt condition which identifies the error and causes the EGD to cease further function.

h. The control program shall have the capacity to display a complete play history for the current game and the previous two games.

i. The control program shall display an indication of the following:

i. the game outcome or a representative equivalent;

ii. bets placed;

iii. credits or coins paid;

iv. credits or coins cashed out; and

v. any error conditions.

j. The control program shall provide the means for on-demand display of the electronic meters via a key switch or other mechanism on the exterior of the EGD.

12. Accounting Meters

a. All EGDs shall be equipped with electronic meters.

b. All electronic meters shall have at least ten digits.

c. All EGDs shall tally totals to ten digits and be capable of rolling over when the maximum value is reached.

d. The required electronic meters are:

i. the coin-in meter shall cumulatively count the number of coins wagered by actual coins inserted or credits bet, or both;

ii. the coin-out meter shall cumulatively count the number of coins or credits that are paid as a result of a win, or credits that are won, or both;

iii. the coins-dropped meter shall maintain a cumulative count of the number of coins that have been diverted into a drop bucket and credit value of all bills inserted into the bill validator for play;

iv. the jackpots-paid meter shall reflect the cumulative amounts paid by an attendant for all jackpots;

v. the games-played meter shall display the cumulative number of games played (handle pulls);

vi. the drop door meter shall display the number of times the drop door was opened;

vii. if the EGD is equipped with a bill validator, the device shall be equipped with a bill validator meter that records:

(a). the total number of bills that were accepted;

(b). a breakdown of the number of each denomination of bill accepted; and

(c). the total dollar amount of bills accepted.

e. EGDs shall be designed so that replacement of parts, modules, or components required for normal maintenance does not affect the electronic meters.

f. EGDs shall have meters which continuously display the following information relating to the current play or monetary transaction:

i. the number of coins or credits wagered in the current game;

ii. the number of coins or credits won in the current game, if applicable;

iii. the number of coins or credits paid for a credit cash out or a direct pay from a winning outcome; and

iv. the number of credits available for wagering, if applicable.

g. Electronically stored meter information required by this Section shall be preserved after power loss to the EGD by battery backup and be capable of maintaining accuracy of electronically stored meter information for a period of at least 180 days.

13. Clearing of Accounting Meters

a. No EGD may have a mechanism that causes the electronic accounting meters to clear automatically when an error occurs.

b. Clearing of the electronic accounting meters, other than due to a malfunction, may be done only if approved in writing by the division. Meter readings, as prescribed by the division, shall be recorded before and after any electronic accounting meter is cleared or a modification is made to the device.

14. Hopper

a. If a hopper is utilized on an EGD it shall be designed to detect the following and force the EGD into a tilt condition if one of the following occurs:

i. jammed coins;

ii. extra coins paid out;

iii. hopper runaways; or

iv. hopper empty conditions.

b. The EGD control program shall monitor the hopper mechanism, if utilized, for these error conditions in all game states in accordance with this Chapter.

c. All coins paid from the hopper mechanism, if utilized, shall be accounted for by the EGD including those paid as extra coins during hopper malfunction.

d. Hopper pay limits shall be designed to permit compliance by the licensee and casino operator with all applicable taxation laws, rules, and regulations.

15. Communication Protocol

a. An EGD which is capable of a bi-directional communication with internal or external associated equipment shall use a communication protocol which ensures that erroneous data or signals will not adversely affect the operation of the EGD.

16. Inspection

a. EGDs installed or modified shall be inspected and tested by the division or its designee, or a licensee or casino operator approved by the division to self test its EGDs, prior to offering these devices for live play. No device shall be operated unless and until each regulated program storage media has been tested and sealed into place by the division or person approved by the division.

b. The security tape or seal shall at all times remain intact and unbroken. The licensee and casino operator shall routinely inspect every device to ensure compliance with this procedure.

c. In the event a licensee or casino operator discovers that the security tape or seal has been broken or tampered with, the power to the EGD shall be immediately turned off, surveillance shall be immediately notified and shall take a photograph of the logic board. The logic board shall be maintained in the surveillance office until a division agent or person approved by the division has the opportunity to inspect the logic board. A copy of the device's "MEAL" book shall be made and shall accompany the logic board.

17. EGD Modification

a. No licensee, casino operator or other person shall modify an EGD without prior written approval from the division. A request shall be made by completing form(s) prescribed by the division and filing it with the respective division field office. The licensee and casino operator shall ensure that the information listed on the EGD form(s) is true and accurate. Any misstatement or omission of information shall be grounds for denial of the request and may be cause for administrative action.

b. Modifications to an EGDs program shall be considered only if the new program has been approved by a designated gaming laboratory.

18 Hold Percentages

a. EGDs shall meet the following minimum and maximum theoretical percentage payout during the expected lifetime of the EGD:

i. the EGD shall pay out at least 80 percent and less than 100 percent of the amount wagered;

ii. the theoretical payout percentage shall be determined using standard methods of the probability theory. The percentage shall be calculated using the highest level of skill where player skill impacts the payback percentage;

iii. an EGD shall have a probability of obtaining the maximum payout greater than one in 50,000,000; and

iv. an EGD shall be capable of continuing the current play with all the current play features after an EGD malfunction is cleared.

19. EGD Field Trial

a. A licensee or casino operator shall be allowed to test, on a limited basis, newly approved programs. The licensee and casino operator shall file an EGD 96-01 Form and indicate in the appropriate field that the request is for a 90-day trial period.

20. Denomination Change

a. When an approved denomination change is made to an EGD which used or uses tokens, the licensee or casino operator shall make necessary adjustments to the initial hopper fill listed on the gaming revenue summary. An adjustment shall be made to the gaming revenue summary to reflect the change in the initial hopper fill each time an EGD is taken off the floor or out of play. A final drop shall be

made for that machine, including the hopper. The initial hopper load should be deducted to determine the final net drop for the device.

21. Randomness Events and Randomness Testing

a. Events in EGDs are occurrences of elements or particular combinations of elements which are available on the particular EGD.

b. A random event has a given set of possible outcomes which has a given probability of occurrence called the distribution.

c. Two events are called independent if the following conditions exist:

i. the outcome of one event has no influence on the outcome of the other event; and

ii. the outcome of one event does not affect the distribution of another event.

d. An EGD shall be equipped with a random number generator to make the selection process. A selection process is considered random if the following specifications are met:

i. the random number generator satisfies at least 99 percent confidence level using chi-squared analysis;

ii. the random number generator does not produce a measurable statistic with regard to producing patterns of occurrences. Each reel position is considered random if it meets at least the 99 percent confidence level with regard to the runs test or any similar pattern testing statistic; and

iii. the random number generator produces numbers which are independently chosen.

22. Safety Requirements

a. Electrical and mechanical parts and design principles of EGDs and component parts shall not subject a player to physical hazards.

b. Spilling a conductive liquid on the EGD shall not create a safety hazard or alter the integrity of the EGDs performance.

c. The power supply used in an EGD shall be designed to generate make minimum leakage of current in the event of an intentional or inadvertent disconnection of the alternate current power ground.

d. A surge protector shall be installed on each EGD. Surge protection can be internal or external to the power supply.

e. A battery backup device shall be installed and capable of maintaining accuracy of required electronic meter information after power is disconnected from the EGD. The device shall be kept within the locked or sealed logic board compartment and be capable of sustaining the stored information for 180 days.

23. Power Switch

a. A switch that controls the electrical current used to operate the EGD shall be located in an accessible place and within the interior of the EGD.

24. Power Supply Filter

a. EGD power supply filtering shall be sufficient to prevent disruption of the EGD by a repeated fluctuation of alternating current.

25. Error Conditions and Automatic Clearing

a. EGDs shall be capable of detecting and displaying the following conditions:

i. power reset;

ii. door open;

iii. inappropriate coin-in if the coin is not automatically returned to the player.

b. The conditions listed in this Paragraph shall be automatically cleared by the EGD upon initiation of a new play sequence, if possible.

26. Error Conditions; Clearing by Attendant

a. EGDs shall be capable of detecting and displaying the following error conditions which an attendant may clear:

- i. coin-in jam;
- ii. coin-out jam;
- iii. hopper empty or timed-out;
- iv. RAM error;
- v. hopper runaway or extra coin paid out;
- vi. program error;
- vii. reverse token-in;
- viii. reel spin error of any type including a mis-index condition for rotating reels. The specific reel number shall be identified in the error indicator;
- ix. low RAM battery, for batteries external to the RAM itself, or low power source.

b. A description of EGD error codes and their meanings shall be affixed inside the EGD.

27. Coin Acceptors

a. EGDs, which have coin acceptors installed, shall meet all the following requirements.

- i. All acceptors shall be approved by the division or the designated gaming laboratory.
- ii. Coin acceptors shall be designed to accept designated coins and to reject others.
- iii. The coin acceptor on an EGD shall be designed to prevent the use of cheating methods, including, but not limited to, slugging, stringing, or spooning.
- iv. Coins which are accepted but not credited to the current game shall be returned to the player by activation of the hopper or credited toward the next play of the EGD control program. The coin acceptor shall be capable of handling rapidly fed coins so that frequent occurrences of this type are prevented.
- v. EGDs shall have suitable detectors for determining the direction and speed of the coin(s) travel in the receiver. If a coin traveling at improper speed or direction is detected, the EGD shall enter an error condition and display the error condition which shall require attendant intervention to clear.

b. EGDs which do not utilize a coin acceptor or do not have the coin acceptor installed shall have the coin head removed and have a permanent or non-removable plate affixed over the coin head opening. The coin head opening shall be covered in a manner which, at all times, prevents the insertion of any type of object, tool, or equipment into the interior of the device.

28. Bill Validators

a. EGDs may contain a bill validator that will accept the following:

- i. \$1 bills;
- ii. \$5 bills;
- iii. \$10 bills;
- iv. \$20 bills;
- v. \$50 bills;
- vi. \$100 bills.

b. The bill acceptors may be for single denomination or combination of denominations.

c. Bill validators may accept other items as approved by the division.

29. Automatic Light Alarm

a. A light shall be installed on the top of the EGD that automatically illuminates when the door to the EGD is opened or associated equipment that may affect the operation of the EGD is exposed. This does not apply to bartop EGDs.

30. Access to the Interior

a. The internal space of an EGD shall not be readily accessible when the door is closed.

b. The following shall be in a separate locked or sealed area within the EGDs:

- i. logic boards;
- ii. ROM;
- iii. RAM;
- iv. program storage media.

c. No access to the logic area is allowed without prior notification to the licensee's or casino operator's surveillance room. Unauthorized tampering or entrance into the logic area without prior notification is grounds for administrative action.

d. The division shall be allowed immediate access to the locked or sealed area. Keys to EGDs shall be maintained in accordance with these rules and the internal controls. A licensee or casino operator shall provide the division a master key to the door of an approved EGD, if so requested.

31. Tape Sealed Areas

a. An EGD's logic boards and any program storage media in a locked area within the EGD shall be sealed with the division's security tape. The security tape shall be affixed by a division agent or person approved by the division. The security tape may only be removed by, or with approval from, a division agent or person approved by the division.

b. The division shall ensure, by utilizing security tape or other approved method, that all other program storage media which may affect the game outcome, game security, jackpot distribution, or proper communication with the monitoring system, is secured in a manner which does not allow tampering or unauthorized modifications.

32. Hardware Switches

a. No hardware switches may be installed which alter the pay tables or payout percentage in the operation of an EGD.

b. Hardware switches may be installed to control the following:

- i. graphic routines;
- ii. speed of play;
- iii. sound;
- iv. other approved cosmetic play features.

33. Display of Rules of Play

a. The rules of play for EGDs shall be displayed on the face or screen of all EGDs. Rules of play shall be approved by the division prior to play.

b. The division may reject the rules of play if they are:

- i. incomplete;
- ii. confusing;

- iii. misleading; or
 - iv. for any other reason stated by the division.
- c. Rules of play shall be kept under glass or other transparent substance and shall not be altered without prior approval from the division.

d. Stickers or other removable devices shall not be placed on the EGD face unless their placement is approved by the division.

34. Manufacturer's Operating and Field Manuals and Procedures

a. Subject to the rules, each licensee and casino operator shall comply with written guidelines and procedures concerning installations, modifications, and upgrades of components and associated equipment established by the manufacturer of an EGD, component, on-line system, software, and associated equipment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1675 (July 2012).

§4210. Electronic Gaming Device Tournaments

A. EGD tournaments may be conducted by a licensee or casino operator upon written notification to the division.

B. All tournament play shall be on machines which have been tested and approved by the division, and for which the tournament feature has been enabled.

C. All EGDs used in a single tournament shall utilize the same electronics and machine settings. The licensee or casino operator shall utilize, and each device shall be equipped with, an approved program which allows for tournament mode play to be enabled by a switch key (reset feature) or total replacement of the logic board, with an approved tournament board. Replacement of program storage media is not permissible for tournament play only. Form(s) approved by the division are required to be submitted for each device used in tournament play when the non-tournament logic board is removed. The licensee or casino operator shall submit written procedures regarding the storage and security of tournament and non-tournament boards when not in use.

D. EGDs enabled for tournament play shall not accept or pay out coins. The EGDs shall utilize credit points only.

E. Tournament credits shall have no cash value.

F. Tournament play shall not be credited to accounting or electronic (soft) meters of the EGD.

G. At the licensee's or casino operator's discretion, and in accordance with applicable laws and rules, the licensee or casino operator may establish qualification or selection criteria to limit the eligibility of players in a tournament.

H. Rules of Tournament Play

1. The licensee or casino operator shall submit rules of tournament play to the division in accordance with §2954. The rules of play shall include, but are not limited to, the following:

- a. the amount of points, credits, and playing time players will begin with;
- b. the manner in which players will receive EGD assignments and how reassignments are to be handled;
- c. how players are eliminated from the tournament and how the winner or winners are to be determined;
- d. the number of EGDs each player will be allowed to play;

- e. the amount of entry fee for participating in the tournament;
- f. the number of prizes to be awarded;
- g. an exact description of each prize to be awarded;
- h. any additional house rules governing play of the tournament;
- i. any rules deemed necessary by the division to ensure compliance with this Chapter.

2. The rules of tournament play shall be provided to all tournament players and each member of the public who requests a copy of the rules.

I. The division may waive any of the requirements of this Section upon a showing of good cause.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1680 (July 2012).

§4211. Duplication of Program Storage Media

A. Personnel and Certification

1. Only the personnel defined in the internal controls shall be allowed to duplicate program storage media.

2. Upon request by the division, the licensee or casino operator shall provide the division with documentation, from the manufacturer or copyright holder of the duplicated program storage media, certifying that the duplication of the program storage media is authorized.

3. The licensee and casino operator shall comply with all rules and regulations regarding copyright infringement.

4. Each duplicated program storage media shall match the designated gaming laboratory's electronic signature for that program storage media.

B. Required Documentation

1. Each licensee and casino operator shall maintain a program storage media duplication log which shall contain:

- a. the name of the program storage media manufacturer and the program storage media identification number of each program storage media to be erased;
- b. serial number of program storage media eraser and duplicator;
- c. printed name and signature of individual performing the erasing and duplication of the program storage media;
- d. identification number of the new program storage media;
- e. the number of program storage media duplicated;
- f. the date of the duplication;
- g. machine number (source and destination);
- h. reason for duplication;
- i. disposition of permanently removed program storage media.

2. Corporate internal auditors shall verify compliance with program storage media duplication procedures at least twice annually.

C. Program Storage Media Labeling

1. Each duplicated program storage media shall have an attached adhesive label containing the following:

- a. manufacturer's name and serial number of the new program storage media;
- b. designated gaming laboratory's electronic signature;
- c. date of duplication;
- d. initials of personnel performing duplication.

D. Storage of Program Storage Media, Duplicator, and Eraser

1. Program storage media duplication equipment shall be stored with the security department or other department approved by the division.

2. Equipment shall be released only to the personnel defined in the internal controls.

3. At no time shall the personnel defined in the internal controls leave the program storage media duplication equipment unattended.

4. Program storage media duplication equipment shall only be released from the security department, or other department approved by the division, for a period not to exceed four hours within a 24-hour period.

5. An equipment control log shall be maintained by the licensee and casino operator and shall include the following:

a. date, time, name of employee taking possession of, or returning equipment; and

b. date, time, name of the individual assigned to the security department, or other department approved by the division, taking possession of, or releasing equipment.

6. All program storage media shall be kept in a secure area and the licensee and casino operator shall maintain an inventory log of all program storage media.

E. Internal Controls

1. The licensee and casino operator shall adopt internal controls which are in compliance with this Section prior to duplicating program storage media.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1680 (July 2012).

§4212. Marking, Registration, and Distribution of Gaming Devices

A. No manufacturer, supplier, casino operator or licensee may ship or otherwise transfer a gaming device into this state, out of this state, or within this state unless:

1. a serial number, which shall be the same number as given the device pursuant to the provisions of 15 USC 1173 of the Gaming Device Act of 1962, is permanently stamped or engraved in lettering no smaller than 5 millimeters on the metal frame or other permanent component of the EGD and on a removable metal plate attached to the cabinet of the EGD;

2. forms, as prescribed by the division, are filed before receiving authorization to ship a device for use in the Louisiana gaming industry;

3. a per device registration fee of \$100.00 is paid by company check, money order, or certified check made payable to: State of Louisiana, Department of Public Safety and Corrections. This fee is not required on devices which are currently registered with the board or division and display a valid registration certificate. This fee is applicable only to gaming devices destined for use in Louisiana by licensees, the casino operator or suppliers; and

4. division authorization is received prior to shipping a gaming device.

B. Prior to receiving a shipment of a gaming device, the licensee or casino operator shall notify the division of the arrival date. The licensee or casino operator shall verify that the shipper's manifest or other shipping documents

correspond to the division's letter of authorization for that shipment. The shipment shall be sealed at the point of origin or the last point of shipment. The seal number shall be recorded on the shipping documents and attached to the licensee's or casino operator's copy of the division's letter of authorization.

C. The shipment, once properly received, shall be stored in a dual locked containment area secure from other equipment. The containment area shall have been inspected and approved in writing by the division prior to any EGD storage. All electronic control boards and/or program storage media shall be securely stored in a separate containment area from the EGDs. The containment area shall be inspected and approved in writing by the division prior to any electronic control board and/or program storage media storage.

D. Each manufacturer or supplier shall maintain a list of the date of each distribution, the serial numbers of the devices, the division approval number, and the name, state of residence, addresses and telephone numbers of the person to whom the gaming devices have been distributed and shall provide such list to the division immediately upon request.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1681 (July 2012).

§4213. Approval to Sell or Dispose of Gaming Devices

A. No gaming device registered by the division shall be destroyed, scrapped, or otherwise disassembled without prior written approval of the division. A licensee and casino operator shall not sell or deliver a gaming device to a person other than its affiliated companies or a permitted manufacturer or supplier without prior written approval of the division. Applications for approval to sell or dispose of a registered gaming device shall be made, processed, and determined in such manner and using such forms as the division may prescribe.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1681 (July 2012).

§4214. Maintenance of Electronic Gaming Devices

A. A licensee and casino operator shall not alter the operation of an approved EGD except as provided in these rules and shall maintain the EGDs as required by this Chapter. Each licensee and casino operator shall keep a written list of repairs made to the EGD offered for play to the public that require a replacement of part(s) that affect the game outcome, and any other maintenance activity on the EGD. The list shall be available for inspection by the division upon request. The written list of repairs shall be logged in the machine's MEAL book which shall be kept in the EGD.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1681 (July 2012).

§4215. Analysis of Questioned Electronic Gaming Devices

A. If the operation of any EGD is questioned by any licensee, casino operator, patron, or division agent, and the question cannot be resolved, the questioned device shall be

examined in the presence a division agent and a representative of the licensee or casino operator. If the malfunction can not be resolved to the satisfaction of the division, the patron, the casino operator or the licensee, the EGD shall be disabled and be subjected to a program storage media memory test to verify "signature" comparison by the division. While waiting for the division agent to test the EGD, the EGD shall be removed from service and shall not be tampered with by any person. Upon successful verification of the "signature" of the program storage media and all malfunctions resolved, the EGD in question may be enabled for patron play with approval by the division.

B. In the event that the malfunction cannot be determined and corrected by this testing, the EGD may be removed from the designated gaming area and secured in a remote, locked compartment. The division may require that the EGD be transported to a designated gaming laboratory selected by the division where the device shall be fully analyzed to determine the status and cause of the malfunction. All costs for transportation and analysis shall be borne by the licensee or casino operator.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1681 (July 2012).

§4216. Summary Suspension of Approval of Electronic Gaming Devices

A. The board or division may issue an order suspending approval of an EGD if it is determined that the EGD does not operate in the manner certified by the designated gaming laboratory pursuant to this Chapter. After issuing an order, the board or division may seal or seize all models of that EGD not in compliance with this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1682 (July 2012).

Chapter 43. Specifications for Chips, Tokens, Cards, and Dice

Editor's Note: The information for this Chapter was consolidated from corresponding Chapters in Parts VII, IX, and XIII prior to their being repealed.

§4301. Approval of Chips and Tokens; Applications and Procedures

A. A licensee or casino operator shall not issue, sell, or redeem any chips, tokens, or modifications of chips or tokens unless approved in writing by the division.

B. Applications for approval of chips, tokens, and modifications to previously approved chips or tokens must be submitted in such manner and using such forms as the division may prescribe. Only licensees, the casino operator and suppliers may apply for such approval. Each application must include:

1. an exact drawing or electronic file, in color, of each side and the edge of the proposed chip or token, drawn to actual size or drawn to larger than actual size and in scale, and showing the measurements of the proposed chip or token in each dimension;
2. written specifications for the proposed chips or tokens;
3. the name and address of the manufacturer;

4. the licensee's or casino operator's intended use for the proposed chips or tokens; and

5. such other items or information as the division may require.

C.1. The licensee, casino operator or supplier shall be notified in writing if the proposed chips or tokens conform to the requirements of this Chapter. The licensee, casino operator or supplier shall then submit a sample of the proposed chips or tokens in final manufactured form.

2. The licensee, casino operator or supplier shall be notified in writing of the division's approval or rejection of the submitted chips or tokens.

3. The division may retain the sample chips and tokens submitted pursuant to this Subsection.

4. the licensee, casino operator or supplier shall be notified in writing of the division's approval or rejection to ship submitted chips or tokens.

5. Approved chips and tokens shall be used as prescribed by the division.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1682 (July 2012).

§4303. Specifications for Chips and Tokens

A. Chips and tokens shall be designed, manufactured, and constructed in compliance with all applicable statutes, regulations, and policies of the United States, Louisiana, and other states to prevent counterfeiting of the chips and tokens to the extent reasonably possible. Chips and tokens shall not resemble any current or past coinage of the United States or any other nation.

B. In addition to other specifications as the division may approve, all chips and tokens shall contain:

1. the name of the issuing gaming establishment inscribed on each side of each chip and token;
2. the city, or other locality, and the state where the establishment is located inscribed on at least one side of each chip and token unless the division approves otherwise;
3. the value of the chip or token inscribed on each side of each chip and token except for chips used exclusively at roulette; and
4. the manufacturer's name or a distinctive logo or other mark identifying the manufacturer inscribed on at least one side of each chip or token.

C. Each chip or token shall be designed so that when stacked with chips or tokens of other denominations and viewed on closed circuit, black and white televisions, the denominations can be distinguished from that of the other chips or tokens in the stack.

D. Electronic chips shall contain other additional specifications as the division may approve.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1682 (July 2012).

§4305. Specifications for Chips

A. Unless the division approves otherwise, chips shall be disk-shaped, shall be 0.130 inch thick, and shall have a diameter of:

1. 1.55 inches for chips used at games other than baccarat;

2. 1.55 inches or 1.6875 inches for chips used at baccarat; and

3. 1.6875 inches for chips used exclusively at race books or other counter games.

B. Each side of each chip issued exclusively for use at a race book, or a particular game, shall bear an inscription clearly indicating that use of the chip is so restricted.

C. Each denomination of value chip(s) shall have a different primary color. The primary color to be utilized by the licensee or casino operator for each denomination of value chip(s) shall be:

1. \$.50 light blue;
2. \$1 white;
3. \$2.50 pink;
4. \$5 red;
5. \$25 green;
6. \$100 black;
7. \$500 purple;
8. \$1,000 fire orange;
9. \$5,000 gray;
10. \$10,000 yellow;
11. \$25,000 bright blue;
12. \$100,000 gold.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1682 (July 2012).

§4307. Specifications for Tokens

A. Unless the division approves otherwise, tokens shall be disk-shaped and shall measure as follows:

1. \$.25 tokens shall be from 0.983 through 0.989 inches in diameter, from 0.064 through 0.070 inches thick, and if the token has reeds or serrations on its edges, the number of reeds or serrations shall not exceed 100;

2. \$1 denomination tokens shall be from 1.459 through 1.474 inches in diameter, from 0.095 through 0.115 inch thick, and, if the token has reeds or serrations on its edges, the number of reeds or serrations shall not exceed 150;

3. \$5 denomination tokens shall be 1.75 inches in diameter, from 0.115 through 0.135 inch thick, and, if the token has reeds or serrations on its edges, the number of reeds or serrations shall not exceed 175;

4. \$25 denomination tokens shall be larger than 1.75 inches but no larger than 1.95 inches in diameter, except that such tokens may be 1.654 inches (42 millimeters) in diameter if made of 99.9 percent pure silver, shall be 0.10 inch thick, and, if the token has reeds or serrations on its edges, the number of reeds or serrations shall not exceed 200; and

5. tokens of other denominations shall have such measurements and edge reeds or serrations as the division may approve or require.

B. Tokens shall not be manufactured from material possessing sufficient magnetic properties so as to be accepted by a coin mechanism, other than that of an electronic gaming device.

C. Tokens shall not be manufactured from a three-layered material consisting of a copper-nickel alloy clad on both sides of a pure copper core, nor from a copper-based material, unless the total of zinc, nickel, aluminum,

magnesium, and other alloying materials is at least 20 percent of the token's weight.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1683 (July 2012).

§4309. Use of Chips and Tokens

A. A licensee or casino operator that uses chips or tokens at its gaming establishment shall:

1. comply with all applicable statutes, regulations, and policies of Louisiana and of the United States pertaining to chips or tokens;

2. sell chips and tokens only to patrons of its gaming establishment and only at their request;

3. promptly redeem its own chips and tokens from its patrons;

4. post conspicuous signs at its establishment notifying patrons that federal law prohibits the use of the tokens, and that state law prohibits the use of the chips, outside the establishment for any monetary purpose; and

5. take reasonable steps, including examining chips and tokens and segregating those issued by another licensee or casino operator, to prevent sales of chips and tokens issued by another licensee or casino operator.

B. A licensee and casino operator shall not accept chips or tokens as payment for any goods or services offered at the gaming establishment with the exception of the specific use for which the chips or tokens were issued, and shall not give chips or tokens as change in any other non-gaming transaction.

C. A licensee and casino operator shall promptly redeem its chips and tokens if presented by:

1. a patron;

2. another licensee or casino operator who represents that it redeemed the chips and tokens from its patrons or received them unknowingly, inadvertently, or unavoidably;

3. an employee of the licensee or casino operator who presents the chips and tokens in the normal course of employment; or

4. an employee of the licensee or casino operator who received the chip or token as gratuity or tip.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1683 (July 2012).

§4311. Receipt of Gaming Chips or Tokens from Manufacturer or Supplier

A. When chips or tokens are received from the manufacturer or supplier thereof, they shall be opened and checked by at least two employees of the licensee or casino operator from different departments. Any deviation between the invoice accompanying the chips or tokens and the actual chips or tokens received or any defects found in such chips or tokens shall be reported promptly to the division. A division agent shall be notified of the time of delivery of any chips or tokens to the licensee or casino operator.

B. After checking the chips received, the licensee or casino operator shall document in a chip inventory ledger the denomination of the chips received, the number of each denomination of chips received the number and description

of all non-value chips received, the date of such receipt and the signature of the individuals who checked such chips.

C. If any of the chips received are to be held in reserve and not utilized either at the gaming tables or at a cashier's cage, they shall be stored in a separate locked compartment either in the vault or in a cashier's cage and shall be recorded in the chip inventory ledger as reserve chips.

D. Any chips received that are part of the secondary set of chips of the licensee or casino operator shall be recorded in the chip inventory ledger as such and shall be stored in a locked compartment in the casino vault separate from the reserve chips.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1683 (July 2012).

§4313. Inventory of Chips

A. Chips shall be taken from or returned to either the reserve chip inventory or the secondary set of chips in the presence of at least two individuals. The denominations, number and amount of chips so taken or returned shall be recorded in the chip inventory ledger together with the date and signatures of the individuals conducting this process.

B. On a daily basis, the licensee or casino operator shall compute and record the unredeemed liability for each denomination of chips in circulation and cause the result of such inventory to be recorded in the chip inventory ledger. On a monthly basis, each licensee or casino operator shall inventory chips in reserve and the result of such inventory shall be recorded in the chip inventory ledger. The procedures to be utilized to compute the unredeemed liability and to inventory chips in circulation and reserve shall be included in the internal controls. A physical inventory of chips in reserve shall be required annually if the inventory procedures incorporate the sealing of the locked compartment.

C. During non-gaming hours all chips in the possession of the licensee or casino operator shall be stored in the chip bank, in the vault, or in a locked compartment in a cashier's cage except that chips may be locked in a transparent compartment on gaming tables provided that there is adequate security as approved by the division.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1684 (July 2012).

§4315. Redemption and Disposal of Discontinued Chips and Tokens

A. A licensee or casino operator that permanently removes from use or that replaces approved chips or tokens at its casino, or that ceases operating its casino, shall prepare a plan for redeeming discontinued chips and tokens that remain outstanding at the time of discontinuance. The licensee or casino operator shall submit the plan in writing to the division not later than 30 days before the proposed removal, replacement, or cessation of gaming operations, unless the cause for discontinuance of the chips or tokens cannot be reasonably anticipated, in which event the licensee or casino operator shall submit the plan as soon as reasonably practicable. The division may approve the plan or require reasonable modifications as a condition of approval.

Upon approval of the plan, the licensee or casino operator shall implement the plan as approved.

B. In addition to such other reasonable provisions as the division may approve or require, the plan shall provide for:

1. redemption of outstanding or discontinued chips and tokens, in accordance with this Subsection, for at least 120 days after the removal or replacement of the chips or tokens, for at least 120 days after operations cease, or for a period as the division may approve or require;

2. redemption of the chips and tokens at the casino or at such other location as the division may approve;

3. publication of notice of the discontinuance of the chips and tokens, the redemption period and the redemption location with times of operation in at least two newspapers of general circulation in Louisiana. The notice shall be published at least twice during each week of the redemption period and shall be subject to the division's approval of the form of the notice, the newspapers selected for publication, and the specific days of publication;

4. conspicuous posting of the notice described in Paragraph B.3 of this Section at the casino or other redemption location; and

5. destruction or such other disposition of the discontinued chips and tokens as the division may approve or require.

C. The destruction or disposition of discontinued chips and tokens shall be to the satisfaction of the division.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1684 (July 2012).

§4317. Destruction of Counterfeit Chips and Tokens

A. Unless a court of competent jurisdiction orders otherwise, a licensee and casino operator shall destroy or otherwise dispose of counterfeit chips and tokens discovered at their establishments in such manner as the division may approve or require.

B. Unless a court of competent jurisdiction orders otherwise, a licensee and casino operator shall dispose of coins of the United States or any other nation discovered to have been unlawfully used at their establishments by including them in their coin inventories or, in the case of foreign coins, by exchanging them for United States currency or coins and including same in their currency or coin inventories, or by disposing of them in any other lawful manner.

C. In addition to such other information as the division may require, each licensee and casino operator shall record:

1. the number and denominations, actual and purported, of the coins and counterfeit chips and tokens destroyed or otherwise disposed of pursuant to this Section;

2. the month during which they were discovered;

3. the date, place, and method of destruction or other disposition, including, in the case of foreign coin exchanges, the exchange rate and the identity of the bank, exchange company, or other business or person at which or with whom the coins are exchanged; and

4. the names of the persons carrying out the destruction or other disposition on behalf of the licensee or casino operator.

D. Each licensee and casino operator shall maintain each record required by this Subsection.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1684 (July 2012).

§4318. Promotional and Tournament Chips or Tokens

A. Promotional and tournament chips or tokens shall be designed, manufactured, approved, and used in accordance with the provisions of these rules applicable to chips or tokens, except as follows:

1. promotional and tournament chips or tokens shall be of such shape and size and have such other specifications as the division may approve or require; and

2. each side of a promotional and tournament chip or token shall conspicuously bear the inscription "no cash value."

B. Promotional and tournament chips or tokens shall not be used, and the licensee and casino operator shall not permit their use, in transactions other than the promotions or tournaments for which they are issued.

C. The provisions of the redemption and destruction regulations in this Chapter do not apply to promotional and tournament chips or tokens.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1685 (July 2012).

§4319. Approval and Specifications for Dice

A. Unless otherwise approved by the division, each die used by a licensee or casino operator in its casino shall meet the following specifications:

1. be formed in the shape of a perfect cube and of a size no smaller than 0.750 of an inch on each side nor any larger than 0.775 of an inch on each side, or 0.625 of an inch on each side for Pai Gow Poker;

2. be manufactured to an accuracy tolerance of no greater than 0.0002 of an inch;

3. be transparent and made exclusively of cellulose except for the spots, name of the casino and serial numbers or letters contained thereon;

4. have the surface of each of its sides perfectly flat and the spots contained in each side perfectly flush with the area surrounding them;

5. have all edges and corners perfectly square, that is forming perfect 90 degree angles;

6. have the texture and finish of each side exactly identical to the texture and finish of all other sides;

7. have its weight equally distributed throughout the cube and no side of the cube heavier or lighter than any other side of the cube;

8. have its six sides bearing white circular spots from one to six respectively with the diameter of each spot equal to the diameter of every other spot on the die;

9. have spots arranged so that the side containing one spot is directly opposite the side containing six spots, the side containing two spots is directly opposite the side containing five spots and the side containing three spots is directly opposite the side containing four spots;

10. have the name of the casino, city and state in which the die is being used imprinted or impressed thereon;

11. have each spot placed on the die by drilling into the surface of the cube and filling the drilled out portion with a compound equal in weight to the weight of the cellulose drilled out and which will form a permanent bond with the cellulose cube; and

12. have each spot extend into the cube exactly the same distance as every other spot extends into the cube to an accuracy tolerance of 0.004 of an inch.

B. The licensee, casino operator or supplier shall be notified in writing if the proposed dice conform to the requirements of this Chapter. The licensee, casino operator or supplier shall then submit a sample of the proposed dice in final, manufactured form.

C. The licensee, casino operator or supplier shall be notified in writing of the division's approval or rejection of the submitted dice.

D. The division may retain the sample dice submitted pursuant to this Section.

E. The licensee, casino operator or supplier shall be notified in writing of the division's approval or rejection to ship submitted dice.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1685 (July 2012).

§4321. Approval and Specifications for Cards

A. Unless otherwise approved by the division, cards used by a licensee or casino operator in its casino must meet the following specifications.

1. Cards used for play shall be in decks of 52 cards with each card identical in size and shape to every other card in the deck.

2. Each deck shall be composed of four suits: diamonds, spades, clubs and hearts.

3. Each suit shall be composed of 13 cards: ace, king, queen, jack, 10, 9, 8, 7, 6, 5, 4, 3, and 2.

4. The back of each card in the deck shall be identical and no card shall contain any marking, symbol or design that will enable a person to know the identity of any element printed on the face of the card or that will in any way differentiate the back of that card from any other card in the deck.

5. The backs of all cards in the deck shall be designed so as to diminish as far as possible the ability of any person to place concealed markings thereon.

6. The design to be placed on the backs of cards shall be submitted to the division for approval prior to use of such cards in gaming activity and shall include the name and city of the casino or another logo approved by the division.

7. Each deck of cards shall be packaged separately and shall contain a seal affixed to the opening of such package.

B. Nothing in this Section shall prohibit a manufacturer from manufacturing decks of cards with jokers contained therein provided such jokers are not used by the licensee or casino operator in the play of the games.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1685 (July 2012).

§4323. Cards and Dice; Receipt, Storage, Inspections and Removal from Use

A. When cards or dice for use in the casino are received from the manufacturer or supplier, they shall immediately be inspected by a member of the security department and a table games supervisor to verify that the seals on each box meet the following criteria: are intact, unbroken and free from tampering. Boxes satisfying these criteria shall be placed for storage in a locked cabinet or storage area. Boxes that do not satisfy these criteria shall either be returned to the manufacturer or supplier, or inspected to verify that the cards or dice conform to division standards and are in a condition to ensure fair play and then placed for storage in a locked cabinet or storage area.

B. The cabinet or storage area shall be located in a secure, controlled area, the location and physical characteristics of which shall be approved by the division prior to use.

C. The storage areas will be used exclusively for the cards and dice.

D. A licensee's or casino operator's card and dice inventory log shall include:

1. the balance of cards and dice on hand;
2. the cards and dice removed from storage;
3. the cards and dice returned to storage or received from the manufacturer;
4. the date of the transaction; and
5. the signatures of the individuals involved.

E. A licensee and casino operator shall perform a physical inventory of the cards and dice at least once every three months.

1. this inventory shall be performed by a compliance, internal audit or accounting employee and shall be verified to the balance of cards and dice on hand; and

2. any discrepancies shall immediately be reported to the division.

F. The licensee and casino operator shall include in its internal controls procedures for cancellation and marking techniques for cards and dice removed from play.

G. The licensee and casino operator shall retain the work papers developed and utilized for a physical inventory of the cards and dice for a period of three years commencing on the day of completion of the inventory.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1686 (July 2012).

Chapter 45. Labor Organizations

Editor's Note: The information for this Chapter was consolidated from corresponding Chapters in Parts VII, IX, and XIII prior to their being repealed.

§4501. Labor Organization Registration Required

A. Each labor organization, union or affiliate representing or seeking to represent employees permitted by the board or division and employed by a licensee or casino operator, shall register with the board annually.

B.1. The board may exempt any labor organization, union or affiliate from registration requirements if it determines that such labor organization, union or affiliate:

a. is not the certified bargaining representative of any employee permitted by the board or division or employed by a licensee; and

b. is neither involved nor seeking to be involved actively, directly, or substantially in the control or direction of the representation of any such employee.

2. The exemption shall be subject to revocation upon disclosure of information which indicates that the labor organization, union or affiliate does not or no longer meets the standards for exemption.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1686 (July 2012).

§4503. Registration Statement

A. A labor organization, union or affiliate shall file with the board a "Labor Organization Registration Statement" on a form prescribed by the board. The registration statement shall be completed and filed with the board prior to the labor organization becoming the certified bargaining representative for employees occupationally licensed to work for a licensee or casino operator.

B. The registration statement shall include, without limitation, the following:

1. the names of all labor organizations affiliated with the registrant;

2. information as to whether the registrant is involved or seeking to be involved actively, directly or substantially in the control or direction of the representation of any employee licensed by the board or division and employed by a licensee or casino operator;

3. information as to whether the registrant holds, directly or indirectly, any financial interest whatsoever in the licensee or casino operator whose employees it represents;

4. the names of any pension and welfare systems maintained by the registrant and all officers and agents of such systems;

5. the names of all officers, agents and principal employees of the registrant; and

6. all written assurances, consents, waivers and other documentation required of a registrant by the board.

C. The effective date of the registration statement shall be the date the completed "Labor Organization Registration Statement" is filed with the division.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1686 (July 2012).

§4505. Registration Renewal

A. A labor organization registration shall be effective for one year. The registration may be renewed upon filing of an updated "Labor Organization Registration Statement" no later than 120 days prior to the expiration of the current registration.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1686 (July 2012).

§4507. Continuing Duty to Disclose

A. Every registered labor organization shall be under a continuing duty to promptly disclose any change in the information contained in the "Labor Organization Registration Statement" or otherwise requested by the board or division.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1686 (July 2012).

§4509. Federal Reports Exception

A. Notwithstanding the reporting requirements imposed by the regulations of the board, no labor organization, union, affiliate or person shall be required to furnish any information which is included in a report filed by any labor organization, union, affiliate or person with the secretary of labor, pursuant to 29 USC 431 et seq., (Labor-Management Reporting and Disclosure Act) if a copy of such report, or if the portion thereof containing such information, is furnished to the board pursuant to the aforesaid federal provisions.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1687 (July 2012).

§4511. Qualification of Officers, Agent, and Principal Employees

A. The board shall have the authority to call forth any officer, agent or employee of the labor organization who has the ability to exercise significant influence over a licensee or casino operator and such person shall be subject to the suitability and qualification requirements of the Act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1687 (July 2012).

Chapter 47. Landbased Casino Gaming

Editor's Note: The provisions contained in this Chapter have been consolidated from provisions in Chapters 19, 21, 29 and 41 in Part IX prior to their being repealed.

§4701. General Provision and Definitions

A. The regulations contained in this Chapter are applicable only to the casino operator, casino manager and other persons licensed, permitted or determined suitable pursuant to chapter 5 of the Act.

B. The following words and terms shall have the following meanings.

Annual Audit—the audit performed each fiscal year by the independent CPA of the fiscal year financial statements of the casino operator performed in accordance with the requirements of the casino operating contract.

Books and Records—all financial statements, revenue, expense and other accounting or financial documents or records, including general ledgers, accounts receivable, accounts payable, invoices, payroll records, ownership records, expense records, income records and other documents or records required by the internal control system (including detailed records by game, drop and shift) and all other documents or records maintained by the casino operator or the casino manager whether in print, electronic, magnetic, optical, digital or other media form relating to or concerning the official gaming establishment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1687 (July 2012).

§4703. Suitability of Casino Operator

A. The following persons shall demonstrate their suitability and qualification to the board by clear and convincing evidence:

1. a casino operator;
2. a casino manager;
3. an affiliate of the casino operator;
4. certain holders of debt or equity interest in one or more of the casino operator and its affiliates;
5. all other persons, who either alone or in combination with others, have the ability to significantly and directly affect or influence the affairs of a casino operator or casino manager;
6. a person with respect to whom a finding of suitability is necessary in order to insure that the policies of the Act and the integrity of gaming operations are protected; and
7. any other person that the board, in its sole discretion, directs to demonstrate its suitability and qualifications.

B. For the purpose of this Section, any persons holding, owning or controlling a direct or beneficial interest, including any rights created by a counter-letter, option, convertible security or similar instrument, in the following persons shall be presumed to have the ability to significantly and directly influence or affect affairs of a casino operator or casino manager unless the presumption is rebutted by clear and convincing evidence:

1. any persons holding, owning or controlling a 5 percent or more equity interest or outstanding voting securities (including holdings in trust) in a non-publicly traded casino operator, casino manager, holding company or intermediary company of the casino operator or casino manager; or
2. any persons holding, owning or controlling a 5 percent or more equity interest or outstanding voting securities or rights in a publicly traded casino operator, casino manager or any publicly traded holding company or intermediary company of the casino operator or casino manager.

C. Notwithstanding the provisions in Subsection B of this Section, a holder or owner of a security or other interest that is convertible or exercisable into an equity or ownership interest in a publicly traded holding or intermediary company of the casino operator or casino manager shall not be automatically deemed to have the ability to significantly or directly influence the affairs of the casino operator or casino manager. A holder or owner of a convertible interest shall seek the approval of the board before exercising the conversion rights unless, after conversion, such person will hold, own or control less than 5 percent of the total outstanding equity or ownership interests in the holding or intermediary company of the casino operator or casino manager.

D. A person who is a passive institutional investor who does not, directly or indirectly, influence or affect the affairs of the casino operator or casino manager may be presumed suitable if:

1. the person is an institutional investor as defined in the Act; and
2. within 60 days of acquiring a 5 percent or greater equity interest in the casino operator, casino manager, or a

holding company or intermediary company of the casino operator or casino manager, files a petition with the board that requests a granting of a presumption of suitability and contains a statement that such person does not, and has no intention of, directly or indirectly influencing the affairs of the casino operator or casino manager.

E. The provisions of Subsection D of this Section shall not prevent the institutional investor from voting on matters put to vote by the outstanding shareholders.

F. The board may in its sole discretion rescind the presumptions of suitability set forth in this section and require any person, including institutional investors, to demonstrate suitability in accordance with the Act and rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1687 (July 2012).

§4705. Suitability of Certain Lenders

A. Any person holding a security interest in immovable or movable property used in gaming operations shall be required to demonstrate suitability to the board.

B. The following lenders may be presumed suitable in connection with any transaction which is otherwise in compliance with the rules:

1. an institutional lender as defined in the Act; or
2. a person previously found suitable and approved by the board.

C. The board, in its sole discretion, may rescind the presumption of suitability provided in this section and require any lender to demonstrate its suitability in accordance with the Act and rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1688 (July 2012).

§4707. Safe Harbor

A. If at any time the board finds that an affiliate of the casino operator or casino manager or a holder of a debt or equity interest in the casino operator, the casino manager or a respective affiliate that is required to be and remain suitable has failed to demonstrate suitability, the board may, consistent with the Act and the casino operating contract, take any action it deems necessary to protect the public interest. The board shall take no action to declare the casino operator, casino manager or an affiliate unsuitable based upon such finding if the casino operator, casino manager or the affiliate takes immediate good-faith action, including the prosecution of all legal remedies, and complies with any order of the board to cause such person failing to demonstrate suitability to dispose of such person's interest in the casino operator, casino manager or affiliate, and, pending such disposition and upon receipt of notice from the board of a finding of failure to demonstrate suitability, the casino operator, casino manager or the affiliate ensures that the person failing to demonstrate suitability:

1. does not receive dividends or interest on the securities of the casino operator, casino manager or the affiliate;
2. does not exercise, directly or indirectly, including through a trustee or nominee, any right conferred by the

securities of the casino operator, casino manager or the affiliate;

3. does not receive any remuneration from the casino operator, casino manager or the affiliate;

4. does not receive any economic benefit for the casino operator, casino manager or the affiliate; and

5. subject to the disposition requirements of this section, does not continue in ownership or economic interest in the casino operator, casino manager or the affiliate, or remain as a manager, officer, director, partner, employee, consultant or agent of the casino operator, casino manager or the affiliate.

B. Nothing contained in this section shall prevent the board from taking any action against the casino operator if the casino manager fails to be or remain suitable. Nothing contained in this Section shall prevent the board from taking regulatory action against the casino operator, casino manager, or the affiliate if the casino operator, casino manager or the affiliate:

1. had actual or constructive knowledge of the facts that are the basis of the board's regulatory action and failed to take appropriate action; or
2. is so tainted by the person failing to demonstrate suitability so as to affect the suitability of the casino operator, casino manager or the affiliate under the standards of the Act and rules; or
3. cannot meet the suitability standards contained in the Act and rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1688 (July 2012).

§4709. Additional Reporting Requirements; Floor Plans

A. The casino operator shall be responsible, in addition to the casino manager, for all reporting and approval obligations imposed upon the casino manager by rule or assumed by the casino manager in connection with the casino management agreement.

B. Pursuant to the casino operating contract, the casino operator shall deliver to the board updated copies of scale drawings of the floor plan of the official gaming establishment as changes are made in the use of any room or enclosed area.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1688 (July 2012).

§4711. Hotel Restriction

A. To the extent permitted by the Act, the casino operator or casino manager shall be allowed to offer lodging provided that no such lodging may be located within the official gaming establishment. Lodging may be offered and provided by the casino operator or its agents or designees in facilities other than the official gaming establishment even if those facilities provide tunnels, walkways and other passageways for ingress and egress to and from the official gaming establishment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1688 (July 2012).

§4713. Permissible Food Service

A. The casino operator may offer food and restaurant services in non-gaming space in the official gaming establishment as permitted by the Act, including the following.

1. Employee Cafeteria. The casino operator may provide cafeteria style food services with seating for the employees provided that the cafeteria is not accessible to the general public and is limited to the employees of the casino operator and casino manager.

2. Buffet Cafeteria. The casino operator may offer a cafeteria-buffet style food service for patrons not to exceed 400 seats provided that no food shall be given away or discounted at this facility except as provided in the Act.

3. Restaurants. The casino operator may offer a single restaurant facility with table food service not to exceed 150 seats within the official gaming establishment. The casino operator may lease space on the second floor of the official gaming establishment to unaffiliated third parties for no more than two restaurants with total seating not to exceed 350 seats in the aggregate.

4. Local Food Concessions. The casino operator may lease space for food service to area restaurant owners and food preparers in a kiosk area of the official gaming establishment. The seating for such kiosk areas shall be limited to 100 seats in the aggregate which shall be used only for kiosk food service seating. Kiosk areas may include food carts, food courts or such other food service areas approved by the board. For purposes of this Section, area restaurant owners and food preparers shall mean any restaurant or food preparer located in New Orleans or within the state of Louisiana.

B. Except for targeted customers as defined in the Act, the casino operator may not offer or advertise complimentary or discounted food offerings to the general public within the state of Louisiana or a 50-mile radius of the official gaming establishment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1689 (July 2012).

§4715. Capital Replacement Fund

A. The casino operator shall establish a capital replacement account to be funded in the manner mandated by the casino operating contract. In the event the contract upon which the funding requirements are established expires or terminates, the casino operator shall fund the capital replacement account as ordered by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1689 (July 2012).

§4717. Nondiscrimination and Minority Programs

A. The casino operator and the casino manager shall adopt written policies, procedures and regulations to allow the participation of businesses owned by minorities in all design, engineering, construction, banking and maintenance contracts and any other projects initiated by the casino operator or casino manager. The written policies, procedures and regulations shall provide for the inclusion of businesses

owned by minorities to the maximum extent practicable consistent with applicable law.

B. All businesses or vendors selected by the casino operator or the casino manager for any purpose shall strictly adhere to the nondiscrimination policies and practices embodied in applicable federal, state and local law.

C. The casino operator and the casino manager shall, as nearly as practicable, employ minorities at least consistent with the population of the state and consistent with applicable law.

D. No employee shall be denied the equal protection of the law. No regulation or policy shall discriminate against an employee because of race, religious ideas, beliefs or affiliations. No regulation or policy shall arbitrarily, capriciously or unreasonably discriminate against an employee because of age, sex, culture, physical condition, political ideas or affiliations.

E. In furtherance of the mandate set forth in the preceding subsections, the board shall monitor the casino operator and casino manager's hiring and contracting practices and exercise enforcement authority as follows.

1. Within five days of submission to the city of New Orleans, the casino operator and casino manager shall file with the board copies of all reports that it files with the city of New Orleans pursuant to any program or plan undertaken. Should the casino operator no longer be required to submit the reports to the city of New Orleans, the information contained in the reports will still be required by the board to be submitted in a format as determined by the board.

2. The casino operator or casino manager shall submit any additional information or record the board requires to assist in determining compliance.

3. In the event that the board has reason to believe that the reports submitted provide information that the casino operator or casino manager's employment practices are not in compliance with the Act, the chairman shall issue a notice of concern to the casino operator and casino manager prior to taking formal action against the casino operator or casino manager.

a. The notice of concern shall describe the alleged area of non-compliance and set a date for a meeting with the chairman for the purpose of discussing areas of concern. The meeting shall be held within 10 days of receipt of the notice unless the chairman agrees to extend the date for a longer period of time.

b. At the meeting with the chairman, the casino operator and casino manager shall present any information that it believes is relevant to the issues raised in the notice of concern.

c. If the chairman does not receive information to his satisfaction concerning the alleged areas of non-compliance he may:

i. take the matter directly to the board;

ii. inform the casino operator and casino manager of the steps deemed necessary to bring the casino operator and casino manager into compliance with the Act and establish a timetable for pursuing and completing such action; or

iii. take other action as he deems appropriate including but not limited to civil penalties and the imposition of a plan that, in the discretion of the board, meets the

objectives of the Act and rules and is otherwise consistent with law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1689 (July 2012).

§4719. Detention and Ejection

A. In order to effectuate the policies of the Act related to maintaining the integrity of gaming operations and protecting the safety of persons within the official gaming establishment, the casino operator and casino manager and their employees and agents shall at all times cooperate and assist the board and the division in connection with maintaining order and preventing suspected activity which threatens the safety or welfare of patrons or others within the official gaming establishment.

B. The casino operator or casino manager and their employees and agents may escort a person to security personnel employed by the casino operator or casino manager for questioning and, if necessary, notification and turnover to regulatory or law enforcement authorities including, without limitation, the New Orleans Police Department, the board or the division when there is reasonable cause to believe that the person:

1. has violated any provisions of the Act, rules or other criminal laws of the state;
2. is subject to exclusion pursuant to the Act and rules;
3. is subject to removal pursuant to Subsection D of this Section; or
4. is threatening the safety or welfare of any patron or employee within the official gaming establishment.

C. In connection with any questioning of a person as provided in Subsection B of this Section, the casino operator or casino manager may take such person into custody, make a reasonable search of such person in accordance with the circumstance for weapons or suspected contraband of suspected criminal activity and detain such person within the official gaming establishment in a reasonable manner and for a reasonable amount of time. The casino operator or casino manager shall ensure that there is adequate surveillance coverage of the detention area and shall provide notice to the detainee that the area is under surveillance. The casino operator or casino manager may take a photograph of any person detained for questioning.

D. The casino operator and casino manager and their employees and agents may exclude or remove a person from the official gaming establishment when there is reasonable cause to believe the person attempting to enter the casino or located within the casino is:

1. under the age of 21;
2. visibly intoxicated;
3. a threat to the safety or welfare of other persons;
4. a prostitute or panhandler;
5. a person who has been detained or ejected from the official gaming establishment in the past 24 month period; or
6. does not otherwise meet any house rules established for entry into the official gaming establishment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1690 (July 2012).

§4721. Extension of Credit

A. When extending credit to a patron in the form of markers or other lines of credit, the casino operator and casino manager shall adhere to the following rules. These rules shall not apply to check cashing provided such check cashing is performed consistent with the casino operator's internal controls and as otherwise provided by rule.

B. A credit file for each person shall be prepared by the casino operator's or casino manager's cage cashier or credit department representative with no incompatible functions either manually or by computer prior to the casino operator's or casino manager's approval of a person's credit limit. All credit limits and changes thereto shall be supported by the information obtained in the credit file. All information recorded in the credit file shall be in accordance with the casino operator's or casino manager's system of internal controls.

C. Prior to the casino operator's or casino manager's approval of a person's credit limit, a credit department representative with no incompatible functions shall:

1. ensure that the person to whom the credit is extended signs the credit instrument prior to receiving the extension;
2. obtain, record and verify the person's address prior to extending the credit; and
3. document that the casino operator or casino manager:

a. has received information from a bona fide credit reporting agency that the person has an established credit history that is not derogatory; or

b. has received information from a legal business that has extended credit to the person that the person has an established credit history that is not derogatory; or

c. has received information from a financial institution at which the person maintains an account that the person has an established credit history that is not derogatory; or

d. has examined records of its previous credit transactions with the person showing that the person has paid substantially all of his credit instruments and otherwise documents that it has a reasonable basis for placing the amount or sum at the person's disposal; or

e. if no credit information was available from any of the sources listed in Subparagraphs C.3.a-d of this Section for a person who is not a resident of the United States, the casino operator or casino manager has received, in writing, information from an agent or employee of the casino operator or casino manager, limited to those listed in §4723, who has personal knowledge of the person's credit reputation or financial resources that there is a reasonable basis for extending credit in the amount or sum placed at the person's disposal; or

f. has, in the case of third party checks for which cash, chips, or tokens have been issued to the person or which were accepted in payment of another credit instrument, either examined and photocopied the person's valid driver's license, or if a driver's license cannot be obtained, examined and photocopied some other document normally acceptable as a means of identification when cashing checks to be kept in the person's credit file and has, for the check's maker or drawer, performed and documented one of the credit checks set forth in this Subsection.

D. Credit limit extensions, not to exceed \$1,000, may be approved without performing the requirements of Subsections B and C of this Section if such credit extensions are temporary and are noted as being for this trip only (TTO) in the credit file. Temporary credit extensions shall be limited to the strict guideline of the approved internal control system.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1690 (July 2012).

§4723. Credit Approval Authorization

A. Any credit limit, and any changes thereto, must be approved by any one or more of the individuals identified in the internal controls, or holding the job positions of the vice president of casino operation, credit manager, assistant credit manager, credit shift manager, credit executive or a credit committee composed of casino key employees with no incompatible functions which may approve credit as a group but whose members may not approve credit individually unless such person is included in the job position referenced above, or in the approved internal controls.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1691 (July 2012).

§4725. Credit Limit Increases

A. Prior to approving a credit limit increase, a representative of the credit department shall:

1. obtain a written request from the person;
2. verify the person's current casino limits and outstanding balances;
3. verify the person's outstanding indebtedness and personal checking account information;
4. consider the person's player rating based on a continuing evaluation of the amount and frequency of play subsequent to the person's initial receipt of credit. The person's player rating shall be readily available to the credit department prior to their approving a person's request for a credit limit increase;
 - a. for table game play, the information for the person's player rating shall be recorded on a player rating form by casino department supervisors or put directly into the casino operator's or casino manager's computer system pursuant to an approved submission; and
 - b. for slot play, the information for the person's player rating shall be recorded on a player rating form by slot department supervisors, or put directly into the casino operator's or casino manager's system pursuant to an approved submission, or generated by insertion of a card, by a person, into a card reader attached to a slot machine;
5. include the information and documentation required by Paragraphs A.1-6 of this Section and the person's player rating indicated at the time the credit increase is approved in the person's credit file.

B. The casino operator or casino manager shall establish procedures for safeguarding used player rating forms. Such procedures shall be incorporated in the system of internal controls approved by the division.

C. Credit limit increases may be approved without performing the requirements of Paragraphs A.2 and A.3 of

this Section if the increases are temporary and are noted as being for this trip only (TTO) in the credit file. Temporary increases shall be limited to the strict guideline of the approved internal control system.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1691 (July 2012).

§4727. Additional Requirements

A. The casino operator's or casino manager's credit department shall either verify the person's address, current casino credit limits and any outstanding indebtedness, or suspend the person's credit privileges, whenever:

1. a person's credit file has been inactive for a 12-month period; or
2. a person has failed to completely pay off his credit balance at least once within a 12-month period; or
3. a credit instrument is returned to the casino operator or casino manager by a person's bank; or
4. information is received by the casino operator's or casino manager's credit department which reflects negatively in the person's continued credit worthiness; or
5. the information in the person's credit file has not been updated or verified for a 12-month period.

B. If a person's credit privileges have been suspended, the procedures required by subsection A above shall be performed before that person's credit privileges are reinstated provided, however, if the suspension is the result of a return check by the person's bank, the casino operator or casino manager may alternatively reinstate the person's credit privileges by complying with the requirements of §4729 of these regulations.

C. The casino operator or casino manager shall verify the person's name and banking information whenever the casino operator or casino manager has reason to believe that this information has changed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1691 (July 2012).

§4729. Suspension of Credit Privileges

A. Any person having a check returned to the casino operator or casino manager unpaid by the person's bank shall have his credit privileges suspended until such time as the returned check has been paid in full or the reason for the derogatory information has been satisfactorily explained. If the casino operator or casino manager desires to continue the person's credit privileges on the basis of a satisfactory explanation having been obtained for the returned check, it may do so if the casino operator or casino manager records the explanation for its decision in the credit file before accepting any further checks from the person along with the signature of the credit department representative accepting the explanation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1691 (July 2012).

§4731. Record Keeping

A. All transactions affecting a person's outstanding indebtedness including all issuances of credit and payments

thereof, to the casino operator or casino manager shall be recorded in chronological order in the person's credit file and credit transactions shall be segregated from the safekeeping deposit transactions.

B. Player rating cards, evidence of credit worthiness and related documents shall be retained for a minimum of five years, or as long as the debt remains unpaid, whichever is longer.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1691 (July 2012).

§4733. Disallowed Deductions

A. The casino operator or casino manager shall not be entitled to a deduction if the minimum payment required under the casino operating contract has not been satisfied.

B. The casino operator or casino manager may not be entitled to a deduction if a particular credit was, in the sole opinion of the division, issued in a manner inconsistent with the internal controls.

C. The casino operator or casino manager shall not knowingly compromise and credit collection amount with any person that has an outstanding debt with any affiliate or subsidiary of the casino operator or casino manager without the approval of the division.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1692 (July 2012).

§4735. Grounds for Disciplinary Action against the Casino Operator, Casino Manager or Affiliates

A. The board and division deems any activity on the part of the casino operator, casino manager or affiliates, and their agents or employees, as well as all permittees, that is inimical to the public health, safety, morals, good order and general welfare of the people of the state of Louisiana, or that would reflect or tend to reflect negatively upon the state of Louisiana or the gaming industry, to be an unsuitable method of operation and shall constitute grounds for disciplinary action by the board in accordance with the Act and rules. Without limiting the generality of the foregoing, the following acts or omissions may be determined to be unsuitable methods of operation:

1. failing to disclose, misstating or otherwise misleading the board or division with respect to any material fact contained in an application;

2. committing, attempting to commit or conspiring to commit any acts or omissions prohibited by the Act or rules;

3. failing to maintain suitability as provided in the act and rules;

4. failure to exercise discretion and sound judgment to prevent incidents which might reflect on the repute of the state of Louisiana and the Act as a detriment to the development of the gaming industry;

5. knowingly permitting persons who are visibly intoxicated to participate in gaming activity;

6. complimentary service of intoxicating beverages in the casino area to persons visibly intoxicated;

7. failure to conduct advertising and public relations activities in accordance with decency, dignity, good taste, honesty and inoffensiveness;

8. knowingly catering to, assisting, employing or associating with, either socially, or in business affairs, persons of notorious or unsavory reputation or persons who have extensive police records, or persons who have defied congressional investigative committees or other officially constituted bodies acting on behalf of the United States, or any state, or persons who are associated with or supportive of subversive movements;

9. the employing either directly or through a contract, or any other means, of any firm or individual in any capacity where the repute of the state of Louisiana or the gaming industry is liable to be damaged because of the unsuitability of the firm or individual or because of the unethical methods of operation of the firm or individual;

10. employing in a position for which the individual could be required to be a permitted employee or key management or key gaming employee pursuant to these rules, any person who has been denied a permit or approval on the grounds of unsuitability or has failed or refused to apply for a permit as an employee, key management or key gaming employee as requested by the board;

11. employing any person who has been found guilty of cheating or using a cheating device in connection with any game, whether as a permittee or player;

12. employing any person whose conduct resulted in the revocation or suspension of his permit unless such permit was reinstated or otherwise reissued;

13. failure to comply with, or make provision for compliance with, all applicable federal, state and local laws and regulations including, without limiting the generality of the foregoing, payment of all fees and taxes and compliance with all procedures and forms prescribed by the secretary of the Department of Revenue. The board, in the exercise of its sound discretion, can make its own determination of whether or not the person has failed to comply with the aforementioned, but such determination shall make use of the established precedents in interpreting language of the applicable statutes;

14. possessing or permitting to remain in or upon the premises of the official gaming establishment any cards, dice, or mechanical device which is not in compliance with, or was obtained in a manner that was not in compliance with the Act or rules;

15. conducting, carrying on, operating or dealing with any cheating device on the premises;

16. failure to conduct gaming operations in accordance with the proper standards of custom, decorum and decency, or permit any type of conduct in the official gaming establishment which reflects or tends to reflect negatively on the repute of the state of Louisiana;

17. failure to have an employee of the casino operator or casino manager on the premises to supervise any game;

18. issuing credit to a patron to enable the patron to satisfy a debt owed to another person;

19. denying any board member or representative or division agent, upon proper and lawful demand, access to, any portion or aspect of the official gaming establishment;

20. failing to comply with any provision of these regulations or the casino operator's approved internal controls systems, approved rules of games, or any other order or approval;

21. failing to take all reasonable steps necessary to prevent persons under the age of 21, unless otherwise permitted under applicable law, to:

a. play or be allowed to play any game or gaming device at the casino;

b. loiter or be permitted to loiter in or about any room, premises, or designated area where any game or gaming device is located, operated or conducted at the casino;

c. serve or be served, consume or be allowed to consume any alcoholic beverage at the casino;

22. failing to draft and implement policies and procedures designed to satisfy the requirements of Paragraph 21 of this Subsection.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1692 (July 2012).

§4737. Disciplinary Action against Employees and Agents

A. The board may take disciplinary action against any employee or agent of the casino operator or casino manager who:

1. failed to disclose, misstated or otherwise misled the board with respect to any material fact contained in his application for a permit or finding of suitability;

2. committed, attempted to commit, or conspired to commit any acts or omissions prohibited by the Act or any rule;

3. knowingly permitted to remain in play, at the official gaming establishment, any cheating device;

4. concealed or refused to disclose any material fact in any investigation by the board or division;

5. committed, attempted to commit, or conspired to commit theft or embezzlement against the casino operator;

6. been convicted of any gaming related offense in any gaming jurisdiction;

7. accepted employment without prior board or division approval in a position for which he is required to be permitted under the Act or these rules, after having been denied a permit for a reason involving suitability or after failing to apply for a permit upon being requested to do so by the board or division;

8. been refused the issuance or renewal or had suspended or revoked any gaming license or permit, or manufacturing and distribution permit, or any pari-mutual permit in any other gaming jurisdiction;

9. been prohibited, by governmental action from being on the premises of any gaming establishment in Louisiana or any other gaming jurisdiction; or

10. been determined in the sole discretion of the board, to be a person whose prior activities, criminal record, reputation, habits, and associations pose a threat to the public interest to this state or create or enhance the dangers of unsuitable, unfair or illegal practices, methods and activities in the conduct of gaming operation at the official gaming establishment;

11. failed to maintain suitability as provided in the Act and rules;

12. failed to comply with any provision of these rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1693 (July 2012).

§4739. Gaming by Owners, Directors, Officers and Key Employees

A. Except as provided in Subsection B of this Section, no officer, director, owner or key management or key gaming employee of the casino operator shall play or place a wager at any game or slot machine which is exposed to the public for play or wagering by the casino operator or at any casino in the state of Louisiana which is owned or operated in whole or in part by the casino operator.

B. This prohibition shall not apply to the playing of or the wagering on poker or panguingui.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1693 (July 2012).

§4741. Disciplinary Action against Manufacturers, Distributors and Other Vendors

A. The board may take disciplinary action against any manufacturer, distributor or other vendor of gaming devices or gaming supplies and any non gaming vendor if the vendor has:

1. failed to disclose, misstated or otherwise misled the board with respect to any material fact contained in his application for a permit, registration or finding of suitability;

2. committed, attempted to commit or conspired to commit any acts or omissions prohibited by the Act or rules;

3. concealed or refused to disclose any material fact in any investigation by the board or division;

4. committed, attempted to commit, or conspired to commit theft or embezzlement against the casino operator;

5. been convicted of any gaming related offense in any gaming jurisdiction;

6. conducted business with the casino operator prior to being permitted under the Act or rules. This prohibition shall not apply to vendors not required to be permitted under the Act or rules;

7. been refused the issuance or renewal or had suspended or revoked any gaming license or permit, or manufacturing and distribution permit, or any pari-mutual permit in any other gaming jurisdiction;

8. been determined in the sole discretion of the board, to be a person whose prior activities, criminal record, reputation, habits and associations pose a threat to the public interest to this state or, create or enhance the dangers of unsuitable, unfair or illegal practices, methods and activities in the conduct of gaming operations at the official gaming establishment;

9. failed to maintain suitability as provided in the Act and rules;

10. failed to comply with any provision of the rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1693 (July 2012).

§4743. Criminal Conviction as Grounds for Disciplinary Action

A. The board may discipline any person found suitable, including revoking or suspending his permit, registration,

approval or finding of suitability, if the person, or if the person is a corporation or partnership, any person owning 5 percent or more interest in the profits or losses of such entity, is convicted of a crime, even though the convicted person's post-conviction rights and remedies have not been exhausted, if the crime or conviction discredits or tends to discredit the state of Louisiana or the gaming industry.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1693 (July 2012).

Part VII. Pari-Mutuel Live Racing Facility Slot Machine Gaming

Chapter 17. General Provisions

Editor's Note: The provisions contained in this Chapter may have been consolidated into a corresponding Chapter in Part III.

§1701. Definitions

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:728 (April 2000), amended LR 29:362 (March 2003), LR 34:2645 (December 2008), repealed LR 38:1694 (July 2012).

§1703. Ownership of Licenses and Permits

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:732 (April 2000), repealed LR 38:1694 (July 2012).

§1705. Transfers of Licenses or Permits

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:732 (April 2000), repealed LR

Chapter 19. Administrative Procedures and Authority

Editor's Note: The provisions contained in this Chapter may have been consolidated into a corresponding Chapter in Part III.

§1907. Issuance and Construction of Regulations and Administrative Matters

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:732 (April 2000), repealed LR 38:1694 (July 2012).

Chapter 21. Licenses and Permits

Editor's Note: The provisions contained in this Chapter may have been consolidated into a corresponding Chapter in Part III.

§2101. General Authority of the Board and Division

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:732 (April 2000), amended LR 29:362 (March 2003), repealed LR 38:1694 (July 2012).

§2103. Applications in General

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:732 (April 2000), repealed LR 38:1694 (July 2012).

§2105. Investigations

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:733 (April 2000) repealed LR 38:1694 (July 2012).

§2107. Applicants in General; Restrictions

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:733 (April 2000), repealed LR 38:1694 (July 2012).

§2108. Non-Gaming Suppliers

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:733 (April 2000), amended LR 34:2465 (December 2008), repealed LR 38:1694 (July 2012).

§2109. Suitability Determination

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:734 (April 2000), repealed LR 38:1694 (July 2012).

§2110. Plans and Specifications

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:734 (April 2000), repealed LR 38:1694 (July 2012).

§2111. License or Permit Disqualification Criteria

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:735 (April 2000), repealed LR 38:1694 (July 2012).

§2113. License and Permits; Suitability

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:735 (April 2000), repealed LR 38:1694 (July 2012).

§2114. Tax Clearances Required of an Applicant for a License

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:735 (April 2000), repealed LR 38:1694 (July 2012).

§2115. Tax Clearances

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:735 (April 2000), repealed LR 38:1694 (July 2012).

§2116. Cash Transaction Reporting

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 34:2646 (December 2008), repealed LR 38:1695 (July 2012).

§2121. Form of Application for a License

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:735 (April 2000), repealed LR 38:1695 (July 2012).

§2123. Additional Type A Application Information Required

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:736 (April 2000), repealed LR 38:1695 (July 2012).

§2125. Access to Applicants' Premises and Records

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:736 (April 2000), repealed LR 38:1695 (July 2012).

§2127. Information Constituting Grounds for Delay or Denial of Application; Amendments

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:736 (April 2000), repealed LR 38:1695 (July 2012).

§2129. Other Considerations for Licensing

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:736 (April 2000), repealed LR 38:1695 (July 2012).

§2131. Time Table for Financing and Construction

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:737 (April 2000), repealed LR 38:1695 (July 2012).

§2133. License Term and Filing of Application

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:737 (April 2000), repealed LR 38:1695 (July 2012).

§2137. Fingerprinting

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:737 (April 2000), repealed LR 38:1695 (July 2012).

§2141. Renewal Applications

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:737 (April 2000), repealed LR 38:1695 (July 2012).

§2143. Conduct of Investigation; Time Requirements

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:737 (April 2000), repealed LR 38:1695 (July 2012).

§2146. Subpoenas and Subpoenas Duces Tecum

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:737 (April 2000), repealed LR 38:1695 (July 2012).

§2151. Waiver of Privilege

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:737 (April 2000), repealed LR 38:1695 (July 2012).

§2155. Withdrawal of Application

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:737 (April 2000), repealed LR 38:1695 (July 2012).

§2157. Application after Denial

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:738 (April 2000), repealed LR 38:1695 (July 2012).

§2158. Criteria for the Issuance of Permits

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:738 (April 2000), repealed LR 38:1695 (July 2012).

§2159. Gaming Employee Permits Required

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:738 (April 2000), amended LR 35:84 (January 2009), repealed LR 38:1695 (July 2012).

§2161. Application for Gaming Employee Permit; Procedure

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:738 (April 2000), repealed LR 38:1695 (July 2012).

§2165. Display of Gaming Identification Badge

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:738 (April 2000), repealed LR 38:1696 (July 2012).

Chapter 23. Compliance, Inspections and Investigations

Editor's Note: The provisions contained in this Chapter may have been consolidated into a corresponding Chapter in Part III.

§2301. Applicability and Resources

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:738 (April 2000), repealed LR 38:1696 (July 2012).

§2303. Inspections and Observations

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:738 (April 2000), repealed LR 38:1696 (July 2012).

§2305. Inspections during Construction

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:738 (April 2000), repealed LR 38:1696 (July 2012).

§2307. Investigations

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:739 (April 2000), repealed LR 38:1696 (July 2012).

§2309. Investigative Powers of the Board and Division

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:739 (April 2000), repealed LR 38:1696 (July 2012).

§2311. Seizure and Removal of Gaming Equipment and Devices

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:739 (April 2000), repealed LR 38:1696 (July 2012).

§2315. Seized Equipment and Devices as Evidence

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:739 (April 2000), repealed LR 38:1696 (July 2012).

§2317. Subpoenas in Connection with Investigative Hearings

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:739 (April 2000), repealed LR 38:1696 (July 2012).

§2319. Contempt

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:739 (April 2000), repealed LR 38:1696 (July 2012).

§2321. Investigative Hearings

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:740 (April 2000), repealed LR 38:1696 (July 2012).

§2323. Interrogatories

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:740 (April 2000), repealed LR 38:1696 (July 2012).

§2325. Sanctions

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:1321 (June 2000), amended LR 27:2255 (December 2001), LR 28:1028 (May 2002), repromulgated LR 28:2371 (November 2002), amended LR 29:362 (March 2003), LR 31:1603 (July 2005), LR 33:856 (May 2007), repealed LR 38:1696 (July 2012).

§2327. Proof of Compliance

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:740 (April 2000), repealed LR 38:1696 (July 2012).

§2329. Notification of Vendor Recommendations or Solicitations

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:740 (April 2000), repealed LR 38:1696 (July 2012).

§2331. Supplier Permit Criteria

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:740 (April 2000), repealed LR 38:1696 (July 2012).

Chapter 25. Transfers of Interest in Licensees and Permittees; Loans and Restrictions

Editor's Note: The provisions contained in this Chapter may have been consolidated into a corresponding Chapter in Part III.

§2501. Transfers in General

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:740 (April 2000), repealed LR 38:1697 (July 2012).

§2503. Requirements of Full Disclosure

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:741 (April 2000), repealed LR 38:1697 (July 2012).

§2505. Prior Approval of Transfers Required

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:741 (April 2000), repealed LR 38:1697 (July 2012).

§2507. Transfer of Economic Interest among Licensees and/or Permittees

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:741 (April 2000), repealed LR 38:1697 (July 2012).

§2509. Transfer of Economic Interest to Nonlicensee or Nonpermittee

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:741 (April 2000), repealed LR 38:1697 (July 2012).

§2511. Statement of Restrictions Concerning Transfers

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:742 (April 2000), repealed LR 38:1697 (July 2012).

§2513. Emergency Situations

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:742 (April 2000), repealed LR 38:1697 (July 2012).

§2515. Emergency Procedures

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:742 (April 2000), repealed LR 38:1697 (July 2012).

§2517. Emergency Permission to Participate; Investigation

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:743 (April 2000), repealed LR 38:1697 (July 2012).

§2519. Effect of Emergency Permission to Participate; Withdrawal

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:743 (April 2000), repealed LR 38:1697 (July 2012).

§2527. Escrow Accounts

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:744 (April 2000), repealed LR 38:1697 (July 2012).

Chapter 27. Accounting Regulations

Editor's Note: The provisions contained in this Chapter may have been consolidated into a corresponding Chapter in Part III.

§2701. Procedure for Reporting and Paying Taxes and Fees

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:745 (April 2000), amended LR 34:2647 (December 2008), repealed LR 38:1697 (July 2012).

§2703. Accounting Records

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:745 (April 2000), repealed LR 38:1697 (July 2012).

§2705. Records of Ownership

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:745 (April 2000), repealed LR 38:1697 (July 2012).

§2707. Record Retention

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:746 (April 2000), amended LR 34:2647 (December 2008), LR 36:1018 (May 2010), repealed LR 38:1697 (July 2012).

§2709. Standard Financial Statements

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:746 (April 2000), amended LR 34:2647 (December 2008), repealed LR 38:1697 (July 2012).

§2711. Audited Financial Statements

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:746 (April 2000), amended LR 34:2647 (December 2008), repromulgated LR 35:82 (January 2009), repealed LR 38:1697 (July 2012).

§2713. Cash Reserve and Bonding Requirements; General

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:748 (April 2000), repealed LR 38:1698 (July 2012).

§2715. Internal Control; General

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:748 (April 2000), amended LR 26:2305 (October 2000), LR 34:2647 (December 2008), LR 36:1018 (May 2010), repealed LR 38:1698 (July 2012).

§2716. Clothing Requirements

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:750 (April 2000), repromulgated LR 26:2305 (October 2000), repealed LR 38:1698 (July 2012).

§2719. Internal Controls; Handling of Cash

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Gaming Control Board, LR 26:750 (April 2000) amended LR:26:2305 (October 2000), repealed LR 38:1698 (July 2012).

§2721. Internal Controls; Tips or Gratuities

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:750 (April 2000), repealed LR 38:1698 (July 2012).

§2723. Internal Controls; Slots

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:751 (April 2000), amended LR 26:2305 (October 2000), LR 31:1603 (July 2005), LR 34:2648 (December 2008), LR 35:2198 (October 2009), LR 35:2815 (December 2009), LR 36:1018 (May 2010), repealed LR 38:1698 (July 2012).

§2729. Internal Controls; Cage, Vault and Credit

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:761 (April 2000), amended LR 34:2649 (December 2008), LR 35:2816 (December 2009), repealed LR 38:1698 (July 2012).

§2731. Currency Transaction Reporting

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:761 (April 2000), amended LR 34:2649 (December 2008), repealed LR 38:1698 (July 2012).

§2735. Net Slot Machine Proceeds Computation

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:762 (April 2000), amended LR 34:2650 (December 2008), repealed LR 38:1698 (July 2012).

§2739. Extension of Time for Reporting

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:762 (April 2000), repealed LR 38:1698 (July 2012).

§2741. Petitions for Redetermination; Procedures

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:762 (April 2000), repealed LR 38:1698 (July 2012).

§2743. Claims for Refunds; Procedures

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:763 (April 2000), repealed LR 38:1698 (July 2012).

Chapter 29. Operating Standards

Editor's Note: The provisions contained in this Chapter may have been consolidated into a corresponding Chapter in Part III.

§2901. Code of Conduct of Licensees and Permittees

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:763 (April 2000), amended LR 27:58 (January 2001), LR 29:2505 (November 2003), LR 34:2650 (December 2008), repealed LR 38:1698 (July 2012).

§2903. Compliance with Laws

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:763 (April 2000), repealed LR 38:1698 (July 2012).

§2905. Weapons in the Designated Gaming Area

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:763 (April 2000), repealed LR 38:1698 (July 2012).

§2911. Accessibility to Premises; Parking

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:763 (April 2000), repealed LR 38:1698 (July 2012).

§2913. Access to Premises and Production of Records

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:764 (April 2000), repealed LR 38:1699 (July 2012).

§2915. Age Restrictions for the Casino; Methods to Prevent Minors from Gaming Area

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:764 (April 2000), amended LR 29:2506 (November 2003), repealed LR 38:1699 (July 2012).

§2919. Finder's Fees

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:764 (April 2000), repealed LR 38:1699 (July 2012).

§2921. Collection of Gaming Credit

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:764 (April 2000), repealed LR 38:1699 (July 2012).

§2923. Identification Card Issuance Equipment

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:764 (April 2000), repealed LR 38:1699 (July 2012).

§2925. Junkets and Related Activities

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:765 (April 2000), repealed LR 38:1699 (July 2012).

§2927. Advertising

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:765 (April 2000), amended LR 33:856 (May 2007), LR 35:2199 (October 2009), repealed LR 38:1699 (July 2012).

§2929. Conservatorship

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:765 (April 2000), repealed LR 38:1699 (July 2012).

§2931. Assisting in Violations

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:767

(April 2000), amended LR 26:2824 (December 2000), repealed LR 38:1699 (July 2012).

§2935. Entertainment Activities

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:767 (April 2000), repealed LR 38:1699 (July 2012).

§2937. Distributions

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:767 (April 2000), repealed LR 38:1699 (July 2012).

§2939. Action Based upon Order of Another Jurisdiction

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:768 (April 2000), repealed LR 38:1699 (July 2012).

§2941. Access by Board to Licensee Computer Systems

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:768 (April 2000), repealed LR 38:1699 (July 2012).

§2943. Gaming Employees Prohibited from Gaming

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:768 (April 2000), repealed LR 38:1699 (July 2012).

§2944. Waivers and Authorizations

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:768 (April 2000), repealed LR 38:1699 (July 2012).

§2945. Restrictive Areas

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:768 (April 2000), repealed LR 38:1699 (July 2012).

§2947. Comfort Letters

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:768 (April 2000), repealed LR 38:1699 (July 2012).

§2951. Approvals

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:768 (April 2000), repealed LR 38:1699 (July 2012).

§2953. Promotions

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:768 (April 2000), amended LR 27:1555 (September 2001), LR 30:90 (January 2004), LR 34:2650 (December 2008), repealed LR 38:1700 (July 2012).

§2954. Tournaments

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 27:1556 (September 2001), amended LR 34:2650 (December 2008), repealed LR 38:1700 (July 2012).

§2955. Managerial Representative on Premises

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:770 (April 2000), amended LR 28:1028 (May 2002), repealed LR 38:1700 (July 2012).

Chapter 33. Surveillance and Security

Editor's Note: The provisions contained in this Chapter may have been consolidated into a corresponding Chapter in Part III.

§3301. Required Surveillance Equipment

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:770 (April 2000), amended LR 34:2650 (December 2008), repealed LR 38:1700 (July 2012).

§3302. Digital Video Recording Standards

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 34:2650 (December 2008), repealed LR 38:1700 (July 2012).

§3303. Surveillance and Security Plans

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:770 (April 2000), repealed LR 38:1700 (July 2012).

§3304. Surveillance Personnel Employment Provisions

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 27:1556 (September 2001), repealed LR 38:1700 (July 2012).

§3305. Surveillance and Division Room Requirements

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:771 (April 2000), amended LR 27:1556 (September 2001), repealed LR 38:1700 (July 2012).

§3307. Segregated Telephone Communication

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:771 (April 2000), repealed LR 38:1700 (July 2012).

§3309. Security and Surveillance Logs

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:771 (April 2000), repealed LR 38:1700 (July 2012).

§3311. Storage and Retrieval

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:772 (April 2000), amended LR 35:84 (January 2009), repealed LR 38:1700 (July 2012).

§3315. Maintenance and Testing

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:772 (April 2000), repealed LR 38:1700 (July 2012).

Chapter 35. Patron Disputes

Editor's Note: The provisions contained in this Chapter may have been consolidated into a corresponding Chapter in Part III.

§3501. Licensee Duty to Notify Division of Patron Dispute

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:772 (April 2000), repealed LR 38:1700 (July 2012).

Chapter 41. Enforcement Actions

Editor's Note: The provisions contained in this Chapter may have been consolidated into a corresponding Chapter in Part III.

§4101. Emergency Orders

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:773 (April 2000), repealed LR 38:1700 (July 2012).

§4103. Chairman Action by Order

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:773 (April 2000), repealed LR 38:1700 (July 2012).

§4105. Criteria for Sanctions

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:773 (April 2000), repealed LR 38:1700 (July 2012).

Chapter 42. Racetracks: Electronic Gaming Devices

Editor's Note: The provisions contained in this Chapter may have been consolidated into a corresponding Chapter in Part III.

§4201. Division's Central Computer System (DCCS)

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:773 (April 2000), amended LR 34:2651 (December 2008), repealed LR 38:1701 (July 2012).

§4202. Approval of Electronic Gaming Devices; Applications and Procedures; Manufacturers and Suppliers

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:774 (April 2000), repealed LR 38:1701 (July 2012).

§4203. Minimum Standards for Electronic Gaming Devices

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:775 (April 2000), amended LR 33:488 (March 2007), repealed LR 38:1701 (July 2012).

§4204. Progressive Electronic Gaming Devices

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:775 (April 2000), amended LR 31:1604 (July 2005), LR 33:2462 (November 2007), LR 34:2652 (December 2008), repealed LR 38:1701 (July 2012).

§4205. Computer Monitoring Requirements of Electronic Gaming Devices

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:777 (April 2000), amended LR 34:2652 (December 2008), repealed LR 38:1701 (July 2012).

§4206. Employment of Individual to Respond to Inquires from the Division

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:778 (April 2000), amended LR 34:2652 (December 2008), repealed LR 38:1701 (July 2012).

§4207. Evaluation of New Electronic Gaming Devices

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:778 (April 2000), repealed LR 38:1701 (July 2012).

§4208. Certification by Manufacturer

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:778 (April 2000), repealed LR 38:1701 (July 2012).

§4209. Approval of New Electronic Gaming Devices

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:778 (April 2000), amended LR 29:2506 (November 2003), LR 31:1602 (July 2005), LR 31:1604 (July 2005), LR 34:2652 (December 2008), repealed LR 38:1701 (July 2012).

§4210. Electronic Gaming Device Tournaments

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:783 (April 2000), repealed LR 38:1701 (July 2012).

§4211. Duplication of Program Storage Media

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:784 (April 2000), amended LR 34:2653 (December 2008), repealed LR 38:1701 (July 2012).

§4212. Marking, Registration, and Distribution of Gaming Devices

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:784 (April 2000), repealed LR 38:1701 (July 2012).

§4213. Approval to Sell or Disposal of Gaming Devices

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:785 (April 2000), repealed LR 38:1701 (July 2012).

§4214. Maintenance of Electronic Gaming Devices

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:785 (April 2000), amended LR 31:1604 (July 2005), LR 34:2653 (December 2008), repealed LR 38:1701 (July 2012).

§4215. Analysis of Questioned Electronic Gaming Devices

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:785 (April 2000), amended LR 31:1605 (July 2005), repealed LR 38:1701 (July 2012).

§4216. Summary Suspension of Approval of Electronic Gaming Devices

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:785 (April 2000), repealed LR 38:1701 (July 2012).

§4217. Seizure and Removal of Electronic Gaming Equipment and Devices

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:785 (April 2000), repealed LR 38:1702 (July 2012).

§4218. Seized Equipment and EGDs as Evidence

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:786 (April 2000), repealed LR 38:1702 (July 2012).

§4219. Approval of Associated Equipment; Applications and Procedures

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:786 (April 2000), repealed LR 38:1702 (July 2012).

§4220. Record Retention

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 34:2653 (December 2008), repealed LR 38:1702 (July 2012).

Chapter 43. Specifications for Gaming Tokens and Associated Equipment

Editor's Note: The provisions contained in this Chapter may have been consolidated into a corresponding Chapter in Part III.

§4301. Approval of Tokens; Applications and Procedures

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:786 (April 2000), repealed LR 38:1702 (July 2012).

§4303. Identification Specifications for Tokens

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:786 (April 2000), repealed LR 38:1702 (July 2012).

§4305. Size and Manufacturing Specifications for Tokens

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:787 (April 2000), repealed LR 38:1702 (July 2012).

§4307. Use of Tokens

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:787 (April 2000), repealed LR 38:1702 (July 2012).

§4309. Receipt of Gaming Tokens from Manufacturer or Supplier

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:787 (April 2000), repealed LR 38:1702 (July 2012).

§4311. Redemption and Disposal of Discontinued Tokens

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:788 (April 2000), repealed LR 38:1702 (July 2012).

§4313. Destruction of Counterfeit Tokens

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:788 (April 2000), repealed LR 38:1702 (July 2012).

Chapter 45. Labor Organizations

Editor's Note: The provisions contained in this Chapter may have been consolidated into a corresponding Chapter in Part III.

§4501. Labor Organization Registration Required

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:788 (April 2000), repealed LR 38:1702 (July 2012).

§4503. Registration Statement

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:788 (April 2000), repealed LR 38:1702 (July 2012).

§4505. Registration Renewal

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:789 (April 2000), repealed LR 38:1702 (July 2012).

§4507. Continuing Duty to Disclose

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:789 (April 2000), repealed LR 38:1702 (July 2012).

§4509. Federal Reports Exception

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:789 (April 2000), repealed LR 38:1702 (July 2012).

§4511. Qualification of Officers, Agent, and Principal Employees

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:789 (April 2000), repealed LR 38:1703 (July 2012).

§4513. Qualification Procedure

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:789 (April 2000), repealed LR 38:1703 (July 2012).

§4515. Waiver of Disqualification Criteria

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:789 (April 2000), repealed LR 38:1703 (July 2012).

§4517. Interest in Operator's License Prohibited

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:789 (April 2000), repealed LR 38:1703 (July 2012).

§4519. Failure to Comply; Consequences

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:790 (April 2000), repealed LR 38:1703 (July 2012).

Part IX. Landbased Casino Gaming

Chapter 19. General Provisions

Editor's Note: The provisions contained in this Chapter may have been consolidated into a corresponding Chapter in Part III.

§1901. Policy

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1900 (October 1999), repealed LR 38:1703 (July 2012).

§1903. Regulations

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1900 (October 1999), repealed LR 38:1703 (July 2012).

§1905. General Authority of the Board

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1901 (October 1999), repealed LR 38:1703 (July 2012).

§1907. Definitions, Words and Terms, Captions, Gender References

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1901 (October 1999), amended LR 34:2653 (December 2008), LR 35:2816 (December 2009), repealed LR 38:1703 (July 2012).

§1909. Casino Operator Is Licensee

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1907 (October 1999), repealed LR 38:1703 (July 2012).

§1911. Obligations, Duties, Responsibilities of a Casino Manager

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1907 (October 1999), repealed LR 38:1703 (July 2012).

Chapter 21. Applications; Suitability, Permitting and Licensing

Editor's Note: The provisions contained in this Chapter may have been consolidated into a corresponding Chapter in Part III.

§2101. General Provisions

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1907 (October 1999), amended LR 29:362 (March 2003), repealed LR 38:1703 (July 2012).

§2103. Applications in General

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1907 (October 1999), repealed LR 38:1703 (July 2012).

§2105. Applicants in General; Requirements

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1907 (October 1999), repealed LR 38:1703 (July 2012).

§2107. Form of Application

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1908 (October 1999), repealed LR 38:1703 (July 2012).

§2109. Additional Information Required from a Casino Operator Applicant

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1908 (October 1999), repealed LR 38:1703 (July 2012).

§2111. Application Filing Fees

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1908 (October 1999), repealed LR 38:1704 (July 2012).

§2113. Fees for Issuance of Permits

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1908 (October 1999), repealed LR 38:1704 (July 2012).

§2115. Application Investigations

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1909 (October 1999), repealed LR 38:1704 (July 2012).

§2117. Conduct of Applicant Investigation; Time Requirements

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1909 (October 1999), repealed LR 38:1704 (July 2012).

§2119. Access to Applicants' Premises and Records

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1909 (October 1999), repealed LR 38:1704 (July 2012).

§2121. Applications; Timetable for Financing and Construction

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1909 (October 1999), repealed LR 38:1704 (July 2012).

§2123. Fingerprinting

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1909 (October 1999), repealed LR 38:1704 (July 2012).

§2125. Application; Refusal to Answer

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1909 (October 1999), repealed LR 38:1704 (July 2012).

§2127. Information Constituting Grounds for Delay or Denial of Application; Amendments

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1909 (October 1999), repealed LR 38:1704 (July 2012).

§2129. Tax Clearances Required of an Applicant

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1910 (October 1999), repealed LR 38:1704 (July 2012).

§2131. Tax Clearances Required of a Gaming Employee

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1910 (October 1999), repealed LR 38:1704 (July 2012).

§2133. Withdrawal of Application

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1910 (October 1999), repealed LR 38:1704 (July 2012).

§2135. Application after Denial

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1910 (October 1999), repealed LR 38:1704 (July 2012).

§2137. Suitability Determination of a Casino Operator Applicant

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1910 (October 1999), repealed LR 38:1704 (July 2012).

§2139. Other Considerations for Finding of Suitability

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1910 (October 1999), repealed LR 38:1704 (July 2012).

§2141. Suitability; License and Permits

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1910 (October 1999), repealed LR 38:1704 (July 2012).

§2142. Criteria for the Issuances of Permits

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1911 (October 1999), repealed LR 38:1704 (July 2012).

§2143. Suitability of Casino Operator

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1911 (October 1999), repealed LR 38:1704 (July 2012).

§2145. Presumption of Suitability of Certain Lenders

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1912 (October 1999), repealed LR 38:1705 (July 2012).

§2147. Safe Harbor

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1912 (October 1999), repealed LR 38:1705 (July 2012).

§2149. License or Permit Disqualification Criteria

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1913 (October 1999), repealed LR 38:1705 (July 2012).

§2151. Continuing Suitability, Duty to Report

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1913 (October 1999), repealed LR 38:1705 (July 2012).

§2153. Cash Transaction Reporting

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1914 (October 1999), repealed LR 38:1705 (July 2012).

§2155. License and Permit Terms and Filing of Application

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1914 (October 1999), repealed LR 38:1705 (July 2012).

§2159. Gaming Employee Permits Required

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1914 (October 1999), amended LR 35:84 (January 2009), repealed LR 38:1705 (July 2012).

§2161. Application for Gaming Employee Permit; Procedure

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1914 (October 1999), repealed LR 38:1705 (July 2012).

§2163. Display of Gaming Employee Permit

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1914 (October 1999), repealed LR 38:1705 (July 2012).

§2165. Permit Requirements for Persons Furnishing Services or Property or Doing Business with the Casino Operator or Casino Manager

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1914 (October 1999), amended LR 34:2653 (December 2008), repealed LR 38:1705 (July 2012).

§2166. Exemptions/Waivers from Non-Gaming Vendor Permit Requirements

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1915 (October 1999), amended LR 34:2653 (December 2008), repealed LR 38:1705 (July 2012).

§2171. Determination of Unsuitability of Junket Representatives

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1917 (October 1999), repealed LR 38:1705 (July 2012).

§2173. Reporting Requirements of Junket Representatives

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1917 (October 1999), repealed LR 38:1705 (July 2012).

§2174. Supplier Permit Criteria

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 28:1029 (May 2002), repealed LR 38:1705 (July 2012).

§2175. Denial, Revocation, Restrictions

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1917 (October 1999), repealed LR 38:1705 (July 2012).

§2177. Surrender of a Permit

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1917 (October 1999), repealed LR 38:1705 (July 2012).

Chapter 23. Compliance, Inspections and Investigations

Editor's Note: The provisions contained in this Chapter may have been consolidated into a corresponding Chapter in Part III.

§2301. Applicability and Resources

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1917 (October 1999), repealed LR 38:1706 (July 2012).

§2303. Inspections and Observations

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1917 (October 1999), repealed LR 38:1706 (July 2012).

§2305. Inspections during Construction

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1918 (October 1999), repealed LR 38:1706 (July 2012).

§2306. Inspections of Persons Furnishing Services or Property or Doing Business with the Casino Operator or Casino Manager

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1918 (October 1999), repealed LR 38:1706 (July 2012).

§2307. Investigations

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1918 (October 1999), repealed LR 38:1706 (July 2012).

§2309. Investigative Powers of the Board and Division

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1918 (October 1999), repealed LR 38:1706 (July 2012).

§2311. Seizure and Removal of Gaming Equipment and Devices

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1918 (October 1999), repealed LR 38:1706 (July 2012).

§2315. Seized Equipment and Devices as Evidence

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1918 (October 1999), repealed LR 38:1706 (July 2012).

§2325. Sanctions

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1919 (October 1999), repealed LR 38:1706 (July 2012).

§2327. Proof of Compliance

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1919 (October 1999), repealed LR 38:1706 (July 2012).

Chapter 25. Transfers of Interest in the Casino Operator and Permittees; Loans and Restrictions

Editor's Note: The provisions contained in this Chapter may have been consolidated into a corresponding Chapter in Part III.

§2501. Transfer of Interest, General

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1919 (October 1999), repealed LR 38:1706 (July 2012).

§2503. Disclosure of Representative Capacity

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1919 (October 1999), repealed LR 38:1706 (July 2012).

§2505. Transfer of Interest Prior to Approval

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1919 (October 1999), repealed LR 38:1706 (July 2012).

§2506. Notice of Alleged Significant Regulatory Violation—Application of Sanction to Transferee

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1919 (October 1999), repealed LR 38:1706 (July 2012).

§2507. Notification of Ownership Interest in Holding Company or Intermediary Company or Affiliate

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1920 (October 1999), repealed LR 38:1706 (July 2012).

§2509. Procedure for Proposed Transfer

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1920 (October 1999), repealed LR 38:1706 (July 2012).

§2511. Transfer of Interest to Non-Licensee or Non-Permittee

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1920 (October 1999), repealed LR 38:1706 (July 2012).

§2512. Stock Restrictions

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1920 (October 1999), repealed LR 38:1707 (July 2012).

§2513. Emergency Situations

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1921 (October 1999), repealed LR 38:1707 (July 2012).

§2515. Emergency Procedures

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1921 (October 1999), repealed LR 38:1707 (July 2012).

§2517. Emergency Permission to Participate; Investigation

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1921 (October 1999), repealed LR 38:1707 (July 2012).

§2519. Effect of Emergency Permission to Participate; Withdrawal

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1922 (October 1999), repealed LR 38:1707 (July 2012).

§2527. Escrow Accounts

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1923 (October 1999), repealed LR 38:1707 (July 2012).

§2529. Casino Operator Transfers—Casino Operating Contract

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1923 (October 1999), repealed LR 38:1707 (July 2012).

§2531. Casino Operator Transfers

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1924 (October 1999), repealed LR 38:1707 (July 2012).

Chapter 27. Accounting Regulations

Editor's Note: The provisions contained in this Chapter may have been consolidated into a corresponding Chapter in Part III.

§2701. Procedure for Reporting and Paying Gaming Revenues and Fees

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1924 (October 1999), amended LR 34:2654 (December 2008), repealed LR 38:1707 (July 2012).

§2703. Accounting Records

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1924 (October 1999), repealed LR 38:1707 (July 2012).

§2705. Records of Ownership

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1925 (October 1999), repealed LR 38:1707 (July 2012).

§2707. Record Retention

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1925 (October 1999), amended LR 34:2654 (December 2008), LR 35:2816 (December 2009), LR 36:1018 (May 2010), repealed LR 38:1707 (July 2012).

§2709. Standard Financial Statements

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1925 (October 1999), amended LR 34:2654 (December 2008), repealed LR 38:1707 (July 2012).

§2711. Audited Financial Statements

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1926 (October 1999), amended LR 34:2655 (December 2008), repealed LR 38:1707 (July 2012).

§2713. Cash Reserve Requirements; General

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1927 (October 1999), repealed LR 38:1707 (July 2012).

§2715. Internal Control; General

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1925

(October 1999), amended LR 34:2655 (December 2008), LR 35:2816 (December 2009), LR 36:1019 (May 2010), repealed LR 38:1707 (July 2012).

§2716. Clothing Requirements

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1930 (October 1999), repealed LR 38:1708 (July 2012).

§2717. Internal Controls; Table Games

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1930 (October 1999), amended LR 34:2656 (December 2008), LR 36:1019 (May 2010), repealed LR 38:1708 (July 2012).

§2719. Internal Controls; Handling of Cash

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1935 (October 1999), repealed LR 38:1708 (July 2012).

§2721. Internal Controls; Tips or Gratuities

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1935 (October 1999), amended LR 34:2656 (December 2008), repealed LR 38:1708 (July 2012).

§2723. Internal Controls; Slots

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1936 (October 1999), amended LR 26:2306 (October 2000), LR 31:1605 (July 2005), LR 34:2657 (December 2008), LR 35:2198 (October 2009), LR 35:2816 (December 2009), LR 36:1019 (May 2010), repealed LR 38:1708 (July 2012).

§2725. Internal Controls; Poker

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1944 (October 1999), repealed LR 38:1708 (July 2012).

§2729. Internal Controls; Cage, Vault and Credit

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1944 (October 1999), amended LR 35:2200 (October 2009), repealed LR 38:1708 (July 2012).

§2730. Exchange of Tokens and Chips

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1947 (October 1999), amended LR 34: 2658 (December 2008), LR 35:2816 (December 2009), repealed LR 38:1708 (July 2012).

§2731. Currency Transaction Reporting

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1947 (October 1999), amended LR 34:2658 (December 2008), repromulgated LR 35:83 (January 2009), repealed LR 38:1708 (July 2012).

§2735. Gross Gaming Revenue Computations

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1948 (October 1999), amended LR 34:2659 (December 2008), LR 35:2817 (December 2009), repealed LR 38:1708 (July 2012).

§2736. Treatment of Credit for Computing Gross Gaming Revenue

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1949 (October 1999), repealed LR 38:1708 (July 2012).

§2739. Extension of Time for Reporting

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1949 (October 1999), repealed LR 38:1708 (July 2012).

§2741. Petitions for Redetermination; Procedures

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1949 (October 1999), repealed LR 38:1708 (July 2012).

§2743. Claims for Refunds; Procedures

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1949 (October 1999), repealed LR 38:1708 (July 2012).

Chapter 29. Operating Standards Generally

Editor's Note: The provisions contained in this Chapter may have been consolidated into a corresponding Chapter in Part III.

§2901. Code of Conduct of the Casino Operator, Casino Manager, Licensees and Permittees

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1950 (October 1999), amended LR 27:59 (January 2001), LR 29:2506 (November 2003), LR 34:2659 (December 2008), LR 35:2817 (December 2009), repealed LR 38:1708 (July 2012).

§2903. Compliance with Laws

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1950 (October 1999), repealed LR 38:1708 (July 2012).

§2905. Distributions

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1950 (October 1999), repealed LR 38:1709 (July 2012).

§2907. Reporting

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1950 (October 1999), amended LR 34: 2659 (December 2008), repealed LR 38:1709 (July 2012).

§2909. Prohibited Transactions

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1951 (October 1999), repealed LR 38:1709 (July 2012).

§2911. Finder's Fees

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1951 (October 1999), repealed LR 38:1709 (July 2012).

§2913. Hotel Contract Approval

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1951 (October 1999), repealed LR 38:1709 (July 2012).

§2914. Permissible Food Service

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1951 (October 1999), repealed LR 38:1709 (July 2012).

§2915. Capital Replacement Fund Requirements

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1952 (October 1999), repealed LR 38:1709 (July 2012).

§2917. Nondiscrimination and Minority Participation

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1952 (October 1999), repealed LR 38:1709 (July 2012).

§2919. Advertising; Mandatory Signage

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1953 (October 1999), amended LR 26:335 (February 2000), LR 33:857 (May 2007), LR 35:2199 (October 2009), repealed LR 38:1709 (July 2012).

§2921. Entertainment Activities

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:335 (February 2000), repealed LR 38:1709 (July 2012).

§2922. Promotions

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:335 (February 2000), amended LR 27:1557 (September 2001), LR 30:90 (January 2004), LR 34:2660 (December 2008), repealed LR 38:1709 (July 2012).

§2923. Tournaments

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:336 (February 2000), amended LR 27:1557 (September 2001), LR 34:2660 (December 2008), repealed LR 38:1709 (July 2012).

§2925. Gaming Employees Prohibited from Gaming

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1953 (October 1999), repealed LR 38:1709 (July 2012).

§2927. Assisting in Violations

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1953 (October 1999), amended LR 26:2824 (December 2000), repealed LR 38:1709 (July 2012).

§2929. Action Based upon Order of Another Jurisdiction

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1953 (October 1999), repealed LR 38:1709 (July 2012).

§2931. Managerial Representative on Premises

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 28:1029 (May 2002), repealed LR 38:1709 (July 2012).

§2933. Weapons in the Casino

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1953 (October 1999), repealed LR 38:1709 (July 2012).

§2934. Detention and Ejection

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1953 (October 1999), repealed LR 38:1709 (July 2012).

§2935. Age Restrictions for the Casino; Methods to Prevent Minors from Gaming Area

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S.27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1954 (October 1999), amended LR 29:2506 (November 2003), repealed LR 38:1710 (July 2012).

§2937. Check Cashing; Purchase of Tokens, Chips, and Electronic Cards; Prohibitions

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1954 (October 1999), repealed LR 38:1710 (July 2012).

§2941. Political Contributions

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1954 (October 1999), repealed LR 38:1710 (July 2012).

§2943. Prohibited Business Relationships with Public Officers

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1954 (October 1999), repealed LR 38:1710 (July 2012).

§2945. Restricted Areas

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1954 (October 1999), repealed LR 38:1710 (July 2012).

§2947. Identification Card Issuance Equipment

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1955 (October 1999), repealed LR 38:1710 (July 2012).

§2949. Accessibility to Premises; Parking

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1955 (October 1999), repealed LR 38:1710 (July 2012).

§2951. Waivers and Authorizations

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1955 (October 1999), repealed LR 38:1710 (July 2012).

§2953. Comfort Letters

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1955 (October 1999), repealed LR 38:1710 (July 2012).

§2955. Approvals

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1955 (October 1999), repealed LR 38:1710 (July 2012).

§2957. Extension of Credit

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1955 (October 1999), repealed LR 38:1710 (July 2012).

§2959. Credit Approval Authorization

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1956 (October 1999), repealed LR 38:1710 (July 2012).

§2961. Credit Limit Increases

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1956 (October 1999), repealed LR 38:1710 (July 2012).

§2963. Additional Requirements

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1956 (October 1999), repealed LR 38:1710 (July 2012).

§2965. Suspension of Credit Privileges

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1957 (October 1999), repealed LR 38:1710 (July 2012).

§2967. Record Keeping

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1957 (October 1999), repealed LR 38:1710 (July 2012).

§2969. Collection and Deduction from Gross Revenue

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1957 (October 1999), repealed LR 38:1710 (July 2012).

§2970. Collection of Gaming Credit

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1958 (October 1999), repealed LR 38:1710 (July 2012).

§2971. Disallowed Deductions

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1958 (October 1999), repealed LR 38:1711 (July 2012).

Chapter 31. Rules of Play

Editor's Note: The provisions contained in this Chapter may have been consolidated into a corresponding Chapter in Part III.

§3101. Authority and Applicability

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1959 (October 1999), repealed LR 38:1711 (July 2012).

§3103. Rules of Play

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1959 (October 1999), amended LR 30:2490 (November 2004), repealed LR 38:1711 (July 2012).

§3105. Submission of Rules

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1959 (October 1999), amended LR 30:2490 (November 2004), repealed LR 38:1711 (July 2012).

§3107. Wagers

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1959 (October 1999), amended LR 30:2490 (November 2004), repealed LR 38:1711 (July 2012).

§3109. Game Limits

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1959 (October 1999), repealed LR 38:1711 (July 2012).

§3111. Publication of Payoffs

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1959 (October 1999), repealed LR 38:1711 (July 2012).

§3113. Periodic Payments

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1959 (October 1999), repealed LR 38:1711 (July 2012).

Chapter 33. Surveillance

Editor's Note: The provisions contained in this Chapter may have been consolidated into a corresponding Chapter in Part III.

§3301. Required Surveillance Equipment

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1968 (October 1999), amended LR 34:2660 (December 2008), repealed LR 38:1711 (July 2012).

§3302. Digital Video Recording Standards

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 34:2660 (December 2008), amended LR 35:2817 (December 2009), repealed LR 38:1711 (July 2012).

§3303. Surveillance System Plans

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1969 (October 1999), repealed LR 38:1711 (July 2012).

§3304. Surveillance Personnel Employment Provisions

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 27:1558 (September 2001), repealed LR 38:1711 (July 2012).

§3305. Surveillance Room and Gaming Board's Controlled Space Requirements

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1969 (October 1999), amended LR 27:1558 (September 2001), LR 27:1926 (November 2001), repealed LR 38:1711 (July 2012).

§3307. Segregated Telephone Communication

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1969 (October 1999), repealed LR 38:1711 (July 2012).

§3309. Surveillance Logs

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1970 (October 1999), repealed LR 38:1711 (July 2012).

§3311. Storage and Retrieval

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1970 (October 1999), amended LR 35:84 (January 2009), repealed LR 38:1711 (July 2012).

§3315. Maintenance and Testing

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1970 (October 1999), repealed LR 38:1712 (July 2012).

§3317. Surveillance System Compliance

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1970 (October 1999), repealed LR 38:1712 (July 2012).

Chapter 35. Patron Disputes

Editor's Note: The provisions contained in this Chapter may have been consolidated into a corresponding Chapter in Part III.

§3501. Casino Operator or Casino Manager Duty to Notify Division of Patron Dispute

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1970 (October 1999), repealed LR 38:1712 (July 2012).

§3502. Patron Dispute Form

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1970 (October 1999), repealed LR 38:1712 (July 2012).

Chapter 39. Public and Confidential Records

Editor's Note: The provisions contained in this Chapter may have been consolidated into a corresponding Chapter in Part III.

§3901. Public Records

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1972 (October 1999), repealed LR 38:1712 (July 2012).

§3903. Confidential Records

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1972 (October 1999), repealed LR 38:1712 (July 2012).

§3905. Sealing of Documents

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1973 (October 1999), repealed LR 38:1712 (July 2012).

§3907. Access to Public Records

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1973 (October 1999), repealed LR 38:1712 (July 2012).

§3909. Access to Confidential Records

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1973 (October 1999), repealed LR 38:1712 (July 2012).

§3911. Unauthorized Procurement of Records Prohibited

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1973 (October 1999), repealed LR 38:1712 (July 2012).

Chapter 41. Enforcement Actions

Editor's Note: The provisions contained in this Chapter may have been consolidated into a corresponding Chapter in Part III.

§4101. General Provisions

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1974 (October 1999), repealed LR 38:1712 (July 2012).

§4103. Enforcement Actions of the Board

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1974 (October 1999), amended LR 26:2307 (October 2000), LR 27:2255 (December 2001), repromulgated LR 28:344 (February 2002), amended LR 28:1029 (May 2002), LR 29:362 (March 2003), LR 29:2507 (November 2003), LR 31:1605 (July 2005), LR 33:857 (May 2007), repealed LR 38:1712 (July 2012).

§4105. Emergency Orders Created

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1974 (October 1999), repealed LR 38:1712 (July 2012).

§4107. Emergency Orders

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1974 (October 1999), repealed LR 38:1712 (July 2012).

§4111. Appeal

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1974 (October 1999), repealed LR 38:1712 (July 2012).

§4113. Grounds for Disciplinary Action against the Casino Operator, Casino Manager or Affiliates

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1974 (October 1999), repealed LR 38:1712 (July 2012).

§4115. Disciplinary Action against Employees and Agents

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1975 (October 1999), repealed LR 38:1713 (July 2012).

§4117. Gaming by Owners, Directors, Officers and Key Employees

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1976 (October 1999), repealed LR 38:1713 (July 2012).

§4119. Disciplinary Action against Manufacturers, Distributors and Other Vendors

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1976 (October 1999), repealed LR 38:1713 (July 2012).

§4121. Criminal Conviction as Grounds for Disciplinary Action

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1976 (October 1999), repealed LR 38:1713 (July 2012).

§4123. Commission of Gaming Crimes

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1976 (October 1999), repealed LR 38:1713 (July 2012).

Chapter 42. Electronic Gaming Devices

Editor's Note: The provisions contained in this Chapter may have been consolidated into a corresponding Chapter in Part III.

§4202. Approval of Electronic Gaming Devices; Applications and Procedures; Manufacturers and Suppliers

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:2310 (October 2000), repealed LR 38:1713 (July 2012).

§4203. Minimum Standards for Electronic Gaming Devices

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:2310 (October 2000), repealed LR 38:1713 (July 2012).

§4204. Progressive Electronic Gaming Devices

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:2311 (October 2000), amended LR 31:1605 (July 2005), LR 33:2463 (November 2007), LR 2661 (December 2008), repealed LR 38:1713 (July 2012).

§4205. Computer Monitoring Requirements of Electronic Gaming Devices

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:2313 (October 2000), amended LR 34:2662 (December 2008), repealed LR 38:1713 (July 2012).

§4206. Employment of Individual to Respond to Inquiries from the Division

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:2314 (October 2000), amended LR 34:2662 (December 2008), repealed LR 38:1713 (July 2012).

§4207. Evaluation of New Electronic Gaming Devices

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:2314 (October 2000), repealed LR 38:1713 (July 2012).

§4208. Certification by Manufacturer

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:2314 (October 2000), repealed LR 38:1713 (July 2012).

§4209. Approval of New Electronic Gaming Devices

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:2314 (October 2000), amended LR 29:2507 (November 2003), LR 31:1602 (July 2005), LR 31:1606 (July 2005), LR 34:2662 (December 2008), repealed LR 38:1713 (July 2012).

§4210. Electronic Gaming Device Tournaments

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:2318 (October 2000), repealed LR 38:1713 (July 2012).

§4211. Duplication of Program Storage Media

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:2319 (October 2000), amended LR 34:2662 (December 2008), repealed LR 38:1713 (July 2012).

§4212. Marking, Registration, and Distribution of Gaming Devices

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:2320 (October 2000), repealed LR 38:1713 (July 2012).

§4213. Approval to Sell or Disposal of Gaming Devices

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:2320 (October 2000), repealed LR 38:1714 (July 2012).

§4214. Maintenance of Electronic Gaming Devices

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:2320 (October 2000), amended LR 31:1606 (July 2005), LR 34:2662 (December 2008), repealed LR 38:1714 (July 2012).

§4215. Analysis of Questioned Electronic Gaming Devices

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:2320 (October 2000), amended LR 31:1606 (July 2005), repealed LR 38:1714 (July 2012).

§4216. Summary Suspension of Approval of Electronic Gaming Devices

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:2321 (October 2000), repealed LR 38:1714 (July 2012).

§4217. Seizure and Removal of Electronic Gaming Equipment and Devices

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:2321 (October 2000), repealed LR 38:1714 (July 2012).

§4218. Seized Equipment and EGDs as Evidence

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:2321 (October 2000), repealed LR 38:1714 (July 2012).

§4219. Approval of Associated Equipment; Applications and Procedures

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:2321 (October 2000), repealed LR 38:1714 (July 2012).

§4220. Record Retention

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 34:2662 (December 2008), repealed LR 38:1714 (July 2012).

Chapter 43. Specifications for Gaming Equipment and Electronic Devices

Editor's Note: The provisions contained in this Chapter may have been consolidated into a corresponding Chapter in Part III.

§4301. Approval of Chips and Tokens; Applications and Procedures

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1976 (October 1999), amended LR 34:2662 (December 2008), repealed LR 38:1714 (July 2012).

§4303. Specifications for Chips and Tokens

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1977 (October 1999), amended LR 34:2662 (December 2008), repealed LR 38:1714 (July 2012).

§4305. Specifications for Chips

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1977 (October 1999), amended LR 34:2663 (December 2008), repealed LR 38:1714 (July 2012).

§4307. Specifications for Tokens

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1978 (October 1999), repealed LR 38:1714 (July 2012).

§4309. Use of Chips and Tokens

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1978 (October 1999), repealed LR 38:1714 (July 2012).

§4311. Receipt of Gaming Chips or Tokens from Manufacturer or Supplier

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1978 (October 1999), repealed LR 38:1714 (July 2012).

§4313. Inventory of Chips

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1978 (October 1999), amended LR 34:2663 (December 2008), repealed LR 38:1714 (July 2012).

§4315. Redemption and Disposal of Discontinued Chips and Tokens

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1979 (October 1999), amended LR 35:2817 (December 2009), repealed LR 38:1714 (July 2012).

§4317. Destruction of Counterfeit Chips and Tokens

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1979 (October 1999), repealed LR 38:1715 (July 2012).

§4318. Promotional and Tournament Chips and Tokens

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1979 (October 1999), repealed LR 38:1715 (July 2012).

§4319. Approval and Specifications for Dice

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1980 (October 1999), repealed LR 38:1715 (July 2012).

§4321. Dice; Receipt, Storage, Inspections and Removal from Use

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1980 (October 1999), amended LR 34:2663 (December 2008), repealed LR 38:1715 (July 2012).

§4323. Approval and Specifications for Cards

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1980 (October 1999), repealed LR 38:1715 (July 2012).

§4325. Cards; Receipt, Storage, Inspections and Removal from Use

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1981 (October 1999), amended LR 34:2663 (December 2008), repealed LR 38:1715 (July 2012).

§4327. Approval of Gaming Devices; Applications and Procedures; Manufacturers and Suppliers

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1981 (October 1999), repealed LR 38:1715 (July 2012).

§4329. Minimum Standards for Electronic Gaming Devices

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1981 (October 1999), repealed LR 38:1715 (July 2012).

§4331. Progressive Slot Machines

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1982 (October 1999), repealed LR 38:1715 (July 2012).

§4333. Computer Monitoring Requirements of Electronic Gaming Devices

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1983 (October 1999), repealed LR 38:1715 (July 2012).

§4335. Employment of Individual to Respond to Inquiries from the Division

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1983 (October 1999), repealed LR 38:1715 (July 2012).

§4337. Evaluation of New Gaming Devices

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1983 (October 1999), repealed LR 38:1715 (July 2012).

§4339. Certification by Manufacturer

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1984 (October 1999), repealed LR 38:1715 (July 2012).

§4341. Approval of New Gaming Devices

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1984 (October 1999), repealed LR 38:1715 (July 2012).

§4343. Duplication of Program Storage Media

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1984 (October 1999), repealed LR 38:1715 (July 2012).

§4345. Marking, Registration, and Distribution of Gaming Devices

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1984 (October 1999), repealed LR 38:1715 (July 2012).

§4347. Approval to Sell or Dispose of Gaming Devices

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1984 (October 1999), repealed LR 38:1715 (July 2012).

§4349. Maintenance of Gaming Devices

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1984 (October 1999), repealed LR 38:1716 (July 2012).

§4351. Analysis of Questioned Electronic Gaming Devices

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1984 (October 1999), repealed LR 38:1716 (July 2012).

§4353. Summary Suspension of Approval of Gaming Devices

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1985 (October 1999), repealed LR 38:1716 (July 2012).

§4355. Approval of Associated Equipment; Applications and Procedures

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1985 (October 1999), repealed LR 38:1716 (July 2012).

§4357. Evaluation of Associated Equipment

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1985 (October 1999), repealed LR 38:1716 (July 2012).

Chapter 45. Labor Organizations

Editor's Note: The provisions contained in this Chapter may have been consolidated into a corresponding Chapter in Part III.

§4501. Labor Organization Registration Required

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1985 (October 1999), repealed LR 38:1716 (July 2012).

§4503. Registration Statement

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1985 (October 1999), repealed LR 38:1716 (July 2012).

§4505. Registration Renewal

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1986 (October 1999), repealed LR 38:1716 (July 2012).

§4507. Continuing Duty to Disclose

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1986 (October 1999), repealed LR 38:1716 (July 2012).

§4509. Federal Reports Exception

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1986 (October 1999), repealed LR 38:1716 (July 2012).

§4511. Qualification of Officers, Agent, and Principal Employees

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1986 (October 1999), repealed LR 38:1716 (July 2012).

§4513. Qualification Procedure

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1986 (October 1999), repealed LR 38:1716 (July 2012).

§4515. Waiver of Disqualification Criteria

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1986 (October 1999), repealed LR 38:1716 (July 2012).

§4517. Interest in Operator's License Prohibited

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1986 (October 1999), repealed LR 38:1716 (July 2012).

§4519. Failure to Comply; Consequences

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1987 (October 1999), repealed LR 38:1716 (July 2012).

Part XIII. Riverboat Gaming

Chapter 17. General Provisions

Editor's Note: The provisions contained in this/these Section(s) may have been consolidated into a corresponding Chapter in Part III.

§1701. Definitions

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 19:1176 (September 1993), amended LR 21:702 (July 1995), amended by the Department of Public Safety and Corrections, Gaming Control Board, LR 22:1139 (November 1996), LR 24:344 (February 1998), LR 26:1314 (June 2000), LR 29:363 (March 2003), LR 34:2663 (December 2008), LR 37:2410 (August 2011), repealed LR 38:1716 (July 2012).

§1703. Ownership of Licenses and Permits

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:702 (July 1995), repealed by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1717 (July 2012).

§1705. Transfers of Licenses or Permits

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:702 (July 1995), repealed by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1717 (July 2012).

Chapter 19. Administrative Procedures and Authority

Editor’s Note: The provisions contained in this Chapter may have been consolidated into a corresponding Chapter in Part III.

§1901. Issuance and Construction of Regulations and Administrative Matters

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 19:895 (July 1993), repromulgated LR 19:1176 (September 1993), amended LR 21:702 (July 1995), repealed by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1717 (July 2012).

Chapter 21. Licenses and Permits

Editor’s Note: The provisions contained in this/these Section(s) may have been consolidated into a corresponding Chapter in Part III.

§2101. General Authority of the Division

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.; R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 19:895 (July 1993), repromulgated LR 19:1176 (September 1993), amended LR 21:702 (July 1995), LR 29:363 (March 2003), repealed by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1717 (July 2012).

§2103. Applications in General

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 19:895 (July 1993), repromulgated LR 19:1176 (September 1993), amended LR 21:702 (July 1995), repealed by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1717 (July 2012).

§2105. Investigations

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 19:895 (July 1993), repromulgated LR 19:1176 (September 1993), amended LR 21:702 (July 1995), repealed by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1717 (July 2012).

§2107. Applicants in General; Restrictions

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 19:895 (July 1993), repromulgated LR 19:1176 (September 1993), amended LR 21:702 (July 1995), repealed by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1717 (July 2012).

§2108. Non-Gaming Suppliers

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:1317 (June 2000), amended LR 34:2663 (December 2008), repealed by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1717 (July 2012).

§2109. Suitability Determination

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 19:895 (July 1993), repromulgated LR 19:1176 (September 1993), amended LR 21:702 (July 1995), repealed by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1717 (July 2012).

§2110. Maritime Requirements

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:702 (July 1995), repealed by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1717 (July 2012).

§2111. License or Permit Disqualification Criteria

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 19:895 (July 1993), repromulgated LR 19:1176 (September 1993), amended LR 21:702 (July 1995), repealed by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1717 (July 2012).

§2113. Gaming Operator License and Permits; Suitability

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 19:895 (July 1993), repromulgated LR 19:1176 (September 1993), amended LR 21:702 (July 1995), repealed by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1717 (July 2012).

§2114. Tax Clearances Required of an Applicant for a License

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:702 (July 1995), repealed by

the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1717 (July 2012).

§2115. Tax Clearances

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 19:895 (July 1993), repromulgated LR 19:1176 (September 1993), amended LR 21:702 (July 1995), repealed by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1718 (July 2012).

§2116. Cash Transaction Reporting

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:702 (July 1995), amended LR 34:2664 (December 2008), repealed by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1718 (July 2012).

§2117. Certification Required

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 19:895 (July 1993), repromulgated LR 19:1176 (September 1993), amended LR 21:702 (July 1995), repealed by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1718 (July 2012).

§2118. Indemnification

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:2825 (December 2000), repealed LR 38:1718 (July 2012).

§2119. Single Operator's License

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 19:895 (July 1993), repromulgated LR 19:1176 (September 1993), amended LR 21:702 (July 1995), repealed LR 38:1718 (July 2012).

§2121. Form of Application for a License

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 19:895 (July 1993), repromulgated LR 19:1176 (September 1993), amended LR 21:702 (July 1995), repealed by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1718 (July 2012).

§2123. Additional Application Information Required

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 19:895 (July 1993), repromulgated LR 19:1176 (September 1993), amended LR 21:703 (July 1995), amended by the Department of Public Safety and

Corrections, Gaming Control Board, LR 26:2825 (December 2000), repealed LR 38:1718 (July 2012).

§2125. Access to Applicants' Premises and Records

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 19:895 (July 1993), repromulgated LR 19:1176 (September 1993), amended LR 21:702 (July 1995), repealed by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1718 (July 2012).

§2127. Information Constituting Grounds for Delay or Denial of Application; Amendments

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 19:895 (July 1993), repromulgated LR 19:1176 (September 1993), amended LR 21:702 (July 1995), repealed by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1718 (July 2012).

§2129. Other Considerations for Licensing

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 19:895 (July 1993), repromulgated LR 19:1176 (September 1993), amended LR 21:702 (July 1995), repealed by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1718 (July 2012).

§2131. Timetable for Financing and Construction

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 19:895 (July 1993), repromulgated LR 19:1176 (September 1993), amended LR 21:702 (July 1995), repealed LR 38:1718 (July 2012).

§2133. License Term and Filing of Application

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 19:895 (July 1993), repromulgated LR 19:1176 (September 1993), amended LR 21:702 (July 1995), amended by the Department of Public Safety and Corrections, Gaming Control Board, LR 24:344 (February 1998), repealed LR 38:1718 (July 2012).

§2135. Completeness of Application

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 19:895 (July 1993), repromulgated LR 19:1176 (September 1993), amended LR 21:702 (July 1995), repealed by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1718 (July 2012).

§2137. Fingerprinting

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 19:895 (July 1993), repromulgated LR 19:1176 (September 1993), amended LR 21:702 (July 1995), repealed by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1718 (July 2012).

§2139. Application Filing Fees

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 19:895 (July 1993), repromulgated LR 19:1176 (September 1993), amended LR 21:702 (July 1995), repealed by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1719 (July 2012).

§2141. Renewal Applications

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 19:895 (July 1993), repromulgated LR 19:1176 (September 1993), amended LR 21:702 (July 1995), amended by the Department of Public Safety and Corrections, Gaming Control Board, LR 24:344 (February 1998), repealed LR 38:1719 (July 2012).

§2143. Conduct of Investigation; Time Requirements

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 19:895 (July 1993), repromulgated LR 19:1176 (September 1993), amended LR 21:702 (July 1995), repealed by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1719 (July 2012).

§2144. Notice of Concerns and Discrepancies

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:702 (July 1995), repealed by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1719 (July 2012).

§2145. Division Hearing to Consider Application

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 19:895 (July 1993), repromulgated LR 19:1176 (September 1993), amended LR 21:702 (July 1995), repealed by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1719 (July 2012).

§2146. Subpoenas and Subpoenas Duces Tecum

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:702 (July 1995), repealed by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1719 (July 2012).

§2147. Issuance of Decision

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 19:895 (July 1993), repromulgated LR 19:1176 (September 1993), amended LR 21:702 (July 1995), repealed by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1719 (July 2012).

§2149. Appeal of Division Decision to Commission

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 19:895 (July 1993), repromulgated LR 19:1176 (September 1993), amended LR 21:702 (July 1995), repealed by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1719 (July 2012).

§2151. Waiver of Privilege

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 19:895 (July 1993), repromulgated LR 19:1176 (September 1993), amended LR 21:702 (July 1995), repealed by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1719 (July 2012).

§2153. Multiple Licensing Criteria

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 19:895 (July 1993), repromulgated LR 19:1176 (September 1993), amended LR 21:702 (July 1995), repealed by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1719 (July 2012).

§2155. Withdrawal of Application

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 19:895 (July 1993), repromulgated LR 19:1176 (September 1993), amended LR 21:702 (July 1995), repealed by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1719 (July 2012).

§2156. Modifications of Routes, Excursion Schedules and Berth

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:2825 (December 2000), repealed LR 38:1719 (July 2012).

§2157. Application after Denial

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 19:895 (July 1993), repromulgated LR 19:1176 (September 1993), amended LR 21:702 (July 1995), repealed by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1719 (July 2012).

§2158. Criteria for the Issuances of Permits

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:702 (July 1995), repealed by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1719 (July 2012).

§2159. Gaming Employee Permits Required

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 19:895 (July 1993), repromulgated LR 19:1176 (September 1993), amended LR 21:702 (July 1995), LR 35:84 (January 2009), repealed by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1720 (July 2012).

§2161. Application for Gaming Employee Permit; Procedure

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 19:895 (July 1993), repromulgated LR 19:1176 (September 1993), amended LR 21:702 (July 1995), repealed by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1720 (July 2012).

§2163. Withdrawal of Temporary Gaming Employee Permit

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 19:895 (July 1993), repromulgated LR 19:1176 (September 1993), amended LR 21:702 (July 1995), repealed by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1720 (July 2012).

§2165. Display of Gaming Employee Permit

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 19:895 (July 1993), repromulgated LR 19:1176 (September 1993), amended LR 21:702 (July 1995), repealed by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1720 (July 2012).

§2169. Fees for Issuance of Licenses and Permits

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 19:895 (July 1993), repromulgated LR 19:1176 (September 1993), amended LR 21:702 (July 1995), amended by the Department of Public Safety and Corrections, Gaming Control Board, LR 24:344 (February 1998), repealed LR 38:1720 (July 2012).

Chapter 23. Compliance, Inspections and Investigations

Editor's Note: The provisions contained in this/these Section(s) may have been consolidated into a corresponding Chapter in Part III.

§2301. Applicability and Resources

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 19:895 (July 1993), repromulgated LR 19:1176 (September 1993), amended LR 21:702 (July 1995), repealed by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1720 (July 2012).

§2303. Inspections and Observations

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 19:895 (July 1993), repromulgated LR 19:1176 (September 1993), amended LR 21:702 (July 1995), repealed by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1720 (July 2012).

§2305. Inspections during Construction

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 19:895 (July 1993), repromulgated LR 19:1176 (September 1993), amended LR 21:702 (July 1995), repealed by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1720 (July 2012).

§2307. Investigations

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 19:895 (July 1993), repromulgated LR 19:1176 (September 1993), amended LR 21:702 (July 1995), repealed by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1720 (July 2012).

§2309. Investigative Powers of the Division

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 19:895 (July 1993), repromulgated LR 19:1176 (September 1993), amended LR 21:702 (July 1995), repealed by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1720 (July 2012).

§2311. Seizure and Removal of Gaming Equipment and Devices

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 19:895 (July 1993), repromulgated LR 19:1176 (September 1993), amended LR 21:702

(July 1995), repealed by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1720 (July 2012).

§2315. Seized Equipment and Devices as Evidence

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 19:895 (July 1993), repromulgated LR 19:1176 (September 1993), amended LR 21:702 (July 1995), repealed by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1721 (July 2012).

§2317. Subpoenas in Connection with Investigative Hearings

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 19:895 (July 1993), repromulgated LR 19:1176 (September 1993), amended LR 21:702 (July 1995), repealed by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1721 (July 2012).

§2319. Contempt

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 19:895 (July 1993), repromulgated LR 19:1176 (September 1993), amended LR 21:702 (July 1995), repealed by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1721 (July 2012).

§2321. Investigative Hearings

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 19:895 (July 1993), repromulgated LR 19:1176 (September 1993), amended LR 21:702 (July 1995), repealed by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1721 (July 2012).

§2323. Interrogatories

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 19:895 (July 1993), repromulgated LR 19:1176 (September 1993), amended LR 21:702 (July 1995), repealed by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1721 (July 2012).

§2325. Imposition of Sanctions

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 26.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:702 (July 1995), amended by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:1318 (June 2000), LR 27:2255 (December 2001), LR 28:1029 (May 2002), LR 29:363 (March 2003), LR 31:1606 (July 2005), LR 33:858 (May 2007), repealed LR 38:1721 (July 2012).

§2327. Proof of Compliance

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:702 (July 1995), repealed by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1721 (July 2012).

§2329. Notification of Vendor Recommendations or Solicitations

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 24:956 (May 1998), repealed LR 38:1721 (July 2012).

§2331. Supplier Permit Criteria

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:346 (February 2000), repealed LR 38:1721 (July 2012).

Chapter 25. Transfers of Interest in Licensees and Permittees; Loans and Restrictions

Editor's Note: The provisions contained in this Chapter may have been consolidated into a corresponding Chapter in Part III.

§2501. Transfers in General

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:702 (July 1995), repealed by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1721 (July 2012).

§2503. Requirements of Full Disclosure

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:702 (July 1995), repealed by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1721 (July 2012).

§2505. Prior Approval of Transfers Required

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:702 (July 1995), repealed by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1721 (July 2012).

§2507. Transfer of Economic Interest among Licensees and/or Permittees

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:702 (July 1995), repealed by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1721 (July 2012).

§2509. Transfer of Economic Interest to Nonlicensee or Nonpermittee

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:702 (July 1995), repealed by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1721 (July 2012).

§2511. Statement of Restrictions Concerning Transfers

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:702 (July 1995), repealed by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1722 (July 2012).

§2513. Emergency Situations

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:702 (July 1995), repealed by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1722 (July 2012).

§2515. Emergency Procedures

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:702 (July 1995), repealed by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1722 (July 2012).

§2517. Emergency Permission to Participate; Investigation

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:702 (July 1995), repealed by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1722 (July 2012).

§2519. Effect of Emergency Permission to Participate; Withdrawal

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:702 (July 1995), repealed by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1722 (July 2012).

§2527. Escrow Accounts

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:702 (July 1995), repealed by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1722 (July 2012).

Chapter 27. Accounting Regulations

Editor's Note: The provisions contained in this/these Section(s) may have been consolidated into a corresponding Chapter in Part III.

§2701. Procedure for Reporting and Paying Gaming Revenues and Fees

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:702 (July 1995), amended by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1876 (October 1999), repromulgated LR 25:2232 (November 1999), amended LR 34:2665 (December 2008), repealed LR 38:1722 (July 2012).

§2703. Accounting Records

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:702 (July 1995), amended by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1877 (October 1999), repromulgated LR 25:2232 (November 1999), repealed LR 38:1722 (July 2012).

§2705. Records of Ownership

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:702 (July 1995), amended by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1877 (October 1999), repromulgated LR 25:2233 (November 1999), repealed LR 38:1722 (July 2012).

§2707. Record Retention

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:702 (July 1995), amended by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1878 (October 1999), repromulgated LR 25:2233 (November 1999), amended LR 34:2665 (December 2008), LR 36:1019 (May 2010), repealed LR 38:1722 (July 2012).

§2709. Standard Financial Statements

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:702 (July 1995), amended by the Department of Public Safety and Corrections, Gaming Control Board, LR 23:1322 (October 1997), LR 25:1878 (October 1999), repromulgated LR 25:2234 (November 1999), amended LR 34:2665 (December 2008), repealed LR 38:1722 (July 2012).

§2711. Audited Financial Statements

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat

Gaming Enforcement Division, LR 21:702 (July 1995), amended by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1878 (October 1999), repromulgated LR 25:2234 (November 1999), amended LR 34:2665 (December 2008), repealed LR 38:1722 (July 2012).

§2713. Cash Reserve and Bonding Requirements; General

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:702 (July 1995), amended by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1879 (October 1999), repromulgated LR 25:2235 (November 1999), repealed LR 38:1723 (July 2012).

§2715. Internal Control; General

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:702 (July 1995), amended by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1879 (October 1999), repromulgated LR 25:2235 (November 1999), amended LR 26:2306 (October 2000), LR 34: 2666 (December 2008), LR 35:2817 (December 2009), repealed LR 38:1723 (July 2012).

§2716. Clothing Requirements

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:702 (July 1995), amended by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1881 (October 1999), repromulgated LR 25:2237 (November 1999), repealed LR 38:1723 (July 2012).

§2717. Internal Controls; Table Games

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:702 (July 1995), amended by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1882 (October 1999), repromulgated LR 25:2237 (November 1999), amended LR 34:2666 (December 2008), LR 36:1019 (May 2010), repealed LR 38:1723 (July 2012).

§2719. Internal Controls; Handling of Cash

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:702 (July 1995), amended by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1887 (October 1999), repromulgated LR 25:2242 (November 1999), repealed LR 38:1723 (July 2012).

§2721. Internal Controls; Tips or Gratuities

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:702 (July 1995), amended by the Department of Public Safety and Corrections, Gaming

Control Board, LR 24:1503 (August 1998), LR 25:1887 (October 1999), repromulgated LR 25:2242 (November 1999), amended LR 34:2667 (December 2008), repealed LR 38:1723 (July 2012).

§2723. Internal Controls; Slots

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:702 (July 1995), amended by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1887 (October 1999), repromulgated LR 25:2243 (November 1999), amended LR 26:2306 (October 2000), LR 31:1607 (July 2005), LR 34:2667 (December 2008), LR 35:2198 (October 2009), LR 35:2816 (December 2009), LR 36:1019 (May 2010), repealed LR 38:1723 (July 2012).

§2725. Internal Controls; Poker

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:702 (July 1995), amended by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1895 (October 1999), repromulgated LR 25:2251 (November 1999), LR 35:2198 (October 2009), repealed LR 38:1723 (July 2012).

§2727. Race Book

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:702 (July 1995), amended by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1896 (October 1999), repromulgated LR 25:2251 (November 1999), repealed LR 38:1723 (July 2012).

§2729. Internal Controls; Cage, Vault and Credit

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:702 (July 1995), amended by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1896 (October 1999), repromulgated LR 25:2251 (November 1999), LR 35:220 (October 2009), repealed LR 38:1723 (July 2012).

§2730. Exchange of Tokens and Chips

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:702 (July 1995), amended by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1898 (October 1999), repromulgated LR 25:2254 (November 1999), amended LR 34:2668 (December 2008), LR 35:2818 (December 2009), repealed LR 38:1723 (July 2012).

§2731. Currency Transaction Reporting

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:702 (July 1995), amended

by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1898 (October 1999), repromulgated LR 25:2254 (November 1999), amended LR 34:2668 (December 2008), repealed LR 38:1723 (July 2012).

§2735. Net Gaming Proceeds Computations

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:702 (July 1995), amended by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1899 (October 1999), repromulgated LR 25:2254 (November 1999), amended LR 34:2669 (December 2008), repealed LR 38:1724 (July 2012).

§2736. Treatment of Credit for Computing Net Gaming Proceeds

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:702 (July 1995), amended by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1899 (October 1999), repromulgated LR 25:2254 (November 1999), repealed LR 38:1724 (July 2012).

§2739. Extension of Time for Reporting

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:702 (July 1995), amended by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1899 (October 1999), repromulgated LR 25:2255 (November 1999), repealed LR 38:1724 (July 2012).

§2741. Petitions for Redetermination; Procedures

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:702 (July 1995), amended by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1900 (October 1999), repromulgated LR 25:2255 (November 1999), repealed LR 38:1724 (July 2012).

§2743. Claims for Refunds; Procedures

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:702 (July 1995), amended by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1900 (October 1999), repromulgated LR 25:2255 (November 1999), repealed LR 38:1724 (July 2012).

Chapter 29. Operating Standards

Editor's Note: The provisions contained in this/these Section(s) may have been consolidated into a corresponding Chapter in Part III.

§2901. Code of Conduct of Licensees and Permittees

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:702 (July 1995), amended

by the Department of Public Safety and Corrections, Gaming Control Board, LR 27:60 (January 2001), LR 29:2507 (November 2003), LR 34:2669 (December 2008), repealed LR 38:1724 (July 2012).

§2903. Compliance with Laws

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:702 (July 1995), repealed by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1724 (July 2012).

§2905. Weapons on the Riverboat

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:702 (July 1995), repealed by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1724 (July 2012).

§2909. Emergencies

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:702 (July 1995), repealed by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1724 (July 2012).

§2910. Passenger Embarkation and Disembarkation

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:2825 (December 2000), repealed LR 38:1724 (July 2012).

§2911. Accessibility to Premises; Parking

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:702 (July 1995), repealed by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1724 (July 2012).

§2913. Access to Premises and Production of Records

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:702 (July 1995), repealed by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1724 (July 2012).

§2915. Age Restrictions for the Casino; Methods to Prevent Minors from Gaming Area

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S.4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:702 (July 1995), amended LR 29:2507 (November 2003), repealed by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1724 (July 2012).

§2919. Finder's Fees

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:702 (July 1995), repealed by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1725 (July 2012).

§2921. Collection of Gaming Credit

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:702 (July 1995), repealed by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1725 (July 2012).

§2923. Identification Card Issuance Equipment

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:702 (July 1995), repealed by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1725 (July 2012).

§2925. Junkets and Related Activities

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:702 (July 1995), repealed by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1725 (July 2012).

§2927. Advertising

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:702 (July 1995), amended by the Department of Public Safety and Corrections, Gaming Control Board, LR 33:858 (May 2007), LR 35:2199 (October 2009), repealed LR 38:1725 (July 2012).

§2929. Conservatorship

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:702 (July 1995), repealed by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1725 (July 2012).

§2931. Assisting in Violations

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Gaming Enforcement Section, Riverboat Gaming Enforcement Division, LR 21:702 (July 1995), amended LR 26:2824 (December 2000), repealed by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1725 (July 2012).

§2935. Entertainment Activities

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:702 (July 1995), repealed by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1725 (July 2012).

§2937. Distributions

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:702 (July 1995), amended LR 34:2669 (December 2008), repealed by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1725 (July 2012).

§2939. Action Based upon Order of Another Jurisdiction

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:702 (July 1995), repealed by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1725 (July 2012).

§2941. Access by Division to Licensee Computer Systems

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:702 (July 1995), repealed by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1725 (July 2012).

§2943. Gaming Employees Prohibited from Gaming

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:702 (July 1995), repealed by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1725 (July 2012).

§2944. Waivers and Authorizations

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:702 (July 1995), repealed by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1725 (July 2012).

§2945. Restrictive Areas

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:702 (July 1995), repealed by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1725 (July 2012).

§2947. Comfort Letters

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:702 (July 1995), repealed by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1725 (July 2012).

§2951. Approvals

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:702 (July 1995), repealed by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1726 (July 2012).

§2953. Promotions

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:702 (July 1995), amended by the Department of Public Safety and Corrections, Gaming Control Board, LR 27:1558 (September 2001), LR 30:90 (January 2004), LR 34:2669 (December 2008), repealed LR 38:1726 (July 2012).

§2954. Tournaments

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 27:1558 (September 2001), amended LR 34:2670 (December 2008), repealed LR 38:1726 (July 2012).

§2955. Managerial Representative on Premises

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 28:1030 (May 2002), repealed LR 38:1726 (July 2012).

Chapter 31. Rules of Play

Editor's Note: The provisions contained in this/these Section(s) may have been consolidated into a corresponding Chapter in Part III.

§3101. Authority and Applicability

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:702 (July 1995), amended LR 30:2491 (November 2004), repealed by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1726 (July 2012).

§3103. Rules of Play

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:702 (July 1995), amended LR 30:2490 (November 2004), repealed by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1726 (July 2012).

§3105. Submission of Rules

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:702 (July 1995), amended by the Department of Public Safety and Corrections, Gaming Control Board, LR 30:2490 (November 2004), repealed LR 38:1726 (July 2012).

§3107. Wagers

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:702 (July 1995), amended by the Department of Public Safety and Corrections, Gaming Control Board, LR 30:2490 (November 2004), repealed LR 38:1726 (July 2012).

§3109. Game Limits

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:702 (July 1995), repealed by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1726 (July 2012).

§3111. Publication of Payoffs

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:702 (July 1995), repealed by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1726 (July 2012).

§3113. Periodic Payments

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:702 (July 1995), repealed by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1726 (July 2012).

Chapter 33. Surveillance and Security

Editor's Note: The provisions contained in this/these Section(s) may have been consolidated into a corresponding Chapter in Part III.

§3301. Required Surveillance Equipment

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:702 (July 1995), amended by the Department of Public Safety and Corrections, Gaming Control Board, LR 24:956 (May 1998), LR 34:2670 (December 2008), repealed LR 38:1726 (July 2012).

§3302. Digital Video Recording Standards

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 34:2670 (December 2008), repealed LR 38:1726 (July 2012).

§3303. Surveillance System Plans

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:702 (July 1995), repealed LR 38:1727 (July 2012).

§3304. Surveillance Personnel Employment Provisions

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 27:1559 (September 2001), amended LR 29:2508 (November 2003), repealed LR 38:1727 (July 2012).

§3305. Surveillance and Division Room Requirements

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.; R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:702 (July 1995), amended by the Department of Public Safety and Corrections, Gaming Control Board, LR 27:1559 (September 2001), LR 29:363 (March 2003), repealed LR 38:1727 (July 2012).

§3307. Segregated Telephone Communication

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:702 (July 1995), repealed LR 38:1727 (July 2012).

§3309. Security and Surveillance Logs

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:702 (July 1995), repealed LR 38:1727 (July 2012).

§3311. Storage and Retrieval

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:702 (July 1995), amended LR 35:85 (January 2009), repealed LR 38:1727 (July 2012).

§3313. Dock Site Division Facility

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:702 (July 1995), repealed LR 38:1727 (July 2012).

§3315. Maintenance and Testing

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:702 (July 1995), repealed LR 38:1727 (July 2012).

§3317. Surveillance System Compliance

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:702 (July 1995), repealed LR 38:1727 (July 2012).

Chapter 35. Patron Disputes

Editor's Note: The provisions contained in this/these Section(s) may have been consolidated into a corresponding Chapter in Part III.

§3501. Licensee Duty to Notify Division of Patron Dispute

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:702 (July 1995), amended by the Department of Public Safety and Corrections, Gaming Control Board, LR 23:747 (June 1997), repealed LR 38:1727 (July 2012).

Chapter 39. Public and Confidential Records

Editor's Note: The provisions contained in this/these Section(s) may have been consolidated into a corresponding Chapter in Part III.

§3901. Public Records

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:702 (July 1995), repealed LR 38:1727 (July 2012).

§3903. Confidential Records

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:702 (July 1995), repealed LR 38:1727 (July 2012).

§3905. Sealing of Documents

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:702 (July 1995), repealed LR 38:1727 (July 2012).

§3907. Access to Public Records

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:702 (July 1995), repealed LR 38:1727 (July 2012).

§3909. Access to Confidential Records

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:702 (July 1995), repealed LR 38:1727 (July 2012).

§3911. Unauthorized Procurement of Records Prohibited

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:702 (July 1995), repealed LR 38:1728 (July 2012).

Chapter 40. Designated Check Cashing Representatives

Editor's Note: The provisions contained in this/these Section(s) may have been consolidated into a corresponding Chapter in Part III.

§4001. Definitions

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:337 (February 2000), repealed LR 38:1728 (July 2012).

§4002. Application for Permit for Designated Check Cashing Representative; Additional Requirements; Summary of Proposed Operations

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:337 (February 2000), repealed LR 38:1728 (July 2012).

§4003. Cash Transaction Reporting

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:337 (February 2000), amended LR 34:2671 (December 2008), repealed LR 38:1728 (July 2012).

§4004. General Requirements

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:337 (February 2000), repealed LR 38:1728 (July 2012).

§4005. Imposition of Sanctions

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:337 (February 2000), repealed LR 38:1728 (July 2012).

§4006. Record Retention

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:337 (February 2000), repealed LR 38:1728 (July 2012).

§4007. Clothing Requirements

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:338 (February 2000), repealed LR 38:1728 (July 2012).

§4008. Internal Controls; Designated Check Cashing Representative

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:338 (February 2000), repealed LR 38:1728 (July 2012).

§4009. Internal Controls; Cage and Credit

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:338 (February 2000), amended LR 34:2671 (December 2008), repealed LR 38:1728 (July 2012).

§4010. Currency Transaction Reporting

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:339 (February 2000), repealed LR 38:1728 (July 2012).

§4011. Internal Controls Compliance

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:339 (February 2000), repealed LR 38:1728 (July 2012).

§4012. Servant of Licensee

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:339 (February 2000), repealed LR 38:1728 (July 2012).

§4013. Violations by the Designated Check Cashing Representative

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:339 (February 2000), repealed LR 38:1728 (July 2012).

Chapter 41. Enforcement Actions

Editor's Note: The provisions contained in this/these Section(s) may have been consolidated into a corresponding Chapter in Part III.

§4101. Emergency Orders

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:702 (July 1995), repealed LR 38:1728 (July 2012).

§4103. Supervisor Action Must Be by Order

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:702 (July 1995), repealed LR 38:1728 (July 2012).

§4105. Form of Division Order

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:702 (July 1995), repealed LR 38:1729 (July 2012).

§4107. Criteria for Sanctions

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:702 (July 1995), repealed LR 38:1729 (July 2012).

§4109. Commission of Gaming Crimes

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:702 (July 1995), repealed LR 38:1729 (July 2012).

§4111. Appeal of Supervisor Order to Commission

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:702 (July 1995), repealed LR 38:1729 (July 2012).

Chapter 42. Electronic Gaming Devices

Editor's Note: The provisions contained in this/these Section(s) may have been consolidated into a corresponding Chapter in Part III.

§4201. Division's Central Computer System (DCCS)

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:716 (April 2000), amended LR 34:2671 (December 2008), repealed LR 38:1729 (July 2012).

§4202. Approval of Electronic Gaming Devices; Applications and Procedures; Manufacturers and Suppliers

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:717 (April 2000), repealed LR 38:1729 (July 2012).

§4203. Minimum Standards for Electronic Gaming Devices

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:717 (April 2000), repealed LR 38:1729 (July 2012).

§4204. Progressive Electronic Gaming Devices

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:718 (April 2000), amended LR 31:1607 (July 2005), LR 33:2463 (November 2007), LR 34:2671 (December 2008), LR 35:2818 (December 2009), repealed LR 38:1729 (July 2012).

§4205. Computer Monitoring Requirements of Electronic Gaming Devices

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:720 (April 2000), amended LR 34:2672 (December 2008), repealed LR 38:1729 (July 2012).

§4206. Employment of Individual to Respond to Inquiries from the Division

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:720 (April 2000), amended LR 34:2672 (December 2008), repealed LR 38:1729 (July 2012).

§4207. Evaluation of New Electronic Gaming Devices

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:720 (April 2000), repealed LR 38:1729 (July 2012).

§4208. Certification by Manufacturer

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:721 (April 2000), repealed LR 38:1729 (July 2012).

§4209. Approval of New Electronic Gaming Devices

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:721 (April 2000), amended LR 29:2508 (November 2003), LR 31:1603 (July 2005), LR 31:1607 (July 2005), LR 34:2672 (December 2008), LR 35:2818 (December 2009), repealed LR 38:1729 (July 2012).

§4210. Electronic Gaming Device Tournaments

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:725 (April 2000), repealed LR 38:1729 (July 2012).

§4211. Duplication of Program Storage Media

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:726 (April 2000), amended LR 34:2672 (December 2008), repealed LR 38:1729 (July 2012).

§4212. Marking, Registration, and Distribution of Gaming Devices

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:726 (April 2000).

§4213. Approval to Sell or Disposal of Gaming Devices

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:727 (April 2000), repealed LR 38:1730 (July 2012).

§4214. Maintenance of Electronic Gaming Devices

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:727 (April 2000), amended LR 31:1608 (July 2005), LR 34:2673 (December 2008), repealed LR 38:1730 (July 2012).

§4215. Analysis of Questioned Electronic Gaming Devices

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:727 (April 2000), amended LR 31:1608 (July 2005), repealed LR 38:1730 (July 2012).

§4216. Summary Suspension of Approval of Electronic Gaming Devices

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:727 (April 2000), repealed LR 38:1730 (July 2012).

§4217. Seizure and Removal of Electronic Gaming Equipment and Devices

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:727 (April 2000), repealed LR 38:1730 (July 2012).

§4218. Seized Equipment and EGDs as Evidence

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:728 (April 2000), repealed LR 38:1730 (July 2012).

§4219. Approval of Associated Equipment; Applications and Procedures

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:728 (April 2000), repealed LR 38:1730 (July 2012).

§4220. Record Retention

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 34:2673 (December 2008), repealed LR 38:1730 (July 2012).

Chapter 43. Specifications for Gaming Devices and Equipment

Editor's Note: The provisions contained in this/these Section(s) may have been consolidated into a corresponding Chapter in Part III.

§4301. Approval of Chips and Tokens; Applications and Procedures

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:702 (July 1995), amended LR 34:2673 (December 2008), repealed by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1730 (July 2012).

§4303. Specifications for Chips and Tokens

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:702 (July 1995), LR 34:2673 (December 2008), repealed by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1730 (July 2012).

§4305. Specifications for Chips

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:702 (July 1995), amended LR 34:2673 (December 2008), repealed by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1730 (July 2012).

§4307. Specifications for Tokens

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:702 (July 1995), repealed by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1730 (July 2012).

§4309. Use of Chips and Tokens

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:702 (July 1995), repealed by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1730 (July 2012).

§4311. Receipt of Gaming Chips or Tokens from Manufacturer or Supplier

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:702 (July 1995), repealed by

the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1730 (July 2012).

§4313. Inventory of Chips

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:702 (July 1995), LR 34:2673 (December 2008), repealed by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1731 (July 2012).

§4315. Redemption and Disposal of Discontinued Chips and Tokens

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:702 (July 1995), amended LR 34:2673 (December 2008), repealed by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1731 (July 2012).

§4317. Destruction of Counterfeit Chips and Tokens

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:702 (July 1995), repealed by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1731 (July 2012).

§4319. Approval and Specifications for Dice

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:702 (July 1995), repealed by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1731 (July 2012).

§4321. Dice; Receipt, Storage, Inspections and Removal from Use

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:702 (July 1995), amended LR 34:2674 (December 2008), repealed by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1731 (July 2012).

§4323. Approval and Specifications for Cards

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:702 (July 1995), repealed by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1731 (July 2012).

§4325. Cards; Receipt, Storage, Inspections and Removal from Use

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:702 (July 1995), amended LR 34:2674 (December 2008), repealed by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1731 (July 2012).

Chapter 45. Labor Organizations

Editor's Note: The provisions contained in this/these Section(s) may have been consolidated into a corresponding Chapter in Part III.

§4501. Labor Organization Registration Required

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:702 (July 1995), repealed by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1731 (July 2012).

§4503. Registration Statement

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:702 (July 1995), repealed by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1731 (July 2012).

§4505. Registration Renewal

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:702 (July 1995), repealed by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1731 (July 2012).

§4507. Continuing Duty to Disclose

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:702 (July 1995), repealed LR 38:1731 (July 2012).

§4509. Federal Reports Exception

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:702 (July 1995), repealed by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1731 (July 2012).

§4511. Qualification of Officers, Agent, and Principal Employees

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:702 (July 1995), repealed by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1731 (July 2012).

§4513. Qualification Procedure

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:702 (July 1995), repealed by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1731 (July 2012).

§4515. Waiver of Disqualification Criteria

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:702 (July 1995), repealed by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1732 (July 2012).

§4517. Interest in Operator's License Prohibited

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:702 (July 1995), repealed by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1732 (July 2012).

§4519. Failure to Comply; Consequences

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:702 (July 1995), repealed by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1732 (July 2012).

Dale A. Hall
Chairman

1207#009

RULE

**Department of Wildlife and Fisheries
Wildlife and Fisheries Commission**

**False River—Trammel and Gill Nets
(LAC 76:VII.157 and 158)**

Pursuant to the authority of Louisiana Revised Statutes, Title 56, Sections 22 and 326.3, the Louisiana Wildlife and Fisheries Commission hereby removes the current net ban and establish and permit a special recurring commercial fishing season, allowing the use of certain nets in False River Lake, Pointe Coupee Parish, Louisiana.

The Secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the commission to promulgate and effectuate this final Rule.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic life

**Chapter 1. Freshwater Sports and Commercial
Fishing**

§157. Netting Prohibition—Lake Concordia

A. The Wildlife and Fisheries Commission hereby prohibits the use of gill nets, trammel nets and fish seines in Lake Concordia located in Concordia Parish, Louisiana. Said

netting ban will become effective Friday, September 20, 1991.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:22(B).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 17:894 (September 1991), amended LR 38:1732 (July 2012).

**§158. False River, Trammel Nets, Gill Nets and Fish
Seines**

A. Prohibits the use of trammel and gill nets in False River, Pointe Coupee Parish, Louisiana, except their use will be allowed for the legal harvest of commercial fish during a special recurring trammel and gill netting season to commence each year at sunrise on November 1 and close at sunset on the last day of February the following year. The use of fish seines is prohibited and there is no season.

B. The trammel and gill nets allowed during the special recurring season shall have a minimum mesh size of 3½” square (7” stretched) or greater.

C. Commercial fishing will be allowed only during daylight hours except that gear can remain set overnight but fish captured shall be removed during daylight hours only.

D. Commercial fishing with trammel and gill nets will be allowed on False River Lake only during the open season and only by licensed commercial fishermen.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:22(B).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 38:1732 (July 2012).

Ann L. Taylor
Chairman

1207#059

RULE

**Department of Wildlife and Fisheries
Wildlife and Fisheries Commission**

**General and Wildlife Management Area
Hunting Rules and Regulations (LAC 76:XIX.111)**

The Wildlife and Fisheries Commission does hereby promulgate rules and regulations governing the hunting of resident game birds and game quadrupeds.

The secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the commission to promulgate and effectuate this Notice of Intent and the final Rule, including but not limited to, the filing of the Fiscal and Economic Impact Statements, the filing of the Notice of Intent and final Rule and the preparation of reports and correspondence to other agencies of government.

Title 76

WILDLIFE AND FISHERIES

Part XIX. Hunting and WMA Regulations

**Chapter 1. Resident Game Hunting Season
§111. General and Wildlife Management Area**

Hunting Rules and Regulations

A. Hunting Seasons and Wildlife Management Area (WMA) Regulations

1. The rules and regulations contained within this digest have been officially approved and adopted by the Wildlife and Fisheries Commission under authority vested by Sections 115 and 116 of Title 56 of the Louisiana Revised Statutes of 1950 and are in full force and effect in conjunction with all applicable statutory laws. The Secretary of the Department of Wildlife and Fisheries (LDWF) has the authority to close or alter seasons in emergency situations in order to protect fish and wildlife resources.

2. Pursuant to Section 40.1 of Title 56 of the Louisiana Revised Statutes of 1950, the Wildlife and Fisheries Commission has adopted monetary values which are assigned to all illegally taken, possessed, injured or destroyed fish, wild birds, wild quadrupeds and other wildlife and aquatic life. Anyone taking, possessing, injuring or destroying fish, wild birds, wild quadrupeds and other wildlife and aquatic life shall be required to reimburse the LDWF a sum of money equal to the value of the wildlife illegally taken, possessed, injured or destroyed. This monetary reimbursement shall be in addition to any and all criminal penalties imposed for the illegal act.

B. Resident Game Birds and Animals

1. Shooting hours: one-half hour before sunrise to one-half hour after sunset.

C. Other Season Dates

1. Turkey. Please refer to separate pamphlet.

2. Raccoon and Opossum. No closed season. Raccoon and opossum can be taken at night by one or more licensed hunters with one or more dogs and one .22 caliber or smaller rimfire firearm. A licensed hunter may take raccoon or opossum with .22 caliber or smaller rimfire rifle, .36 caliber or smaller muzzleloader rifle or shotgun during daylight hours. Hunting from boats or motor vehicles is prohibited. No bag limit for nighttime or daytime raccoon or opossum hunting during the open trapping season except on certain WMAs as listed. The remainder of the year, the raccoon and opossum bag limit for daytime or nighttime is two per person per day or night. No one who hunts raccoons or opossums as prescribed above shall pelt during the closed trapping season nor sell skins or carcasses of raccoons and opossums taken during the open trapping season unless he is the holder of a valid trapping license which shall be required in addition to his basic hunting license. Pelting or selling carcasses is illegal during closed trapping season.

3. Nutria. On WMAs and private property nutria may be taken recreationally by licensed hunters from September 1 through the last day of February, during legal shooting hours by any legal hunting method with a daily limit of five. Except nutria may be taken on Atchafalaya Delta, Salvador/Timken, Pointe Aux Chenes and Pass a Loure WMAs from September 1 to March 31. When taken with a shotgun, steel shot must be used. On WMAs during waterfowl seasons, nutria may be taken only with the use of shotguns with shot no larger than F steel, and during gun deer seasons, anyone taking nutria must display 400 square inches of "hunter orange" and wear a "hunter orange" cap or hat. Recreational nutria hunters must remove each nutria carcass in whole condition from the hunting area, except that nutria may be gutted. Possession of detached nutria parts, including nutria tails, by recreational hunters is illegal. Nutria harvested recreationally may not be pelted nor may such nutria or any nutria parts from recreationally taken

nutria be sold, including the tail. Trespassing upon private property for the purpose of taking nutria or other furbearing animals is punishable by fines and possible jail time (R.S. 56:265). The Coastwide Nutria Control Program is a separate program and is in no way related to the nutria recreational season. For questions on the Coastwide Nutria Control Program, call the New Iberia office (337) 373-0032.

4. Blackbirds and Crows. The season for crows shall be September 1 through January 1 with no limit; however crows, blackbirds, cowbirds and grackles may be taken year round during legal shooting hours if they are depredating or about to depredate upon ornamentals or shade trees, agricultural crops, livestock, wildlife, or when concentrated in such numbers as to cause a health hazard. Louisiana has determined that the birds listed above are crop depredators and that crows have been implicated in the spread of the West Nile virus in humans. As described in 50 CFR Part 21, non-toxic shot must be used for the take of crows, blackbirds, cowbirds and grackles under the special depredation order. In addition an annual report has to be submitted to the U.S. Fish and Wildlife Service for those that participate in the take of these species.

5. Pheasant. Open concurrently with the quail season; no limit.

6. Falconry. Special permit required. Resident and migratory game species may be taken except turkeys. Seasons and bag limits are the same as for statewide and WMA regulations. Refer to LAC 76:V.301 for specific falconry rules.

7. Licensed Hunting Preserve. October 1-April 30. Pen-raised birds only. No limit entire season. Refer to LAC 76:V.305 for specific hunting preserve rules.

8. Deer Management Assistance Program (DMAP). Refer to LAC 76:V.111 for specific DMAP rules. Deer management assistance tags must be in the possession of the hunter in order to harvest an antlerless deer. The tag shall be attached through the hock in such a manner that it cannot be removed before the deer is transported (including those taken on either-sex days and those taken with approved archery equipment or primitive firearms). Antlerless deer harvested on property enrolled in DMAP does not count in the season or daily bag limit for hunters. Failure to do so is a violation of R.S. 56:115. Failing to follow DMAP rules and regulations may result in suspension and cancellation of the program on those lands involved. DMAP participants must follow the deer season schedule established for their respective areas.

9. Farm Raised White-Tailed Deer and Exotics on Licensed Supplemented Shooting Preserves

a. Definitions

Exotics—for purposes of this rule means any animal of the family Bovidae (except the Tribe Bovini [cattle]) or Cervidae which is not indigenous to Louisiana and which is confined on a supplemented hunting preserve. Exotics shall include, but are not limited to, fallow deer, red deer, elk, sika deer, axis deer, and black buck antelope.

Hunting—in its different tenses and for purposes of this rule means to take or attempt to take, in accordance with R.S. 56:8.

Same as Outside—for purposes of this rule means hunting on a *Supplemented Hunting Preserve* must conform to applicable statutes and rules governing hunting

and deer hunting, as provided for in Title 56 of the Louisiana Revised Statutes and as established annually by the Wildlife and Fisheries Commission.

Supplemented Hunting Preserve—for purposes of this rule means any enclosure for which a current Farm-Raising License has been issued by the Department of Agriculture and Forestry (LDAF) with concurrence of the LDWF and is authorized in writing by the LDAF and LDWF to permit hunting.

White-Tailed Deer—for purposes of this rule means any animal of the species *Odocoileus virginianus* which is confined on a *Supplemented Hunting Preserve*.

b. Seasons

i. Farm-Raised White-tailed Deer: consult the regulations pamphlet.

ii. Exotics: year round.

c. Methods of Take

i. White-tailed Deer: same as outside.

ii. Exotics: exotics may be taken with longbow (including compound bow and crossbow) and arrow; shotguns not larger than 10 gauge, loaded with buckshot or rifled slug; handguns and rifles no smaller than .22 caliber centerfire; or muzzleloading rifles or pistols, .44 caliber minimum, or shotguns 10 gauge or smaller, all of which must load exclusively from the muzzle or cap and ball cylinder, using black powder or an approved substitute only, and using ball or bullet projectile, including sabot bullets only and other approved primitive firearms.

d. Shooting Hours

i. White-Tailed Deer: same as outside.

ii. Exotics: one-half hour before sunrise to one-half hour after sunset.

e. Bag Limit

i. Farm-Raised White-Tailed Deer: same as outside.

ii. Exotics: no limit.

f. Hunting Licenses

i. White-Tailed Deer: same as outside.

ii. Exotics. No person shall hunt any exotic without possessing a valid basic and big game hunting license.

g. Tagging. White-Tailed Deer and Exotics: Each animal shall be tagged in the left ear or left antler immediately upon being killed and before being moved from the site of the kill with a tag provided by the LDAF. The tag shall remain with the carcass at all times.

10. Bobcat. No person other than the holder of a valid big game license may take or possess bobcat, except licensed trappers who may take or possess bobcat during the open trapping season. A big game licensee shall only take bobcat during the time period from one-half hour before sunrise to one-half hour after sunset with approved archery equipment, shotgun, muzzleloader or centerfire firearm. A big game licensee shall not take more than one bobcat per calendar year. This regulation applies only to property that is privately owned, state WMAs, and the Bayou des Ourses, Bodcau, Bonnet Carre, Indian Bayou, Loggy Bayou and Soda Lake tracts owned by the Corps of Engineers but does not apply to state wildlife refuges, the Kisatchie National Forest, or other federally owned refuges and lands. On state WMAs, the take of bobcat is restricted to those open seasons

on the WMAs which require the respective legal weapons noted above.

D. Hunting-General Provisions

1. A basic resident or non-resident hunting license is required of all persons to hunt, take, possess or cause to be transported by any other person any wild bird or quadruped. See information below for exceptions.

2. All persons born on or after September 1, 1969 must show proof of satisfactorily completing a hunter safety course approved by LDWF to purchase a basic hunting license, except any active or veteran member of the United States armed services or any POST-certified law enforcement officer. Application for the exemption shall be filed in person at the LDWF main office building in the city of Baton Rouge. A person younger than 16 years of age may hunt without such certificate if he is accompanied by, and is under the direct supervision of a person 18 years of age or older.

3. A big game license is required in addition to the basic hunting license to hunt, take, possess or cause to be transported any deer. A separate wild turkey license is required in addition to the basic hunting license and the big game license to hunt, take, possess or cause to be transported any turkey.

4. Taking game quadrupeds or birds from aircraft or participating in the taking of deer with the aid of aircraft or from automobiles or other moving land vehicles is prohibited.

5. Methods of Taking Resident Game Birds and Quadrupeds

a. It is illegal to intentionally feed, deposit, place, distribute, expose, scatter, or cause to be fed, deposited, placed, distributed, exposed, or scattered raw sweet potatoes to wild game quadrupeds.

b. Use of a longbow (including compound bow and crossbow) and arrow or a shotgun not larger than a 10 gauge fired from the shoulder without a rest shall be legal for taking all resident game birds and quadrupeds. Also, the use of a handgun, rifle and falconry (special permit required) shall be legal for taking all game species except turkey. It shall be illegal to hunt or take squirrels or rabbits at any time with a breech-loaded rifle or handgun larger than a .22 caliber rimfire or a primitive firearm larger than .36 caliber. It shall be legal to hunt or take squirrels, rabbits, and outlaw quadrupeds with air rifles. During closed deer gun season, it shall be illegal to possess shotgun shells loaded with slugs or shot larger than BB lead or F steel shot while small game hunting.

c. Still hunting is defined as stalking or stationary stand hunting without the use of dog(s). Pursuing, driving or hunting deer with dogs is prohibited when or where a still hunting season or area is designated, and will be strictly enforced. Shotguns larger than 10 gauge or capable of holding more than three shells shall be prohibited. Plugs used in shotguns must be incapable of being removed without disassembly. Refer to game schedules contained within these regulations for specific restrictions on the use of firearms and other devices.

d. No person shall take or kill any game bird or wild quadruped with a firearm fitted with any device to deaden or silence the sound of the discharge thereof; or fitted with an infrared sight, laser sight, or except as provided in R.S.

56:116(A)(8) any sighting device which projects a beam of light to the target or otherwise electronically illuminates the target, or device specifically designed to enhance vision at night [R.S. 56:116.1(B)(3)].

6. Nuisance Animals. Landowners or their designees may remove beaver and nutria causing damage to their property without a special permit. Water set traps and firearms may be used to remove beaver; nutria may be removed by any means except that nutria cannot be taken by the use of headlight and gun between the hours of sunset and sunrise. With a special permit issued by the LDWF, beavers may be taken between one-half hour after official sunset to one-half hour before official sunrise for a period of three consecutive calendar evenings from the effective date of the permit. For specific details contact a region office near you. Any nuisance beaver or nutria trapped or shot outside open trapping season cannot be pelted or sold. A trapping license is required to sell or pelt nuisance beavers or nutria taken during open trapping season. Squirrels found destroying commercial crops of pecans may be taken year-round by permit issued by the LDWF. This permit shall be valid for 30 days from the date of issuance. Contact the local region office for details.

7. Threatened and Endangered Species—Louisiana black bear, Louisiana pearl shell (mussel), sea turtles, gopher tortoise, ringed sawback turtle, brown pelican, bald eagle, peregrine falcon, whooping crane, Eskimo curlew, piping plover, interior least tern, ivory-billed woodpecker, red-cockaded woodpecker, Bachman's warbler, West Indian manatee, Florida panther, pallid sturgeon, Gulf sturgeon, Attwater's greater prairie chicken, whales and red wolf. Taking or harassment of any of these species is a violation of state and federal laws.

8. Outlaw Quadrupeds. Holders of a legal hunting license may take coyotes, feral hogs where legal, and armadillos year round during legal daylight shooting hours. The running of coyotes with dogs is prohibited in all turkey hunting areas during the open turkey season. Coyote hunting is restricted to chase only when using dogs during still hunting segments of the firearm and archery only season for deer. Foxes are protected quadrupeds and may be taken only with traps by licensed trappers during the trapping season. Remainder of the year "chase only" allowed by licensed hunters.

9. Nighttime Take of Nuisance Animals and Outlaw Quadrupeds. On private property, the landowner, or his lessee or agent with written permission and the landowner's contact information in his possession, may take outlaw quadrupeds (coyotes, armadillos and feral hogs), nutria or beaver during the nighttime hours from one-half hour after official sunset on the last day of February to one-half hour after official sunset the last day of August of that same year. Such taking may be with or without the aid of artificial light, infrared or laser sighting devices, or night vision devices. In addition, pursuant to 56:116(D)(3) any person who is authorized to possess a firearm suppressor may use a firearm fitted with a sound suppressor when taking outlaw quadrupeds, nutria, or beaver. Any person attempting to take outlaw quadrupeds under the provisions of the Paragraph, within 24 hours prior to the attempted taking, shall notify the sheriff of the parish in which the property is located of his

intention to attempt to take outlaw quadrupeds under the provision of this paragraph.

10. Hunting and/or Discharging Firearms on Public Roads. Hunting, standing, loitering or shooting game quadrupeds or game birds with a gun during open season while on a public highway or public road right-of-way is prohibited. Hunting or the discharge of firearms on roads or highways located on public levees or within 100 feet from the centerline of such levee roads or highways is prohibited. Spot lighting or shining from public roads is prohibited by state law. Hunting from all public roads and rights-of-way is prohibited and these provisions will be strictly enforced.

11. Tags. Any part of the deer or wild turkey divided shall have affixed thereto the name, date, address and big game license number of the person killing the deer or wild turkey and the sex of that animal. This information shall be legibly written in pen or pencil, on any piece of paper or cardboard or any material, which is attached or secured to or enclosing the part or parts. On lands enrolled in DMAP, deer management assistance tags must be attached and locked through the hock of antlerless deer, (including those taken with approved archery and primitive firearms, and those antlerless deer taken on either-sex days) in a manner that it cannot be removed, before the deer is moved from the site of the kill.

12. Sex Identification. Positive evidence of sex identification, including the head, shall remain on any deer taken or killed within the state of Louisiana, or on all turkeys taken or killed during any special gobbler season when killing of turkey hens is prohibited, so long as such deer or turkey is kept in camp or field, or is in route to the domicile of its possessor, or until such deer or turkey has been stored at the domicile of its possessor or divided at a cold storage facility and has become identifiable as food rather than as wild game.

E. General Deer Hunting Regulations

1. Prior to hunting deer, all deer hunters, regardless of age or license status, must obtain deer tags and have in possession when hunting deer. Immediately upon harvesting a deer, the hunter must tag the deer with the appropriate carcass tag and document the kill on the deer tag license. Within seven days the hunter must validate the kill. Hunters harvesting deer on DMAP lands can validate deer per instructions by LDWF using the DMAP harvest data sheets. Hunters on WMAS can validate deer during mandatory deer check hunts, when deer check stations are in operation. Hunters may validate deer by calling the validation toll free number or using the validation web site.

2. One antlered and one antlerless deer per day (when legal) except on national forest lands and some federal refuges (check refuge regulations) where the daily limit shall be one deer per day. Season limit is six, three antlered bucks and three antlerless deer (all segments included) by all methods of take, except antlerless harvest on property enrolled in DMAP does not count in the season or daily bag limit for hunters. Antlerless deer may be harvested during entire deer season on private lands (all segments included) except in the following parishes: West Carroll and except those lands within the Morganza Floodway and Atchafalaya Basin. Consult regulations pamphlet, modern firearms table for either-sex days for these parishes. This does not apply to

public lands (WMAs, national forest lands, and federal refuges) which will have specified either-sex days.

3. 2013-14 Season. One antlered and one antlerless deer per day (when legal) except on national forest lands and some Federal Refuges (check refuge regulations) where the daily limit shall be one deer per day. Season limit is six, not to exceed three antlered bucks or 4 antlerless deer (all segments included) by all methods of take, except antlerless harvest on property enrolled in DMAP does not count in the season or daily bag limit for hunters. Antlerless deer may be harvested during entire deer season on private lands (all segments included) except in the following parishes: West Carroll and except those lands within the Morganza Floodway and Atchafalaya Basin. Consult regulations pamphlet, modern firearms table for either-sex days for these parishes. This does not apply to public lands (WMAs, national forest lands, and federal refuges) which will have specified either-sex days.

4. A legal antlered deer is a deer with at least one visible antler of hardened bony material, broken naturally through the skin, except in Thistlethwaite WMA, see specific Thistlethwaite WMA regulations for more information, and except on Alexander State Forest WMA, Bayou Macon WMA, Big Lake WMA, Bodcau WMA, Boeuf WMA, Buckhorn WMA, Dewey Wills WMA, Jackson-Bienville WMA, Loggy Bayou WMA, Ouachita WMA, Pearl River WMA, Pomme de Terre WMA, Red River WMA, Russell Sage WMA, Sherburne WMA, Sicily Island Hills WMA, Spring Bayou WMA, Three Rivers WMA and Union WMA during the experimental quality deer season (See the specific WMA schedule for more information.). Killing antlerless deer is prohibited except where specifically allowed.

5. Either-sex deer is defined as male or female deer. Taking or possessing spotted fawns is prohibited.

6. It is illegal to hunt or shoot deer with firearms smaller than .22 caliber centerfire or a shotgun loaded with anything other than buckshot or rifled slug. Handguns may be used for hunting.

7. Taking game quadrupeds or birds from aircraft, participating in the taking of deer with the aid of aircraft or from automobiles or other moving land vehicles is prohibited.

8. Still hunting is defined as stalking or stationary stand hunting without the use of dog(s). Pursuing, driving or hunting deer with dogs or moving vehicles, including ATVs, when or where a still hunting season or area is designated, is prohibited and will be strictly enforced. The training of deer dogs is prohibited in all still hunting areas during the gun still hunting and archery only season. Deer hunting with dogs is allowed in all other areas having open deer seasons that are not specifically designated as still hunting only. A leashed dog may be used to trail and retrieve wounded or unrecovered deer during legal hunting hours. Any dog used to trail or retrieve wounded or unrecovered deer shall have on a collar with owner's name, address, and phone number. In addition, a dog may be used to trail and retrieve unrecovered deer after legal hunting hours; however, no person accompanying a dog after legal hunting hours may carry a firearm of any sort.

9. It is illegal to take deer while deer are swimming or while the hunter is in a boat with motor attached in operating

position; however the restriction in this Paragraph shall not apply to any person who has lost one or more limbs.

10. Areas not specifically designated as open are closed.

11. Primitive Firearms Segment. (Special license and primitive firearms specifications apply only to the special state, WMA, national forest and preserves, and federal refuge seasons.) Still hunt only. Specific WMAs will also be open, check WMA schedule for specific details. Primitive firearms license required for resident hunters between the ages of 16 and 59 inclusive and non-residents 16 years of age and older. Either-sex deer may be taken in all deer hunting areas except as specified on Public Areas. It is unlawful to carry a gun, other than a primitive firearm, including those powered by air or other means, while hunting during the special primitive firearms segment. Except, it is lawful to carry a .22 caliber rimfire pistol loaded with #12 shot (ratshot only).

a. Legal Primitive Firearms For Special Season: Rifles or pistols, .44 caliber minimum, or shotguns 10 gauge or smaller, all of which must load exclusively from the muzzle or cap and ball cylinder, use black powder or approved substitute only, take ball or bullet projectile only, including sabot bullets and may be fitted with magnified scopes. This includes muzzleloaders known as "inline" muzzleloaders.

b. Single shot, breech loading rifles, .38 caliber or larger, or of a commission approved caliber having an exposed hammer that use metallic cartridges loaded either with black powder or modern smokeless powder and may be fitted with magnified scopes.

c. Special Youth Deer Season on Private Land (either-sex): 14. Special Youth Deer Hunt on Private Lands (either-sex). Areas 1, 4, 5 and 6—last Saturday of October for 7 days; Area 2—second Saturday of October for 7 days; and Areas 3, 7 and 8—fourth Saturday of September for 7 days. Youths 17 or younger only. Youths must be accompanied by an adult 18 years of age or older. Youths must possess a hunter safety certification or proof of successful completion of a hunter safety course. If the accompanying adult is in possession of hunter safety certification, a valid hunting license or proof of successful completion of a hunter safety course, this requirement is waived for the youth. Adults may not possess a firearm. Youths may possess only one firearm while hunting. Legal firearms are the same as described for deer hunting. The supervising adult shall maintain visual and voice contact with the youth at all times. Except properly licensed youths 16-17 years old and youths 12 years old or older who have successfully completed a hunter safety course may hunt without a supervising adult. In addition, youths 17 or younger may hunt deer with any legal weapon during the primitive firearms season in each deer hunting area.

12. Archery Segment. Consult regulations pamphlet. WMA seasons are the same as outside except as noted below. Archery license required for resident bow hunters between the ages of 16 and 59 inclusive and non-residents 16 years of age and older. Either-sex deer may be taken in all areas open for deer hunting except when a bucks only season is in progress for gun hunting, and except in Area 6 from October 1-15. Archer's must conform to the bucks only regulations. Either-sex deer may be taken on WMAs at

anytime during archery season except when bucks only seasons are in progress on the respective WMA. Also, archery season restricted on Atchafalaya Delta, Salvador, Lake Boeuf, and Pointe-aux-Chenes WMAs (see schedule).

a. Bow and Arrow Regulations. Longbow, compound bow and crossbow or any bow drawn, held or released by mechanical means will be a legal means of take for all properly licensed hunters. Hunting arrows for deer must have well-sharpened broadhead points. Bow and arrow fishermen must have a sport fishing license and not carry any arrows with broadhead points unless a big game season is in progress.

i. It is unlawful:

(a). to carry a gun, including those powered by air or other means, while hunting with bow and arrow during the special bow and arrow deer season except it is lawful to carry a .22 caliber rimfire pistol loaded with #12 shot (ratshot) only;

(b). to have in possession or use any poisoned or drugged arrow or arrows with explosive tips;

(c). to hunt deer with a bow having a pull less than 30 pounds;

(d). to hunt with a bow or crossbow fitted with an infrared, laser sight, electrically-operated sight or device specifically designed to enhance vision at night (does not include non-projecting red dot sights) [R.S. 56:116.1.B.(4)].

13. Hunter Orange. Any person hunting any wildlife during the open gun deer hunting season and possessing buckshot, slugs, a primitive firearm, or a centerfire rifle shall display on his head, chest and/or back a total of not less than 400 square inches of "hunter orange". Persons hunting on privately owned, legally posted land may wear a hunter orange cap or hat in lieu of the 400 square inches. These provisions shall not apply to persons hunting deer from elevated stands on property that is privately owned and legally posted or to archery deer hunters hunting on legally posted lands where firearm hunting is not allowed by agreement of the landowner or lessee. However, anyone hunting deer on such lands where hunting with firearms is allowed shall be required to display the 400 square inches or a hunter orange cap or hat while walking to and from elevated stands. While a person is hunting from an elevated stand, the 400 square inches or cap or hat may be concealed.

Warning: Deer hunters are cautioned to watch for persons hunting other game or engaged in activities not requiring "hunter orange".

14. Special physically challenged either-sex deer season on private land: first Saturday of October for two days. Restricted to individuals with physically challenged hunter permit.

F. Description of Areas, 2012-2014

1. Area 1

a. All of the following parishes are open: Concordia, East Baton Rouge, East Carroll, East Feliciana, Franklin, Madison, Richland, St. Helena, Tensas, Washington.

b. Portions of the following parishes are also open:

i. Catahoula—east of Boeuf River to Ouachita River, east of Ouachita River from its confluence with Boeuf River to LA 8, south and east of LA 8 southwesterly to parish line.

ii. East Carroll—east of mainline Mississippi River Levee and south and east of LA 877 from West Carroll

Parish line to LA 580, south of LA 580 to US 65, west of US 65 to Madison Parish line.

iii. Grant—east of US 165 and south of LA 8.

iv. LaSalle—south of a line beginning where Little River enters Catahoula Lake following the center of the lake eastward to Old River then to US 84, east of US 84 northward to LA 8, south of LA 8 eastward to parish line.

v. Livingston—north of I-12.

vi. Ouachita—south of US 80 and east of Ouachita River, east of LA 139 from Sicard to junction of LA 134, south of LA 134 to Morehouse line at Wham Bake.

vii. Rapides—east of US 165 and north of Red River.

viii. St. Tammany—all except that portion south of I-12, west of LA 1077 to LA 22, south of LA 22 to Tchefuncte River, west of Tchefuncte River southward to Lake Pontchartrain.

ix. Tangipahoa—north of I-12.

x. West Feliciana—all except that portion known as Raccourci and Turnbull Island.

c. Still hunting only in all or portions of the following parishes.

i. Catahoula—South of Deer Creek to Boeuf River, east of Boeuf and Ouachita Rivers to LA 8 at Harrisonburg, west of LA 8 to LA 913, west of LA 913 and LA 15 to Deer Creek.

ii. East Carroll—all.

iii. East Feliciana and East Baton Rouge—east of Thompson Creek from the Mississippi state line to LA 10, north of LA 10 from Thompson Creek to LA 67 at Clinton, west of LA 67 from Clinton to Mississippi state line, south of Mississippi state line from LA 67 to Thompson Creek. Also that portion of East Baton Rouge Parish east of LA 67 from LA 64 north to Parish Line, south of Parish Line from LA 64 eastward to Amite River, west of Amite River southward to LA 64, north of LA 64 to LA 37 at Magnolia, east of LA 37 northward to LA 64 at Indian Mound, north of LA 64 from Indian Mound to LA 67. Also, that portion of East Feliciana Parish east of LA 67 from parish line north to LA 959, south of LA 959 east to LA 63, west of LA 63 to Amite River, west of Amite River southward to parish line, north of parish line westward to LA 67.

iv. Franklin—all.

v. Morehouse—of US 165 (from Arkansas state line) to Bonita, south and east of LA 140 to junction of LA 830-4 (Cooper Lake Road), east of LA 830-4 to Bastrop, east of LA 139 at Bastrop to junction of LA 593, east and north of LA 593 to Collinston, east of LA 138 to junction of LA 134 and south of LA 134 to Ouachita line at Wham Brake.

vi. Ouachita—south of US 80 and east of Ouachita River, east of LA 139 from Sicard to junction of LA 134, south of LA 134 to Morehouse line at Wham Bake.

vii. Richland—all.

viii. St. Helena—north of LA 16 from Tickfaw River at Montpelier westward to LA 449, east and south of LA 449 from LA 16 at Pine Grove northward to Rohner Road, south of Rohner Road to LA 1045, south of LA 1045 to the Tickfaw River, west of the Tickfaw River from LA 1045 southward to LA 16 at Montpelier.

ix. Tangipahoa—that portion of Tangipahoa Parish north of LA 10 from the Tchefuncte River to LA 1061 at

Wilmer, east of LA 1061 to LA 440 at Bolivar, south of LA 440 to the Tchefuncte River, west of the Tchefuncte River from LA 440 southward to LA 10.

x. Washington and St. Tammany—east of LA 21 from the Mississippi state line southward to the Bogue Chitto River, north of the Bogue Chitto River from LA 21 eastward to the Pearl River Navigation Canal, east of the Pearl River Navigation Canal southward to the West Pearl River, north of the West Pearl River from the Pearl River Navigation Canal to Holmes Bayou, west of Holmes Bayou from the West Pearl River northward to the Pearl River, west of the Pearl River from Holmes Bayou northward to the Mississippi state line, south of the Mississippi state line from the Pearl River westward to LA 21. Also, that portion of Washington Parish west of LA 25 from the Mississippi state line southward to the Bogue Chitto River, then west of the Bogue Chitto River to its junction with the St. Tammany Parish line, north of the St. Tammany Parish line to the Tangipahoa Parish line, east of the Tangipahoa Parish line to the Mississippi state line, south of the Mississippi state line to its junction with LA 25.

xi. West Feliciana—west of Thompson Creek to Illinois-Central Railroad, north of Illinois-Central Railroad to Parish Road #7, east of Parish Road #7 to the junction of US 61 and LA 966, east of LA 966 from US 61 to Chaney Creek, south of Chaney Creek to Thompson Creek.

2. Area 2

a. All of the following parishes are open:

i. Bienville, Bossier, Caddo, Caldwell, Claiborne, DeSoto, Jackson, Lincoln, Natchitoches, Red River, Sabine, Union, Webster, Winn;

ii. except: Kisatchie National Forest which has special regulations. Caney, Corney, Middlefork tracts of Kisatchie have the same regulations as Area 2, except still hunting only for deer and except national forest land within the Evangeline Unit, Calcasieu Ranger District described in Area 2 description shall be still hunting only.

b. Portions of the following parishes are also open:

i. Allen—north of US 190 from parish line westward to Kinder, east of US 165 from Kinder northward to LA 10 at Oakdale, north of LA 10 from Oakdale westward to the parish line.

ii. Avoyelles—that portion west of I-49.

iii. Catahoula—west of Boeuf River to Ouachita River, west of Ouachita River from its confluence with Boeuf River to LA 8, north and west of LA 8 southwesterly to parish line.

iv. Evangeline—all except the following portions: east of I-49 to junction of LA 29, east of LA 29 south of I-49 to Ville Platte, and north of US 167 east of Ville Platte.

v. Grant—all except that portion south of LA 8 and east of US 165.

vi. Jefferson Davis—north of US 190.

vii. LaSalle—north of a line beginning where Little River enters Catahoula Lake, following the center of the lake eastward to Old River then to US 84, west of US 84 northward to LA 8, north of LA 8 eastward to Parish line.

viii. Morehouse—West of US 165 (from Arkansas state line) to Bonita, north and west of LA 140 to junction of LA 830-4 (Cooper Lake Road), west of LA 830-4 to Bastrop, west of LA 139 to junction of LA 593, west and south of LA 593 to Collinston, west of LA 138 to junction of

LA 134 and north of LA 134 to Ouachita Parish line at Wham Brake.

ix. Ouachita—all except south of US 80 and east of Ouachita River, east of LA 139 from Sicard to junction of LA 134, south of LA 134 to Morehouse Parish line at Wham Brake.

x. Rapides—all except north of Red River and east of US 165, south of LA 465 to junction of LA 121, west of LA 121 and LA 112 to Union Hill, and north of LA 113 from Union Hill to Vernon Parish line, and that portion south of Alexandria between Red River and US 167 to junction of US 167 with I-49 at Turkey Creek exit, east of I-49 southward to parish line.

xi. Vernon—north of LA 10 from the parish line westward to LA 113, south of LA 113 eastward to parish line. Also the portion north of LA 465 west of LA 117 from Kurthwood to Leesville and north of LA 8 from Leesville to Texas state line.

c. Still hunting only in all or portions of the following parishes:

i. Claiborne and Webster—Caney, Corney and Middlefork tracts of Kisatchie National Forest. (See Kisatchie National Forest Regulations).

ii. Ouachita—east of Ouachita River.

iii. Rapides—west of US 167 from Alexandria southward to I-49 at Turkey Creek Exit, west of I-49 southward to Parish Line, north of Parish Line westward to US 165, east of US 165 northward to US 167 at Alexandria. North of LA 465 from Vernon Parish line to LA 121, west of LA 121 to I-49, west of I-49 to LA 8, south and east of LA 8 to LA 118 (Mora Road), south and west of LA 118 to Natchitoches Parish line.

iv. Vernon—east of Mora-Hutton Road from Natchitoches Parish line to Hillman Loop Road, south and east of Hillman Loop Road to Comrade Road, south of Comrade Road to LA 465, east and north of LA 465 to Rapides Parish line.

3. Area 3

a. All of Acadia, Cameron and Vermilion Parishes are open.

b. Portions of the following parishes are also open:

i. Allen—south of US 190 and west of LA 113.

ii. Beauregard—west of LA 113 and east of LA 27 from the parish line northward to DeRidder and north of US 190 westward from DeRidder to Texas state line.

iii. Calcasieu—south of US 90 from Sulphur to Texas state line. Also east of LA 27 from Sulphur northward to the parish line.

iv. Iberia—west of US 90 and north of LA 14.

v. Jefferson Davis—all except north of US 190.

vi. Lafayette—west of I-49 and US 90.

vii. Rapides—south of LA 465 to junction of LA 121, west of LA 121 and LA 112 to Union Hill and north of LA 113 from Union Hill to Vernon Parish line.

viii. St. Landry—west of US 167.

ix. Vernon—west and north of LA 113, south of LA 465, east of LA 117 from Kurthwood to Leesville, and south of LA 8 from Leesville to Texas state line.

4. See Area 1.

5. Area 5

a. All of West Carroll Parish is open.

6. Area 6

a. All of the following parishes are open: Ascension, Assumption, Iberville, Jefferson, Lafourche, Orleans, Plaquemines, Pointe Coupee, St. Bernard, St. Charles, St. James, St. John, St. Martin, Terrebonne, West Baton Rouge.

b. Portions of the following parishes are also open:

i. Avoyelles—all except that portion west of I-49.
ii. Evangeline—that portion east of I-49 to junction of LA 29, east of LA 29 south of I-49 to Ville Platte and north of US 167 east of Ville Platte.

iii. Iberia—east of US 90.

iv. Lafayette—east of I-49 and US 90.

v. Livingston—south of I-12.

vi. Rapides—south of Alexandria between Red River and US 167 to the junction of US 167 with I-49 at Turkey Creek Exit, east of I-49 southward to parish line.

vii. St. Landry—east of US 167.

viii. St. Mary—north of US 90 from Iberia Parish line eastward to Wax Lake Outlet, east of Wax Lake Outlet southward to Intracoastal Waterway, north of Intracoastal Waterway eastward to the Atchafalaya River, east of the Atchafalaya River southward to Bayou Shaffer, north of Bayou Shaffer to Bateman Lake, north and west of Bayou Chene from Bateman Lake to Lake Palourde.

ix. St. Tammany—that portion south of I-12, west of LA 1077 to LA 22, south of LA 22 to Tchefuncte River, west of Tchefuncte River southward to Lake Pontchartrain.

x. Tangipahoa—south of I-12.

xi. West Feliciana—west of Mississippi River, known as Raccourci and Turnbull Islands.

c. Still hunting only in all or portions of the following parishes:

i. Avoyelles—north of LA 1 from Simmesport westward to LA 115 at Marksville, east of LA 115 from Marksville northward to the Red River near Moncla, south and west of the Red River to LA 1 at Simmesport.

ii. Plaquemines—east of the Mississippi River.

iii. Rapides—south of Alexandria between Red River and US 167 to the junction of US 167 with I-49 at Turkey Creek Exit, east of I-49 southward to parish line.

iv. St. Bernard—all of the parish shall be still hunting only except that portion of St. Bernard known as the spoil area between the MRGO on the east and Access Canal on the west, south of Bayou Bienvenue and north of Bayou la Loutre.

v. St. John—south of Pass Manchac from Lake Pontchartrain to US 51, east of US 51 from Pass Manchac to LA 638 (Frenier Beach Road). North of LA 638 from US 51 to Lake Pontchartrain, west of Lake Pontchartrain from LA 638 to Pass Manchac.

vi. St. Landry—those lands surrounding Thistlethwaite WMA bounded north and east by LA 359, west by LA 10, and south by LA 103.

vii. High Water Benchmark Closure. Deer hunting in those portions of Iberia, Iberville, St. Martin, and St. Mary parishes south of I-10, west of the East Guide Levee, east of the West Guide Levee, and north of US 90 will be closed when the river stage of the Atchafalaya River reaches 18 feet at Butte LaRose.

7. Area 7

a. Portions of the following parishes are open:

i. Iberia—south of LA 14 and west of US 90.

ii. St. Mary—all except that portion north of US 90 from Iberia Parish line eastward to Wax Lake Outlet, east of Wax Lake Outlet southward to Intracoastal Waterway, north of Intracoastal Waterway eastward to the Atchafalaya River, east of the Atchafalaya River southward to Bayou Shaffer, north of Bayou Shaffer to Bateman Lake, north and west of Bayou Chene from Bateman Lake to Lake Palourde.

8. Area 8

a. Portions of the following parishes are open:

i. Allen—that portion east of LA 113 from the parish line to US 190, north of US 190 eastward to Kinder, west of US 165 northward to LA 10 at Oakdale and south of LA 10 from Oakdale westward to parish line.

ii. Beauregard—that portion east of LA 113. Also that portion west of LA 27 from parish line northward to DeRidder, south of US 190 from DeRidder to Texas state line.

iii. Calcasieu—that portion east of LA 27 from the parish line southward to Sulphur and north of US 90 from Sulphur to the Texas state line.

iv. Vernon—that portion west of LA 113 from the parish line northward to Pitkin and south of LA 10 from Pitkin southward to the parish line.

G. WMA Regulations

1. General

a. The following rules and regulations concerning the management, protection and harvest of wildlife have been officially approved and adopted by the Wildlife and Fisheries Commission in accordance with the authority provided in Louisiana Revised Statutes of 1950, Section 109 of Title 56. Failure to comply with these regulations will subject individual to citation and/or expulsion from the management area.

b. Citizens are cautioned that by entering a WMA managed by the LDWF they may be subjecting themselves and/or their vehicles to game and/or license checks, inspections and searches.

c. WMA seasons may be altered or closed anytime by the LDWF secretary in emergency situations (floods, fire or other critical circumstances).

d. Hunters may enter the WMA no earlier than 4:00 a.m. unless otherwise specified. Hunters must check out and exit the WMA no later than two hours after sunset, or as otherwise specified.

e. Lands within WMA boundaries will have the same seasons and regulations pertaining to baiting and use of dogs as the WMA within which the lands are enclosed; however, with respect to private lands enclosed within a WMA, the owner or lessee may elect to hunt according to the regular season dates and hunting regulations applicable to the geographic area in which the lands are located, provided that the lands are first enrolled in DMAP. Interested parties should contact the nearest LDWF region office for additional information.

f. Dumping garbage or trash on WMAs is prohibited. Garbage and trash may be properly disposed of in designated locations if provided.

g. Disorderly conduct or hunting under influence of alcoholic beverages, chemicals and other similar substances is prohibited.

h. Damage to or removal of trees, shrubs, hard mast (including but not limited acorn and pecans), wild plants,

non-game wildlife (including reptiles and amphibians) or any species of butterflies, skippers or moths is prohibited without a permit from the LDWF. Gathering and/or removal of soft fruits, mushrooms and berries shall be limited to 5 gallons per person per day.

i. Burning of marshes is prohibited. Hunting actively burning marsh prohibited.

j. Nature trails. Trails shall be limited to pedestrians only. No vehicles, ATVs, horses, mules, bicycles, etc. allowed. Removal of vegetation (standing or down) or other natural material prohibited.

k. Deer seasons are for legal buck deer unless otherwise specified.

l. Small game, when listed under the WMA regulations may include both resident game animals and game birds as well as migratory species of birds.

m. Oysters may not be harvested from any WMA, except that oysters may be harvested from private oyster leases and State Seed Grounds located within a WMA, when authorized by the Wildlife and Fisheries Commission and upon approval by the Department of Health and Hospitals.

n. Free ranging livestock prohibited.

2. Permits

a. A WMA hunting permit is required for persons ages 18 through 59 to hunt on WMAs.

b. Self-Clearing Permits. A self-clearing permit is required for all activities (hunting, fishing, hiking, birdwatching, sightseeing, etc.) on WMAs unless otherwise specified. The self-clearing permit will consist of two portions: check in, check out. On WMAs where Self-Clearing Permits are required, all persons must obtain a WMA self-clearing permit from an information station. The check in portion must be completed and put in a permit box before each day's activity on the day of the activity (except if hunting from a private camp adjacent to the WMA being hunted or if camping on the WMA, users need only to check in once during any 72 hour period). Users may check-in one day in advance of use. The check out portion must be carried by each person while on the WMA and must be completed and put in a permit box immediately upon exiting the WMA or within 72 hours after checking in if hunting from a private camp adjacent to the WMA being hunted or if camping on the WMA. No permit is required of fishers and boaters who do not travel on a WMA road and/or launch on the WMA as long as they do not get out of the boat and onto the WMA. When mandatory deer checks are specified on WMAs, hunters must check deer at a check station. (Self-clearing permits are not required for persons only traveling through the WMA provided that the most direct route is taken and no activities or stops take place.)

c. Persons using WMAs or other LDWF administered lands for any purpose must possess one of the following: a valid Wild Louisiana stamp, a valid Louisiana fishing license, or a valid Louisiana hunting license. Persons younger than 16 or older than 60 years of age are exempt from this requirement. Also a self-clearing WMA permit, detailed above, may be required (available at most entrances to each WMA). Check individual WMA listings for exceptions.

3. Special Seasons

a. Youth Deer Hunt. Youths 17 or younger only. Youths must be accompanied by an adult 18 years of age or older. Youths must possess a hunter safety certification or proof of successful completion of a hunter safety course. If the accompanying adult is in possession of hunter safety certification, a valid hunting license or proof of successful completion of a hunter safety course, this requirement is waived for the youth. Adults may not possess a firearm. Youths may possess only one firearm while hunting. Legal firearms are the same as described for deer hunting. The supervising adult shall maintain visual and voice contact with the youth at all times. except properly licensed youths 16-17 years old and youths 12 years old or older who have successfully completed a hunter safety course may hunt without a supervising adult. Contact the appropriate region office for maps of specific hunting areas. Either-sex deer may be taken on WMAs with youth hunts. Consult the regulations pamphlet for WMAs offering youth hunts.

NOTE: Some hunts may be by pre-application lottery.

b. Youth Squirrel Hunt (on selected WMAs only). Only youths 17 or younger may hunt. Squirrel, rabbit, raccoon and opossum may be taken. Hogs may not be taken. No dogs allowed. All other seasons will remain open to other hunters. Youths must possess a hunter safety certification or proof of successful completion of a hunter safety course. Youths must be accompanied by one adult 18 years of age or older. If the accompanying adult is in possession of hunter safety certification, a valid hunting license or proof of successful completion of a hunter safety course, this requirement is waived for the youth. Adults may not possess a firearm. Youths may possess only one firearm while hunting. The supervising adult shall maintain visual and voice contact with the youth at all times. except properly licensed youths 16-17 years old and youths 12 years old or older who have successfully completed a hunter safety course may hunt without a supervising adult. Self-clearing permits are required. Consult the regulations pamphlet for WMAs offering youth squirrel hunts.

c. Youth Mourning Dove Hunt. A youth mourning dove hunt will be conducted on specific WMAs and will follow the same regulations provided for youth deer hunts on the first or second weekend of the mourning dove season (Saturday and/or Sunday only). Consult the regulations pamphlet for WMAs offering youth mourning dove hunts.

d. Physically Challenged Season. An either-sex deer season will be held for hunters possessing a physically challenged hunter permit on WMAs during the dates specified under the individual WMA. Participants must possess a physically challenged hunter permit. Contact region office for permit application and map of specific hunting area. Consult the regulations pamphlet for WMAs offering physically challenged seasons.

e. Turkey Lottery Hunts. Hunts restricted to those persons selected by lottery. Consult the regulations pamphlet for deadlines. All turkeys must be reported at self-clearing station. Contact region offices for more details. Consult separate turkey hunting regulations pamphlet for more details.

f. Waterfowl Lottery Hunts. Hunts restricted to those persons selected by lottery. Consult the regulations pamphlet for deadline. Consult regulations pamphlet for individual WMA schedules or contact any Wildlife Division Office for more details.

g. Mourning Dove Lottery Hunts. Consult regulations pamphlet for individual WMA schedules or contact any Wildlife Division Office for more details.

h. Trapping. Consult Annual Trapping Regulations for specific dates. All traps must be run daily. Traps with teeth are illegal. Hunter orange required when a deer gun season is in progress.

i. Raccoon Hunting. A licensed hunter may take raccoon or opossum, one per person per day, during daylight hours only, during the open rabbit season on WMAs. Nighttime experimental—all nighttime raccoon hunting where allowed is with dogs only. There is no bag limit. Self-clearing permit required.

j. Sport Fishing. Sport fishing, crawfishing and frogging are allowed on WMAs when in compliance with current laws and regulations except as otherwise specified under individual WMA listings.

4. Firearms

a. Firearms having live ammunition in the chamber, magazine, cylinder or clip when attached to firearms and crossbows cocked in the ready position are not allowed in or on vehicles, boats under power, motorcycles, ATVs, ATCs or in camping areas on WMAs. Firearms may not be carried on any area before or after permitted hours except in authorized camping areas and except as may be permitted for authorized trappers.

b. Firearms and bows and arrows are not allowed on WMAs during closed seasons except on designated shooting ranges or as permitted for trapping and except as allowed pursuant to R.S. 56:109(C) and R.S. 56:1691. Bows and broadhead arrows are not allowed on WMAs except during deer archery season, turkey season or as permitted for bowfishing. Active and retired law enforcement officers in compliance with POST requirements, federal law enforcement officers and holders of Louisiana concealed handgun permits or permit holders from a reciprocal state who are in compliance with all other state and federal firearms regulations may possess firearms on WMAs provided these firearms are not used for any hunting purpose.

c. Encased or broken down firearms and any game harvested may be transported through the areas by the most direct route provided that no other route exists except as specified under WMA listing.

d. Loaded firearms are not allowed near WMA check stations.

e. Centerfire rifles and handguns larger than .22 caliber rimfire, shotgun slugs or shot larger than BB lead or F steel shot cannot be carried onto any WMA except during modern firearm deer season and during special shotgun season for feral hogs on Atchafalaya Delta, Pass-a-Loutre, Pointe-aux-Chenes and Salvador WMAs (consult regulations pamphlet for specific WMA regulations).

f. Target shooting and other forms of practice shooting are prohibited on WMAs except as otherwise specified.

g. Discharging of firearms on or hunting from designated roads, ATV trails and their rights-of-way is prohibited during the modern firearm and muzzleloader deer season.

5. Methods of Taking Game

a. Moving deer or hogs on a WMA with organized drivers and standers, drivers or making use of noises or noise-making devices is prohibited.

b. On WMAs the daily limit shall be one antlered deer and one antlerless deer (when legal) per day. Three antlered and three antlerless per season (all segments included) by all methods of take.

c. Baiting or hunting over bait is prohibited on all WMAs (hogs included).

d. Deer may not be skinned nor have any external body parts removed including but not limited to feet, legs, tail, head or ears before being checked out.

e. Deer hunting on WMAs is restricted to still hunting only.

f. Construction of and/or hunting from permanent tree stands or permanent blinds on WMAs is prohibited. Any permanent stand or permanent blind will be removed and destroyed. A permanent blind is any blind using non-natural materials or having a frame which is not dismantled within two hours after the end of legal shooting time each day. Blinds with frames of wood, plastic, metal poles, wire, mesh, webbing or other materials may be used but must be removed from the WMA within two hours after the end of legal shooting time each day. Blinds made solely of natural vegetation and not held together by nails or other metallic fasteners may be left in place but cannot be used to reserve hunting locations. Natural vegetation (including any material used as corner posts) is defined as natural branches that are 2 inches or less in diameter. All decoys must be removed from the WMA daily. Permanent tree stands are any stands that use nails, screws, spikes, etc., to attach to trees and are strictly prohibited. Portable deer stands (those that are designed to be routinely carried by one person) may not be left on WMAs unless the stands are removed from trees and left in a non-hunting position (a non-hunting position is one in which a hunter could not hunt from the stand in its present position). Also, all stands left must be legibly tagged with the user's name, address, phone number and big game hunting license number (or lifetime license number). No stand may be left on any WMA prior to the day before deer season opens on that WMA and all stands must be removed from the WMA within one day after the close of deer or hog hunting on that WMA. Free standing blinds must be disassembled when not in use. Stands left will not reserve hunting sites for the owner or user. All portable stands, blinds, tripods, etc. found unattended in a hunting position or untagged will be confiscated and disposed of by the LDWF. LDWF not responsible for unattended stands left on an area.

g. Physically Challenged Wheelchair Confined Deer and Waterfowl Hunting Areas: special deer and waterfowl hunting areas, blinds and stands identified with LDWF logos, have been established for PCHP wheelchair confined hunters on WMAs. Hunters must obtain PCHP permits and are required to make reservations to use blinds and stands. PCHP wheelchair hunting areas are available on Alexander State Forest, Big Colewa Bayou, Buckhorn, Clear

Creek, Elbow Slough, Floy McElroy, Jackson-Bienville, Ouachita, and Sherburne WMAs. Check WMA hunting schedules or call the LDWF offices in Pineville, Lake Charles, Opelousas, Minden, Monroe or Hammond for information.

h. Hunting from utility poles, high tension power lines, oil and gas exploration facilities or platforms is prohibited.

i. It is illegal to save or reserve hunting locations using permanent stands or blinds. Stands or blinds attached to trees with screws, nails, spikes, etc. are illegal.

j. Tree climbing spurs, spikes or screw-in steps are prohibited.

k. Unattended decoys will be confiscated and forfeited to the LDWF and disposed of by the LDWF. This action is necessary to prevent preemption of hunting space.

l. Spot lighting (shining) from vehicles is prohibited on all WMAs.

m. Horses and mules may be ridden on WMAs except where prohibited and except during gun seasons for deer and turkey. Riding is restricted to designated roads and trails depicted on WMA map, self-clearing permit is required. Organized trail rides prohibited except allowed by permit only on Camp Beauregard. Hunting and trapping from horses and mules is prohibited except for quail hunting or as otherwise specified. Horse-drawn conveyances are prohibited.

n. All hunters (including archers and small game hunters) except waterfowl hunters and mourning dove hunters on WMAs must display 400 square inches of "hunter orange" and wear a "hunter orange" cap during open gun season for deer. Quail and woodcock hunters and hunters participating in special dog seasons for rabbit, squirrel and feral hogs are required to wear a minimum of a "hunter orange" cap. All other hunters and archers (while on the ground) except waterfowl hunters also must wear a minimum of a "hunter orange" cap during special dog seasons for rabbit and squirrel and feral hogs. ALSO all persons afield during hunting seasons are encouraged to display "hunter orange". Hunters participating in special shotgun season for feral hogs on Atchafalaya Delta, Pass-a-Loutre, Pointe-aux-Chenes and Salvador WMAs must display 400 square inches of hunter orange and wear a "hunter orange" cap.

o. Deer hunters hunting from concealed ground blinds must display a minimum of 400 square inches of "hunter orange" above or around their blinds which is visible from 360 degrees.

p. Archery season for deer. The archery season on WMAs is the same as outside and is open for either-sex deer except as otherwise specified on individual WMAs. Archery season restricted on Atchafalaya Delta and closed on certain WMAs when special seasons for youth or Physically Challenged hunts are in progress. Consult regulations pamphlet for specific seasons.

q. Either-sex deer may be taken on WMAs at any time during archery season except when bucks only seasons are in progress on the respective WMAs. Archers must abide by bucks only regulations and other restrictions when such seasons are in progress.

r. Primitive Firearms season for deer. Either-sex unless otherwise specified. See WMA deer schedule. except

youth 17 or younger may use any legal weapon during the primitive firearm season on the WMA.

6. Camping

a. Camping on WMAs, including trailers, houseboats, recreational vehicles and tents, is allowed only in designated areas and for a period not to exceed 16 consecutive days, regardless if the camp is attended or unattended. Houseboats shall not impede navigation. At the end of the 16 day period, camps must be removed from the area for at least 48 hours. Camping area use limited exclusively to outdoor recreational activities.

b. Houseboats are prohibited from overnight mooring within WMAs except on stream banks adjacent to LDWF-owned designated camping areas. Overnight mooring of vessels that provide lodging for hire are prohibited on WMAs. On Atchafalaya Delta WMA and Pass-a-Loutre, houseboats may be moored in specially designated areas throughout the hunting season. At all other times of the year, mooring is limited to a period not to exceed sixteen (16) consecutive days. Permits are required for the mooring of houseboats on Pass-a-Loutre and Atchafalaya Delta WMAs. Permits must be obtained from the New Iberia office.

c. Discharge of human waste onto lands or waters of any WMA is strictly prohibited by state and federal law. In the event public restroom facilities are not available at a WMA, the following is required. Anyone camping on a WMA in a camper, trailer, or other unit (other than a houseboat or tent) shall have and shall utilize an operational disposal system attached to the unit. Tent campers shall have and shall utilize portable waste disposal units and shall remove all human waste from the WMA upon leaving. Houseboats moored on a WMA shall have a permit or letter of certification from the health unit (Department of Health and Hospitals) of the parish within which the WMA occurs verifying that it has an approved sewerage disposal system on board. Further, that system shall be utilized by occupants of the houseboats when on the WMA.

d. No refuse or garbage may be dumped from these boats.

e. Firearms may not be kept loaded or discharged in a camping area unless otherwise specified.

f. Campsites must be cleaned by occupants prior to leaving and all refuse placed in designated locations when provided or carried off by campers.

g. Non-compliance with camping regulations will subject occupant to immediate expulsion and/or citation, including restitution for damages.

h. Swimming is prohibited within 100 yards of boat launching ramps.

7. Restricted Areas

a. For your safety, all oil and gas production facilities (wells, pumping stations and storage facilities) are off limits.

b. No unauthorized entry or unauthorized hunting in restricted areas, refuges, or limited use areas unless otherwise specified.

8. Dogs. All use of dogs on WMAs, except for bird hunting and duck hunting, is experimental as required by law. Having or using dogs on any WMA is prohibited except for nighttime experimental raccoon hunting, squirrel hunting, rabbit hunting, bird hunting, duck hunting, hog

hunting and bird dog training when allowed; see individual WMA season listings for WMAs that allow dogs. Dogs running at large are prohibited on WMAs. The owner or handler of said dogs shall be liable. Only recognizable breeds of bird dogs and retrievers are allowed for quail and migratory bird hunting. Only beagle hounds which do not exceed 15 inches at the front shoulders and which have recognizable characteristics of the breed may be used on WMAs having experimental rabbit seasons. A leashed dog may be used to trail and retrieve wounded or unrecovered deer during legal hunting hours. Any dog used to trail or retrieve wounded or unrecovered deer shall have on a collar with owner's name, address and phone number. In addition, a dog may be used to trail and retrieve unrecovered deer after legal hunting hours; however, no person accompanying a dog after legal hunting hours may carry a firearm of any sort.

9. Vehicles

a. An all-terrain vehicle is an off-road vehicle (not legal for highway use) with factory specifications not to exceed the following: weight-750 pounds, length-85", and width-48". ATV tires are restricted to those no larger than 25 x 12 with a maximum 1" lug height and a maximum allowable tire pressure of 7 psi. as indicated on the tire by the manufacturer. Use of all other ATVs or ATV tires are prohibited on a WMA.

b. *Utility Type Vehicle (UTV, also Utility Terrain Vehicle)*—any recreational motor vehicle other than an ATV, not legal for highway use, designed for and capable of travel over designated unpaved roads, traveling on 4 or more low-pressure tires, with factory specifications not to exceed the following: weight-1900 pounds, length-128" and width-68". UTV tires are restricted to those no larger than 26 x 12 with a maximum 1" lug height and a maximum allowable tire pressure of 12 psi. UTV's are commonly referred to as side by sides and may include golf carts.

c. Vehicles having wheels with a wheel-tire combination having a radius of 17 inches or more from the center of the hub (measured horizontal to ground) are prohibited.

d. The testing, racing, speeding or unusual maneuvering of any type of vehicle is prohibited within WMAs due to property damages resulting in high maintenance costs, disturbance of wildlife and destruction of forest reproduction.

e. Tractor or implement tires with farm tread designs R1, R2 and R4 known commonly as spade or lug grip types are prohibited on all vehicles.

f. Airboats, aircraft, personal water craft, "mud crawling vessels" (commonly referred to as crawfish combines which use paddle wheels for locomotion) and hover craft are prohibited on all WMAs and refuges. Personal water craft are defined as a vessel which uses an inboard motor powering a water jet pump as its primary source of propulsion and is designed to be operated by a person sitting, standing or kneeling on the vessel rather than in the conventional manner of sitting or standing inside the vessel. Personal water craft allowed on designated areas of Alexander State Forest WMA. Except, Type A personal water craft, model year 2003 and beyond, which are eight feet in length and greater, may be operated in the areas of Catahoula Lake, Manchac WMA, Maurepas Swamp WMA,

Pearl River WMA and Pointe-aux-Chenes WMA from April 1 until the Monday of Labor Day Weekend, from sunrise to sunset only. No person shall operate such water craft at a speed greater than slow/no wake within 100 feet of an anchored or moored vessel, shoreline, dock, pier, persons engaged in angling or any other manually powered vessel.

g. Driving or parking vehicles on food or cover plots and strips is prohibited.

h. Blocking the entrance to roads and trails is prohibited.

i. Licensed motorized vehicles (LMVs) legal for highway use, including motorcycles, are restricted entirely to designated roads as indicated on WMA maps. UTVs are restricted to marked UTV trails only. ATVs are restricted to marked ATV trails only, except when WMA roads are closed to LMVs. ATVs may then use those roads when allowed. WMA maps available at all region offices. This restriction does not apply to bicycles.

Note: All ATV and UTV trails are marked with signs and/or paint, but not all ATV and UTV trails appear on WMA maps.

j. Use of special ATV trails for physically challenged persons is restricted to ATV physically challenged permittees. Physically challenged ATV permittees are restricted to physically challenged ATV trails or other ATV trails only as indicated on WMA maps or as marked by sign and/or paint. Persons 60 years of age and older, with proof of age, are also allowed to use special physically challenged trails and need not obtain a permit. However, these persons must abide by all rules in place for these trails. physically challenged persons under the age of 60 must apply for and obtain a physically challenged hunter program permit from the LDWF.

k. Entrances to ATV trails will be marked with peach colored paint. Entrances to physically challenged-only ATV trails will be marked with blue colored paint. Entrances to ATV trails that are open all year long will be marked with purple paint. The end of all ATV trails will be marked by red paint. WMA maps serve only as a general guide to the route of most ATV trails, therefore all signage and paint marking as previously described will be used to determine compliance. Deviation from this will constitute a violation of WMA rules and regulations.

l. Roads and trails may be closed due to poor condition, construction or wet weather.

m. ATVs, and motorcycles cannot be left overnight on WMAs except on designated camping areas. ATVs are prohibited from two hours after sunset to 4 a.m., except raccoon hunters may use ATVs during nighttime raccoon take seasons only. ATVs are prohibited from March 1 through August 31 except squirrel hunters are allowed to use ATV trails during the spring squirrel season on the WMA and except certain trails may be open during this time period to provide access for fishing or other purposes and some ATV trails will be open all year long on certain WMAs.

n. Caution: many LDWF-maintained roadways on WMAs are unimproved and substandard. A maximum 20 mph speed limit is recommended for all land vehicles using these roads.

o. Hunters are allowed to retrieve their own downed deer and hogs with the aid of an ATV except on Thistlethwaite, Sherburne, Atchafalaya Delta, Pass-a-Loutre, Pointe-aux-Chenes, Salvador, Timken, Lake Bouef, and Biloxi WMAs under the following conditions:

- i. no firearms or archery equipment is in possession of the retrieval party or on the ATV;
- ii. the retrieval party may consist of no more than one ATV and one helper;
- iii. ATVs may not be used to locate or search for wounded game or for any other purpose than retrieval of deer and hogs once they have been legally harvested and located.
- iv. UTV's may not be used to retrieve downed deer or hogs.

10. Commercial Activities

a. **Hunting Guides/Outfitters:** No person or group may act as a hunting guide, outfitter or in any other capacity for which they are paid or promised to be paid directly or indirectly by any other individual or individuals for services rendered to any other person or persons hunting on any WMA, regardless of whether such payment is for guiding, outfitting, lodging or club memberships.

b. Except for licensed activities otherwise allowed by law, commercial activities are prohibited without a permit issued by the secretary of the LDWF.

c. **Commercial Fishing.** Permits are required of all commercial fishermen using Grassy Lake, Pomme de Terre and Spring Bayou WMAs. Gill nets or trammel nets and the take or possession of grass carp are prohibited on Spring Bayou WMA. Drag seines (except minnow and bait seines) are prohibited except experimental bait seines allowed on Dewey Wills WMA north of LA 28 in Diversion Canal. Commercial fishing is prohibited during regular waterfowl seasons on Grand Bay, Silver Lake and Lower Sunk Lake on Three Rivers WMA. Commercial fishing is prohibited on Salvador/Timken, Ouachita and Pointe-aux-Chenes WMAs except commercial fishing on Pointe-aux-Chenes is allowed in Cut Off Canal and Wonder Lake. No commercial fishing activity shall impede navigation and no unattended vessels or barges will be allowed. Non-compliance with permit regulations will result in revocation of commercial fishing privileges for the period the license is issued and one year thereafter. Commercial fishing is allowed on Pass-a-Loutre and Atchafalaya Delta WMAs. See Pass-a-Loutre for additional commercial fishing regulations on mullet.

11. **WMAs Basic Season Structure.** For season dates, bag limits, shooting hours, special seasons and other information consult the annual regulations pamphlet for specific details.

12. **Resident Small Game** (squirrel, rabbit, quail, mourning dove, woodcock, snipe, rail and gallinule). Same as outside except closed during modern firearm either-sex deer seasons on certain WMAs (see WMA schedule) and except non-toxic shot must be used for rail, snipe, and gallinule. Consult regulations pamphlet. Unless otherwise specified under a specific WMA hunting schedule, the use of dogs for rabbit and squirrel hunting is prohibited. Spring squirrel season with or without dogs: first Saturday of May for nine days. Consult regulations pamphlet for specific WMAs.

13. **Waterfowl** (ducks, geese and coots). Consult regulations pamphlet. Hunting after 2 p.m. prohibited on all WMAs except for Atchafalaya Delta, Biloxi, Lake Boeuf, Pass-a-Loutre, Pointe-aux-Chenes, and Salvador/Timken WMAs. Consult specific WMA regulations for shooting hours on these WMAs.

14. **Archery.** Consult regulations pamphlet.

15. **Hogs.** Consult regulations pamphlet for specific WMA regulations. Feral hogs may be taken during any legal hunting season, except during the spring squirrel season, on designated WMAs by properly licensed hunters using only guns or bow and arrow legal for specified seasons in progress. Hogs may not be taken with the aid of dogs, except feral hogs may be taken with the aid of dogs on Attakapas, Bodcau, Boeuf, Dewey Wills, Jackson-Bienville, Pearl River, Red River, Sabine, Sabine Island and Three Rivers WMAs (consult Bodcau, Dewey Wills, Little River, Jackson-Bienville, Pass-a-Loutre, Pearl River, Red River, Sabine and Three Rivers WMAs regulations) by Self-clearing permit. All hogs must be killed immediately and may not be transported live under any conditions, except as allowed by permit from either the Minden, Lake Charles, Monroe, Pineville, Hammond or Opelousas offices, and hunters may use centerfire pistols in addition to using guns allowed for season in progress. Additionally, feral hogs may be taken on Atchafalaya Delta, Pass-a-Loutre, Pointe-aux-Chenes and Salvador WMAs from February 16 through March 31 with shotguns loaded with buckshot or slugs.

16. **Outlaw Quadrupeds and Birds.** Consult regulations pamphlet. During hunting seasons specified on WMAs, except the turkey and spring squirrel seasons, take of outlaw quadrupeds and birds, with or without the use of electronic calls, is allowed by properly licensed hunters and only with guns or bows and arrows legal for season in progress on WMA. However, crows, blackbirds, grackles and cowbirds may not be taken before September 1 or after January 1. As described in 50 CFR Part 21, non-toxic shot must be used for the take of crows, blackbirds, cowbirds and grackles under the special depredation order. In addition an annual report has to be submitted to the U.S. Fish and Wildlife Service for those that participate in the take of these species.

17. WMAs Hunting Schedule and Regulations

a. **Acadiana Conservation Corridor.**

b. **Alexander State Forest.** From December through February all hunters must check daily with the Office of Forestry for scheduled burning activity. No hunting or other activity will be permitted in burn units the day of the burning. Call (318) 487-5172 or (318) 487-5058 for information on burning schedules. Vehicles restricted to paved and graveled roads. No parking on or fishing or swimming from bridges. No open fires except in recreation areas.

c. **Atchafalaya Delta.** Water control structures are not to be tampered with or altered by anyone other than employees of the LDWF at any time. All All Terrain vehicles, motorcycles, horses, and mules prohibited except as permitted for authorized WMA trappers. Mudboats or air-cooled propulsion engines powered by more than 36 total horsepower are prohibited on the WMA. Limited access area—no internal combustion engines allowed from September through January. See WMA map for specific locations.

d. **Attakapas.**

e. **Bayou Macon.** All night activities prohibited except as otherwise provided.

f. **Bayou Pierre.**

g. **Bens Creek.**

- h. Big Colewa Bayou. All nighttime activities prohibited.
- i. Big Lake.
- j. Biloxi. All all terrain vehicles, motorcycles, horses, and mules are prohibited. Mud boats or air-cooled propulsion vessels powered by more than 36 total horsepower are prohibited on the WMA. All All Terrain vehicles and motorcycles are prohibited.
- k. Bodcau.
- l. Boeuf.
- m. Buckhorn.
- n. Camp Beauregard. Daily military clearance required for all recreational users. Registration for use of Self-Clearing Permit required once per year. All game harvested must be reported on self-clearing checkout permit. Retriever training allowed on selected portions of the WMA. Contact the Region office for specific details. No hunting in restricted areas.
- o. Clear Creek (formerly Boise-Vernon).
- p. Dewey W. Wills. Crawfish: 100 pounds per person per day.
- q. Elbow Slough. Steel shot only for all hunting. All motorized vehicles prohibited.
- r. Elm Hall. No ATVs allowed.
- s. Floy Ward McElroy.
- t. Fort Polk. Daily military clearance required to hunt or trap. Registration for use of Self-Clearing Permit required once per year. New special regulations apply to ATV users.
- u. Grassy Lake. Commercial Fishing: Permitted except on Smith Bay, Red River Bay and Grassy Lake proper on Saturday and Sunday and during waterfowl season. Permits available from area supervisor at Spring Bayou headquarters or Opelousas Region Office. No hunting in restricted area.
- v. Jackson-Bienville.
- w. Joyce. Swamp Walk: Adhere to all WMA rules and regulations. No loaded firearms or hunting allowed within 100 yards of walkways. Check hunting schedule and use walkway at your own risk.
- x. Lake Boeuf. Hunting allowed until 12:00 noon on all game. All nighttime activities prohibited. All All Terrain vehicles, motorcycles, horses, and mules are prohibited.
- y. Lake Ramsay. Foot traffic only—all vehicles restricted to Parish Roads.
- z. Little River.
- aa. Loggy Bayou.
- bb. Manchac. Crabs: No crab traps allowed. Attended lift nets are allowed.
- cc. Maurepas Swamp. No loaded firearms or hunting allowed within 100 yards of nature trail.
- dd. Ouachita. Waterfowl Refuge: north of LA 15 closed to all hunting, fishing and trapping and ATV use during duck season including early teal season. Crawfish: 100 pounds per person per day limit. Night crawfishing prohibited. No traps or nets left overnight. Commercial Fishing: Closed. All nighttime activities prohibited except as otherwise provided.
- ee. Pass-a-Loutre. Commercial Fishing: Same as outside. Commercial mullet fishing open only in: South Pass, Pass-a-Loutre, North Pass, Southeast Pass, Northeast

Pass, Dennis Pass, Johnson Pass, Loomis Pass, Cadro Pass, Wright Pass, Viveats Pass, Cognevich Pass, Blind Bay, Redfish Bay, Garden Island Bay, Northshore Bay, East Bay (west of barrier islands) and oil and gas canals as described on the LDWF Pass-a-Loutre WMA map. All Terrain vehicles, motorcycles, horses, and mules prohibited on this area. Oyster harvesting is prohibited. Mudboats or air-cooled propulsion engines powered by more than 36 total horsepower are prohibited on the WMA. Limited access area—no internal combustion engines allowed from September through January. See WMA map for specific locations.

ff. Pearl River. All roads closed 8 p.m. to 4 a.m. to all vehicles. Old Hwy. 11 will be closed when river gauge at Pearl River, Louisiana, reaches 16.5 feet. All hunting except waterfowl will be closed when the river stage at Pearl River reaches 16.5 feet. No hunting in the vicinity of nature trail. Observe "No Hunting" signs. Rifle range open Friday, Saturday and Sunday with a fee. Type A personal water craft, model year 2003 and beyond, which are eight feet in length and greater, may be operated in the areas of Pearl River Wildlife Management Area, south of U.S. 90 from April 1 until the Monday of Labor Day Weekend, from sunrise to sunset only. No person shall operate such water craft at a speed greater than slow/no wake within 100 feet of an anchored or moored vessel, shoreline, dock, pier, persons engaged in angling or any other manually powered vessel.

gg. Peason Ridge. Daily military clearance required to hunt or trap. Registration for use of Self-Clearing Permit required once per year. Special federal regulations apply to ATV users.

hh. Pointe-aux-Chenes. Hunting until 12 noon on all game, except for mourning dove hunting and youth lottery deer hunt as specified in regulation pamphlet. Point Farm: Gate will be open all weekends during month of February. No motorized vessels allowed in the drainage ditches. Recreational Fishing: Shrimp may be taken by the use of cast nets only. During the inside open shrimp season, 25 pounds per boat per day (heads on) maximum shall be allowed. Size count to conform with open season requirements. During the inside closed season, 10 pounds per boat per day (heads on) may be taken for bait. All castnet contents shall be contained and bycatch returned to the water immediately. Oyster harvesting is prohibited. Fish may be taken only by rod and reel or hand lines for recreational purposes only. Crabs may be taken only through the use of hand lines or nets; however, none are to remain set overnight. Twelve dozen crabs maximum are allowed per boat or vehicle per day. Crawfish may be harvested in unrestricted portions of the WMA and shall be limited to 100 pounds per boat or group. Fishing gear used to catch crawfish shall not remain set overnight. The harvest of all fish, shrimp, crabs and crawfish are for recreational purposes only and any commercial use is prohibited. All boats powered by engines having total horsepower above 25 h.p. are not allowed in the Grand Bayou, Montegut and Pointe-aux-Chenes water management units. Public is permitted to travel anytime through the WMA for access purposes only, in the waterways known as Grand Bayou, Humble Canal, Little Bayou Blue, Grand Bayou Blue, St. Louis Canal and Bayou Pointe-aux-Chenes unless authorized by the LDWF. All other motorized vehicles, horses and mules are

prohibited unless authorized by the LDWF. Limited access area—no internal combustion engines allowed from September through January. See WMA map for specific locations. All All Terrain Vehicles, motorcycles, horses, and mules prohibited.

ii. Pomme de Terre. Commercial Fishing: permitted Monday through Friday, except closed during duck season. Commercial fishing permits available from area supervisor, Opelousas region office or Spring Bayou headquarters. Sport Fishing: Same as outside except allowed only after 2 p.m. only during waterfowl season. Crawfish: March 15-July 31, recreational only, 100 lbs. per boat or group daily.

jj. Red River. Recreational crawfishing: Yakey Farms only March 15-July 31. 100 pounds per vehicle or group per day. No traps or nets left overnight. No motorized watercraft allowed. Commercial crawfishing now allowed.

kk. Russell Sage. Transporting trash or garbage on WMA roads is prohibited. All nighttime activities prohibited except as otherwise provided. Internal combustion engines and craft limited to 10 h.p. rating or less in the Greentree Reservoirs. NOTE: All season dates on Chauvin Tract (U.S. 165 North) same as outside, except still hunt only and except deer hunting restricted to archery only. All vehicles including ATVs prohibited.

ll. Sabine.

mm. Sabine Island. Sabine Island boundaries are Sabine River on the west, Cut-Off Bayou on the north, and Old River and Big Bayou on the south and east.

nn. Salvador/Timken. Hunting until 12 noon only for all game. All nighttime activities prohibited, including frogging. Recreational Fishing: Shrimp may be taken by the use of cast nets only. During the inside open shrimp season, 25 pounds per boat per day (heads on) maximum shall be permitted. Size count to conform with open season requirements. During the inside closed season, 10 pounds per boat per day (heads on) maximum may be taken for bait. All castnet contents shall be contained and Bycatch returned to the water immediately. Fish may be taken only by rod and reel or hand lines for recreational purposes only. Crabs may be taken only through the use of hand lines or nets; however, none of the lines are to remain set overnight. Twelve dozen crabs maximum are allowed per boat or vehicle per day. Crawfish may be harvested in unrestricted portions of the WMA and shall be limited to 100 pounds per boat or group. Fishing gear used to catch crawfish shall not remain set overnight. The harvest of all fish, shrimp, crabs and crawfish are for recreational purposes only and any commercial use is prohibited. Use of mudboats powered by internal combustion engines with more than four cylinders is prohibited. Pulling boats over levees, dams or water control structures or any other activities which cause detriment to the integrity of levees, dams and water control structures is prohibited. Limited access area—no internal combustion engines allowed from September through January. See WMA map for specific locations.

oo. Sandy Hollow. Bird Dog Training: Consult regulation pamphlet. Wild birds only (use of pen-raised birds prohibited). Bird Dog Field Trials: Permit required from Baton Rouge Region Office. Horseback Riding: Self-Clearing Permit required. Organized trail rides prohibited. Riding allowed only on designated roads and trails depicted on WMA map. Horses and mules are specifically prohibited

during turkey and gun season for deer except as allowed for bird dog field trials. No horses and mules on green planted areas. Horse-drawn conveyances are prohibited.

pp. Sherburne. Crawfishing: Recreational crawfishing only on the South Farm Complexes. Crawfish harvest limited to 100 pounds per vehicle or boat per day. No traps or nets left overnight. No motorized watercraft allowed on farm complex. Commercial crawfishing not allowed. Retriever training allowed on selected portions of the WMA. Contact the Region office for specific details. Vehicular traffic prohibited on Atchafalaya River levee within Sherburne WMA boundaries. Rifle and Pistol Range open daily. Skeet ranges open by appointment only, contact Hunter Education Office. No trespassing in restricted area behind ranges. Note: Atchafalaya National Wildlife Refuge, and U.S. Army Corps of Engineers land holdings adjacent to the Sherburne WMA will have the same rules and regulations as Sherburne WMA. No hunting or trapping in restricted area.

qq. Sicily Island Hills.

rr. Soda Lake. No motorized vehicles allowed. Bicycles allowed. All trapping and hunting prohibited except archery hunting for deer and falconry.

ss. Spring Bayou. Commercial Fishing: permitted Monday through Friday except slat traps and hoop nets permitted any day and except gill or trammel nets or the take or possession of grass carp are prohibited. Permits available from area supervisor or Opelousas Region Office. Closed until after 2 p.m. during waterfowl season. Sport Fishing: Same as outside except allowed only after 2 p.m. during waterfowl season. Crawfish: recreational only. No hunting allowed in headquarters area. Only overnight campers allowed in the improved Boggy Bayou Camping area. Rules and regulations posted at camp site. A fee is assessed for use of this campsite. Water skiing allowed only in Old River and Grand Lac.

tt. Tangipahoa Parish School Board. No horseback riding during gun season for deer or turkey. ATVs are not allowed except as otherwise specified.

uu. Thistlethwaite. All motorized vehicles restricted to improved roads only. All users must enter and leave through main gate only.

vv. Three Rivers.

ww. Tunica Hills. Camping limited to tents only in designated area.

xx. Union. All nighttime activities prohibited except as otherwise provided.

yy. West Bay.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115 and R.S. 56:116.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 25:1279 (July 1999), amended LR 26:1494 (July 2000), LR 27:1049 (July 2001), LR 28:1603 (July 2002), LR 29:1124 (July 2003), repromulgated LR 29:1522 (August 2003), amended LR 30:1495 (July 2004), LR 31:1611 (July 2005), LR 32:1251 (July 2006), LR 33:1382 (July 2007), LR 34:1429 (July 2008), LR 35:1264 (July 2009), LR 36:1566 (July 2010), LR 37:2190 (July 2011), LR 38:1732 (July 2012).

Ann L. Taylor
Chairman

1207#057

RULE

**Department of Wildlife and Fisheries
Wildlife and Fisheries Commission**

Resident Game Hunting Season (LAC 76:XIX.101 and 103)

The Wildlife and Fisheries Commission does hereby promulgate hunting seasons for resident game birds and game quadrupeds.

The Secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the commission to promulgate and effectuate this final Rule.

Title 76

WILDLIFE AND FISHERIES

Part XIX. Hunting and WMA Regulations

Chapter 1. Resident Game Hunting Season

§101. General

A. The Resident Game Hunting Season regulations are hereby adopted by the Wildlife and Fisheries Commission. A complete copy of the Regulation Pamphlet may be obtained from the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 21:707 (July 1995), amended LR 22:585 (July 1996), LR 23:871 (July 1997), LR 24:1324 (July 1998), LR 25:1290 (July 1999), LR 26:1506 (July 2000), LR 27:1061 (July 2001), LR 28:1615 (July 2002), LR 29:1122 (July 2003), LR 30:1493 (July 2004), LR 31:1627 (July 2005), LR 32:1253 (July 2006), LR 33:1399 (July

2007), LR 1447 (July 2008), LR 35:1278 (July 2009), LR 36:1580 (July 2010), LR 37:2206 (July 2011), LR 38:1747 (July 2012).

§103. Resident Game Birds and Animals

A. Shooting Hours. One-half hour before sunrise to one-half hour after sunset.

B. Consult Regulation Pamphlet for seasons or specific regulations on Wildlife Management Areas or specific localities.

Species	Season Dates	Daily Bag Limit	Possession Limit
Quail	Opens: 3 rd Saturday of November Closes: Last Day of February	10	20
Rabbit and Squirrel	Opens: 1 st Saturday of October Closes: Last Day of February	8	16
Squirrel*	Opens: 1 st Saturday of May for 23 days	3	6
Deer 2012-13	See Schedule	1 antlered and 1 antlerless (when legal)	6/season (3 antlered deer and 3 antlerless deer)
Deer 2013-14	See Schedule	1 antlered and 1 antlerless (when legal)	6/season (not to exceed 3 antlered deer or 4 antlerless deer)

*NOTE: Spring squirrel season is closed on the Kisatchie National Forest, National Wildlife Refuges, U.S. Army Corps of Engineers property. Some State Wildlife Management Areas will be open, check WMA season schedule.

C. Deer Hunting Schedule, 2012-2014

Area	Archery	Primitive Firearms (All Either Sex Except as Noted)	Still Hunt (No dogs allowed)	With or Without Dogs
1	OPENS: 1 st day of Oct. CLOSES: Last day of Jan.	OPENS: 2 nd Sat. of Nov. CLOSES: Fri. after 2 nd Sat. of Nov. OPENS: Mon. after the next to last Sun. of Jan. CLOSES: Last day of Jan.	OPENS: Sat. before Thanksgiving Day EXCEPT when there are 5 Sats. in Nov., then it will open on the 3 rd Sat. of Nov. CLOSES: Fri. before 2 nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov. and then it will close on the Fri. before the 1 st Sat. of Dec. OPENS: Mon. after 1 st Sat. of Jan. CLOSES: next to last Sun. of Jan.	OPENS: 2 nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov., then it will open on the 1 st Sat. of Dec. CLOSES: Sun. after 1 st Sat. of Jan.
2	OPENS: 1 st day of Oct. CLOSES: Last day of Jan.	OPENS: Next to last Sat. of Oct. CLOSES: Fri. before last Sat. of Oct. OPENS: Mon. after the last day of Modern Firearm Season in Jan. CLOSES: After 7 days.	OPENS: Last Sat. of Oct. CLOSES: Tues. before 2 nd Sat. of Dec. in odd numbered years and on Wed. during even numbered years EXCEPT when there are 5 Sats. in Nov. and then it will close on the Tues. in odd numbered years or Wed. during even numbered years before the 1 st Sat. of Dec.	OPENS: Wed. before the 2 nd Sat. of Dec. in odd numbered years and on Thurs. during even numbered years EXCEPT when there are 5 Sats. in Nov., then it will open on the Wed. before the 1 st Sat. of Dec. on odd years and Thurs. during even numbered years CLOSES: 40 days after opening in odd numbered years or 39 days after opening in even numbered years
3	OPENS: 3 rd Sat. of Sept. CLOSES: Jan. 15	OPENS: 2 nd Sat. of Oct. CLOSES: Fri. before 3 rd Sat. of Oct. OPENS: Mon. after Thanksgiving Day CLOSES: Fri. before 1 st Sat. of Dec.	OPENS: 3 rd Sat. of Oct. CLOSES: Sun. after Thanksgiving Day OPENS: 1 st Sat. of Dec. CLOSES: After 37 days	

Area	Archery	Primitive Firearms (All Either Sex Except as Noted)	Still Hunt (No dogs allowed)	With or Without Dogs
4	See Area 1.			
5	OPENS: 1 st day of Oct. CLOSES: Last day of Jan.	OPENS: 2 nd Sat. of Nov. CLOSES: Fri. before 3 rd Sat. of Nov. (EITHER SEX) OPENS: Day after the close of Modern Firearm Season CLOSES: After 7 consecutive days (EITHER SEX)	OPENS: Day after Thanksgiving Day CLOSES: 4th Sun. of Dec.	
6*	OPENS: 1 st day of Oct. CLOSES: Feb. 15 (1 st 15 days are BUCKS ONLY)	OPENS: 2 nd Sat. of Nov. CLOSES: Fri. before 3 rd Sat. of Nov. OPENS: Mon. after the next to last Sun. of Jan. CLOSES: Last day of Jan.	OPENS: Sat. before Thanksgiving Day EXCEPT when there are 5 Sats. in Nov., then it will open on the 3 rd Sat. of Nov. CLOSES: Fri. before 2 nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov. and then it will close on the Fri. before the 1 st Sat. of Dec.	OPENS: 2 nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov., then it will open on the 1 st Sat. of Dec. CLOSES: Next to last Sun. of Jan.
7	OPENS: 1 st day of Oct. CLOSES: Last day of Jan.	OPENS: 2 nd Sat. of Oct. CLOSES: Fri. before 3 rd Sat. of Oct. OPENS: 1 st Sat. of Nov. CLOSES: Fri. before 2 nd Sat. of Nov.	OPENS: 3 rd Sat. of Oct. CLOSES: Fri. before 1 st Sat. of Nov. OPENS: 2 nd Sat. of Nov. CLOSES: Sun. after Thanksgiving Day	OPENS: Mon. after Thanksgiving Day CLOSES: After 35 days
8	OPENS: 3 rd Sat. of Sept. CLOSES: Jan. 15	OPENS: 2 nd Sat. of Oct. CLOSES: Fri. before 3 rd Sat. of Oct. OPENS: Mon. after Thanksgiving Day CLOSES: Fri. before 1 st Sat. of Dec.	OPENS: 3 rd Sat. of Oct. CLOSES: Sun. after Thanksgiving Day	OPENS: 1 st Sat. of Dec. CLOSES: After 37 days.
*Except lands within the Morganza Floodway and Atchafalaya Basin.				
All lands within the Morganza Floodway from I-10 South within the protection levees of the Atchafalaya Basin shall have the following seasons				
	OPENS: 1 st day of Oct. CLOSES: Last day of Jan. (1 st 15 days are Bucks Only)	OPENS: Mon after the next to last Sun. of Jan. CLOSES: Last day of Jan. (Bucks-Only)	OPENS: Sat. before Thanksgiving Day EXCEPT when there are 5 Sats. in Nov., then it will open on the 3 rd Sat. of Nov. 1 st nine days Either-Sex. CLOSES: Fri. before 2 nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov. and then it will close on the Fri. before the 1 st Sat. of Dec.	OPENS: 2 nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov., then it will open on the 1 st Sat. of Dec. 1 st 2 days Either-Sex. CLOSES: 2 nd to last Sun. in Jan.

D. Modern Firearm Schedule (Either Sex Seasons)

Parish	Area	Modern Firearm Either-sex Days
West Carroll	Area 5	Opens Friday after Thanksgiving Day for 3 days.

E. Farm Raised White-Tailed Deer on Supplemented Shooting Preserves: Archery, Firearm, Primitive Firearms: October 1-January 31 (Either-Sex).

F. Exotics on Supplemented Shooting Preserves: Either Sex, no closed season.

G. Spring Squirrel Hunting

1. Season Dates: Opens 1st Saturday of May for 23 days.

2. Closed Areas: Kisatchie National Forest, National Wildlife Refuges, and U.S. Army Corps of Engineers property and all WMAs except as provided in Paragraph 3 below.

3. Wildlife Management Area Schedule: Opens 1st Saturday of May for 9 days on all WMAs except Fort Polk, Peason Ridge, Camp Beauregard, Pass-a-Loutre and Salvador. Dogs are allowed during this season for squirrel

hunting. Feral hogs may not be taken on Wildlife Management Areas during this season.

4. Limits: Daily bag limit is three and possession limit is six.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115, R.S. 56:109(B) and R.S. 56:141(C).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 21:707 (July 1995), amended LR 22:585 (July 1996), LR 23:871 (July 1997), LR 24:1324 (July 1998), LR 25:1290 (July 1999), repromulgated LR 25:1526 (August 1999), LR 26:1506 (July 2000), LR 27:1061 (July 2001), LR 28:1615 (July 2002), LR 29:1122 (July 2003), repromulgated LR 29:1521 (August 2003), amended LR 30:1494 (July 2004), LR 31:1627 (July 2005), LR 32:1254 (July 2006), LR 33:115 (January 2007), LR 33:1399 (July 2007), LR 34:1447 (July 2008), LR 35:1278 (July 2009), LR 35:2856 (December 2009), LR 36:1580 (July 2010), LR 37:2207 (July 2011), LR 38:1747 (July 2012).

Ann L. Taylor
Chairman

1207#058

Notices of Intent

NOTICE OF INTENT

Department of Agriculture and Forestry Feed, Fertilizer and Agricultural Liming Commission

Feed, Fertilizer, and Agricultural Liming
(LAC 7:XI.Chapter 1, XVII.Chapter 1, and XXIX.101)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., and with the enabling statute, R.S. 3:1382, the Department of Agriculture and Forestry intends to amend these Rules and regulations ("the proposed action") to remove duplicative language, to provide technical changes, to provide proper citations and to revise the regulations to be consistent with the terminology in the Feed, Fertilizer and Agricultural Liming Law. Act 579 of the 2010 Regular Session merged the Fertilizer Commission and the Feed Commission creating the Feed, Fertilizer and Agricultural Liming Commission. The proposed action makes necessary changes to ensure the Rules are consistent with the statute. The proposed action relative to liming specifies the method of analysis and tolerance used in the analysis of agricultural liming materials.

Title 7

AGRICULTURE AND ANIMALS

Part XI. Fertilizers

Chapter 1. Sale of Fertilizers

§101. Definitions

* * *

Adulteration—any situation:

1. - 4. ...

Analysis—Repealed.

* * *

Commission—the Feed, Fertilizer, and Agricultural Liming Commission.

* * *

Guarantor—a person who manufactures, sells or offers fertilizer for sale under his name or brand.

* * *

Registrant—a person who has been registered by the commission as required by R.S. 3:1413(A).

* * *

State Chemist—the director of the Louisiana Agricultural Experiment Station of the Louisiana State University Agricultural Center, or his designee.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1392.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Fertilizer Commission, LR 7:164 (April 1981), amended LR 12:493 (August 1986), amended by the Feed, Fertilizer, and Agricultural Liming Commission, LR 37:809 (March 2011), amended LR 38:

§103. Registration Requirements

A. Every guarantor who manufactures, sells, or offers fertilizer for sale under his brand or company name within the state of Louisiana shall be registered with the commission. Fertilizer processed or manufactured in

Louisiana and offered for sale or distributed solely outside the state of Louisiana is not required to be registered.

B. Applicants for registration may request application forms, verbally or in writing, from the commission.

C. Each registration shall be valid until December 31 of each year. To remain valid, each registration shall be renewed on or before January 1 of each year.

D. Applications for annual renewal of registration shall be mailed by the commission to all registrants, at the last address provided by the registrant, on or before November 15 of each year and shall be returned on or before January 1 of each year.

E. The record of all registrations shall be maintained by the commission and the director of Agricultural Chemistry Programs in the Agricultural Chemistry Building, Louisiana State University in Baton Rouge.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1392.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Fertilizer Commission, LR 7:164 (April 1981), amended LR 12:494 (August 1986), amended by the Feed, Fertilizer, and Agricultural Liming Commission, LR 38:

§105. Labeling Requirements

A. When minor elements, pesticides, and/or seeds are added, the label, tag, or printed invoice shall contain the following:

1. guarantee of the fertilizer (percent by weight) before the addition of minor elements, pesticides and/or seeds;

2. amount per ton of minor elements, pesticides and/or seeds added; and

3. percent by weight of the active ingredients added.

B. All additives shall be clearly labeled as such.

C. The validity of claims on the label, tag or printed invoice will be verified by the director of Agricultural Chemistry Programs. No false or misleading statements indicating that additives possess fertilizer properties will be permitted.

D. When two or more fertilizer materials are mixed or blended together, the guarantor shall indicate on the label, tag, or printed invoice, the percent by weight of nitrogen (N), available phosphoric acid (P₂O₅), and soluble potash (K₂O) in the final mixture.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1392.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Fertilizer Commission, LR 7:164 (April 1981), amended LR 12:494 (August 1986), amended by the Feed, Fertilizer, and Agricultural Liming Commission, LR 38:

§107. Required Guarantees

A. Guarantees of the plant nutrients shall be expressed as percent by weight.

B. ...

C. Every mixed fertilizer shall contain a minimum of 20 percent by weight of the primary nutrients, nitrogen (N), available phosphoric acid (P₂O₅), and soluble potash (K₂O), except those products whose primary purpose is to supply minor nutrients.

D. All plant nutrients other than nitrogen (N), available phosphoric acid (P2O5), and soluble potash (K2O), if listed on the label or invoice, shall be guaranteed on an elemental basis.

E - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1392.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Fertilizer Commission, LR 7:164 (April 1981), amended LR 12:494 (August 1986), amended by the Feed, Fertilizer, and Agricultural Liming Commission, LR 38:

§113. Chemical Analysis of Fertilizer

A - D. ...

E. Results of the fertilizer analysis shall be mailed to the guarantor within 30 days after the sample is taken. If the test results are not mailed to the guarantor within 30 days after the sample was taken, the guarantor may request in writing, within 10 days of receipt of notice of deficiency, a hearing before the commission for a determination of the validity of any penalties assessed.

F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1392.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Fertilizer Commission, LR 7:164 (April 1981), amended LR 12:495 (August 1986), amended by the Feed, Fertilizer, and Agricultural Liming Commission, LR 38:

§115. Tonnage Reports; Inspection Fees

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1392.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Fertilizer Commission, LR 7:164 (April 1981), amended LR 12:495 (August 1986), amended by the Department of Agriculture and Forestry, Office of the Commissioner, Fertilizer Commission, LR 30:195 (February 2004), repealed by the Feed, Fertilizer, and Agricultural Liming Commission, LR 38:

§117. Penalties; Deficiencies; Curing of Deficiencies

A. The commission shall levy penalties as set forth in R.S. 3:1419, against the guarantor of any lot or package of fertilizer found by chemical analysis to be deficient in the primary plant nutrients, as follows.

* * *

B. The value of the deficiency shall be calculated as follows:

$$\begin{aligned} & \text{(Guaranteed Analysis—Actual Analysis) x} \\ & \text{Value of Element/Unit x Tons in Shipment x 4} \end{aligned}$$

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1392.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Fertilizer Commission, LR 7:164 (April 1981), amended LR 12:496 (August 1986), amended by the Feed, Fertilizer, and Agricultural Liming Commission, LR 38:

§119. Prohibitions against Penalties

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1392.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Fertilizer Commission, LR 7:164 (April 1981), amended LR 12:496 (August 1986), repealed by the Feed, Fertilizer, and Agricultural Liming Commission, LR 38:

§121. Payment of Penalties

A. When the penalty is paid by the guarantor to the purchaser, the guarantor shall provide proof of such payment to the commission within 30 days of the date on which the notice of the penalty is mailed to the guarantor. A copy of the check payable to the purchaser shall constitute proof.

B. The face and/or the stub of all checks for penalty payments shall contain the laboratory number which appears on the report of the analysis.

C. Penalties paid to the commission shall be deposited into the Feed and Fertilizer Fund as provided for in R.S. 3:1421.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1392.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Fertilizer Commission, LR 7:164 (April 1981), amended LR 12:496 (August 1986), amended by the Feed, Fertilizer, and Agricultural Liming Commission, LR 38:

§123. Recall of Deficient Fertilizer; Cancellation of Penalties upon Proof of Recall

A. ...

1. Prior to action to retrieve the deficient product, the guarantor shall notify the director of Agricultural Chemistry Programs and secure his approval for the recall.

2. Prior to action to retrieve the deficient product, the purchaser shall agree to the recall.

3. An agricultural inspector shall be present when the product is picked up from the purchaser.

4. The guarantor shall reimburse the purchaser the full purchase price of the product.

5. The guarantor shall furnish the director of Agricultural Chemistry Programs with a copy of the refund check and/or credit memo covering the full purchase price of the product. The purchaser and inspector shall certify in writing to the commissioner that the deficient fertilizer was returned to the guarantor and that a refund check or credit memo was issued.

B. When some, but not all, of a product which is found to be deficient is recalled as provided in §123.A, the guarantor shall pay the required penalty on any portion which cannot be recalled. In this circumstance, the penalty shall be paid to the purchaser, if known, subject to the requirements of §121, or to the commission, within 30 days of the date of the notice of the penalty.

C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1392.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Fertilizer Commission, LR 7:164 (April 1981), amended LR 12:496 (August 1986), amended by the Feed, Fertilizer, and Agricultural Liming Commission, LR 38:

§127. Probationary Status of Registrants

A. A registrant shall be placed on probation by the commission when 25 percent of the official samples taken from a single registrant during one year are found to be deficient; provided that a minimum of four samples and at least 2 percent of the total tonnage sold during that year is sampled.

B. A registrant located within the state of Louisiana who is placed on probation shall be subject to an increase of sampling up to 20 percent of the total product offered for sale until the probation is terminated by the commission.

C. ...

D. Notification shall be given, in writing, to any registrant placed on probation within 30 days of the date on which the commission took action to place the registrant on probationary status. Notification shall not be required for any registrant already on probation at the effective date of these regulations.

E. ...

F. If a registrant continues to introduce products of which the official samples' deficiency exceeds 25 percent into the stream of commerce for one year, the registrant shall be summoned before the commission at its next meeting after the end of the year of probationary status, to determine whether registration shall be canceled or renewal of registration shall be denied for cause.

G. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1392.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Fertilizer Commission, LR 7:164 (April 1981), amended LR 12:496 (August 1986), amended by the Feed, Fertilizer, and Agricultural Liming Commission, LR 38:

§131. Appeals from Action of the Commission/Department of Agriculture and Forestry

A. - A.2. ...

3. If the difference concerning the manner of taking the sample cannot thus be resolved, the guarantor may place his complaint on the agenda at the next meeting of the commission. Routine procedures for submission and analysis of the sample shall be followed pending the resolution of the differences at such hearing.

B. Appeals Concerning Results of Chemical Analysis

1. When a guarantor, or his agent, disagrees with a finding of deficiency or a calculation of a penalty resulting from a finding of deficiency, he shall register his complaint, in writing, with the director of Agricultural Chemistry Programs within 10 days of the date of the report of chemical analysis.

2. When questions concerning the accuracy of the analysis made by the director of Agricultural Chemistry Program cannot be amicably resolved, the guarantor may place his complaint on the agenda at the next meeting of the commission for a final determination.

3. When a disagreement on a fertilizer deficiency arises, the sample may be analyzed by an independent laboratory agreeable to the commissioner.

C. Appeals Concerning Probationary Status

1. Any guarantor who is placed on probationary status may appeal his probation at any time by submitting to the commission a written statement on the basis of his appeal and a written request for a hearing on the matter. A request for a hearing on appeal from probationary status shall not be delayed but shall be placed on the agenda for the next meeting of the commission following receipt of the request for a hearing.

D. - D.1. ...

2. When the commission determines that just cause may exist to cancel or deny renewal of registration, the commission shall give written notice to the registrant of intent to conduct adjudicatory hearing on the matter. The notice shall be given at least 15 days prior to the date on which the hearing shall be held and shall contain all of the

facts required under R.S. 49:950 et seq. The notice shall be sent by certified mail, return receipt requested, to the registrant at the last address provided by the registrant.

3. ...

4. If a controversy still exists at the conclusion of any such adjudicatory hearing called for cancellation of registration and/or denial of renewal of registration, the guarantor may appeal the matter in accordance with the Administrative Procedure Act, provided that all such matters shall be lodged in the parish in which the commission is domiciled.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1392.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Fertilizer Commission, LR 7:164 (April 1981), amended LR 12:497 (August 1986), amended by the Feed, Fertilizer, and Agricultural Liming Commission, LR 38:

§133. Confidentiality of Records

A. Information concerning the amount of fertilizer sold and the business practices of registrants which is obtained from tonnage reports shall be kept confidential and shall not be revealed to the public or to other registrants by the commission, the commissioner, nor any employee of the Department of Agriculture and Forestry.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1392.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Fertilizer Commission, LR 7:164 (April 1981), amended LR 12:497 (August 1986), amended by the Feed, Fertilizer, and Agricultural Liming Commission, LR 38:

§135. Penalties for Violations

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1392.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Fertilizer Commission, LR 7:164 (April 1981), amended LR 12:497 (August 1986), repealed by the Feed, Fertilizer, and Agricultural Liming Commission, LR 38:

§137. Repeal Prior Rules and Regulations

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1392.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Fertilizer Commission, LR 7:164 (April 1981), amended LR 12:498 (August 1986), repealed by the Feed, Fertilizer, and Agricultural Liming Commission, LR 38:

Part XVII. Feed

Chapter 1. Commercial Feeds

Subchapter A. Official Feed

§101. Definitions and Terms

A. - B. ...

C. The following commodities are hereby declared exempt from the definition of commercial feed, under the provisions of R.S. 3:1391(3): raw meat, and hay, straw, stover, silages, cobs, husks and hulls when unground and when not mixed or intermixed with other materials; provided that these commodities are not adulterated within the meaning of R.S. 3:1396.

D. Individual chemical compounds and substances are hereby declared exempt from the definition of commercial feed under the provisions of R.S. 3:1391(3). It has been determined that these products meet the following criteria.

D.1. - 6. ...

E. ...

F. Definitions

* * *

Commission—the Louisiana Feed, Fertilizer, and Agricultural Liming Commission.

Commissioner—the commissioner of agriculture and forestry or his duly authorized representatives acting at his direction.

Crude Fat—the percent ether extract (or other appropriate fat solvent extract) determined by the appropriate official method outlined in AOAC Official Methods of Analysis.

Crude Fiber—the portion of a feed or ration which is determined by using the appropriate official method as outlined in the AOAC Official Methods of Analysis.

Crude Protein—the percent nitrogen times 6.25 where the percent nitrogen is determined by the appropriate official method outlined in AOAC Official Methods of Analysis.

* * *

Invert Sugar—a mixture of glucose and fructose resulting from the hydrolysis of sucrose. The value of invert sugars are determined by official methods outlined in AOAC Official Methods of Analysis. The method varies with the type of material being analyzed.

* * *

Livestock—cattle, buffalo, bison, oxen, and other bovine; horses, mules, donkeys, and other equine; sheep; goats; swine; domestic rabbits; fish, turtles, and other animals identified with aquaculture that are located in artificial reservoirs or enclosures that are both on privately owned property and constructed so as to prevent, at all times, the ingress and egress of fish life from public waters; imported exotic deer and antelope, elk, farm-raised white-tailed deer, farm-raised ratites, and other farm-raised exotic animals; chickens, turkeys, and other poultry; and animals placed under the jurisdiction of the commissioner of agriculture and forestry and any hybrid, mixture, or mutation of any such animal.

* * *

Official Sample—a sample of feed taken by the commissioner or his agent in accordance with provisions of R.S. 3:1398.

* * *

Rule, Rules, Regulation, Regulations or Rules and Regulations—those of the commission adopted initially and from time to time to achieve the intent and purposes of R.S. 3:1391, et seq. or to facilitate its administration.

State Chemist—the director of the Louisiana Agricultural Experiment Station of the Louisiana State University Agricultural Center, or his designee.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1391 and R.S. 3:1392.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Feed Commission, LR 11:219 (March 1985), amended by the Feed, Fertilizer, and Agricultural Liming Commission, LR 38:

§103. Label Format

A. - A.3.d. ...

4. the guaranteed analysis of the feed as required under the provisions of R.S. 3:1394(A)(3) include the following items, unless exempted in §103.A.4.h, and in the order listed:

A.4.a. - g.iii. ...

5. feed ingredients, collective terms for the grouping of feed ingredients, as provided under the provisions of R.S. 3:1394(A)(6):

5.a - 6. ...

7. the information required in R.S. 3:1394(A)(1) through R.S. 3:1394 (A)(7) must appear in its entirety on one side of the label or on one side of the container. The information required by R.S. 3:1394 (A)(8) and R.S. 3:1394 (A)(9) shall be displayed in a prominent place on the label or container but not necessarily on the same side as the above information. When the information required by R.S. 3:1394 (A)(8) and R.S. 3:1394 (A)(9) is placed on a different side of the label or container, it must be referenced on the front side with a statement such as See back of label for directions for use. None of the information required by R.S. 3:1394 shall be subordinated or obscured by other statements or designs.

8. If the feed contains protein derived from mammalian tissues, a statement that the feed shall not be fed to ruminants.

B. - B.7.b. ...

8. If the feed contains protein derived from mammalian tissues, a statement that the feed shall not be fed to ruminants.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1394, R.S. 3:1393 and R.S. 3:1392.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Feed Commission, LR 11:220 (March 1985), amended LR 11:943 (October 1985), amended by the Feed, Fertilizer, and Agricultural Liming Commission, LR 38:

§115. Drug and Feed Additives

A. - B.1. ...

2. when the commercial feed is itself a drug as defined in R.S. 3:1391(3) and is generally recognized as safe and effective for the labeled use or is marketed subject to an application approved by the Food and Drug Administration under Title 21 U.S.C. 360(b).

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1394 and R.S. 3:1392.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Feed Commission, LR 11:223 (March 1985), amended by the Feed, Fertilizer, and Agricultural Liming Commission, LR 38:

§117. Adulterants

A. For the purpose of R.S. 3:1396(1), the terms poisonous or deleterious substances include but are not limited to the following:

A.1. - B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1392 and R.S. 3:1396.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Feed Commission, LR 11:223 (March 1985), amended by the Feed, Fertilizer, and Agricultural Liming Commission, LR 38:

§119. Good Manufacturing Practices

A. For the purposes of enforcement of R.S. 3:1396 (8), the commission adopts the following as current good manufacturing practices:

A.1. - A.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1392 and R.S. 3:1396.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Feed Commission, LR 11:223 (March 1985), amended by the Feed, Fertilizer, and Agricultural Liming Commission, LR 38:

§123. Protein Value

A. For the purpose of assessing penalties for protein deficiencies in feeds, as provided for in R.S. 3:1400(A)(1), the value of crude protein will be updated each quarter.

B. - B.1. ...

C. Penalties shall be assessed as provided for in R.S. 3:1400. If an official sample shows that feed ingredients bought by a feed manufacturer is deficient, any penalties from this deficiency shall be paid by the supplier of the ingredients to the manufacturer that bought the ingredients.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1391 and R.S. 3:1392.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Feed Commission, LR 11:224 (March 1985), amended LR 11:944 (October 1985), amended by the Feed, Fertilizer, and Agricultural Liming Commission, LR 38:

Subchapter B. Official Pet Food

§131. Expression of Guarantees

A. ...

B. Pursuant to R.S. 3:1394(A)(3), the label of a pet food which is formulated as and represented to be a mineral additive supplement, shall include in the guaranteed analysis the maximum and minimum percentages of calcium, the minimum percentage of phosphorus and the maximum and minimum percentages of salt. The minimum content of all other essential nutrient elements recognized by NRC from sources declared in the ingredient statement shall be expressed as the element and in units of measurement established by a recognized authority of animal nutrition, such as the National Research Council.

C. Pursuant to R.S. 3:1394 (A)(3), the label of pet food which is formulated as and represented to be a vitamin supplement, shall include a guarantee of the minimum content of each vitamin declared in the ingredient statement. Such guarantees shall be stated in units of measurements established by a recognized authority on animal nutrition such as the National Research Council.

D. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1392, R.S. 3:1393 and R.S. 3:1394.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Feed Commission, LR 11:226 (March 1985), amended by the Feed, Fertilizer, and Agricultural Liming Commission, LR 38:

§135. Drugs and Pet Food Additives

A. - B.1. ...

2. when the pet food itself is a drug as defined in R.S. 3:1391(3) and is generally recognized as safe and effective for label use or is marketed subject to an application approved by the Food and Drug Administration under Title 21, U.S.C. 360(b).

C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1392 and R.S. 3:1394.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Feed Commission, LR 11:226 (March 1985), amended by the Feed, Fertilizer, and Agricultural Liming Commission, LR 38:

§137. Fees

A. Fees for pet foods shall be the same as for other animal feeds as set forth in R.S. 3:1401 and §121 of the official feed rules and regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1392 and R.S. 3:1401.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Feed Commission, LR 11:226 (March 1985), amended by the Feed, Fertilizer, and Agricultural Liming Commission, LR 38:

§139. Penalties

A. Penalties for pet food will be the same as penalties for other animal feeds as set forth in R.S. 3:1400 and §123 of the official feed rules and regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1392 and R.S. 3:1400.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Feed Commission, LR 11:226 (March 1985), amended by the Feed, Fertilizer, and Agricultural Liming Commission, LR 38:

Subchapter C. Processed Animal Waste Products as Animal Feed Ingredients

§141. Definitions and Quality Standards

A. The commission adopts the definitions of R.S. 3:1381 and 1391 and those that appear in §101.F of the official feed rules and regulations.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1392.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Feed Commission, LR 11:226 (March 1985), amended by the Feed, Fertilizer, and Agricultural Liming Commission, LR 38:

§143. Registration Required

A. No person shall sell, offer or expose for sale or distribute, in this state, any processed animal waste product intended, promoted, represented, advertised or distributed for use as a commercial feed unless he has registered with the commissioner, as specified in R.S. 3:1393.

B. Application for registration shall be made to the commission on forms provided by the commissioner and shall be accompanied by payment of the registration fees as set forth in §121 of the official feed rules and regulations adopted by the commission.

C. - C.2. ...

3. a sampling schedule, a full description of all tests made and the results, thereby purporting to show the processed animal waste product meets the standards of the Louisiana Department of Agriculture and Forestry and the Office of the Louisiana State Livestock Sanitary Board and these rules and regulations for registration.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1392 and R.S. 3:1393.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Feed Commission, LR 11:226 (March 1985), amended by the Feed, Fertilizer, and Agricultural Liming Commission, LR 38:

§145. Registration Refused or Canceled

A. - A.2. ...

3. the processed animal waste product does not meet the quality standards set forth in §143 of these regulations and in R.S. 3:1396;

4. - 5. ...

B. ...

C. Registration may be canceled by the commission if the product or registrant is found to be in violation of any statutory provisions or provisions of these regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1392 and R.S. 3:1393.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Feed Commission, LR 11:227 (March 1985), amended

LR 11:944 (October 1985), amended by the Feed, Fertilizer, and Agricultural Liming Commission, LR 38:

§149. Testing Required

A. The purpose of the sampling and testing requirements of this Section shall be to determine the presence of harmful materials or biological contaminants and to assure compliance with the quality standards in §143 of these regulations and R.S. 3:1396.

B. - C. ...

1. Analyses specified by the commissioner to meet the requirements of the quality standards of §143 and R.S. 3:1396 and these regulations shall be conducted on three sequential production runs to establish that the feed ingredient is consistently within the limitations specified prior to registration and/or sale of the processed animal waste product. In addition to quality standards, testing on the same production runs or lots should include potential hazardous substances such as the following:

C.1.a. - 3.d. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1392 and R.S. 3:1398.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Feed Commission, LR 11:227 (March 1985), amended by the Feed, Fertilizer, and Agricultural Liming Commission, LR 38:

§153. Fees

A. Fees for processed animal waste products shall be the same as for other animal feeds as set forth in R.S. 3:1401 and §121 of the official feed rules and regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1392 and R.S. 3:1401.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Feed Commission, LR 11:227 (March 1985), amended by the Feed, Fertilizer, and Agricultural Liming Commission, LR 38:

§155. Penalties

A. Penalties for processed animal waste products will be the same as penalties for other animal feeds as set forth in R.S. 3:1400 and §123 of the official feed rules and regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1392 and R.S. 3:1400.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Feed Commission, LR 11:228 (March 1985), amended by the Feed, Fertilizer, and Agricultural Liming Commission, LR 38:

Subchapter D. Probation of Registrants

§157. Probationary Status of Registrants

A. A registrant shall be placed on probation by the commission when 25 percent of the official samples taken from a single registrant during one complete fiscal year are found to be deficient, provided that a minimum of six samples and at least 2 percent of the total tonnage sold for that fiscal year is sampled.

B. ...

C. The commission may assess a civil penalty of not more than \$1,000 for any violation other than those found in R.S. 3:1400(A). Each day on which a violation occurs shall be considered a separate offense.

D. The commission shall not waive any penalty imposed under the provisions of R.S. 3:1391 et seq.

E.1. - E.2. ...

F. If a registrant continues to introduce products, of which the official samples' deficiency rate exceeds

20 percent, into the stream of commerce for one year, the registrant shall be summoned before the commission at its next meeting following the end of the year of probationary status to determine whether registration shall be canceled or renewal of registration shall be denied for cause.

G. The registrant shall be notified, in writing, by the commission when probationary status is terminated.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1392 and R.S. 3:1400.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Feed Commission, LR 11:228 (March 1985), amended by the Department of Agriculture and Forestry, Feed Commission, LR 14:348 (June 1988), amended by the Feed, Fertilizer, and Agricultural Liming Commission, LR 38:

§159. Cancellation of Registration and/or Denial of Application for Renewal of Registration

A. ...

B. Upon proper hearing, the commission may cancel the registration and/or deny the registrant's application for renewal of registration when any registrant fails to comply with the requirements of R.S. 3:1391 et seq., and/or these regulations promulgated under the authority therein, unless the registrant can show just cause.

C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1392 and R.S. 3:1400.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Feed Commission, LR 11:228 (March 1985), amended by the Feed, Fertilizer, and Agricultural Liming Commission, LR 38:

§161. Appeals from Action of the Commission; Department of Agriculture and Forestry Appeals Concerning Method of Taking Samples

A. ...

B. If the registrant, or his agent, and the agricultural inspector who is taking the sample cannot resolve their differences, the registrant shall immediately telephone his complaint to the director of Agricultural Chemistry Programs. The registrant or his agent shall confirm the telephone complaint in writing to the same official.

C. If the difference concerning the manner of taking the sample cannot thus be resolved, the registrant may place his complaint on the agenda at the next meeting of the commission. Routine procedures for submission and analysis of the sample shall be followed pending the resolution of the differences at such hearing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1392 and R.S. 3:1400.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Feed Commission, LR 11:228 (March 1985), amended by the Feed, Fertilizer, and Agricultural Liming Commission, LR 38:

§163. Appeals Concerning Results of Chemical Analysis

A. When a registrant, or his agent, disagrees with a finding of deficiency or a calculation of a penalty resulting from a finding of deficiency, he shall register his complaint, in writing, with the director of Agricultural Chemistry Programs within 10 days of the date of the report of chemical analysis.

B. When questions concerning the accuracy of the analysis made by the director of Agricultural Chemistry Programs cannot be amicably resolved, the registrant may

place his complaint on the agenda at the next meeting of the commission for a final determination.

C. When a disagreement on a feed deficiency arises, the sample may be analyzed by an independent laboratory agreeable to the commissioner.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1392 and R.S. 3:1400.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Feed Commission, LR 11:228 (March 1985), amended by the Feed, Fertilizer, and Agricultural Liming Commission, LR 38:

§165. Appeals Concerning Probationary Status

A. Any registrant who is placed on probationary status may appeal his probation at any time by submitting to the commission a written statement on the basis of his appeal and a written request for a hearing on the matter.

B. A request for a hearing on appeal from probationary status shall not be delayed but shall be placed on the agenda for the next meeting of the commission following receipt of the request for a hearing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1392 and R.S. 3:1400.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Feed Commission, LR 11:228 (March 1985), amended by the Feed, Fertilizer, and Agricultural Liming Commission, LR 38:

§167. Public Hearing on Cancellation of Registration/Denial of Application for Renewal of Registration

A. ...

B. When the commission determines that just cause may exist to cancel or deny renewal or registration, the commission shall give written notice to the registrant of intent to conduct adjudicatory hearing on the matter. The notice shall be given at least 15 days prior to the date on which the hearing shall be held and shall contain all of the facts required under R.S. 49:950 et seq. The notice shall be sent by certified mail, return receipt requested, to the registrant at the last address provided by the registrant.

C. ...

D. If a controversy still exists at the conclusion of any such adjudicatory hearing called for cancellation of registration and/or denial of renewal of registration, the registrant may appeal the matter in accordance with the Administrative Procedure Act, provided that all such matters shall be lodged in the parish in which the commission is domiciled.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1392, R.S. 3:1393 and R.S. 3:1400.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Feed Commission, LR 11:228 (March 1985), amended by the Feed, Fertilizer, and Agricultural Liming Commission, LR 38:

§169. Confidentiality of Records

A. Information concerning the amount of feed sold and the business practices of registrants which is obtained from tonnage reports shall be kept confidential and shall not be revealed to the public or to other registrants by the commission, the commissioner, nor any employee of the Department of Agriculture and Forestry.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1392 and R.S. 3:1401.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Feed Commission, LR 11:228 (March 1985), amended by the Feed, Fertilizer, and Agricultural Liming Commission, LR 38:

Subchapter E. Repealed

§171. Repeal of Previously Adopted Rules and Regulations

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1392.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Feed Commission, LR 11:229 (March 1985), repealed by the Feed, Fertilizer, and Agricultural Liming Commission, LR 38:

Part XXIX. Agricultural Liming Materials

Chapter 1. General Provisions

§101. Analysis and Deficiencies

A. Analysis of lime samples shall be conducted in accordance with methods published by the Association of Official Analytical Chemists or in accordance with other generally recognized methods.

B. Liming material that, upon official analysis, is found to be deficient by 5 percent or more shall be considered as having failed to meet the standard set forth in R.S. 3:1430.8.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1430.8(I).

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Feed, Fertilizer, and Agricultural Liming Commission, LR 38:

Family Impact Statement

It is anticipated that the proposed action will have no significant effect on the (1) stability of the family, (2) authority and rights of parents regarding the education and supervision of their children, (3) functioning of the family, (4) family earnings and family budget, (5) behavior and personal responsibility of children, or (6) ability of the family or a local government to perform the function as contained in the proposed action.

Small Business Statement

It is anticipated that the proposed action will not have a significant adverse impact on small businesses as defined in the Regulatory Flexibility Act. The agency, consistent with health, safety, environmental and economic factors has considered and, where possible, utilized regulatory methods in drafting the proposed action to accomplish the objectives of applicable statutes while minimizing any anticipated adverse impact on small businesses.

Public Comments

Interested persons may submit written comments, data, opinions, and arguments regarding the proposed action. Written submissions are to be directed to Dr. Mark LeBlanc, Louisiana State University Campus Agricultural Chemistry Building, P.O. Box 25060, Baton Rouge, LA 70894-5060 and must be received no later than 4 p.m. on August 9, 2012. No preamble regarding these proposed regulations is available.

Mike Strain, DVM
Commissioner

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

**RULE TITLE: Feed, Fertilizer,
and Agricultural Liming**

NOTICE OF INTENT

**Department of Civil Service
Division of Administrative Law**

Administrative Law (LAC I:III.Chapters 1-8)

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

The proposed Rule change will have no impact on state or local governmental expenditures. The Department of Agriculture and Forestry anticipates utilizing existing staff and resources to implement the provisions of the proposed Rule change.

Pursuant to Act 579 of the 2010 Regular Legislative Session, the proposed Rule change removes duplicative language, makes technical corrections, provides proper citations and revises the regulations to be consistent with the terminology in the Feed, Fertilizer and Agricultural Liming Law. The proposed Rule change ensures that the Rules are consistent with the statutes. When the feed and fertilizer commissions were combined in law and became the Feed, Fertilizer and Agricultural Liming Commission, many of the citations for the law changed. These changes will ensure that the regulations will properly cite the current laws. In addition, pursuant to Act 579 of the 2010 Regular Legislative Session, the proposed Rule change relative to agricultural liming materials provides for the Department of Agriculture and Forestry, Feed, Fertilizer and Agricultural Liming Commission to analyze lime samples in accordance with methods published by the Association of Official Analytical Chemists or other generally recognized methods and provides that if the liming material is found to be deficient by 5 percent or more the material shall be considered failed.

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

Due to the deficient threshold of 5 percent in liming material included within the proposed Rule change, this Rule change may result in an indeterminable increase in penalty collections to be deposited into the Feed and Fertilizer Fund. Based on historical data, the department anticipates collecting approximately \$1,383 in penalties.

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

The non-governmental groups directly affected by the proposed Rule change are manufacturers of agricultural liming products and consumers who purchase agricultural liming products which fail to meet established standards (5 percent deficient threshold). It is indeterminable how much each individual consumer or each agricultural liming manufacturer would be impacted by the proposed Rule change. However, based upon last year's sample analysis data, the extra cost to the manufacturers could be approximately \$14,145 annually, of which \$12,762 in aggregate would be received by the consumers and \$1,383 would be received by the department, as mentioned above. In addition, manufacturers would likely have a slight increase in workload and paperwork to make payment of penalties imposed.

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

The proposed Rule change is anticipated to have no effect on competition or employment.

Dane Morgan
Assistant Commissioner
1207#096

Evan Brasseaux
Staff Director
Legislative Fiscal Office

Notice is hereby given in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and through the authority granted in the Division of Administrative Law Act (DALA), R.S. 49:991 et seq., that the division intends to amend its rules to comport with legislative changes made in the 2012 Regular Session of the Louisiana Legislature and to increase the efficient operations of the division.

Title 1

ADMINISTRATIVE LAW

Part III. Division of Administrative Law

Chapter 1. General Rules

§103. Definitions

A. The following terms used in this Chapter shall have the meanings listed below, unless the context otherwise requires, or unless specifically redefined in a particular Section.

Clerk of Court—the person who, directly or through his/her designee, maintains custody of and receives filings to the adjudicatory record for the division.

* * *

Electronic Transmission/Electronic Means—methods to deliver documents over the internet or other wired or wireless means including, but not limited to, email, facsimile machine, document sharing through the internet and websites.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:991 et seq. and R.S. 49:958.

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Division of Administrative Law, LR 28:40 (January 2002), amended LR 38:

§109. Computation of Time

A. ...

B. In computing a period of time that must elapse, the full time period must elapse for the requirement to be considered to have been met. If the time period elapses on a Saturday, Sunday, or a legal holiday as provided in R.S. 1:55, the designated period will not be considered to have elapsed until the end of the next day which is not a Saturday, Sunday, or legal holiday.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:991 et seq.

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Division of Administrative Law, LR 28:41 (January 2002), amended LR 38:

Chapter 3. Filing and Notices

§301. Clerk of Court

A. The clerk of court shall be the official custodian of adjudicatory records for the division. The clerk shall certify copies of official documents in his/her custody; distribute decisions, recommendations, orders, subpoenas, and notices issued by the administrative law judges; and perform other

duties as assigned by the director. The paper or electronic file maintained by the clerk of court shall be the official record of the proceedings.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:991 et seq.

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Division of Administrative Law, LR 28:41 (January 2002), amended LR 38:

§305. Official Recordings; Copies of Official Recordings; Transcripts

- A. ...
- B. Copies of recordings shall be available for purchase from the clerk of court.
- C. A verbatim transcript shall be made when requested by a party or required by law. Requests for a transcript shall be in writing and submitted to the clerk of court. The clerk of court will furnish an estimate of the transcription costs. The estimated costs must be paid before the recording will be transcribed. Actual costs must be paid in full before delivery of the transcript.

D. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:991 et seq.

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Division of Administrative Law, LR 28:41 (January 2002), amended LR 38:

§307. Filing of Pleadings and Documents

- A. Any pleading, document or other item filed with the clerk of court into the adjudicatory record shall be filed by hand delivery, postal mail, or transmitted by electronic means. Documents sent by fax should not exceed 20 pages.
- B. Unless otherwise provided by law, all pleadings, documents or other items shall be deemed filed on the date received by the clerk of court if received by 5 p.m. Items filed after 5 p.m. shall be deemed filed on the next business day.

C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:991 et seq.

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Division of Administrative Law, LR 28:41 (January 2002), amended LR 38:

§309. Notices of Hearings; Orders, Decisions and Other Documents

- A. This Section shall apply to notices of hearings, orders, decisions and other documents sent by the division.
- B. Notices shall be sent by postal mail or transmitted by electronic means unless otherwise required by law. Notices may be sent to the counsel of record only. Otherwise, notices are sent to the party's last known physical, postal or electronic address as filed in the adjudicatory record. Parties shall promptly send address changes to the division.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:991 et. seq., and R.S. 49:958.

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Division of Administrative Law, LR 28:41 (January 2002), amended LR 38:

§311. Pleadings—Form and Content

- A. Unless otherwise required by law, pleadings should:
 - 1. state the name, physical address, mailing address, electronic address and telephone number of the person filing the pleading, and his/her attorney bar roll number, if applicable;

2. if filed on paper, be legibly written in ink, typewritten or printed with 1-inch top, bottom and side margins and should be on strong durable white paper, no larger than 8 1/2 by 11 inches; if filed electronically, in a format designated by the clerk of court, and with 1-inch top, bottom and side margins;

3. - 6. ...

7. be signed in ink or by electronic signature by the party filing same or by his or her duly authorized agent or attorney. The signature of the person signing the document constitutes a certification that he or she has read the document and that, to the best of his or her knowledge, information and belief, every statement contained in the document is true; and

8. ...

B. The heading should be similar in format to and shall include the information contained in the following example.

STATE OF LOUISIANA
 DIVISION OF ADMINISTRATIVE LAW
 DEPARTMENT OF _____*
 *
 *
 IN THE MATTER OF * DOCKET NO. :
 *
 *

 (TITLE OF PLEADING)

C. The certificate of service should be similar in format to and shall include the information contained in the following example:

I certify that a copy of this document has been transmitted to all parties of record on this __ day of __, 20__.

D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:991 et seq.

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Division of Administrative Law, LR 28:41 (January 2002), amended LR 38:

§313. Service of Pleadings and Documents

A. Except where otherwise required by law, on or before the day that a pleading or document is filed with the clerk of court, service of same shall be made by the party who prepared the pleading, upon all other parties, attorneys or designated representatives by hand delivery, mail or electronic transmission, as shown by a certificate of service.

B. Unless otherwise provided herein, service by mail or by electronic transmission is effective on the date mailed or transmitted. Personal or domiciliary service is effective when delivered or tendered, even if delivery is refused.

C. ...

D. Service on a party or person shall be given at the last known physical, postal or electronic address filed into the adjudicatory record. Any party or person shall timely file into the adjudicatory record notice of any change of address.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:991 et seq.

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Division of Administrative Law, LR 28:42 (January 2002), amended LR 38:

Chapter 5. Adjudications

§501. Administrative Law Judge: Regulating Adjudications

A. ...

B. Attorneys and representatives appearing in person before the administrative law judge must appear in proper professional business attire.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:991 et seq.

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Division of Administrative Law, LR 28:42 (January 2002), amended LR 38:

§503. Commencement of Adjudications

A. A case is commenced for purposes of this Chapter upon the filing of a docketing or hearing request with the clerk of court by a party or a referring agency accompanied by a notice of violation or request for a hearing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:991 et seq.

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Division of Administrative Law, LR 28:42 (January 2002), amended LR 38:

§505. Location and Conduct of Hearings

A. ...

B. Unless a statute requires otherwise, the location of hearings will be determined by the division.

C. Hearings may be conducted by telephone, video or other electronic methods, unless prohibited by law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:991 et seq.

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Division of Administrative Law, LR 28:42 (January 2002), amended LR 38:

§507. Telephone Hearings

A. When a hearing has been noticed to be conducted by telephone or other method that is not an in-person hearing, it may be changed to an in-person hearing upon written request stating good cause for conducting the hearing in person. Respondents may request an in-person hearing in their initial pleadings. A motion for an in-person hearing will not be considered unless it is filed into the record at least seven days before the scheduled hearing date.

B. Documents, videos and items that may be offered into evidence must be submitted to the administrative law judge and all parties no later than three business days before the hearing, unless the administrative law judge rules otherwise.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:991 et seq.

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Division of Administrative Law, LR 28:42 (January 2002), amended LR 38:

§509. Representation

A. Parties have the right to retain counsel but are not required to do so.

B. Representation of a person in a matter before the division is limited to licensed attorneys, unless state or federal law specific to the type of hearing conducted specifically allows representation by non-attorneys. The division may, using the same standards and procedures as a court, admit an eligible out-of-state lawyer who has been retained to appear in a particular matter, to appear as counsel pro hac vice.

C. Attorneys must file a motion to enroll as counsel of record if they were not identified as such in the original pleadings.

D. Counsel seeking to withdraw from the representation of a party shall file a motion to withdraw. Leave to withdraw shall not be withheld unreasonably.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:991 et seq.

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Division of Administrative Law, LR 28:42 (January 2002), amended LR 38:

§515. Continuances

A. Except where otherwise prohibited by law, a continuance may be granted in any case for good cause shown. Motions for continuance should be in writing and transmitted by postal mail or by electronic means. Continuances may be requested during the hearing upon an oral motion of a party made on the record.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Division of Administrative Law, LR 28:43 (January 2002), amended LR 38:

§519. Subpoenas

A. ...

B. Unless otherwise provided, to request the issuance of a subpoena, the following procedure shall be followed.

1. The subpoena shall be prepared and served by the party requesting the subpoena. The party requesting and serving the subpoena must file a return of service into the administrative record certifying on whom the subpoena was served, the time and date served, the location or address served, and the name of the person who served it.

2. Departmental service of subpoenas on law enforcement officers and fire service personnel must be accomplished in accordance with R.S. 13:3661.1 to be considered effective.

3. A subpoena request on behalf of any party shall be accompanied by a check or money order to cover witness fees pursuant to R.S. 49:956(5), R.S. 13:3662(A) (law enforcement officers), or other applicable law. Witness fees for experts shall be set by the administrative law judge in accordance with R.S. 49:950 et seq. The check or money order shall be made payable to each witness subpoenaed, or as provided for law enforcement witnesses.

4. Additional witness fees must be submitted in order for a subpoena to be reissued due to a continuance or other reason.

5. The subpoena should include the following:

- a. the heading contained in §311.B of these rules;
- b. the name of the party and the representative or attorney requesting the subpoena;
- c. the docket number of the case;
- d. the complete name, service address (with directions if necessary), and telephone number of the person being subpoenaed;
- e. a sufficient description of any document or item to be produced; and
- f. the date, time, place and proceeding for which the subpoena is requested.

C. A subpoena adapted from the Louisiana Code of Civil Procedure formulary is acceptable. Sample subpoena forms and forms for requesting subpoenas are available from the clerk of court.

D. Failure of a witness to appear or respond to a subpoena will not be grounds for a continuance unless Paragraph B.1 above has been complied with, and the request for the subpoena was received by the division at least 10 days before the date required for appearance, production or inspection. However, the administrative law judge may grant a continuance or exception when the interest of justice requires it.

E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:991 et seq., and amendments to R.S. 32:668.A effective August 1, 2012.

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Division of Administrative Law, LR 28:43 (January 2002), amended LR 38:

§521. Discovery

A. Any party to a proceeding may conduct discovery in all manners as provided by the Louisiana Code of Civil Procedure.

B. - D.2.

3. A subpoena duces tecum is not proper for obtaining documents or things from a party to the proceeding. When attempting to obtain documents or things from a party to the proceeding, the party seeking the items must do so through discovery, by a request for production of documents.

AUTHORITY NOTE: Promulgated in accordance with R. S. 49:991 et seq.

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Division of Administrative Law, LR 28:43 (January 2002), amended LR 38:

§523. Exhibits

A. ...

B. During an in-person hearing, copies of exhibits should be furnished to the administrative law judge and all parties, unless the administrative law judge rules otherwise.

C. For telephone or other non-in-person hearings, a party submitting exhibits must transmit them to the administrative law judge and all parties no later than three business days before the hearing, unless the administrative law judge rules otherwise. Parties are expected to have exchanged and reviewed the exhibits prior to the hearing and to be prepared for the hearing. Failure to timely submit and exchange exhibits may result in exhibits not being admitted into evidence.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:991 et seq.

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Division of Administrative Law, LR 28:44 (January 2002), amended LR 38:

§527. Prehearing Order

A. - A.12. ...

13. the following certification: "We certify that we have conferred for the purpose of preparing this joint proposed prehearing order and that we have no objections to the contents of this prehearing order other than those attached"; and this order:

"IT IS ORDERED that this matter is set for hearing at _____ o'clock, __M. on the _____ day of _____, 20__ and to continue until completed."

ADMINISTRATIVE LAW JUDGE

B. In the event that any party disagrees with the proposed prehearing order, or any part of it he shall attach to the order a signed statement of his opposition and his reasons, but shall sign the joint proposed prehearing order which shall be deemed to be approved in all respects except those covered in the statement of opposition.

C. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:991 et seq.

HISTORICAL NOTE: Promulgated by Department of Civil Service, Division of Administrative Law, LR 28:44 (January 2002), amended LR 38:

§529. Rehearing, Reopening

A. Unless otherwise provided by law, a decision on the merits shall become final as to any party 30 days after transmission of the notice, the decision or the order unless a petition for reconsideration, reopening or rehearing is filed with the division within 10 days from date of transmission pursuant to R.S. 49:959.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:991 et seq., and R.S. 49:958.

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Division of Administrative Law, LR 28:44 (January 2002), amended LR 38:

§531. Termination of Adjudications; Voluntary Withdrawal

A. ...

B. In accordance with R.S. 49:955(A), a party who requests an administrative hearing may be deemed to have waived its right to a hearing if after having been provided with reasonable notice the party fails to appear on the day and time set for hearing. In such instances, the rule to show cause, hearing request, or the party's appeal may be dismissed based on the party's waiver of the right to a hearing. The order of dismissal shall be transmitted to the party's last known address.

C. Abandonment

1. Except as otherwise provided by law, an action is abandoned when the parties fail to take any step in its prosecution or defense for a period of three years.

2. This provision shall be operative without formal order. However, on ex parte motion of any party, other interested person or the clerk of court, supported by affidavit, the administrative law judge shall enter an order of dismissal as of the date of its abandonment.

3. The affidavit shall specify that no step has been taken for a period of three years in the prosecution or defense of the action.

4. The order shall be transmitted to all parties, and the parties shall have 30 days from date of mailing transmission to move to set aside dismissal based on a showing of good cause.

5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:991 et seq., and R.S. 49:958.

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Division of Administrative Law, LR 28:44 (January 2002), amended LR 38:

Chapter 8. Ethics Adjudicatory Board

§801. Selection of Board Members and Panels

A. - B.2. ...

C. Term of Board. These seven administrative law judges shall constitute the Ethics Adjudicatory Board. The

Ethics Adjudicatory Board members shall be selected in December of the year preceding the year on which the terms are to begin on January 1.

D. - E. ...

F. A vacancy on the Ethics Adjudicatory Board shall be filled for the unexpired term at the next public meeting of the Board of Ethics and in the same manner as for the original selection. The last selected judge shall serve as the alternate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:991 et seq., and R.S. 42:1141.2.

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Division of Administrative Law, LR 34:1346 (July 2008), amended LR 38:

§805. Panel Procedure

A. The panel shall select the administrative law judge who will preside over the hearing.

B. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:991 et seq., and R.S. 42:1141.5.

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Division of Administrative Law, LR 34:1346 (July 2008), amended LR 38:

§807. Appeals to the Court of Appeals

A. When a decision of the Ethics Adjudicatory Board is appealed to the Court of Appeals, copies of the motion for appeal shall be served upon the Division of Administrative Law and all parties of record.

B. The Division of Administrative Law shall prepare the record on appeal after the appellant pays the costs pursuant to §305 of these rules.

C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:991 et seq., and R.S. 42:1142.

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Division of Administrative Law, LR 34:1346 (July 2008), amended LR 38:

Family Impact Statement

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

Small Business Statement

The impact of the proposed Rule on small businesses as identified in the Regulatory Flexibility Act has been considered. It is anticipated that the proposed action will not have a measurable or significant adverse impact on small businesses. The agency, consistent with the health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of the applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses. The proposed Rule should have no measureable impact on small businesses; therefore, will have no less intrusive or less costly alternative methods.

Public Comments

Interested persons are invited to submit written comments by 4:30 p.m., August 9, 2012, to Ann Wise, Director, Division of Administrative Law, P.O. Box 44033, Baton Rouge, LA 70804-4033.

Ann Wise
Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Administrative Law

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

The cost to implement the proposed administrative rule changes is estimated to be \$600 in FY 13, which accounts for the cost to publish the rule change in the *Louisiana Register*. The rule changes authorize use of electronic means to notify parties of decisions or orders in adjudicated proceedings (Act 289 of 2012), provide that a law enforcement officer will not be compelled to appear or testify at the hearing for a person whose drivers' license or permit is suspended or revoked (Act 559 of 2012), remove language about decisions of the Ethics Adjudicatory Board being adopted by the Board of Ethics (Act 607 of 2012), make technical changes regarding terms for members of the Ethics Adjudicatory Board, and provide for filling a vacancy on the Ethics Adjudicatory Board (Act 608 of 2012).

Implementing the proposed rule changes will allow the agency to conduct administrative hearings by telephone, thereby enabling it to close satellite offices and hearings locations in Monroe, Lake Charles, Mandeville, Shreveport, and Lafayette. This consolidation will result in savings of office rent, security costs, telecommunications lines and travel expenses. The personnel (3) currently assigned to the two manned satellite office will be transferred to the Baton Rouge office. The proposed administrative rules are anticipated to result in an annual savings of approximately \$78,715 in FY 14 and \$96,715 in FY 15.

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

The proposed rule changes will have no anticipated effect on revenue collections of state or local governmental units.

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

The proposed administrative rules will save parties, their attorneys and representative, and witnesses the cost of traveling to hearings, and the cost of taking days off of work to attend hearings. The dollar amount of these actual savings, and the greater convenience to customers, cannot be estimated.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change is not anticipated to have an effect on competition and employment.

Ann Wise
Director
1207#088

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Economic Development Office of the Secretary Office of Business Development and

Louisiana Economic Development Corporation

Economic Development Award Program (EDAP),
Economic Development Loan Program (EDLOP), and
Economic Development Site Readiness Program (EDRED)
(LAC 13:III.151, 153 and 155)

The Department of Economic Development, Office of the Secretary, Office of Business Development, and the Louisiana Economic Development Corporation, pursuant to

the provisions of the Administrative Procedure Act, R.S. 49:950, et seq., and as authorized by R.S. 36:104, 36:108, 51:2302, 51:2312, and 51:2341, hereby give notice of their intent to amend, supplement and expand LAC 13:III.Chapter 1, the rules of the Economic Development Award Program (EDAP) and the Economic Development Loan Program (EDLOP), to create and regulate the Economic Development Site Readiness Program (EDRED). These rules have been approved and adopted by the board of directors of the Louisiana Economic Development Corporation.

The Department of Economic Development, Office of the Secretary, Office of Business Development and the Louisiana Economic Development Corporation have found a need to supplement and expand these rules and to adopt these new rules to create the Economic Development Site Readiness Program (EDRED), a new program that will promote economic development in the state by increasing the number and quality of sites suitable for business and industrial location and expansion, thereby increasing the state's competitiveness in securing such projects and the resulting new jobs for the state that will improve the standard of living and enrich the quality of life for citizens of the state. Without this amendment and supplement creating these new rules the state may suffer the loss of opportunity to secure such economic development projects and the resulting new jobs.

Title 13

ECONOMIC DEVELOPMENT

Part III. Financial Assistance Programs

Chapter 1. Economic Development Award Program (EDAP), Economic Development Loan Program (EDLOP) and Economic Development Site Readiness Program (EDRED)

Subchapter C. Economic Development Site Readiness Program (EDRED)

§151. Preamble and Purpose

A. A robust inventory of sites suitable for business and industrial location and expansion, having characteristics that are competitive with site offerings available in other states and availability for such projects within a short time frame, is essential to economic development in the state. Increasing the number of suitable sites, and eliminating or mitigating factors associated with these sites that can cause uncertainties and delays in project development, will enhance the state's ability to secure these projects and thereby increase the number of jobs in the state.

B. The purpose of this program is to provide financial assistance for readying sites that will be useful in promoting the state as a business and industrial location.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104, 36:108, 51:2302, 51:2312, and 51:2341.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, Office of Business Development and the Louisiana Economic Development Corporation, LR 38:

§153. Definitions

LED—the Louisiana Department of Economic Development.

LEDC—the Louisiana Economic Development Corporation, acting through its board of directors.

Program—the Economic Development Site Readiness Program (EDRED).

Project—the location or expansion of a business or industrial facility in the state.

Public Site—a site which a public entity owns or for which a public entity holds an option to acquire the ownership for a project.

Site—immovable property, with or without improvements thereon, located in the state.

Site Readiness Grant—a monetary grant for the purpose of enhancing the suitability and availability of a site for a project.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104, 36:108, 51:2302, 51:2312, and 51:2341.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, Office of Business Development, and Louisiana Economic Development Corporation, LR 38:

§155. Site Readiness Grants

A. Pursuant to R.S. 51:2341, LEDC may award an appropriation or allocation of funds to LED, to be used for site readiness grants.

B. LED may make a site readiness grant upon terms and conditions which it determines, within its discretion, will be beneficial in meeting the goals stated in the preamble and purpose of this Subchapter.

C. Application for a site readiness grant may be made, in a form determined by LED, by the owner or lessor of a site, or by a local governmental entity or an economic development organization on behalf of the owner or lessor.

D. Eligible uses of a site readiness grant may include costs of site assessment, evaluation, preliminary engineering, environmental studies and assessments, soil analysis, wetlands delineation and mitigation, surveys, maps, due diligence, preliminary cost estimates, site preparation, site acquisition, and similar or related costs determined by LED to be beneficial in enhancing the suitability and availability of a site for a potential project.

E. Site readiness grants for non-public sites shall be limited to not more than \$1,000 per acre, unless a higher amount is approved by LEDC. This limitation shall not apply to public sites.

F. A Site readiness grant shall be made through a cooperative endeavor agreement between LED and the site owner, lessor or other applicant, which shall provide for eligible uses of the grant, obligations as to availability of the site, matching funds if any, and other terms and conditions LED determines to be appropriate to further the purposes of this program. Grant funds may be paid to the site owner, lessor or other applicant to undertake the funded activities, or LED may use grant funds to contract with a third party to undertake such activities.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104, 36:108, 51:2302, 51:2312, and 51:2341.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, Office of Business Development and Louisiana Economic Development Corporation, LR 38:

Family Impact Statement

These proposed rules should not have any known or foreseeable impact on any family as defined by R.S. 49:972(D), or on family formation, stability and autonomy. There should be no known or foreseeable effect on: the

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

Small Business Statement

It is anticipated that the proposed Rule will not have a significant adverse impact on small businesses as defined in the Regulatory Flexibility Act. The agency, consistent with health, safety, environmental and economic factors, has considered and, where possible, utilized regulatory methods in drafting the proposed Rule to accomplish the objectives of applicable statutes while minimizing any anticipated adverse impact on small businesses.

Public Comments

Interested persons may submit written comments to Robert L. Cangelosi, Deputy General Counsel, Legal Division, Louisiana Department of Economic Development, P.O. Box 94185, Baton Rouge, LA 70804-9185; or physically delivered to Capitol Annex Building, Second Floor, Room 229, 1051 North Third Street, Baton Rouge, LA 70802. All comments must be submitted (mailed and received) not later than 5 p.m., on Tuesday, August 28, 2012.

Jason El Koubi
Assistant Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Economic Development Award Program (EDAP), Economic Development Loan Program (EDLOP), and Economic Development Site Readiness Program (EDRED)

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

The proposed rule addresses the Economic Development Site Readiness Program and adds rules for a new program to prepare and acquire selected sites for new or expanding businesses and industries to locate or expand in this state as determined by the Department of Economic Development (LED). The rules provide new definitions, requirements and guidance for applicants with regard to the new program for increasing the state's inventory of sites suitable for business and industrial location and expansion. There will be no incremental costs or savings to state or local governmental units due to the implementation of these rules, since the new rules for the new program will be managed by existing staff and the costs will be covered using current appropriations. The LED departmental budget for FY 13 includes \$450,000 for site preparation and up to \$4 million in additional funds may be made available through the Louisiana Economic Development Corporation (LEDC) using money currently appropriated for the Economic Development Awards Program (EDAP) in the Capital Outlay budget (\$10 million in FY 13). Grants to non-public sites are limited to \$1,000 per acre without approval of the LEDC, who has the ability to approve a larger amount. Grants for public sites are not limited. The cooperative endeavor agreement between LED and the site authority will provide for the terms of the agreement and will not require additional legislative approval. Given historical issuances of EDAP awards in relation to the appropriation, it is not anticipated that utilization of this new program will displace

EDAP awards that would have been offered in the absence of this program.

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

The new rules do not create or change any fees, so there will be no expected impact or effect on revenue collections of state or local governmental units with regard to the new program

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

Grant participants, as determined by the Department of Economic Development, may include local political subdivisions, economic development entities, and landowners (public and private). According to the department, most projects will require matching funds, though it is not required by the proposed rule. The proposed rule indicates that participants will be required to follow LED instructions in order to apply. Participants will benefit from grant activities enhancing the desirability of selected sites and possibly nearby properties as well as opportunities to secure economic development projects.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Prospective economic development projects targeted for development by the department, may or may not be in direct competition with existing Louisiana companies. However, it has been the intent of the department to pursue only those projects that are not in obvious competition with Louisiana companies. To the extent that a competitive situation exists, site interests receiving benefits under this new program will gain competitively over other site interests that do not receive the program's benefits. Should this program effectuate the site sale, employment may slightly increase in participating businesses, while employment may be slightly lessened in other businesses that are not able to participate in the program.

Anne G. Villa
Undersecretary
1207#079

Greg V. Albrecht
Chief Economist
Legislative Fiscal Office

NOTICE OF INTENT

Department of Environmental Quality Office of the Secretary Legal Affairs Division

Comprehensive Toxic Air Pollutant Emission
Control Program (LAC 33:III.5101, 5103, 5107,5109, 5113
and 5151) (AQ332)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Air regulations, LAC 33:III.5101, 5103, 5107, 5109, 5113 and 5151 (AQ332).

This rulemaking will modify LAC 33:III.Chapter 51 to reflect the statutory changes enacted by Act 103 (HB 1169) of the 2010 Regular Session of the Louisiana Legislature. LAC 33:III.5109.A.2 currently specifies that compliance with an applicable federal standard promulgated by the U.S. Environmental Protection Agency (EPA) in 40 CFR Part 63 constitutes compliance with the maximum achievable control technology (MACT) requirements for toxic air pollutants (TAPs).

Act 103 states that compliance with an applicable federal standard promulgated by EPA in 40 CFR Part 61 or 63 constitutes compliance with the entire Comprehensive Toxic Air Pollutant Emission Control Program under Subchapter A of Chapter 51, except for:

- the annual emissions reporting requirements of LAC 33:III.5107.A;
- the ambient air standard requirements of LAC 33:III.5109.B; and
- applicable air toxics permit application fees and air toxics annual emissions fees provided by LAC 33:III.Chapter 2.

Act 103 also specifies that ambient air standards shall not apply to:

- roads, railroads, or water bodies where activities are transient in nature and long-term exposure to emissions is not reasonably anticipated; or
- industrial properties adjacent to or impacted by emissions from a major source, provided the owner or operator of the major source demonstrates that worker protection standards enacted pursuant to the federal Occupational Safety and Health Act as permissible exposure limits are not exceeded on the impacted property because of TAP emissions from the major source.

Finally, this rulemaking will eliminate the redundant discharge reporting requirements of LAC 33:III.5107.B.2 and 5; delete the definition of *capital expenditure* from LAC 33:III.5103.A, as this term is not used in Chapter 51; and delete the reference to LAC 33:III.5109.E from LAC 33:III.5151.F.1.e, as this Subsection was deleted in December 2007 (LR 33:2622).

House Bill No. 1169 (Act 103) of the 2010 Regular Session was signed by Governor Jindal on June 1, 2010. The Act, which became effective on August 15, 2010, enacted R.S. 30:2060(O). R.S. 30:2060(O)(5) directs LDEQ to adopt rules, in accordance with the Administrative Procedures Act, R.S. 49:950 et seq., to implement the requirements of R.S. 30:2060(O). The basis and rationale for this Rule is to modify LAC 33:III.Chapter 51 as directed by Act 103 of the 2010 Regular Session of the Louisiana Legislature. 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.

Title 33
ENVIRONMENTAL QUALITY
Part III. Air

Chapter 51. Comprehensive Toxic Air Pollutant Emission Control Program
Subchapter A. Applicability, Definitions, and General Provisions

§5101. Applicability

A. - C. ...

D. Notwithstanding the provisions of Subsections A and B of this Section and except as provided below, the requirements of this Subchapter do not apply to an *affected source*, as defined in LAC 33:III.5103.A, that is subject to a national emission standard for hazardous air pollutants promulgated by the U.S. Environmental Protection Agency in 40 CFR Part 61 or 63.

1. Affected sources shall be subject to:
 - a. the annual emissions reporting requirements of LAC 33:III.5107.A;
 - b. the ambient air standard requirements of LAC 33:III.5109.B; and
 - c. applicable air toxics permit application fees and air toxics annual emissions fees provided by LAC 33:III.Chapter 2.

2. If an affected source emits a toxic air pollutant not listed in section 112(b) of the federal Clean Air Act above the minimum emission rate established for that pollutant by LAC 33:III.5112, Table 51.1, the affected source shall be subject to the requirements of this Subchapter for that pollutant. The department may determine that compliance with an applicable standard meets the requirements of this Subchapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 and 2060 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:1204 (December 1991), amended LR 18:1362 (December 1992), LR 23:56 (January 1997), LR 24:1276 (July 1998), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2620 (December 2007), LR 38:

§5103. Definitions, Units, and Abbreviations

A. The terms in this Subchapter are used as defined in LAC 33:III.111 except for those terms defined herein as follows.

Affected Source—the collection of equipment, activities, or both within a single contiguous area and under common control that is included in a section 112(c) source category or subcategory for which a section 112(d) standard or other relevant standard is established pursuant to section 112 of the federal Clean Air Act. *Affected source* may be further defined by the relevant standard.

* * *

Capital Expenditure—Repealed.

* * *

B. - B.4. ...

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 and 2060 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:1204 (December 1991), amended LR 18:1362 (December 1992), LR 23:57 (January 1997), LR 24:1276 (July 1998), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2621 (December 2007), LR 38:

§5107. Reporting Requirements, Availability of Information, and Public Notice Provisions

A. - A.2. ...

B. Discharge Reporting Requirements

1. Emergency Conditions. For any discharge of a toxic air pollutant into the atmosphere that results or threatens to result in an *emergency condition* as defined in LAC 33:I.3905.A, the owner or operator of the source shall notify the Department of Public Safety 24-hour Louisiana Emergency Hazardous Materials Hotline in accordance with LAC 33:I.3915.A.

2. Nonemergency Conditions. Except as provided in Paragraph B.4 of this Section, for any unauthorized discharge of a toxic air pollutant into the atmosphere that does not cause an emergency condition, the rate or quantity

of which is in excess of that allowed by permit, compliance schedule, or variance, or for upset events that exceed the reportable quantity in LAC 33:I.3931, the owner or operator of the source shall immediately, but in no case later than 24 hours, provide prompt notification to SPOC in the manner provided in LAC 33:I.3923.

3. Written Reports. For every such discharge or equipment bypass as referred to in Paragraphs B.1 and 2 of this Section, the owner or operator shall submit to SPOC a written report by certified mail within seven calendar days of learning of the discharge.

a. The report shall contain the following information:

- i. the identity of the source;
- ii. the date and time of the discharge;
- iii. the cause of the discharge;
- iv. the approximate total loss during the discharge;
- v. the method used for determining the loss;
- vi. any action taken to prevent the discharge;
- vii. the action taken to minimize the discharge; and
- viii. the measures adopted to prevent future discharges.

b. If written notification of the discharge or bypass is required to be submitted pursuant to LAC 33:I.3925, such notification shall fulfill the obligation to submit a written report under this Paragraph.

4. Leaks detected pursuant to specific leak detection and elimination requirements of any Subchapter of this Chapter shall be recorded and/or reported as required in that Subchapter and shall not be subject to Paragraphs B.2 and 3 of this Section.

C. - D.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 and 2060 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:1204 (December 1991), amended LR 18:1363 (December 1992), LR 19:890 (July 1993), amended by the Office of the Secretary, LR 19:1022 (August 1993), repromulgated LR 19:1142 (September 1993), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 23:58 (January 1997), LR 24:1276 (July 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2004 (September 2000), LR 26:2460 (November 2000), LR 29:2778 (December 2003), LR 30:1673 (August 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2447 (October 2005), LR 33:2093 (October 2007), LR 33:2622 (December 2007), LR 37:3232 (November 2011), LR 38:

§5109. Emission Control and Reduction Requirements and Standards

A. Maximum Achievable Control Technology (MACT) Requirements

1. ...

2. MACT determinations for sources not regulated by a federal MACT standard shall be determined by the administrative authority through the permitting process using the existing state MACT determination method or protocol.

B. Ambient Air Standard Requirements. The owner or operator of any major source that emits, or is permitted to emit, any toxic air pollutant at a rate equal to or greater than the minimum emission rate listed for that toxic air pollutant shall determine the status of compliance, beyond the

source's property line, with applicable ambient air standards listed in LAC 33:III.5112, Table 51.2 (see LAC 33:III.5105.A.2).

1. Ambient air standards shall not apply to roads, railroads, water bodies, or other areas where activities are transient in nature and long-term exposure to emissions is not reasonably anticipated.

2. Ambient air standards shall not apply to industrial properties adjacent to or impacted by emissions from a major source, provided the owner or operator of the major source demonstrates via dispersion modeling that worker protection standards enacted pursuant to the federal Occupational Safety and Health Act as permissible exposure limits will not be exceeded on the impacted property due to toxic air pollutant emissions from the major source.

3. New major sources shall demonstrate compliance with an ambient air standard in an application for a permit in accordance with LAC 33:III.5111.

4. The owner or operator shall achieve compliance with the ambient air standard unless the owner or operator demonstrates to the satisfaction of the administrative authority:

a. that compliance with an ambient air standard would be economically infeasible;

b. that the source's emissions could not reasonably be expected to pose a threat to public health or the environment; and

c. that the source's emissions would be controlled to a level that is maximum achievable control technology.

5. The administrative authority shall publish a public notice of and hold a public hearing on any preliminary determination to allow a source to exceed the ambient air standard for any toxic air pollutant listed in LAC 33:III.5112, Table 51.2. Within 90 days after the close of the public hearing on the preliminary determination, the administrative authority shall make a final determination, which is subject to review on a five-year basis or at any other time deemed appropriate by the administrative authority.

6. The administrative authority shall periodically, at least every 36 months, review and update the ambient air standards listed for each toxic air pollutant in LAC 33:III.5112, Table 51.2.

C. Standard Operating Procedure Requirements

1. The requirements of this Subsection do not apply to emissions of any of those pollutants listed in LAC 33:III.5112, Table 51.3.

C.2. - D.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 and 2060 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:1204 (December 1991), amended LR 18:1363 (December 1992), LR 19:891 (July 1993), LR 23:59 (January 1997), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2623 (December 2007), LR 38:

§5113. Notification of Start-Up, Testing, and Monitoring

A. - C.4. ...

5. The administrative authority may require a continuous monitoring system where such systems are deemed feasible and necessary to demonstrate compliance with applicable standards. The owner or operator of a facility

that the administrative authority has required to install a continuous monitoring system shall submit to the Office of Environmental Services for approval a plan describing the affected emission units and the methods for ensuring compliance with the continuous monitoring system. The plan for the continuous monitoring system must be submitted to the department within 90 days after the administrative authority requests either the initial plan or an updated plan.

5.a. - 7....

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 and 2060 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:1204 (December 1991), amended LR 18:1364 (December 1992), LR 23:59 (January 1997), LR 23:1658 (December 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2461 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2448 (October 2005), LR 33:2094 (October 2007), LR 34:1904 (September 2008), LR 38:

Subchapter M. Asbestos

§5151. Emission Standard for Asbestos

A. - F.1.d.ii. ...

e. Owners or operators of demolition and renovation operations are exempt from the requirements of LAC 33:III.5105.A, 5111.A, and 5113.A.

F.1.f. - P.2.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:1204 (December 1991), repealed and repromulgated LR 18:1121 (October 1992), amended LR 20:1277 (November 1994), LR 24:27 (January 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2462 (November 2000), LR 30:1673 (August 2004), amended by the Office of Environmental Assessment, LR 30:2022 (September 2004), LR 31:1570 (July 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2449 (October 2005), LR 33:2095 (October 2007), LR 34:1893 (September 2008), LR 38:

Family Impact Statement

This Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

Public Comments

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by AQ332. Such comments must be received no later than September 5, 2012, at 4:30 p.m., and should be sent to Deidra Johnson, Attorney Supervisor, Office of the Secretary, Legal Affairs Division, Box 4302, Baton Rouge, LA 70821-4302 or to fax (225) 219-4068 or by e-mail to deidra.johnson@la.gov. Copies of these proposed regulations can be purchased by contacting the DEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of AQ332. These proposed regulations are available on the internet at www.deq.louisiana.gov/portal/tabid/1669/default.aspx.

Public Hearing

A public hearing will be held on August 29, 2012, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 602 N. Fifth Street, Baton Rouge, LA 70802. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to

participate, contact Deidra Johnson at the address given below or at (225) 219-3985. Two hours of free parking are allowed in the Galvez Garage with a validated parking ticket.

These proposed regulations are available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374; 201 Evans Road, Bldg. 4, Suite 420, New Orleans, LA 70123.

Herman Robinson, CPM
Executive Counsel

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Comprehensive Toxic Air Pollutant Emission Control Program

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

The proposed Rule change will have no impact on state or local governmental expenditures and implements the provisions of Act 103 of the 2010 Regular Legislative Session. Act 103 states compliance with federal Maximum Achievable Control Technology (MACT) standards promulgated by the EPA will constitute compliance with similar standards established by the Department of Environmental Quality. The Act also states that affected sources are subject to ambient air standards outside the source's property boundaries, except on roads, railroads, or water bodies. The Act codified current practice into law.

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

There is no estimated effect on revenue collections of state or local governmental units as a result of the proposed Rule change.

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

There will be no costs to directly affected persons or non-governmental groups as a result of the proposed Rule change.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated effect on competition or employment in the public or private sector because of the proposed Rule change.

Herman Robinson, CPM
Executive Counsel
1207#076

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Environmental Quality Office of the Secretary Legal Affairs Division

EPA Notice (LAC 33:III.533)(AQ334)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been

initiated to amend the Air regulations, LAC 33:III.533 (AQ334).

This Rule will revise LDEQ's "EPA Notice" provisions in LAC 33:III.533 to make them consistent with the Clean Air Act and 40 CFR Part 70.

Both the Clean Air Act (CAA) and 40 CFR Part 70 require a permitting authority to notify the Environmental Protection Agency (EPA) and an affected state of any refusal to accept all recommendations for a proposed permit that the affected state submits. See CAA § 505(a)(2) and 40 CFR 70.8(b)(2). These provisions are addressed by LAC 33:III.531.B.1.c, which reads as follows:

The permitting authority shall provide prompt notice in writing to the administrator and to any affected state of refusal by the permitting authority to accept any recommendations for the permit that the affected state submitted. The notice shall include the permitting authority's reasons for refusing any such recommendation. The permitting authority may refuse to accept any recommendations that are not based on federally applicable requirements.

A second provision, LAC 33:III.533.B.2, also addresses CAA § 505(a)(2) and 40 CFR 70.8(b)(2).

The permitting authority shall promptly provide to EPA notice of any intended changes to a proposed permit resulting from consideration of public comment or affected state comment. Prompt notice shall also be provided of any refusal by the permitting authority to accept all recommendations for the proposed permit that any affected state submitted during the affected state review period, together with reason for such refusal.

Because the second portion of LAC 33:III.533.B.2 is addressed by LAC 33:III.531.B.1.c, and because neither the CAA nor Part 70 requires a permitting authority to "promptly provide to EPA notice of any intended changes to a proposed permit resulting from consideration of public comment or affected state comment," LAC 33:III.533.B.2 will be repealed. The basis and rationale for this Rule are to make LAC 33:III.533 consistent with the Clean Air Act and 40 CFR Part 70. 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.

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

**Chapter 5. Permit Procedures
§533. EPA Notice, Review, and Objection**

A. - B.2. ...

3. A copy of each final permit issued to a major Part 70 source shall be provided to EPA by the permitting authority.

4. The permitting authority shall keep for five years such records and submit to EPA such information as the administrator may reasonably require to ascertain whether the state program complies with the requirements of the Federal CAA and 40 CFR Part 70.

C. EPA Review

1. No permit pertaining to a major Part 70 source which is an initial permit under LAC 33:III.507 or a permit revision, renewal, or reopening affecting the federal conditions of the existing permit shall be issued if the administrator objects to its issuance within 45 days of receipt of the notice and information provided pursuant to Paragraph B.2 of this Section and LAC 33:III.531.B.1.c.

C.2. - E.5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 19:1420 (November 1993), amended LR 20:1376 (December 1994), amended by the Office of the Secretary, Legal Affairs Division, LR 38:

Family Impact Statement

This Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

Public Comments

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by AQ334. Such comments must be received no later than September 5, 2012, at 4:30 p.m., and should be sent to Deidra Johnson, Attorney Supervisor, Office of the Secretary, Legal Division, Box 4302, Baton Rouge, LA 70821-4302 or to fax (225) 219-4068 or by e-mail to deidra.johnson@la.gov. Copies of these proposed regulations can be purchased by contacting the DEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of AQ334. These proposed regulations are available on the Internet at www.deq.louisiana.gov/portal/tabid/1669/default.aspx.

Public Hearing

A public hearing will be held on August 29, 2012, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 602 N. Fifth Street, Baton Rouge, LA 70802. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Deidra Johnson at the address given below or at (225) 219-3985. Two hours of free parking are allowed in the Galvez Garage with a validated parking ticket.

These proposed regulations are available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374; 201 Evans Road, Bldg. 4, Suite 420, New Orleans, LA 70123.

Herman Robinson, CPM
Executive Counsel

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

RULE TITLE: EPA Notice

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

The proposed Rule change will have no impact on state or local governmental expenditures. The Rule change deletes the provision regarding "EPA Notice" in LAC 33:III.533.B.3 to make the rule consistent with the Clean Air Act and 40 CFR Part 70.

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

There is no estimated effect on revenue collections of state or local governmental units as a result of the proposed Rule change.

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

There will be no costs to directly affected persons or non-governmental groups as a result of the proposed Rule change.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated effect on competition or employment in the public or private sector because of the proposed Rule change.

Herman Robinson, CPM
Executive Counsel
1207#075

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

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

Exemptions from Licensing, General Licenses and Distribution of Byproduct Material: Licensing and Reporting Requirements (LAC 33:XV.304 and 328)(RP052ft)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Radiation Protection regulations, LAC 33:XV.304 and 328 (RP052ft).

This Rule is identical to federal regulations found in 10 CFR 30, which are applicable in Louisiana. For more information regarding the federal requirement, contact the Regulation Development Section at (225) 219-3985 or Box 4302, Baton Rouge, LA 70821-4302. No fiscal or economic impact will result from the Rule. This Rule will be promulgated in accordance with the procedures in R.S. 49:953(F)(3) and (4).

This Rule will update the state regulations to be compatible with the changes in the federal regulations. This Rule addressess exemptions from licensing, general licenses and licensing and reporting for the distribution of byproduct material. The changes in the state regulations are federal category B and C requirements for the state of Louisiana to

remain an NRC Agreement State. The basis and rationale for this Rule is to mirror the federal regulations and maintain an adequate Agreement State program. 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.

Title 33

ENVIRONMENTAL QUALITY

Part XV. Radiation Protection

Chapter 3. Licensing of Radioactive Material

Subchapter A. Exemptions

§304. Radioactive Material Other Than Source Material

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

c. Precision balances containing not more than 1 millicurie of tritium per balance or not more than 0.5 millicurie of tritium per balance part manufactured before December 17, 2007.

d. ...

e. Marine compasses containing not more than 750 millicuries of tritium gas and other marine navigational instruments containing not more than 250 millicuries of tritium gas manufactured before December 17, 2007.

1.f. - 3.c. ...

4. Capsules Containing Carbon-14 Urea for "In Vivo" Diagnostic Use for Humans

a. Except as provided in Subparagraphs C.4.b and c of this Section, any person is exempt from the requirements for a license set forth in these regulations provided that such person receives, possesses, uses, transfers, owns, or acquires capsules containing 37 kBq (1µCi) carbon-14 urea each (allowing for nominal variation that may occur during the manufacturing process), for "in vivo" diagnostic use for humans.

b. Any person who desires to use the capsules for research involving human subjects shall apply for and receive a specific license in accordance with LAC 33:XV.Chapters 3 and 7.

c. Any person who desires to manufacture, prepare, process, produce, package, repackage, or transfer for commercial distribution such capsules shall apply for and receive a specific license in accordance with LAC 33:XV.328.K.

d. Nothing in this Section relieves persons from complying with applicable FDA, other federal, and state requirements governing receipt, administration, and use of drugs.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq. and 2104.B.1.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), LR 24:2091 (November 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:1226 (August 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 38:

Subchapter D. Specific Licenses

§328. Special Requirements for Specific License to Manufacture, Assemble, Repair, or Distribute Commodities, Products, or Devices that Contain Radioactive Material

A. - J.4. ...

K. License Requirements for the Manufacture, Preparation, or Transfer for Commercial Distribution of Capsules Containing Carbon-14 Urea for "In Vivo" Diagnostic Use in Humans

1. An application for a specific license to manufacture, prepare, process, produce, package, repackage, or transfer for commercial distribution capsules containing 37 kBq (1 μ Ci) carbon-14 urea each (allowing for nominal variation that may occur during the manufacturing process) for "in vivo" diagnostic use, to persons exempt from licensing under LAC 33:XV.304.C.4 will be approved if:

K.1.a. - M.4.g. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq. and 2104.B.1.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), LR 24:2092 (November 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2569 (November 2000), LR 26:2768 (December 2000), LR 27:1228 (August 2001), LR 30:1664 (August 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2526 (October 2005), LR 33:2179 (October 2007), LR 36:1771 (August 2010), LR 38:

Family Impact Statement

This Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

Public Comments

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by RP052ft. Such comments must be received no later than August 29, 2012, at 4:30 p.m., and should be sent to Deidra Johnson, Attorney Supervisor, Office of the Secretary, Legal Division, Box 4302, Baton Rouge, LA 70821-4302 or to fax (225) 219-4068 or by e-mail to deidra.johnson@la.gov. The comment period for this Rule ends on the same date as the public hearing. Copies of this proposed regulation can be purchased by contacting the DEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of RP052ft. This regulation is available on the Internet at www.deq.louisiana.gov/portal/tabid/1669/default.aspx.

Public Hearing

A public hearing will be held on August 29, 2012, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 602 N. Fifth Street, Baton Rouge, LA 70802. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Deidra Johnson at the address given below or at (225) 219-3985. Two hours of free parking are allowed in the Galvez Garage with a validated parking ticket.

This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 1823 Highway

546, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374; and 201 Evans Road, Bldg. 4, Suite 420, New Orleans, LA 70123.

Herman Robinson, CPM
Executive Counsel

1207#068

NOTICE OF INTENT

Department of Environmental Quality Office of the Secretary Legal Affairs Division

Minor Revisions to Water Quality Standards
Antidegradation Language
(LAC 33:IX.1109 and 1119)(WQ085)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Water Quality regulations, LAC 33:IX.1109 and 1119 (WQ085).

This Rule will make minor revisions to LAC 33:IX.1109 and 1119. Upon review, several instances of outdated, unclear or inappropriate language was found in Chapter 11 of the water quality regulations. This language is being clarified, updated or removed as necessary. Also, a misspelling is being corrected. This Rule is necessary to update language in the water quality regulations. The basis and rationale for this Rule are to enhance and protect the waters of the state. 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.

Title 33

ENVIRONMENTAL QUALITY

Part IX. Water Quality

Subpart 1. Water Pollution Control

Chapter 11. Surface Water Quality Standards

§1105. Definitions

Degradation—a lowering of water quality, as demonstrated by data analysis, water quality models, or other scientifically defensible method.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2074(B)(1).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 10:745 (October 1984), amended LR 15:738 (September 1989), LR 17:264 (March 1991), LR 20:883 (August 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:2401 (December 1999), LR 26:2545 (November 2000), LR 29:557 (April 2003), LR 30:1473 (July 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 33:456 (March 2007), LR 33:827 (May 2007), LR 35:445 (March 2009), LR 38:

§1109. Policy

Water quality standards policies concerned with the protection and enhancement of water quality in the state are

discussed in this Section. Policy statements on antidegradation, water use, water body exception categories, compliance schedules and variances, short-term activity authorization, errors, severability, revisions to standards, and sample collection and analytical procedures are described.

A. Antidegradation Policy

1. State policy is that all waters of the state, including interstate, intrastate, and coastal waters, and any portions thereof, whose existing quality exceeds the specifications of the approved water quality standards or otherwise supports an unusual abundance and diversity of fish and wildlife resources, such as waters of national and state parks and refuges, will be maintained at their existing high quality. After completion of appropriate analysis and public participation processes (as outlined in the Water Quality Management Plan and the Continuing Planning Process), the state may choose to allow lower water quality in waters that exceed the standards to accommodate justifiable economic and/or social development in the areas in which the waters are located, but not to the extent of violating the established water quality standards. No such changes, however, will be allowed if they impair the existing water uses. No lowering of water quality will be allowed in waters where standards for the designated water uses are not currently being attained.

2. The administrative authority will not approve any wastewater discharge or certify any activity for federal permit that would impair the existing uses of state waters. Waste discharges must comply with applicable state and federal laws for the attainment of water quality goals. Any new, existing, or expanded point source or nonpoint source discharging into state waters, including any land clearing which is the subject of a federal permit application, will be required to provide the necessary level of waste treatment to protect state waters as determined by the administrative authority. Further, the highest statutory and regulatory requirements shall be achieved for all existing point sources and best management practices (BMPs) for nonpoint sources. Additionally, no degradation shall be allowed in high-quality waters designated as *outstanding natural resource waters*, as defined in LAC 33:IX.1111.A, or waters of ecological significance identified by the department. Those water bodies presently designated as outstanding natural resource waters are listed in LAC 33:IX.1123.

A.3. - J.6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2074(B)(1).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 10:745 (October 1984), amended LR 15:738 (September 1989), LR 17:264 (March 1991), LR 17:966 (October 1991), LR 20:883 (August 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2546 (November 2000), LR 29:557 (April 2003), amended by the Office of the Secretary, Legal Affairs Division, LR 33:457 (March 2007), LR 33:828 (May 2007), LR 38:

§1119. Implementation Plan for Antidegradation Policy

A. Summary and Purpose

1. As stated in LAC 33:IX.1109.A of these regulations, the Antidegradation Policy provides a legal framework for the basic maintenance and protection of all designated water uses. It also outlines methods that the state uses to protect state waters from water quality degradation

and some of the state and federal rules and regulations that authorize them.

2. ...

B. Implementation of Louisiana's Water Quality Management Process

1. Procedures and methods by which the Antidegradation Policy is implemented are described in the Water Quality Management Plan (WQMP) which is available from the department.

2. - 2.g. ...

C. Specific Implementation Procedures for the Antidegradation Policy. The antidegradation policy is implemented by ensuring that for all new discharges which may impact water quality and are permitted by the state, or for which there must be a permit on which the state comments, consideration is given to requirements of the policy. The basic principle of the policy is that water quality criteria specified in the standards shall not be exceeded and that designated uses will not be adversely impacted.

1. ...

2. If a new activity will impact water quality by either a point or nonpoint source discharge of pollutants, the state shall ensure that the activity will not impair the existing uses. If water quality will be degraded, the state shall ensure that the intergovernmental coordination and public participation provisions of the state's Continuing Planning Process are met.

3. ...

4. If a new or increased wastewater discharge is proposed for an outstanding natural resource water body, the administrative authority shall not approve that activity if it will cause *degradation*, as defined in LAC 33:IX.1105, of the water body. An existing unpermitted discharge may be allowed if the discharge existed before the designation as an outstanding natural resource water body. Additionally, an existing unpermitted discharge of treated sanitary wastewater may also be allowed if no reasonable alternative discharge location is available.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2074(B)(1).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 15:738 (September 1989), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2548 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 33:831 (May 2007), LR 38:

Family Impact Statement

This Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

Public Comments

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by WQ085. Such comments must be received no later than September 5, 2012, at 4:30 p.m., and should be sent to Deidra Johnson, Attorney Supervisor, Office of the Secretary, Legal Division, Box 4302, Baton Rouge, LA 70821-4302 or to fax (225) 219-4068 or by e-mail to deidra.johnson@la.gov. Copies of these proposed regulations can be purchased by contacting the DEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of WQ085. These proposed regulations are available on the

Public Hearing

A public hearing will be held on August 29, 2012, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 602 N. Fifth Street, Baton Rouge, LA 70802. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Deidra Johnson at the address given below or at (225) 219-3985. Two hours of free parking are allowed in the Galvez Garage with a validated parking ticket.

These proposed regulations are available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374; 201 Evans Road, Bldg. 4, Suite 420, New Orleans, LA 70123.

Herman Robinson, CPM
Executive Counsel

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: **Minor Revisions to Water Quality Standards Antidegradation Language**

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

The proposed Rule change will have no impact on state or local government expenditures. The proposed Rule change is minor revision to clarify language in existing surface water quality standards. The proposed Rule changes allow the Department of Environmental Quality to implement the antidegradation policy of the LA Pollutant Discharge Elimination System water permit program; however, the proposed Rule changes do not change the permit process or permit fees for the department.

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

There will be no impact on revenue collections of state or local governmental units as a result of the proposed Rule change.

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

There is no estimated cost and/or economic benefits to directly affected persons or non-governmental groups as a result of the proposed Rule change.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated effect on competition and employment as a result of the proposed Rule change.

Herman Robinson, CPM
Executive Counsel
1207#074

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Environmental Quality Office of the Secretary Legal Affairs Division

Occupational Dose Records, Labeling Containers and the Total Effective Dose Equivalent (LAC 33:XV.102)(RP053ft)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Radiation Protection regulations, LAC 33:XV.102 (Log #RP053ft).

This Rule is identical to federal regulations found in 10 CFR 20, which are applicable in Louisiana. For more information regarding the federal requirement, contact the Regulation Development Section at (225) 219-3985 or Box 4302, Baton Rouge, LA 70821-4302. No fiscal or economic impact will result from the Rule. This Rule will be promulgated in accordance with the procedures in R.S. 49:953(F)(3) and (4).

This Rule will update the state regulations to be compatible with changes in the federal regulations. This rule addresses a revision to the definition of total effective dose equivalent. The changes in the state regulations are federal category B & C requirements for the state of Louisiana to remain an NRC Agreement State. The basis and rationale for this rule is to mirror the federal regulations and maintain an adequate Agreement State program. 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.

Title 33

ENVIRONMENTAL QUALITY

Part XV. Radiation Protection

Chapter 1. General Provisions

§102. Definitions and Abbreviations

As used in these regulations, these terms have the definitions set forth below. Additional definitions used only in a certain chapter may be found in that chapter.

Total Effective Dose Equivalent (TEDE)—the sum of the effective dose equivalent for external exposures and the committed effective dose equivalent for internal exposures.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq. and 2104.B.1.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), LR 19:1421 (November 1993), LR 20:650 (June 1994), LR 22:967 (October 1996), LR 24:2089 (November 1998), repromulgated LR 24:2242 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2563 (November 2000), LR 26:2767 (December

2000), LR 30:1171, 1188 (June 2004), amended by the Office of Environmental Assessment, LR 31:44 (January 2005), LR 31:1064 (May 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 32:811 (May 2006), LR 32:1853 (October 2006), LR 33:1016 (June 2007), LR 33:2175 (October 2007), LR 34:982 (June 2008), LR 36:1771 (August 2010), LR 38:

Family Impact Statement

This Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

Public Comments

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by RP053ft. Such comments must be received no later than August 29, 2012, at 4:30 p.m., and should be sent to Deidra Johnson, Attorney Supervisor, Office of the Secretary, Legal Division, Box 4302, Baton Rouge, LA 70821-4302 or to fax (225) 219-4068 or by e-mail to deidra.johnson@la.gov. The comment period for this Rule ends on the same date as the public hearing. Copies of this proposed regulation can be purchased by contacting the DEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of RP053ft. This regulation is available on the Internet at www.deq.louisiana.gov/portal/tabid/1669/default.aspx.

Public Hearing

A public hearing will be held on August 29, 2012, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 602 N. Fifth Street, Baton Rouge, LA 70802. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Deidra Johnson at the address given below or at (225) 219-3985. Two hours of free parking are allowed in the Galvez Garage with a validated parking ticket.

This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374; 201 Evans Road, Bldg. 4, Suite 420, New Orleans, LA 70123.

Herman Robinson, CPM
Executive Counsel

1207#069

NOTICE OF INTENT

Department of Environmental Quality Office of the Secretary Legal Affairs Division

Office of Environmental Assessment References
(LAC 33:I, III, V, VI, IX, and XI)(MM015)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been

initiated to amend the Environmental Quality regulations, LAC 33:I, III, V, VI, IX, and XI (MM015).

This Rule will amend references to the Office of Environmental Assessment. In Act 48 of the 2010 Louisiana Legislative Regular Session, the Office of Environmental Assessment was eliminated. To meet this requirement, this Rule will remove references to the Office of Environmental Assessment and replace the references with either the Office of Environmental Services, Office of Management and Finance or the Office of Environmental Compliance. The basis and rationale for this Rule is to promulgate regulations which meet the requirements of Act 48 of the 2010 Louisiana Legislative Regular Session. 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.

Title 33

ENVIRONMENTAL QUALITY

Part I. Office of the Secretary

Subpart 1. Departmental Administrative Procedures

Chapter 12. Requests for Review of Environmental Conditions

§1203. Procedure for Submittal of Request

A. - B.10. ...

C. An applicant shall submit the request for review, in accordance with the requirements of Subsection B of this Section, in triplicate, with the initial minimum fee in Subsection A of this Section, to the administrator of the Office of Environmental Compliance.

D. - E.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and specifically 2011(D)(25), and R.S. 49:316.1(A)(2)(a) and (c).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 33:447 (March 2007), amended LR 33:2079 (October 2007), LR 35:2178 (October 2009), LR 38:

Subpart 3. Laboratory Accreditation

Chapter 47. Program Requirements

§4701. Accreditation Process

A. The department accreditation process comprises four basic steps:

1. the submittal to the Office of Environmental Services of a written request from the laboratory in the form of an application provided by the department, along with payment of all applicable fees;

A.2. - B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2011.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 24:919 (May 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:1435 (July 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2434 (October 2005), LR 33:2081 (October 2007). LR 38:

§4703. Application for Accreditation

A. ...

B. An application for environmental laboratory accreditation shall be made in writing to the Office of Environmental Services. This application shall provide all requested information and be accompanied by the appropriate application fee. Information will include at least one satisfactory round of the most recent department-

specified proficiency evaluation test results or an analytical data package for test categories where no accessible proficiency tests exist. Supplemental information may be required.

C. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2011.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 24:919 (May 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:1435 (July 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2434 (October 2005), LR 33:2081 (October 2007), LR 38:

§4705. Categories of Accreditation

A. At the time of application each applicant must clearly identify both the fields of testing and the test categories for which accreditation is sought. A copy of the relevant test method documentation and the requisite equipment for the method must be available at the laboratory. A current list of approved methodologies for each parameter/analyte will be maintained by the Office of Environmental Services, and a copy of the list will become a part of the application package. In cases where the methodology used by the laboratory is not listed, the laboratory shall submit documentation that will verify that the results obtained from the method in use are equal to or better than those results obtained from the approved methodology. The department will review the data submitted by the laboratory and will notify the laboratory in writing within 60 calendar days if the method is acceptable or unacceptable as an alternate method of analysis.

B. - B.11. ...

C. An accredited laboratory may request the addition of field(s) of testing and test category(ies) to its scope of accreditation at any time. Such a request must be submitted in writing to the Office of Environmental Services. Unless the previous on-site inspection can verify the competence of the laboratory to perform the additional tests, another on-site inspection may be required.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2011.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 24:919 (May 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:1435 (July 2000), LR 26:2443 (November 2000), repromulgated LR 27:38 (January 2001), amended by the Office of Environmental Assessment, LR 31:1570 (July 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2435 (October 2005), LR 33:2081 (October 2007), LR 38:

§4711. Proficiency Testing Participation

A. - E. ...

F. Each participating laboratory shall authorize the proficiency test provider to release the results of the proficiency evaluation (PE) test to the Office of Environmental Services at the same time that they are submitted to the laboratory. Every laboratory that receives test results that are "unacceptable" for a specific analyte must investigate and identify likely causes for these results, resolve any problems, and report such activity to the Office of Environmental Services, along with the submittal of

corrective action proficiency sample test results. The laboratory shall report only the analytes for which corrective action was required.

G. - J. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2011.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 24:921 (May 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:1436 (July 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2435 (October 2005), LR 33:2081 (October 2007), LR 38:

Chapter 57. Maintenance of Accreditation

§5707. Changes in Laboratory Operation

A. Changes in laboratory name, ownership, location, personnel, facilities, methodology, or any factors significantly affecting the performance of analyses for which the laboratory was originally accredited shall be reported to the Office of Environmental Services within 30 days.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2011.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 24:933 (May 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2444 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2435 (October 2005), LR 33:2081 (October 2007), LR 38:

Part III. Air

Chapter 5. Permit Procedures

§523. Procedures for Incorporating Test Results

A. - B.2. ...

3. At least 30 days prior to performing any emission test, notification of testing shall be made to the Office of Environmental Services to afford the department the opportunity to conduct a pretest conference and to have an observer present.

4. - 5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 19:1420 (November 1993), amended by the Office of the Secretary, Legal Affairs Division, LR 34:1903 (September 2008), LR 37:1146 (April 2011), LR 38:

§537. Louisiana General Conditions

A. The Louisiana General Conditions listed in the table in this Section (numbered as historically designated in a permit) apply to each source that requires an air permit according to LAC 33:III.501 upon issuance of the initial air permit for the source and shall continue to apply until such time as the permit is terminated or rescinded. These Louisiana General Conditions shall supersede any previous versions of such conditions contained in air permits.

Table 1 Louisiana Air Emission Permit General Conditions	
I. - VI. ...	***
VII.	Any emissions testing performed for purposes of demonstrating compliance with the limitations set forth in Louisiana General Condition III shall be conducted in accordance with the methods described in the Specific Requirements of the permit. Any deviation from or modification of the methods used for testing shall have prior approval from the Office of Environmental Services.

Table 1	
Louisiana Air Emission Permit General Conditions	
VIII.	The emission testing described in Louisiana General Condition VII, or established in the Specific Requirements of the permit, shall be conducted within 60 days after achieving normal production rate or after the end of the shakedown period, but in no event later than 180 days after initial start-up (or restart-up after modification). The Office of Environmental Services shall be notified at least 30 days prior to testing and shall be given the opportunity to conduct a pretest meeting and observe the emission testing. The test results shall be submitted to the Office of Environmental Services within 60 days after the completion of testing. As required by LAC 33:III.913, the permittee shall provide necessary sampling ports in stacks or ducts and such other safe and proper sampling and testing facilities as are necessary for proper determination of the emission limits.
IX. - XX. ...	* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2011, 2023, 2024, and 2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 35:660 (April 2009), amended LR 37:1146 (April 2011), LR 38:

Chapter 14. Conformity
Subchapter A. Determining Conformity of General Federal Actions to State or Federal Implementation Plans

§1410. Criteria for Determining Conformity of General Federal Actions

A. - A.5.a. ...
 i. the total of direct and indirect emissions from the action (or portion thereof) is determined and documented by the department to result in a level of emissions that, together with all other emissions in the nonattainment or maintenance area, would not exceed the emissions budgets specified in the applicable SIP. As a matter of policy, should the department make such determination or commitment, the federal agency must provide to the Office of Environmental Services information on all known projects or other actions that may affect air quality or emissions in any area to which this rule is applicable, regardless of whether such project or action is determined to be subject to this rule under LAC 33:III.1405. The department may charge the federal agency requesting such determination a reasonable fee based on the number of manhours required to perform and document the determination; or

A.5.ii. - D....

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:1274 (November 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2451 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2438 (October 2005), LR 33:2084 (October 2007), LR 38:

Chapter 21. Control of Emission of Organic Compounds

Subchapter A. General

§2103. Storage of Volatile Organic Compounds

A. - D.4....
 a. Controls for non-slotted guide poles and stilling wells shall include pole wiper and gasketing between the well and sliding cover. Controls for slotted guide poles shall include a float with wiper, pole wiper, and gasketing between the well and sliding cover. The description of the

method of control and supporting calculations based upon the Addendum to American Petroleum Institute Publication Number 2517, Evaporative Loss from External Floating Roof Tanks, (dated May 1994) shall be submitted to the Office of Environmental Services for approval prior to installation.

D.4.b. - J. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended LR 15:1065 (December 1989), repromulgated LR 16:27 (January 1990), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:360 (April 1991), LR 18:1121 (October 1992), LR 20:1376 (December 1994), LR 21:1223 (November 1995), repromulgated LR 21:1333 (December 1995), amended LR 22:453 (June 1996), LR 22:1212 (December 1996), LR 24:20 (January 1998), LR 24:2242 (December 1998), LR 25:657 (April 1999), LR 25:852 (May 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2452 (November 2000), LR 28:1763 (August 2002), LR 30:1671 (August 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2439 (October 2005), LR 33:447 (March 2007), LR 33:2085 (October 2007), LR 36:2271 (October 2010), LR 38:

§2107. Volatile Organic Compounds—Loading

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

2. At least 30 days prior to performing any emission test, notification of testing shall be made to the Office of Environmental Services to afford the department the opportunity to conduct a pretest conference and to have an observer present.

3. Within 60 days of test completion, a copy of the test results shall be submitted to the Office of Environmental Services for review and approval.

F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended LR 16:116 (February 1990), amended by the Office of Air Quality and Radiation Protection, LR 17:360 (April 1991), LR 22:1212 (December 1996), LR 24:20 (January 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:1442 (July 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 34:1903 (September 2008), LR 38:

§2108. Marine Vapor Recovery

A. - E.5. ...

6. At least 30 days prior to performing any emission test, notification of testing shall be made to the Office of Environmental Services to afford the department the opportunity to conduct a pretest conference and to have an observer present.

F. Reporting and Recordkeeping

1. The results of any testing done in accordance with Subsection E of this Section shall be reported to the Office of Environmental Services within 60 days of the test.

F.2. - H.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 14:704 (October 1988), amended by the

Office of Air Quality and Radiation Protection, Air Quality Division, LR 16:959 (November 1990), LR 22:1212 (December 1996), LR 23:1678 (December 1997), LR 24:20 (January 1998), LR 24:1285 (July 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2452 (November 2000), LR 30:745 (April 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2439 (October 2005), LR 33:2085 (October 2007), LR 34:1903 (September 2008), LR 38:

§2121. Fugitive Emission Control

A. - E.3. ...

F. Reporting Requirements. The operator of the affected facility shall submit to the Office of Environmental Services a report semiannually containing the information below for each calendar quarter during the reporting period. The reports are due by the last day of the month (January and July) following the monitoring period or by a date approved by the department. The reports shall include the following information for each quarter of the reporting period:

F.1. - G.Heavy Liquid Service-Liquid Service. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 16:959 (November 1990), LR 17:654 (July 1991), LR 21:1330 (December 1995), LR 22:1128 (November 1996), LR 22:1212 (December 1996), LR 24:22 (January 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:1433 (July 2000), LR 26:2452 (November 2000), LR 30:1659 (August 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2440 (October 2005), LR 33:2086 (October 2007), LR 34:70 (January 2008), LR 38:

§2122. Fugitive Emission Control for Ozone

Nonattainment Areas and Specified Parishes

A. - F.3. ...

G. Reporting Requirements. The operator of the affected facility shall submit a report semiannually to the Office of Environmental Services containing the information below for each calendar quarter during the reporting period. The reports are due by the last day of the month (January and July) following the monitoring period or by a date approved by the department. The reports shall include the following information for each quarter of the reporting period:

1. - 6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:1102 (October 1994), repromulgated LR 20:1279 (November 1994), amended LR 22:1129 (November 1996), LR 22:1212 (December 1996), repromulgated LR 23:197 (February 1997), amended LR 23:1678 (December 1997), LR 24:22 (January 1998), LR 24:1285 (July 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2453 (November 2000), LR 28:1764 (August 2002), LR 30:1660 (August 2004), repromulgated by the Office of Environmental Assessment, LR 30:2030 (September 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2440 (October 2005), LR 33:2086 (October 2007), LR 38:

Subchapter F. Gasoline Handling

§2132. Stage II Vapor Recovery Systems for Control of Vehicle Refueling Emissions at Gasoline Dispensing Facilities

A. - B.5....

6. The regulated facility shall submit the following application information to the Office of Environmental Compliance prior to installation of the Stage II Vapor Recovery System:

6.a. - 8....

9. Upon request by the Department of Environmental Quality, the owner or operator of a facility that claims to be exempt from the requirements of this Section shall submit supporting records to the Office of Environmental Compliance within 30 calendar days from the date of the request. The Department of Environmental Quality shall make a final determination regarding the exemption status of a facility.

C. - D. ...

1. The owner/operator of the facility shall have the installed vapor recovery equipment tested prior to the start-up of the facility. The owner or operator shall notify the Office of Environmental Compliance at least five calendar days in advance of the scheduled date of testing. Testing must be performed by a contractor that is certified with the Department of Environmental Quality. Compliance with the emission specification for Stage II equipment shall be demonstrated by passing the following required tests or equivalent for each type of system:

1.a. - 2....

3. The department reserves the right to confirm the results of the aforementioned testing at its discretion and at any time. Within 30 days after installation or major system modification of a vapor recovery system, the owner or operator of the facility shall submit to the Office of Environmental Compliance the date of completion of the installation or major system modification of a vapor recovery system and the results of all functional testing requirements.

E. - I. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 18:1254 (November 1992), repromulgated LR 19:46 (January 1993), amended LR 23:1682 (December 1997), LR 24:25 (January 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2453 (November 2000), LR 29:558 (April 2003), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2440 (October 2005), LR 33:2086 (October 2007), LR 34:1890 (September 2008), LR 34:2397 (November 2008), LR 37:1147 (April 2011), LR 38:

Subchapter M. Limiting Volatile Organic Compound (VOC) Emissions from Industrial Wastewater

§2153. Limiting VOC Emissions from Industrial Wastewater

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

b. in order to maintain exemption status under this Subsection, the owner or operator shall submit an annual report no later than March 31 of each year, starting in 1997, to the Office of Environmental Compliance that demonstrates that the overall control of VOC emissions at the affected source category from which wastewater is generated during the preceding calendar year is at least 90 percent less than the 1990 baseline emissions inventory. At a minimum, the report shall include the EPN; the PIN; the throughput of wastewater from affected source categories; a plot plan showing the location, EPN, and PIN associated with a wastewater storage, handling, transfer, or treatment facility; and the VOC emission rates for the preceding calendar year. The emission rates for the preceding calendar year shall be calculated in a manner consistent with the 1990 baseline emissions inventory; and

c. all representations in initial control plans and annual reports become enforceable conditions. It shall be unlawful for any person to vary from such representations if the variation will cause a change in the identity of the specific emission sources being controlled or the method of control of emissions, unless the owner or operator of the wastewater component submits a revised control plan to the Office of Environmental Services within 30 days of the change. All control plans and reports shall include documentation that the overall reduction of VOC emissions from wastewater at the affected source categories continues to be at least 90 percent less than the 1990 baseline emissions inventory. The emission rates shall be calculated in a manner consistent with the 1990 baseline emissions inventory.

5. ...

a. each request for an exemption determination shall be submitted to the Office of Environmental Services. Each request shall demonstrate that the overall control of VOC emissions from wastewater at the affected source categories will be at least 80 percent less than the 1990 baseline emissions inventory. The request shall include the applicable EPN; the PIN; the calendar year throughput of wastewater from affected source categories; the VOC emission rates; and a plot plan showing the location, EPN, and PIN associated with a wastewater storage, handling, transfer, or treatment facility. The emission rates shall be calculated in a manner consistent with the 1990 baseline emissions inventory;

b. ...

c. all representations in initial control plans and annual reports become enforceable conditions. It shall be unlawful for any person to vary from such representations if the variation will cause a change in the identity of the specific emission sources being controlled or the method of control of emissions unless the owner or operator of the wastewater component submits a revised control plan to the Office of Environmental Services within 30 days of the change. All control plans and reports shall include documentation that the overall reduction of VOC emissions at the plant from wastewater affected source categories continues to be at least 80 percent less than the 1990 baseline emissions inventory.

G.6. - I. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 21:936 (September 1995), amended LR 22:1212 (December 1996), LR 24:26 (January 1998), LR 25:850 (May 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2453 (November 2000), LR 28:1765 (August 2002), LR 30:747 (April 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2441 (October 2005), LR 33:2087 (October 2007), LR 37:3232 (November 2011), LR 38:

Subchapter N. Method 43—Capture Efficiency Test Procedures

[*Editor's Note:* This Subchapter was moved and renumbered from Chapter 61 (December 1996).]

§2159. Recordkeeping and Reporting

A. All affected facilities must maintain a copy of the capture efficiency protocol on file. All results of appropriate test methods and CE protocols must be reported to the Office of Environmental Services within 60 days of the test date. A copy of the results must be kept on file with the source.

B. If any changes are made to capture or control equipment, the source is required to notify the Office of Environmental Services of these changes and a new test may be required.

C. The source must notify the Office of Environmental Services 30 days prior to performing any capture efficiency and/or control efficiency tests.

D. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:653 (July 1991), amended LR 22:1212 (December 1996), LR 23:1680 (December 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2454 (November 2000), LR 27:1224 (August 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2087 (October 2007), LR 38:

Chapter 23. Control of Emissions for Specific Industries¹

¹Regulation of emissions of volatile organic compounds for certain industries are presented in Chapter 21.

Subchapter A. Chemical Woodpulp Industry

§2301. Control of Emissions from the Chemical Woodpulp Industry

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

b. Compliance. Owners or operators shall conduct source tests of recovery furnaces pursuant to the provisions in LAC 33:III.1503.D, Table 4, to confirm particulate emissions are less than that specified in Paragraph D.1 of this Section. The results shall be submitted to the Office of Environmental Services as specified in LAC 33:III.919 and 918. The testing should be conducted as follows:

D.4.b.i. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 19:1564 (December 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2454 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2442 (October 2005), LR 32:1841

(October 2006), LR 33:2088 (October 2007), LR 34:1892 (September 2008), LR 38:

Subchapter B. Aluminum Plants

§2303. Standards for Horizontal Stud Soderberg

Primary Aluminum Plants and Prebake Primary Aluminum Plants

A. - D.4. ...

E. Monitoring. Each horizontal stud Soderberg process primary aluminum plant and prebake process primary aluminum plant shall submit a detailed monitoring program subject to revision and approval by the Office of Environmental Services. The program shall include regularly scheduled monitoring for emissions of total particulates as well as ambient air sampling for suspended particulates.

[NOTE: Measurement of Concentrations. The methods listed in LAC 33:III.711.C, Table 2 and LAC 33:III.1503.D.2, Table 4, or such equivalent methods as may be approved by the department, shall be utilized to determine these particulate concentrations.]

F. - G.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2455 (November 2000), LR 30:1672 (August 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2442 (October 2005), LR 33:2088 (October 2007), LR 38:

Chapter 25. Miscellaneous Incineration Rules

Subchapter B. Biomedical Waste Incinerators

§2511. Standards of Performance for Biomedical Waste Incinerators

A. - E.6.e. ...

7. At least 30 days prior to performing any emission test, notification of testing shall be made to the Office of Environmental Services to afford the department the opportunity to conduct a pretest conference and to have an observer present.

8. A copy of all monitoring and tests results shall be submitted to the Office of Environmental Services for review and approval within 60 days of completion of testing.

F. - L. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:1098 (October 1994), amended LR 21:1081 (October 1995), LR 22:1212 (December 1996), LR 23:1680 (December 1997), LR 24:1286 (July 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2455 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2442 (October 2005), LR 33:2089 (October 2007), LR 34:1904 (September 2008), LR 38:

Subchapter C. Refuse Incinerators

§2521. Refuse Incinerators

A. - F.9.e. ...

10. At least 30 days prior to performing any emission test, notification of testing shall be made to the Office of Environmental Services to afford the department the opportunity to conduct a pretest conference and to have an observer present.

11. A copy of all monitoring and tests results shall be submitted to the Office of Environmental Services for review and approval within 60 days of completion of testing.

G. - H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:1100 (October 1994), amended LR 22:1212 (December 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2456 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2443 (October 2005), LR 33:2089 (October 2007), LR 34:1904 (September 2008), LR 38:

Subchapter D. Crematories

§2531. Standards of Performance for Crematories

A. - I.1.f. ...

2. A copy of all test results shall be submitted to the Office of Environmental Services for review and approval within 60 days of completion of testing.

J. - J.1.d. ...

2. The owner/operator shall provide the Office of Environmental Services at least 30 days prior notice of any emission test to afford the department the opportunity to conduct a pretest conference and to have an observer present. The department has the authority to invalidate any testing where such notice is not provided.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:1107 (October 1994), amended LR 22:1127 (November 1996), LR 22:1212 (December 1996), LR 23:1509 (November 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2456 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2443 (October 2005), LR 33:2089 (October 2007), LR 34:1904 (September 2008), LR 38:

Chapter 30. Standards of Performance for New Stationary Sources (NSPS)

Subchapter A. Incorporation by Reference

§3003. Incorporation by Reference of 40 Code of Federal Regulations (CFR) Part 60

A. ...

B. Corrective modification and clarification are made as follows.

1. Whenever the referenced regulations (i.e., 40 CFR Part 60) provide authority to "the Administrator," such authority, in accordance with these regulations, shall be exercised by the administrative authority or his designee, notwithstanding any authority exercised by the U.S. Environmental Protection Agency (EPA). Reports, notices, or other documentation required by the referenced regulations (i.e., 40 CFR Part 60) to be provided to "the Administrator" shall be provided to the Office of Environmental Services, where the state is designated authority by EPA as "the Administrator," or shall be provided to the Office of Environmental Services and EPA, where EPA retains authority as "the Administrator."

2. 40 CFR Part 60, Subpart A, Section 60.4 (b)(T) shall be modified to read as follows: State of Louisiana: Office of Environmental Services, Department of Environmental Quality.

B.3. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 22:1212 (December 1996), amended LR 23:1681 (December 1997), LR 24:1287 (July 1998), LR 24:2238 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1239 (July 1999), LR 25:1797 (October 1999), LR 26:1607 (August 2000), LR 26:2460, 2608 (November 2000), LR 27:2229 (December 2001), LR 28:994 (May 2002), LR 28:2179 (October 2002), LR 29:316 (March 2003), LR 29:698 (May 2003), LR 30:1009 (May 2004), amended by the Office of Environmental Assessment, LR 31:1568 (July 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2446 (October 2005), LR 32:809 (May 2006), LR 32:1596 (September 2006), LR 33:1620 (August 2007), LR 33:2092 (October 2007), LR 33:2626 (December 2007), LR 34:1391 (July 2008), LR 35:1107 (June 2009), LR 37:2990 (October 2011), LR 38:

Chapter 51. Comprehensive Toxic Air Pollutant Emission Control Program

Subchapter A. Applicability, Definitions, and General Provisions

§5113. Notification of Start-Up, Testing, and Monitoring

A. - B. ...

1. The department may require any owner or operator to conduct tests to determine the emission of toxic air pollutants from any source whenever the department has reason to believe that an emission in excess of those allowed by this Subchapter is occurring. The department may specify testing methods to be used in accordance with good professional practice. The department may observe the testing. The Office of Environmental Services shall be notified at least 30 days prior to testing to afford the department the opportunity to conduct a pretest conference and to have an observer present. All tests shall be conducted by qualified personnel. The Office of Environmental Services shall be given a copy of the test results in writing signed by the person responsible for the tests within 60 days after completion of the test.

2. - 4.e....

5. Unless otherwise specified, samples shall be analyzed and emissions determined within 30 days after each emission test has been completed. The owner or operator shall report the determinations of the emission test to the Office of Environmental Services by a certified letter sent before the close of business on the sixtieth day following the completion of the emission test.

6. ...

7. The owner or operator shall notify the Office of Environmental Services of any emission test required to demonstrate compliance with this Subchapter at least 30 days before the emission test to allow the administrative authority the opportunity to have an observer present during the test.

C. - C.1. ...

2. When required at any other time requested by the administrative authority, the owner or operator of a source being monitored shall conduct a performance evaluation of the monitoring system and furnish the Office of Environmental Services with a copy of a written report of the results within 60 days of the evaluation. The owner or

operator of the source shall furnish the Office of Environmental Services with written notification of the date of the performance evaluation at least 30 days before the evaluation is to begin.

3. - 4. ...

5. The administrative authority may require a continuous monitoring system where such systems are deemed feasible and necessary to demonstrate compliance with applicable standards. The owner or operator of a facility that the administrative authority has required to install a continuous monitoring system shall submit to the Office of Environmental Services for approval a plan describing the affected sources and the methods for ensuring compliance with the continuous monitoring system. The plan for the continuous monitoring system must be submitted to the department within 90 days after the administrative authority requests either the initial plan or an updated plan.

5.a. - 7....

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 and 2060 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:1204 (December 1991), amended LR 18:1364 (December 1992), LR 23:59 (January 1997), LR 23:1658 (December 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2461 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2448 (October 2005), LR 33:2094 (October 2007), LR 34:1904 (September 2008), LR 38:

Chapter 53. Area Sources of Toxic Air Pollutants

Subchapter A. Toxic Emissions Reporting Requirements

§5307. Reporting Requirements

A. - A.7....

B. Subsequent reports will be due on or before July 1 of each year. The report shall be submitted to the Office of Environmental Services and include the information requested in Subsection A of this Section for the preceding calendar year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:431 (April 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2464 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2450 (October 2005), LR 33:2096 (October 2007), LR 38:

Subchapter B. Incorporation by Reference of 40 CFR

Part 63 (National Emission Standards for Hazardous Air Pollutants for Source Categories) as It Applies to Area Sources

§5311. Incorporation by Reference of 40 CFR Part 63 (National Emission Standards for Hazardous Air Pollutants for Source Categories) as It Applies to Area Sources

A. ...

B. Copies of documents incorporated by reference in this Chapter may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20242 or their website, www.gpoaccess.gov/cfr/index.html, from the Department of Environmental Quality, Office of Management and Finance, or from a public library.

C. Modifications or Exceptions. Whenever the referenced regulations (i.e., 40 CFR Part 63) provide authority to "the Administrator," such authority, in accordance with these regulations, shall be exercised by the administrative authority or his designee, notwithstanding any authority exercised by the U.S. Environmental Protection Agency (EPA). Reports, notices, or other documentation required by the referenced regulations (i.e., 40 CFR Part 63) to be provided to "the Administrator" shall be provided to the Office of Environmental Compliance, where the state is designated authority by EPA as "the Administrator," or shall be provided to the Office of Environmental Compliance and EPA, where EPA retains authority as "the Administrator."

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 23:63 (January 1997), amended LR 23:1660 (December 1997), LR 24:1279 (July 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1464 (August 1999), LR 27:2230 (December 2001), LR 28:995 (May 2002), LR 28:2180 (October 2002), LR 29:699 (May 2003), LR 30:1010 (May 2004), amended by the Office of Environmental Assessment, LR 31:1569 (July 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2451 (October 2005), LR 32:810 (May 2006), LR 33:1620 (August 2007), LR 33:2096 (October 2007), LR 34:1392 (July 2008), LR 35:1108 (June 2009), LR 36:2274 (October 2010), LR 37:2991 (October 2011), LR 38:

Part V. Hazardous Waste and Hazardous Materials
**Subpart 1. Department of Environmental Quality-
Hazardous Waste**

Chapter 19. Tanks

§1907. Containment and Detection of Releases

A. - G.4.c. ...

H. The following procedures must be followed in order to request a variance from secondary containment.

1. The Office of Environmental Services must be notified in writing by the owner or operator that he intends to conduct and submit a demonstration for a variance from secondary containment as allowed in Subsection G of this Section according to the following schedule:

H.1.a. - K.2.e. ...

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 10:200 (March 1984), amended LR 13:651 (November 1987), LR 14:790 (November 1988), LR 16:614 (July 1990), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2475 (November 2000), amended by the Office of Environmental Assessment, LR 31:1572 (July 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2107 (October 2007), LR 34:624 (April 2008), LR 34:995 (June 2008), LR 34:1896 (September 2008), LR 36:1235 (June 2010), repromulgated LR 36:1536 (July 2010), LR 38:

Chapter 22. Prohibitions on Land Disposal

Subchapter B. Hazardous Waste Injection Restrictions

**§2271. Exemptions to Allow Land Disposal of a
Prohibited Waste by Deep Well Injections**

A. - U.5....

V. Corrective Action for Wells in the Area of Review

1. The petitioner shall submit a plan to the Office of Environmental Services outlining the protocol used to:

V.1.a. - Z. ...

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 22:22 (January 1996), amended LR 23:299 (March 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2479 (November 2000), LR 30:1674 (August 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2460 (October 2005), LR 33:2110 (October 2007), LR 38:

**§2273. Petition for Determinations Concerning No
Alternatives to Land Disposal of a Prohibited
Waste by Deep Well Injection**

A. - D. ...

E. Except as otherwise provided in this Section, if a hazardous waste not subject to an existing determination is to be injected, a petition that addresses such hazardous waste must be submitted to the Office of Environmental Services and a determination of no alternatives be made prior to this waste being injected. The provisions contained in Subsection J of this Section, shall apply with respect to such hazardous waste.

I. - 2. ...

F. If a new injection well(s) is to be used to inject a hazardous waste subject to an existing approved determination under this Section, a new petition is not necessary, provided the owner or operator submits a notice to the Office of Environmental Services. The notice shall include a copy of the EPA exemption approval for the new well(s) and a copy of the permit issued by the Louisiana Department of Natural Resources, Office of Conservation for the new well(s).

G. - L.2. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 25:1801 (October 1999), amended LR 26:2479 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2460 (October 2005), LR 33:2110 (October 2007), LR 38:

Chapter 49. Lists of Hazardous Wastes

[Comment: Chapter 49 is divided into two sections: Category I Hazardous Wastes, which consist of Hazardous Wastes from nonspecific and specific sources (F and K wastes), Acute Hazardous Wastes (P wastes), and Toxic Wastes (U wastes) (LAC 33:V.4901); and Category II Hazardous Wastes, which consist of wastes that are ignitable, corrosive, reactive, or toxic (LAC 33:V.4903).]

§4999. Appendices—Appendix A, B, C, D, E, and F

Appendix A. - Appendix E. ...

A. - B.1.a. ...

b. All data obtained to fulfill the required testing must be submitted to the Office of Environmental Services within 60 days after each sampling event.

I.c. - 3.b., Table 2. ...

Appendix F. ...

A. - B.3., Table 2. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, LR 20:1000 (September 1994), amended by the Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 21:944 (September 1995), LR 22:830 (September 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 23:952 (August 1997), amended by the Office of

Environmental Assessment, Environmental Planning Division, LR 25:2397 (December 1999), LR 26:2509 (November 2000), LR 29:1084 (July 2003), repromulgated LR 29:1475 (August 2003), amended by the Office of Environmental Assessment, LR 30:2464 (November 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 33:445 (March 2007), LR 33:825 (May 2007), LR 33:1016 (June 2007), LR 34:73 (January 2008), LR 34:1021 (June 2008), LR 34:1613 (August 2008), LR 38:

Part VI. Inactive and Abandoned Hazardous Waste and Hazardous Substance Site Remediation

Chapter 1. General Provisions and Definitions

§103. Regulatory Overview

A. ...

B. Site Discovery and Evaluation

1. Site Discovery Reporting. These regulations establish a reporting program as required by the Louisiana Environmental Quality Act to help identify inactive or uncontrolled sites where hazardous substances could have been disposed of or discharged. Owners, lessees, and other persons who know or discover that hazardous substances have been discharged or disposed of at such a site must report this information to the Office of Environmental Compliance within the specified time. The department may also discover sites through its own investigations, referrals from other agencies, or other means.

B.2. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2171 et seq., 2221 et seq., and 2271 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 25:2178 (November 1999), amended LR 26:2510 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2136 (October 2007), LR 38:

Chapter 4. PRP Search, Notification, and Demand for Remediation

§403. Notification to Provide Information

A. The Office of Environmental Compliance shall send a written notification to provide information to all PRPs identified during its preliminary PRP investigation. The administrative authority may, at its discretion, send supplemental or additional notifications to any PRP identified by the administrative authority at any time during the remedial action process.

B. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2221 et seq. and 2271 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 25:2186 (November 1999), LR 26:2511 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2137 (October 2007), LR 38:

Chapter 5. Site Remediation

§501. Remedial Actions

A. ...

B. The Office of Environmental Compliance shall consider the following factors in determining the need for or the appropriateness of a remedial action consistent with Subsection A of this Section:

B.1. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2171 et seq. and 2271 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment,

Environmental Planning Division, LR 25:2186 (November 1999), amended LR 26:2511 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2137 (October 2007), LR 38:

§502. Role of PRPs in Remedial Actions

A. The Office of Environmental Compliance may, at its sole discretion, direct PRPs to perform any site investigation, remedial investigation, corrective action study, and/or remedial action in accordance with the following:

1. - 5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2221 et seq. and 2271 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 25:2186 (November 1999), amended LR 26:2511 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2137 (October 2007), LR 38:

§505. Removal Action

A. - A.3. ...

4. If the removal action results in achievement of the RECAP standards established by the department, the Office of Environmental Compliance may determine that no further action is required. The department may then issue a decision document stating that the removal action is the final remedy and no further action is required.

5. ...

B. A removal action work plan shall be prepared by the Office of Environmental Compliance, or by PRPs as directed by the department. Any plan prepared by PRPs shall be reviewed and approved by the department prior to the commencement of the removal action. The department will provide comments to the PRPs and require revisions as necessary before approving the PRPs' plan. The minimum requirements for a removal action work plan include:

B.1. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2171 et seq., 2221 et seq., and 2271 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 25:2187 (November 1999), amended LR 26:2512 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2137 (October 2007), LR 38:

§507. Remedial Investigation

A. - B. ...

C. To complete a RI the Office of Environmental Compliance, or PRPs as directed by the department, shall provide the following.

1. - 3. ...

4. Remedial Investigation Report. Following the completion of the RI, a remedial investigation report shall be prepared by the Office of Environmental Compliance, or by PRPs as directed by the department. Any RI report prepared by PRPs shall be reviewed and approved by the department. The department will provide comments to the PRPs and require revisions as necessary before approving the PRPs' report. At a minimum, this report shall include:

C.4.a. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2171 et seq., 2221 et seq., and 2271 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 25:2187 (November 1999), amended LR 26:2512 (November 2000), amended by the Office of

the Secretary, Legal Affairs Division, LR 33:2137 (October 2007), LR 38:

§509. Corrective Action Study

A. - C.5. ...

6. Preparation of a Corrective Action Study Report. Following the completion of the corrective action study activities in this Subsection, a CAS report describing the results of all required CAS activities shall be prepared by the Office of Environmental Compliance, or by PRPs as directed by the department. Any CAS report prepared by PRPs shall be reviewed and approved by the department prior to the approval of the CAS. The department will provide comments to the PRPs and require revisions as necessary before approving the PRPs' report.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2221 et seq. and 2271 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 25:2188 (November 1999), amended LR 26:2512 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2138 (October 2007), LR 38:

§515. Revisions to the Final Remedy

A. - B. ...

1. notify the Office of Environmental Compliance that a modification is necessary;

2. - 3. ...

C. If the department determines that a modification is necessary (whether proposed by a PRP or by the department) and if the modification changes the final remedy in the final decision document, then the Office of Environmental Compliance shall:

1. - 3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2271 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 25:2191 (November 1999), amended LR 26:2512 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2138 (October 2007), LR 38:

§521. Post-Remedial Management

A. - A.2. ...

B. Operation and Maintenance. An operation and maintenance (O and M) plan shall be prepared for all sites assigned post-remedial management because hazardous substances remain at the site at levels above remedial goals or where O and M is part of the approved remedy. O and M plans prepared by PRPs shall be submitted to the Office of Environmental Compliance for review and approval. The department will provide comments to the PRPs and require revisions as necessary before approving the PRPs' plan. O and M plans prepared by PRPs for a site where leaving hazardous substances at the site is part of the approved and completed remedy shall be submitted to the department for review and approval at least six months prior to completion of the remedy. Each O and M plan shall include, but not be limited to:

1. - 8. ...

C. Monitoring. If required by the department, a monitoring plan shall be developed by the Office of Environmental Compliance, or by PRPs as directed by the department. A monitoring plan prepared by PRPs shall be submitted to the department for review and approval. The

department shall provide comments to the PRPs and require revisions as necessary before approving the PRPs' plan. This plan shall include a description of provisions for monitoring of site conditions during the post-remedial management period to prevent further endangerment to human health and the environment, including:

C.1. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2271 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 25:2191 (November 1999), amended LR 26:2512 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2138 (October 2007), LR 38:

Chapter 6. Cost Recovery

§607. Determination of Remedial Costs; Demand to PRPs

A. Timing. The Office of Environmental Compliance may at any time prepare a written determination of the cost of partial or complete remediation of a site. The department may revise its determination in writing at any time thereafter.

B. - D.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2221 et seq. and 2271 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 25:2193 (November 1999), amended LR 26:2513 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2138 (October 2007), LR 38:

Chapter 7. Settlement and Negotiations

§705. Negotiations

A. - B.4. ...

C. Negotiations after Issuance of Administrative Orders. PRPs who have received unilateral administrative orders may negotiate with the Office of Environmental Compliance for dismissal of the administrative order upon execution of a cooperative agreement unless an emergency situation has been declared or the department determines that a stay of remedial actions or of enforcement will be detrimental to the public health, welfare, or the environment. The department has sole discretion in determining whether to enter into negotiations after issuance of a unilateral administrative order. Except by written determination of the department, no request for or conduct of negotiations in accordance with this Section shall serve to stay or modify the terms of any such unilateral administrative order.

D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2271 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 25:2194 (November 1999), amended LR 26:2513 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2138 (October 2007), LR 38:

§711. Mixed Funding

A. - B. ...

C. Eligibility and Mixed Funding Criteria. The Office of Environmental Compliance shall make a determination whether a proposal is eligible for funding. The only circumstances under which mixed funding can be approved by the department are when the funding will achieve both:

C.1. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2171 et seq., 2221 et seq., and 2271 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 25:2195 (November 1999), amended LR 26:2513 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2139 (October 2007), LR 38:

Chapter 8. Public Information and Participation

§801. Public Information

A. - B. ...

1. Information Repositories. The Office of Environmental Compliance may establish and maintain an information repository in a public location near the site. If a repository is established, PRPs shall provide the department with copies of all necessary documents.

2. - 3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2221 et seq. and 2271 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 25:2196 (November 1999), amended LR 26:2513 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2139 (October 2007), LR 38:

§803. Public Participation

A. In order to ensure that the public has an opportunity to comment on site-related decisions, the Office of Environmental Compliance, or PRPs as directed by the department, shall provide opportunities for public participation as listed in this Section. All public participation activities undertaken by PRPs shall be performed under the direction and approval of the department.

1.a. - b. ...

2. For sites where the secretary has made a demand for remedial action in accordance with R.S. 30:2275, the department shall, upon written request, provide an opportunity for a public meeting prior to approval of a site remedial investigation plan and selection of a remedy. Additionally, if a written request is received, the department shall hold a public comment period of not more than 60 calendar days duration prior to approval of a site remedial investigation plan and selection of a site remedy. Written requests shall be mailed to the Office of Environmental Compliance.

a. ...

b. Prior to any public comment period, the Office of Environmental Compliance, or PRPs as directed by the department, shall place a copy of the document being reviewed in a public location near the site.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2221 et seq. and 2271 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 25:2196 (November 1999), amended LR 26:2513 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2139 (October 2007), LR 38:

Chapter 9. Voluntary Remediation

§911. Application Process

A. Voluntary Remedial Investigation Applications. Prior to performing a remedial investigation and submission of the application in Subsection B of this Section, the applicant

may submit a voluntary remedial investigation application for review and approval by the administrative authority, which consists of the following:

1. a Voluntary Remedial Investigation Application Form VCP001, available from the Office of Environmental Compliance and on the department's website, with required attachments, accompanied by the remedial investigation work plan review fee; and

2. - 2.f. ...

B. Voluntary Remediation Applications. Prior to implementation of a voluntary remedial action at a site, applicants must submit a voluntary remediation application to the Office of Environmental Compliance for review and final approval. The application shall consist of the following:

1. a Voluntary Remediation Application Form VCP002, available from the Office of Environmental Compliance and on the department's website, with required attachments, accompanied by the remedial action plan review fee;

B.2. - C.1. ...

2. After the application is accepted for public review and before the beginning of the public comment period provided in Subsections D and F of this Section, the applicant shall provide the number of copies of the accepted application specified by the administrative authority to the Office of Environmental Compliance.

3. ...

D. Public Notice. Upon acceptance of the voluntary remediation application, as set forth in Subsection C of this Section, the applicant must place a public notice of the proposed voluntary remedial action plan in the local newspaper of general circulation in the parish where the voluntary remediation site is located. The public notice shall be a single classified advertisement at least 4 inches by 6 inches in size in the legal or public notices section. The applicant must provide proof of publication of the notice to the Office of Environmental Compliance prior to final approval of the plan. The public notice shall:

1. - 2. ...

3. indicate that comments shall be submitted to the Office of Environmental Compliance (including the contact person, mailing address, and physical address), as well as indicate the deadline for submission of comments;

4. - 5. ...

E. Direct Notice to Landowners. Within five days of the public notice in Subsection D of this Section, the applicant must send a direct written notice of the voluntary remedial action plan to persons owning immovable property contiguous to the voluntary remediation site. This notice shall be sent to persons listed as owners of the property on the rolls of the parish tax assessor as of the date on which the voluntary remediation application is submitted. The notice must be sent by certified mail and contain the same information that is provided in the public notice. Return receipts or other evidence of the receipt or attempted delivery of the direct notice must be provided to the Office of Environmental Compliance prior to final approval of the plan.

F. Public Hearing and Comment

1. Comments on the voluntary remedial action plan shall be accepted by the Office of Environmental Compliance for a period of 30 days after the date of the

public notice and shall be fully considered by the administrative authority prior to final approval of the plan. However, if the administrative authority determines a shorter or longer comment period is warranted, the administrative authority may provide for a shorter or longer comment period in the public notice described in Paragraph D.1 of this Section. Also, the comment period provided in the public notice may be extended by the administrative authority if the administrative authority determines such an extension is warranted.

F.2. - H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular R.S. 30:2285 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 27:516 (April 2001), amended by the Office of Environmental Assessment, LR 30:2024 (September 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2485 (October 2005), LR 33:2139 (October 2007), LR 34:1901 (September 2008), LR 38:

§913. Completion of Voluntary Remedial Actions

A. - D. ...

1. the applicant provides written notice to the Office of Environmental Compliance at least 15 days in advance of the termination;

2. - 3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq. and in particular R.S. 30:2285 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 27:518 (April 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2485 (October 2005), LR 33:2140 (October 2007), LR 38:

Part IX. Water Quality

Subpart 1. Water Pollution Control

Chapter 73. Standards for the Use or Disposal of Sewage Sludge and Biosolids

Subchapter A. Program Requirements

§7313. Standard Conditions Applicable to All Sewage Sludge and Biosolids Use or Disposal Permits

A. - C.3.b. ...

c. The regulations and guidelines on the environmental laboratory accreditation program and a list of laboratories that have applied for accreditation are available on the department's website. Questions concerning the program may be directed to the Office of Environmental Services.

D. - D.8.c. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2074(B)(1)(c) and (B)(3)(e).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 33:2406 (November 2007), amended LR 35:941 (May 2009), LR 38:

Part XI. Underground Storage Tanks

Chapter 3. Registration Requirements, Standards, and Fee Schedule

§301. Registration Requirements

A. - A.2. ...

3. All existing UST systems previously registered with the department shall be considered to be in compliance with this requirement if the information on file with the department is current and accurate. Maintaining current and accurate information with the department includes notifying

the Office of Environmental Compliance of changes in ownership, or of changes in UST system descriptions resulting from upgrading, by filing an amended registration form within 30 days of the change in ownership or in description of the UST system.

B. New UST Systems. Upon the effective date of these regulations, all owners of new *UST systems* (as defined in LAC 33:XI.103) must, at least 30 days before bringing such tanks into use, register them on an *Underground Storage Tank Registration Form* (UST-REG-01). Registration forms shall be filed with the Office of Environmental Compliance. The following registration requirements apply to new UST systems.

1. - 2. ...

C. All UST system owners or operators shall comply with the following requirements.

1. Any person who sells a UST system shall so notify the Office of Environmental Compliance in writing within 30 days after the date of the transaction. A person selling a UST must also notify the person acquiring a regulated UST system of the owner's registration obligations under this Section.

2. Any person who acquires a UST system shall submit to the Office of Environmental Compliance an amended registration form within 30 days after the date of acquisition.

3. - 4. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Underground Storage Tank Division, LR 11:1139 (December 1985), amended LR 16:614 (July 1990), LR 17:658 (July 1991), LR 18:727 (July 1992), LR 20:294 (March 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2558 (November 2000), LR 28:475 (March 2002), amended by the Office of Environmental Assessment, LR 31:1066 (May 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2520 (October 2005), repromulgated LR 32:393 (March 2006), amended LR 32:1852 (October 2006), LR 33:2171 (October 2007), LR 34:2116 (October 2008), LR 38:

§303. Standards for UST Systems

A. - C.1. ...

2. The department may grant an extension to these dates only in the event that the UST or UST system installation is delayed due to adverse weather conditions or other unforeseen, unavoidable circumstances. A written contract alone does not qualify as an unforeseen, unavoidable circumstance. In order to obtain an extension, the UST owner must submit a written request to the Office of Environmental Compliance, describing the circumstances that have caused the installation delay.

D. - D.6.b.i.(e). ...

ii. Beginning January 20, 1992, all owners and operators must ensure that the individual exercising supervisory control over *installation critical-junctures* (as defined in LAC 33:XI.1303) of a UST system is certified in accordance with LAC 33:XI.Chapter 13. To demonstrate compliance with Subparagraph D.6.a of this Section, all owners and operators must provide a certification of compliance on the UST Registration of Technical Requirements Form (UST-REG-02) within 60 days of the introduction of any regulated substance. Forms shall be filed with the Office of Environmental Compliance.

c. Notification of Installation. The owner and operator must notify the Office of Environmental Compliance in writing at least 30 days before beginning installation of a UST system by:

6.c.i. ...

ii. notifying the appropriate regional office of the Office of Environmental Compliance by mail or fax seven days prior to commencing the installation and before commencing any *installation-critical juncture* (as defined in LAC 33:XI:1303);

D.6.c.iii. - E.6. ...

a. The owner and operator must notify the Office of Environmental Compliance in writing at least 30 days before beginning a UST system upgrade.

b. An amended registration form (UST-REG-02) must be submitted to the Office of Environmental Compliance within 30 days after the UST system is upgraded. The owner and operator must certify compliance with Subsection C of this Section on the amended registration form (UST-REG-02). Beginning January 20, 1992, the amended registration forms (UST-REG-01 and 02) shall include the name and department-issued certificate number of the individual exercising supervisory control over those steps in the upgrade that involve repair-critical junctures or installation-critical junctures (as defined in LAC 33:XI.1303) of a UST system.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Underground Storage Tank Division, LR 11:1139 (December 1985), amended LR 16:614 (July 1990), LR 17:658 (July 1991), LR 18:728 (July 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2558 (November 2000), LR 28:475 (March 2002), amended by the Office of Environmental Assessment, LR 31:1066 (May 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2520 (October 2005), LR 33:2171 (October 2007), LR 34:2116 (October 2008), LR 35:1493 (August 2009), LR 38:

Chapter 5. General Operating Requirements

§507. Repairs Allowed

A. ...

1. Except in emergencies, the owner and operator shall notify the Office of Environmental Compliance in advance of the necessity for conducting a repair to a UST system.

A.2. - B. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Underground Storage Tank Division, LR 16:614 (July 1990), amended LR 17:658 (July 1991), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2558 (November 2000), amended by the Office of Environmental Assessment, LR 31:1070 (May 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2172 (October 2007), LR 34:2119 (October 2008), LR 37:

Chapter 7. Methods of Release Detection and Release Reporting, Investigation, Confirmation, and Response

§701. Methods of Release Detection

A. - A.8.a. ...

b. The release-detection method has been approved by the Office of Environmental Compliance on the basis of a

demonstration by the owner and operator that the method can detect a release as effectively as any of the methods allowed in Paragraphs A.3-8 of this Section. In comparing methods, the Office of Environmental Compliance shall consider the size of release that the method can detect and the frequency and reliability with which it can be detected. If the method is approved, the owner and operator must comply with any conditions imposed on its use by the Office of Environmental Compliance.

B. - B.4.b. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Underground Storage Tank Division, LR 16:614 (July 1990), amended by the Office of Environmental Assessment, LR 31:1072 (May 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2172 (October 2007), LR 34:2120 (October 2008), LR 38:

§703. Requirements for Use of Release Detection Methods

A. - C.2.e.ii. ...

iii. obtain approval from the Office of Environmental Compliance to use the alternate release detection method before the installation and operation of the new UST system.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Underground Storage Tank Division, LR 16:614 (July 1990), amended LR 17:658 (July 1991), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2559 (November 2000), amended by the Office of Environmental Assessment, LR 31:1073 (May 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2172 (October 2007), LR 34:1400 (July 2008), LR 34:2120 (October 2008), LR 37:

§715. Release Response and Corrective Action for UST Systems Containing Petroleum or Hazardous Substances

A. - C.f. ...

2. Within 20 days after release confirmation or another reasonable period of time determined by the department in writing, owners and operators must submit a report to the Office of Environmental Compliance summarizing the initial abatement steps taken under Paragraph C.1 of this Section and any resulting information or data.

D. - D.1.e. ...

2. Within 60 days of release confirmation or another reasonable period of time determined by the department in writing, owners and operators must submit the information collected in compliance with Paragraph D.1 of this Section to the Office of Environmental Compliance in a manner that demonstrates its applicability and technical adequacy, or in a format and according to the schedule required by the department.

E. Free Product Removal. At sites where investigations under Subparagraph C.1.f of this Section indicate the presence of free product, owners and operators must remove free product to the maximum extent practicable as determined by the Office of Environmental Compliance, while continuing, as necessary, any actions initiated under

Subsections B-D of this Section, or preparing for actions required under Subsections F-G of this Section. To meet the requirements of this Subsection, owners and operators must take the following actions.

1. - 3. ...

4. Unless directed to do otherwise by the department, prepare and submit to the Office of Environmental Compliance, within 45 days after confirming a release, a free product removal report that provides at least the following information:

E.4.a. - G.4. ...

a. notify the Office of Environmental Compliance of their intention to begin cleanup;

G.4.b. - H.4. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Underground Storage Tank Division, LR 16:614 (July 1990), amended LR 17:658 (July 1991), amended by the Office of the Secretary, LR 24:2253 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2559 (November 2000), LR 30:1677 (August 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2172 (October 2007), LR 37:

Chapter 9. Out-of-Service UST Systems and Closure

§903. Temporary Closure

A. - B.2....

3. submit a completed copy of the registration form UST-REG-01 to the Office of Environmental Compliance, indicating the dates the UST system was temporarily closed.

C. ...

D. When a UST system is temporarily closed for more than 24 months, owners and operators shall complete a site assessment in accordance with LAC 33:XI.907. The results of the assessment and documentation of compliance with the temporary closure requirements in Subsection A of this Section must be submitted in duplicate to the Office of Environmental Compliance within 60 days following the end of the 24-month temporary closure period.

E. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Underground Storage Tank Division, LR 16:614 (July 1990), amended LR 17:658 (July 1991), amended by the Office of Environmental Assessment, LR 31:1074 (May 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2520 (October 2005), LR 33:2173 (October 2007), LR 34:2120 (October 2008), LR 37:

§905. Permanent Closure and Changes-in-Service

A. At least 30 days before beginning either permanent closure or a change-in-service under Subsections B, C, and D of this Section, owners and operators must notify the Office of Environmental Compliance of their intent to permanently close or make the change-in-service, unless such action is in response to corrective action.

1.a. ...

b. notifying the appropriate regional office of the Office of Environmental Compliance by mail or fax at least seven days prior to implementing the removal or change.

A.2. - D....

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Underground Storage Tank Division, LR 16:614 (July 1990), amended LR 17:658 (July 1991), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2560 (November 2000), amended by the Office of Environmental Assessment, LR 31:1074 (May 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2173 (October 2007), LR 38:

§907. Assessing the Site at Closure or Change-in-Service

A. Before permanent closure or a change-in-service is completed, owners and operators must measure for the presence of a release where contamination is most likely to be present at the UST site, utilizing the procedure approved by the department. In selecting sample types, sample locations, and measurement methods, owners and operators must consider the method of closure, the nature of the stored substance, the type of backfill, the depth to groundwater, and other factors appropriate for identifying the presence of a release. Results of this assessment must be submitted in duplicate to the Office of Environmental Compliance within 60 days following permanent closure or change in service. The assessment results shall include a site diagram indicating locations where samples were collected and a written statement specifying which USTs have been closed.

B. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Underground Storage Tank Division, LR 16:614 (July 1990), amended LR 18:728 (July 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2560 (November 2000), amended by the Office of Environmental Assessment, LR 31:1074 (May 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2173 (October 2007), LR 38:

Chapter 11. Financial Responsibility

§1111. Financial Test of Self-Insurance

A. - C.5.b. ...

D. To demonstrate that it meets the financial test under Subsection B or C of this Section, the chief financial officer of the owner or operator, or guarantor, must sign, within 120 days of the close of each *financial reporting year*, as defined by the 12-month period for which financial statements used to support the financial test are prepared, a letter worded exactly as follows, except that the instructions in brackets are to be replaced by the relevant information and the brackets deleted. To prepare this letter, the owner or operator must use the form required by the department. This form may be obtained from the Office of Environmental Compliance.

Letter from Chief Financial Officer – F. ...

G. If the owner or operator fails to obtain alternate assurance within 150 days of finding that he or she no longer meets the requirements of the financial test based on the year-end financial statements, or within 30 days of notification by the administrative authority that he or she no longer meets the requirements of the financial test, the

owner or operator must notify the Office of Environmental Compliance of such failure within 10 days.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Underground Storage Tank Division, LR 16:614 (July 1990), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2560 (November 2000), LR 27:2232 (December 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2521 (October 2005), LR 33:2173 (October 2007), LR 38:

§1113. Guarantee

A. - A.2. ...

B. Within 120 days of the close of each financial reporting year the guarantor must demonstrate that it meets the financial test criteria of LAC 33:XI.1111 based on year-end financial statements for the latest completed financial reporting year by completing the letter from the chief financial officer described in LAC 33:XI.1111.D and must deliver the letter to the owner or operator. If the guarantor fails to meet the requirements of the financial test at the end of any financial reporting year, within 120 days of the end of that financial reporting year the guarantor shall send by certified mail, before cancellation or nonrenewal of the guarantee, notice to the owner or operator and to the Office of Environmental Compliance. If the Office of Environmental Compliance notifies the guarantor that he no longer meets the requirements of the financial test of LAC 33:XI.1111.B or C and D, the guarantor must notify the owner or operator within 10 days of receiving such notification from the Office of Environmental Compliance. In both cases, the guarantee will terminate no less than 120 days after the date the owner or operator receives the notification, as evidenced by the return receipt. The owner or operator must obtain alternative coverage as specified in LAC 33:XI.1139.C.

C. - D. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Underground Storage Tank Division, LR 16:614 (July 1990), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2561 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2521 (October 2005), LR 33:2174 (October 2007), LR 38:

§1123. Trust Fund

A. - C. ...

D. If the value of the trust fund is greater than the required amount of coverage, the owner or operator may submit a written request to the Office of Environmental Compliance for release of the excess.

E. If other financial assurance as specified in this Chapter is substituted for all or part of the trust fund, the owner or operator may submit a written request to the Office of Environmental Compliance for release of the excess.

F. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Underground Storage Tank Division, LR 16:614 (July 1990), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2561 (November 2000),

amended by the Office of the Secretary, Legal Affairs Division, LR 31:2521 (October 2005), LR 33:2174 (October 2007), LR 38:

§1129. Cancellation or Nonrenewal by a Provider of Financial Assurance

A. - A.2. ...

B. If a provider of financial responsibility cancels or fails to renew for reasons other than incapacity of the provider as specified in LAC 33:XI.1131, the owner or operator must obtain alternate coverage as specified in this Section within 60 days after receipt of the notice of termination. If the owner or operator fails to obtain alternate coverage within 60 days after receipt of the notice of termination, the owner or operator must notify the Office of Environmental Compliance of such failure and submit:

1. - 3. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Underground Storage Tank Division, LR 16:614 (July 1990), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2561 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2521 (October 2005), LR 33:2174 (October 2007), LR 38:

§1131. Reporting by Owner or Operator

A. An owner or operator must submit to the Office of Environmental Compliance the appropriate forms listed in LAC 33:XI.1133.B documenting current evidence of financial responsibility as follows.

A.1. - C. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Underground Storage Tank Division, LR 16:614 (July 1990), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2562 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2521 (October 2005), LR 33:2174 (October 2007), LR 38:

§1139. Bankruptcy or Other Incapacity of Owner or Operator or Provider of Financial Assurance

A. Within 10 days after commencement of a voluntary or involuntary proceeding under Title 11 (Bankruptcy), U.S. Code, naming an owner or operator as debtor, the owner or operator must notify the Office of Environmental Compliance by certified mail of such commencement and submit the appropriate forms listed in LAC 33:XI.1133.B documenting current financial responsibility.

B. ...

C. An owner or operator who obtains financial assurance by a mechanism other than the financial test of self-insurance will be deemed to be without the required financial assurance in the event of a bankruptcy or incapacity of its provider of financial assurance, or a suspension or revocation of the authority of the provider of financial assurance to issue a guarantee, insurance policy, risk retention group coverage policy, surety bond, or letter of credit. The owner or operator must obtain alternate financial assurance as specified in this Chapter within 30 days after receiving notice of such an event. If the owner or operator does not obtain alternate coverage within 30 days after such notification, he must notify the Office of Environmental Compliance.

D. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Underground Storage Tank Division, LR 16:614 (July 1990), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2562 (November 2000), amended by the Office of Environmental Assessment, LR 31:1578 (July 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2522 (October 2005), LR 33:2174 (October 2007), LR 34:1902 (September 2008), LR 38:

§1305. Categories of Certification and Requirements for Issuance and Renewal of Certificates

A. - B. ...

1. To qualify for an examination, a person need not be a resident of Louisiana. A person must provide, to the Office of Environmental Compliance, payment of the examination fee and meet the following requirements to be eligible for a UST certification examination.

B.1.a. - E. ...

F. Expiration and Renewal of Certificates

1. All UST certificates and certificate renewals shall expire December 31 of every second year. Applications for certificate renewal and payment of the renewal fee should be submitted to the Office of Environmental Compliance by November 1 of each year they expire. A person whose certificate has expired prior to his or her submission of evidence of compliance with Paragraph F.2 of this Section shall be considered a new applicant for certification.

F.2. - G.2. ...

H. Changes in Employment. It is incumbent upon a certified person to provide written notification to the Office of Environmental Compliance within 20 days after his or her knowledge of a change in employment.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Underground Storage Tank Division, LR 16:614 (July 1990), amended LR 17:658 (July 1991), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2562 (November 2000), LR 29:691 (May 2003), LR 29:2052 (October 2003), amended by the Office of Environmental Assessment, LR 30:2804 (December 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2522 (October 2005), LR 33:2175 (October 2007), LR 38:

§1309. Approval of Continuing Training Courses

A. No course in continuing education submitted to the Office of Environmental Compliance will be considered for approval unless the course:

1. - 2. ...

B. Applications for approval of specific training programs shall be submitted to the Office of Environmental Compliance in writing. Such submissions shall contain a complete course outline; training material; sample certificates; methodology for verifying attendance; date, time, and location of the course; the name of the offering organization; the credentials of the instructors; and a certification that the technology or methods that will be presented in the training program will satisfy department rules, and state and federal laws governing UST system installation, repair, or closure.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Underground Storage Tank Division, LR 17:658 (July 1991), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2562 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2522 (October 2005), LR 33:2175 (October 2007), LR 38:

Family Impact Statement

This Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

Public Comments

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by MM015. Such comments must be received no later than September 5, 2012, at 4:30 p.m., and should be sent to Deidra Johnson, Attorney Supervisor, Office of the Secretary, Legal Division, Box 4302, Baton Rouge, LA 70821-4302 or to fax (225) 219-4068 or by e-mail to deidra.johnson@la.gov. Copies of these proposed regulations can be purchased by contacting the DEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of MM015. These proposed regulations are available on the Internet at www.deq.louisiana.gov/portal/tabid/1669/default.aspx.

Public Hearing

A public hearing will be held on August 29, 2012, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 602 N. Fifth Street, Baton Rouge, LA 70802. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Deidra Johnson at the address given below or at (225) 219-3985. Two hours of free parking are allowed in the Galvez Garage with a validated parking ticket.

These proposed regulations are available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374; 201 Evans Road, Bldg. 4, Suite 420, New Orleans, LA 70123.

Herman Robinson, CPM
Executive Counsel

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Amend References to the Office of Environmental Assessment

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

The proposed Rule change will have no impact on state or local governmental expenditures. Act 48 of the 2010 Regular Legislative Session reorganized the Department of Environmental Quality and eliminated the Office of Environmental Assessment. The proposed Rule removes references to the Office of Environmental Assessment and replaces the references with either Office of Environmental

Services, Office of Environmental Compliance, or Office Management and Finance. The Rule change codifies current law into department rules.

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

There is no estimated effect on revenue collections of state or local governmental units as a result of the proposed Rule change.

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

There will be no costs to directly affected persons or non-governmental groups as a result of the proposed Rule change.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated effect on competition or employment in the public or private sector because of the proposed Rule change.

Herman Robinson, CPM
Executive Counsel
1207#077

Evan Brasseur
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Office of the Governor
Board of Tax Appeals**

Procedure and Practice before the Board

The following are the Rules and Regulations of the Procedure and Practice which shall be followed before the Board of Tax Appeals for the State of Louisiana.

The jurisdiction of the Board is authorized by R.S. 47:1407 shall extend to the following:

(1) All matters relating to appeals for the redetermination of assessments, or for the determination of overpayments, as provided in R.S. 47:1431 through 47:1438.

(2) All matters relating to the waiver of penalties, as provided in R.S. 47:1451.

All matters relating to claims against the State, as provided in R.S. 47:1481 through 47:1486.

These Rules are promulgated in accordance with R.S. 47:1413 which states: "In all other matters regarding the conduct of its hearings, the Board may prescribe and promulgate rules and regulations not inconsistent with law or the provisions of this chapter, which rules and regulations when prescribed, adopted, and promulgated shall be binding upon parties litigant in any cause over which the jurisdiction of this Board shall extend."

The Board reserves the right to amend, modify, waive or supplement these Rules in the interest of justice.

**Rules and Regulations of Procedure and Practice
before the Louisiana Board of Tax Appeals**

Part I

Rule 1—Persons Authorized to Practice before the Board:

The following persons are authorized to practice before the Board:

Any individual taxpayer or other contestant in a proceeding before the Board may appear and act for himself or for a partnership of which he is a member, and a taxpayer

corporation may be represented by a bona fide officer of the corporation, upon presentation of adequate identification to the board, in any proceedings to which the jurisdiction of the Board shall extend.

Attorneys at law, duly qualified and registered under the laws of the state, shall be entitled to represent any taxpayer or other contestant in any matter to which the jurisdiction of the board shall extend, provided that the board may, in its discretion, permit attorneys at law, duly qualified and registered under the laws of the several states or the District of Columbia to represent any taxpayer or other contestant in any matter to which the board's jurisdiction shall extend, in the same manner as such attorneys are permitted to practice in the courts of Louisiana.

Certified public accountants, duly qualified and licensed under the laws of this state or public accountants, shall be entitled to represent any taxpayer or other contestant in any matter to which the jurisdiction of the board shall extend, provided that the board may, in its discretion, permit certified public accountants, duly qualified and licensed under the laws of the several states or the District of Columbia, and public accountants to represent any taxpayer or other contestant in any matter to which the board's jurisdiction shall extend, in the same manner as such certified public accountants and public accountants are permitted to practice in Louisiana.

Enrolled agents duly qualified and licensed by the U.S. Department of the Treasury to represent taxpayers before all administrative levels of the Internal Revenue Service may represent any taxpayer or other contestant in any matter to which the jurisdiction of the board shall extend.

Rule 2—Business Hours:

The Board's office is located at 5615 Corporate Blvd, Ste. 600B, Baton Rouge, LA 70808. The Board's office will be open each business day, except for legal State and Federal holidays. All pleadings will be accepted and stamped filed between the office hours of 8:30 a.m. and 4:30 p.m.

Rules Relating To Tax Matters

Rule 3—Pleadings in General:

An original and four conformed copies of all pleadings and memoranda shall be filed with the Board.

All pleadings are to be signed by the individual who files them. The capacity in which he is acting, his mailing address and telephone number shall be stated below the signature.

The signing of the pleading will be construed to be the individual's statement that he is duly authorized to represent the taxpayer, that the allegations of the petition are true and correct to the best of his information and belief and that the capacity in which he acts is properly stated.

All pleadings filed subsequent to the original petition shall be accompanied by a Certificate of Service certifying that such pleadings have been served on all opposing parties or parties in interest in the case.

All pleadings shall have the following caption:

**Board of Tax Appeals
State of Louisiana**

.....
Petitioner
VS. B.T.A. Docket No.....
Department of Revenue
Respondent

Rule 4—The Petition:

The petition shall be comprised of numbered paragraphs of facts, and end with a prayer for the relief sought.

If the petition is an appeal for a redetermination of an assessment, a copy of the assessment shall accompany the petition and all copies of the petition. If the petition is for a determination of an overpayment, and the secretary has denied the request for a refund of the overpayment, then a copy of the secretary's denial shall accompany the petition and all copies of the petition.

Rule 5—The Answer:

The allegations of the petition must be categorically answered in numbered paragraphs corresponding to those of the petition. The answer shall admit or deny the allegations of the petition and state in short concise terms the material facts upon which the defenses to the action asserted are based, and shall set forth any affirmative defenses. An answer containing a general denial will not be considered sufficient unless the secretary, in good faith, has no information available to the secretary to otherwise respond to the petition.

The answer shall contain a signed certificate stating that a copy of the answer has been mailed to the party filing the petition. Answer shall be filed within a period of thirty days from the date of service of the petition.

Rule 6—Exceptions and Motions:

Motions, Rules and Exceptions shall be in writing, shall be accompanied by an Order setting them for hearing and shall be served in accordance with these rules.

Motions, Rules and Exceptions shall be heard by the Board by special setting, or referred to the merits of the case at the discretion of the Board.

Rule 7—Service:

All pleadings or documents filed, which are required to be served on opposing party may be served by first class U.S. mail or registered or certified mail with return receipt. A certificate of such service in accordance with Rule 3 shall be filed concurrently with the filing of such pleadings or documents.

Rule 8—Preliminary Matters:

The Board Administrator shall preside over the following preliminary matters:

- (a) Case reviews;
- (b) Status conferences;
- (c) Scheduling orders;
- (d) Any other matters assigned by the Board.

Rule 9—Hearings:

The Board will hold hearings no less than two days per month on dates set by the Board. The hearings will be held at the Board's office in Baton Rouge, Louisiana or such other place designated by the Board.

The Board shall issue a Scheduling Order for each case set for hearing before it. The Scheduling Order shall set dates and deadlines for pre-trial motions, setting/status conferences, and any other necessary matters. Failure to adhere to the provisions of the Scheduling Order, without the written permission of the Board, may result in the dismissal of the appeal or other sanctions.

Requests for a continuance shall be by motion, in writing, state the reason for the continuance and state that the opposing party has been contacted and whether opposing party is agreeable to the continuance. If the party requesting

the continuance was unable to contact the opposing party then that fact and what efforts were made to contact the opposing party shall be stated in the motion. An order setting the motion for hearing and an order granting the continuance shall be submitted at the same time as the motion requesting the continuance. The Chairman, at his discretion, may grant or deny the motion without hearing or set the motion for hearing.

Request for consolidation of cases for hearing shall be by motion and in writing. The Board, at its discretion, with or without a hearing, may grant a Motion for Consolidation of cases pending before the Board.

The attendance of the parties at the hearing on the merits of a case is compulsory, unless excused by the Board.

The rules of evidence followed by the district courts of Louisiana will be followed in hearings before the Board.

Rule 10—Stipulations:

Where pertinent facts are in dispute, the parties shall make a diligent effort to agree upon a stipulation of facts to be used in lieu of taking testimony.

Rule 11—Subpoenas:

Request for the Board to issue subpoenas for attendance of witnesses at trial or at a deposition and /or for the production of books, papers and documents pertaining to the matter under inquiry shall be in writing. The subpoena shall be prepared by the party requesting it. The subpoena must be submitted to the Board and signed by a member of the Board.

The party requesting the subpoena is responsible for having the subpoena properly served.

Rule 12—Memoranda:

Deadlines stating when each party's memoranda is due will be in the Board's Scheduling Order that shall be issued when a case is set for hearing.

The Board may order, at its discretion, post-hearing memoranda following the hearing of cases by the Board. All memoranda must be accompanied by a certificate of service by the party filing such stating that copies have been mailed, postage prepaid, to all opposing parties.

Rule 13—Computation of Time:

Computation of the delays provided herein shall be as provided in LSA-C.C.P. Article 5059.

Rule 14—Judgments:

Copies of judgments will be mailed to all parties by the party submitting the judgment.

Judgments become final as provided by R.S. 47:1438.

Rule 15—Review of Decision of the Board:

A judicial review of a decision or judgment of the Board shall be in accordance with LSA-R.S. 47:1434. There is no suspension or interruption of the time for appeal by a party filing a motion for new trial.

Rule 16—Filing Fees, Fees and Mileage of Witnesses:

The Board's filing fee schedule is as follows:

-Initial filings (under \$10,000 in controversy)

\$ no filing fee

-Initial filings (over \$10,000 in controversy)

\$250.00

-Additional and supplemental filings

\$ no filing fee

The Chairman, at his discretion, may reduce or waive the filing fees.

Any witnesses, subpoenaed for trial, or whose deposition is taken under R.S. 47:1409, shall receive the same fees and mileage as witnesses in courts of the State of Louisiana as provided by R.S.47:1409. Such fees and mileage and the expenses of taking such deposition shall be paid as follows:

In the case of witnesses for the Department of Revenue, such payments shall be made and the responsibility of the Department of Revenue.

In the case of any other witnesses, such payments shall be made, subject to rules prescribed by the board, by the party at whose instance the witness appears or deposition is taken.

No witness, other than one for the Department of Revenue, shall be required to testify in any proceeding before this Board until he shall have been tendered the fees and mileage to which he is entitled.

Part II

Rule 17—Waiver of Penalties:

At the discretion of the Board, and as allowed by law, penalties may be waived.

Part III

Rule 18—Claims against the State:

Any person who has a claim against the State of Louisiana, as provided by R.S. 47:1481, shall initiate same by petition in the following form:

(a) A caption as follows:

**Board of Tax Appeals
State of Louisiana**

.....
Petitioner
VS. B.T.A. Docket No.....
The State of Louisiana
Respondent
Petition for Claim against the State under R.S. 47:1481

(b) Proper allegations showing jurisdiction in the Board.

(c) Clear and concise statement of the nature and the amount of the claim.

(d) A prayer, setting forth the relief sought by the petitioner.

(e) The signature of the petitioner or that of his counsel. The signature of the counsel shall be in individual and not in firm name. The name and mailing address of the petitioner or of counsel shall be typed or printed immediately following the signature.

(f) A verification of the petitioner, a partner, or a bona fide officer of the corporation.

Burden of Proof:

The burden of proof shall always rest with the person presenting the claim.

No Appeal from Action of the Board:

As provided by R.S. 47:1486, an action of the Board rejecting or refusing to approve a claim under R.S. 47:1481 may not be appealed to the courts.

Rule 19—General Rule:

Where any of the rules herein adopted are of a general nature they shall be applicable to all matters within the jurisdiction of this Board and apply to all hearings held by the Board.

The Board reserves the right to amend, modify, wave or supplement these Rules in the interest of justice.

Effective Date:

These rules shall become effective August 1, 2012 superseding all prior Rules.

Mitchell R. Theriot
Chairman

1207#049

NOTICE OF INTENT

**Office of the Governor
Division of Administration
Patient’s Compensation Fund Oversight Board**

Patient’s Compensation Fund (LAC 37:III.Chapters 1-19)

The Patient’s Compensation Fund Oversight Board, under authority of the Louisiana Medical Malpractice Act, R.S. 40:1299.41 et seq., and in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., advertises its intent to amend LAC 37:III to (i) clarify the Oversight Board’s rules to be consistent with recently amended statutory law and current practices of the Oversight Board and the Patient’s Compensation Fund; (ii) provide consistency for self-insured health care providers, those healthcare providers utilizing self-insurance trust and those healthcare provider utilizing insurance to evidence their financial responsibility; (iii) reenact several provisions that had been inadvertently repealed in the past; (iv) extend the time for which healthcare providers have in providing to the executive director notice of claims that may reasonably impact the PCF; (v) require a healthcare provider who has filed an Exception of Prematurity to provide a copy of the Exception and the Petition for Damages to the Board; (vi) require a claimant who has filed a Petition for Damages on account of medical malpractice to provide a copy of said Petition for Damages to the Board; (vii) provide consistency between self-insured healthcare providers and those healthcare providers who are not self-insured with respect to failure to provide required reports to the Board; (viii) clarify, consistent with recently amended statutory law, information to be contained, at a minimum, in a malpractice complaint; (ix) repeal unnecessary transitional rules; (x) provide for an administrative hearing process consistent with Louisiana jurisprudence and past practices of the Board related to future medical care and related benefits; and (xi) clarify payment and/or reimbursement amounts for future medical care and related benefits to be consistent with past practices of the PCF.

**Title 37
INSURANCE**

**Part III. Patient’s Compensation Fund Oversight Board
Chapter 1. General Provisions**

§101. Scope

A. The rules of Part III provide for and govern the organization, administration, and defense of the Patient’s Compensation Fund (the fund or PCF) by the Louisiana Patient’s Compensation Fund Oversight Board (the board), within the Division of Administration; the requirements and procedures for enrollment with the fund by qualified health

care providers; the maintenance of required financial responsibility and continuing enrollment with the fund by enrolled health care providers; record keeping, accounting, and reporting of claims and claims data by the fund and enrolled health care providers; and defense of the fund and the payment of judgments, settlements and arbitration awards by the fund.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1299.44.D(3).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Patient's Compensation Fund Oversight Board, LR 18:167 (February 1992), amended by the Office of the Governor, Division of Administration, Patient's Compensation Fund Oversight Board by the Office of the Governor, Division of Administration, Patient's Compensation Fund Oversight Board, LR 38:

§105. Patient's Compensation Fund: Description

A. The Patient's Compensation Fund is a special fund established by R.S. 40:1299.44, funded by surcharges paid by private health care providers enrolled with the fund, to provide just compensation to patients suffering loss, damages, or expense as the result of professional malpractice in the provision of health care by health care providers enrolled with the fund, as provided by and subject to the limitations of R.S. 40:1299.42. Such fund, therefore, comprises monies held in trust as a custodial fund by the board for the use, benefit, and protection of medical malpractice claimants and the fund's private health care provider members. Responsibility and authority for administration and operation of the fund including, but not limited to, the evaluating, establishing reserves against, defending, and settling claims against the fund, establishing surcharge rates or rate changes on the basis of annual actuarial studies, and administering medical review panel proceedings under R.S. 40:1299.47, is vested in the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1299.44.D(3).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Patient's Compensation Fund Oversight Board, LR 18:167 (February 1992), amended by the Office of the Governor, Division of Administration, Patient's Compensation Fund Oversight Board, LR 38:

§109. General Definitions

A. As used in these rules, the following terms shall have the meanings specified:

1. - 2. ...

3. Provider Definitions

Enrolled Provider—an enrolled provider is one who has met the requirements for qualification in the Louisiana Patient's Compensation Fund (including the financial responsibility requirements of R.S. 40:1299.42) who also:

- i. is currently actively involved in medical practice and/or providing medical services in Louisiana; and
- ii. has paid the appropriate surcharge for such practice to the fund for their current policy year.

Qualified Provider—any provider who has met the statutory requirements for malpractice coverage with the Louisiana Patient's Compensation Fund. As long as the financial responsibility requirements for continued qualification in the form prescribed by §§505-509 of these rules, as applicable, are met, a provider need not be currently enrolled in the PCF.

4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1299.44.D(3).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Patient's Compensation Fund Oversight Board, LR 18:168 (February 1992), amended LR 23:68 (January 1997), LR 29:344 (March 2003), amended by the Office of the Governor, Division of Administration, Patient's Compensation Fund Oversight Board, LR 38:

§111. Interpretive Definitions

A. As used in these rules and in the Act, the following terms are interpreted and deemed to have the meanings specified.

Chiropractor—a person holding a license to engage in the practice of chiropractic in the state of Louisiana, pursuant to R.S. 37:2801-2830, as amended.

Clinical Nurse Specialist—an advanced practice registered nurse educated in a recognized nursing specialty area who is certified according to the requirements of a nationally recognized certifying body and approved by the Louisiana State Board of Nursing, pursuant to R.S. 37:911-935, as amended.

Dentist—a person holding a license to engage in the practice of dentistry in the state of Louisiana, pursuant to R.S. 37:751-793, as amended.

Nurse Midwife—a registered nurse certified by the Louisiana State Board of Nursing as a certified nurse midwife, pursuant to R.S. 37:3240-3257, as amended.

Nurse Practitioner—an advanced practice registered nurse educated in a specified area of care and certified according to the requirements of a nationally recognized accrediting agency and approved by the Louisiana State Board of Nursing, pursuant to R.S. 37:911-935, as amended.

Nursing Home—a private home, institution, building, residence or other place, licensed or provisionally licensed by the Department of Health and Hospitals, pursuant to R.S. 40:2009.2, as amended.

Pharmacist—a person holding a certificate of registration issued by the Louisiana Board of Pharmacy pursuant to R.S. 37:1171-1183, as amended.

Physical Therapist—a person holding a license to engage in the practice of physical therapy in the state of Louisiana, pursuant to R.S. 37:2401-2422, as amended.

Psychologist—a person holding a license to engage in the practice of psychology in the state of Louisiana, pursuant to R.S. 37:2351-2367, as amended.

Registered Nurse—a person holding a license to engage in the practice of nursing in the state of Louisiana, pursuant to R.S. 37:911-935, as amended.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1299.44.D(3).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Patient's Compensation Fund Oversight Board, LR 18:168 (February 1992), amended LR 29:344 (March 2003), by the Office of the Governor, Division of Administration, Patient's Compensation Fund Oversight Board, LR 38:

Chapter 3. Organization, Functions, and Delegations of Authority

§303. Executive Director of the Patient's Compensation Fund Oversight Board

A. The position of executive director of the Louisiana Patient's Compensation Fund Oversight Board is hereby established by the board as an unclassified position. The executive director shall be employed by the board and, subject to other provisions of law respecting qualification for and maintenance of governmental employment, hold such office at the pleasure of the board. In addition to other qualifications required by law for such office, the executive director shall be at least 21 years of age, a graduate of an accredited post-secondary college or university, and have had prior professional experience and training in insurance and actuarial science as appropriate to the executive director's responsibilities pursuant to these rules.

B. The executive director shall be responsible, and accountable to the board for the overall administration, operation, conservation, management, and defense of the fund to the extent of the responsibilities imposed on the board by the Act. Without limitation on the scope of such responsibility, the executive director shall be specifically responsible for:

1. - 9. ...

10. retention of an actuary for the fund in accordance with §701;

11. preparation and submission, in conjunction with the PCF's actuary, of the annual actuarial study and indicated surcharge rates and rate changes, to the board;

B.12. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1299.44.D(3).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Patient's Compensation Fund Oversight Board, LR 18:169 (February 1992), amended LR 29:344 (March 2003), by the Office of the Governor, Division of Administration, Patient's Compensation Fund Oversight Board, LR 38:

Chapter 5. Enrollment with the Fund

§505. Financial Responsibility: Insurance

A. A health care provider shall be deemed to have demonstrated the financial responsibility requisite to enrollment with the fund by submitting certification in the form of a certificate of insurance or policy declaration page that the health care provider is or will be insured on a specific date under a policy of insurance, insuring the health care provider against professional malpractice liability claims with indemnity limits of not less than \$100,000, plus interest per claim, aggregate annual indemnity limits of not less than \$300,000 plus interest for all claims arising or asserted within a 12-month policy period.

B. To be acceptable as evidence of financial responsibility pursuant to §505, an insurance policy:

1. must be issued:

a. by an insurance company admitted to do business in this state; or

b. by an unauthorized insurer which is on the list of approved unauthorized insurers maintained by the Commissioner of Insurance pursuant to R.S. 22:436 and which has:

i. a rating by A.M. Best and Co. of "A-" or higher; or

ii. a rating by Standard and Poor's of "AA-" or higher; or

iii. a rating by Moody's of "Aa" or higher; or

c. by a risk retention group organized and operating in this state pursuant to the Federal Liability Risk Retention Act of 1986, 15 U.S.C. 3901 et seq., and which has given notice of its operation within this state to the Commissioner of Insurance and is otherwise in compliance with the Louisiana Risk Retention Group Law, R.S. 22:481 et seq.; or

1.d. - 6. ...

C. The certification required by §505.A shall be issued and executed by an officer or authorized agent of the applicant health care provider's insurer and shall specifically identify the policyholder, the named insureds under such policy, the policy period, the limits of coverage, any exclusions, and any applicable deductible or uninsured retention. Upon request by the executive director, such certification shall be accompanied by a complete specimen copy of the applicable policy, or identification of the specific policy form if such form has previously been filed with and approved by the executive director.

D. ...

E. The insurance coverage required by this rule to demonstrate the requisite financial responsibility for qualification with the fund shall be deemed to be continuing without a lapse in coverage by the fund, provided that the health care provider meets the premium payment conditions of the underlying coverage and timely meets the surcharge payment conditions of §§711-713 of these rules, as applicable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1299.44.D(3).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Patient's Compensation Fund Oversight Board, LR 18:170 (February 1992), amended LR 21:394 (April 1995), LR 23:68 (January 1997), LR 24:333 (February 1998), LR 30:1017 (May 2004), by the Office of the Governor, Division of Administration, Patient's Compensation Fund Oversight Board, LR 38:

§507. Financial Responsibility: Self-Insurance

A. - D. ...

E.1. To maintain financial responsibility for continuing enrollment or qualification with the fund, a self-insured health care provider shall at all times maintain the unimpaired principal value of the deposit provided for by §507 at not less than \$125,000. The value of the health care provider's deposit shall be deemed impaired when any portion is seized or released pursuant to judicial process.

2. In the event that a self-insured health care provider's deposit provided for by §507 becomes impaired, the executive director shall give written notice of such impairment to the self-insured health care provider, and the self-insured health care provider shall, unless a longer period is provided for by the board, have five days from receipt of such notice to make such additional deposit as will restore the minimum deposit value prescribed by §507. A self-insured health care provider's enrollment with the fund shall terminate on and as of the later of the last day set by these rules or, if applicable, by the board, if the self-insured health care provider has not on or prior to such date restored the minimum deposit value prescribed by §507. In the case of multiple self-insured health care providers approved by the board to post one deposit, as set forth in §507.B, the

enrollment with the fund of each member of the group or each related entity shall terminate on and as of the last day set by these rules or, if applicable, by the board, if the self-insured health care provider has not on or prior to such date restored the minimum deposit value prescribed by §507.

F. A self-insured health care provider shall, within 120 days of receiving notice of a request for review of a malpractice claim, submit a report to the executive director of the anticipated exposure to the fund and the self-insured health care provider and containing sufficient details supporting the anticipated exposure. In addition, said self-insured health care provider shall provide updates to the executive director when significant changes in anticipated exposure occur.

G. A self-insured health care provider who evidences financial responsibility pursuant to §507 may, upon 45 days prior written notice to the executive director, withdraw any portion of the deposit prescribed by §507 provided that, following such withdrawal, the value of the deposit shall not be impaired.

H.1. A self-insured health care provider who has evidenced financial responsibility pursuant to §507 may withdraw the deposit prescribed by §507 upon authorization of the executive director. The security furnished as proof of financial responsibility, or a substitution which has been approved by the board, shall remain on deposit and pledged to the board during the term of the health care provider's enrollment as a self-insured health care provider with the fund and for the longer of a three-year period following termination of such enrollment or as long as any medical malpractice claim is pending, whether with the board or in a court of competent jurisdiction. After this time period, authorization may be given when the health care provider files with the executive director, not less than 30 days prior to the date such withdrawal is to be effected, a certificate signed by the health care provider, certifying:

1.a. - 2. ...

I. In the event that a health care provider's deposit becomes impaired, he shall have 30 days to make such additional deposit as will restore the minimum deposit value prescribed by §507. A health care provider's enrollment and qualification with the fund for all claims filed against the healthcare provider shall terminate on and as of the last day set by these Rules if the health care provider has not on, or prior to such date, restored the minimum deposit value prescribed by §507. In the case of multiple health care providers, as set forth in §507.B, the enrollment and qualification with the fund of each member of the group or each related entity for all claims filed against any or all of the members of the group or related entity shall terminate on and as of the last day set by these rules if the minimum deposit value prescribed by §507 has not been restored on or prior to such date.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1299.44.D(3).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Patient's Compensation Fund Oversight Board, LR 18:171 (February 1992), amended LR 18:737 (July 1992), LR 23:68 (January 1997), LR 29:344 (March 2003), by the Office of the Governor, Division of Administration, Patient's Compensation Fund Oversight Board, LR 38:

§509. Financial Responsibility: Self-Insurance Trusts

A. The shareholders of a professional corporation, the partners of a professional partnership, a solo practitioner, a health care provider institution, or a group of such institutions may demonstrate the financial responsibility requisite to enrollment with the fund by the establishment and maintenance of a financially and actuarially sound self-insurance trust, approved by the executive director, and making and maintaining, on behalf of such trust as an entity, a deposit of not less than \$125,000 in money or represented by irrevocable letters of credit, federally-insured certificates of deposit, or in bonds or securities approved by the executive director, of the principal value of not less than \$125,000.

B.1. The following bonds and securities shall be deemed approved by the board for purposes of the deposit required by §509:

a. bonds or securities not in default as to principal or interest which are the direct obligations of, or which are secured or guaranteed as to principal and interest by full faith and credit of the United States, any state or territory of the United States, or the District of Columbia;

b. government sponsored AAA rated securities which carry an implied guarantee from the United States Government;

c. bonds or evidence of indebtedness not in default as to principal or interest which are the direct obligations of, or which are secured or guaranteed as to principal and interest by the issuing body, the state, or political subdivision of this state, or any other state or territory of the United States or the District of Columbia;

d. the bond of an authorized surety company engaged in business in the state of Louisiana which has an A.M. Best rating of A+ VIII or better. In addition, the company should meet the stated minimum rating criteria for two of the following rating services:

i. Standard and Poor AA;

ii. Duff and Phelps AA;

iii. Moody's Aa2;

e. an unconditional letter of credit with an automatic renewal provision where the issuing bank carries a commercial paper rating of P-1 by Moody's and/or an A-1 by Standard and Poor;

f. an escrow account in the name of Patient's Compensation Fund where the issuing bank carries a commercial paper rating of P-1 by Moody's and/or an A-1 by Standard and Poor.

2. In addition to the above, a self-insurance trust may apply to the board for approval of any other security which, if approved by the board, shall constitute proof of financial responsibility.

3. In addition to depositing the money or original instrument evidencing the approved security with the board, a self-insured trust shall be required to execute a pledge agreement prescribed and supplied by the executive director and to provide evidence that written notice, stating that the approved security will be pledged to the board pursuant to the terms of the pledge agreement, has been given to the issuing body.

C. Money, accounts, certificates of deposit, or other approved insurance or securities deposited, pledged or assigned to the board pursuant to §509 shall not be assigned, transferred, sold, mortgaged, pledged, hypothecated or otherwise encumbered by the self-insurance trust nor shall any such deposit, account, or certificate of deposit be subject to writ of attachment, sequestration, or execution except pursuant to a final judgment or court-approved settlement issued or made in connection with and arising out of a malpractice claim against a member of the self-insurance trust.

D.1. To maintain financial responsibility for continuing enrollment or qualification with the fund, a self-insurance trust shall at all times maintain the unimpaired principal value of the deposit provided for by §509 at not less than \$125,000. The value of the self-insurance trust's deposit shall be deemed impaired when any portion is seized or released pursuant to judicial process.

2. In the event that a self-insurance trust's deposit provided for by §509 becomes impaired, the executive director shall give written notice of such impairment to the self-insurance trust, and the self-insurance trust shall, unless a longer period is provided by the board, have 30 days from receipt of such notice to make such additional deposit as will restore the minimum deposit value prescribed by §509. The enrollment of each member of a self-insurance trust with the fund shall terminate on and as of the last day set by these rules or, if applicable, by the board, if the self-insurance trust has not on or prior to such date restored the minimum deposit value prescribed by §509.

E. A self-insurance trust shall, within 120 days of one of its members receiving notice of a claim, submit a report of the anticipated exposure to the fund and the self-insurance trust and containing sufficient details supporting the anticipated exposure. In addition, the self-insurance trust shall provide updates to the executive director when significant changes in anticipated exposure occur.

F. A self-insurance trust approved by the executive director as evidence of financial responsibility shall be treated the same as insurance, and each health care provider covered by such a self-insurance trust shall be considered to have evidenced financial responsibility as provided in §505.

G. A self-insurance trust which evidences financial responsibility pursuant to §509 may, upon 45 days prior written notice to the executive director, withdraw any portion of the deposit prescribed by §509 provided that following such withdrawal, the value of the deposit shall not be impaired.

H.1. A self-insurance trust which has evidenced financial responsibility pursuant to §509 may withdraw the deposit prescribed by §509 upon authorization of the executive director. The security furnished as proof of financial responsibility, or a substitution which has been approved by the board, shall remain on deposit and pledged to the board during the term of the trust's members' enrollments as self-insured health care providers with the fund and for the longer of a three-year period following termination of such enrollment or as long as any medical malpractice claim is pending against the trust or any of its members, whether with the board or in a court of competent jurisdiction. After this time period, authorization may be given when the trust files with the executive director, not

less than 30 days prior to the date such withdrawal is to be effected, a certificate signed by the trustee of the trust, certifying:

a. the date that the last remaining member(s) of the trust terminated enrollment with the fund as self-insured health care provider(s);

b. that there are no medical malpractice claims against the trust or any of its members pending with the board or in a court of competent jurisdiction;

c. that there are no unpaid final judgments or settlements against or made by the trust or any of its members in connection with or arising out of a malpractice claim; and

d. that there are no unasserted medical malpractice claims which are probable of assertion against the trust or any of its members.

2. Effective as of the date on which a self-insurance trust's deposit is withdrawn pursuant to §509, the trust members' enrollment and qualification with the fund shall be terminated.

I. Application to the executive director for approval of a self-insurance trust as evidence of financial responsibility shall include:

1. identification of, by name, address, and category of each practitioner or each shareholder of an applicant professional corporation, each partner of an applicant professional partnership or each health care institution participating in the self-insurance trust;

2. a certified copy of the self-insurance trust instrument and any related organizational or operational documents;

J. The executive director shall approve of a self-insurance trust if such trust meets the requirements of the Health Care Financing Administration's (HCFA) *Medicare Provider Reimbursement Manual*, Part 1, §2162.7, related to self-insurance trusts. Those standards shall not, however, be exclusive and the executive director may approve such other qualified self-insurance trusts as appropriate, although they do not meet those requirements.

K. Each self-insurance trust approved by the executive director as evidence of financial responsibility pursuant to §509 shall be subject to audit or examination upon reasonable prior notice to the trustees thereof. Upon request by the executive director, each such trust shall, within 60 days of the conclusion of its fiscal year, file with the executive director financial statements setting forth the financial condition of the trust at the last day of the preceding year and for the year then ended, audited or reviewed by an independent certified public accountant.

L. Each self-insurance trust approved by the executive director as evidence of financial responsibility pursuant to §509 shall give written notice to the executive director within 10 days of any date that:

1. the trust instrument or other organizational or operational documents are amended; or

2. any participating member of the trust ceases to be a member or any new member begins participation with the trust

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1299.44.D(3).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Patient's Compensation Fund Oversight Board, LR 18:172 (February 1992), amended LR 18:737 (July 1992), LR

23:69 (January 1997), LR 29:345 (March 2003), by the Office of the Governor, Division of Administration, Patient's Compensation Fund Oversight Board, LR 38:

§511. Coverage: Partnerships and Professional Corporations

A. When, and during the period that, each shareholder, partner, member, agent, officer, or employee of a corporation, partnership, limited liability partnership, or limited liability company, who is eligible for qualification as a health care provider under the Act, and who is providing health care on behalf of such corporation, partnership, or limited liability company, is enrolled with the fund as a health care provider, having paid the applicable surcharges due the fund and demonstrated and maintained financial responsibility in accordance with the standards prescribed by §§503-511 for enrollment of such individual, such corporation, partnership, limited liability partnership, or limited liability company shall, without the payment of an additional surcharge, be deemed concurrently qualified and enrolled as a health care provider with the fund when, and during the period that such corporation, partnership, limited liability partnership, or limited liability company demonstrates and maintains financial responsibility in accordance with the standards prescribed by §§503-511. Any such corporation, partnership, limited liability partnership, or limited liability company which fails to provide proof of financial responsibility upon request of the fund after the filing of a request for review of a claim under R.S. 40:1299.47 or after the filing of a lawsuit alleging medical malpractice, shall not be deemed concurrently qualified and enrolled as a health care provider under this Part.

B. The corporation, partnership, limited liability partnership, or limited liability company shall furnish to the board, concurrently with its enrollment and renewal application, the name(s) of each shareholder, partner, member, agent, officer, or employee who is eligible for qualification and enrollment with the fund as a health care provider and evidence of its financial responsibility in accordance with the standards prescribed by §§503-511.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1299.44.D(3).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Patient's Compensation Fund Oversight Board, LR 18:173 (February 1992), amended LR 29:345 (March 2003), LR 30:1017 (May 2004), by the Office of the Governor, Division of Administration, Patient's Compensation Fund Oversight Board, LR 38:

§513. Enrollment Procedure

A. ...

B. The application shall be accompanied by evidence of financial responsibility in the form prescribed by §§505-509 of these rules, as applicable, and the applicable surcharge.

C. If the executive director determines that an applicant is not eligible for enrollment with the fund, he shall notify the applicant within 15 days of receipt of the completed application. The applicant may, within 15 days of receipt of the notice, appeal the determination to the board by mailing notice of said appeal to the executive director. If appealed timely, the matter shall be placed on the agenda of the next meeting of the board, at which time the board may hear such evidence as it deems appropriate and uphold or reverse the decision of the executive director. The decision of the board shall be final.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1299.44.D(3).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Patient's Compensation Fund Oversight Board, LR 18:173 (February 1992), by the Office of the Governor, Division of Administration, Patient's Compensation Fund Oversight Board, LR 38:

§515. Certification of Enrollment

A. ...

B. Duplicate or additional certificates of enrollment shall be available to and upon the request of an enrolled health care provider or his or its attorney, or professional liability insurance underwriter when such certification is required to evidence enrollment or qualification with the fund in connection with an actual or proposed malpractice claim against the health care provider.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1299.44.D(3).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Patient's Compensation Fund Oversight Board, LR 18:173 (February 1992), amended LR 23:69 (January 1997), LR 29:346 (March 2003), LR 30:1018 (May 2004), by the Office of the Governor, Division of Administration, Patient's Compensation Fund Oversight Board, LR 38:

§517. Expiration, Renewal of Enrollment

A. Enrollment with the fund expires:

1. as to a health care provider evidencing financial responsibility by certification of insurance pursuant to §505 of these rules, on and as of:

a. the effective date and time of termination or cancellation of the policy of the health care provider's professional liability insurance coverage; or

b. the last day of the applicable period for which the prior annual surcharge applied in the event that the annual surcharge for renewal coverage is not paid by the health care provider to the insurer on or before 30 days following the expiration of the prior enrollment period.

2. as to a health care provider evidencing financial responsibility pursuant to §§507-509 of these rules, on and as of:

a. the effective date and time of termination, cancellation or impairment of the health care provider's financial responsibility; or

b. the last day of the applicable period for which the prior annual surcharge applied in the event that the annual surcharge for renewal coverage is not paid by the health care provider to the board or to the self-insurance trust on or before 30 days following the expiration of the prior enrollment period.

B. Enrollment with the fund must be annually renewed by each enrolled health care provider on or before expiration of the enrollment period by submitting to the executive director an application for renewal, upon forms supplied by the executive director, and payment of the applicable surcharge in accordance with the rules hereof providing for the fund's billing and collection of surcharges from insured and self-insured health care providers. Each insured health care provider shall cause the insurer to submit a certificate of insurance to the executive director along with the application for renewal. Each self-insured health care provider and each health care provider covered by a self-insurance trust shall submit, along with the application for renewal, original documents which indicate that the health care provider's deposit with the board is current and/or not in default.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1299.44.D(3).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Patient's Compensation Fund Oversight Board, LR 18:174 (February 1992), amended LR 29:346 (March 2003), repromulgated LR 29:579 (April 2003), by the Office of the Governor, Division of Administration, Patient's Compensation Fund Oversight Board, LR 38:

§519. Cancellation, Termination of Enrollment

A. A health care provider's enrollment with the fund for all claims filed against the healthcare provider shall be canceled and terminated:

1. as to a health care provider evidencing financial responsibility by certification of insurance pursuant to §505 of these rules, on and as the effective date of cancellation of the health care provider's professional liability insurance coverage;

2. as to a health care provider evidencing financial responsibility pursuant to §§507-509 of these rules, on and as of any date on which:

a. the health care provider or self-insurance trust, as applicable, ceases to maintain financial responsibility in the amount and form prescribed by these rules; or

b. the health care provider or self-insurance trust, as applicable, fails, within the allowed time after notice by the executive director, to provide additional security for financial responsibility when existing financial responsibility security is impaired all as provided in §§507-509 of these rules.

3. on any date that the health care provider's professional or institutional license, certification, or registration is suspended or revoked or that the health care provider ceases to be a health care provider as defined by the Act and these rules or otherwise ceases to be eligible for enrollment hereunder.

B. Upon written notice to a health care provider, the executive director may cancel and terminate a health care provider's enrollment with the fund, effective 30 days following the mailing by registered or certified mail, return receipt requested, or giving of such notice in the event that an enrolled health care provider has failed or refused to timely provide any reports or submit any information or data required to be reported or submitted by these rules, including but not limited to those provided for in §1101. If, within 30 days of receipt of such a notice, a health care provider furnishes to the board any and all delinquent reports, information, and data, as specified by such notice, the health care provider's enrollment with the fund may be continued in effect.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1299.44D.(3).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Patient's Compensation Fund Oversight Board, LR 18:174 (February 1992), repealed LR 29:346 (March 2003), amended by the Office of the Governor, Division of Administration, Patient's Compensation Fund Oversight Board, LR 38:

Chapter 7. Surcharges

§711. Payment of Surcharges: Insurers and Self-Insurance Trusts

A. Applicable surcharges for enrollment and qualification with the fund shall be collected on behalf of the board by commercial professional health care liability insurance companies and approved self-insurance trusts

from insured health care providers electing to enroll and qualify with the fund. Such surcharges shall be collected by such insurers and trusts at the same time and on the same basis as such insurers' and trust's collection of premiums or contributions from such insureds. Surcharges collected by such insurers and trusts on behalf of the board shall be due and payable and remitted to the board by such insurers and trusts within 30 days from the date on which such surcharges are collected from any insured health care provider.

B. ...

C. Failure of the commercial professional health care liability insurers, agents of the insurer, risk manager, or surplus line agent, and approved self-insurance trust funds to remit payment within 30 days of collecting such annual surcharge may subject the commercial professional liability insurers, commercial insurance underwriters, and approved self-insurance trust funds to a penalty, the amount of which will be set by the board on an annual basis, not to exceed 12 percent of the annual surcharge, and all reasonable attorney fees. Upon the failure of the commercial professional health care liability insurers, commercial insurance underwriters and approved self-insurance trust funds to remit as provided in §711, the board may institute legal proceedings to collect the surcharge, together with penalties, legal interest, and all reasonable attorney fees.

D. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1299.44.D(3).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Patient's Compensation Fund Oversight Board, LR 18:176 (February 1992), amended LR 20:432 (April 1994), LR 23:69 (January 1997), LR 29:346 (March 2003), amended by the Division of Administration, Patient's Compensation Fund Oversight Board, LR 36:2558 (November 2010), by the Office of the Governor, Division of Administration, Patient's Compensation Fund Oversight Board, LR 38:

§715. Amount of Surcharges; Form of Coverage;

Conversions

A. A health care provider qualified for enrollment by evidence of liability insurance pursuant to §505, or by evidence of participation in an approved self-insurance trust pursuant to §509, shall pay the most recently approved rate which is applicable to his provider type, years enrolled in the fund, and which most closely corresponds to the class and form of coverage of said primary liability insurance or self-insurance trust. The form of coverage provided by the board shall be identical to that provided by the qualifying policy of insurance or self-insurance except where the policy conflicts with applicable law or regulation.

B. A health care provider qualified for enrollment by evidence of self-insurance pursuant to §507 shall pay the most recently approved fund surcharge amount which is applicable to self-insured coverage and to his provider type. The form of coverage provided by the fund shall be self-insured coverage as defined in §109.A of these rules.

C.1. When a health care provider who had previously purchased claims-made coverage from the board elects to purchase occurrence coverage from or discontinue enrollment in the fund, he shall not have coverage afforded by the fund for any claims arising from acts or omissions occurring during the fund's claims-made coverage but asserted after the termination of the claims-made coverage unless he evidences financial responsibility for those claims

either by purchasing an extended reporting endorsement or posting a deposit with the board pursuant to §507 and pays, on or before 45 days following the termination of the claims-made coverage, the surcharge applicable to fund tail coverage for the corresponding claims-made period(s).

2. When a health care provider who had previously purchased claims-made coverage from the board elects to purchase self-insured coverage from the fund, he shall not have coverage afforded for any claims arising from acts or omissions occurring during the fund's claims-made coverage but asserted after the termination of the claims-made coverage, unless he evidences financial responsibility for those claims either by purchasing an extended reporting endorsement or posting a second deposit with the board pursuant to §507 and pays, on or before 45 days following the termination of the claims-made coverage, the surcharge applicable to fund tail coverage for the corresponding claims-made period(s).

3. In special circumstances, the executive director or board may, at its discretion, waive or defer the payment of an additional surcharge and allow tail coverage to a provider without the payment of the applicable surcharge. Each such case requires an individual written request for relief to the board, and will be decided on individual circumstances. The board's criteria for such decisions shall include, but not be limited to:

- a. the reason for such request;
- b. the length and basis of the provider's enrollment with the fund;
- c. the potential claims liability to the fund;
- d. the provider's intention to cease or continue to practice in Louisiana; and
- e. the potential effects if the fund refuses to allow such relief.

D. When a health care provider who had previously purchased claims-made coverage from the fund permanently retires from the practice of medicine after 10 consecutive years of enrollment, or when an institutional provider and any successors who had previously purchased claims-made coverage from the fund permanently ceases to do business and/or practice medicine after 10 consecutive years of coverage, or when a health care provider who had previously purchased claims-made from the board dies or becomes permanently disabled, then the surcharge to the board for tail coverage for claims occurring during the existence of the fund claims-made coverage shall be considered to have been paid. However, continuous PCF coverage under this rule shall only apply if the affected provider or institution maintains continuous financial responsibility either through insurance coverage or submission of the security required for self-insurance under §507, including underlying insurance tail coverage, for the primary \$100,000 for each claim. Further, this rule shall only apply to the successor of an institutional provider to the extent that the predecessor business entity was enrolled, and only to the single business entity which had been previously enrolled. This rule shall not apply to other business entities of the successor provider.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1299.44.D(3).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Patient's Compensation Fund Oversight Board, LR 23:69 (January 1997), amended LR 29:347 (March 2003), LR

30:1018 (May 2004), by the Office of the Governor, Division of Administration, Patient's Compensation Fund Oversight Board, LR 38:

Chapter 9. Scope of Coverage

§901. Effective Date

A. A health care provider who qualifies for enrollment with the fund by demonstrating financial responsibility through professional liability insurance pursuant to §505 of these rules or by participation in an approved self-insurance trust pursuant to §509 of these rules, shall be deemed to become and be enrolled with the fund effective as of the date on which the surcharge payable by or on behalf of such health care provider is timely collected in accordance with §711 hereof and the applicable policies and procedures of the insurer or trust for premium payments. If such surcharge is not timely collected, the effective date of enrollment with the fund shall be the date on which such surcharge is paid to the fund, the insurer, agent or trust.

B. A health care provider who qualifies for enrollment with the fund by demonstrating financial responsibility by self-insurance pursuant to §507 of these rules, shall be deemed to become and be enrolled with the fund effective as of the date on which the surcharge payable by or on behalf of such health care provider is timely collected by the board in accordance with §713 hereof. If such surcharge is not timely collected, the effective date of enrollment with the fund shall be the date on which such surcharge is collected or accepted by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1299.44.D(3).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Patient's Compensation Fund Oversight Board, LR 18:176 (February 1992), amended LR 23:70 (January 1997), LR 29:347 (March 2003), by the Office of the Governor, Division of Administration, Patient's Compensation Fund Oversight Board, LR 38:

§903. Term of Enrollment

A. The enrollment of a health care provider qualified for enrollment by evidence of liability insurance pursuant to §505 hereof shall expire on and as of the earlier of the date on which the policy period of the insurance policy evidencing such financial responsibility expires or not more than one year from the date on which such health care provider's enrollment became effective.

B. The enrollment of a health care provider qualified for enrollment by evidence of self-insurance pursuant to §507 hereof shall expire not more than one year from the date on which such health care provider's enrollment became effective.

C. The enrollment of a health care provider qualified for enrollment by evidence of participation in approved self-insurance trust pursuant to §509 of these rules shall expire on and as of the earlier of the date on which the health care provider ceases to be a participating member of such trust or not more than one year from the date on which such health care provider's enrollment became effective.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1299.44.D(3).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Patient's Compensation Fund Oversight Board, LR 18:177 (February 1992), by the Office of the Governor, Division of Administration, Patient's Compensation Fund Oversight Board, LR 38:

§905. Scope of Coverage: Insureds

A. With respect to health care providers enrolled with the fund by evidence of liability insurance pursuant to §505 hereof, subject to the limitation of liability prescribed by the Act, the fund shall be liable for compensation for claims asserted against the health care provider only within the scope of coverage afforded by, and subject to the limitations and exclusions of, the policy of professional liability insurance evidencing the health care provider's financial responsibility and subject to the payment of the applicable surcharges.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1299.44.D(3).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Patient's Compensation Fund Oversight Board, LR 18:177 (February 1992), by the Office of the Governor, Division of Administration, Patient's Compensation Fund Oversight Board, LR 38:

§907. Scope of Coverage: Self-Insureds

A. With respect to health care providers enrolled with the fund by evidence of self-insurance pursuant to §507 hereof, the fund shall be obligated to pay compensation to the extent provided by the Act only with respect to claims arising from an incident which occurred during the effective period of enrollment, regardless of whether the provider was actively enrolled on the date on which the claim was reported, so long as the provider continues to meet the financial responsibility requirements of R.S. 40:1299.42 for continued qualification.

B. The fund's obligation for compensation shall extend to the vicarious liability of an enrolled health care provider for acts or omissions of any employee or agent of the provider when acting within the course and scope of his or her employment, except any employee individually eligible for enrollment with the fund employed by the health provider when such employed person is not enrolled with the fund. The fund's obligation for compensation does not and shall not extend to any liability or obligation of a health care provider, which the health care provider has assumed or undertaken by contract or agreement, to indemnify, defend or hold harmless any other person, firm or corporation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1299.44.D(3).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Patient's Compensation Fund Oversight Board, LR 18:177 (February 1992), amended LR 23:70 (January 1997), by the Office of the Governor, Division of Administration, Patient's Compensation Fund Oversight Board, LR 38:

§909. Scope of Coverage: Self-Insurance Trusts

A. With respect to health care providers enrolled with the fund by evidence of participation in an approved self-insurance trust pursuant to §509 hereof, subject to the limitation of liability prescribed by the Act, the fund shall be liable for compensation for claims asserted against the health care provider only within the scope of coverage afforded by, and subject to the limitations and exclusions of, the self-insurance trust instrument evidencing the health care provider's financial responsibility and subject to the payment of the applicable surcharges.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1299.44.D(3).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Patient's Compensation Fund Oversight Board, LR 18:177 (February 1992), by the Office of the Governor, Division of

Administration, Patient's Compensation Fund Oversight Board, LR 38:

Chapter 11. Reporting

§1101. Notice of Claims, Reserves, Proposed Settlement

A. Within 90 days of the date on which a malpractice claim is asserted, or of the date on which a claim that may reasonably impact the fund becomes probable of assertion, against an enrolled health care provider, the health care provider, or the health care provider's liability insurer, shall give notice of such claim to the executive director, if the executive director has not previously received notice of the claim or medical review panel request. Such notice shall include identification of the person or persons asserting the claim, the nature of the claim, the circumstances surrounding and the date or dates of the occurrences giving rise to the claim. Such notice shall also advise of the name and address of the attorney at law, if any, retained by the health care provider or his or its insurer to represent the health care provider in defense of the claim. If an attorney has not been retained by the health care provider or insurer at the time of such notice, notice shall thereafter be given to the executive director within 10 days of the retention of an attorney to represent the health care provider.

B. Upon the assertion of a claim that may reasonably exceed the limitation of liability afforded the health care provider under the Act against an insured health care provider enrolled with the fund or against a self-insured health care provider which establishes reserves against individual claims, the health care provider or his or its insurer, as the case may be, shall promptly give notice to the executive director of the amount of indemnity that has been established and allocated to the claim by the health care provider or insurer. Within 30 days of the adjustment or modification of any such reserve, a health care provider or insurer shall give notice of such adjustment or modification to the executive director.

C. Each health care provider enrolled with the fund, or the insurer of an enrolled health care provider on behalf of such health care provider, shall give not less than 10 days prior written notice to the executive director of any proposed compromise or settlement of a malpractice claim asserted against the health care provider.

D. Within 20 days of the receipt of a malpractice claim against an enrolled health care provider in the form of a lawsuit, the health care provider, or the health care provider's liability insurer, shall furnish a copy of the lawsuit to the PCF. The health care provider, or the health care provider's liability insurer, shall also furnish to the PCF within 20 days of receipt, a copy of all amending pleadings related to the lawsuit. In any civil action or proceeding in which a health care provider files a dilatory exception of prematurity pursuant to Code of Civil Procedure Article 926(A)(1), said health care provider shall send a copy of the exception and the petition for damages to the board, via certified mail, return receipt requested, concurrently with serving the parties to the civil action or proceeding.

E. Upon filing a petition for damages in court for bodily injuries to or death of a patient on account of medical malpractice, the claimant shall send, by certified mail, return receipt requested, a copy of said petition for damages to the board. The claimant shall also provide written notice to the board of the trial date in such proceeding.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1299.44.D(3).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Patient's Compensation Fund Oversight Board, LR 18:177 (February 1992), amended LR 29:348 (March 2003), by the Office of the Governor, Division of Administration, Patient's Compensation Fund Oversight Board, LR 38:

§1103. Claims Experience Reporting: Insurers, Institutions and Self-Insured

A. On or before August 1 of each year, each insurance company, approved risk retention group, and approved self-insurance trust fund then providing professional health care liability insurance to any health care providers enrolled with the fund, and each enrolled self-insured health care provider shall file with the fund, through the executive director, a summary of the health care liability claims experience of such health care provider or insurer fully developed for each of the most recently concluded 5 calendar years or for such fewer years as the health care provider or insurer has engaged in business in the state. Claims experience data filed by insurance companies shall include data for all health care providers insured by such insurer in the state and enrolled with the fund.

B. The reports required by this rule shall contain such information and data and shall be made and filed upon and in accordance with such forms, instructions, and array as may be specified and supplied by the executive director, all of which shall be distributed to those required to report no later than the preceding April 1.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1299.44.D(3).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Patient's Compensation Fund Oversight Board, LR 18:178 (February 1992), by the Office of the Governor, Division of Administration, Patient's Compensation Fund Oversight Board, LR 38:

§1105. Noncompliance; Failure to Report

A. Noncompliance with the reporting and notice requirements prescribed by these rules shall be deemed adequate and sufficient legal grounds for the cancellation and termination of enrollment of any enrollee of the fund. The executive director shall give written notice via certified mail to any health care provider and if applicable, the insurer or trust which, being required to provide reports under these rules, fails to do so within the time specified. The enrollment of a health care provider who does not submit, or have submitted by his insurer, trust or legal representative, the required reports in proper form may be terminated 30 days following the mailing of such notice by the executive director if the health care provider has not before such date filed the required reports in proper form.

B. Noncompliance with the reporting and notice requirements prescribed by these rules shall be deemed adequate and sufficient legal grounds for the cancellation and termination of the enrollment of any self-insured health care provider, approved risk retention group or self-insurance trust failing or refusing to report as required by these rules. The executive director shall give written notice by certified mail to any self-insured health care provider which, being required to provide reports under these rules, fails to do so within the time specified. The enrollment of a health care provider who does not submit the required reports in proper form may be terminated 30 days following the mailing of such notice by the executive

director if the health care provider has not before such date filed the required reports in proper form.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1299.44.D(3).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Patient's Compensation Fund Oversight Board, LR 18:178 (February 1992), by the Office of the Governor, Division of Administration, Patient's Compensation Fund Oversight Board, LR 38:

§1107. Confidentiality

A. All reports, notices, communications, information, records, and data made or given to the executive director, the board or to their agents or contractors pursuant to the provisions of Chapter 11 shall be deemed privileged and confidential by and in the possession of the executive director, the board and/or their agents and contractors, and unless ordered by a court of competent jurisdiction after a contradictory hearing, shall not be disclosed to any third party pursuant to request, subpoena, or otherwise without the express written authorization and consent of the person, office, or entity making or giving, or originally possessing any such reports, notices, communications, information, records, or data. This rule shall not, however, prohibit disclosure or publication after prior consent of the board of aggregated information or data from which information or data relative to individual health care providers may not be discerned.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1299.44.D(3).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Patient's Compensation Fund Oversight Board, LR 18:178 (February 1992), by the Office of the Governor, Division of Administration, Patient's Compensation Fund Oversight Board, LR 38:

Chapter 13. Fund Data Collection, Maintenance; Accounting and Reporting

§1301. Fund Data Collection, Maintenance

A. All information and data collected by or reported to the board relating to the administration, operation, or defense of the fund shall be recorded and maintained by the board. All of such information and data shall, to the extent reasonably possible, be electronically computer database stored and maintained so as to be readily and efficiently accessible for utilization in the processing of applications for enrollment, in establishment and adjustment of claim reserves and reserves for incurred but not reported claims, in the preparation and analysis of claims experience data in connection with the development of surcharge rate filings, and in the defense of the fund.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1299.44.D(3).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Patient's Compensation Fund Oversight Board, LR 18:178 (February 1992), by the Office of the Governor, Division of Administration, Patient's Compensation Fund Oversight Board, LR 38:

§1303. Fund Accounting

A. The executive director shall be responsible for maintaining accounts and records for the board as may be necessary and appropriate to accurately reflect the financial condition of the fund on a continuing basis.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1299.44.D(3).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Patient's Compensation Fund Oversight Board, LR

18:178 (February 1992), by the Office of the Governor, Division of Administration, Patient's Compensation Fund Oversight Board, LR 38:

§1305. Annual Budget

A. The executive director shall annually project revenue and expense budgets for the fund for the succeeding fiscal year in accordance with the provisions of R.S. 40:1299.44(A)(5)(f). Such budget shall reflect all revenues projected to be collected or received by or accruing to the fund during such fiscal year, together with the projected expenses of the administration, operation, and defense of the fund and satisfaction of its liabilities and obligations. Such budgets shall be submitted to the board for its approval, and as approved by the board, submitted on or before the following January 1 to the joint legislative committee on the budget, Senate Judiciary A, House Civil Law and Procedures, Legislative Auditor, Division of Administration and the legislative fiscal office, in accordance with R.S. 40:1299.44(A)(5)(f).

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1299.44.D(3).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Patient's Compensation Fund Oversight Board, LR 18:178 (February 1992), by the Office of the Governor, Division of Administration, Patient's Compensation Fund Oversight Board, LR 38:

§1307. Appropriation Request

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1299.44.D(3).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Patient's Compensation Fund Oversight Board, LR 18:179 (February 1992), repealed by the Office of the Governor, Division of Administration, Patient's Compensation Fund Oversight Board, LR 38:

§1309. Periodic Reports

A. The executive director shall prepare or cause to be prepared statements of the financial condition of the fund at least quarterly and shall post such reports on the board's website. Such statement may be prepared, at the election of the executive director, in accordance with generally accepted accounting principles relating to accounting for governmental funds.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1299.44.D(3).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Patient's Compensation Fund Oversight Board, LR 18:179 (February 1992), by the Office of the Governor, Division of Administration, Patient's Compensation Fund Oversight Board, LR 38:

§1311. Annual Report

A. Each year, the executive director shall cause to be prepared an annual statement of the financial condition of the fund, which statement shall be in the form of the annual report required to be filed by the Division of Administration and the Legislative Auditor. Such statement shall be submitted to the board, Division of Administration and the legislative auditor. Such statement shall be a public record and posted on the board's website.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1299.44.D(3).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Patient's Compensation Fund Oversight Board, LR 18:179 (February 1992), amended LR 19:204 (February 1993), by

the Office of the Governor, Division of Administration, Patient's Compensation Fund Oversight Board, LR 38:

Chapter 14. Medical Review Panels

§1401. Procedure

A. Except as otherwise provided by the Act, all malpractice claims against health care providers shall be reviewed by a medical review panel. The composition and operation of a medical review panel shall be in accordance with R.S. 40:1299.47.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1299.44.D(3).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Patient's Compensation Fund Oversight Board, LR 29:348 (March 2003), by the Office of the Governor, Division of Administration, Patient's Compensation Fund Oversight Board, LR 38:

§1403. Malpractice Complaint

A. A "request for review of a malpractice claim" or "malpractice complaint" shall contain, at a minimum:

1. a request for the formation of a medical review panel;
2. full name of only one patient for whom, or on whose behalf, the request for review is being filed; however, if the claim involves the care of a pregnant mother and her unborn child, then naming only the mother as the patient shall be sufficient;
3. full name(s) of the claimant(s);
4. full name(s) of defendant health care providers;
5. date(s) of alleged malpractice;
6. brief description of alleged malpractice as to each named defendant; and
7. brief description of alleged injuries.

B. The request for review of a malpractice claim shall be deemed filed on the date of receipt of the complaint stamped and certified by the board or on the date of mailing of the complaint if mailed to the board by certified or registered mail.

C. Within 15 days of receiving a malpractice complaint, the board shall:

1. confirm to the claimant that the malpractice complaint has been officially received and whether or not the named defendant(s) are qualified for the malpractice claim;
2. notify all named defendant(s) that a malpractice complaint requesting the formation of a medical review panel has been filed against them and forward a copy of the malpractice complaint to each named defendant at his last and usual place of residence or his office;
3. if the malpractice complaint does not contain all of the required information set forth in paragraph (A) of this section, notify the claimant(s) that the malpractice complaint has been received but does not comply with this section and indicate what additional information is required and a reasonable time limit for submitting such additional information; and
4. notify the claimant(s) if verification of employment or renewal of fund coverage must be obtained for a named defendant health care provider for fund qualification to be determined.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1299.44.D(3).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Patient's Compensation Fund Oversight Board, LR

29:348 (March 2003), by the Office of the Governor, Division of Administration, Patient's Compensation Fund Oversight Board, LR 38:

§1405. Attorney Chairman

A. An attorney chairman of a medical review panel is to be chosen by the parties according to R.S. 40:1299.47.(A)(2)(c). An attorney chairman must be selected within one year from the date the request for review of the claim was filed. If, after one year, an attorney chairman has not been secured, the board shall send notice by certified mail to the claimant or the claimant's attorney stating that the claim will be dismissed after 90 days if no attorney chairman is appointed. If no attorney chairman is selected within 90 days of the certified notice, the board shall dismiss the claim.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1299.44.D(3).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Patient's Compensation Fund Oversight Board, LR 29:348 (March 2003), by the Office of the Governor, Division of Administration, Patient's Compensation Fund Oversight Board, LR 38:

Chapter 15. Defense of the Fund

§1501. Claims Defense

A. Through its executive director, the board shall be responsible for the administration and processing of claims against and legal defense of claims against the fund. The executive director shall be responsible, and accountable to the board, for coordination and management of defense of the fund against claims to the extent of the responsibilities imposed on the board by the Act. Without limitation on the scope of such responsibility, the executive director shall be responsible for:

1. evaluating all malpractice claims made under the Act against enrolled health care providers to the potential liability of the fund;

2. recommending, fixing, establishing, and periodically modifying, as required, appropriate reserves against claims made against enrolled health care providers or the fund, subject to the approval of the board;

3. retaining, subject to qualifications and standards prescribed by the board, and supervising the services of attorneys at law to defend the fund against claims;

4. review and approval of fee and costs statements for services rendered by attorneys at law retained to defend the fund, ensuring that such statements accurately reflect services reasonably necessary or appropriate to the defense of the fund;

5. supervision and coordination of the defense of claims against or involving the fund by attorneys retained and representing enrolled health care providers;

6. negotiating and recommending reasonable and appropriate compromises and settlements of the fund's liability respecting any claim against the fund;

7. maintenance of current, accurate, and complete records and data on all pending and concluded claims against or involving the fund;

8. retaining an appropriately qualified claims manager or principal assistant and delegating to such claims manager those duties and responsibilities as deemed appropriate by the executive director; and

9. the discharge and performance of such other duties, responsibilities, functions, and activities as are delegated by the board.

B. All authority for the defense of the fund vested in the board by the Act is hereby delegated to the executive director. In the exercise of such authority, the executive director shall be accountable to, and subject to the superseding authority of, the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1299.44.D(3).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Patient's Compensation Fund Oversight Board, LR 18:179 (February 1992), amended LR 29:348 (March 2003), by the Office of the Governor, Division of Administration, Patient's Compensation Fund Oversight Board, LR 38:

§1503. Claims Accounting

A. All expenses incurred in the legal defense, disposition, payment on individual claims, judgments, or settlements shall be accounted for and allocated among such respective claims.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1299.44.D(3).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Patient's Compensation Fund Oversight Board, LR 18:179 (February 1992), amended LR 29:348 (March 2003), by the Office of the Governor, Division of Administration, Patient's Compensation Fund Oversight Board, LR 38:

§1505. Claim Reserves

A. Within 30 days of receipt of notice of a claim against or potentially involving liability of the fund, the board may establish a reserve against such claim representing the total amount of compensation and compensation adjustment expenses which the fund is anticipated to be liable for and incur in respect of and allocable to such claim. Reserves respecting individual claims against the fund shall be established in consultation, as appropriate, with legal counsel representing the board with respect to such claim, with legal counsel for the enrolled health care providers against whom the claim is primarily asserted, and with claims personnel managing such claim for the commercial insurers of the enrolled health care providers against whom the claim is asserted. Reserves respecting individual claims against the fund shall be adjusted from time to time as changing circumstances or evaluations may warrant.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1299.44.D(3).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Patient's Compensation Fund Oversight Board, LR 18:180 (February 1992), amended LR 29:349 (March 2003), by the Office of the Governor, Division of Administration, Patient's Compensation Fund Oversight Board, LR 38:

§1507. Settlement of Claims

A. Claims against the fund may be compromised and settled upon the recommendation of the executive director and the approval of the board. The executive director shall, however, have authority, without the necessity of prior approval by the board, to compromise and settle any individual claim against the fund for an amount not exceeding \$25,000.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1299.44.D(3).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Patient's Compensation Fund Oversight Board, LR

18:180 (February 1992), amended LR 29:349 (March 2003), by the Office of the Governor, Division of Administration, Patient's Compensation Fund Oversight Board, LR 38:

§1509. Privileged Communications, Records

A. All communications made and documents, records, and data developed between, by, or among the board, executive director, Office of Risk Management, PCF general counsel, the Attorney General or his representative, contracted legal counsel, and enrolled health care providers and their insurers respecting malpractice claims asserted against enrolled health care providers or the fund shall be deemed privileged and confidential and, unless so ordered by a court of competent jurisdiction after a contradictory hearing, shall not be disclosed to any third party pursuant to request, subpoena, or otherwise, without the express written authorization and consent of the person, office, or entity making any such communication or originally possessing any such documents, records, or data. This rule shall not, however, prohibit disclosure or publication by the board of aggregated information or data from which information or data relative to individual health care providers or individual claims may not be discerned.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1299.44.D(3).

HISTORICAL NOTE: Promulgated by the Office of the Governor Patient's Compensation Fund Oversight Board, LR 18:180 (February 1992), by the Office of the Governor, Division of Administration, Patient's Compensation Fund Oversight Board, LR 38:

Chapter 17. Transitional Rules

§1701. Continuing Enrollment of Self-Insureds

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1299.44.D(3).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Patient's Compensation Fund Oversight Board, LR 18:180 (February 1992), repealed by the Office of the Governor, Division of Administration, Patient's Compensation Fund Oversight Board, LR 38:

§1703. Continuing Enrollment of Self-Insurance Trusts

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1299.44.D(3).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Patient's Compensation Fund Oversight Board, LR 18:180 (February 1992), repealed by the Office of the Governor, Division of Administration, Patient's Compensation Fund Oversight Board, LR 38:

Chapter 19. Future Medical Care and Related Benefits

§1901. Scope of Chapter

A. The rules of Chapter 19 provide for and govern the administration and payment by the fund of future medical care and related benefits for patients deemed to be in need of future care and related benefits pursuant to a final judgment issued by a court of competent jurisdiction or agreed to in a settlement reached between a patient and the board.

B. The rules of Chapter 19 shall be applicable to all malpractice claims, including those brought under R.S. 40:1299.39.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1299.44.D(3).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Patient's Compensation Fund Oversight Board, LR

19:1566 (December 1993), amended LR 27:1888 (November 2001), by the Office of the Governor, Division of Administration, Patient's Compensation Fund Oversight Board, LR 38:

§1903. Definitions

Administrative Hearing—hearing held in response to a request or complaint by a patient in need of future medical care or his/her representative, that the fund has failed or refused to pay for medical care or related benefits. The hearing shall be conducted before at least three board members.

Future Medical Care and Related Benefits—all reasonable medical, surgical, hospitalization, physical rehabilitation, and custodial services, and includes drugs, prosthetic devices, and other similar materials reasonably necessary in the provision of such services. The fund's obligation to provide these benefits or to reimburse the claimant for those benefits is limited to the lesser of the amount billed therefor or the maximum amount allowed under the reimbursement schedule.

Reimbursement Schedule—the most recent reimbursement schedules promulgated by the Department of Labor, Office of Workers' Compensation pursuant to R.S. 23:1034.2.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1299.44.D(3).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Patient's Compensation Fund Oversight Board, LR 19:1566 (December 1993), amended LR 27:1888 (November 2001), by the Office of the Governor, Division of Administration, Patient's Compensation Fund Oversight Board, LR 38:

§1905. Obligation of the Fund

A. The fund shall provide and/or fund the cost of all future medical care and related benefits in the amounts provided herein, after the date of the accident and continuing as long as medical or surgical attention is reasonably necessary, that are made necessary by the health care provider's malpractice, pursuant to a final judgment issued by a court of competent jurisdiction or as agreed to in a settlement reached between a patient and the fund, unless the patient refuses to allow the future medical care and related benefits to be furnished.

B. The fund acknowledges that a court is required neither to choose the best medical treatment nor the most cost-efficient treatment for a patient. The intent of Chapter 19 is to distinguish between those devices which are reasonably necessary to a patient's treatment and those which are devices of convenience or non-essential specialty items for a patient, and to provide for the maximum allowable reimbursement for those necessary future medical care and related benefits. However, the fund shall not pay for repairs for or replacement of durable medical equipment, vehicles or residential modifications or renovations.

C. Pursuant to the Act, the board has been, expressly and/or implicitly, vested with the responsibility and authority for the management, administration, operation, and defense of the fund and, as a prudent administrator, it must insure that all future medical care costs and related benefits are reasonable and commensurate with the usual and customary costs of such care in the patient's community. Therefore, the amount paid by the fund for future medical care and related benefits shall be the lesser of the amount billed for said care or benefit or the maximum amount allowed under the reimbursement schedule.

D. Payments for future medical care and related benefits shall be paid by the fund without regard to the \$500,000 limitation imposed in R.S. 40:1299.42.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1299.44.D(3).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Patient's Compensation Fund Oversight Board, LR 19:1566 (December 1993), amended LR 27:1888 (November 2001), by the Office of the Governor, Division of Administration, Patient's Compensation Fund Oversight Board, LR 38:

§1907. Claims for Future Medical Care and Related Benefits

A. A patient, who is deemed to be in need of future medical care and related benefits pursuant to a final judgment issued by a court of competent jurisdiction or as agreed to in a settlement reached between the patient and the fund, may make a claim to the fund through the board for future medical care and related benefits as incurred by the patient and made necessary by the health care provider's malpractice.

B. If a patient's claim for future medical care and related benefits is disputed or payment of the amount thereof has been denied by the board, then the matter may be referred to the board for an administrative hearing.

C.1. The following administrative hearing process shall be followed when such is requested by the claimant or the claimant's representative. The claimant desiring to institute a hearing shall prepare and file with the board a complaint setting forth:

- a. the name and address of each respondent;
- b. a statement, in ordinary and concise language, of

the facts upon which the complaint is based, together with supporting evidentiary material, including but not limited to, whenever applicable, particular reference to the statute or statutes, or rules, regulations, and orders that the claimant alleges have been violated.

2. Such complaint will be sent to the general counsel for the board who will contact all parties to determine the date of the hearing. The hearing panel will consist of at least three board members. The parties may provide any evidence they deem necessary and may call witnesses to give testimony that bears upon the issues. A court reporter will be present to record the hearing and to administer the necessary oaths to any witnesses. Each party will be allowed to make a brief opening statement, present evidence and cross-examine any witnesses. The panel members will be allowed to ask questions of both parties and any witnesses. All parties will be allowed to make a closing statement. Following the closing statements, the panel members will meet in private to reach a decision. Findings of fact and decision of the panel will be put in written form and presented to the board in executive session for a final determination and vote. The final decision will be forwarded to the claimant or their representative and the fund's counsel.

3. Should the claimant or their representative disagree with the decision reached through the administrative hearing process, they may file a petition in the 19th judicial district court in accordance with §1931 of these rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1299.44.D(3).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Patient's Compensation Fund Oversight Board, LR 19:1566 (December 1993), amended LR 27:1889 (November

2001), by the Office of the Governor, Division of Administration, Patient's Compensation Fund Oversight Board, LR 38:

§1909. Attorneys; Medical Experts; Architects; Adjusters

A.1. An attorney chosen to represent the fund pursuant to §1907 shall be an independent contractor, shall meet all applicable requirements for an outside contractor retained by the state of Louisiana, and shall be chosen by the executive director or his designee. The attorney shall be licensed to practice law in the state of Louisiana.

2. Once a matter involving future medical care and related benefits is referred to an attorney, then the attorney shall be responsible for the matter to the extent of the assignment. The attorney shall issue status reports to the claims adjuster at least every 90 days until the matter is concluded.

3. The attorney chosen to represent the fund may recommend any and all possible remedies to the fund and may hire or retain experts, subject to prior approval by the fund. The attorney shall utilize legal staff, including paralegals, nurse/paramedical personnel, clerks, and investigators, where necessary. With prior approval from the claims supervisor, the attorney may appoint a case manager in cases where no case manager has been appointed.

B. Medical experts may be retained directly by the fund for evaluation, diagnosis, or with patient consent or by court order, for treatment of the patient. All medical experts retained by the fund shall be licensed or otherwise certified by the state of Louisiana. However, consulting physicians, licensed to practice in states other than Louisiana, may be retained by the fund only if they are board-certified in the applicable area of specialty.

C. Architects with special expertise in medical facility design, contractors, and other building trade experts may be retained directly by the fund in future medical care cases involving issues of residential modifications or renovations. Architects retained by the fund shall be licensed by the state of Louisiana. Contractors retained by the fund shall be licensed or certified as general contractors by the state of Louisiana. Architects and contractors retained by the fund shall also possess experience in the design and construction of medical facility and/or barrier free residences.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1299.44.D(3).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Patient's Compensation Fund Oversight Board, LR 19:1566 (December 1993), amended LR 27:1889 (November 2001), by the Office of the Governor, Division of Administration, Patient's Compensation Fund Oversight Board, LR 38:

§1911. Examinations; Notice Requirements

A. The fund shall be entitled to have a patient submit to a physical or mental examination, by a health care provider of the fund's choice, from time to time, to determine the patient's continued need of future medical care and related benefits, or the level of medical care needed, subject to the following requirements.

A.1. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1299.44.D(3).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Patient's Compensation Fund Oversight Board, LR 19:1567 (December 1993), amended LR 27:1889 (November 2001), by the Office of the Governor, Division of Administration, Patient's Compensation Fund Oversight Board, LR 38:

§1917. Nursing Care; Sitter Care

A. The fund will provide and/or fund, at the lesser of the billed amount or the maximum amount allowed under the reimbursement schedule, inpatient or outpatient nursing or sitter care when such care is required to provide reasonable medical, surgical, hospitalization, physical rehabilitation, or custodial services made necessary by the health care provider's malpractice, subject to the following limitations.

1. All nursing or sitter care shall be specifically prescribed or ordered by a patient's treating health care provider.

2. All nursing or sitter care shall be rendered by a licensed and/or qualified registered nurse or licensed practical nurse or by a sitter, a member of the patient's family or household, or other person as specifically approved by the fund.

3. There shall be a presumption that the person rendering nursing or sitter care is qualified if the treating health care provider issues a statement that that person is competent and qualified to render the nursing or sitter care required by the patient.

4. All claims for nursing or sitter care payments, including those for family members providing such care, must include a signed, detailed statement by the person rendering nursing or sitter care, setting forth the date, time, and type of care rendered to and for the patient.

B.1. Providers of nursing or sitter care shall be funded, at the lesser of the billed amount or the maximum amount allowed under the reimbursement schedule. If the reimbursement schedule contains no applicable rate for such care, then the care shall be funded at the lesser of the billed amount or the usual and customary rate charged by similarly licensed or qualified healthcare providers in a patient's home state, city, or town. However, nursing or sitter care provided by members of the patient's family or household will be funded at a rate not to be less than the federal minimum hourly wage rate as may be revised from time to time regardless of the licensure or qualification of the provider.

2. However, notwithstanding the foregoing, future nursing or sitter care provided by members of the patient's family or household will be funded at a rate not to exceed the equivalent of \$6 per hour plus inflation at the annual consumer price index published by the United States Bureau of Labor Statistics for each year beginning in November 2001. However, at no time will the hourly rate paid be below the federal minimum hourly wage rate as may be revised from time to time.

C. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1299.44.D(3).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Patient's Compensation Fund Oversight Board, LR 19:1567 (December 1993), amended LR 27:1889 (November 2001), by the Office of the Governor, Division of Administration, Patient's Compensation Fund Oversight Board, LR 38:

§1919. Treatment Protocol

A. In cases where the future medical needs of the patient are so great that multi-disciplinary, long-term acute care is needed by the patient, and the patient and/or the patient's family, tutor, legal guardian or care givers are deemed to be incapable of determining what treatment is necessary, then

the fund may retain a case manager to develop a treatment protocol for the patient. The patient, or the person legally responsible for the patient, will be provided with a copy of the written treatment protocol and will be asked to consent to the treatment or course of treatment proposed by the protocol prior to implementation of the protocol.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1299.44.D(3).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Patient's Compensation Fund Oversight Board, LR 19:1568 (December 1993), by the Office of the Governor, Division of Administration, Patient's Compensation Fund Oversight Board, LR 38:

§1921. Vehicles

A. The fund will provide and/or fund the cost of standard modified vehicles or specialized modified vehicles to patients entitled to receive future medical care and related benefits under §1921, when ownership and use of such vehicles are reasonably necessary in providing reasonable medical, surgical, hospitalization, physical rehabilitation, or custodial services made necessary by the health care provider's malpractice. The vehicles described herein are standard model, modified passenger vehicles of domestic manufacture or standard model, modified vans of domestic manufacture. Alternatively, and at the fund's option, the fund will provide and/or fund modifications to the patient's vehicle when such modifications are reasonably necessary in the provision of such services.

B. The choice of vehicle, vendor of the vehicle, modifications thereto, and inclusion or exclusion of option items on these vehicles will be at the sole discretion of the fund.

C. The fund will not provide nor fund the cost of any type of insurance for any such vehicle and will not provide nor fund the maintenance or operating costs on any vehicle modified by the fund or provided by the fund. The fund will fund repairs to the handicap modifications to the vehicle, unless such damage was intentional.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1299.44.D(3).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Patient's Compensation Fund Oversight Board, LR 19:1568 (December 1993), by the Office of the Governor, Division of Administration, Patient's Compensation Fund Oversight Board, LR 38:

§1923. Ancillary Cost; Mileage

A. - C. ...

D. Patients shall provide actual receipts or signed statements verifying the reasonable mileage for odometer readings to receive reimbursements pursuant to §1923. Expenses for hotel /motel accommodations and meals associated with physician appointments or treatment shall not be reimbursed without prior approval by the fund. In addition, all such reimbursements shall be made in accordance with State Travel Regulations in force at the time of the travel.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1299.44.D(3).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Patient's Compensation Fund Oversight Board, LR 19:1568 (December 1993), amended LR 27:1889 (November 2001), by the Office of the Governor, Division of Administration, Patient's Compensation Fund Oversight Board, LR 38:

§1925. Modifications/Renovations to Patient's Residence

A. The fund will provide and/or fund the cost of modifications to a patient's residence which are reasonably necessary in providing reasonable medical, physical rehabilitation, and custodial services for the patient and which are made necessary by the health care provider's malpractice. The fund will not provide nor fund the cost of devices of convenience.

B. Upon request by the patient and/or the patient's family or care givers for modifications, there will be a meeting with the claims manager to determine specifically what modifications should be made to the home. The claims manager and the architect chosen by the fund will then review the medical report(s), and then meet to determine what action will be taken as to the modifications of the home, within the specific guidelines listed below.

1. The fund will provide and/or fund the cost of modifications or renovations to the patient's existing home including, but not limited to, modifications of lavatories, including handicap accessible toilets, showers, ramps for ingress and egress, expanded doorways, and expansion of rooms to accommodate medical devices required by the patient, which are reasonably necessary for the care and rehabilitation of the patient and in accordance with the American with Disabilities Act and other applicable handicap accessibility standards.

2. All renovations and/or modifications will be designed and built with builders spec or similar grade materials from plans drawn and/or approved by an architect obtained by the fund. The fund will determine the amount to be paid by the fund based on the architect's recommendations and proposals obtained from reputable contractors. Any deviations from this amount must be preapproved by the fund or borne by the patient or claimant, as applicable.

3. When the fund has provided and/or funded modifications or renovations to the home where the patient resides, the fund shall retain no interest in that residence. Where the home is owned by the patient's parents, relatives, care givers, or guardian, the fund reserves the right to require the owners of the home to execute a promissory note, mortgage, or other instrument of security in favor of the patient in an amount equal to the increased value of the home, as determined by a qualified appraiser retained by the fund.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1299.44.D(3).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Patient's Compensation Fund Oversight Board, LR 19:1568 (December 1993), by the Office of the Governor, Division of Administration, Patient's Compensation Fund Oversight Board, LR 38:

§1931. Attorney Fees

A. Following the completion of the administrative hearing process hereunder, pursuant to its continuing jurisdiction, the district court, from which a final judgment has been issued in cases where future medical care and related benefits have been determined to be needed by a patient, shall award reasonable attorney fees to the patient's attorney if the court finds that the fund unreasonably failed to pay for medical care and related benefits within 30 days after submission of a claim for payment of such benefits.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1299.44.D(3).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Patient's Compensation Fund Oversight Board, LR 19:1569 (December 1993), by the Office of the Governor, Division of Administration, Patient's Compensation Fund Oversight Board, LR 38:

Family Impact Statement

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

Public Comments

All interested persons are invited to submit written comments on the amended rules. Such comments should be submitted no later than August 20, 2012 at 4:30 p.m. to Ken Schnauder, Executive Director, Patient's Compensation Fund Oversight Board, 8225 Florida Boulevard, 2nd Floor (70806), Post Office Box 3718, Baton Rouge, LA 70821 and/or to David A. Woolridge, Jr., General Counsel, Patient's Compensation Fund Oversight Board, 8440 Jefferson Highway, Suite 301, Baton Rouge, LA 70809.

Lorraine LeBlanc
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Patient's Compensation Fund

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

It is anticipated that the proposed rule amendments will not result in a savings to state or local governmental units as they only potentially impact the private sector of health care providers who desire to be qualified with the Patient's Compensation Fund (PCF or Fund); however, it is estimated that the costs to the PCF to implement the proposed rule amendments, including copy charges, administrative overhead expenses and legal fees, will not exceed \$1,500. The proposed amendments: (i) clarify the Oversight Board's rules to be consistent with recently amended statutory law and current practices of the Oversight Board and the Patient's Compensation Fund; (ii) provide consistency for self-insured health care providers, those healthcare providers utilizing self-insurance trust and those healthcare providers utilizing insurance to evidence their financial responsibility; (iii) reenact several provisions that had been inadvertently repealed in the past; (iv) extend the time for which healthcare providers have in providing to the executive director notice of claims that may reasonably impact the PCF; (v) require a healthcare provider who has filed an Exception of Prematurity to provide a copy of the Exception and the Petition for Damages to the Board; (vi) require a claimant who has filed a Petition for Damages on account of medical malpractice to provide a copy of said Petition for Damages to the Board; (vii) provide consistency between self-insured healthcare providers and those healthcare providers who are not self-insured with respect to failure to provide required reports to the Board; (viii) clarify, consistent with recently amended statutory law, information to be contained, at a minimum, in a malpractice complaint; (ix) repeal unnecessary transitional rules; (x) provide for an administrative hearing process consistent with Louisiana

jurisprudence and past practices of the Board related to future medical care and related benefits; and (xi) clarify payment and/or reimbursement amounts for future medical care and related benefits to be consistent with past practices of the PCF.

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

There is no anticipated effect on revenue collections of state or local governmental units from implementation of the proposed rule amendments as they potentially only impact medical malpractice healthcare providers who are currently, or who desire to become, PCF qualified, claimants and insurers providing medical malpractice insurance.

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

There are no anticipated costs and/or economic benefits to directly affected persons or non-governmental groups as the rule amendments are proposed to be consistent with Louisiana jurisprudence, recent statutory amendments and past practices of the PCF and/or the Oversight Board.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The Oversight Board anticipates no effect on either competition or employment in the public sector as a result of adopting the proposed rule amendments.

Lorraine LeBlanc
Executive Director
1207#078

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Health and Hospitals
Board of Dentistry**

Automated External Defibrillator (LAC 46:XXXIII.130)

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950, et seq., the Dental Practice Act, R.S. 37:751 et seq., and particularly R.S. 37:760(8), notice is hereby given that the Department of Health and Hospitals, Board of Dentistry intends to adopt LAC 46:XXXIII.130.

This Rule sets forth the Louisiana State Board of Dentistry's requirement that all dental offices in the state be equipped with an approved AED by January 1, 2013.

Title 46

**PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part XXXIII. Dental Health Profession

Chapter 1. General Provisions

§130. Automated External Defibrillator

A. *Automated External Defibrillator (AED)*—a medical device heart monitor and defibrillator that:

1. has received approval from its pre-market notification filed pursuant to 21 USC 360(k) from the United States Food and Drug Administration;

2. is capable of recognizing the presence or absence of ventricular fibrillation or rapid ventricular tachycardia and is capable of determining whether defibrillation should be performed;

3. upon determining that defibrillation should be performed, automatically charges and requests delivery of an electrical impulse to the individual's heart;

4. is capable of delivering the electrical impulse to an individual's heart.

B. The AED shall be maintained and tested according to manufacturer's guidelines.

C. Each dentist licensed in the state of Louisiana shall receive appropriate training in basic life support and in the use of an AED from any nationally recognized course in CPR and AED use, and approved or sponsored by those entities set forth in LAC 46:XXXIII.1615.

D. All dentists licensed in the state of Louisiana shall equip and maintain an AED no later than January 1, 2013.

E. The AED shall be located in a prominent place easily accessible by all dental healthcare providers.

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

HISTORICAL NOTE: Promulgated by Department of Health and Hospitals, Board of Dentistry, LR 38:

Family Impact Statement

There will be no family impact in regard to issues set forth in R.S. 49:972.

Public Comments

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

Peyton B. Burkhalter
Executive Director

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

RULE TITLE: Automated External Defibrillator

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

There will be a one-time cost of \$500 in Fiscal Year 2012-13 for publication of the proposed rules in the State Register. There are no estimated costs or savings to local governmental units from the proposed rules.

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

The implementation of these rule changes will neither increase nor decrease revenues for the Louisiana State Board of Dentistry.

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

With the rule change to LAC 46:XXXIII.130, each dental office will be required to purchase automated external defibrillators (AEDs) for their offices. AEDs cost approximately \$1,200 to \$2,000.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated effect on competition and employment.

Peyton B. Burkhalter
Executive Director
1207#127

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health and Hospitals Board of Dentistry

General Provisions—Evidence of Graduation, Restricted Licensees, Temporary Licenses, and Returning to Active Practice (LAC 46:XXXIII.103, 105, 120, and 124)

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Dental Practice Act, R.S. 37:751 et seq., and particularly R.S. 37:760(8), notice is hereby given that the Department of Health and Hospitals, Board of Dentistry intends to amend LAC 46:XXXIII.103, 105, 120, and 124.

The Louisiana State Board of Dentistry is reorganizing the rules below. Specific changes to the rules include: allowing the accumulation of two one year post-graduate general practice residency program for evidence of graduation (§103); requiring that all Louisiana State University system faculty possess some form of licensure from the board (§105); clarification of the board's rule on the issuance of temporary licensure (§120); and finally, the criteria and requirements of the board for licensees returning to active practice (§124).

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XXXIII. Dental Health Profession

Chapter 1. General Provisions

§103. Evidence of Graduation

A.1. All applicants for a dental license shall furnish the board with satisfactory evidence of graduation from an accredited dental school, dental college, or educational. An accredited dental school, dental college, or educational program shall be one that has been certified as accredited by the Commission on Dental Accreditation of the American Dental Association (CODA).

2. An applicant for a dental license who did not attend an accredited dental school or dental college must successfully complete a post-graduate CODA-approved program in either general dentistry or one of the board-approved specialties listed in §122.

a. An acceptable general dentistry post-graduate program shall consist of at least two complete, consecutive years of training in no more than two CODA-approved institutions or programs. The board does not accept an accumulation of incomplete programs to satisfy this requirement.

b. An acceptable specialty post-graduate program shall consist of at least two consecutive years at the same institution. The board does not accept an accumulation of programs which are less than two years in length to satisfy this requirement.

c. If granted a dental license, an applicant who fulfills his or her dental education requirement through a CODA-approved post-graduate program will be required to practice in only the field in which he or she obtained the two years of post-graduate training.

B. All applicants for a dental hygiene license shall furnish the board with satisfactory evidence of graduation from an accredited dental hygiene school, dental hygiene

college, or educational program of at least two years in length.

C. The phrase *satisfactory evidence of graduation from an accredited dental school, dental college or educational program* shall mean receipt of satisfactory evidence from the dean of the applicant's school specifically stating that the applicant will indeed graduate within 90 days following the successful completion of a board-approved clinical licensing examination.

D. The president of the board shall withhold his signature on the license of the applicant pending receipt of satisfactory evidence of graduation before awarding the applicant's license to practice dentistry or dental hygiene in the state of Louisiana.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Dentistry, LR 10:88 (February 1984), amended by the Department of Health and Hospitals, Board of Dentistry, LR 24:1112 (June 1998), LR 26:488 (March 2000), LR 27:1890 (November 2001), LR 38:

§105. Restricted Licensees

A. ...

B. All recipients of restricted licenses who are members of the faculty of the LSU system, graduates of a dental school accredited by the Commission on Dental Accreditation of the American Dental Association, and otherwise meet all requirements for a general license must receive same within two years from receipt of the original restricted license by successfully completing the LSBD clinical licensure examination or by credentials, provided that where a holder of a restricted license has been so licensed without interruption since January 1, 1990, he may continue to hold a restricted license without the necessity of meeting the requirements for a general license.

C. - D. ...

E. Oral surgery residents who attend medical school as a requirement of their residency training may keep their restricted license active during medical school, but may only work in the hospital, or its affiliates sponsoring the residency.

F. ...

G. All LSU system faculty must possess either a restricted or unrestricted license.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 21:571 (June 1995), amended LR 22:23 (January 1996), LR 23:1529 (November 1997), LR 26:1612 (August 2000), repromulgated LR 27:1893 (November 2001), amended LR 38:

§120. Temporary Licenses

A. Under R.S. 37:760(6), the board is authorized to issue licenses in conformity with the Louisiana Dental Practice Act. However, under R.S. 37:752(8), dental hygienists may obtain a temporary license without satisfying all licensing requirements of the Louisiana Dental Practice Act provided the applicant applies for a full license by providing satisfactory documentation that the applicant is duly licensed in another state in good standing and applies for licensure by credentials for the nearest scheduled board meeting. Under no circumstances shall a temporary license awarded to a dental hygienist be in effect for any period longer than five months.

B. In order to protect the public and to avoid abuses of this exemption, the Louisiana State Board of Dentistry shall not award a temporary license to any dentist under the provisions of R.S. 37:752(8).

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 24:1114 (June 1998), amended LR 26:1612 (August 2000), repromulgated LR 27:1893 (November 2001), amended LR 33:2652 (December 2007), LR 38:

§124. Guidelines for Returning to Active Practice

A. ...

B. In all cases where a dentist or dental hygienist has not practiced their profession due to a problem concerning unprofessional conduct, substance abuse, criminal activity, or other issues concerning moral turpitude, said dentist or dental hygienist may be assessed by a psychiatrist or psychologist of the board's choosing to determine remediability. The cost of the assessment shall be borne by the dentist or dental hygienist.

C. - D. ...

E. In all cases where a license has been suspended for a period of three months or more, the dentist or dental hygienist shall successfully complete a course in ethics as determined by the board in addition to any other requirements at the discretion of the board.

F. - F.14. ...

- 15. ethics;
- 16. oral surgery;
- 17. orthodontics.

G. - H. ...

I. When a license has been inactive for one year or greater, the licensee must submit to a fingerprint background check.

J. When a licensee has been inactive for one year or greater, the licensee will be required to successfully pass an examination administered by the board testing the licensee's knowledge of the Louisiana Dental Practice Act and the jurisprudence affecting same. In addition, within 120 days of the reinstatement of a license or the licensee's return to active practice, the licensee will be required to complete one-half of the continuing education requirement for relicensure as described in §§1611 and 1613. The continuing education courses shall include a board-approved cardiopulmonary resuscitation course.

K. In all cases, the board has the discretion to prescribe any course of remediation it deems fit and proper, including, but not limited to, requiring further education at a dental or dental hygiene school, participation in mini-residencies, or practicing only under the direct supervision of other licensed dentists.

L. Any dentist or dental hygienist who is authorized to return to active practice with restrictions or requirements on their license who do not completely satisfy said requirements or restrictions shall be subject to sanctions, including, but not limited to, revocation of their license whether or not a complaint has been received by the board.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 25:511 (March 1999), amended LR 28:1776 (August 2002), LR 28:2512 (December

2002), LR 37:3515 (December 2011), repromulgated LR 38:355 (February 2012), amended LR 38:

Family Impact Statement

There will be no family impact in regard to issues set forth in R.S. 49:972.

Public Comments

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

Peyton Burkhalter
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: General Provisions—Evidence of Graduation, Restricted Licenses, Temporary Licenses, and Returning to Active Practice

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

There will be a one-time cost of \$500 in FY 13 for publication of the proposed rules in the State Register. There are no estimated costs or savings to local governmental units from the proposed rules.

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

There will be no effect on revenue collections by the board. There are no new fees or requirements being implemented on dentists or hygienists. Revisions to LAC 46:XXXIII.103, .120, and .124 are primarily for providing clarification on post-graduate dentistry programs, temporary licenses, and returning to active practice respectively. Section 105 is codifying current licensing practice, which requires any LSU system faculty to possess either a restricted or unrestricted license.

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

Revisions to LAC 46:XXXIII.103, .105, .120, and .124 are primarily for clarification purposes. There are no new fees or requirements being implemented regarding post-graduate dentistry programs, restricted licenses, temporary licenses, and returning to active practice respectively. However, under the revisions to LAC 46:XXXIII.124, the language requiring a dentist or dental hygienist to undergo a psychological evaluation upon return to active practice after unprofessional conduct, substance abuse, or criminal activity will now be permissive; therefore, some dentists or hygienists returning to active practice may be exempted from this assessment. Any dentists or hygienists exempted by the board will realize an indeterminable amount of savings based on the cost charged by each evaluating psychiatrist or psychologist.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT
(Summary)

There is no estimated effect on competition and employment as a result of the proposed rule change.

Peyton B. Burkhalter
Executive Director
1207#126

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

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

Licensure and Certification; Definitions;
Qualifications for License
(LAC 46:XLV.303 and 311)

Notice is hereby given that pursuant to the authority of the Louisiana Medical Practice Act, R.S. 37:1261-1292, and in accordance with the provisions of the Louisiana Administrative Procedure Act, R.S. 49:950 et seq., the Louisiana State Board of Medical Examiners (Board) intends to amend its administrative rules governing Licensure and Certification of Physicians. The proposed amendment to §303A (Definitions) defines the term *primarily engaged*. The proposed amendment to §311A (Qualifications) requires an applicant for initial medical licensure who otherwise satisfies all of the requirements of §311A, but who has not been primarily engaged in the practice of medicine, medical education, postgraduate medical education or training for the four years immediately preceding the submission of an application, to successfully complete an assessment examination or such other competency testing or evaluation, monitoring or supervision as may be designated by the board.

Title 46

**PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part XLV. Medical Professions

Subpart 2. Licensure and Certification

Chapter 3. Physicians

Subchapter A. General Provisions

§303. Definitions

A. As used in this Chapter, the following terms shall have the meanings specified:

* * *

Primarily Engaged—that activity to which the applicant devotes the majority of his or her time.

* * *

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, 37:1271 and 37:1274.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 10:908 (November 1984), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 16:513 (June 1990), LR 27:835 (June 2001), LR 31:1582 (July 2005), LR 38:

**Subchapter B. Graduates of American and Canadian
Medical School and Colleges**

§311. Qualifications for License

A. To be eligible for a license, an applicant shall:

1. - 6. ...

7. have been primarily engaged in the practice of medicine, medical education, or postgraduate medical education or training, or any combination of the foregoing, for the four years immediately preceding the date of the submission of an application. An applicant who does not satisfy this requirement, shall demonstrate his or her clinical competency by the successful passage of an assessment examination or such other competency testing or evaluation, monitoring or supervision as may be designated by the board.

B. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, 37:1271, 37:1272, 37:1274 and 37:1275.1.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 10:908 (November 1984), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 16:513 (June 1990), LR 22:207 (March 1996), withdrawal LR 22:280 (April 1996), amended LR 27:836 (June 2001), LR 31:1583 (July 2005), LR 37:337 (January 2011), LR 38:

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of the proposed amendments on the family has been considered. It is anticipated that the proposed amendments will have no impact on family, formation, stability or autonomy, as described in R.S. 49:972.

Public Comments

Interested persons may submit written data, views, arguments, information or comments on the proposed amendments to Rita Arceneaux, Confidential Executive Assistant, Louisiana State Board of Medical Examiners, 630 Camp Street, New Orleans, LA 70130, (504) 568-6820, Ex. 242. She is responsible for responding to inquiries. Written comments will be accepted until 4:00 p.m., August 20, 2012. A request pursuant to R.S. 49:953(A)(2) for a public hearing must be made in writing and received by the Board within 20 days of the date of this notice.

Robert L. Marier, M.D.
Executive Director

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

**RULE TITLE: Licensure and Certification; Definitions;
Qualifications for License**

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

Other than the rule publication costs, the total of which are estimated to be \$274 during the current fiscal year, it is not anticipated that the proposed rule amendments will result in any material costs or savings to the Board of Medical Examiners or any state or local governmental unit. In addition, the proposed rule amendments will not result in any increase or reduction in workload or additional paperwork for the Board.

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

All fees associated with medical competency testing are paid directly to the entities providing these services. As such, no impact on the Board's revenue collections or those of any other state or governmental unit is anticipated. It is estimated that only a few and infrequent number of applicants may be

required to demonstrate medical competency as a result of the proposed amendments (approximately 1 every 2 to 3 years).

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

The Board of Medical Examiners proposes to amend LAC Title 46:XLV.303 and .311, by requiring an applicant for a medical license who has not been primarily engaged in the practice of medicine, medical education, or postgraduate medical education or training within the four years immediately preceding the submission of an application, to successfully complete an assessment, examination or such other competency testing, evaluation, monitoring or supervision as may be designated by the Board. The cost of such assessment, testing, monitoring or supervision varies and is established by the organizations and entities offering these services. Therefore, the Board is not in a position to estimate the effect of the proposed amendments in this respect. Otherwise, it is not anticipated that the proposed amendments will have any material effect on costs, paperwork or workload of applicants for initial medical licensure or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

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

Robert L. Marier, M.D.
Executive Director
1207#093

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Health and Hospitals
Board of Nursing**

**Procedure for Establishing a New Program
(LAC 46:XLVII.3533)**

Notice is hereby given in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950, *et seq.*, and through the authority granted in R.S. 37:918, that the Louisiana State Board of Nursing proposes to amend Chapter 35 of its rules, in particular, by amending Section 3533 of the board's rules to include E.3, to set forth what occurs when a program has been continued on initial approval for two years but has failed to demonstrate eligibility for obtaining full approval. This action is deemed necessary because, while the boards rules respecting nursing education programs currently provide that a nursing education program shall not be placed on initial approval for more than two consecutive one-year periods following its eligibility to apply for full approval, the rules are currently silent regarding what occurs upon the lapse of the two years when a program has failed to demonstrate eligibility for obtaining full approval, including making no provision for due process considerations nor permitting the board to extend the period for initial approval where the facts may warrant such action. The current Rule, which is an amendment to Section 3533, is being promulgated in order to address this silence within the rules and also to provide for a procedure and related matters.

**Title 46
PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part XLVII. Nurses

Subpart 2. Registered Nurses

Chapter 35. Nursing Education Programs

§3533. Procedure for Establishing a New Program

A. - E.2. ...

3. Notwithstanding LAC 46:XLVII.3509.A.2 and 3533.E.2, a program that has failed to achieve full approval within two years following the program's eligibility to apply for full approval shall submit a report to the board noting the reasons for such failure. The board shall thereafter issue a rule to show cause order, requiring the program to appear before the board for a hearing, after which the board may do either of the following:

a. Grant the program up to an additional one year period of initial approval post eligibility for full approval. At or before the end of the extended initial approval, if the program has met the standards for full approval, it may petition the board for full approval. If the program remains ineligible for full approval at the end of the extended initial approval, the program shall initiate a phase out of the program as outlined in LAC46:XLVII.3533.E.3.b; or

b. Terminate the program, requiring it to deny admission to any new students in the nursing sequence and to initiate a phase out of the program as outlined below.

i. A plan to phase out the existing nursing program shall include:

(a) dateline for final admission of students to the existing program;

(b) plan for the normal progression of students in the existing program;

(c) contingency plan for students who cannot follow the normal progression sequence in the existing program (i.e., failures, illness, etc); and

(d) the projected date of graduation for the final class of the existing program.

ii. All students shall have assistance with transfers to the new nursing programs or to another program of choice. A list of the names of these students shall be submitted to the board.

iii. The following records of the existing program shall be retained:

(a) students' applications to the program (when applicable);

(b) students' final transcripts;

(c) all curricula plans offered, including catalog course descriptions;

(d) rosters of all graduation classes and dates of graduations.

iv. The board shall be notified of the arrangements for the administrative control and safe storage of the permanent program and student records.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Nursing, LR 3:190 (April 1977), amended LR 10:1027 (December 1984), amended by the Department of Health and Hospitals, Board of Nursing, LR 14:532 (August 1988), repromulgated LR 24:1293 (July 1998), amended

Family Impact Statement

1. What effect will this Rule have on the stability of the family? The proposed Rule should have no effect on the stability of the family.

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

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

4. What effect will this Rule have on family earnings and family budget? The proposed Rule should have no effect on family earnings and family budget.

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

6. Is the family or local government able to perform the function as contained in this proposed Rule? No, the action proposed by the Rule is strictly a state enforcement function.

Public Comments

Interested persons may submit written comments to the Louisiana State Board of Nursing, 17373 Perkins Road, Baton Rouge, LA 70810, or by facsimile to (225) 755-7585. All comments must be submitted by 4:30 p.m. on August 10, 2012.

Barbara L. Morvant
Executive Director

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

**RULE TITLE: Procedure for Establishing
a New Program**

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

It is anticipated that \$250 will be expended in FY 13 for the state's administrative expense for promulgation of the proposed rule. This rule change primarily creates a hearing process for new nursing programs that have not obtained full approval within 2 years of eligibility, and establishes a termination process with the requirement that the program arrange for storage of records if full approval is not obtained after the hearing. The Board anticipates a nominal increase in costs as a result of attorney and court reporter fees when conducting hearings. However, the Board anticipates such hearings will be rare and the associated costs will be minimal. If a new state nursing program commences and does not attain full approval within 2 years of eligibility or the extension period granted by a hearing, it will terminate. This will result in an indeterminable amount of cost savings since the program will no longer be responsible for salaries of teaching staff and administrative personnel. However, the state program will continue to be responsible for all costs associated with storage of program and student records, which is mandated under LAC 46:XLVII.3531.

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

It is anticipated that implementation of the proposed rule will not affect revenue collections for FY 13. However, if a new state nursing program commences and does not attain full approval within the allotted time, it will terminate and lose all potential revenues collected from tuition and fees.

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

If a new nursing program commences and does not attain full approval within 2 years of eligibility or the extension period granted by a hearing, it will terminate and also lose all potential revenues collected from tuition and fees. In addition, the terminated non-state program will continue to be responsible for all costs associated with storage of program and student records, which is mandated under LAC 46:XLVII.3531.

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

It is anticipated that implementation of the proposed rule will have no effect upon competition and employment unless a program is terminated under the rule changes to section 3533. It is anticipated that the employment of all teaching and administrative staff will be impacted upon termination of the program.

E. Wade Shows
Board Attorney
1207#090

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

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

Controlled Dangerous Substance License
for Non-Resident Distributors (LAC 46:LIII.2705)

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and the Pharmacy Practice Act (R.S. 37:1161 et seq.), the Louisiana Board of Pharmacy hereby gives notice of its intent to amend §2705 of its rules to require the acquisition of a Louisiana Controlled Dangerous Substance (CDS) license by non-resident distributors prior to the distribution of controlled dangerous substances to any Louisiana purchaser.

Title 46

**PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part LIII. Pharmacists

**Chapter 27. Controlled Dangerous Substances
Subchapter B. Licenses**

§2705. Licenses and Exemptions

- A. - E. ...
- F. Manufacturers and Distributors

1. - 2. ...

3. The sale or transportation of controlled substances within the state of Louisiana by manufacturers and distributors located outside the state of Louisiana shall require the possession of a valid CDS license issued by the board prior to the engagement of such activities.

G. - J. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:972.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 34:2129 (October 2008), amended LR 38:

Family Impact Statement

In accordance with Section 953 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on the Rule proposed for adoption, repeal, or amendment.

1. The effect on the stability of the family. We can discern no effect on the stability of the family.
2. The effect on the authority and rights of parents regarding the education and supervision of their children. We can discern no effect on the authority and rights of parents regarding the education and supervision of their children.
3. The effect on the functioning of the family. We can discern no effect on the functioning of the family.
4. The effect on family earnings and family budget. We can discern no effect on family earnings or family budget.
5. The effect on the behavior and personal responsibility of children. We can discern no effect on the behavior and personal responsibility of children.
6. The ability of the family or a local government to perform the function as contained in the proposed Rule. We can discern no effect on the ability of the family or a local government to perform the activity as contained in the proposed Rule.

Public Comments

Interested persons may submit written comments to Malcolm J. Broussard, Executive Director, Louisiana Board of Pharmacy, 3388 Brentwood Drive, Baton Rouge, LA 70809-1700. He is responsible for responding to inquiries regarding this proposed amendment.

Public Hearing

A public hearing on this proposed amendment is scheduled for Monday, August 27, 2012 at 9 a.m. in the board office. At that time, all interested persons will be afforded an opportunity to submit data, views, or arguments, either orally or in writing. The deadline for the receipt of all comments is 12 noon that same day.

Malcolm J. Broussard
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Controlled Dangerous Substance License for Non-Resident Distributors

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)
It is estimated that implementation of the proposed rule will cost the agency \$500 in FY 13 for printing costs.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The proposed rule imposes an annual Controlled Dangerous Substances (CDS) licensing fee of \$50 on non-resident distributors. As such, the Board estimates an increased revenue collection of approximately \$5,000 per fiscal year from licensing fees to be paid by an estimated 100 non-resident distributors seeking to distribute controlled substances within the state (\$50 x 100 = \$5,000).

- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
Other than the \$50 annual CDS license fee assessed on non-resident distributors, the Board anticipates minimal additional costs for recordkeeping and reporting since most of the requirements can be accomplished electronically.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
No effect on competition and employment is anticipated as a result of this rule change.

Malcolm J. Broussard Executive Director 1207#083	Evan Brousseau Staff Director Legislative Fiscal Office
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NOTICE OF INTENT
Department of Health and Hospitals
Board of Pharmacy

Controlled Dangerous Substances in Emergency
Drug Kits (LAC 46:LIII.1713 and 2743)

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and the Pharmacy Practice Act (R.S. 37:1161 et seq.), the Louisiana Board of Pharmacy hereby gives notice of its intent to amend its rules to authorize pharmacies utilizing emergency drug kits at long term care facilities to place a portion of its inventory of controlled dangerous substances within such kits.

Title 46
PROFESSIONAL AND OCCUPATIONAL
STANDARDS
Part LIII. Pharmacists

Chapter 17. Institutional Pharmacy
Subchapter B. Emergency Drug Kits
§1713. Emergency Drug Kit Requirements

- A. - 1.2. ...
- J. The placement of controlled dangerous substances in an EDK in non-federally registered long term care facilities shall be deemed in compliance with the Comprehensive Drug Abuse Prevention and Control Act of 1970 provided that:
 1. Controlled dangerous substances shall be stored in the EDK as deemed necessary and jointly approved by the pharmacist, medical director and the director of nursing services;
 2. The source from which the controlled dangerous substances for EDKs are obtained shall be a pharmacy licensed by the Board in possession of a valid DEA registration and Louisiana CDS license.
 3. The number of different controlled dangerous substances in a single EDK shall be limited to a maximum of eight separate drug entities with not more than eight single-use containers of each drug entity.
 4. The EDK containing controlled dangerous substances shall be closed with a tamper proof seal and kept in a locked medication room, cart or closet.
 5. Access to controlled dangerous substances stored in an EDK shall be limited to the pharmacist, a practitioner, the director of nursing services, or the registered nurse or licensed practical nurse on duty.

6. Controlled dangerous substances stored in an EDK shall be administered to a patient only by authorized personnel and only as expressly authorized by an individual practitioner and in compliance with the provisions of 21 CFR 1306.11 and 21 CFR 1306.21 or their successors.

7. A usage record shall be retained in the EDK for each separate drug included which shall be completed by the nursing staff when retrieving any controlled dangerous substance(s) from the EDK.

8. The pharmacist at the provider pharmacy shall receive and retain all completed usage records for a minimum of two years.

9. When the EDK is opened:

a. The pharmacist shall be notified by the facility within 24 hours; and

b. Shift counts shall be performed by the nursing staff on all controlled dangerous substances until the kit is resealed by the pharmacist.

10. Shift counts of the controlled dangerous substances contained in the EDK shall not be required when the EDK is sealed.

11. The pharmacist shall check the controlled dangerous substances in the EDK at least monthly and so document that check inside the kit.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 29:2096 (October 2003), effective January 1, 2004, amended LR 38:

Chapter 27. Controlled Dangerous Substances

Subchapter F. Production, Distribution and Utilization

§2743. Procurement Requirements

A. - B. ...

C. Acquisition of Controlled Dangerous Substances by Institutional Facilities

1. A Louisiana licensed pharmacy in possession of a valid Louisiana CDS license and DEA registration may include a portion of its controlled dangerous substance inventory within an emergency drug kit (EDK) placed in a non-federally registered institutional facility, but only under the following conditions:

a. The EDK bears a valid EDK permit issued by the board; and

b. The inclusion and management of controlled dangerous substances in such EDK shall comply with the provisions of Section 1713.J of these rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:972.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 34:2148 (October 2008), amended LR 38:

Family Impact Statement

In accordance with Section 953 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a family impact statement on the Rule proposed for adoption, repeal, or amendment.

1. The effect on the stability of the family. We can discern no effect on the stability of the family.

2. The effect on the authority and rights of parents regarding the education and supervision of their children. We can discern no effect on the authority and rights of parents regarding the education and supervision of their children.

3. The effect on the functioning of the family. We can discern no effect on the functioning of the family.

4. The effect on family earnings and family budget. We can discern no effect on family earnings or family budget.

5. The effect on the behavior and personal responsibility of children. We can discern no effect on the behavior and personal responsibility of children.

6. The ability of the family or a local government to perform the function as contained in the proposed Rule. We can discern no effect on the ability of the family or a local government to perform the activity as contained in the proposed Rule.

Public Comments

Interested persons may submit written comments to Malcolm J Broussard, Executive Director, Louisiana Board of Pharmacy, 3388 Brentwood Drive, Baton Rouge, LA 70809-1700. He is responsible for responding to inquiries regarding these proposed amendments.

Public Hearing

A public hearing on these proposed amendments is scheduled for Monday, August 27, 2012 at 9 a.m. in the board office. At that time, all interested persons will be afforded an opportunity to submit data, views, or arguments, either orally or in writing. The deadline for the receipt of all comments is 12 noon that same day.

Malcolm J Broussard
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Controlled Dangerous Substances in Emergency Drug Kits

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

It is estimated that implementation of the proposed rule will cost the agency \$500 in FY 13 for printing costs. In addition, to the extent that state and local long-term care facilities elect to utilize emergency drug kits, the proposed amendments will allow them to add a maximum of 8 controlled dangerous substances (CDS) to those kits from the CDS list under R.S. 40:964. The costs of the controlled dangerous substances vary depending on the supplier and whether the drug is generic or brand name. The recordkeeping and reporting requirements associated with the controlled dangerous substances are similar to the federal mandates and will result in a minimal workload increase to state and local governmental units.

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

No impact on state or local government revenue collections is anticipated as a result of the proposed rule change.

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

To the extent that private pharmacies elect to utilize emergency drug kits within private long-term care facilities, the proposed amendments will allow them to add a maximum of 8 controlled dangerous substances to those kits from the CDS list under R.S. 40:964. The costs of the controlled dangerous substances vary depending on the supplier and whether the drug is generic or brand name. The recordkeeping and reporting requirements associated with the controlled

dangerous substances are similar to the federal mandates and will result in a minimal workload increase to directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No effect on competition and employment is anticipated as a result of this rule change.

Malcolm J. Broussard
Executive Director
1207#084

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

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

Interstate Remote Processing
(LAC 46:LIII.1139 and 1143)

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and the Pharmacy Practice Act (R.S. 37:1161 et seq.), the Louisiana Board of Pharmacy hereby gives notice of its intent to amend its rules relative to the remote processing of prescriptions and medical orders. In particular, the proposed amendments will permit any two pharmacies licensed by the board, regardless of location, to engage in such activities, subject to the limitations previously promulgated by the board.

Title 46

**PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part LIII. Pharmacists

Chapter 11. Pharmacies

Subchapter D. Off-Site Services

§1139. Definitions

A. As used in this Subchapter, the following terms shall have the meaning ascribed to them in this Section, unless the context clearly indicates otherwise.

* * *

Remote Processor—a Louisiana permitted pharmacy which provides remote processing services for another permitted pharmacy in Louisiana.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 33:1131 (June 2007), amended LR 38:

**§1143. Remote Processing of Medical Orders or
Prescription Drug Orders**

A. - A.2. ...

a. In the event the pharmacy soliciting remote processing services is located within a hospital with more than 100 beds, there shall be at least one pharmacist on duty at that hospital at all times, and any remote processing services provided to that pharmacy shall be supplemental in nature.

b. In the event the pharmacy providing remote processing services performs such services for a hospital pharmacy, the performance of all such services shall be limited to licensed pharmacists.

B. - C.2.c. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 33:1132 (June 2007), amended LR 38:

Family Impact Statement

In accordance with Section 953 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on the Rule proposed for adoption, repeal, or amendment.

1. The effect on the stability of the family. We can discern no effect on the stability of the family.

2. The effect on the authority and rights of parents regarding the education and supervision of their children. We can discern no effect on the authority and rights of parents regarding the education and supervision of their children.

3. The effect on the functioning of the family. We can discern no effect on the functioning of the family.

4. The effect on family earnings and family budget. We can discern no effect on family earnings or family budget.

5. The effect on the behavior and personal responsibility of children. We can discern no effect on the behavior and personal responsibility of children.

6. The ability of the family or a local government to perform the function as contained in the proposed Rule. We can discern no effect on the ability of the family or a local government to perform the activity as contained in the proposed Rule.

Public Comments

Interested persons may submit written comments to Malcolm J. Broussard, Executive Director, Louisiana Board of Pharmacy, 3388 Brentwood Drive, Baton Rouge, LA 70809-1700. He is responsible for responding to inquiries regarding these proposed amendments.

Public Hearing

A public hearing on these proposed amendments is scheduled for Monday, August 27, 2012 at 9 a.m. in the board office. At that time, all interested persons will be afforded an opportunity to submit data, views, or arguments, either orally or in writing. The deadline for the receipt of all comments is 12 noon that same day.

Malcolm J. Broussard
Executive Director

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

RULE TITLE: Interstate Remote Processing

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

It is estimated that implementation of the proposed rule will cost the Board \$500 in FY 13 for printing costs.

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

No impact on state or local government revenue collections is anticipated as a result of the proposed rule change.

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

Under the revisions to section 1143, for pharmacies in hospitals with over 100 beds that elect to engage in remote processing activities, a pharmacist is now required to be on duty at all times. As such, increased costs may include

retaining a full-time pharmacist 24 hours a day if this is not currently practiced in these hospitals. Costs will vary depending on the pharmacist's salary.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No effect on competition and employment is anticipated as a result of this rule change.

Malcolm J. Broussard
Executive Director
1207#081

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health and Hospitals Board of Pharmacy

Institutional Pharmacies (LAC 46:LIII.1705 and 1727)

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and the Pharmacy Practice Act (R.S. 37:1161 et seq.), the Louisiana Board of Pharmacy hereby gives notice of its intent to amend Section 1705 and repeal Section 1727 of LAC 46:LIII.Chapter 17, Institutional Pharmacies. In particular, the proposed amendments clarify provisions relative to pharmacies operated in hospitals and penal institutions.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LIII. Pharmacists

Chapter 17. Institutional Pharmacy

Subchapter A. General Requirements

§1705. Institutional Pharmacy Permit

A. An institutional pharmacy permit shall be required to operate a pharmacy department located within an institutional facility, other than a hospital or penal institution, for residents or patients of that institutional facility. The permit shall be applied for, and renewed, in the manner prescribed by the board in Chapter 11 of these regulations.

B. Pharmacies operated within a hospital shall be operated in accordance with Chapter 15 of these regulations.

C. Pharmacies operated within a penal institution shall be operated in accordance with Chapter 18 of these regulations.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), effective January 1, 1989, amended LR 29:2095 (October 2003), effective January 1, 2004, LR 38:

Subchapter D. Drug Donations to Pharmacies in Penal Institutions

§1727. Medication Transfers

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 34:1408 (July 2008), repealed LR 38:

Family Impact Statement

In accordance with Section 953 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on the Rule proposed for adoption, repeal, or amendment.

1. The effect on the stability of the family. We can discern no effect on the stability of the family.

2. The effect on the authority and rights of parents regarding the education and supervision of their children. We can discern no effect on the authority and rights of parents regarding the education and supervision of their children.

3. The effect on the functioning of the family. We can discern no effect on the functioning of the family.

4. The effect on family earnings and family budget. We can discern no effect on family earnings or family budget.

5. The effect on the behavior and personal responsibility of children. We can discern no effect on the behavior and personal responsibility of children.

6. The ability of the family or a local government to perform the function as contained in the proposed Rule. We can discern no effect on the ability of the family or a local government to perform the activity as contained in the proposed Rule.

Public Comments

Interested persons may submit written comments to Malcolm J. Broussard, Executive Director, Louisiana Board of Pharmacy, 3388 Brentwood Drive, Baton Rouge, LA 70809-1700. He is responsible for responding to inquiries regarding these proposed amendments.

Public Hearing

A public hearing on these proposed amendments is scheduled for Monday, August 27, 2012 at 9 a.m. in the board office. At that time, all interested persons will be afforded an opportunity to submit data, views, or arguments, either orally or in writing. The deadline for the receipt of all comments is 12 noon that same day.

Malcolm J. Broussard
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Institutional Pharmacies

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

It is estimated that implementation of the proposed rule will cost the agency \$500 in FY 13 for printing costs.

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

No impact on state or local government revenue collections is anticipated as a result of the proposed rule change.

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

The proposed amendments will clarify that pharmacies located within hospitals and penal institutions shall be operated in compliance with separate chapters of rules already promulgated by the board. No impact on costs or benefits to directly affected persons is anticipated as a result of the proposed rule change.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT
(Summary)

No effect on competition and employment is anticipated as a result of this rule change.

Malcolm J. Broussard
Executive Director
1207#080

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

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

Prescription Monitoring Program
(LAC 46:LIII.2901,2909, 2911,
2913, 2917, 2921, 2925 and 2931)

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and the Pharmacy Practice Act (R.S. 37:1161 et seq.), the Louisiana Board of Pharmacy hereby gives notice of its intent to amend LAC 46:LIII, Chapter 29, Prescription Monitoring Program, for the purpose of implementing the provisions of Acts 144 and 488 of the 2010 Regular Session of the Louisiana Legislature and Act 352 of the 2012 Regular Session of the Louisiana Legislature.

Title 46

**PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part LIII. Pharmacists

Chapter 29. Prescription Monitoring Program

Subchapter A. General Operations

§2901. Definitions

A. As used in this Chapter, the following terms shall have the meaning ascribed to them unless the context clearly indicates otherwise.

* * *

Dispenser—a person authorized by this state to dispense or distribute to the ultimate user any controlled substance or drug monitored by the program, but shall not include any of the following:

a. - d. ...

e. a veterinarian who dispenses negligible amounts of controlled substances or drugs of concern, as identified by rule.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1011.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 33:1345 (July 2007), amended LR 36:755 (April 2010), effective September 1, 2010, LR 38:

§2909. Advisory Council

A. The advisory council shall consist of the following members, each of whom may appoint a designee:

1. - 4. ...

5. The president of the Louisiana State Board of Veterinary Medicine;

6. - 25. ...

26. The president of the Louisiana Veterinary Medical Association.

B. - C.6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1005.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 33:1346 (July 2007), amended LR 38:

Subchapter B. Data Collection

**§2911. Reporting of Prescription Monitoring
Information**

A. ...

B. Each dispenser shall submit the required information by electronic means as soon as possible but in no event more than seven days after the date of dispensing.

C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1011.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 33:1346 (July 2007), amended LR 38:

§2913. Required Data Elements

A. The information submitted for each prescription shall include data relative to the identification of the following elements of the transaction, or alternative data as identified in the board's program user manual. To the extent possible, the data shall be transmitted in the format established by the American Society for Automation in Pharmacy (ASAP) Telecommunications Format for Prescription Monitoring Programs Standard Version 4.2 or a successor.

1. Prescriber information:

a. last and first name of prescriber;

b. United States Drug Enforcement Administration (DEA) registration number, and suffix if applicable, or in the alternative, the national provider identifier (NPI) number, as issued by the United States Centers for Medicare and Medicaid Services (CMS).

2. Patient information:

a. last and first name of human patient and middle initial or name if available, or in the event of a veterinary prescription, the client's name and patient's animal species;

b. complete address of patient;

c. - d. ...

e. gender code;

f. species code.

3. Prescription information:

a. - c. ...

d. number of refills authorized on original prescription and refill number;

e. ...

4. Drug information:

a. ...

b. quantity dispensed;

c. days supply;

5. Dispenser information:

a. DEA registration number, or in the alternative, the national provider identifier (NPI) number.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1011.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 33:1346 (July 2007), amended LR 38:

Subchapter C. Access to Prescription Monitoring Information

§2917. Authorized Direct Access Users of Prescription Monitoring Information

A. The following persons may access prescription monitoring information in the same or similar manner, and for the same or similar purposes, as those persons are authorized to access similar protected health information under federal and state law and regulation:

1. persons authorized to prescribe or dispense controlled substances or drugs of concern for the purpose of providing medical or pharmaceutical care for their patients, or for verifying their prescription records;

2. designated representatives from the professional licensing, certification, or regulatory agencies of this state or another state charged with administrative oversight of those professionals engaged in the prescribing or dispensing of controlled substances or other drugs of concern;

3. - 4. ...

5. prescription monitoring programs located in other states, through a secure interstate data exchange system or health information exchange system approved by the board, but only in compliance with the provisions of R.S. 40:1007.G

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1011.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 33:1347 (July 2007), amended LR 38:

§2921. Methods of Access to Prescription Monitoring Information

A. Prescribers and dispensers, once properly registered, may solicit prescription monitoring information from the program concerning their patients, or for verifying their prescription records. The program may require such users to certify the legitimacy of their inquiry prior to furnishing the requested information.

B. - D. ...

E. Upon receipt of one of the following methods of application by local, state, out-of-state, or federal law enforcement or prosecutorial officials, the program may provide prescription monitoring information:

E.1. - G ...

H. Prescription monitoring programs located in other states may access prescription monitoring information from the program through a secure interstate data exchange system or health information exchange system approved by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1011.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 33:1347 (July 2007), amended LR 38:

Subchapter D. Reports

§2925. Release of Prescription Monitoring Information to Other Entities

A. The program shall provide prescription monitoring information to public or private entities, whether located in or outside the state, for public research, policy, or educational purposes, but only after removing information that identifies or could reasonably be used to identify prescribers, dispensers, and individual patients or persons who received prescriptions from prescribers.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1011.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 33:1348 (July 2007), amended LR 38:

Subchapter E. Exemptions

§2931. Exemptions

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1011.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 33:1348 (July 2007), repealed LR 38:

Family Impact Statement

In accordance with Section 953 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on the Rule proposed for adoption, repeal, or amendment.

1. The effect on the stability of the family. We can discern no effect on the stability of the family.

2. The effect on the authority and rights of parents regarding the education and supervision of their children. We can discern no effect on the authority and rights of parents regarding the education and supervision of their children.

3. The effect on the functioning of the family. We can discern no effect on the functioning of the family.

4. The effect on family earnings and family budget. We can discern no effect on family earnings or family budget.

5. The effect on the behavior and personal responsibility of children. We can discern no effect on the behavior and personal responsibility of children.

6. The ability of the family or a local government to perform the function as contained in the proposed Rule. We can discern no effect on the ability of the family or a local government to perform the activity as contained in the proposed Rule.

Public Comments

Interested persons may submit written comments to Malcolm J. Broussard, Executive Director, Louisiana Board of Pharmacy, 3388 Brentwood Drive, Baton Rouge, LA 70809-1700. He is responsible for responding to inquiries regarding these proposed amendments.

Public Hearing

A public hearing on these proposed amendments is scheduled for Monday, August 27, 2012 at 9 a.m. in the board office. At that time, all interested persons will be afforded an opportunity to submit data, views, or arguments, either orally or in writing. The deadline for the receipt of all comments is 12 noon that same day.

Malcolm J. Broussard
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Prescription Monitoring Program

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

It is estimated that implementation of the proposed rule will cost the agency \$40,500 in FY 13. These costs consist of \$500 for printing expenses and \$40,000 for software modification to connect to the national prescription monitoring program (PMP)

network in order to participate in the interstate exchange of prescription monitoring information as directed by Act 352 of 2012 and Act 488 of 2010. In addition, continuing network participation fees are estimated to cost approximately \$15,000 annually in future fiscal years.

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

With this rule change, the Board will repeal the exemption of veterinarians from the prescription monitoring program under section 2931. As such, the Board estimates increased revenue collections of a minimum of \$22,500 per fiscal year from the assessment of the \$25 annual fee from the approximately 900 veterinarians currently holding a controlled dangerous substance license.

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

Veterinarians will now be required to pay the annual \$25 PMP fee. In addition, to the extent that Louisiana licensed pharmacies may need to upgrade their pharmacy dispensing information systems, some pharmacies may incur programming costs of an indeterminable amount to prepare their information systems to continue to report their eligible controlled substance dispensing transactions to the PMP database.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No effect on competition and employment is anticipated as a result of this rule change.

Malcolm J. Broussard
Executive Director
1207#085

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

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

Security of Prescription Department (LAC 46:LIII.1103)

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and the Pharmacy Practice Act (R.S. 37:1161 et seq.), the Louisiana Board of Pharmacy hereby gives notice of its intent to amend §1103 of its rules. In particular, the proposed amendment will provide an alternative security requirement for prescription departments located within certain pharmacies.

Title 46

**PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part LIII. Pharmacists

Chapter 11. Pharmacies

Subchapter A. General Requirements

§1103. Prescription Department Requirements

A. - H.3. ...

I. Pharmacy Security. The prescription department or the premises housing the prescription department shall be adequately secured by the installation of partitions and secured entrances, which shall be locked by a pharmacist and made inaccessible when the prescription department is closed. The prescription department or any premises housing a prescription department shall be adequately secured by an alarm system.

J. - K. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 23:1310 (October 1997), amended LR 29:2087 (October 2003), effective January 1, 2004, LR 38:

Family Impact Statement

In accordance with Section 953 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on the Rule proposed for adoption, repeal, or amendment.

1. The effect on the stability of the family. We can discern no effect on the stability of the family.

2. The effect on the authority and rights of parents regarding the education and supervision of their children. We can discern no effect on the authority and rights of parents regarding the education and supervision of their children.

3. The effect on the functioning of the family. We can discern no effect on the functioning of the family.

4. The effect on family earnings and family budget. We can discern no effect on family earnings or family budget.

5. The effect on the behavior and personal responsibility of children. We can discern no effect on the behavior and personal responsibility of children.

6. The ability of the family or a local government to perform the function as contained in the proposed Rule. We can discern no effect on the ability of the family or a local government to perform the activity as contained in the proposed Rule.

Public Comments

Interested persons may submit written comments to Malcolm J. Broussard, Executive Director, Louisiana Board of Pharmacy, 3388 Brentwood Drive, Baton Rouge, LA 70809-1700. He is responsible for responding to inquiries regarding these proposed amendments.

Public Hearing

A public hearing on these proposed amendments is scheduled for Monday, August 27, 2012 at 9 a.m. in the board office. At that time, all interested persons will be afforded an opportunity to submit data, views, or arguments, either orally or in writing. The deadline for the receipt of all comments is 12 noon that same day.

Malcolm J. Broussard
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Security of Prescription Department**

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

It is estimated that implementation of the proposed rule will cost the agency \$500 in FY 13 for printing costs.

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

No impact on state or local government revenue collections is anticipated as a result of the proposed rule change.

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

The proposed amendments provide an alternative security standard for prescription departments located within certain pharmacies typically owned by small businesses. As long as the

facility housing the prescription department is closed and adequately secured, the enclosed prescription department does not need additional security measures. Since the private business will no longer have to secure both the enclosed prescription department and the outside facility, the rule change may result in an indeterminable amount of savings to private businesses.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No effect on competition and employment is anticipated as a result of this rule change.

Malcolm J. Broussard
Executive Director
1207#082

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Natural Resources
Office of Conservation**

**Notification and Confirmation of New Water Well
Construction (LAC 43:VI.701 and LAC 56:I.323)**

The Department of Natural Resources, Office of Conservation proposes to amend LAC 43:VI.701 and LAC 56:I.323 in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and pursuant to the power delegated under the laws of the state of Louisiana. The amendment is being proposed in response to recommendations from the Louisiana Ground Water Resources Commission in the report entitled "Managing Louisiana's Groundwater Resources" delivered to the Louisiana Legislature on March 12, 2012 and in an effort to achieve 100 percent compliance with water well notification and agency evaluation requirements for proposed well installation for non-exempt well uses, such as, but not limited to, irrigation, public supply and industrial purposes. The amendment will ensure that water well pre-installation notification agency evaluation has been performed and an appropriate agency response has been issued to the well owner prior to engaging in well construction operations.

Title 43

NATURAL RESOURCES

Part VI. Water Resources Management

Subpart 1. Ground Water Management

**Chapter 7. Water Well Notification Requirements in
Non-Critical Ground Water Areas**

§701. Applicability

A. - B. ...

1. prior to the commencement of any construction on a new water well, the drilling contractor shall confirm that the Office of Conservation has received and responded to water well installation notification as required in Subsection B of this Section.

C. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3097 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 30:1215 (June 2004), amended LR 35:252 (February 2009), LR 37:2410 (August 2011), LR 38:

Title 56

PUBLIC WORKS

Part I. Water Wells

Chapter 3. Water Well Construction

§323. Drilling and Construction

A. - C. ...

1. prior to the commencement of any construction on a new water well, the drilling contractor shall confirm that the office of conservation has received and responded to water well installation notification as required in LAC 43:VI.701.B;

2. record the hole diameter and any changes in size of hole;

3. record (driller's log) the depth and thickness of the formations penetrated;

4. record any unusual occurrences, such as loss of circulation, cave-ins, etc. (In the event the unusual occurrence is observable evidence of naturally occurring methane gas, natural gas or similar sub-surface gas, such as bubbling drilling mud or gas venting at the well bore or other nearby surface location or feature, the contractor shall report such event verbally to the Environmental Division of the Office of Conservation within 24 hours.); and

5. collect representative samples (drill cuttings) from each potential aquifer.

D. - P. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3091-R.S. 38:309.8.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Public Works, LR 1:249 (May 1975), amended LR 11:954 (October 1985), repromulgated by the Department of Transportation and Development, Office of Public Works, LR 31:942 (April 2005), amended by the Department of Natural Resources, Office of Conservation, LR 37:910 (March 2011), amended by the Department of Natural Resources, Office of Conservation, LR 37:910 (March 2011), LR 37:3528 (December 2011), LR 38:

Family Impact Statement

In accordance with RS 49:972, the following statements are submitted after consideration of the impact of the proposed Rule amendments at LAC 43:I.701 and LAC 56:I.323 on family as defined therein.

1. The proposed Rule amendment will have no effect on the stability of the family.

2. The proposed Rule amendment will have no effect on the authority and rights of parents regarding the education and supervision of their children.

3. The proposed Rule amendment will have no effect on the functioning of the family.

4. The proposed Rule amendment will have no effect on family earnings and family budget.

5. The proposed Rule amendment will have no effect on the behavior and personal responsibility of children.

6. Family or local government are not required to perform any function contained in the proposed Rule amendment.

Small Business Statement

In accordance with R.S. 49:965.6, the Department of Natural Resources, Office of Conservation has determined that these amendments will have no estimated effect on small businesses.

Public Comments

All interested parties will be afforded the opportunity to submit data, views, or arguments, orally or in writing at the public hearing in accordance with R.S. 49:953. Written comments will be accepted until 4:30 p.m., September 3, 2012, at Office of Conservation, Environmental Division, P.O. Box 94275, Baton Rouge, LA, 70804-9275; or Office of Conservation, Environmental Division, 617 North Third St., Room 817, Baton Rouge, LA 70802. Reference Docket No. ENV 2012-06 on all correspondence. All inquiries should be directed to John Adams at the above addresses or by phone to (225) 342-7889. No preamble was prepared.

Public Hearing

The commissioner of conservation will conduct a public hearing at 9 a.m., August 27, 2012, in the LaBelle Room located on the first floor of the LaSalle Building, 617 North Third Street, Baton Rouge, LA.

James H. Welsh
Commissioner

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Notification and Confirmation of New Water Well Construction

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

There are no estimated implementation costs or savings to state or local governmental units. The proposed rule amendment is intended to confirm that the water well pre-installation notification agency evaluation has been performed and an appropriate agency response has been issued to the well owner prior to engaging in well construction operations.

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

There is no anticipated effect on revenue collections of state or local governmental units as a result of this rule change.

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

There are no anticipated costs and/or economic benefits to directly affected persons or non-governmental groups as a result of this rule change.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated effect on competition and employment as a result of this rule change.

James H. Welsh
Commissioner
1207#097

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Public Safety and Corrections Office of State Police

Motor Vehicle Inspections (LAC 55:III.Chapters 7 and 8)

The Department of Public Safety and Corrections, Office of State Police, in accordance with R.S. 49:950 et seq., Act 138 of the 2009 Regular Session, and R.S. 32:1304 et seq., gives notice of its intent to promulgate amended rules providing for replacement of the fine schedule, replacing

references to the non-existent Safety Enforcement Section with new references to the Department of Public Safety, and other miscellaneous amendments.

Title 55

PUBLIC SAFETY

Part III. Motor Vehicles

Chapter 7. Louisiana Motor Vehicle Safety

Inspection Program

§701. Penalties for Non Compliance

A.-A.3. ...

4. Civil penalties shall be assessed as described in R.S. 32:1312.

5. If an inspection station or mechanic inspector receives three written violation notices within a 12-month period, this shall be grounds to remove said inspection station or mechanic inspector from the Motor Vehicle Safety Inspection Program. This in no way intends to impede the ability of the department from removing an inspection station or mechanic inspector at any time with proper cause.

6. The department shall impose civil penalties after affording the accused an opportunity for a fair and impartial hearing to be held in accordance with the Administrative Procedures Act.

7. After the hearing process has been exhausted and upon the decision of the department to impose civil penalties has been upheld, civil penalties shall be imposed as previously stated.

8. All licensees and applicants shall be current in the payment of all penalties and fees owed to the Department of Public Safety. Companies failing to comply with this requirement are subject to having their station's license suspended or revoked.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:1310 and 32:1312 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 21:184 (February 1995), amended LR 38:

Chapter 8. Motor Vehicle Inspection

Subchapter A. General

§801. Definitions

A. As used in this Chapter, the following terms have the meanings described below.

Department—Department of Public Safety and Corrections, Office of State Police, Department of Public Safety Police.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:1304-1310.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Safety Enforcement Section LR 25:2421 (December 1999), amended LR 38:

§803. Foreword

A.-D. ...

E. Each official motor vehicle inspection station shall give priority to customers seeking motor vehicle inspections. Reasonable time shall be considered when the inspector is committed to other duties, (clean up, hazardous situation).

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:1304-1310.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Safety Enforcement Section, LR 25:2421 (December 1999), amended LR 38:

Subchapter B. Safety Inspections

§805. Requirements, Duties, Responsibilities

A. - A.1.d. ...

e. stations inspecting commercial vehicles and school buses are required to have special authorization from the department.

2. Dealer Station. Any person, association or corporation licensed as a dealer of vehicles which are subject to registration may be licensed as an official MVI dealer inspection station. These stations may only conduct inspections of both new and used vehicles owned by the dealer which are for sale or demonstration. A notation will be made in the remarks section of the application form indicating what type of vehicles is to be inspected. When a dealer is authorized to inspect, it is mandatory that all vehicles sold as new or used must be properly inspected and a valid inspection certificate affixed thereto as prescribed by the official rules and regulations under LAC 55:III.Chapters 7 and 8.

3. ...

4. Government Station. A town, municipality, city, parish or state agency to which the department has granted authority to inspect vehicles owned and registered to these government agencies. These stations will not be approved unless they have their own repair shop; a school board may be granted authority to inspect and certify vehicles operated or contracted by that board.

5. Non-attainment area stations are inspection stations receiving specialized training and licensing. Only non-attainment area stations are permitted to inspect vehicles registered within this area. The nonattainment area consists of five parishes. These parishes are designated by the four digit domicile code on the registration. Domicile codes beginning with 03 (Ascension Parish), 17 (East Baton Rouge), 24 (Iberville Parish), 32 (Livingston Parish), or 61 (West Baton Rouge) are within the non-attainment area.

B. Request for Appointment as an Official Inspection Station

1. A written request must be submitted to department in the district where the business is located in order to become an official MVI station. A representative of the department will be assigned to inspect the premises and interview the personnel to determine that all minimum requirements are met.

2. ...

C. Minimum Requirements for a Motor Vehicle Inspection Station

1. The following minimum requirements must be met prior to approval as an official MVI station:

a. the prospective MVI station must project an image of a clean and orderly place of business.

b. MVI station locations must comply with local occupational, zoning and building inspection codes.

c. must have a covered vehicle stall or bay, with a roof and two walls, large enough to accommodate the inspection of a full sized motor vehicle.

D. - D.1. ...

E. Equipment Required for Safety Inspections

1. The following required equipment will be readily accessible during inspection hours:

a. - g. ...

h. a telephone number listed under the name of the station as it appears on the station license, with a telephone located at the place of business. All stations in the non-attainment area shall have the ability to access a telephone and the world wide web simultaneously during normal hours of operation.

i. on board diagnostic systems test equipment and evaporative system test equipment which includes gas cap pressure test equipment as per the United States Environmental Protection Agency (US EPA) specifications. Stations must have approved equipment readily accessible and in good working order. This equipment must be in or near the inspection area. The provisions of LAC 55:III.805.E.1.i shall only apply to inspection stations located in the non-attainment area. Any inspection station incorporated into a new DEQ Emissions Control Program non-attainment area shall adhere to US EPA specifications.

j. - k. ...

l. floor jack or lift or two jack stands. This equipment must be capable of lifting and safely holding up the vehicle being inspected. The provisions of LAC 55:III.805.E.1.L shall only apply to school bus inspection stations;

m. ...

F. Responsibility of Station Owner or Operator Waiting on Response. Upon application for designation as an official MVI station, the owner/operator has pledged himself to:

1. act as directed by the department when inspecting vehicles in accordance with these rules.

2. maintain a current, updated Official Rules and Regulations on the premises at all times. The manual will be maintained in good condition and be readily available to the mechanic inspector. Any changes in Official Rules and Regulations received by the station operator must be placed immediately in the station's Official Rules and Regulations Manual. It is the owner/operator's responsibility to ensure all of his employees involved in the inspection program are aware of any changes;

3. use only employees authorized by the department to perform the actual inspection of motor vehicles;

4. - 6. ...

7. refrain from the use of alcohol or drugs while on duty; MVI stations shall not sell alcoholic beverages.

8. keep an adequate supply of both inspection and rejection certificates and all necessary forms on hand at all times; adequate supply shall be considered 15 certificates or more.

9. perform inspections and affix certificates of inspection only at the business location designated on the station license, affix valid certificates of inspection only to those vehicles which have been properly inspected and have passed the safety requirements

10. have at least one approved mechanic inspector on duty to make inspections during the hours of business each normal working day

11. be open for inspections at all times each day during normal business hours and to perform inspections throughout the year. Inspections shall be conducted a minimum of 40 hours per week; If a station has to close for more than one business day, that station must notify the department before closing.

12. - 13. ...

14. immediately follow all directives and instructions issued by the department; and

15. ...

G. Requirements for Approval of Mechanic Inspectors. Before any mechanic can perform inspections, the department shall review the mechanic's qualifications and may authorize him to inspect. The following requirements shall be met by each applicant prior to being approved as a mechanic inspector:

1. - 3. ...

4. shall possess a valid Louisiana operator's license. The operator's license shall not be subject to any order of suspension, revocation or cancellation or any other order or action which prevents the issuance of a duplicate or renewed operator's license. An approved mechanic inspector residing in a bordering state or those on active military duty shall furnish a valid operator's license from their resident state along with a copy of their driving record. The suspension, revocation, or cancellation of a mechanic inspector's operator's license shall be grounds to suspend his authority to inspect vehicles. A mechanic inspector shall notify the department immediately of such suspension, revocation, or cancellation of his operator's license;

5. shall successfully complete a training program conducted by an authorized representative of the department before being licensed to inspect vehicles. This training shall include all aspects of the Motor Vehicle Inspection program. Mechanic inspectors employed by stations approved to inspect school buses and commercial vehicles shall also be properly trained in those areas prior to being licensed. Mechanic inspectors who wish to be employed by a station within the five parish nonattainment area must attend special training and cannot transfer from a station outside this area without first successfully passing said training;

6. - 7. ...

H. Duties and Responsibilities of Authorized Mechanic Inspectors

1. The authorized mechanic inspector shall:

a. - h. ...

i. abide by the inspection laws, rules, regulations and/or procedures. Failure to do so by an authorized mechanic inspector may result in a civil penalty being imposed and could result in the permanent revocation of inspection privileges and may subject him/her to criminal and or civil prosecution;

j. when changing employment from one inspection station to another, the mechanic inspector shall return the old mechanic inspector license and be re-certified at the new place of employment by the department before performing any inspections at the new location. Failure to obtain certification at the new location may result in revocation of the inspector's license; and

H.1.k. - I.2. ...

3. When all conditions have been met, the station license will be mailed or delivered to the station by a representative of the department appointed to supervise the station. The station license will be presented to any law enforcement officer upon demand.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:1304-1310.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Safety Enforcement Section, LR 25:2422 (December 1999), amended LR 27:2260 (December 2001), repromulgated LR 28:344 (February 2002), amended LR 38:

§807. Operation as an Official Motor Vehicle Inspection Station

A. Change of Name, Location and/or Ownership

1. Persons operating under a motor vehicle inspection station license contemplating a change of name, location and/or ownership must notify the department before a change is made. All changes must be approved by the department prior to being made by the station.

2. Before a change can be made, the former motor vehicle inspection station license and all mechanic license(s) must be returned to the department. New station and mechanic applications, along with the appropriate fees and a new bond, must be submitted to reflect the change. The department will issue a new motor vehicle inspection station license and mechanic license(s). On the effective date of the change, all inspections will cease under the former motor vehicle inspection station license.

3. ...

B. Going Out of Business or Discontinuance of Inspections

1. Prior to going out of business or discontinuing inspections, a motor vehicle inspection station owner/operator must immediately notify the department. Either occurrence shall result in the cancellation of the motor vehicle inspection station license. All unused inspection and rejection certificates, along with the motor vehicle inspection station license and all mechanic licenses, must be returned to the department.

C. - C.2. ...

D. Periods of Inspection

1 - 1.a. ...

b. The fee for inspection of a passenger car or light truck and all other vehicles shall be \$10 for each year, except in non-attainment parishes. Gasoline powered passenger cars and light trucks under 10,001 pounds registered in non-attainment parishes and municipalities shall be assessed an \$18.00 inspection fee.

1.c. - 6. ...

E. R.S. 32:1306(G) Place of Inspection

1. Inspection stations need not reserve a bay or stall exclusively for inspections. However, a station shall give priority to customers seeking motor vehicle inspections. This should take no longer than 20 minutes.

2. Inspection and rejection certificates shall be issued to a vehicle only by an authorized, licensed mechanic inspector within an area approved by the department and at the authorized inspection station.

F. Ordering Inspection/Rejection Certificates

1. All orders for inspection or rejection certificates should be directed to the local Office of Motor Vehicles.

2. - 3. ...

4. Only authorized commercial Motor Vehicle Inspection stations with a current license will be permitted to purchase commercial inspection certificates. Each inspection station shall have only one person designated to purchase inspection certificates from the Office of Motor Vehicles.

Only commercial inspection stations will be allowed to purchase commercial stickers.

5. ...

G. Lost or Stolen Inspection/Rejection Certificates

1. ...

2. Each inspection station will be accountable for each inspection and rejection certificate it receives from the department. Lost or stolen certificates must be accounted for on the log report by numerical listing. In lieu of the inspection information, the word "lost" or "stolen" must be noted on the log report by that certificate number.

3. Should an inspection or rejection certificate be lost or stolen, the department must be notified immediately. If a theft is suspected, the local law enforcement agency shall be asked to investigate the theft and forward a copy of the police report to the department.

4. ...

H. Warning Notices. A written warning may be issued by a representative of the department for any infraction of the rules and regulations. This will become a permanent part of the station's file and will be a basis for determining the issuance of a civil penalty or revocation. A copy shall be given to the mechanic inspector and/or the station owner at the time of issuance.

I. Motor Vehicle Inspection Log Report

1 - 3. ...

4. Dealer, fleet, public, and government Motor Vehicle Inspection stations will no longer be required to submit log reports to the department.

5. Log reports shall be kept in the log book at the Motor Vehicle Inspection station for 14 months. These reports shall be available for inspection by department personnel or law enforcement officers.

6. Stations in the non-attainment area which are required to submit their inspection information electronically must do so in real time as set forth in the Code of Federal Regulations, 40CFR 51.358(2).

7. Authorized commercial Motor Vehicle Inspection stations are also required to follow the above regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:1304 -1310.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Safety Enforcement Section, LR 25:2424 (December 1999), amended 27:2260 (December 2001), repromulgated LR 28:345 (February 2002), amended LR 30:2859 (December 2004), LR 38:

§808. Out-of-State Inspection Stations

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:1301 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Safety Enforcement Section, LR 23:1701 (December 1997), amended LR 24:477 (March 1998), repealed LR 38:

§809. General Inspection Requirements

A. Fees for Inspection

1. The fee for safety and commercial inspections will be the current fee set by law for each inspection performed, whether it was approved or rejected. Headlamp adjustments are included in this charge. No sales tax or late penalty fees will be collected on inspections

2. A rejected vehicle is entitled to one free re-inspection if returned to the same inspection station within the allowed period of time.

B. Repairs or Adjustments

1. Headlamp adjustments are included in the inspection of a vehicle as stated in R.S. 32:1306(C)(2). No other repairs or adjustments should be made without authorization by the owner or operator of the vehicle. Any unauthorized repairs or adjustments may result in a civil penalty or criminal charges being imposed and/or the revocation of the station's license and/or mechanic inspector's license.

2. ...

C. Issuance of Inspection Certificates

1. - 5.

6. Pre-inspections cause hardship for both you and the customer and will not be allowed.

7. Use of the stamp kit in place of certificate inserts is prohibited unless authorized by the department. Marking pens are not to be used in place of an insert.

D. Issuance of Rejection Certificates

1. - 6. ...

7. Should the owner or operator of a rejected vehicle refuse to accept the rejection certificate, it will be noted as such on the log report. The completed rejection certificate will be attached to the log report and sent to the department office at the end of the inspection week as required.

8. - 11. ...

E. Issuance of Restricted Rejection Certificates

1. - 2.f. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:1304-1310.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Safety Enforcement Section, LR 25:2426 (December 1999), amended LR 38:

§811. Inspection Procedures

A. - B. ...

1. Certificate of registration contains information which must be verified with the corresponding information on the vehicle. A photocopy or original registration is acceptable. In lieu of a registration certificate, a vehicle may be inspected with a valid temporary license plate. The valid temporary registration is normally taped to the back of the temporary license plate.

B.2. - G. ...

H. The vehicle registration must indicate an address other than in Kenner, Westwego or New Orleans. Residents of these areas are required to comply with the municipal ordinances of periodic inspections of the area in which they reside.

Exception: In hardship cases approved by the department, vehicles from these areas with an expired inspection certificate may be inspected at state inspection stations which will be valid until the return of the vehicle to these municipal areas.

I. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:1304-1310.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Safety Enforcement Section, LR 25:2427 (December 1999), amended LR 38:

§813. Required Equipment

A. Inspected items must be in proper condition and adjustment such that the item does not pose an unsafe condition as to endanger any person or property.

B. Speedometer/Odometer

1. The speedometer and odometer must be operational.

2. - 4. ...

C. Horn

1. - 3. ...

4. An auxiliary horn must be wired to a separate switch.

D. Brakes

1. Every vehicle required to be equipped with brakes must be tested. The mechanic inspector shall take physical control of the vehicle presented for inspection to determine if the brakes are operating correctly.

2. The test for stopping distance shall be made on a substantially level, dry, smooth, hard surface that is free from loose material. The vehicle shall not pull to the right or the left causing the vehicle to excessively alter its direction of travel.

3. A platform brake tester may be used instead of performing the road test. Before attempting to inspect a vehicle's brakes with a platform brake tester, the mechanic inspector shall be trained on and have experience in the use of the machine. The machine shall have adequate capacity and shall be calibrated and certified yearly. The mechanic inspector shall follow all tester manufacturers' directions.

4. Classifications for Brake Application

a. Single unit vehicles with a manufacturer's gross vehicle weight rating of less than 10,000 pounds shall have a braking distance of 30 feet.

b. Motorcycles and motor-driven cycles shall have a braking distance of 30 feet.

c. Single unit vehicles with a manufacturer's gross weight rating of 10,000 pounds or more shall have a braking distance of 40 feet.

d. Combination of a two-axle towing vehicle and a trailer with a gross trailer weight of 3,000 pounds or less shall have a braking distance of 40 feet.

e. Buses, regardless of the number of axles, not having a manufacturer's gross weight rating shall have a braking distance of 40 feet.

f. All combinations of vehicles in drive away, tow-away operations shall have a braking distance of 40 feet.

g. All other vehicles and combinations with a GVWR of 10,000 or more pounds shall have a braking distance of 50 feet.

E. Brake Requirement

1. - 2. ...

a. Every motor vehicle, other than motorcycles or motor driven cycles, shall be equipped with brakes adequate to control movement of and to stop and hold movement of such vehicle. Two separate means of applying brakes are required, each of which shall effectively apply brakes to at least two wheels.

b. Every motorcycle and every motor driven cycle manufactured with two wheels shall be required to be equipped with brakes on both wheels.

c. Every trailer or semi-trailer exceeding 3,000 pounds gross weight shall be equipped with brakes adequate

to control the movement of and to stop and hold such vehicle.

3. The following exceptions exist.

a. Trailers and semi-trailers manufactured or assembled prior to January 1, 1963, need only be equipped with brakes on a single axle provided the combination of vehicles, consisting of the towing vehicle and its total load, is capable of complying with the performance requirements.

b. Farm trailers and semi-trailers manufactured or assembled prior to January 1, 1973, need not be equipped with brakes. Every farm trailer and farm semi-trailer manufactured or assembled on or after January 1, 1973, and having a gross weight exceeding 3,000 pounds shall be equipped with brakes in accordance with the requirements set forth above.

c. Vehicles carrying forest products in their natural state shall not be required to have a brake on the drag axle if the wheels of the drag axle touch the ground only when the vehicle is loaded. However, this provision does not apply to trailers or trucks with more than two axles.

F. Parking Brakes

1. ...

G. Lighting System

1. - 6. ...

7. All motor vehicles, except motorcycles, motor scooters and motor bikes shall be equipped with at least two operable headlamps, emitting white light only. These headlamps may be the multiple beam type or the single beam type. The type headlamp with which the vehicle is equipped will determine what requirements must be met.

8. Motor vehicles must have at least two headlamps, but not more than four headlamps, half mounted on each side on the front of the vehicle.

9. The mounted height of headlamps, measured from the center of the lamp to the level ground, will not be more than 54 inches nor less than 24 inches.

10. All vehicles must be equipped with an operable dimmer switch and beam indicator (high or low beam designation).

11. Headlamp concealment devices must remain fully open when the headlamp is illuminated. The concealment device must be opened automatically or manually without the use of any tools.

12. Aiming of headlamps is as follows.

a. The inspection shall include the adjustment of headlights when needed and if mechanically practical. This service shall be performed at no additional cost to the operator of the motor vehicle.

b. Headlights shall be aimed using only approved equipment and following manufacturer's recommendations.

H. Parking Lamps on the front of the vehicle. When actuated, the front parking lamps must display either white or amber light. These lamps must operate as originally equipped.

I. Turn Indicator Lamps, Front and Rear

1. Any vehicle manufactured or assembled after December 31, 1962, must be equipped with lamps which indicate the direction of a turn displaying the signal to both the front and rear of the vehicle.

2. Front Turn Indicator Lamps. Both front turn indicator lamps must be mounted on the same level and display an amber light, except those vehicles manufactured

or assembled prior to January 1, 1969. Those vehicles may emit either a white or amber colored light.

3. Rear Turn Indicator Lamps. Both rear turn indicator lamps must be mounted on the same level with one on each side of the vehicle. The lamps may emit either red or amber color light only. The lens covering the lamp may not be cracked, broken or missing causing white light to be emitted to the rear of the vehicle. The lens must be of an original type lens.

4. The signal cancellation must operate as originally equipped and cancel the signal when the turning maneuver is completed, except for truck-tractors, motorcycles or motor driven cycles.

J. Tail Lamps

1. Tail lamps must be covered with an original type lens. It cannot be cracked, broken or missing any of the lens which would emit white light to the rear of the vehicle.

2. Vehicles manufactured or assembled after December 31, 1962, must be equipped with two tail lamps.

3. The tail lamp must emit red light only.

4. The maximum height of tail lights is 72 inches and the minimum height allowed is 15 inches.

K. Stop Lamps

1. Vehicles manufactured or assembled after December 31, 1962, are required to have two operational stop lamps with the exception of motorcycles, motor driven cycles or truck tractors, which must have at least one.

2. The stop lamps must emit red light only visible at least 300 feet to the rear of the vehicle.

3. The stop lamps must operate as originally equipped.

4. The lens covering the stop lamp must be of an original type not broken, cracked or missing any portion which allows white light to be emitted to the rear of the vehicle.

L. High Mount Brake Lamp

1. All passenger vehicles manufactured September 1, 1985, and thereafter must be equipped with a third stop lamp. This lamp is to be mounted in the line of sight near the rear window with at least 4 1/2 inches of exposed red area on the lens. Light duty trucks with the model year 1995 and later are required to have high mount lamps.

2. The high mount brake lamp must be present and operate as originally equipped.

3. The vehicle shall be rejected if the high mount brake lamp is obscured by any add on item such as ladder racks, luggage racks, etc. Light duty trucks that are equipped with high mount brake lamps and have had a camper top installed must have a similar high mount brake lamp installed on the camper top in a corresponding position in the rear. If the vehicle comes equipped with a high mount brake lamp, it cannot be obscured by any after market item unless it is replaced with a comparable lamp as originally equipped and visible from the rear of the vehicle.

M. Back-Up Lamps

1. Vehicles manufactured or assembled after January 1, 1969, must be equipped with no more than two back-up lamps.

2. The back-up lamp must emit a white light only.

3. The back-up lamps must be lighted only when the vehicle is in reverse gear and must not light when the vehicle is in any other gear.

N. License Plate Lamp

1. The license plate lamp must illuminate the license plate making it visible for 50 feet to the rear.

2. The lamp is to be lighted with white light only when headlamps or auxiliary driving lamps are lighted. Except for antique vehicles, the use of neon lights or the use of any other lights which obscure the license plate is prohibited.

O. Outside/Inside Rearview Mirrors

1. From the driver's seated position, visually inspect the left outside rearview mirror and the interior mirror for clear and reasonably unobstructed view 200 feet to the rear.

2. The mirrors should not be cracked, pitted or clouded to the extent that the driver's vision would be obscured. Inspect mirrors for correct location and stable mounting.

3. Mirrors must maintain set adjustment so that the rear vision is not impaired.

4. All vehicles manufactured after December 31, 1972, must be equipped at the factory with a left-hand, outside rearview mirror. This includes motorcycles and motor driven cycles. If two outside mirrors are utilized, no inside mirror is required.

P. Windshield Wipers

1. All vehicles manufactured after December 31, 1972, must be equipped with a wiper system capable of operating at two or more speeds. Two wipers are required if the vehicle was originally equipped with such. All motor vehicles equipped with windshields, except motorcycles and motor driven cycles, are required to have windshield wipers.

2. Windshield wipers must operate as originally equipped to operate. If vacuum operated, the engine must be idling and the control must be turned on to the maximum setting.

3. Windshield wipers shall not smear or severely streak the windshield.

4. Proper contact of the blades with the windshield is required. Inspect by raising the arm away from the windshield and then release it. The arm should return to the original position or should urge the wiper blade to contact the windshield firmly.

5. The condition of the blades and metal parts must be checked.

6. Metal parts and blades shall not be missing or damaged. Blades shall not show signs of physical breakdown of rubber wiping element. Rubber blades shall not be damaged, torn or hardened to the point that they do not clear the windshield.

7. The windshield wiper control shall be within reach of the driver.

Q. Windshield Washers

1. All vehicles manufactured after 1985 are required to have operating windshield washers.

R. Windshields

1. Every passenger vehicle, other than a motorcycle, shall be equipped with an adequate windshield.

2. For inspection purposes, the windshield is composed of three areas as follows.

a. Acute Area. The acute area is directly in the driver's line of vision in the center of the driver's critical area. It is 8 1/2" x 11", the size of a standard piece of paper. In this area no cracks are allowed. No more than two stars,

nicks, chips, bulls eyes or half moons in excess of 1/2 inch will be allowed.

b. Critical Area. The critical area is the area other than the acute area which is cleaned by the normal sweep of the windshield wiper blades on the driver's side only. In this area, any star larger than 2 inches in diameter; two or more stars larger than 1 1/2 inches in diameter and two or more cracks which extend more than 8 inches in length will not be allowed.

c. Non-Critical Area. This area consists of all other windshield area other than the acute or critical area.

3. A windshield can be rejected at any time the condition creates a safety hazard. If a windshield is cracked in such a way as to jeopardize the integrity of the windshield, the vehicle is to be rejected.

S. Windshields and Glass Sun screening and Glass Coating

1. Windshields are allowed to have sunscreen extend down from the topmost portion of the windshield no more than 5 inches. The sunscreen shall be transparent and not red or amber in color. This 5 inch limitation also applies to vehicles with a sun screen certificate.

2. Vehicles being presented for inspection that do not have a sunscreen certificate shall be inspected as follows.

a. Windshield. As stated above, sunscreen may not extend more than 5 inches from the top of the windshield and may not be red or amber in color.

b. Front side windows must have at least 40 percent light transmission.

c. Side windows behind driver must have at least 25 percent light transmission.

d. Rearmost glass must have at least 12 percent light transmission.

e. Label. There must be a label affixed to the lower right corner of the driver's side window. It must not exceed 1 1/2 inches square in size. It must be installed between the glass and the sunscreen material and must contain the name and city of the installer.

3. Light transmission will be checked using only an approved tint meter and following manufacturer's directions.

4. Sunscreen shall not have a luminous reflectance of more than 20 percent.

5. No tint material may be affixed to the front windshield or the front side windows if the material alters the color of the light transmission. No tint other than smoke shall be allowed.

6. Exceptions to the Sunscreen Rule

a. Sunscreen regulations do not apply to windows behind the driver of trucks, buses, trailers, motor homes, multi-purpose passenger vehicles and all windows of vehicles used for law enforcement purposes.

b. Vehicles with sunscreen certificates as stated above.

c. A person with a medical condition which makes that individual sensitive to sun exposure may obtain a waiver form provided by the department. The waiver must be completed by a licensed physician and must be signed by a department officer. This waiver exempts the vehicle identified on the form from all restrictions except windshields as provided in R.S. 32:361.1.

d. The medical exemption affidavit shall:

i. be valid for a period of not more than 3 years, except for the following provisions;

ii. be valid only for vehicles registered in this state where the registered owner, spouse or immediate family member has an approved affidavit that shall be kept in the motor vehicle at all times;

iii. not be applied for, or issued to, persons convicted of crimes of violence as defined in RS 14:1 (13) or criminal offenses involving controlled dangerous substances as defined in RS 40:961 et seq.

iv. be returned to applicant by an officer, if approved;

v. be non-transferable.

vi. be valid for the duration of ownership of a vehicle whose owner is age 60 years or older.

(a). The registered owner of the vehicle is 60 years and older at the time of application for a Medical Exemption Affidavit, or the individual becomes 60 years old while in possession of a valid Medical Exemption Affidavit, then the affidavit will be valid for the duration of that individual's ownership of the vehicle as provided in RS 32:361.2(A)(3)(c) unless deemed otherwise by the department.

e. The following non-exclusive list of persons, or entities, shall be eligible for a security exemption from the provisions of R.S. 32:361.1:

i. private investigators;

ii. bail enforcement agents;

iii. railroad police officers;

iv. Louisiana peace officers, P.O.S.T. certified and sworn;

v. elected or appointed public officials;

f. Security Exemption Criteria

i. Vehicle must be:

(a). properly licensed, insured and registered, all in Louisiana; and

(b). owned or leased by an applicant

g. Security Exemption Affidavit

i. An individual seeking exemption to window tint restrictions can obtain a security exemption affidavit form at the Department Headquarters, any Motor Vehicle field office or via the World Wide Web by accessing www.LSP.org.

ii. The security exemption affidavit must be complete, sworn and subscribed in the presence of a Notary Public. The security exemption affidavit must include:

(a). applicant's name

(b). address, city, state and zip code;

(c). vehicle description (year, make, model);

(d). vehicle identification number (VIN);

(e). vehicle license plate number;

(f). need, reason or explanation for exemption;

and

(g). signature of applicant

h. Security Exemption Process

i. A completed Security Exemption Affidavit must be mailed to the Department Headquarters Office, P.O. Box 66614, Mail Slip 26, Baton Rouge, LA 70896-6614. Security Exemption Affidavits will be reviewed and subsequently approved or disapproved by the department.

ii. Approved Security Exemption Affidavits will be returned to applicant.

iii. An applicant whose Security Exemption Affidavit is disapproved will receive written notification of

that decision by U.S. Mail. The correspondence will outline the reason(s) for denial. An applicant may write a letter of rebuttal germane to the reason(s) for denial. Letters of rebuttal will be taken under advisement. Once a final determination of eligibility has been made, an applicant has no further recourse. The Department of Public Safety and Corrections may approve, disapprove, cancel or revoke exemptions for window tint restrictions as deemed appropriate.

T. Body and Sheet Metal. Exterior components of the body and sheet metal parts must not be damaged and/or dislocated so that they project from the vehicle and present a safety hazard to occupants, pedestrians or other vehicles.

U. Fenders

1. Fenders, covers or devices including splash aprons and mud flaps shall be required unless the body of the vehicle or attachments afford protection to effectively minimize the spray or splash of water, mud or loose material on the highway from the rear of the vehicle.

2. Tires shall not extend beyond fenders or attachments more than 1 inch to provide a safe condition.

3. All vehicles with an unladen weight of under 1,500 pounds and trucks or farm vehicles handling or hauling agricultural or forestry products are exempt from fender requirements.

4. Front and rear fenders that have been removed because of being hazardous or unserviceable must be replaced. If replacement of the front or rear fender removes a required lighting device, the lighting device must be re-installed or replaced.

V. Bumpers

1. Bumpers removed from vehicles originally equipped with bumpers will not be permitted. However, rear bumpers are not required on pickup trucks.

2. Rebuilt or modified bumpers must be made of material equivalent to the original bumpers and must be equal in strength.

3. Bumpers must be securely attached and not broken or protruding.

W. Doors. The vehicle's doors will be inspected as follows.

1. All doors must be present and operational with factory installed handles.

2. Doors must be secured in the closed position.

3. Doors must function as originally equipped by the factory.

X. Hood Latch. The hood must be securely held in a closed position by an original type latch.

Y. Floor Pan. No holes or rusted areas are permitted in the occupant compartment or trunk. Inspectors may require that the trunk of a vehicle be opened on vehicles possessing serious body rust throughout.

Z. Wheels and Tires

1. Conduct a visual check of the wheels and tires to detect any condition that would create a hazard or an unsafe condition.

2. All tires must be for highway use. Tires marked "Not for Highway Use", "Farm Use Only" or "For Racing Purposes Only" are not allowed.

3. Tires without tread wear indicators shall have 2/32 inch tread remaining when measured in any two adjacent

major grooves at a minimum of three locations spaced approximately equal distance around the major tire groove.

4. Tires with tread wear indicators shall not allow the indicators to contact the road in any two adjacent major grooves at three locations spaced equally around the tire.

5. Cord shall not be exposed through the tread. Tread cuts, snags or sidewall cracks in excess of 1 inch in any direction deep enough to expose cords, are not allowed.

6. Tires shall not have visible bumps, bulges or knots indicating partial failure or separation of the tire structure.

7. Tires shall not be re-grooved or re-cut below the original groove depth except tires which have undertread rubber for this purpose and are identified as such.

8. Tires on the same axle shall be of the same type construction.

9. Wheels shall not be bent, loose, cracked or damaged as to affect safe operation.

10. Rims or wheel flanges shall not be defective.

11. Wheels should be secure. Only one missing or defective bolt, nut or lug is allowed except on a four-hole pattern wheel. On a four hole pattern wheel no missing or defective lugs are allowed.

AA. Steering Mechanism

1. An original equipment type steering wheel is required.

a. The steering wheel shall be of the same diameter as originally equipped. Any modification that may affect the proper steering of the vehicle is prohibited.

b. Chain-type steering wheels shall not be allowed.

2. Excessive play, tightness, binding or jamming shall not be allowed.

a. With the front wheels in a straight ahead position, check steering for free play. More than 2 inches of free play for power assisted steering and more than 3 inches of free play for manual steering will not be permitted.

3. Excessively worn or broken parts in the steering components, any leakage of the power unit or excessive looseness of the power system fan belt shall not be permitted.

4. Modification of the front end and steering mechanism in any manner shall not be permitted.

BB. Suspension and Shock Absorbers

1. The vehicle must have operational shock absorbers and springs.

2. The vehicle must have at least 3 inches of suspension travel.

3. The vehicle must have at least 4 inches of ground clearance measured from the frame with the vehicle on a level surface.

CC. Seats and Seat Belts

1. Front seats shall be securely anchored to the floor pan. Missing anchor bolts are not permitted. The seat adjusting mechanism shall not slip out of the set position.

2. Seat belts shall operate and adjust as originally intended. Seat belt buckles shall operate properly.

3. Webbing shall not be split, frayed or torn.

4. Seat belts shall be securely mounted. Anchorages shall be secure.

5. Passenger cars, vans or trucks with a gross weight of 6,000 pounds or less, and manufactured after January 1, 1981, require front seat belts only.

DD. Exhaust System. The exhaust system includes the piping leading from the flange of the exhaust manifold to, and including, the mufflers, resonators, tail piping and emission control device. Visually inspect the exhaust system for rusted or corroded surfaces.

1. The vehicle must have a muffler.
2. No loose or leaking joints in the exhaust system are allowed. Also, no holes, leaking seams, loose interior baffles or patches on the muffler are allowed.
3. The tail pipe end cannot be pinched.
4. Elements of the system must be fastened securely, including missing connections or missing or broken hangers.
5. A muffler cannot have a cut-out bypass, or similar device which allows fumes to escape.
6. The muffler cannot emit excessive smoke, fumes, or noise.
7. The tail pipe shall extend past the passenger compartment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:1304-1310.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Safety Enforcement Section, LR 25:2428 (December 1999), amended LR 28:345 (February 2002), LR 38:

Subchapter C. Vehicle Emission Inspection and Maintenance Program

Subchapter D. Inspection Procedures for School Buses

§821. General Information

A. - D. ...

1. The station must have an area large enough to accommodate a bus. The inspection area will be subject to approval by the department.

2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:1304-1310.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Safety Enforcement Section, LR 25:2434 (December 1999), LR 38:

Subchapter E. Federal Motor Carrier Safety Regulations

§827. Code of Federal Regulations (C.F.R.) §390.15

Motor Carrier Safety Regulations

A. - D.2. ...

a. The second copy shall be kept in the commercial log book at the station for 14 months. If a station inspects no vehicles during a given week/month, one report shall be submitted as previously described, with the word none written across the face of the report.

3. - 4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:1304-1310.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Safety Enforcement Section, LR 25:2437 (December 1999).

§829. Minimum Periodic Inspection Standards

A. The mechanic inspector shall record the expired sticker number on the log report and then remove the expired sticker prior to continuing with the inspection.

1. The mechanic inspector shall conduct a review of the documents for the vehicle ensuring that all documents are in agreement.

2. Certificate of Registration. This contains information which must be verified with the corresponding information on the vehicle. A photocopy or original

registration is acceptable. In lieu of a registration certificate, a vehicle may be inspected with a valid temporary license plate.

B. Vehicle Identification Number (VIN). The VIN must agree with Certificate of Registration and the insurance document. It must match the VIN displayed on the vehicle.

C. License Plate. The registration indicates a license plate number and expiration date of the plate. This information must correspond with the information displayed on the vehicle. The license plate must be valid.

1. A temporary registration authorization indicating an apportioned plate has been applied for is also acceptable in lieu of a registration. When this condition exists, no license plate is present. The temporary registration allows the vehicle to be used until the apportioned plate and cab card are issued.

D. Operator License. Must be valid and in the immediate possession of the vehicle operator. It must be presented to the mechanic inspector, and the license number must be taken from the driver's license and recorded in the appropriate block on the log report.

1. A valid out-of-state driver's license is acceptable. The state in which it was issued must be noted on the log report.

2. A temporary driving permit issued in connection with a traffic violation when the operator's license is held may be accepted until the permit expires on the court date noted.

E. Proof of current liability insurance must be shown to the mechanic inspector.

1. A current certificate of insurance, motor vehicle liability insurance policy (or duplicate of the original) or a binder for the same is acceptable. A vehicle's policy identification card or photocopy of the same may also be accepted. These documents shall designate the name of the insurance company affording coverage, the policy number, the effective dates of coverage (both the beginning and ending dates are required) and a description of the vehicle covered including the VIN. A binder must be an official accord binder form and can be handwritten.

2. A copy of a motor vehicle liability bond. This document may or may not describe the vehicle covered.

3. A certificate from the state treasurer indicating a deposit was made to the state. It will not have a description of the vehicle, but the vehicle must be registered under the same name as noted on the certificate.

4. A certificate of self-insurance issued by the Louisiana Department of Public Safety and Corrections. It is not required to describe the vehicle covered.

F. License Plate Mounting and Condition: In addition to being valid, the license plate will be inspected for the following:

1. must be secured to the mounting brackets;
2. must be clean, clearly visible and readable for a distance of 50 feet to the rear of the vehicle. Plates shall not be obscured or damaged so that the numbers cannot be identified;
3. must be mounted in the rear;
4. truck-trailer, emergency firefighting equipment, dump-body trucks, trucks over 6,000 pounds and forestry product licensed vehicles may display the plate on either the front or rear of the vehicle.

G. All vehicles presented for inspection will be inspected for all of the following items: vehicle registration, vehicle license plate, driver's license and proof of liability insurance.

H. Every motor vehicle, trailer, semi-trailer and pole trailer registered in this state shall bear a valid safety inspection certificate issued in the State of Louisiana

1. Commercial Motor Vehicles, truck tractors, trailers, and semi trailers in interstate commerce which are subject to the Federal Motor Carrier Safety Regulations shall be exempt from the inspection requirements if,

2. the truck/truck tractor is registered with an apportioned plate or the trailer and semi trailer is being pulled by a truck/truck tractor registered with an apportioned plate.

a. The vehicle must have an alternate means of compliance with the requirements of 49CFR. (See exemptions under 32:131(D))

1. As per minimum periodic inspection standards, a vehicle shall be issued a restricted rejection certificate if it has any one of the following defects or deficiencies.

J. Brake System

1. Service Brakes

a. Absence of braking action on any axle required to have brakes upon application of the service brakes (such as missing brakes or brakes shoe(s) failing to move upon application of a wedge, s-cam or disc brake).

b. Missing or broken mechanical components, including shoes, lining, pads, springs, anchor pins, spiders and cam shaft support brackets.

c. Audible air leak at brake chamber (ex. ruptured diaphragm, loose chamber clamp, etc.).

d. Readjustment Limits. The maximum stroke at which brakes should be readjusted is shown in the columns below. Any brake 1/4 inch or more past the readjustment limit or any two brakes less than 1/4 inch beyond the readjustment limit shall be cause for rejection. Stroke shall be measured with the engine off and reservoir pressure of 80 to 90 psi with brakes fully applied. Wedge Brake Data: Movement of the scribe mark on the lining shall not exceed 1/16 inch. Do not attempt to adjust automatic slack adjusters. The limits below are for manual slack adjusters only.

The Maximum Stroke at Which Brakes Should Be Readjusted			
Type	Effective Area (Square Inch)	Outside Diameter (Inches)	Maximum Stroke at Which Brakes Should Be Readjusted
Bolt Type Brakes Chamber Data			
A	12	6 15/16	1 3/8
B	24	9 3/16	1 3/4
C	16	8 1/16	1 3/4
D	6	5 1/4	1 1/4
E	9	6 3/16	1 3/8
F	36	11	2 1/4
G	30	9 7/8	2
Rotochamber Data			
9	9	4 9/32	1 1/2
12	12	4 13/16	1 1/2
16	16	5 13/32	2
20	20	5 15/16	2
24	24	6 13/32	2
30	30	7 1/16	2 1/4
36	36	7 5/8	2 3/4
50	50	8 7/8	3

The Maximum Stroke at Which Brakes Should Be Readjusted			
Type	Effective Area (Square Inch)	Outside Diameter (Inches)	Maximum Stroke at Which Brakes Should Be Readjusted
Clamp Type Brake Chamber Data			
6	6	4 1/2	1 1/4
9	9	5 1/4	1 3/8
12	12	5 11/16	1 3/8
16	16	6 3/8	1 3/4
20	20	6 25/32	1 3/4
24	24	7 7/32	1 3/4
30	30	8 3/32	2
36	36	9	2 1/4

**2" for long stroke design

e. Brake Lining or Pads—

- i. lining or pad is not firmly attached to the shoe;
- ii. saturated with oil, grease or brake fluid;
- iii. non-steering axles. Lining with a thickness less than 1/4 inch at the shoe center for air drum brakes, 1/16 inch or less at the shoe center for hydraulic and electric drum brakes, and less than 1/8 inch for air disc brakes;
- iv. Steering brakes, lining with a thickness less than 1/4 inch at the shoe center from drum brakes, less than 1/8 inch for air disc brakes and 1/16 inch or less for hydraulic disc and electric brakes.

f. Missing Brakes on Axle Required to Have Brakes

- g. Mismatch across any power unit steering axle of:
 - i. air chamber size;
 - ii. slack adjuster length.

2. Parking Brake System. No brakes on the vehicle or combination are applied upon actuation of the parking brake control, including drive line hand controlled parking brakes.

3. Brake Drums or Rotors—

- a. with any external crack or cracks that open upon brake application (do not confuse short hairline heat check cracks with flexural cracks);
- b. any portion of the drum or rotor missing or in danger of falling away.

4. Brake Hose—

- a. hose with any damage extending through the outer reinforcement ply. (Rubber impregnated fabric cover is not a reinforcement ply.) (Thermoplastic nylon may have braid reinforcement or color difference between cover and inner tube. Exposure of second color is cause for rejection.);
- b. bulge or swelling when air pressure is applied;
- c. any audible leaks;
- d. two hoses improperly joined (such as a splice made by slicing the hose ends over a piece of tubing and clamping the hose to the tube). (Exception: A splice utilizing a reverse claw connector is acceptable.);
- e. air hose cracked, damaged by heat, broken or crimped.

5. Brake Tubing—

- a. any audible leaks;
- b. tubing cracked, damaged by heat, broken or crimped.

6. Low Pressure Warning Device. Missing, inoperative or does not operate at 55 psi and below, or one-half the governor cut-out pressure, whichever is less.

7. Tractor Protection Valve. Inoperable or missing tractor protection valve(s) on power unit.

8. Air Compressor—

- a. compressor drive belts in condition of impending or probable failure;
- b. loose compressor mounting bolts;
- c. cracked, broken or loose pulley;
- d. cracked or broken mounting brackets, braces or adapters.

9. Electric Brakes—

- a. absence of braking action on any wheel required to have brakes;
- b. missing or inoperable breakaway braking device.

10. Hydraulic Brakes (including power assist over hydraulic and engine drive hydraulic booster)—

- a. master cylinder less than one-fourth full;
- b. no pedal reserve with engine running except by pumping pedal;
- c. power assist unit fails to operate;
- d. seeping or swelling brake hose(s) under application of pressure;
- e. missing or inoperable check valve;
- f. has any visually observed leaking hydraulic fluid in the brake system;
- g. has hydraulic hose(s) abraded (chafed) through outer cover to fabric layer;
- h. fluid lines or connections leaking, restricted, crimped or broken;
- i. brake failure or low fluid warning light on and/or inoperable.

11. Vacuum System—

- a. has insufficient vacuum reserve to permit one full brake application after engine is shut off;
- b. has vacuum hose(s) or line(s) restricted, abraded (chafed) through outer cover to cord ply, crimped, cracked, broken or has collapse of vacuum hose(s) when vacuum is applied;
- c. lacks an operable low-vacuum warning device as required.

K. Coupling Devices

1. Fifth Wheels

- a. Mounting to Frame—
 - i. any fasteners missing or ineffective;
 - ii. any movements between mounting components;
 - iii. any mounting angle iron cracked or broken.
- b. Mounting plates and pivot brackets—
 - i. any fasteners missing or ineffective;
 - ii. any welds or parent metal cracked;
 - iii. more than 3/8 inch horizontal movement between pivot bracket pin and bracket.
 - iv. pivot bracket pin missing or not secured.
- c. Sliders—
 - i. any latching fasteners missing or ineffective;
 - ii. any fore or aft stop missing or not securely attached;
 - iii. movement more than 3/8 inch between slider bracket and slider base;
 - iv. any slider component cracked in parent metal or weld;

d. Lower Coupler—

- i. horizontal movement between the upper and lower fifth wheel halves exceeds 1/2 inch;
- ii. operating handle not in closed or locked position;
- iii. kingpin not properly engaged;
- iv. separation between upper and lower coupler allowing light to show through from side to side;
- v. crack in the fifth wheel plate. Exceptions: Cracks in the fifth wheel approach ramps and casting shrinkage cracks in the ribs of the body or a cast fifth wheel;
- vi. locking mechanism parts missing, broken or deformed to the extent the kingpin is not securely held.

2. Pintle Hooks

a. Mounting to Frame—

- i. any missing or ineffective fasteners (a fastener is not considered missing if there is an empty hole in the device, but no corresponding hole in the frame or vice versa);
 - ii. mounting surface cracks extending from point of attachment (e.g., cracks in the frame at mount bolt holes);
 - iii. loose mounting;
 - iv. frame cross member providing pintle hook attachment cracked;
- b. Integrity—
- i. cracks anywhere in pintle hook assembly;
 - ii. any welded repairs to the pintle hook;
 - iii. any part of the horn section reduced by more than 20 percent;
 - iv. latch insecure.

3. Drawbar/Towbar Eye

a. Mounting—

- i. any cracks in attachment welds;
 - ii. any missing or ineffective fasteners.
- b. Integrity—
- i. any cracks;
 - ii. any part of the eye reduced by more than 20 percent.

4. Drawbar/Towbar Tongue

a. Slider (Power or Manual)—

- i. ineffective latching mechanism;
- ii. missing or ineffective stop;
- iii. movement of more than 1/4 inch between slider and housing;
- iv. any leaking, air or hydraulic cylinders, hoses or chambers (other than slight oil weeping normal with hydraulic seals).

b. Integrity—

- i. any cracks;
- ii. movement of 1/4 inch between subframe and drawbar at point of attachment.

5. Safety Devices—

- a. safety devices missing;
- b. unattached or incapable of secure attachment;
- c. chains and hooks:
 - i. worn to the extent of a measurable reduction in link cross section;
 - ii. improper repairs including welding, wire or small bolts, rope and tape.

- d. cable:
 - i. kinked or broken cable stands;
 - ii. improper clamps or clamping.
- 6. Saddle-Mounts
 - a. Method of Attachment—
 - i. any missing or ineffective fasteners;
 - ii. loose mountings;
 - iii. any cracks or breaks in a stress or load bearing member;
 - iv. horizontal movement between upper and lower saddle-mount halves exceeds 1/4 inch.

L. Exhaust System—

- 1. any exhaust system determined to be leaking at a point forward of or directly below the driver/sleeper compartment;
- 2. a bus exhaust system leaking or discharging to the atmosphere:
 - a. gasoline powered—excess of 6 inches forward of the rearmost part of the bus;
 - b. other than gasoline powered—in excess of 15 inches forward of the rear most part of the bus;
 - c. other than gasoline powered—forward of the door or window designed to be opened. (Exception: Emergency exits);
- 3. no part of the exhaust system of any motor vehicle shall be so located as would be likely to result in burning, charring, damaging the electrical wiring, the fuel supply or any combustible part of the motor vehicle.

M. Fuel System—

- 1. a fuel system with a visible leak at any point;
- 2. a fuel tank filler cap missing;
- 3. a fuel tank not securely attached to the motor vehicle by reason of loose, broken or missing mounting bolts or brackets (some fuel tanks use springs or rubber bushing to permit movement).

N. Lighting Devices. All lighting devices and reflectors required by Section 393 shall be operable.

- 1. Headlight dimmer switch must work as originally equipped.

O. Safe Loading—

- 1. part(s) of the vehicle or condition of loading such that the spare tire or any part of the load or dunnage can fall onto the roadway;
- 2. protection against shifting cargo. Any vehicle without a front-end structure or equivalent device as required.

P. Steering Mechanism

- 1. Steering Wheel Free Play—
 - a. on vehicles equipped with power steering the engine must be running.

Steering Wheel Diameter	Manual Steering System	Power Steering System
16"	2"	4 1/2"
18"	2 1/4"	4 3/4"
20"	2 1/2"	5 1/4"
22"	2 3/4"	5 3/4"

- 2. Steering Column—
 - a. any absence or looseness of u-bolt(s) or positioning part(s);

- b. worn, faulty or obviously repair welded universal joints;
- c. steering wheel not properly secured.
- 3. Front Axle Beam and all Steering Components other than Steering Column—
 - a. any crack(s);
 - b. any obvious welded repair(s).
- 4. Steering Gear Box
 - a. Any mounting bolt(s) loose or missing;
 - b. any crack(s) in gear box or mounting brackets.
- 5. Pitman Arm. Any looseness of the pitman arm on the steering gear output shaft.
- 6. Power Steering—auxiliary power assist cylinder loose.
- 7. Ball and Socket Joints—
 - a. any movement under steering load of a stud nut;
 - b. any motion, other than rotational, between any linkage member and its attachment point of more than 1/4 inch.
- 8. Tie Rods and Drag Links—
 - a. loose clamp(s) or clamp bolt(s) on tie rods or drag links;
 - b. any looseness in any threaded joint.
- 9. Nuts—loose or missing on tie rods, pitman arm, drag link, steering arm or tie rod arm.
- 10. Steering System. Any modification or other condition n that interferes with free movement of any steering component.

Q. Suspension—

- 1. any u-bolt(s), spring hanger(s) or other axle positioning part(s) cracked, broken, loose or missing resulting in shifting of an axle from its normal position (after a turn, lateral axle displacement is normal with some suspensions. Forward or rearward operation in a straight line will cause the axle to return to alignment).
- 2. Spring Assembly—
 - a. any leaves in a leaf spring assembly broken or missing;
 - b. any broken main leaf in a leaf spring assembly (includes assembly with more than one main spring);
 - c. coil spring broken;
 - d. rubber spring missing;
 - e. one or more leaves displaced in a manner that could result in contact with a tire, rim, brake drum or frame;
 - f. broken torsion bar spring in a torsion bar suspension;
 - g. deflated air suspension, i.e., system failure, leak, etc.
- 3. Torque, Radius, or Tracking Components—
 - a. Any part of a torque, radius or tracking component assembly or any part used for attaching the same to the vehicle frame or axle that is cracked, loose, broken or missing. (Does not apply to loose bushing in torque or track rods.)

R. Frame

- 1. Frame Member—
 - a. any cracked, broken loose or sagging frame member;
 - b. any loose or missing fasteners including fasteners attaching functional components such as engine,

transmission, steering gear suspension, body parts and fifth wheel.

2. Tire and wheel clearance—any condition, including loading, that causes the body or frame to be in contact with a tire or any part of the wheel assembly.

3. Adjustable axle Assemblies—adjusting axle assembly with locking pins missing or not engaged.

S. Tires

1. Any tire on any steering axle of a power unit:

a. with less than 4/32-inch tread when measured at any point on a major tread groove;

b. has body ply or belt material exposed through the tread or sidewall;

c. has any tread or sidewall separation;

d. has a cut where the ply or belt material is exposed;

e. labeled "Not for Highway Use" or displaying other markings which would exclude use on steering axle;

f. a tube-type radial tire without radial tube stem markings. These markings include a red band around the tube stem or the word Radial embossed in metal stems, or the word Radial molded in rubber stems;

g. mixing bias and radial tires on the same axle;

h. tire flap protrudes through valve slot in rim and touches stem;

i. re-grooved tire except motor vehicles used solely in urban or suburban service [see exception in 393.76(E)];

j. boot, blowout patch or other ply repairs;

k. weight carried exceeds tire load limit. This includes overloaded tire resulting from low air pressure;

l. tire is flat or has noticeable (e.g., can be heard or felt) leak;

m. any bus equipped with recapped or retreaded tire(s);

n. so mounted or inflated that it comes in contact with any part of the vehicle.

2. All tires other than those found on the steering axle of a power unit:

a. weight carried exceeds tire load limit. This includes overloaded tire(s) resulting from low air pressure;

b. tire is flat or has noticeable (e.g., can be heard or felt) leak;

c. has body ply or belt material exposed through the tread or sidewall;

d. has any tread or sidewall separation;

e. has a cut where ply or belt material is exposed;

f. so mounted or inflated that it comes in contact with any part of the vehicle (this includes a tire that contacts its mate);

g. is marked "Not for Highway Use" or otherwise marked and having like meaning;

h. with less than 2/32-inch tread when measured at any point on a major tread groove.

T. Wheels and Rims

1. Lock or Side Ring. Bent, broken, cracked, improperly seated, sprung or mismatched ring(s).

2. Wheels and Rims. Cracked or broken or has elongated bolt holes.

3. Fasteners (both spoke and disc wheels). Any loose, missing, broken, cracked, stripped or otherwise ineffective fasteners.

4. Welds

a. Any cracks in welds attaching disc wheel disc to rim;

b. any cracks in welds attaching tubeless demountable rim to adapter;

c. any welded repair on aluminum wheel(s) on steering axle;

d. any welded repair other than disc to rim attachment on steel disc wheel(s) mounted on the steering axle.

U. Windshield Glazing

1. Any crack, discoloration or vision reducing matter except:

a. coloring or tinting applied at the time of manufacture;

b. any crack not over 1/4-inch wide if not intersected by any other crack;

c. any damage area not more than 3/4-inch in diameter, if not closer than 3 inches to any other such damaged area;

d. labels, stickers, decals, etc. (see C.F.R. 393.60 for exceptions).

2. These prohibitions shall not apply to the area consisting of a 2 inch border at the top, a 1 inch border at each side and the area below the topmost portion of the steering wheel.

3. Coloring or tinting of windshields and the windows to the immediate right and left of the driver is allowed, provided the parallel luminous transmittance through the colored or tinted glazing is not less than 70 percent of the light at normal incidence in those portions of the windshield or windows which are marked as having a parallel luminous transmittance of not less than 70 percent. The transmittance restriction does not apply to other windows on the commercial motor vehicle.

V. Windshield wiper—any power unit that has an inoperable wiper, or missing or damaged parts that render it ineffective.

W. Fire Extinguisher. Fire extinguisher must be properly filled and securely fastened in an approved type mount in a readily accessible location on the power unit.

X. Bi-directional triangles—three bi-directional emergency reflective triangles that conform to the requirements of Federal Motor Safety Standard No. 125, 571.125.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:1304-1310.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Safety Enforcement Section, LR 25:2438 (December 1999), LR 38:

Family Impact Statement

1. The Effect of This Rule on the Stability of the Family. This Rule should not have any effect on the stability of the family.

2. The Effect of This Rule on the Authority and Rights of Parents Regarding the Education and Supervision of Their Children. This Rule should not have any effect on the authority and rights of parents regarding the education and supervision of their children.

3. The Effect of This Rule on the Functioning of the Family. This Rule should not have any effect on the functioning of the family.

NOTICE OF INTENT

**Department of Public Safety and Corrections
Office of State Police**

Towing, Recovery and Storage (LAC 55:I.Chapter 19)

The Department of Public Safety and Corrections, Office of State Police, in accordance with R.S. 49:950 et seq., and R.S. 32:1711 et seq., gives notice of its intent to promulgate multiple and varied amendments to the regulatory requirements regarding the towing and storage industry, some of which were necessitated by Act 806 of the 2012 Regular Legislative Session. The sections to be amended are listed above.

Title 55

PUBLIC SAFETY

Part I. State Police

Chapter 19. Towing, Recovery, and Storage

Subchapter A. Authority, Exemptions, Definitions, Scope

§1905. Definitions

A. ...

* * *

Non-Consensual Storage—the storage or possession of a vehicle by an individual or storage facility operator without prior consent or authorization of the vehicle’s owner or operator for the purpose of charging fees or obtaining ownership. Prior consent or authorization shall be documented by the storage facility by providing a written storage contract as outlined in R.S. 32:1722(C).

Non-Consensual Towing—the movement or transportation of a vehicle by a tow truck without the prior consent or authorization of the owner or operator of the vehicle. This includes private property tows and tows made by law enforcement or other public agencies. A tow initiated by a call from a law enforcement or other public agency at the request of the owner or operator shall be considered nonconsensual unless the tow truck operator is able to prove the owner or operator agreed to the tow fee and the destination of the tow prior to the tow.

* * *

Owner—the last registered owner of a vehicle as shown on the records of the Office of Motor Vehicles and/or the holder of any lien on a vehicle as shown on the records of the Office of Motor Vehicles and/or any other person who has a documented ownership interest in a vehicle. Documented proof of ownership shall include a title, current registration, or a notarized bill of sale.

Place of Business—a permanent structure located within Louisiana used for business, staffed during regular business hours, equipped with phone and utility services including water, sewer, and electric, and houses records and other appropriate or required documents.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:1714.

4. The Effect of this Rule on Family Earnings and Family Budget. This Rule should not have any effect on family earnings and family budget.

5. The Effect of these Rules on the Behavior and Personal Responsibility of Children. This Rule should not have any effect on the behavior and personal responsibility of children.

6. The Effect of this Rule on the Ability of the Family or Local Government to Perform the Function as Contained in the proposed Rule. This Rule should not have any effect on the ability of the family or local government to perform the function as contained in the proposed Rule.

Public Comments

Interested persons may submit written comments to Paul Schexnayder, Post Office Box 66614, Baton Rouge, LA 70896. Written comments will be accepted through August 15, 2012.

Jill P. Boudreaux
Secretary

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

RULE TITLE: Motor Vehicle Inspections

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

The proposed rule change will have no impact on state or local government expenditures. The proposed change deletes all references to the non-existent Safety Enforcement Section and inserts the Department of Public Safety and Corrections in its place, eliminates the schedule of fines assessed to violators of the motor vehicle inspection laws by referencing the statute which authorizes fines, deletes references to non-existent out-of-state inspection stations, minimally alters brake, lighting, windshield and other requirements, codifies current enforcement practices and laws, and makes other minor technical amendments.

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

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

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

Automobile owners may be required to make specific repairs to their automobiles to comply with clarified inspection requirements. Inspection station owners may be required to maintain and certify inspection equipment more frequently than current practice.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rules change will have no effect on competition and employment.

Jill P. Boudreaux
Secretary
1207#092

Evan Brasseaux
Staff Director
Legislative Fiscal Office

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Police, LR 32:854 (May 2006), amended LR 36:2575 (November 2010), LR 38:

§1907. Administrative Penalty Assessment; Arbitration; Recovery of Penalties

- A. - A.3. ...
- 4. Schedule of Fines

Schedule of Fines	
The following range of fines will be set for violations cited under the corresponding sections. When citing specific violations, the department shall set the fine at the minimum amount within the corresponding range or issue warnings on first violations. Fines may increase with each future offense of the same violation.	
Exemptions And Other Laws (§1903, 1905, & §1909)	\$50-\$500
Code Of Conduct (§1911)	\$100-\$500
Tow Truck License Plate (§1913)	\$50-\$500
Insurance Requirements (§1915)	\$50-\$500
Driver's License Required Skills (§1917)	\$50-\$500
Tow Truck Lighting; Equipment (§1919)	\$25-\$100
Required Equipment (§1921)	\$25-\$100
Capacities Of Tow Equipment (§1923)	\$100-\$500
Tow Truck Load Limitations (§1925)	\$100-\$500
Inspections By The Department (§1927)	\$100-\$2,750
Towing Service To Use Due Care (§1929)	\$100-\$500
Vehicles Towed From Private Prop. (§1930)	\$200-\$500
Storage Facility; Licensing, Requirements (§1931)	\$100-\$500
Requirements For ORSV (§1933)	\$100-\$500
Owner Notification Of Stored Vehicle (§1935)	\$100-\$500
Administrative Fees (§1937)	\$100-\$500
Permits To Sell And Dismantle (§1939)	\$100-\$500
Towing/Storage Facilities Requirement (§1941)	\$50-\$500
Storage Rates (§1943)	\$100-\$500
Gate Fees (§1945)	\$100-\$500
Law Enforcement Rotation Lists (§1947)	\$50-\$500

5. Effective September 1, 2012 Suspensions may be imposed on a third or subsequent violation when a towing or storage facility has been found in violation of the same rule on at least two prior and separate inspections within a 12 month period. Suspensions shall be a minimum of 30 days. Violations of any law or rule during the suspension or a violation of the terms of the suspension may result in an automatic revocation of the storage license.

6. Effective September 1, 2012 Revocations may be imposed when a storage facility has met the requirements for a second suspension within a 3 year period. The immediate revocation of a storage license may be imposed when a towing or storage facility is determined by the inspecting officer to not have the proper insurance as required by this Chapter or is in violation of "Dutiful Conduct" as found in §1911.B of this Chapter. Revocations for no or improper insurance shall be recalled and the license reinstated once the facility provides proof of required insurance.

- B. - D.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:1714.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Police, LR 32:854 (May 2006), amended LR 35:2201 (October 2009), LR 36:2576 (November 2010), LR 38:

Subchapter B. Tow Truck License Plate; Required Insurance

§1913. Tow Truck License Plate

- A. - A.1. ...

a. Car carrier companies which transport less than five motor vehicles and do not store or hold motor vehicles shall be licensed as tow trucks upon application and submission of an affidavit to the Department of Public Safety and Corrections stating that the company does not store or hold motor vehicles and does not carry garage keeper's legal liability or garage liability insurance. These companies shall receive a "car carrier" endorsement on their required motor vehicle registration. This does not exclude the car carrier company from any other regulations as set by the Louisiana Towing and Storage Act.

- 2. - 3.b....

c. Tow truck operators or owners shall permanently affix and prominently display on both sides of tow trucks the legal trade name of their business, telephone number and city of the vehicle's domicile in lettering at least 2 1/2 inches in height and not less than 1/4 inch in width. Truck and trailer combinations used to transport vehicles may choose to mark either the truck or trailer.

- A.3.d. - B.3.a.i. ...

ii. a tow truck has a GVWR or GCVWR of 10,000 pounds or less and it shall not be used for towing vehicles for compensation; unless the year of manufacture is prior to 2007, in which case, a GVWR of 10,000 pounds shall not be cause for denial, or

- B.3.a.ii. - D.1.h. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:1714.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Police, LR 32:856 (May 2006), amended LR 36:1270 (June 2010), LR 36:2579 (November 2010), LR 38:

Subchapter C. Safety

§1917. Driver's License; Required Skills and Knowledge

- A. - A.5. ...

6. the operator of a tow truck has not been convicted of a felony relating to vehicle thefts and is not registered or required to be registered as a sex offender or child predator as required in R.S. 15:542;

7. the operator of a tow truck shall have a safety belt properly fastened about his or her body at all times when the tow truck is in forward motion;

8. the operator of a tow truck shall wear an approved ANSI Class III reflective vest that is in good condition and fits the operator when working on or near the roadway during crash or vehicle recovery.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:1714.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Police, LR 32:858 (May 2006), LR 38:

§1919. Tow Truck Lighting; Equipment

- A. - B. ...

C. Tow truck shall be equipped with only amber colored flashing warning lights, strobes, light bars or beacons with

sufficient strength and mounted in a location to be visible at 360 degrees at a distance of no less than 1,000 feet under normal atmospheric conditions. Each tow truck shall be equipped with at least one amber colored light bar or beacon mounted to the roof or a higher location on a tow truck. Tow trucks used to transport vehicles on an attached trailer are exempt from this requirement.

D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:1714.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Police, LR 32:858 (May 2006), LR 38:

§1921. Required Equipment

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

c. Acceptable securement devices are chains, cables or synthetic webbing with a combined working load limit equal to or greater than one-half the gross weight of the transported vehicle and customarily used for securing a vehicle or load. Acceptable securement devices shall meet all requirements in CFR 49.

2. - 2.c. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:1714.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Police, LR 32:858 (May 2006), LR 38:

§1927. Inspections by the Department

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

d. Tow trucks may be stopped and inspected at anytime while being operated on a public roadway to promote compliance with the provisions of this Chapter.

2. - 6.c.ii. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:1714.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Police, LR 32:859 (May 2006), LR 38:

Subchapter D. Vehicle Storage

§1931. Storage Facility; Licensing, Fees, Inspection, Requirements

A. - B.8. ...

9. The place of business shall meet all requirements as defined in §1905 of this Chapter. This provision shall only apply to new storage facility applicants effective November 1, 2012 and will not affect licensed facilities seeking a renewal.

C. - D.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:1714.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Police, LR 32:861 (May 2006), LR 38:

§1939. Permits to Sell and Permits to Dismantle

A. - D. ...

E. Storage facilities shall maintain copies of the permits to sell, permits to dismantle, and bills of sale with buyer's name and address as may be applicable for each vehicle stored.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:1714.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Police, LR 32:861 (May 2006), amended LR 36:2579 (November 2010), LR 38:

§1941. Storage and Towing Facilities; General Requirements; Procedures

A. - B. ...

1. Authorized agent shall mean anyone who has obtained written authorization from the vehicle owner or lien holder. Written authorization shall contain the name of the authorized agent, the name and signature of the vehicle owner or lien holder, a phone number for the vehicle owner or lien holder, and a description of the vehicle including the manufacturer's vehicle identification number (VIN). Written authorization does not need to be notarized if signature of the owner or lien holder is witnessed. Written authorizations shall be maintained with the vehicle file at the towing and/or storage facility's place of business.

2. Payment required for the release of a vehicle shall be specific as to the services required to tow and/or recover and store that vehicle.

a. Towing and recovery fees on a combination vehicle, such as a truck pulling a trailer, shall be charged to the pulling unit when the truck and trailer is towed and/or recovered as a single unit. Only storage and applicable administrative fees shall apply to the trailer in this case.

b. Towing and recovery fees on a combination vehicle that is towed and/or recovered separately, because there was a separation during a crash or it had to be separated to perform the recovery, shall be divided between the truck and trailer according the resources used to recover each vehicle.

C. - P.3.d. ...

e. a copy of a towing and storage report issued by a law enforcement or other public agency shall exempt the towing company from the invoice requirements for the initial tow. The towing invoice shall be completed once the vehicle arrives at the storage facility or other destination as directed by the law enforcement agency or the owner or operator of the vehicle.

Q. - Q.9. ...

10. records from the sale of a vehicle including the bill of sale with sale price, copies of the permit to sell, name of the buyer.

11. proof of law enforcement notification as required in R.S. 32:1718

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:1714.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Police, LR 32:862 (May 2006), amended LR 36:2580 (November 2010), LR 38:

§1943. Storage Rates

A. ...

B. Towing and/or storage facilities shall be staffed and open for business Monday thru Friday, 8 a.m. to 5 p.m., excluding state holidays. Employees staffing the facility must have access to vehicle storage records to assist in administrative inspections by the department and be able to release vehicles and/or belongings.

1. Licensed storage facilities that operate as a mechanic or repair shop and do not conduct non-consensual tows may set their own business hours provided they do not charge gate fees and give notice to the department by noting their days and hours of operation on their storage license application or renewal form. The storage facility must be

open for business at least five days a week. These hours must be clearly posted along with other required information in accordance with §1941.D of this Chapter. Storage facilities that do not adhere to the hours of operation listed on their storage license application or renewal form shall be in violation of failing to staff their facility.

C. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:1714.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Police, LR 32:863 (May 2006), LR 38:

Family Impact Statement

1. The Effect of This Rule on the Stability of the Family. This Rule should not have any effect on the stability of the family.

2. The Effect of This Rule on the Authority and Rights of Parents Regarding the Education and Supervision of Their Children. This Rule should not have any effect on the authority and rights of parents regarding the education and supervision of their children.

3. The Effect of This Rule on the Functioning of the Family. This Rule should not have any effect on the functioning of the family.

4. The Effect of this Rule on Family Earnings and Family Budget. This Rule should not have any effect on family earnings and family budget.

5. The Effect of these Rules on the Behavior and Personal Responsibility of Children. This Rule should not have any effect on the behavior and personal responsibility of children.

6. The Effect of this Rule on the Ability of the Family or Local Government to Perform the Function as Contained in the proposed Rule. This Rule should not have any effect on the ability of the family or local government to perform the function as contained in the proposed Rule.

Public Comments

Interested persons may submit written comments to Paul Schexnayder, Post Office Box 66614, Baton Rouge, LA 70896. Written comments will be accepted through August 15, 2012.

Jill P. Boudreaux
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Towing, Recovery and Storage**

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

The proposed rule change will have no impact on state or local government expenditures. The proposed rule provides clarification with regard to the non-consensual towing and storage of vehicles, consolidates and streamlines the schedule of fines for administrative penalties, makes minor changes in spelling and grammar, codifies certain current administrative practices with regard to suspensions and revocations, and provides for the licensure of certain car carriers as tow trucks as per Act 828 of the 2012 Regular Session of the Louisiana Legislature.

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

There will be no impact on state or local governmental revenues as a result of these proposed rule changes.

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

The proposed amendments to these administrative rules will not create any costs or benefits to directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change will have no effect on competition and employment.

Jill P. Boudreaux
Secretary
1207#091

Evan Brasseaux
Staff Director
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Transportation and Development
Professional Engineering and Land Surveying Board**

Examinations and Experience (LAC 46:LXI.707,
709, 901, 903, 907, 909, 1301, 1509 and 1701)

Under the authority of the Louisiana professional engineering and land surveying licensure law, R.S. 37:681 et seq., and in accordance with the Louisiana Administrative Procedure Act, R.S. 49:950 et seq., notice is hereby given that the Louisiana Professional Engineering and Land Surveying Board has initiated procedures to amend its rules contained in LAC 46:LXI.Chapters 7, 9, 13, 15, and 17.

This is a technical revision of existing rules under which LAPELS operates. These changes clarify the examination and experience requirements for certification and licensure of individuals.

Title 46

**PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

**Part LXI. Professional Engineers and Land Surveyors
Chapter 7. Bylaws**

§707. Board Organization

A. - D.4. ...

E. Committees. The board may establish standing committees, including but not limited to the following: executive committee, civil engineering committee, other disciplines engineering committee, land surveying committee, engineer intern committee, liaison and law review committee, education/accreditation committee, finance committee, nominations and awards committee, complaint review committees, continuing professional development committee, architect-engineer liaison committee, and firm licensure committee. The board may also establish ad hoc committees from time to time as necessary.

1. - 3.b.ii. ...

4. Land Surveying Committee. The chairman of the board may appoint not less than two members to the land surveying committee. All members of the land surveying

committee shall be professional land surveyors. The land surveying committee shall:

a. - d. ...

e. recommend passing scores for the examinations on the Louisiana laws of land surveying.

5. - 13. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 2:52 (February 1976), amended LR 5:110 (May 1979), LR 11:1179 (December 1985), LR 19:54 (January 1993), LR 21:1353 (December 1995), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1024 (July 2001), LR 30:1707 (August 2004), LR 33:2788 (December 2007), LR 35:1908 (September 2009), LR 37:2411 (August 2011), LR 38:

§709. Executive Director

A. - B. ...

C. Duties of the Executive Director. The executive director shall:

1. - 6. ...

7. make arrangements as required by the board for all examinations and interviews of applicants;

8. supervise the administration of the examinations;

9. - 25. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation, Board of Registration for Professional Engineers and Land Surveyors, LR 2:53 (February 1976), amended LR 5:118 (May 1979), LR 11:1180 (December 1985), LR 19:55 (January 1993), LR 21:1354 (December 1995), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1025 (July 2001), LR 30:1709 (August 2004), LR 37:2412 (August 2011), LR 38:

Chapter 9. Requirements for Certification and Licensure of Individuals and Temporary Permit to Practice Engineering

§901. Engineer Intern Certification

A. The requirements for certification as an engineer intern under the several alternatives provided in the licensure law are as follows.

1. Graduates of an Accredited Engineering Curriculum. The applicant shall be a graduate of an accredited engineering curriculum of four years or more approved by the board as being of satisfactory standing, who is of good character and reputation, who has passed the examination required by the board in the fundamentals of engineering, who was recommended for certification by a professional engineer holding a valid license to engage in the practice of engineering issued to him/her by proper authority of a state, territory, or possession of the United States, or the District of Columbia, who has submitted an application for certification in accordance with the requirements of R.S. 37:694, and who was duly certified as an engineer intern by the board.

2. Graduates with Advanced Engineering Degree. The applicant shall be a graduate of a non-EAC/ABET accredited engineering or related science or engineering technology curriculum of four years or more approved by the board as being of satisfactory standing, who has obtained an engineering graduate degree in an engineering discipline or

sub-discipline from a university having an undergraduate accredited engineering curriculum in the same discipline or sub-discipline, approved by the board as being of satisfactory standing, who is of good character and reputation, who has passed the examination required by the board in the fundamentals of engineering, who was recommended for certification by a professional engineer holding a valid license to engage in the practice of engineering issued to him/her by proper authority of a state, territory, or possession of the United States, or the District of Columbia, who has submitted an application for certification in accordance with the requirements of R.S. 37:694, and who was duly certified as an engineer intern by the board.

3. Other Non-EAC/ABET Engineering Graduates.

The applicant shall be a graduate of a non-EAC/ABET accredited engineering curriculum of four years or more approved by the board as being of satisfactory standing, who has a specific record of four years or more of verifiable progressive experience obtained subsequent to graduation, on engineering projects of a level and scope satisfactory to the board, who is of good character and reputation, who has passed the examination required by the board in the fundamentals of engineering, who was recommended for certification by a professional engineer holding a valid license to engage in the practice of engineering issued to him/her by proper authority of a state, territory, or possession of the United States, or the District of Columbia, and having a personal knowledge of his engineering experience, who has submitted an application for certification in accordance with the requirements of R.S. 37:694, and who was duly certified as an engineer intern by the board.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 2:352 (November 1976), amended LR 5:114 (May 1979), LR 6:735 (December 1980), LR 7:644 (December 1981), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1027 (July 2001), LR 30:1711 (August 2004), LR 32:1618 (September 2006), LR 37:2412 (August 2011), LR 38:

§903. Professional Engineer Licensure

A. The requirements for licensure as a professional engineer under the two alternatives provided in the licensure law are as follows:

1. the applicant for licensure as a professional engineer shall be an engineer intern, or an individual who meets the qualifications to be an engineer intern, who has a verifiable record of four years or more of progressive experience obtained subsequent to meeting the educational and applicable experience qualifications to be an engineer intern on engineering projects of a level and scope satisfactory to the board, who is of good character and reputation, who has passed the examination required by the board in the principles and practice of engineering in the discipline of engineering in which licensure is sought, who was recommended for licensure by five personal references, three of whom are professional engineers who have personal knowledge of the applicant's engineering experience and character and ability, and who has submitted an application

for licensure in accordance with the requirements of R.S. 37:694, and who was duly licensed as a professional engineer by the board; or

A.2. - B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 2:352 (November 1976), amended LR 5:114 (May 1979), LR 5:365 (November 1979), LR 6:735 (December 1980), LR 7:644 (December 1981), LR 10:804 (October 1984), LR 11:362 (April 1985), LR 19:56 (January 1993), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1028 (July 2001), LR 30:1712 (August 2004), LR 32:1619 (September 2006), LR 37:2412 (August 2011), LR 38:

§907. Land Surveyor Intern Certification

A. A land surveyor intern shall be either:

1. a graduate holding a baccalaureate degree from a curriculum of four years or more who has completed at least 30 semester credit hours, or the equivalent, in land surveying, mapping, and real property courses approved by the board, who is of good character and reputation, who has passed the examination required by the board in the fundamentals of land surveying, who was recommended for certification by a professional land surveyor holding a valid license to engage in the practice of land surveying issued to him/her by proper authority of a state, territory, or possession of the United States, or the District of Columbia, who has submitted an application for certification in accordance with the requirements of R.S. 37:694, and who was duly certified as a land surveyor intern by the board; or

A.2. - B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 2:352 (November 1976), amended LR 5:114 (May 1979), LR 5:365 (November 1979), LR 6:735 (December 1980), LR 7:644 (December 1981), LR 10:90 (February 1984), LR 16:773 (September 1990), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1028 (July 2001), LR 30:1712 (August 2004), LR 32:1619 (September 2006), LR 37:2413 (August 2011), LR 38:

§909. Land Surveyor Licensure

A. The requirements for licensure as a professional land surveyor under the two alternatives provided in the licensure law are as follows:

1. an applicant for licensure as a professional land surveyor shall be a land surveyor intern, or an individual who meets the qualifications to be a land surveyor intern, who is of good character and reputation, who has a verifiable record of four years or more of combined office and field experience in land surveying including two years or more of progressive experience on land surveying projects under the supervision of a professional land surveyor, who has passed the oral examination required by the board, who has passed the examinations required by the board in the principles and practice of land surveying and Louisiana laws of land surveying, and who was recommended for licensure by five personal references (at least three of whom must be professional land surveyors who have personal knowledge of the applicant), who has submitted an application for

licensure in accordance with R.S. 37:694, and who was duly licensed as a professional land surveyor by the board; or

2. the applicant shall be an individual who holds a valid license to engage in the practice of land surveying issued to him/her by the proper authority of a state, territory, or possession of the United States, or the District of Columbia, based on requirements that do not conflict with the provisions of the licensure law, and which were of a standard not lower than that specified in the applicable licensure law in effect in Louisiana at the time such license was issued, who is of good character and reputation, who has passed the examinations required by the board in the fundamentals of land surveying, principles and practice of land surveying and Louisiana laws of land surveying, who has submitted an application for licensure in accordance with the requirements of R.S. 37:694, and if the state, territory, or possession, or the District of Columbia in which he/she is licensed will accept the licenses issued by the board on a comity basis, and who was duly licensed as a professional land surveyor by the board.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 2:244 (August 1976), amended LR 2:352 (November 1976), LR 5:114 (May 1979), LR 6:735 (December 1980), LR 7:645 (December 1981), LR 11:362 (April 1985), LR 16:773 (September 1990), LR 19:56 (January 1993), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1029 (July 2001), LR 30:1713 (August 2004), LR 32:1619 (September 2006), LR 35:1909 (September 2009), LR 37:2413 (August 2011), LR 38:

Chapter 13. Examinations

§1301. General

A. - E. ...

F. The board may require applicants to demonstrate their knowledge of the laws and rules of the board, and the English language. Applicants must be able to speak and write the English language. Proficiency in English may be evidenced by possession of a baccalaureate degree taught exclusively in English, or by passage of both the TOEFL (Test of English as a Foreign Language) paper based exam with a score of 550 or better (213 or better on the TOEFL computer based exam) and the TSE (Test of Spoken English) exam with a score of 45 or better. The TOEFL and TSE representative is TOEFL AND TSE Services, Educational Testing Service, P.O. Box 6151, Princeton, NJ 08541-6151, telephone: (609) 771-7100. The TOEFL/TSE code for this agency is 8425. Applicants requesting a waiver from the TOEFL and/or TSE requirements must submit a written request and supporting reasoning to the board. A waiver from the TOEFL and/or TSE requirements may be granted by the board upon receipt of one of the following:

1. a passing score on the Graduate Record Examination (GRE); or

2. transcripts which verify the successful completion of 6 full-time semesters (6 credit hours per semester) toward a graduate engineering degree in the United States.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for

Professional Engineers and Land Surveyors, LR 5:113 (May 1979), amended LR 7:647 (December 1981), LR 11:363 (April 1985), LR 16:774 (September 1990), LR 19:57 (January 1993), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1030 (July 2001), LR 30:1714 (August 2004), LR 35:1909 (September 2009), LR 37:2413 (August 2011), repromulgated 37:2752 (September 2011), amended LR 38:

Chapter 15. Experience

§1509. Experience At Time Of Application

A. Experience must not be anticipated.

B. For applicants for professional engineer licensure under §903.A.1 of these rules, the “verifiable record of four years or more of progressive experience obtained subsequent to meeting the educational and applicable experience qualifications to be an engineer intern” must be gained by the time of licensure. Such applicant is required to have gained a minimum of three years and four months of such experience by the time of the application.

C. For applicants for professional land surveyor licensure under §909.A.1 of these rules, the “verifiable record of four years or more of combined office and field experience in land surveying including two years or more of progressive experience on land surveying projects under the supervision of a professional land surveyor” must be gained by the time of licensure. Such applicant is required to have gained a minimum of three years and four months of such experience by the time of the application.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Professional Engineering and Surveying Board, LR 27:1031 (July 2001), amended LR 30:1716 (August 2004), LR 37:2413 (August 2011), LR 38:

Chapter 17. Applications and Fees

§1701. Applications

A. - E. ...

F. An application for licensure may be considered incomplete by the board. The applicant may be denied admission to an examination until the information submitted in the application has been investigated and replies have been received from references. The board may require additional information and documents it considers necessary for the proper evaluation of an application.

G. - I. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 5:112 (May 1979), amended LR 5:365 (November 1979), LR 7:646 (December 1981), LR 11:362 (April 1985), LR 19:57 (January 1993), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1032 (July 2001), LR 30:1717 (August 2004), LR 37:2414 (August 2011), LR 38:

Family Impact Statement

In accordance with R.S. 49:953(A)(1)(a)(viii) and 972, the following Family Impact Statement is submitted with the Notice of Intent for publication in the *Louisiana Register*. The proposed Rule has no known impact on family formation, stability or autonomy.

Public Comments

Interested parties are invited to submit written comments on the proposed Rule through August 10, 2012 at 4:30 p.m.,

to Donna D. Sentell, Executive Director, Louisiana Professional Engineering and Land Surveying Board, 9643 Brookline Avenue, Suite 121, Baton Rouge, LA 70809-1433.

Donna D. Sentell
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Examinations and Experience

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

There will be no costs or savings to state or local governmental units resulting from this rule change. The proposed rule makes technical changes necessary to codify several sections in accordance with current application of these rules by the Board. These changes include: clarification that certain examinations are not required to be written; clarification of the evidence needed to obtain a waiver of certain requirements for applicants to prove proficiency in the English language; and clarification of the requirements for applicants to obtain experience prior to application and licensure.

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

There will be no effect on revenue collections of state or local governmental units as a result of this proposed action.

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

The proposed rule change will have no impact on costs and/or economic benefits to directly affected persons or nongovernmental groups. Beginning in 2014, the organization which administers the examinations in the fundamentals of engineering and the fundamentals of surveying may increase the examination fee for applicants for these two exams due to the implementation and increased cost of computer-based testing. These changes are industry-driven and will occur irrespective of the proposed rule changes.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change will have no effect on competition and employment. The proposed rule change clarifies that certain examinations are not required to be written. The proposed rule change also clarifies the evidence needed to obtain a waiver of certain requirements for applicants to prove proficiency in the English language. Additionally, the proposed rule change clarifies the requirements for applicants to obtain experience prior to application and licensure. This proposed rule codifies the current application of the rules by the Board.

Donna D. Sentell
Executive Director
1207#066

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Calcasieu Lake Oyster Harvester Permit (LAC 76:VII.533)

The Wildlife and Fisheries Commission does hereby give notice of its intent to promulgate rules and regulations relative to the Calcasieu Lake Oyster Harvester Permit. Authority to establish such rules and regulations is vested in

the Wildlife and Fisheries Commission by R.S. 56:6 and R.S. 56:435.1.1.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 5. Oysters

§533. Calcasieu Lake Oyster Harvester Permit

A. Any oyster taken from the Calcasieu Lake Public Oyster Area for commercial purposes during the open season shall only be taken by a person legally issued a Calcasieu Lake Oyster Harvester Permit by the department. The permit does not grant any rights to the oyster resource or any rights to harvest oysters from the waters of the state and shall not be sold, exchanged, or otherwise transferred. The permit is valid for one calendar year, beginning on January 1 and expiring on December 31 of the same calendar year. The permit may be obtained at any time of the year until November 15 for the current license year. A permit obtained on or after November 15 of the current license year shall be valid for the remainder of the current license year and expires on December 31 of the immediately following license year. This permit is only applicable for commercial harvest. Recreational fishermen may harvest one sack per person per day.

B. Applications. Initial application for the permit shall be made to the department. To be eligible for this permit the applicant must hold current and valid licenses and permits required for the harvest of oysters, including a commercial fisherman license and an oyster harvester license.

C. Operations. Vessels engaged in an activity for which this permit is required must have onboard the vessel the valid original permit and shall show the permit upon demand to a duly authorized agent of the department.

D. Enforcement. The penalties for violation of these commission regulations pertaining to taking, possessing, recording or reporting of landings or selling oysters from Calcasieu Lake shall be as provided for in R.S. 56:435.1.1(E).

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6 and R.S. 56:435.1.1.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 37:3065 (October 2011), LR 38:

Family Impact Statement

In accordance with Act 1183 of the 1999 regular session of the Louisiana Legislature, the Department of Wildlife and Fisheries hereby issues its Family Impact Statement in connection with the preceding Notice of Intent. This Notice of Intent will have no impact on the six criteria set out at R.S. 49:972(B).

Public Comments

Interested persons may submit written comments on the proposed Rule to Patrick D. Banks, Fisheries Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000 no later than 4:30 p.m., August 20, 2012.

The secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the commission to promulgate and effectuate this Notice of Intent and the final Rule, including, but not limited to, the filing of the Fiscal and Economic Impact Statement, the filing of the Notice of Intent and final Rule and the

preparation of reports and correspondence to other agencies of government.

Ann L. Taylor
Chair

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Calcasieu Lake Oyster Harvester Permit

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

The proposed rule change will have no impact on state or local governmental unit expenditures.

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

The proposed rule change may have a minimal positive effect on revenue collections of state and local governmental units. It is anticipated that the proposed rule will induce an indeterminable number of additional individuals to engage in the harvest of oysters in Calcasieu Lake above the number of individuals who were allowed to do so in 2011 (126). The sales of supplies and equipment used in this activity to these individual may cause a minimal increase in sales tax revenue collected by state and local governmental units. An increase in the number of individuals who harvest oysters in Calcasieu Lake may also cause an increase in the revenue collections of the Department of Wildlife and Fisheries because an individual would be required to purchase a commercial fisherman license (\$55 for residents and \$460 for non-residents) and an oyster harvester permit (\$100 for residents and \$400 for non-residents) prior to harvesting oysters in Calcasieu Lake. Many, but not necessarily all, of these new permittees would also obtain at least one oyster tong permit (\$30 each for residents and \$240 each for non-residents) or at least one oyster dredge permit (\$25 each for residents and \$200 each for non-residents).

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

Act 541 of the 2012 Regular Legislative Session modified R.S. 56:435.1.1 by removing the time limitation for when individuals would be required to possess a special permit prior to harvesting of oysters in Calcasieu Lake and eliminates the limit for the number of special permits the Department of Wildlife and Fisheries can issue each year. The proposed rule change modifies the rules and regulations for the issuance of this special permit to be consistent with the changes to R.S. 56:435.1.1 and further establishes that vessels must have the special permit on board when engaged in the harvesting of oysters in Calcasieu Lake, a provision that was contained in the permit itself as previously issued, but not specified by rule.

The proposed rule change may have an unquantifiable positive economic affect on individuals who wish to harvest oysters in Calcasieu Lake but were unable to obtain a special permit to allow for the harvesting of oysters in Calcasieu Lake because they were excluded due to the previously limited number of available permits. Upon promulgation of the proposed rule change, these individuals would be able to obtain the special permit and begin harvesting oysters in Calcasieu Lake.

Individuals and businesses that sell supplies and equipment used in the harvesting of oysters may incur an unquantifiable positive economic benefit if the proposed rule change causes individuals who do not currently possess supplies and equipment used to harvest oysters to begin engaging in the harvest of oysters.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change may increase competition for the harvesting of oysters in Calcasieu Lake because there is a finite amount of harvestable oysters available in Calcasieu Lake at any given time.

The proposed rule change may also cause an increase in employment. Any increase in employment in the private sector would be a result of an increase in the number of individuals engaged in oyster harvesting or expansion of businesses that provide goods and services to oyster harvesters.

Lois Azzarello
Undersecretary
1207#064

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Wildlife and Fisheries
Wildlife and Fisheries Commission**

Crappie Regulations—Daily Take (LAC 76:VII.197)

The Wildlife and Fisheries Commission hereby advertises its intent to establish the following rule on Crappie (*Pomoxis* spp.) on D’Arbonne Lake, located in Union Parish, Louisiana.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 1. Freshwater Sport and Commercial Fishing

§197. Crappie Regulations—Daily Take

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

B. D’Arbonne (Union Parish)

1. Daily Limit—25 fish per person:

a. on water possession—same as daily limit per person.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:325.1(c).

HISTORICAL NOTE: Promulgated in accordance with Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 30:2339 (October 2004), amended LR 38:

Family Impact Statement

In accordance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission hereby issues its Family Impact Statement in connection with the preceding Notice of Intent. This Notice of Intent will have no impact on the six criteria set out in R.S. 49:972(B).

Public Comments

Interested persons may submit comments relative to the proposed Rule to Mike Wood, Fisheries Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000, or via e-mail to mwood@wlf.la.gov prior to Thursday, August 9, 2012.

The secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the commission to promulgate and effectuate this Notice of Intent and the final Rule, including but not limited to, the filing of the Fiscal and Economic Impact Statements, the filing of the Notice of Intent and final Rule and the

preparation of reports and correspondence to other agencies of government.

Ann L. Taylor
Chairman

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

RULE TITLE: Crappie Regulations—Daily Take

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

The proposed rule change will have no impact on state or local governmental unit expenditures.

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

The proposed rule change is anticipated to have no impact on revenue collections of state or local governmental units.

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

Individuals who recreationally harvest crappie in Lake D’Arbonne may be negatively affected by the proposed rule change. The proposed rule change will reduce the daily creel limit for crappie in Lake D’Arbonne from 50 to 25, and thus the number of crappie that these individuals can keep each day.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change is anticipated to have no effect on competition and employment in the public and private sectors.

Lois Azzarello
Undersecretary
1207#048

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Wildlife and Fisheries
Wildlife and Fisheries Commission**

General and WMA Turkey Hunting (LAC 76:XIX.113)

The Wildlife and Fisheries Commission does hereby give notice of its intent to amend the turkey rules and regulations for the 2013 season.

Title 76

WILDLIFE AND FISHERIES

Part XIX. Hunting and WMA Regulations

Chapter 1. Resident Game Hunting Season

§113. General and WMA Turkey Hunting Regulations

A. General Regulations. Only gobblers (male turkeys) may be taken. Taking of hen (female) turkeys, including bearded hens, is prohibited. Still hunting only. Use of dogs, electronic calling devices and live decoys is illegal. Turkeys may be hunted with shotguns, including muzzleloading shotguns, using shot not larger than No. 2 lead or BB steel shot, and approved archery equipment but by no other means. Shooting turkeys from a moving or stationary vehicle is prohibited. Shotguns capable of holding more than three shells prohibited. The running of coyote with dogs is prohibited in all turkey hunting areas during the open turkey season. No person shall hunt, trap or take turkeys by the aid

of baiting or on or over any baited area. Baiting means placing, exposing, depositing or scattering of corn (shelled, shucked or unshucked), wheat or other grain, salt, or other feed so as to constitute a lure, attraction or enticement to, on or over any areas where hunters are attempting to take turkeys. A baited area is any area where corn (shelled, shucked or unshucked), wheat or other grain, salt, or other feed capable of luring, attracting or enticing turkeys is directly or indirectly placed, exposed, deposited, distributed or scattered. Such areas remain baited areas for 15 days following complete removal of all such corn, wheat or other grain, salt, or other feed. Wildlife agents are authorized to close such baited areas and to place signs in the immediate vicinity designating closed zones and dates of closures. No person hunting turkeys more than 200 yards from a baited area will be in violation of the turkey baiting regulation.

B. Tags

1. Prior to hunting turkeys, all turkey hunters, regardless of age or license status, must obtain turkey tags and have them in their possession while turkey hunting. Immediately upon killing a turkey, hunters must attach a carcass tag to the turkey before it is moved from the site of the kill and must document the kill on the turkey harvest report card. The date of kill and parish of kill must be recorded on the carcass tag. The tag must remain attached to the turkey while kept at camp or while it is transported to the domicile of the hunter or to a cold storage facility. Hunters who keep the carcass or meat at a camp must also comply with game possession tag regulations. Within seven days of the kill, the hunter must report the kill. Hunters may report turkeys by calling the validation phone number or using the validation web site.

2. Turkey hunters purchasing licenses by phone or internet will be given an authorization number and a LDWF identification number that will serve as their license and tags until the physical license and tags arrive by mail. Turkey hunters who have purchased a license with tags, but have not yet received their physical license and tags, must immediately tag their kill with a possession tag before moving it from the site of the kill. The authorization number and LDWF identification number must be recorded on the possession tag. Hunters must retain documentation of any turkeys killed and upon receiving their physical tags and harvest report card, validate their kill as required in these regulations. The tags for turkeys killed prior to receiving the physical tags must be removed from the turkey harvest report card and discarded.

3. Tags removed from the turkey harvest report card prior to killing a turkey are no longer valid and if lost will not be replaced. Duplicate tags and turkey harvest report cards are available to replace lost report cards and attached tags. Hunters will be charged a fee for duplicate turkey harvest report cards and tags. Hunters that have killed a turkey prior to losing their remaining tag and harvest report card must remove and discard the duplicate tag to account for the original tag that was used and validated. Hunters must record any previously validated turkey on the duplicate turkey harvest report card.

C. Possession of Live Wild Turkeys. No person shall take live wild turkeys or their eggs from the wild. No person shall possess captive live wild turkeys, (*Meleagris gallopavo silvestris*, *M. g. osceola*, *M. g. intermedia*, *M. g. merriami*,

M. g. mexicana) or their eggs, regardless of origin, without a valid game breeder license. No pen-raised turkeys from within or without the state shall be liberated (released) within the state.

D. Statewide Youth and Physically Challenged Season Regulations. Only youths 17 years of age or younger or hunters possessing a physically challenged hunter permit with wheelchair classification may hunt. Youth must possess a hunter safety certification or proof of successful completion of a hunter safety course. Youths must be accompanied by one adult 18 years of age or older. If the accompanying adult is in possession of hunter safety certification, a valid hunting license or proof of successful completion of a hunter safety course, this requirement is waived for youth younger than 16 years of age. Adults accompanying youth may not possess a firearm or bow. Youths may possess only one firearm or bow while hunting. The supervising adult shall maintain visual and voice contact with the youth at all times. EXCEPT properly licensed youths 16-17 years old and youths 12 years old or older who have successfully completed a hunter safety course may hunt without a supervising adult. Only one gobbler per day may be taken and any gobbler taken by the hunter during this special season counts towards their season bag limit of 2.

E. Shooting hours: one-half hour before sunrise to one-half hour after sunset.

F. Turkey Hunting Area Descriptions

1. Area A

a. All of the following parishes are open:

- i. Beauregard;
 - ii. Bienville;
 - iii. Claiborne (Exception: see Federal Lands Hunting Schedule for Kisatchie National Forest dates);
 - iv. East Baton Rouge;
 - v. East Feliciana;
 - vi. Grant (Exception: see Federal Lands Hunting Schedule for Kisatchie National Forest dates);
 - vii. Jackson;
 - viii. LaSalle;
 - ix. Lincoln;
 - x. Livingston;
 - xi. Natchitoches (Exception: see Federal Lands Hunting Schedule for Kisatchie National Forest dates);
 - xii. Pointe Coupee (Exception: see Sherburne WMA for special season dates on all state, federal, and private lands within Sherburne boundaries);
 - xiii. Rapides (Exception: see Federal Lands Hunting Schedule for Kisatchie National Forest dates);
 - xiv. Sabine;
 - xv. St. Helena;
 - xvi. Tangipahoa;
 - xvii. Union;
 - xviii. Vernon (Exception: see Federal Lands Hunting Schedule for Kisatchie National Forest dates);
 - xix. West Baton Rouge;
 - xx. West Feliciana (including Raccourci Island);
 - xxi. Winn (Exception: see Federal Lands Hunting Schedule for Kisatchie National Forest dates);
- b. Portions of the following parishes are also open:
- i. Allen: north of LA 104, west of LA 26 south of junction of LA 104 to US 190, north of US 190 east of Kinder, west of US 165 south of Kinder;

ii. Avoyelles: that portion bounded on the east by the Atchafalaya River, on the north by Red River to the Brouillette Community, on the west by LA 452 from Brouillette to LA 1, on the south by LA 1, eastward to Hamburg, thence by the West Atchafalaya Basin Protection levee southward;

iii. Calcasieu: north of I-10;

iv. Caldwell: west of Ouachita River southward to Catahoula Parish line;

v. Catahoula: south and west of the Ouachita River from the Caldwell Parish line southward to LA 8 at Harrisonburg, north and west of LA 8 from Harrisonburg to the LaSalle Parish line. Also that portion lying east of LA 15;

vi. Evangeline: north and west of LA 115, north of LA 106 west of LA 115 to US 167, west of US 167 south to LA 10, north of LA 10 west of US 167 to LA 13, west of LA 13 south of LA 10 to Mamou and north of LA 104 west of Mamou;

vii. Franklin: that portion lying east of LA 17 and east of LA 15 from its juncture with LA 17 at Winnsboro;

viii. Iberville: west of the Mississippi River. (Exception: see Sherburne WMA for special season dates on all state, federal and private lands within Sherburne boundaries);

ix. Jefferson Davis: north of US 190 from junction with LA 26 to Kinder, west of US 165 and north of I-10 west from junction of US 165;

x. Madison: that portion lying east of US 65 from East Carroll Parish line to US 80 and south of US 80. Also, all lands east of the main channel of the Mississippi River;

xi. Morehouse: west of US 165 from the Arkansas line to the junction of LA 140 at Bonita, north and west of LA 140 to junction of LA 830-4 (Cooper Lake Road), west of LA 830-4 to US 165 at Bastrop, south of US 165 to junction of LA 3051 (Grabault Road) south of LA 3051 to junction of LA 138, west of LA 138 to junction of LA 134, north of LA 134 to the Ouachita Parish line;

xii. Ouachita: all west of the Ouachita River. That portion east of the Ouachita River lying north of US 80 to LA 139, west of LA 139 to LA 134, north of LA 134 to the Morehouse Parish line, south of the Morehouse Parish line, and east of the Ouachita River.

xiii. Richland: that portion south of US 80 and east of LA 17;

xiv. St. Landry: that portion bounded on the west by the West Atchafalaya Basin Protection Levee and on the east by the Atchafalaya River. (Exception: the Indian Bayou Area, see Federal Lands Hunting Schedule for Indian Bayou Area dates);

xv. Upper St. Martin: all within the Atchafalaya Basin. (Exception: Sherburne WMA and Indian Bayou Area, see WMA Turkey Hunting Schedule for special season dates on all state, federal and private lands within Sherburne WMA boundaries and see Federal Lands Hunting Schedule for Indian Bayou dates);

xvi. Tensas: that portion west of US 65 from the Concordia Parish line to its juncture with LA 128, north of LA 128 to St. Joseph; west and north of LA 605, 604 and 3078 northward to Port Gibson Ferry. Also all lands east of the main channel of the Mississippi River;

2. Area B

a. All of the following parishes are open:

i. Ascension;

ii. Caddo;

iii. DeSoto;

iv. Red River;

v. St. Tammany;

vi. Washington.

b. Portions of the following parishes are open:

i. Bossier: all open except that portion bounded on the north by I-20, on the west by LA 164, on the south by LA 164, and on the east by the Webster Parish line;

ii. East Carroll: east of US 65 from Arkansas state line to Madison Parish line;

iii. Iberville: all east of the Mississippi River;

iv. Webster: all open except that portion bounded on the north by I-20, on the east by U.S. 371, on the south by LA 164, and on the west by the Bossier Parish line (Exception: see Federal Lands Hunting Schedule for Kisatchie National Forest dates).

3. Area C

a. All of the following parishes are open:

i. Concordia.

b. Portions of the following parishes are open:

i. Caldwell: all east of the Ouachita River;

ii. Catahoula: all of the parish except for that portion located in Area A;

iii. Franklin: west of LA 17 from the Richland Parish line southward to Winnsboro, west of LA 15 southward to the Catahoula Parish line;

iv. Iberia: east of the West Atchafalaya Basin Protection Levee;

v. Richland: west of LA 17 from Franklin Parish line to Ringle Road, south of Ringle Road to Ferguson Road, south of Ferguson Road to Little Road, south of Little Road to Big Creek, east of Big Creek to Franklin Parish line;

vi. Tensas: east and south of US 65 from Concordia Parish line to LA 128, south of LA 128 to St. Joseph, east and south of LA 605, 604 and 3078 northward to Port Gibson Ferry.

4. Turkey season dates on wildlife management areas, national wildlife refuges, Kisatchie National Forest and U.S. Army Corps of Engineers land located within Areas A, B, and C may vary from the season set for the parish in which they are located. Seasons for these lands are specified in LAC 76:XIX.115.

G. WMA Turkey Hunting Regulations

1. WMAs with youth turkey hunts are closed to all activities except turkey hunting by authorized youth hunt participants, shooting range use, and fishing on the day(s) of the youth hunt.

2. Self-Clearing Permits. All turkey hunts, including lottery hunts, are self-clearing. Hunters must check in daily by obtaining a permit from a self-clearing station prior to hunting. The self-clearing permit must be in the hunter's possession while hunting. Upon completion of each days hunt, the hunter must check out by completing and depositing the hunter report portion of the permit in the check-out box at a self-clearing station before exiting the WMA.

3. Lottery Hunts. All or portions of some WMA seasons are designated as lottery hunts and are restricted to hunters selected by pre-application lottery. To apply for these lottery hunts, a hunter must submit a completed official application form to the Baton Rouge office by the deadline printed on the application. A non-refundable fee of \$5 must be sent with each application. Applicants for WMA youth hunts must be 17 years of age or younger and at least 8 years old on the day of the hunt. Applicants may submit only one application and may be selected for only one spring WMA Turkey Lottery Hunt annually. Submitting more than one application will result in disqualification. Hunters must abide by self-clearing permit requirements. Hunters chosen for WMA lottery hunts may be accompanied by one person. The person accompanying a lottery hunter shall not possess a firearm/bow or take a turkey, and must remain within a distance that allows normal voice contact with the lottery hunter at all times. Youths chosen for special youth only hunts may be assigned a guide on the day of the hunt provided that guides are available. One person may accompany the youth and guide, but may not hunt.

4. WMA Physically Challenged Hunt (wheelchair confined). Open only to hunters with a physically challenged hunter permit with wheelchair classification. During this hunt, ATVs may be used by hunters on all designated ATV trails in accordance with the physically challenged hunter permit. Hunters must abide by self-clearing permit requirements.

5. Rules Specific to Certain WMAs

a. Sandy Hollow. No turkey hunting within 100 yards of food plots identified by two yellow paint rings around the nearest tree.

b. Sherburne. All turkeys taken must be checked at the WMA headquarters.

c. Tunica Hills. All lottery hunters must wear provided GPS units while hunting if directed by researchers.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 25:2263 (November 1999), amended LR 26:2634 (November 2000), LR 27:2270 (December 2001), LR 28:2375 (November 2002), LR 29:2512 (November 2003), LR 30:2874 (December 2004), LR 31:3167 (December 2005), LR 32:2272 (December 2006), LR 33:2469 (November 2007), LR 35:91 (January 2009), LR 35:2478 (November 2009), LR 36:2581 (November 2010), LR 37:3535 (December 2011), LR 38:

Family Impact Statement

In accordance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission hereby issues its Family Impact Statement in connection with the preceding Notice of Intent. This Notice of Intent will have no impact on the six criteria set out at R.S. 49:972(B).

Public Comments

Interested persons may submit written comments on the proposed Rule to Mr. Kenneth Ribbeck, Wildlife Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA, 70898-9000 no later than 4:30 p.m., September 6, 2012.

The secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the commission to promulgate and effectuate this Notice of

Intent and the final Rule, including, but not limited to, the filing of the Fiscal and Economic Impact Statement, the filing of the Notice of Intent and final Rule and the preparation of reports and correspondence to other agencies of government.

Ann L. Taylor
Chairman

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: General and WMA Turkey Hunting

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

Establishment of turkey hunting regulations is an annual process that is carried out using existing staff and funding levels. No increase or decrease in costs to state or local governmental units associated with implementing the proposed rule change is anticipated.

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

The proposed rule change is anticipated to have no effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL

The proposed rule change modifies the list of hunting areas that will be open for turkey hunting beginning with the 2013 turkey season. The proposed rule opens two small areas within Iberville and Pointe Coupee formerly closed to turkey hunting, makes minor adjustments to Wildlife Management Area seasons and adds additional youth turkey hunting opportunities on the Kisatchie National Forest.

Turkey hunters will benefit from having additional areas open to turkey hunting. No additional costs or paperwork will be incurred and no impact on receipts and income to directly affected persons or non-governmental groups are anticipated.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change is anticipated to have no effect on competition and employment in the public and private sectors.

Lois Azzarello
Undersecretary
1207#065

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Turkey Hunting Areas, Season, and Bag Limits
(LAC 76:XIX.115)

The Wildlife and Fisheries Commission does hereby give notice of its intent to amend the turkey dates and limits for the 2013 season.

Title 76

WILDLIFE AND FISHERIES

Part XIX. Hunting and WMA Regulations

Chapter 1. Resident Game Hunting Season

§115. Turkey Hunting Areas, Seasons, and Bag Limits

A. Daily limit is one gobbler. Season limit is two gobblers. Turkeys taken on WMAs are part of the season bag limit. Only one turkey may be taken during spring WMA

lottery hunts and only one turkey may be taken during the fall WMA lottery hunt.

B. Turkey season will open on the fourth Saturday in March. The Area A turkey season will be 30 consecutive days in length, the Area B turkey season will be 23 consecutive days in length, and the Area C turkey season will be 16 consecutive days in length. Wildlife management areas, national forests, national wildlife refuges, and U.S. Army Corps of Engineers land may vary from this framework. Deviation from this framework may occur in those years when the fourth Saturday in March falls the day before Easter.

C. Statewide youth turkey and physically challenged season on private lands shall be the weekend prior to the start of the regular turkey season.

D. Only those wildlife management areas listed herein are open to turkey hunting. All other wildlife management areas are closed.

E. 2013 Turkey Hunting Schedule

Area	Season Dates
A	March 23-April 21
B	March 23-April 14
C	March 23-April 7
Private Lands Youth and Physically Challenged Hunter (Wheelchair Confined) Hunt	March 16-17

F. Wildlife Management Area Turkey Hunting Schedule

WMA	Non-Lottery Hunt Dates	Lottery Hunt Dates
Attakapas	March 23-31	None
Bayou Macon	None	April 13-14
Big Lake	March 23-April 7	None
Bodcau	March 23-April 7	None
Boeuf	March 23-31	None
Clear Creek	April 1-21	March 23-24 March 30-31
Camp Beauregard	March 23-31	None
Dewey Wills	None	March 23 March 24 March 30 March 31
Fort Polk-Vernon	March 23-April 21	None
Grassy Lake	March 23-31	None
Hutchinson Creek	March 23-April 21	None
Jackson-Bienville	March 23-April 7	None
Lake Ramsey	March 23-April 7	None
Little River	March 23-April 7	None
Loggy Bayou	None	April 12-14
Peason Ridge	March 23-April 21	None
Red River	March 23-April 7	None
Sabine	None	April 13-15 April 19-21
Sandy Hollow	March 23-April 7	None
Sherburne	March 25-27	March 23-24

WMA	Non-Lottery Hunt Dates	Lottery Hunt Dates
Sicily Island	None	March 23-25 March 26-28 March 29-31 April 1-3 April 4-7
Tangipahoa Parish School Board	March 23-April 21	None
Three Rivers	March 23-April 7	None
Tunica Hills South Tract	April 8-14	March 23-24 March 30-31 April 6-7
Tunica Hills North Tract	April 8-14	March 23-24 March 30-31 April 6-7
Union	None	April 12-14 April 19-21
Walnut Hills	March 23-April 21	None
West Bay	None	March 23-24 March 30-31 April 6-7

G. Wildlife Management Area and Kisatchie National Forest Lottery Youth Hunts

WMA/Ranger District	Lottery Youth Hunt Date
Big Lake	March 16
Bodcau	March 16-17
Clear Creek	March 16
Fort Polk-Vernon/Peason Ridge; Calcasieu Ranger Dist.; Caney Ranger Dist.; Catahoula Ranger Dist.; Kisatchie Ranger Dist. and Winn Ranger Dist.	March 16
Grassy Lake	March 16
Jackson-Bienville	March 16-17
Loggy Bayou	April 6-7
Pearl River	April 6 April 13
Pomme de Terre	April 6
Sherburne	March 16
Sicily Island	March 16
Spring Bayou	April 6
Tunica Hills	March 16
Union	April 6-7
West Bay	March 16

H. Non-lottery Youth Hunts

1. Bodcau WMA will be open April 13-14 (only youths may hunt).

2. Jackson-Bienville WMA will be open April 13-14 (only youths may hunt).

I. Wildlife Management Area Physically Challenged (Wheelchair Confined) Hunt

1. Jackson-Bienville WMA will be open April 15-21 to holders of valid physically challenged hunter (wheelchair classification) permits.

J. Federal Lands Turkey Hunting Schedule

1. Kisatchie National Forest (KNF) turkey hunting schedule: Caney Ranger District, March 23-April 7; all remaining KNF lands, March 23-April 14 (including Catahoula and Red Dirt National Wildlife Management Preserves).

2. U.S. Army Corps of Engineers turkey hunting schedule: Indian Bayou Area, March 16-17 youth and physically challenged lottery only hunt, and lottery hunt only on March 23-24 and March 30-March 31. Old River Control and Lock Areas, March 23-April 7.

3. National Wildlife Refuges: Bogue Chitto NWR, March 23-April 14; Lake Ophelia NWR, March 23-April 7 hunt ends at 12 p.m. each day; Tensas NWR, March 16-17 (youth only), March 23-April 7; Upper Ouachita NWR, March 16 (youth lottery only).

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 25:2264 (November 1999), amended LR 26:2634 (November 2000), LR 27:2270 (December 2001), LR 28:2376 (November 2002), LR 29:2513 (November 2003), LR 30:2875 (December 2004), LR 31:3167 (December 2005), LR 32:2272 (December 2006), LR 33:2470 (November 2007), LR 35:90 (January 2009), LR 35:2481 (November 2009), LR 36:2583 (November 2010), LR 37:3541 (December 2011), LR 38:

Family Impact Statement

In accordance with Act 1183 of the 1999 Regular session of the Louisiana Legislature, the Department of Wildlife and Fisheries/Wildlife and Fisheries Commission hereby issues its Family Impact Statement in connection with the preceding Notice of Intent. This Notice of Intent will have no impact on the six criteria set out at R.S. 49:972(B).

Public Comments

Interested persons may submit written comments on the proposed Rule to Mr. Kenneth Ribbeck, Wildlife Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA, 70898-9000 no later than 4:30 p.m., September 6, 2012.

The secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the commission to promulgate and effectuate this Notice of Intent and the final Rule, including, but not limited to, the filing of the Fiscal and Economic Impact Statement, the filing of the Notice of Intent and final Rule and the preparation of reports and correspondence to other agencies of government.

Ann L. Taylor
Chairman

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Turkey Hunting Areas, Season, and Bag Limits

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

Establishment of wild turkey hunting seasons is an annual process that is carried out using existing staff and funding levels. No increase or decrease in costs to state or local governmental units associated with implementing the proposed rule change is anticipated.

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

Revenue collections from the sale of wild turkey licenses in Fiscal Year 2013 are estimated to be \$69,391.50. Failure to adopt the proposed rule change would result in no wild turkey hunting seasons for 2013 and the subsequent loss of state revenue collections from the sale of wild turkey licenses. In addition, loss of tax revenues of an undeterminable amount may occur to both state and local governmental units from the foregone sales of supplies and equipment used in the pursuit of wild turkeys.

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

The proposed rule change modifies open hunting season dates and bag limits in designated hunting areas and wildlife management areas for hunting wild turkeys during March and April, 2013.

Approximately 18,000 resident and nonresident sportsmen and an undeterminable number of sporting good distributors, retail outlets and landowners are directly affected by the proposed rule change. Wild turkey hunters in Louisiana generate income to retail outlets, landowners and commercial businesses through hunting lease payments and purchases of related outdoor equipment and associated items (food, fuel, clothing, shotgun shells, etc.). These land and business owners will be negatively impacted if wild turkey hunting seasons, rules and regulations are not established and promulgated. The actual amount of this impact is not estimable at this time. Resident and nonresident wild turkey hunters will be required to purchase a Louisiana wild turkey license in addition to their basic and big game hunting licenses, provided they are not exempt from purchasing a wild turkey license or do not already possess a license that includes wild turkey hunting privileges. The costs incurred by wild turkey hunters for the purchase of wild turkey licenses will be \$5.50 for residents, non-resident active military, non-resident students and non-resident Louisiana natives, and \$20.50 for other non-residents. In addition, non-residents can purchase an all inclusive 1-day license to hunt wild turkeys for \$36.00.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Hunting supports approximately 13,084 full and part-time jobs in Louisiana, a portion of which are directly related to wild turkey hunting. Failure to establish wild turkey hunting seasons may have a negative impact on some of these jobs. It is anticipated that there will be little or no effect on competition in both the public and private sectors resulting from the proposed rule change.

Lois Azzarello
Undersecretary
1207#063

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Wildlife and Fisheries
Wildlife and Fisheries Commission**

Yo-Yo and Trotline Regulations (LAC 76:VII.134)

The Louisiana Wildlife and Fisheries Commission hereby advertises its intent to adopt regulations for yo-yo's and trotlines in Black Lake, Clear Lake and Prairie Lake (Natchitoches Parish), Caddo Lake (Caddo Parish), Chicot Lake (Evangeline Parish), D'Arbonne Lake (Union Parish), and Lake St. Joseph (Tensas Parish), Louisiana.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 1. Freshwater Sport and Commercial Fishing

§134. Black Lake, Clear Lake, Prairie Lake, Caddo Lake, Chicot Lake, D'Arbonne Lake, and Lake St. Joseph

A. The following regulations are applicable to the use of yo-yo's and trigger devices when used in Black Lake, Clear Lake and Prairie Lake (Natchitoches Parish), Caddo Lake (Caddo Parish), Chicot Lake (Evangeline Parish), D'Arbonne Lake (Union Parish), and Lake St. Joseph (Tensas Parish), Louisiana.

1. No more than 50 yo-yos or trigger devices shall be allowed per person.

2. Except for those devices that are attached to a privately owned pier, boathouse, seawall, or dock, each yo-yo or trigger device shall be clearly tagged with the name, address, and telephone number of the owner or user.

3. When in use, each yo-yo or trigger device shall be checked at least once every 24 hours, and all fish and any other animal caught or hooked, shall be immediately removed from the device.

4. Except for those devices that are attached to a privately owned pier, boathouse, seawall, or dock, each yo-yo or trigger device must be re-baited at least once every 24 hours.

5. Except for those metal objects located above the water that are affixed to a private pier, dock, houseboat, or other manmade structure which is designed for fishing, no yo-yo or trigger device shall be attached to any metal object.

6. Except for a metal object used strictly in the construction of a pier, boathouse, seawall, or dock, no metal object which is driven into the lake bottom, a stump, tree, or the shoreline shall be used to anchor a yo-yo or trigger device.

7. Except for those devices that are attached to a privately owned pier, boathouse, seawall, or dock, when not being used in accordance with the provisions of this Section, each yo-yo or trigger device shall be removed from the waterbody immediately.

B. The following regulations are applicable to the use of trotlines when used in Black Lake, Clear Lake and Prairie Lake (Natchitoches Parish), Caddo Lake (Caddo Parish), Chicot Lake (Evangeline Parish), D'Arbonne Lake (Union Parish), and Lake St. Joseph (Tensas Parish), Louisiana.

1. All trotlines shall be clearly tagged with the name, address, and phone number of the owner or user and the date of placement. The trotline shall be marked on each end with a floating object that is readily visible.

2. At any given time, no person shall set more than three trotlines with a maximum of 50 hooks each.

3. All trotlines shall have an eight-foot cotton leader on each end of the trotline.

4. Except for those metal objects located above the water that are affixed to a private pier, dock, houseboat, or other manmade structure which is designed for fishing, no trotline shall be attached to any metallic object.

5. Each trotline shall be attended daily when in service.

6. When not in use, each trotline shall be removed from the waterbody by the owner or user.

C. A violation of any of the provisions of this Section shall be a class one violation, except there shall be no imprisonment. In addition, any device found in violation of this Paragraph shall be immediately seized by and forfeited to the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:326.3 and 56:6(32).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 38:

Family Impact Statement

In accordance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission hereby issues its Family Impact Statement in connection with the preceding Notice of Intent. This Notice of Intent will have no impact on the six criteria set out in R.S. 49:972(B).

Public Comments

Interested persons may submit written comments of the amended Rule to Mike Wood, Director, Inland Fisheries Section, Department of Wildlife and Fisheries, P.O. Box 98000, Baton Rouge, LA 70898-9000 no later than 4:30 p.m., August 2, 2012.

The secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the commission to promulgate and effectuate this Notice of Intent and the final Rule, including, but not limited to, the filing of the Fiscal and Economic Impact Statement, the filing of the Notice of Intent and final Rule and the preparation of reports and correspondence to other agencies of government.

Ann L. Taylor
Chairman

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Yo-Yo and Trotline Regulations

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

The proposed rule change will have no impact on state or local governmental unit expenditures.

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

The proposed rule change is anticipated to have no impact on revenue collections of state or local governmental units.

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

Act 133 of the 2012 Regular Legislative Session removed individual provisions for the use of yo-yos, trigger devices, and trotlines in Black Lake, Clear Lake, Prairie Lake, Caddo Lake, Chicot Lake, D'Arbonne Lake, and Lake St. Joseph. Prior to the promulgation of this act, each of these waterbodies had unique regulations pertaining to the use of yo-yos, trigger devices, and trotlines. The proposed rule change establishes consistent regulations for the use of yo-yos, trigger devices, and

trotlines in Black Lake, Clear Lake, Prairie Lake, Caddo Lake, Chicot Lake, D'Arbonne Lake, and Lake St. Joseph.

Louisiana fishermen who use yo-yos, trigger devices, or trotlines on Black Lake, Clear Lake, Prairie Lake, Caddo Lake, Chicot Lake, D'Arbonne Lake, or Lake St. Joseph may be positively affected by the proposed rule change because the standardization of the use regulations for these devices in these waterbodies may make it easier for these individuals to remain in compliance with regulations for these devices in these waterbodies.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change is anticipated to have no effect on competition and employment in the public and private sectors.

Lois Azzarello
Undersecretary
1207#047

Evan Brasseaux
Staff Director
Legislative Fiscal Office

Governor's Reports

GOVERNOR'S REPORT

Governor's Letter Rejecting Alternative Fuel Tax Emergency Rule (LAC 61:11913) June 14, 2012

Editor's Note: To view this Emergency Rule go to:
<http://www.doa.louisiana.gov/osr/emr/1205EMR012.pdf>

The Governor has reviewed and, pursuant to the authority granted by La. R.S. 49:953(B)(4)(b), has rejected the Declaration of Emergency and accompanying emergency rule issued by the Department of Revenue to adopt the above-referenced emergency rule (attached). The letter justifying the use of emergency rule-making procedures does not meet the requirements of La. R.S. 49:953(B). The letter does not state a description of facts and circumstances that would constitute an "imminent peril to the public health, safety or welfare" of the State or the people that would

require adoption of the rule upon shorter notice than that provided in Subsection A of R.S. 49:953(A), as required by law. *See, Premier Games, Inc. v. State, Dept. of Public Safety and Corrections, Video Gaming Division*, 761 So.2d 707 (La. App. 1 Cir, 2000). The Revenue Information Bulletins also raise legal questions that need to be resolved prior to issuing a new rule.

The Department of Revenue has been asked to withdraw the emergency rule and Revenue Information Bulletins 12-025 (May 3, 2012) and 12-026 (May 4, 2012). After all legal issues are resolved, rules may be promulgated according to the rule-making procedures authorized by La. R.S. 49:953(A).

Sincerely,
Elizabeth Murrill
Executive Counsel

1207#002

Concurrent Resolutions

CONCURRENT RESOLUTION

House Concurrent Resolution No. 69

By Representative Ligi

Editor's Note: This Concurrent Resolution is being reprinted for correction. The original printing may be viewed on pages 1460-1461 of the June 2012 *Louisiana Register*.

A Concurrent Resolution

To amend the Department of Health and Hospitals, Board of Medical Examiners, rule (LAC 46:XLV.3149), which provides for limitations on examinations of an applicant for certification as an athletic trainer, and to direct the office of the state register to print the amendments in the Louisiana Administrative Code.

WHEREAS, the Department of Health and Human Resources, predecessor of the Department of Health and Hospitals, promulgated a rule in 1986 providing for limitations on examinations of an applicant for certification as an athletic trainer; and

WHEREAS, this rule is presently in effect and provides that an applicant having failed to attain a passing score upon taking the certification examination four times shall not thereafter be considered for certification as an athletic trainer and shall not be eligible to take the examination again; and

WHEREAS, among the forty-eight states which regulate the profession of athletic training, Louisiana is the only state which limits the number of times an applicant may take an athletic trainer certification examination; and

WHEREAS, at least one state (Illinois) explicitly provides in its regulations relative to the profession of athletic training that unsuccessful candidates may retake the certification examination as many times as they wish; and

WHEREAS, among Louisiana's statutes and rules providing for professions and occupations, limitations on the number of times an applicant may take an examination to

qualify for professional certification or licensure are highly uncommon; and

WHEREAS, R.S. 49:969 provides that the legislature, by Concurrent Resolution, may suspend, amend, or repeal any rule adopted by a state department, agency, board, or commission; and

CODING: Words in struck through type are deletions from existing law; words underscored are additions.

WHEREAS, the purpose of this Resolution is to remove unnecessary obstacles to qualified persons attaining employment in a health profession and to meeting demand for health care in this state.

THEREFORE, BE IT RESOLVED by the Legislature of Louisiana that LAC 46:XLV.3149 is hereby amended to read as follows:

§3149. Reexamination

A. An applicant having failed to attain a passing score upon taking the certification examination may take a subsequent examination upon payment of the applicable fee as prescribed by Chapter 1 of these rules.

BE IT FURTHER RESOLVED that the clerk of the House of Representatives is hereby directed to transmit a copy of this Resolution to the office of the state register and the Department of Health and Hospitals, Board of Medical Examiners.

BE IT FURTHER RESOLVED that the office of the state register is hereby directed to have the amendment to LAC 46:XLV.3149 printed and incorporated into the Louisiana Administrative Code and to transmit a copy of the revised rule to the Department of Health and Hospitals, Board of Medical Examiners.

John A. Alario, Jr.
President of the Senate

Charles E. "Chuck" Kleckley
Speaker of the House of Representatives

1207#124

Potpourri

POTPOURRI

Department of Environmental Quality Office of Environmental Compliance Underground Storage Tank and Remediation Division

Application of Groundwater Protection Fees at Various Sites in the State

The authorization to collect groundwater protection fees is provided for in the Office of the Secretary regulations, Chapter 14. The fees have been in effect since authorized and approved in July 1992. In the past the authorized fees have been collected on differing facilities depending on which division of the Louisiana Department of Environmental Quality was administering the fee. In recent moves to consolidate and streamline the department into fewer, more efficient divisions, the Underground Storage Tank Division, the Environmental Technology Division and the Remediation Division have been merged into one singular division. The consolidation revealed that the groundwater protection fee had been applied in an uneven fashion with some authorized sites being assessed the fee and others not being assessed the authorized fee. In an effort to maintain consistency across all divisions, and to ensure that all facilities throughout the state are being billed consistently, the department has implemented a standard application of the Rule throughout. Fees related to well installations and well abandonments, assessment and corrective action fees for solid and hazardous waste permitted units which have groundwater monitoring systems, assessment and corrective action fees for all other sites that have groundwater contamination not associated with a permitted unit, and annual reporting and inspections will be billed the authorized fee for facilities that conduct groundwater remediation and/or monitoring as spelled out in the regulations. This practice will insure that all similar facilities will be treated equally. The provisions of this notice are effective with the Fiscal Year 2012-13 invoices which are scheduled to be issued on October 5, 2012. For any questions, call Carey Dicharry at (225) 219-3609.

Herman Robinson, CPM
Executive Counsel

1207#071

POTPOURRI

Department of Environmental Quality Office of Environmental Services Air Permits Division

Standard Performance Testing Requirements Sources Not Subjected to Promulgated Federal or State Performance Testing Regulations

NOTE: This replaces Potpourri notice 1206Pot1 which was published in June. This notice corrects an error in the equation in the example given in June.

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:2001 et seq., the secretary gives notice that the Office of Environmental Services, Air Permits Division, will alter the standard performance testing requirements that apply to sources not subject to any promulgated federal or state performance testing regulations.

Permits issued by the Air Permits Division of the Office of Environmental Services may contain a permit requirement to conduct performance testing at eighty percent or greater of the maximum permitted capacity. It has come to the attention of the Air Permits Division (APD) that testing under this condition may not be possible for some sources.

In the future the requirement will be modified so that sources will be required to test within 10 percent of 100 percent maximum permitted (or the highest achievable) load. If the source's emissions are within the permitted limits, then the source may operate within 10 percent of the load at which the source was tested without a requirement to retest the source. Once the source exceeds the load at which the unit is tested by more than 10 percent, based on a 30 day rolling average, the source will be required to notify the APD within 60 days. This percentage will be calculated based on the maximum permitted load. The notification will include the data used to calculate the operating rate during the 30-day rolling average and a description of the circumstances that caused the source to operate more than 10 percent higher than the rate at which the most recent performance test was conducted. APD will review the notification submitted and determine whether an additional performance test is required on a case-by-case basis. If a performance test is required, notification and protocol submittals will be required in accordance with current permitting requirements. [Example: Testing was conducted for a 1000 horsepower (hp) engine. During the performance test, the engine is capable of achieving a maximum operating rate of 500 hp, which is 50 percent of the maximum permitted load. Under the new performance testing conditions, this engine may operate as high as 550 hp (500 hp + 10 percent*500 hp) without a requirement to retest. If the engine should operate at an average rate greater than 550 hp based on a 30 day rolling average, the permittee will be required to notify APD within 14 days.]

Any permittee whose permit(s) currently require a source to be tested at greater than 80 percent of maximum permitted load must continue to conduct performance tests according to the schedule required by the active permit and must conduct these tests at the required load. If the permittee is required to test the source at greater than 80 percent of maximum permitted load and determines that it will not be possible to conduct the test at the required load, the permittee may submit a variance request to test within 10 percent of the source's 100 percent maximum achievable load. The variance request should be submitted well in advance of the scheduled test date so that it can be issued prior to the test date. Allow 30 days from the date of submittal for a final decision on the variance request to be made. Use the application for approval of miscellaneous

permitting actions form to request a variance. The application for a variance and the directions for completing the request can be found at <http://www.deq.louisiana.gov/portal/DIVISIONS/AirPermitsEngineeringandPlanning/AirPermitApplications.aspx>.

In order to avoid the need for future variances to be issued for the situation described above, the permittee shall initiate a permit modification to address this issue. Use the Application for Approval of Emissions from Minor Sources form to request a modification to a minor source permit. Use the Application for Approval of Emission from Part 70 Sources form to request a modification to a Part 70 source. The application for a permit modification and directions for completing the request can be found at <http://www.deq.louisiana.gov/portal/DIVISIONS/AirPermitsEngineeringandPlanning/AirPermitApplications.aspx>.

If there are any questions concerning this matter, please contact Dustin Duhon at (225) 219-3397 or dustin.duhon@la.gov or Vivian Aucoin at (225) 219-3389 or vivian.aucoin@la.gov.

Herman D. Robinson
General Counsel

1207#073

POTPOURRI

Department of Environmental Quality Office of the Secretary Legal Affairs Division

Notice of Public Hearing

Substantive Changes to Proposed Rule OS083
Stay of Permit Conditions Pending Administrative/Judicial
Review (LAC 33:IX.309)(OS083S)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that the department is seeking to incorporate substantive changes to the proposed amendment to the Water Quality regulation, LAC 33: IX.309 (OS083S), which were originally notice as OS083 in the January 20, 2012 issue of the *Louisiana Register*.

The department has made substantive changes to address comments received during the public comment period of proposed rule OS083. This proposal revises language dealing with permit conditions pending administrative/judicial review. LAC33:IX.309 deals with renewal and termination of permits only. We inadvertently added the word "new" in the last sentence of this paragraph. Since this section does not deal with new permits, it will be removed.

A strikeout/underline/shaded version of the proposed rule that distinguishes original proposed language from substantively changed language is available on the Internet at www.deq.louisiana.gov under Rules and Regulations.

Public Hearing

A public hearing on the substantive changes will be held on August 29, 2012, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 602 N. Fifth Street, Baton Rouge, LA 70802. Interested persons are invited to attend and submit oral comments on the proposed amendments.

Should individuals with a disability need an accommodation in order to participate, contact Deidra Johnson at the address given below or at (225) 219-3985. Two hours of free parking are allowed in the Galvez Garage with a validated parking ticket.

Public Comments

All interested persons are invited to submit written comments on the substantive changes. Persons commenting should reference this proposed regulation by OS083S. Such comments must be received no later than August 29, 2012, at 4:30 p.m., and should be sent to Perry Theriot, Attorney Supervisor, Office of the Secretary, Legal Division, Box 4302, Baton Rouge, LA 70821-4302 or to fax (225) 219-4068 or by e-mail to deidra.johnshon@la.gov. The comment period for the substantive changes ends on the same date as the public hearing. Copies of these substantive changes can be purchased by contacting the DEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of OS083S. These proposed regulations are available on the Internet at www.deq.louisiana.gov/portal/tabid/1669/default.aspx.

These substantive changes are available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374; 201 Evans Road, Bldg. 4, Suite 420, New Orleans, LA 70123.

Title 33

ENVIRONMENTAL QUALITY

Part IX. Water Quality

Subpart 1. Water Pollution Control

Chapter 3. Permits

Subchapter A. General Requirements

§309. Renewal and Termination

A. - B.3. ...

C. If the applicant submits a timely and complete application pursuant to LAC 33:IX.309.A, and the department, through no fault of the applicant, fails to act on the application on or before the expiration date of the existing permit, the permittee shall continue to operate the facility under the terms and conditions of the expired permit which shall remain in effect until final action on the application is taken by the department. If the application is denied, the expired permit shall remain in effect until the appeal process has been completed and a final decision rendered unless the secretary finds that an emergency exists which requires that immediate action be taken and in such case any appeal or request for review shall not suspend the implementation of the action ordered. Permits continued under this Section remain fully effective and enforceable. If the conditions of any renewed permit are contested by the permittee pursuant to R.S. 30:2024, the effectiveness of permit conditions shall be governed by LAC 33:I.Chapter 4.

D. - H. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 11:1066 (November 1985), amended by the Office of the Secretary, LR 22:344 (May 1996), amended by the Office of Environmental

Herman Robinson, CPM
Executive Counsel

1207#072

POTPOURRI

Office of the Governor Board of Home Inspectors

Public Hearing—Substantive Changes to Proposed Rule—Continuing Education Hours; Instructors (LAC 46:XL.120 and 121)

The board published a Notice of Intent to promulgate §121, Continuing Education; Instructors in the April 20, 2012 edition of the *Louisiana Register* (LR 38:1075-1080). The notice solicited comments and testimony. As a result of its analysis of the comments and testimony received, the board proposes to amend certain portions of the proposed Rule. Within Subsection A, the board proposes to amend the annual number of required continuing education hours from 24 to 20, which was original required amount prior to the proposed change published in the above referenced Notice of Intent. The Rule also changes the requirement that educational providers actually receive a certificate. The modified Rule only requires that the education provider obtain certification.

Taken together, all of these proposed amendments will closely align with the proposed Rule on the same topic as published by the Louisiana State Board of Home Inspectors in the April 2012 edition of the *Louisiana Register* (LR 38:1075-1080). These rules will allow for stricter certification and oversight of education providers and better defines the home inspectors' continuing education requirements. No fiscal or economic impact will result from the amendments proposed in this notice.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XL. Home Inspectors

Chapter 1. General Rules

§120. Education Providers; Qualifications

A.1. A *certified education provider* is defined as any individual or entity certified by the Board to provide home inspector pre-license education, in-field training and/or continuing education courses.

2. A *pre-licensing education provider* is defined as any individual or entity certified by the board to provide pre-licensing education.

3. A *continuing education provider* is defined as any individual or entity certified by the board to provide post license continuing education.

4. An *infield trainer* is defined as any individual certified by the board to provide home inspector infield training.

5. A *home inspector instructor* is defined as any individual certified by the board to provide home inspector instruction for an education provider.

6. A *guest lecturer* is defined as an individual licensed, certified and/or certified in a construction related field, who provides pre-license and/or continuing education presentations for an education provider.

B.1. Certifications issued under this Chapter shall be classified in the following categories:

- a. pre-licensing education providers;
- b. continuing education providers; and
- c. infield trainers.

2. Any individual or entity desiring to conduct business in this state as an education provider, continuing education provider or infield trainer shall file an application for certification with the board.

3. The application shall be in such form and detail as prescribed by the board.

4. The board shall approve or deny an application within 90 calendar days after it is received. Incomplete applications or a request from the board for additional information may be cause for delay beyond 90 calendar days.

5. The board may deny an application of an education provider or its director for certification for any of the following reasons.

a. The applicant has been convicted of forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud, or theft, or has been convicted of a felony or crime involving moral turpitude in any court of competent jurisdiction.

b. An application contains a false statement of material fact.

c. A professional license or certification held by an applicant or its director has been revoked.

6. The board shall issue a certification number to approved applicants that shall be included on all forms, documents, reports, and/or correspondence filed with the board.

C. Education provider certifications shall be renewed by December 31 of each year.

1. Failure to renew a certification by December 31 shall result in the automatic suspension of all courses approved under the certificate. The board shall not accept any pre-license education, in-field training or continuing education courses for credit, if the courses were offered and/or conducted after the expiration of certification.

2. Applications for delinquent renewal of a certification shall not be accepted by the board after January 31. Failure to renew an expired certification during the prescribed delinquent period shall result in the forfeiture of renewal rights. Any education provider that becomes ineligible to renew a certification shall apply as an initial applicant.

§121. Continuing Education; Instructors

A. As a condition of license renewal, a LHI must certify completion of at least 20 hours of continuing education during the previous licensing period in courses approved by the board. No more than 10 hours of continuing education credit may be carried over into the following year. Board-approved continuing education instructors may be given continuing education credit for course preparation and other activities as set forth in Paragraph F.3, below.

B.1. - 4. ...

5. The board may approve only up to eight hours of credit per licensing period for courses dealing with the construction industry, but outside the scope of the standards of practice.

B.6. - F. ...

In accordance with the provisions of the Administrative Procedure Act, specifically at R.S. 49:968(H)(2), the board gives notice of a public hearing to receive additional comments and testimony on these substantive amendments to the proposed Rule. The hearing will be held at 10 a.m. on Friday, August 24, 2012 at the office of the Louisiana State Board of Home Inspectors, which is located at 4664 Jamestown, Baton Rouge, LA. At that time, all interested persons will be afforded an opportunity to submit data, views, or arguments, either orally or in writing. Interested persons may submit written comments to Morgan Spinoza, chief Operating Officer, Louisiana Board of Home Inspectors at the same address. She is responsible for responding to inquiries regarding these substantive amendments to the proposed Rule. The deadline for receipt of all written comments is 10 a.m. on Tuesday, July 31, 2012.

Albert J. Nicaud
Board Attorney

1207#053

POTPOURRI

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

Fall/Winter Examination Dates

The Louisiana Board of Veterinary Medicine will administer the State Board Examination (SBE) for licensure to practice veterinary medicine on the first Tuesday of every month. Deadline to apply for the SBE is the third Friday prior to the examination date desired. SBE dates are subject to change due to office closure (i.e. holiday, weather).

The board will accept applications to take the North American Veterinary Licensing Examination (NAVLE) which will be administered through the National Board of Veterinary Medical Examiners (NBVME), formerly the National Board Examination Committee (NBEC), as follows:

Test Window Date	Deadline To Apply
November 12 through December 8, 2012	August 1, 2012
April 8 through April 20, 2012	January 3, 2013

The Board will also accept applications to take the Veterinary Technician National Examination (VTNE) which will be administered through American Association of Veterinary State Boards (AAVSB), for state registration of veterinary technicians as follows:

Test Date	Deadline To Apply
November 15 – December 15, 2012	October 15, 2012
March 15 – April 15, 2013	February 15, 2013
July 15 – August 15, 2013	June 15, 2013

Applications for all examinations must be received on or before the deadline. No late application will be accepted. Requests for special accommodations must be made as early as possible for review and acceptance. Applications and information may be obtained from the board office at 263 Third Street, Suite 104, Baton Rouge, LA 70801 and by request via telephone at (225) 342-2176 or by e-mail at admin@lsbvm.org; application forms and information are also available on the website at www.lsbvm.org.

Wendy D. Parrish
Executive Director

1207#041

POTPOURRI

**Department of Natural Resources
Office of Conservation**

**Advanced Notice of Proposed Rulemaking and Solicitation
of Comments (LAC 43:XIX.Chapters 1, 2, and 11)**

As part of the ongoing efforts to promote oil and gas exploration and production activities while protecting public health, safety and the environment, the Office of Conservation is considering regulatory amendments intended to reduce the potential for oil and gas operations to impact public health, safety and the environment.

These amendments revise the operational and safety requirements for the drilling, completion, and workover of oil and gas wells in Louisiana and most were jointly developed by representatives from regulatory, industry, and academic sectors. Recognizing that the State of Louisiana includes many different operating environments and well types, an attempt was made to employ a tiered approach to regulatory requirements whenever possible.

Based on the number and complexity of regulatory changes being considered, the Department of Natural Resources, Office of Conservation is hereby seeking comments from all interested parties on the proposed Rule amendments being considered along with information on the potential fiscal and economic impacts of such rules on all affected parties. This information will be invaluable to this Office as the rule development process continues.

Written comments addressing these issues are due no later than 4:30 p.m., September 20, 2012, and should be submitted to Chris Sandoz, Engineering Division, Office of Conservation, Louisiana Department of Natural Resources, P.O. Box 94275, Baton Rouge, LA 70804-9275 or by fax to (225) 342-2584.

Title 43

NATURAL RESOURCES

Part XIX. Office of Conservation—General Operations

Subpart 1. Statewide Order No. 29-B

Chapter 1. General Provisions

§101. Definitions

A. Unless the context otherwise requires, the words defined in this Section shall have the following meanings when found in this Chapter.

Agent—the director of the Division of Minerals, the chief engineer thereof, or any of the district managers or their aides.

Completion Operations—the work conducted to establish production from a well after the production casing string or liner has been set, cemented, and pressure-tested.

Conductor Pipe—pipe ordinarily used for the purpose of supporting unconsolidated surface deposits.

Cubic Foot of Gas—the amount of gaseous hydrocarbons contained in a cubic foot of space at the base temperature of 60 degrees F and an absolute pressure of 14.4 lbs./sq. in. plus 10 oz./sq. inch, which temperature and pressure are referred to as the base temperature and pressure, respectively.

Department—the Department of Natural Resources, Office of Conservation of the state of Louisiana.

District Manager—the head of any one of the districts of the state under the Office of Conservation, and as used herein, refers specifically to the manager within whose district the well or wells are located.

Drive Pipe—pipe ordinarily used for the purpose of supporting unconsolidated surface deposits.

Incapable of Flow—a condition in which reservoir pressure has declined to a point at which a well no longer produces by means of natural energy; or a well from which flow is mechanically impossible. These conditions must be satisfied at all times during and at the completion of the operations being conducted while the tree is removed.

Intermediate Casing—casing used as protection against caving of heaving formations or for isolation of abnormally pressured formations or when other means are not adequate for the purpose of segregating upper oil, gas or water-bearing strata.

Liner—a string of pipe used to case open hole below existing casing which extends from the setting depth up into another string of casing, but which does not extend to the surface.

Office—the Department of Natural Resources, Office of Conservation of the State of Louisiana.

Production Casing—casing used for the purpose of segregating the horizon from which production is obtained and affording a means of communication between such horizons and the surface.

Surface Casing—casing used to protect shallow fresh-water sands.

Underground Source of Drinking Water (USDW)—for the purpose of administering these rules and regulations is defined in LAC 43:XIX.403.B.

Water Location—Inland Lakes and Bays—any water location in the coastal zone area as defined in R.S. 49:214.27 except in a field designated as offshore by the Commissioner.

Water Location-Offshore—any water location in a field designated as offshore by the Commissioner.

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

HISTORICAL NOTE: Adopted by the Department of Conservation (August 1943), amended by the Department of Natural Resources, Office of Conservation, LR 38:

§103. Application to Drill

A. ...

1. An application to drill a well with a surface location that is within 1,000 feet of an Interstate highway, state

highway, or residential or commercial area within the limits of an incorporated city, town or village shall be accompanied by an emergency action plan. The district manager may, at his discretion, require the submission of an emergency action plan for any well.

2. Applicants that receive a drilling permit for a well located within 1,000 feet of an Interstate highway, state highway, or residential or commercial area within the limits of an incorporated city, town or village shall furnish a copy of the approved drilling permit, emergency action plan and the certified location plat to the appropriate state and local authorities, including all emergency responders.

B. - E. ...

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

HISTORICAL NOTE: Adopted by the Department of Conservation (August 1943), amended (August 1958), (August 1961), (May 1973), amended by the Department of Natural Resources, Office of Conservation, LR 34:2639 (December 2008), LR 38:

§105. All Other Applications

A. All applications for permits to repair (except ordinary maintenance operations), abandon (plug and abandon), acidize, hydraulically fracture stimulate, deepen, perforate, perforate and squeeze, plug (plug back), plug and perforate, plug back and side-track, plug and squeeze, pull casing, side-track, squeeze, squeeze and perforate, workover, cement casing or liner as workover feature, or when a well is to be killed or directionally drilled, shall be made to the district office on Form DM-4R and a proper permit shall be received from the district manager before work is started. A description of the work done under the above recited work permits shall be furnished on the reverse side of the Well History and Work Resume Report (Form WH-1), which form shall be filed with the district office of the Office of Conservation in which the well is located within 20 days after the completion or recompletion of the well. At least 12 hours prior notice of the proposed operations shall be given the district manager or his designee.

B. When a service company, other than the drilling contractor, cements, perforates or acidizes, either before or after completion of a well, the service company shall furnish the district manager with legible exact copies of reports furnished the owner of the well.

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

HISTORICAL NOTE: Adopted by the Department of Conservation (August 1943), amended (August 1958), amended by the Department of Natural Resources, Office of Conservation, LR 38:

§109. Casing Program

A. General Requirements

1. The operator shall case and cement all wells with a sufficient number of strings of casing and quantity and quality of cement in a manner necessary to prevent fluid migration in and around the wellbore, protect the underground source of drinking water (USDW) from contamination, support unconsolidated sediments, prevent waste of resources, and otherwise provide a means of control of the formation pressures and fluids.

2. The operator shall install casing necessary to withstand collapse, burst, tensile, and other stresses that may be encountered and the well shall be cemented in a manner which will anchor and support the casing. Safety factors in

casing program design shall be of sufficient magnitude to provide optimum well control while drilling and to assure safe operations for the life of the well.

3. Formation Integrity Tests

a. A formation integrity test must be conducted below the surface casing or liner and all intermediate casings or liners. The district manager may require a formation integrity test at the conductor casing shoe if warranted by local geologic conditions or the planned casing setting depth. Each formation integrity test must be conducted after drilling at least 10 feet but no more than 50 feet of new hole below the casing shoe and must be tested to either the formation leak-off pressure or to a pressure equivalent to 0.5 ppg above the anticipated drilling fluid weight at the setting depth of the next casing string. All test results and hole-behavior observations made during the course of drilling related to formation integrity and pore pressure shall be recorded in the driller's report.

4. Prolonged Drilling Operations

a. If drilling operations continue for more than 30 days within a casing string run to the surface:

i. Drilling operations must be stopped as soon as practicable, and the effects of the prolonged operations on continued drilling operations and the life of the well evaluated. At a minimum, the operator shall conduct a caliper or pressure test of the casing;

ii. If casing integrity as determined by the evaluation has deteriorated to a level below minimum safety factors, the casing must be repaired or another casing string run. Approval from the district manager shall be obtained prior to any casing repair activity.

B. Drive or Conductor Pipe. The use and removal of conductor pipe or drive pipe during the drilling of any oil and gas well shall be at the option of the operator.

C. Surface Casing

1. Surface casing shall be set at a depth which provides full protection of the USDW. Where no danger of pollution of fresh water sources exists, the minimum amount of surface or first-intermediate casing to be set shall be determined from Table 1 hereof.

Table 1. Surface Casing		
Total Depth of Contact	Casing Required	Min. Surface Casing Test Pressure (lbs. per sq. in.)
0-2500	100	300
2500-3000	150	600
3000-4000	300	600
4000-5000	400	600
5000-6000	500	750
6000-7000	800	1000
7000-8000	1000	1000
8000-9000	1400	1000
9000-Deeper	1800	1000

a. Alternative methods of USDW protection may be approved by the district manager.

2. Surface casing shall be cemented with a sufficient volume of cement to insure cement returns to the surface. If no returns are seen at the surface, a top-off job must be performed.

3. Surface casing shall be tested before drilling the plug, float equipment, or guide shoe by applying a minimum

pump pressure as set forth in Table 1. If at the end of 30 minutes the pressure gauge shows a drop of 10 percent of test pressure as outlined in Table 1, the operator shall be required to take such corrective measures as will insure that such surface casing will hold said pressure for 30 minutes without a drop of more than 10 percent of the test pressure. The provisions of Paragraph E.6, below, for the producing casing, shall also apply to the surface casing.

4. Cement shall be allowed to stand a minimum of 12 hours under pressure before initiating test or drilling plug, float equipment, or guide shoe. Under pressure is complied with if one float valve is used or if pressure is held otherwise.

D. Intermediate Casing/Drilling Liner

1. Intermediate casing/drilling liner shall be set when required by abnormal pressure or other well conditions. The provisions of Paragraphs E.2 through E.8 below, for the production casing, shall also apply to the intermediate casing.

2. If an intermediate casing string is deemed necessary by the district manager for the prevention of underground waste, such regulations pertaining to a minimum setting depth, quality of casing, cementing and testing, shall be determined by the Office of Conservation after due hearing.

3. If a drilling liner is used, the following minimum requirements must be met:

a. the liner-lap point must be at least 300 feet above the previous casing shoe. Any liner-lap less than 300 feet must be approved by the district manager;

b. the cement shall be tested prior to drilling out the shoe by a fluid entry test to determine whether a seal between the liner top and next larger casing string has been achieved. The fluid entry test shall be conducted in a manner which induces a pressure drop at the liner top equivalent to 0.5 ppg below the estimated pore pressure at the liner top;

c. the drilling liner (and liner-lap) shall be tested to a pressure at least equal to the anticipated pressure to which the liner will be subjected to during the formation-integrity test below that liner shoe, or subsequent liner shoes if set. Testing shall be in accordance with LAC 43:XIX.109.A.3.

E. Production Casing/Production Liner

1. The production casing shall consist of new or reconditioned casing, tested at mill test pressure or as otherwise designated by the Office of Conservation.

2. Cement shall be by the pump-and-plug method, or another method approved by the department. The production casing/production liner shall be cemented using a sufficient volume of cement to fill the calculated casing annulus to at least 500 feet above all known hydrocarbon bearing formations to insure isolation of all known hydrocarbon formations and abnormally pressured formations, but in no case shall less cement be used than the calculated amount necessary to fill the casing/liner annulus to a point 500 feet above the shoe or the top of the liner whichever is less.

3. The amount of cement to be left remaining in the casing, until the requirements of Paragraph 5 below have been met, shall be not less than 20 feet. This shall be accomplished through the use of a float-collar, or other approved or practicable means.

4. Cement shall be allowed to stand a minimum of 12 hours under pressure and a minimum total of 24 hours before initiating test or drill plug in the producing or oil

string. Under pressure is complied with if one or more float valves are employed and are shown to be holding the cement in place, or when other means of holding pressure is used. When an operator elects to perforate and squeeze or to cement around the shoe, he may proceed with such work after 12 hours have elapsed after placing the first cement.

5. Before drilling the plug in the producing string of casing, the casing shall be tested by pump pressure, as determined from Table 2 hereof.

Set Depth	Min. Test Pressure (lbs. per sq. in.)
2000-3000'	800
3000-6000'	1000
6000-9000'	1200
9000-and deeper	1500

a. If at the end of 30 minutes the pressure gauge shows a drop of 10 percent of the test pressure or more, the operator shall be required to take such corrective measures as will insure that the producing string of casing is so set and cemented that it will hold said pressure for 30 minutes without a drop of more than 10 percent of the test pressure on the gauge.

6. If a production liner is used, the following minimum requirements must be met:

a. the liner-lap point must be at least 300 feet above the previous casing shoe. Any liner-lap less than 300 feet must be approved by the district manager;

b. the cement shall be tested prior to drilling out the shoe by a fluid entry test to determine whether a seal between the liner top and next larger casing string has been achieved. The fluid entry test shall be conducted in a manner which induces a pressure drop at the liner top equivalent to 0.5 ppg below the estimated pore pressure at the liner top;

c. the production liner (and liner-lap) shall be tested to a pressure at least equal to the anticipated pressure to which the liner will be subjected to during the formation-integrity test below that liner shoe, or subsequent liner shoes if set. Testing shall be in accordance with LAC 43:XIX.109.A.3.

7. If the commissioner's agent is not present at the time designated by the operator for inspection of the casing tests of the producing string, the operator shall have such tests witnessed, preferably by a contractor or an offset operator. An affidavit of test, on the form prescribed by the Office of Conservation, signed by the operator and witness, shall be furnished to the district office of the Office of Conservation showing that the test conformed satisfactorily to the above mentioned regulations before proceeding with the completion. If test is satisfactory, normal operations may be resumed immediately.

8. If any test is unsatisfactory, the operator shall not proceed with the completion of the well until a satisfactory test has been obtained.

F. Cement Top Verification

1. To ensure isolation of hydrocarbon bearing formations and to demonstrate compliance with the minimum cementing requirements of LAC 43:XIX.109.E.2, operators shall monitor returns and displacement pressures during all casing cementing operations.

2. Operators shall confirm top of cement in cases where abnormal displacement pressures and/or lost circulation occur during casing cementing operations.

3. Should an operator be unable to confirm the placement of cement in accordance with the requirements of LAC 43:XIX.109.E.2, the operator shall submit an evaluation plan to the district manager to demonstrate that the cement placement provides protection of the USDW and prevents waste of hydrocarbon resources and/or well control complications in the subject well or in adjacent wells.

4. Cementing and wireline records demonstrating the presence of the required annulus cement top shall be retained by the operator for a period of two years.

G. Tubing and Completion

1. Well-completion operations means the work conducted to establish the production of a well after the production-casing string has been set, cemented, and pressure-tested.

2. Prior to engaging in well-completion operations, crew members shall be instructed in the safety requirements of the operations to be performed, possible hazards to be encountered, and general safety considerations to protect personnel, equipment, and the environment. Date, time, and attendees of safety meetings shall be recorded and available for review by the Office of Conservation.

3. A valve, or its equivalent, tested to a pressure of not less than the calculated bottomhole pressure of the well, shall be installed below any and all tubing outlet connections.

4. No tubing string shall be placed in service or continue to be used unless such tubing string has the necessary strength and pressure integrity and is otherwise suitable for its intended use.

5. When a well develops a casing pressure, upon completion, equivalent to more than three-quarters of the internal pressure that will develop the minimum yield point of the casing, such well shall be required by the district manager to be killed, and a tubing packer to be set so as to keep such excessive pressure off the casing.

H. Wellhead Connections.

1. Wellhead connections shall be tested prior to installation at a pressure indicated by the district manager in conformance with conditions existing in areas in which they are used. Whenever such tests are made in the field, they shall be witnessed by an agent of the department. Tubing and tubingheads shall be free from obstructions in wells used for bottomhole pressure test purposes.

2. When the tree is installed, the wellhead shall be equipped so that all annuli can be monitored for sustained casing pressure. If sustained casing pressure is observed on a well, the operator shall immediately notify the district manager.

3. Wellhead, tree, and related equipment shall have a pressure rating greater than the shut-in tubing pressure and shall be designed, installed, used, maintained, and tested so as to achieve and maintain pressure control.

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

HISTORICAL NOTE: Promulgated by the Department of Conservation (August 1943), amended (February 1951), (August 1958), amended by the Department of Natural Resources, Office of Conservation, LR 25:1523 (August 1999), LR 38:

§111. Diverter Systems and Blowout Preventers

A. Diverter System. A diverter system shall be required when drilling surface hole in areas where drilling hazards are known or anticipated to exist. The district manager may, at his discretion, require the use of a diverter system on any well. In cases where it is required, a diverter system consisting of a diverter sealing element, diverter lines, and control systems must be designed, installed, used, maintained, and tested to ensure proper diversion of gases, water, drilling fluids, and other materials away from facilities and personnel. The diverter system shall be designed to incorporate the following elements and characteristics:

1. dual diverter lines arranged to provide for maximum diversion capability;
2. at least two diverter control stations. One station shall be on the drilling floor. The other station shall be in a readily accessible location away from the drilling floor;
3. remote-controlled valves in the diverter lines. All valves in the diverter system shall be full-opening. Installation of manual or butterfly valves in any part of the diverter system is prohibited;
4. minimize the number of turns in the diverter lines, maximize the radius of curvature of turns, and minimize or eliminate all right angles and sharp turns;
5. anchor and support systems to prevent whipping and vibration;
6. rigid piping for diverter lines. The use of flexible hoses with integral end couplings in lieu of rigid piping for diverter lines shall be approved by the district manager.

B. Diverter Testing Requirements

1. When the diverter system is installed, the diverter components including the sealing element, diverter valves, control systems, stations and vent lines shall be function tested.

2. For drilling operations with a surface wellhead configuration, the system shall be function tested at least once every 24-hour period after the initial test.

3. After nipping-up on conductor casing that has been cemented in place, the diverter sealing element and diverter valves are to be pressure tested to a minimum of 200 psig. Subsequent pressure tests are to be conducted within seven days after the previous test.

4. Function tests and pressure tests shall be alternated between control stations.

5. Recordkeeping Requirements

a. Pressure and function tests are to be recorded in the driller’s report.

b. The control station used during a function or pressure test is to be recorded in the driller’s report.

c. Problems or irregularities during the tests are to be recorded along with actions taken to remedy same in the driller’s report.

d. All reports pertaining to diverter function and/or pressure tests are to be retained for inspection at the wellsite for the duration of drilling operations.

C. BOP Systems. The operator shall specify and insure that contractors design, install, use, maintain and test the BOP system to ensure well control during drilling, and completion, workover, recompletion, abandonment and all other appropriate operations unless otherwise exempted. During drilling operations, the surface BOP stack shall be

installed before drilling below surface casing. The BOP stack shall consist of the appropriate number of ram-type preventers and/or annular type preventers necessary to control the well under all potential conditions that might occur during the operations being conducted including when the drillstring or workstring has been removed from the well. The pipe rams shall be of proper size(s) to fit the drill pipe in use. The use of annular-type preventers in conjunction with ram-type preventers is encouraged.

1. The requirements of LAC 43:XIX.111.C-H shall not be applicable for wells drilled to or completed in the Nacatoch Formation in the Caddo Pine Island field.

2. The requirements of LAC 43:XIX.111.C-H shall not be applicable for abandonment operations where the well is incapable of flow. For the purposes of this paragraph, a well that is “incapable of flow” shall be defined as a well in which reservoir pressure has declined to a point at which the well no longer produces by means of natural energy; or a well from which flow is mechanically impossible. These conditions must be satisfied at all times during and at the completion of the operations being conducted with the tree removed.

3. The requirements of LAC 43:XIX.111.C-H shall not be applicable for wireline operations conducted with a tree in place. All wireline perforating operations and all other wireline operations where communication exists between the completed hydrocarbon-bearing zone(s) and the wellbore shall use a lubricator assembly containing at least one wireline valve. When the lubricator is initially installed on the well, it shall be successfully pressure tested to the expected shut-in surface pressure.

4. The commissioner of conservation, following a public hearing, may grant exceptions to the requirements of LAC 43:XIX.111.C-H.

D. BOP Working Pressure. The working pressure rating of any BOP component, excluding annular-type preventers, shall exceed the maximum anticipated surface pressure (MASP) to which it may be subjected.

E. BOP Auxiliary Equipment. Depending on the type of operation and well conditions, all BOP systems shall be equipped and provided with the auxiliary equipment specified in Table 1 or Table 2 hereof. When required, the auxiliary equipment must meet the minimum requirements specified in Paragraphs 1 through 8 below.

Table 1. BOP Auxiliary Equipment Requirements—Drilling Operations			
Pore Pressure Gradient	≤ 0.5 psi/ft		> 0.5 psi/ft
Total Depth (TVD)	≤10,000’	>10,000’	Any Depth
Equipment Type			
Accumulator System	Optional	Required	Required
Secondary BOP Control Station	Optional	Required	Required
Kill and choke outlets w/ 2 valves on each line	Optional	Required	Required
Upper and Lower Kelly Cock/Kelly-type valve	Required	Required	Required
Drill string safety valve	Required	Required	Required

Table 1. BOP Auxiliary Equipment Requirements—Drilling Operations			
Casing safety valve	Required	Required	Required
RAM locking devices	Required*	Required*	Required*

Table 2. BOP Auxiliary Equipment Requirements—Completion, Workover & Recompletion			
Well Condition	Incapable of Flow	Capable of Flow	
Plugback Total Depth (TVD)	Any Depth	≤10,000'	>10,000'
Equipment Type			
Accumulator System	Optional	Optional	Required
Secondary BOP Control Station	Optional	Optional	Required
Upper and Lower Kelly Cock/Kelly-type valve	Required**	Required**	Required**
Work string safety valve	Required	Required	Required
RAM locking devices	Required*	Required*	Required*

*Required if RAM-type preventers are used.

**Required if a kelly or top-drive is used in completion, workover/recompletion, or abandonment operations.

1. If required, the hydraulically actuated accumulator system shall provide 1.5 times volume of fluid capacity to close and hold closed all BOP components, with a minimum pressure of 200 psig above the pre-charge pressure without assistance from a charging system.

a. A backup to the primary accumulator-charging system, supplied by a power source independent from the power source to the primary, which shall be sufficient to close all BOP components and hold them closed.

b. Accumulator regulators supplied by rig air without a secondary source of pneumatic supply shall be equipped with manual overrides or other devices to ensure capability of hydraulic operation if the rig air is lost.

2. If required, at least one operable remote BOP control station in addition to the one on the drilling floor shall be used. This control station shall be in a readily accessible location away from the drilling floor. If a BOP control station does not perform properly, operations shall be suspended until that station is operable.

3. If required, a drilling spool with side outlets shall be installed, if side outlets are not provided in the body of the BOP stack, to provide for separate kill and choke lines.

4. If required, choke and kill lines shall each be equipped with two full-opening valves. At least one of the valves on the choke line and the kill line shall be remotely controlled. In lieu of remotely controlled valves, two readily-accessible manual valves may be installed provided that a check valve is placed between the manual valves and the pump. The valves must have a working pressure rating equal to or greater than the working pressure rating of the connection to which they are attached, and must be installed between the well control stack and the choke or kill line.

5. A valve installed below the swivel (upper kelly cock), essentially full-opening, and a similar valve installed at the bottom of the kelly (lower kelly cock). A wrench to fit each valve shall be stored in a location readily accessible to

the drilling crew. If drilling with a mud motor and utilizing drill pipe in lieu of a Kelly, you must install one Kelly valve above, and one strippable kelly valve below the joint of pipe used in place of a Kelly. On a top-drive system equipped with a remote-controlled valve, you must install a strippable Kelly-type valve below the remote-controlled valve.

6. An essentially full-opening drill-string safety valve in the open position on the rig floor shall be available at all times while drilling operations are being conducted. This valve shall be maintained on the rig floor to fit all connections that are in the drill string. A wrench to fit the drill-string safety valve shall be stored in a location readily accessible to the drilling crew.

7. A safety valve shall be available on the rig floor, in the open position, assembled with the proper connection to fit the casing string being run in the hole.

8. Locking devices installed on the ram-type preventers.

F. BOP Maintenance and Testing Requirements

1. The BOP system shall be visually inspected on a daily basis.

2. Pressure tests (low and high pressure) of the BOP system are to be conducted at the following times and intervals:

a. during a shop test prior to transport of the BOPs to the drilling location. Shop tests are not required for equipment that is transported directly from one well location to another;

b. immediately following installation of the BOPs;

c. within 14 days of the previous BOP pressure test.

Exceptions may be granted by the district manager in cases where a trip is scheduled to occur within 2 days after the 14-day testing deadline;

d. before drilling out each string of casing or liner (The district manager may require that a conservation enforcement specialist witness the test prior to drilling out each casing string or liner);

e. not more than 48 hours before a well is drilled to a depth that is within 1000 feet of a hydrogen sulfide zone (The district manager may require that a conservation enforcement specialist witness the test prior to drilling to a depth that is within 1000 feet of a hydrogen sulfide zone);

f. when the BOP tests are postponed due to well control problem(s), the BOP test is to be performed on the first trip out of the hole, and reasons for postponing the testing are to be recorded in the driller's report.

g. following the disconnection or repair of any well-pressure containment seal in the wellhead or BOP stack assembly.

3. Low pressure tests (200-300 psig) of the BOP system (choke manifold, kelly valves, drill-string safety valves, etc.) are to be performed at the times and intervals specified in LAC 43:XIX.111.F.2. in accordance with the following provisions.

a. Test pressures are to be held for a minimum of five minutes.

b. Variable bore pipe rams are to be tested against the largest and smallest sizes of pipe in use, excluding drill collars and bottom hole assembly.

c. Bonnet seals are to be tested before running the casing when casing rams are installed in the BOP stack.

4. High pressure tests of the BOP system are to be performed at the times and intervals specified in LAC 43:XIX.111.F.2 in accordance with the following provisions.

a. Test pressures are to be held for a minimum of five minutes.

b. Ram-type BOP's, choke manifolds, and associated equipment are to be tested to their rated working pressure, or the rated working pressure of the wellhead equipment, or 500 psi greater than the calculated maximum anticipated surface pressure (MASP) for the applicable section of the hole.

c. Annular-type BOPs are to be tested to 70 percent of their rated working pressure, or the rated working pressure of the wellhead equipment, or the maximum anticipated surface pressure (MASP) for the applicable section of the hole.

5. The annular and ram-type BOPs with the exception of the blind-shear rams are to be function tested every seven days between pressure tests. All BOP test records should be certified (signed and dated) by the operator's representative.

6. If the BOP equipment does not hold the required pressure during a test, the problem must be remedied and a retest of the affected component(s) performed.

7. If a control station is not functional, operations shall be suspended until that station is operable.

G. BOP Record Keeping. The time, date and results of pressure tests, function tests, and inspections of the BOP system are to be recorded in the driller's report and are to be retained for inspection at the wellsite for the duration of drilling operations.

H. BOP Well Control Drills. Weekly well control drills with each drilling crew are to be conducted during a period of activity that minimizes the risk to drilling operations. The drills must cover a range of drilling operations, including drilling with a diverter (if applicable), on-bottom drilling, and tripping. Each drill must be recorded in the driller's report and is to include the time required to close the BOP system, as well as, the total time to complete the entire drill.

I. Well Control Safety Training. In order to ensure that all drilling personnel understand and can properly perform their duties prior to drilling wells which are subject to the jurisdiction of the Office of Conservation, the operator shall require that contract drilling companies provide and/or implement the following:

1. periodic training for drilling contractor employees and on-site operator representatives which ensures that employees maintain an understanding of, and competency in, well control practices;

2. procedures to verify adequate retention of the knowledge and skills that the contract drilling employees and on-site operator representative need to perform their assigned well control duties.

J. Well Control

1. The operator must take necessary precautions to keep the well under control at all times and must:

a. Monitor and evaluate well conditions to minimize the potential for the well to flow or kick;

b. Have a person onsite during drilling operations who represents the operator's interests and can fulfill the operator's responsibilities;

c. Continuously monitor the well during all operations and ensure that the well is not left unattended at any time unless the well is shut in and secured with blowout preventers (BOPs), bridge plugs, cement plugs, or packers.

d. Use and maintain equipment and materials necessary to ensure the safety and protection of personnel, equipment, natural resources, and the environment.

2. Whenever drilling operations are interrupted, a downhole safety device must be installed, such as a cement plug, bridge plug, or packer. The device must be installed at an appropriate depth within a properly cemented casing string or liner.

a. Among the events that may cause interruption to drilling operations are:

i. evacuation of the drilling crew;

ii. inability to keep the drilling rig on location; or

iii. repair to major drilling or well-control equipment.

3. If the diverter or BOP stack is nipped down while waiting on cement, it must be determined, before nipping down, when it will be safe to do so based on knowledge of formation conditions, cement composition, effects of nipping down, presence of potential drilling hazards, well conditions during drilling, cementing, and post cementing, as well as past experience.

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

HISTORICAL NOTE: Adopted by the Department of Conservation (August 1943), amended by the Department of Natural Resources, Office of Conservation, LR 34:2640 (December 2008), LR 38:

§112. Hydrogen Sulfide Operations

A. Applicability. Each operator who conducts operations as described in Paragraph 1 of this Subsection shall be subject to this section and this section shall apply to both controlled and accidental releases of hydrogen sulfide.

1. Operations including drilling, working over, producing, injecting, gathering, processing, transporting, and storage of hydrocarbon fluids that are part of, or directly related to, field production, transportation, and handling of hydrocarbon fluids that have hydrogen sulfide as a constituent.

2. This section shall not apply to:

a. Refineries, petrochemical plants, or chemical plants;

b. Operations where the concentration of hydrogen sulfide in the system is less than 100 ppm.

B. General Provisions.

1. Each operator shall determine the hydrogen sulfide concentration in the operation.

a. Tests shall be made in accordance with standards as set by ASTM Standard D-2385-66, or GPA Plant Operation Test Manual C-1, GPA Publication 2265-68, or successor standard.

b. Test of vapor accumulation in storage tanks may be made with industry accepted colorimetric tubes.

2. For all operations subject to this section, the radius of exposure shall be determined, except in the cases of storage tanks, by the following Pasquill-Gifford equations. Where X = radius of exposure in feet; Q = maximum

volume determined to be available for escape in cubic feet per day; H_2S = mole fraction of hydrogen sulfide in the gaseous mixture available for escape.

a. For determining the location of the 100 ppm radius of exposure: $X = [(1.589) (\text{mole fraction } H_2S) (Q)]$ to the power of (0.6258).

b. For determining the location of the 500 ppm radius of exposure: $X = [(0.4546) (\text{mole fraction } H_2S) (Q)]$ to the power of (0.6258).

c. The volume used as the escape rate in determining the radius of exposure shall be that specified in Clauses i-iii of this Subparagraph, as applicable.

i. The maximum daily volume rate of gas containing hydrogen sulfide handled by that system element for which the radius of exposure is calculated.

ii. For existing wells or new wells drilled in existing fields, the operator's estimate of the well's capacity to flow against zero back-pressure at the wellhead shall be used.

iii. For controlled releases from pipelines and pressurized vessels, the operator's estimate of the volume and release rate based on the gas contained in the system to be de-pressured.

3. For the drilling of a well in an area (wildcat field) where insufficient data exists to calculate a radius of exposure, but where hydrogen sulfide may be expected, then a 100 ppm radius of exposure equal to 3,000 feet shall be assumed.

4. Storage tanks which are utilized as a part of a production operation, which are operated at or near atmospheric pressure and where the vapor accumulation has a hydrogen sulfide concentration in excess of 500 ppm, shall be subject to the following.

a. No determination of a radius of exposure shall be made for storage tanks as herein described.

b. A warning sign shall be posted on or within 50 feet of the facility to alert the general public of the potential danger.

c. Fencing as a security measure is required when storage tanks are located inside the limits of a city, town, or village.

d. A clearly visible warning sign posted in accordance with local governing authority on all roads that provide direct access to such tanks. Warning signs shall comply with the provisions of Clause 5.a.ii of this Subsection.

e. The certificate of compliance provision, Paragraph C.1 of this Section.

f. Storage tanks shall be located not less than 600 feet from existing water wells, public area or any public road.

g. A sign reading "Self-contained Breathing Apparatus is Required Beyond this Point if Hatches are to be Opened" shall be located at the foot of the catwalk stairs.

h. Vented gas from storage tanks shall be flared unless a vapor recovery system is used to control tank vapor emissions. Where vapor recovery systems are used a flare line shall be available for emergency use.

i. Truck vapor return or recovery lines are required to be located at the tank battery loadout line and shall be utilized when transferring oil or condensate.

5. All operators whose operations are subject to this section, and where the 100 ppm radius of exposure is in excess of 50 feet, shall be subject to the following.

a. Warning and Marker Signs

i. For facilities over water, the operator shall display warning signs clearly visible from all points of approach to such facility.

ii. For land surface facilities, the operator shall post, in accordance with local governing authority, clearly visible warning signs at or within 50 feet of the facility and on access roads or public roads which provide direct access to facilities.

iii. Warning signs shall use the language of "Caution" and "Poison Gas" with a black and yellow color contrast. Colors shall satisfy Table I of ANSI Standard Z53.1-1967.

iv. Wind direction indicators shall be installed at strategic locations at or near the site and be readily visible from the site.

v. Automatic hydrogen sulfide detection equipment having visual and audible alarms that will warn of the presence of hydrogen sulfide gas in concentrations that could be harmful shall be utilized at the site. The operator shall maintain this equipment in an operable condition and shall establish procedures designed to prevent the undetected continuing escape of hydrogen sulfide.

vi. All lines within a public area or within 50 feet of a public road shall be buried at least three feet below ground level and the operator of all buried lines shall comply with the following.

(a). A marker sign shall be installed at public road crossings.

(b). Marker signs shall be installed along the line at intervals frequent enough to provide warning to avoid the accidental rupturing of line by excavation.

(c). The marker sign shall contain sufficient information to establish the ownership and existence of the line and shall indicate by the use of the words "Poison Gas" that a potential danger exists. Markers installed in compliance with the regulations of the federal Department of Transportation, Office of Pipeline Safety (Title 49, Code of Federal Regulations, Parts 192 and 195) shall satisfy the requirements of this provision.

b. Security Provisions

i. Unattended surface facilities and wellsites shall be protected from public access when located within 1/4 mile of a public area. This protection shall be provided by fencing and locking. For the purpose of this provision, surface lines shall not be considered as a surface facility.

ii. The fencing provisions will be considered satisfied where the fencing structure is a deterrent to public access.

c. Materials and Equipment Provision

i. All facilities including materials and equipment to be used in drilling and workover operations shall be constructed from those metals which have been selected and manufactured so as to be resistant to hydrogen sulfide stress cracking under the operating conditions for which their use is intended, provided that they satisfy the requirements described in the latest editions of NACE Standard MR-01-75

and API RP-14E, sections 1.7(c), 2.1(c), 4.7. The handling and installation of materials and equipment used in hydrogen sulfide service are to be performed in such a manner so as not to induce susceptibility to sulfide stress cracking.

ii. Any equipment utilizing natural gas that contains hydrogen sulfide as a fuel shall be equipped with a system to prevent emission of the fuel gas to the atmosphere in the event of a pilot failure or flameout. Exhaust gas stack height shall be not less than 20 feet from ground level or the floor of the highest manned deck of multi-story facilities whichever is greater.

iii. Emergency relief valves on any gas processing equipment shall have a line for conveying the released gases or vapors to a flare.

iv. For releases of a potentially hazardous volume of hydrogen sulfide gas, the gas must be flared.

d. Personal Protection Equipment

Protective breathing equipment shall be maintained at the site.

3. All operations subject to subsection A of this section shall be subject to the additional contingency plan provision, Paragraph 7 of this Subsection, if any of the following conditions apply:

a. the 100 ppm radius of exposure is in excess of 50 feet and includes any part of a public area except a public road;

b. the 500 ppm radius of exposure is greater than 50 feet and includes any part of a public road;

b. the 100 ppm radius of exposure is greater than 3,000 feet.

4. Contingency Plan Provision

a. All operators whose operations are subject to this provision shall develop a written contingency plan complete with all requirements before hydrogen sulfide operations are begun.

b. The purpose of the contingency plan shall be to provide an organized plan of action for alerting and protecting the public prior to a controlled release, or upon detection of an accidental release of a potentially hazardous volume of hydrogen sulfide.

c. The contingency plan shall be activated prior to a controlled release, or immediately upon the detection of an accidental release of a potentially hazardous volume of hydrogen sulfide.

d. Conditions that might exist in each area of exposure shall be considered when preparing a contingency plan.

e. The plan shall include instructions and procedures for alerting the general public and public safety personnel of the existence of an emergency.

f. The plan shall include procedures for requesting assistance and for follow-up action to remove the public from an area of exposure.

g. The plan shall include a call list which shall include the following as they may be applicable:

i. local company supervisory personnel;

ii. parish sheriff and other local law enforcement agencies;

iii. Office of State Police hazardous materials hotline;

iv. local governing authority;

v. local emergency medical services including hospitals and doctors;

vi. fire department;

vii. contractors for supplemental equipment;

viii. district manager, Office of Conservation;

ix. U.S. Coast Guard.

h. The plan shall include a plat detailing the area of exposure. The plat shall include the locations of private dwellings or residential areas, public facilities, such as schools, business locations, public roads, other similar areas where the public might reasonably be expected within the area of exposure and areas of low elevation where hydrogen sulfide may accumulate.

i. The plan shall include names and telephone numbers of residents within the area of exposure except in cases where the reaction plan option pursuant to §228.B.8.1 applies.

j. The plan shall include a list of the names and telephone numbers of the responsible parties for each of the possibly occupied public areas, such as schools, churches, business, or other public areas or facilities within the area of exposure.

k. The plan shall include provisions for advance briefing of the public within an area of exposure. Such advance briefing shall include the following elements:

i. the necessity for an emergency action plan;

ii. the hazards and characteristics of hydrogen sulfide;

iii. the possible sources of hydrogen sulfide within the area of exposure;

iv. instructions for reporting a gas leak;

v. the manner in which the public will be notified of an emergency;

vi. steps to be taken in case of an emergency.

l. In the event of a high density of populations, or the case where the population density may be unpredictable, a reaction type of plan, in lieu of advance briefing for public notification, will be acceptable.

m. The plan shall include additional site specific information, such as:

i. location of evacuation routes;

ii. location of safety and life support equipment;

iii. location of hydrogen sulfide containing facilities;

iv. location of nearby telephones and/or other means of communication; and

v. special instructions for conditions such as local terrain and the effect of various weather conditions.

n. Notification to parties identified in the contingency plan shall be as follows:

i. immediately in the case of an accidental release;

ii. at least 12 hours in advance of a controlled release or as soon as a decision is made to release if such decision could not reasonable have been made more than 12 hours prior to the release.

o. The retention of the contingency plan shall be as follows:

i. The plan shall be available for inspection by an agent of the Office of Conservation at the location indicated on the certificate of compliance.

ii. The plan shall be retained at the location which lends itself best to activation of the plan.

p. The plan shall be kept updated to insure its current applicability.

8. Drilling Provision. Drilling and workover operations where the 100 ppm radius of exposure includes a public area or is 3,000 feet or greater shall be subject to the following additional provisions.

a. Protective breathing equipment shall be maintained at the well site and shall be sufficient to allow for well control operations.

b. The operator shall provide a method of igniting the gas in the event of an uncontrollable emergency.

c. The operator shall install a choke manifold, mud-gas separator, and flare line, and provide a suitable method for lighting the flare.

d. Full compliance with all the requirements of this provision must be satisfied before the well is drilled to a depth that is within 1,000 feet of the hydrogen sulfide zone.

C. Reports Required

1. Certificate of Compliance Provision

a. A certificate of compliance shall be submitted to the district manager in duplicate for operations subject to any provision of this section.

b. The certificate of compliance shall certify that existing operations subject to this section to be in compliance or will be in compliance as specified in an attached schedule, or, for new or modified facilities, will be in compliance upon completion.

c. A certificate of compliance will permit an operator to perform all activities described in the certificate provided that a certificate of compliance will be required on each well subject to the provisions of Subparagraph C.1.f. of this Section.

d. An amended certificate of compliance shall be required if there is a change in public exposure caused by public infringement of an existing radius of exposure. The operator shall file the amended certificate within 30 days after such infringement.

e. An amended certificate of compliance shall be required if there is modification of an existing operation or facility which increases the radius of exposure in a public area. The operator shall file the amended certificate prior to initiating the operation or construction.

f. The operator shall file a certificate of compliance prior to commencement of a drilling or workover operation on wells if any of the following conditions apply:

i. the 100 ppm radius of exposure is in excess of 50 feet and includes any part of a public area except a public road;

ii. the 500 ppm radius of exposure is greater than 50 feet and includes any part of a public road;

iii. the 100 ppm radius of exposure is greater than 3,000 feet.

g. The operator of any operation subject to a certificate of compliance shall maintain such operation in compliance with the provisions of such certificate and this section until a certificate of abandonment is filed in duplicate with the district manager.

h. The certificate of compliance required by the provisions of this section for an existing operation shall be

filed in duplicate with the district manager as soon as is reasonably possible, and no later than 90 days after the effective date of this order. For new facilities the operator shall file such certificate prior to initiating the operation or construction.

i. A certificate of compliance is nontransferable. Any new operator of an existing operation subject to the provisions of this section shall be required to file a certificate for such operation.

2. The operator shall furnish a written report to the district manager within ten days of any release of a potentially hazardous volume of hydrogen sulfide gas.

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

HISTORICAL NOTE: Promulgated by the Department of Conservation (August 1943), amended (February 1951), (August 1958), amended by the Department of Natural Resources, Office of Conservation, LR 25:1523 (August 1999), LR 38:

§117. Drilling Fluids

A. Office of Conservation representatives shall have access to the mud records of any drilling well, except those records which pertain to special muds and special work with respect to patentable rights or trade secrets, and shall be allowed to conduct any essential test or tests on the mud used in the drilling of a well. When the conditions and tests indicate a need for a change in the mud or drilling fluid program in order to insure proper control of the well, the district manager shall require the operator or company to use due diligence in correcting any objectionable conditions.

B. Well-control fluids, equipment, and operations shall be designed, utilized, maintained, and/or tested as necessary to control the well in all anticipated conditions and circumstances.

C. When circulating, the drilling fluid must be tested at least once each work shift or more frequently if conditions warrant. The tests must conform to industry-accepted practices and, at a minimum, include density, and viscosity. The district manager may require additional tests for monitoring and maintaining drilling fluid quality, prevention of downhole equipment problems and for kick detection. The test results must be recorded in the drilling fluid report.

D. Kick Prevention and Detection

1. While drilling, a safe drilling margin or kick tolerance of at least 0.5 ppg must be maintained. The kick tolerance shall be determined periodically as either mud weight or total depth increases. When this safe margin cannot be maintained, drilling operations must be suspended until the situation is remedied.

2. Before starting out of the hole with drill pipe, the drilling fluid must be properly conditioned. A volume of drilling fluid equal to the annular volume must be circulated with the drill pipe just off-bottom. This practice may be omitted if documentation in the driller's report shows:

a. No indication of formation fluid influx before starting to pull the drill pipe from the hole;

b. The weight of returning drilling fluid is within 0.2 pounds per gallon of the drilling fluid entering the hole;

3. When coming out of the hole with drill pipe, the annulus must be filled with drilling fluid before the hydrostatic pressure decreases by 75 psi, or every five stands of drill pipe, whichever gives a lower decrease in hydrostatic pressure.

4. A mechanical, volumetric, or electronic device must be used to measure the drilling fluid required to fill the hole.

5. Controlled rates must be used to run and pull drill pipe and downhole tools so as not to swab or surge the well.

6. When there is an indication of swabbing or influx of formation fluids, appropriate measures must be taken to control the well. Circulate and condition the well, on or near-bottom, unless well or drilling-fluid conditions prevent running the drill pipe back to the bottom.

7. The test fluids in the hole must be circulated or reverse circulated before pulling drill-stem test tools from the hole. If circulating out test fluids is not feasible, with an appropriate kill weight fluid test fluids may be bullhead out of the drill-stem test string and tools.

E. Drilling Fluid Quantities

1. Quantities of drilling fluid and drilling fluid materials must be maintained and replenished at the drill site as necessary to ensure well control. These quantities must be determined based on known or anticipated drilling conditions, rig storage capacity, weather conditions, and estimated time for delivery.

2. The daily inventories of drilling fluid and drilling fluid materials must be recorded, including weight materials and additives in the drilling fluid report.

3. If there are not sufficient quantities of drilling fluid and drilling fluid material to maintain well control, the drilling operations must be suspended.

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

HISTORICAL NOTE: Adopted by the Department of Conservation (August 1943), amended by the Department of Natural Resources, Office of Conservation, LR 38:

Chapter 2. Additional Requirements for Water Locations

§201. Applicability

A. In addition to the requirements set forth in Chapter 1 of this Subpart, all oil and gas wells being drilled or completed at a water location within the state and which are spud or on which workover operations commence on or after the effective date of this rule shall comply with this Chapter. For the purposes of determining the applicability of this Chapter, a water location is defined as a location which requires the use of a barge, jack-up platform or fixed platform to support the drilling, workover, or completion rig.

B. Unless otherwise stated herein, nothing within this Chapter shall alter the obligation of oil and gas operators to meet the requirements of Chapter 1 of this Subpart.

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 38:

§203. Application to Drill

A. An application to drill a well at a water location shall be accompanied by an emergency action plan.

B. Applicants that receive a drilling permit for a well at a water location shall furnish a copy of the approved drilling permit, emergency action plan and the certified location plat to the appropriate federal, state and local authorities.

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 38:

§205. Rig Movement and Reporting

A. The Operator must report the movement of all drilling and workover rig units on and off locations to the appropriate district manager with the rig name, well serial number and expected time of arrival and departure.

B. Prior to moving a rig onto location, the operator shall provide the appropriate District Office with an electronic copy via email or on a disk of the associated drilling rig's Spill Prevention Control (SPC) plan that is required by DEQ pursuant to the provisions of Part IX of Title 33 of the Louisiana Administrative Code or any successor rule. To satisfy this requirement, an SPC plan which was previously submitted to this Office may be referenced at the time of rig movement notification, provided no substantive changes have been made.

C. Drilling operations on a platform with producing wells or other hydrocarbon flow must comply with the following:

1. An emergency shutdown station must be installed near the driller's console.

2. All producible wells located in the affected wellbay must be shut in below the surface and at the wellhead when:

a. a mobile offshore drilling unit (MODU) moves within 500 feet of the target platform;

b. a drilling unit is moved or skid between wells on a platform;

c. a rig or related equipment is moved on and off a platform. This includes rigging up and rigging down activities.

3. Production may be resumed once the MODU is in place, secured, and ready to begin drilling operations.

D. The movement of rigs and related equipment on and off a platform or from well to well on the same platform, including rigging up and rigging down, shall be conducted in a safe manner. All wells in the same well-bay which are capable of producing hydrocarbons shall be shut in below the surface with a pump-through-type tubing plug and at the surface with a closed master valve prior to moving well-completion rigs and related equipment, unless otherwise approved by the district manager. A closed surface-controlled subsurface safety valve of the pump-through type may be used in lieu of the pump-through-type tubing plug, provided that the surface control has been locked out of operation. The well from which the rig or related equipment is to be moved shall also be equipped with a back-pressure valve prior to removing the blowout preventer (BOP) system and installing the tree.

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 38:

§207. Casing Program

A. General Requirements

1. All tubulars and cement shall meet or exceed API manufacturing specifications. Cementing jobs shall be designed so that cement composition, placement techniques, and waiting times ensure that the cement placed behind the bottom 500 feet of casing attains a minimum compressive strength of 500 psi before drilling out of the casing or before commencing completion operations.

2. Centralizers shall be used to ensure adequate cement bond and hydraulic isolation of productive

formations and the USDW. At a minimum the following requirements must be met:

a. Surface casing shall be centralized by means of placing centralizers in the following manner.

i. A centralizer shall be placed on every third joint from the shoe to at least 500' above the shoe, with one centralizer being placed on each of the lowermost three joints of casing.

b. Intermediate and production casing, and drilling and production liners shall be centralized by means of a centralizer placed every third joint from the shoe to at least 500 feet above the shoe and across all potentially productive intervals to at least 100 feet above and below each interval. Additionally, one centralizer shall be placed on each of the lowermost three joints of casing.

c. Intermediate and production casing, and drilling and production liners run in the horizontal portion of a well shall be centralized by means of a centralizer placed on every third joint from the top of the target formation to at least 500 feet above the target formation.

B. Tubing and Completion

1. New wells completed as flowing or gas-lift wells shall be equipped with a minimum of one master valve and one surface safety valve, installed in the tree, downstream of the master valve.

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 38:

§209. Blowout Prevention—Drilling Operations

A. BOP and kick detection equipment for drilling activity at a water location shall be designed and utilized, as necessary, to control the well under all potential conditions that might occur during the operations being conducted and at minimum, shall include the components specified in Table 1.

Table 1. Minimum BOP Equipment Requirements—Drilling Operations			
Fill-up line	Required	Required	Required
Hole-fill Volume Measuring Device/Trip Tank	Required	Required	Required
Pit Level Change Indicator / Return Flow Indicator*	Required	Required	Required
Mud Gas Detection Equipment*	Required	Required	Required
Mud Gas Separator/Degasser	Required	Required	Required

*Equipment must include visual and audible warning devices.

1. Annular-type and ram-type BOP components shall be hydraulically controlled.

2. Drilling activity with a tapered drill string shall require the installation of two or more sets of conventional or variable-bore pipe rams in the BOP stack to provide, at minimum, two sets of rams capable of sealing around the larger-size drill string and one set of pipe rams capable of sealing around the smaller-size drill string.

3. A set of hydraulically-operated combination rams may be used for the blind rams and shear rams.

4. All connections used in the surface BOP system must be flanged, including the connections between the well control stack and the first full-opening valve on the choke line and the kill line.

5. The commissioner of conservation, following a public hearing in accordance with La. R.S. 30:6, may grant exceptions to the requirements of LAC 43:XIX.209.A.

B. BOP Auxiliary Equipment. All BOP systems shall be equipped and provided with the equipment specified in Table 1 hereof. When required, the auxiliary equipment must meet the minimum requirements specified in LAC 43:XIX.111.E.1-8.

C. BOP Maintenance and Testing Requirements. The BOP system shall be tested and maintained in accordance with the requirements of LAC 43:XIX.111.F.

D. BOP Record Keeping. The time, date and results of pressure tests, function tests, and inspections of the BOP system are to be recorded in the driller's report. All pressure tests shall be recorded on an analog chart or digital recorder. All documents are to be retained for inspection at the wellsite for the duration of drilling operations and are to be retained in the operator's files for a minimum period of six months, or if a well control incident occurred during drilling activities, documents shall be retained for a period of not less than two years.

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 38:

§211. Blowout Prevention - Completion, Workover/Recompletion, and Abandonment Operations

A. Definitions. When used in this section, the following terms shall have the meanings given below.

Completion Operations—the work conducted to establish production from a well after the production casing string has been set, cemented, and pressure-tested.

Expected Surface Pressure—the highest pressure predicted to be exerted upon the surface of a well. In

Table 1. Minimum BOP Equipment Requirements—Drilling Operations			
Maximum Pore Pressure Gradient for Open-hole Section	≤ 0.5 psi/ft		> 0.5 psi/ft
	Total Depth (TVD) ≤10,000'	>10,000'	Any Depth
Equipment Type			
Annular	Required	Required	Required
Pipe Ram	Required (1)	Required (2)	Required (2)
Blind Ram	Required	Required	Required
Shear Ram	Optional	Optional	Required
Accumulator System	Required	Required	Required
Secondary Accumulator Charging System	Optional	Required	Required
Secondary BOP Control Station	Optional	Required	Required
Kill and choke outlets w/ 2 valves on each line	Required	Required	Required
Upper and Lower Kelly Cock/Kelly-type valve	Required	Required	Required
Drill string safety valve	Required	Required	Required
Casing safety valve	Required	Required	Required
RAM locking devices	Required	Required	Required

calculating expected surface pressure, reservoir pressure as well as applied surface pressure must be considered.

Routine Operations—any of the following operations conducted on a well with the tree installed including cutting paraffin, removing and setting pump-through-type tubing plugs, gas-lift valves, and subsurface safety valves which can be removed by wireline operations, bailing sand, pressure surveys, swabbing, scale or corrosion treatment, caliper and gauge surveys, corrosion inhibitor treatment, removing or replacing subsurface pumps, through-tubing logging, wireline fishing, and setting and retrieving other subsurface flow-control devices.

Workover Operations—the work conducted on wells after the initial completion for the purpose of maintaining or restoring the productivity of a well.

B. Prior to engaging in well-workover operations, crew members shall be instructed in the safety requirements of the operations to be performed, possible hazards to be encountered, and general safety considerations to protect personnel, equipment, and the environment. Date, time and attendees of safety meetings shall be recorded and available for review.

C. BOP system components for completion, workover/recompletion, and abandonment operations that are conducted with the production tree removed shall be designed and utilized, as necessary, to control the well under all potential conditions that might occur during the operations being conducted and at minimum, shall include the components specified in Table 1.

**Equipment must include visual and audible warning devices.

1. Annular-type and ram-type BOP components shall be hydraulically controlled.

2. A set of hydraulically-operated combination rams may be used for the blind rams and shear rams.

3. BOP Auxiliary Equipment. All BOP systems shall be equipped and provided with the equipment specified in Table 1 hereof. When required, the auxiliary equipment must meet the minimum requirements specified in LAC 43:XIX.111.E.1-8.

4. When well-workover operations are conducted on a well with the tree removed, an emergency shutdown system (ESD) manually controlled station shall be installed near the driller's console or well-servicing unit operator's work station, except when there is no other hydrocarbon-producing well or other hydrocarbon flow on the platform.

D. The minimum BOP-system components for well-workover operations with the tree in place and performed through the wellhead inside of conventional tubing using small-diameter jointed pipe (usually 3/4 inch to 1 1/4 inch) as a work string, i.e., small-tubing operations, shall include one set of pipe rams, and one set of blind rams.

1. An essentially full-opening work-string safety valve in the open position on the rig floor shall be available at all times while well-workover operations are being conducted. This valve shall be maintained on the rig floor to fit all connections that are in the work string. A wrench to fit the work-string safety valve shall be stored in a location readily accessible to the workover crew.

E. The minimum BOP-system components for well-workover operations with the tree in place and performed by moving tubing or drill pipe in or out of a well under pressure utilizing equipment specifically designed for that purpose, i.e., snubbing operations, shall use hydraulically operated components and shall include one set of pipe rams and two sets of stripper-type pipe rams with spacer spool.

F. For coiled tubing operations with the production tree in place, the BOP system components shall be hydraulically operated and include a stripper or annular-type well control component, one set of blind rams, one set of shear rams, one set of two-way slip rams, one set of pipe rams;

1. A set of combination rams may be used for the blind rams and shear rams.

2. A set of combination rams may be used for the two-way slip rams and the pipe rams.

3. A dual check valve assembly must be attached to the coiled tubing connector at the downhole end of the coiled tubing string for all coiled tubing well-workover operations. Exceptions to the check valve requirement may be granted by the district manager.

4. The hydraulic-actuating system must provide sufficient accumulator capacity to close-open-close each component in the BOP stack. This cycle must be completed with at least 200 psi above the pre-charge pressure without assistance from a charging system.

5. The coiled tubing connector must be tested to a low pressure of 200 to 300 psi, followed by a high pressure test to the rated working pressure of the connector or the expected surface pressure, whichever is less. The dual check

Table 1. Minimum BOP Equipment Requirements—Operations with Production Tree Removed			
Well Condition	Incapable of Flow	Capable of Flow	
	Any Depth	≤10,000'	>10,000'
Plug Back Total Depth			
Equipment Type			
Annular	Optional	Required	Required
Pipe Ram	Required (1)	Required (1)	Required (1)
Blind Ram	Required	Required	Required
Shear Ram	Optional	Optional	Required
Accumulator System	Optional	Required	Required
Secondary Accumulator Charging System	Optional	Optional	Required
Secondary BOP Control Station	Optional	Optional	Required
Kill and choke outlets w/ 2 valves on each line	Optional	Required	Required
Upper and Lower Kelly Cock/Kelly-type valve	Required*	Required*	Required*
Work string safety valve	Required	Required	Required
RAM locking devices	Required	Required	Required
Fill-up line	Optional	Optional	Required
Hole-fill Volume Measuring Device/Trip Tank	Required	Required	Required
Pit Level Change Indicator / Return Flow Indicator**	Optional	Optional	Required

*Required if a kelly or top-drive is used.

valve must be successfully pressure tested to the rated working pressure of the connector, the rated working pressure of the dual check valve, expected surface pressure, or the collapse pressure of the coiled tubing, whichever is less.

6. The following additional requirements apply when the anticipated surface pressures are greater than 3,500 psi:

a. an additional set of blind/shear rams located as close to the tree as practical.

b. a kill line and a separate choke line. Each line shall be equipped with two full-opening valves and at least one of the valves must be remotely controlled. A manual valve shall be used instead of the remotely controlled valve on the kill line if a check valve is installed between the two full-opening manual valves and the pump or manifold. The valves shall have a working pressure rating equal to or greater than the working pressure rating of the connection to which they are attached, and shall be installed between the well control stack and the choke or kill line. The kill line shall be connected to a pump or manifold. The kill line inlet on the BOP stack shall not be used for taking fluid returns from the wellbore.

c. All connections used in the surface BOP system from the tree to the uppermost required ram must be flanged, including the connections between the well control stack and the first full-opening valve on the choke line and the kill line.

G. Wireline/Slickline Operations. The operator shall comply with the following requirements during routine, as defined in Subsection A of this section, and non-routine wireline workover operations:

1. Wireline operations shall be conducted so as to minimize leakage of well fluids. Any leakage that does occur shall be contained to prevent pollution.

2. All wireline perforating operations and all other wireline operations where communication exists between the completed hydrocarbon-bearing zone(s) and the wellbore shall use a lubricator assembly containing at least one wireline valve.

3. When the lubricator is initially installed on the well, it shall be successfully pressure tested to the expected shut-in surface pressure.

H. BOP Maintenance and Testing Requirements. The BOP system shall be tested and maintained in accordance with the requirements of LAC 43:XIX.111.F.

1. Test pressures must be recorded during BOP and coiled tubing tests on a pressure chart, or with a digital recorder. All documents are to be retained for inspection at the well site for the duration of operations and are to be retained in the operator's files for a minimum period of six months, or if a well control incident occurred during the operations, documents shall be retained for a period of not less than two years.

1. The commissioner may grant an exception to any provision of this section that requires specific equipment upon proof of good cause. For consideration of an exception, the operator must show proof of the unavailability of properly sized equipment and demonstrate that anticipated surface pressures minimize the potential for a loss of well control during the proposed operations. All exception requests must be made in writing to the commissioner and

include documentation of any available evidence supporting the request.

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 38:

§213. Drilling Fluid Handling Areas

A. In drilling fluid handling areas where dangerous concentrations of combustible gas may accumulate and where natural ventilation is inadequate, a ventilation system, gas monitors and safety equipment must be installed and maintained in accordance with the following minimum requirements.

1. A ventilation system capable of replacing the air once every 5 minutes or 1.0 cubic feet of air-volume flow per minute, per square foot of area, whichever is greater.

a. If a mechanical ventilation system does not run continuously, then it must activate when gas detectors indicate the presence of 1 percent or more of combustible gas by volume.

2. Gas detectors must be tested and recalibrated quarterly. No more than 90 days may elapse between tests.

3. Explosion-proof or pressurized electrical equipment to prevent the ignition of explosive gases;

a. Where air is used for pressuring equipment, the air intake must be located outside of and as far as practicable from hazardous areas.

4. Alarms that activate when the mechanical ventilation system fails.

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 38:

Subpart 4. Statewide Order No. 29-B-a

Chapter 11. Required Use of Subsurface Safety Valves (SSSV)

§1101. Scope

A. Order establishing rules and regulations concerning the required use of SSSV to prevent blowouts or uncontrolled flow in the case of damage to surface equipment.

AUTHORITY NOTE: Promulgated in accordance with Act 157 of the Legislature of 1940.

HISTORICAL NOTE: Adopted by the Department of Conservation, March 15, 1946, amended March 1, 1961, amended and promulgated by the Department of Natural Resources, Office of Conservation, LR 20:1127 (October 1994), amended LR 38:

§1103. Applicability

A. All wells capable of flow with a surface pressure in excess of 100 pounds, falling within the following categories, shall be equipped with a SSSV's:

1. any locations inaccessible during periods of storm and/or floods, including spillways;

2. located in bodies of water being actively navigated;

3. located in wildlife refuges and/or game preserves;

4. located within 660 feet of railroads, ship channels, and other actively navigated bodies of water;

5. located within 660 feet of state and federal highways in Southeast Louisiana, in that area East of a North-South line drawn through New Iberia and South of an East-West line through Opelousas;

6. located within 660 feet of state and federal highways in Northeast Louisiana, in that area bounded on the West by the Ouachita River, on the North by the Arkansas-Louisiana line, on the East by the Mississippi River, and on the South by the Black and Red Rivers;

7. located within 660 feet of the following highways:

a. U.S. Highway 71 between Alexandria and Krotz Springs;

b. U.S. Highway 190 between Opelousas and Krotz Springs;

c. U.S. Highway 90 between Lake Charles and the Sabine River;

8. located within the corporate limits of any city, town, village, or other municipality.

AUTHORITY NOTE: Promulgated in accordance with Act 157 of the Legislature of 1940.

HISTORICAL NOTE: Adopted by the Department of Conservation, March 15, 1946, amended March 1, 1961, amended and promulgated by Department of Natural Resources, Office of Conservation, LR 20:1128 (October 1994), amended LR 38:

§1104. General Requirements for Subsurface Safety

Valve (SSSV) Use at Water Locations

A. All SSSV used at water locations as defined in LAC 43:XIX.201.A must be inspected, installed, used, maintained, and tested in accordance with American Petroleum Institute Recommended Practice 14B, "Recommended Practice for Design, Installation, Repair, and Operation of Subsurface Safety Valve Systems" as amended.

B. SSSV Installation

1. The device shall be installed at a depth of 100 feet or more below the seafloor within two days after production is established.

2. Until a SSSV is installed, the well shall be attended in the immediate vicinity so that emergency actions may be taken while the well is open to flow.

3. The well shall not be open to flow while the SSSV is removed, except when flowing of the well is necessary for a particular operation such as cutting paraffin, bailing sand, or similar operations.

C. Testing requirements

1. Each SSSV installed in a well shall be removed, inspected, and repaired or adjusted, as necessary, and reinstalled or replaced at intervals not exceeding 6 months for those valves not installed in a landing nipple and 12 months for those valves installed in a landing nipple.

2. Records must be retained for a period of 2 years for each safety device installed.

3. During testing and inspection procedures, the well shall not be left unattended while open to production unless a properly operating SSSV has been installed in the well.

D. Temporary removal for Routine Operations

1. Each wireline or pumpdown-retrievable SSSV may be removed, without further authorization or notice, for a routine operation which does not require the approval of Form DM-4R,

2. The well shall be identified by a sign on the wellhead stating that the SSSV has been removed. If the master valve is open, a trained person shall be in the immediate vicinity of the well to attend the well so that emergency actions may be taken, if necessary.

3. A platform well shall be monitored, but a person need not remain in the well-bay area continuously if the

master valve is closed. If the well is on a satellite structure, it must be attended or a pump-through plug installed in the tubing at least 100 feet below the mud line and the master valve closed, unless otherwise approved by the district manager.

4. Each operator shall maintain records indicating the date a SSSV is removed, the reason for its removal, and the date it is reinstalled.

E. Emergency Action. In the event of an emergency, such as an impending storm, any well not equipped with a SSSV and which is capable of natural flow shall have the device properly installed as soon as possible with due consideration being given to personnel safety.

AUTHORITY NOTE: Promulgated in accordance with Act 157 of the Legislature of 1940.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 38:

§1105. Waivers

A. Onshore Wells. Where the use of subsurface safety valves (SSSV) would unduly interfere with normal operation of a well, the district manager may, upon submission of pertinent data, in writing, waive the requirements of this order.

B. Offshore Wells

1. The district manager, upon submission of pertinent data, in writing explaining the efforts made to overcome the particular difficulties encountered, may waive the use of a SSSV under the following circumstances, and may, in his discretion, require in lieu thereof a surface safety valve:

a. where sand is produced to such an extent or in such a manner as to tend to plug the tubing or make inoperative the SSSV;

b. when the flowing pressure of the well is in excess of 100 psi but is inadequate to activate the SSSV;

c. where flow rate fluctuations or water production difficulties are so severe that the SSSV would prevent the well from producing at its allowable rate;

d. where mechanical well conditions do not permit the installation of a SSSV;

e. in such other cases as the district manager may deem necessary to grant an exception.

2. Under the following circumstances no formal approval is necessary. However, each company will maintain records indicating the date a subsurface safety valve is removed, the reason for its removal, and the date it is reinstalled:

a. when the flowing pressure of the well is 100 psi or less;

b. when it is necessary to perform routine maintenance and service work; to clean up completions and recompletions in wells where a subsurface safety valve would otherwise be in service.

AUTHORITY NOTE: Promulgated in accordance with Act 157 of the Legislature of 1940.

HISTORICAL NOTE: Adopted by the Department of Conservation, March 1, 1961, amended March 15, 1961, amended and promulgated by Department of Natural Resources, Office of Conservation, LR 20:1128 (October 1994), amended LR 38:

James H. Welsh
Commissioner

1207#042

POTPOURRI

**Department of Natural Resources
Office of Conservation**

Legal Notice—Docket No. ENV 2012-05

Notice is hereby given that the Commissioner of Conservation will conduct a hearing at 6 p.m., Wednesday, September 12, 2012, at the Sabine Parish Courthouse, located at 400 South Capitol Street, Second Floor, Many, Louisiana.

At such hearing, the commissioner, or his designated representative, will hear testimony relative to the application of Fran Oil, Inc., 981 Marthaville Road, Many, LA 71449. The applicant requests approval from the Office of Conservation to construct and operate a commercial deep well injection waste disposal facility for disposal of exploration & production waste (E and P Waste) fluids located in Section 9, Township 8 North, Range 11 West in Sabine Parish.

The application is available for inspection by contacting Mr. Stephen Olivier, Office of Conservation, Environmental Division, Eighth Floor of the LaSalle Office Building, 617 North 3rd Street, Baton Rouge, Louisiana. Copies of the application will be available for review at the Sabine Parish Police Jury in Many, Louisiana and the Sabine Parish Library, in Many Louisiana no later than 30 days prior to the hearing date. Verbal information may be received by calling Mr. Olivier at (225) 342-7394.

All interested persons will be afforded an opportunity to present data, views or arguments, orally or in writing, at said public hearing. Written comments which will not be presented at the hearing must be received no later than 4:30 p.m., Wednesday, September 19, 2012, at the Baton Rouge office. Comments should be directed to:

Office of Conservation
Environmental Division
P.O. Box 94275
Baton Rouge, Louisiana 70804
Re: Docket No. ENV 2012-05
Commercial Facility Well Application
Sabine Parish

BY ORDER OF:

James H. Welsh
Commissioner

Baton Rouge, Louisiana
June 27, 2012

1207#050

POTPOURRI

**Department of Natural Resources
Office of Conservation
Environmental Division**

Legal Notice—Docket No. ENV 2012-L-002

IN RE: Hazel Richard Savoie, et al, vs. Alice T. Richard,
et al,
38th Judicial District Court, Cameron Parish, Suit No. 10-
18078.

Certain Real Property Located in Section 34, T14S,
R07W,
Cameron Parish

Pursuant to Provisions of the laws of the state of Louisiana and particularly Title 30 of the Louisiana Revised Statutes of 1950 as amended and provisions of Statewide Order No. 29-B (LAC 43:XIX.Subpart 1), notice is hereby given that the Commissioner of Conservation will conduct a public hearing at 9:00 a.m., Tuesday, August 7, 2012, which is to be continued day-to-day until concluded. The hearing will be held in the OMR-Conference Room No. 1, located on the eighth floor of the LaSalle Building, 617 North Third Street, Baton Rouge, LA.

At such hearing the commissioner or his designated representative will give the responsible party and any litigation parties to the above referenced suit, the opportunity to present scientific, technical or other bases for their plan or comment regarding the evaluation or remediation of any real property known or reasonably believed to have suffered environmental damage, pursuant to the procedural requirements of LAC 43:XIX.Chapter 6.

The plans, comments and responses timely submitted by parties to the above referenced public hearing are available for inspection between 8:00 A.M. and 4:30 P.M., Monday through Friday in the Environmental Division Office, Room 817 of the LaSalle Building, 617 North Third Street, Baton Rouge, LA. A copy of the timely submitted plans, comments and responses or information concerning the public hearing may be obtained by writing Mr. John Adams at the address below, by calling (225) 342-7889, or by e-mailing to ooc-info@dnr.state.la.us. All written questions should be mailed to John Adams, Office of Conservation, Environmental Division, P.O. Box 94275, Baton Rouge, LA 70804-9275. Questions may also be faxed to (225) 342-5529. Please reference Docket No. ENV 2012-L-02.

All persons having interest in the aforesaid shall take notice thereof.

By order of:

James H. Welsh
Commissioner

1207#043

POTPOURRI

**Department of Natural Resources
Office of Conservation**

Orphaned Oilfield Sites

Office of Conservation records indicate that the oilfield sites listed in the table below have met the requirements as set forth by Section 91 of Act 404, R.S. 30:80 et seq., and as such are being declared Orphaned Oilfield Sites.

Operator	Field	District	Well Name	Well Number	Serial Number
Lyons Petroleum Inc.-Dykes	Big Lake	L	8180 RA VUA; Lola Martin	001	144229(30)
Lyons Petroleum Inc.-Dykes	Big Lake	L	8360' RA SUA; Martin	001-D	147892(30)
Hood Goldsberry	Ross Bayou	M	FAR SU 15; Sontag Farrar Unit	002	98671(30)
Union Texas Petroleum Corp.	Lake Arthur	L	5200 SUA; De Conner Et Al	001	29479(30)
Roberts & Murphy	Port Barre	L	J Camille	001	43561(30)
Spingas Energy, Inc.	China	L	Zaumbrecher	001	229056(30)
Spingas Energy, Inc.	China	L	Aylsworth SWD	001	212746
Spingas Energy, Inc.	Elton, South	L	Aylsworth	001	230687
Texas Pacific Oil Co.	Fausse Pointe	L	Magnolia US & OC Fee SWD	005	972829(29)
Latex Petroleum Corp.	Bayou Choctaw	L	Gay Union Corporation	006	19423(30)
Latex Petroleum Corp.	Bayou Choctaw	L	BCHT 8300 FRIO RA VU;GU Corp	013	32423(30)
Latex Petroleum Corp.	Bayou Choctaw	L	BCHT HET 1 RA VU;GU Corp	016	42700(30)
Latex Petroleum Corp.	Bayou Choctaw	L	BCHT FRIO 3A RA VU;GU Corp	018-D	78494(30)

Operator	Field	District	Well Name	Well Number	Serial Number
Latex Petroleum Corp.	Bayou Choctaw	L	Gay Union Corporation	018	45062(30)
Quintana Petroleum Corp.	Bay Natchez	L	Plan 3 RA SUA; Labarre	001	167606(30)
Denovo Oil & Gas, Inc.	Laurel Ridge	L	Jumonville SWD	001	180272(30)
Denovo Oil & Gas, Inc.	Laurel Ridge	L	VUA; Jumonville	002	190753(30)
J. G. Sutton Oil Co., Inc.	Hackberry, East	L	Francois Duhon	002	13647(30)

James H. Welsh
Commissioner

1207#054

POTPOURRI

**Department of Natural Resources
Office of the Secretary
Fishermen's Gear Compensation Fund**

Reported Underwater Obstructions
Latitude/Longitude Coordinates

In accordance with the provisions of R.S. 56:700.1 et seq., notice is given that 10 claims in the amount of \$43,632.75 were received for payment during the period June 1, 2012- June 30, 2012.

There were 10 paid and 0 denied.

Latitude/Longitude Coordinates, in Degree Decimal Minutes, of reported underwater obstructions are:

29 04.227	89 07.792	Plaquemines
29 18.126	89 53.041	Plaquemines
29 35.320	89 27.470	Plaquemines
29 45.343	89 25.299	Saint Bernard
29 48.510	89 38.725	Saint Bernard
29 50.091	89 41.004	Saint Bernard
30 05.685	89 48.917	Orleans

A list of claimants and amounts paid can be obtained from Gwendolyn Thomas, Administrator, Fishermen's Gear Compensation Fund, P.O. Box 44277, Baton Rouge, LA 70804 or you can call (225) 342-9388.

Scott A. Angelle
Secretary

1207#087

Administrative Code Update

CUMULATIVE: JANUARY-JUNE 2012

LAC Title	Part.Section	Effect	Location LR 38 Month Page	LAC Title	Part.Section	Effect	Location LR 38 Month Page	
4	III.101,106,112,114,127,131	Amended	Mar. 797	28	CXXXIX.103,515	Amended	Jan. 37	
	VII.901,902	Adopted	April 1015		CXXXIX.1101,1303,1503,1703,1903,2701	Amended	Mar. 750	
	VII.903,905,907,911,917,937,939,947,955	Amended	April 1015		CXXXIX.1101,13031503,17031903,2701	Repromulgated	June 1392	
	VII.909,957	Repealed	April 1015		CXXXIX.2707,2709	Amended	Mar. 750	
7	XXI.1503,1515	Amended	April 961	CXXXIX.2707,2709,3901,3903,3905	Repromulgated	June 1392		
	XLVII.101,103,105,107,109,111	Adopted	April 962	CXXXIX.3701,3703,3705,3707	Adopted	Jan. 37		
13	I.2901,2903,2904,2905,2911	Amended	Feb. 350	CXXXIX.3901,3903,3905	Adopted	Mar. 750		
				CXLV.501,503,505	Amended	Feb. 352		
19	VII.101,103,105,107,109,111,113,115	Amended	April. 992	CXLV.505	Amended	June 1396		
	VII.301,303,305,307,309,311,313,315	Adopted	April 992	CXLVII.101,103,105,315,317,319,323,327	Amended	May 1214		
	VII.7701,7703,7705,7707,7709,7711,7713	Amended	April 986	CXLVII.301,303,305,307,309,311,313,321	Adopted	May 1214		
	VII.7715	Amended	April. 986	CXLVII.325,329,905	Adopted	May 1214		
	VII.8701,8703,8705,8707,8709,8711,8713	Adopted	April 986	CXLVII.701,901,903	Amended	May 1214		
	VII.8715	Adopted	April. 986	33	I.1801	Amended	May 1232	
22	I.109	Amended	Feb. 429		III.504	Amended	May 1231	
	I.313	Amended	Mar. 830		III.506,507,2160,3003,5116,5122,5311,5901	Amended	May 1229	
	I.316	Amended	Mar. 835		V.105,4909	Amended	Mar. 790	
	I.331	Amended	May 1252		V.108,109,307,1107,1109,1111,1513,1516	Amended	Mar. 774	
I.407	Amended	Feb. 432	V.109		Repromulgated	April 1009		
XV.1701,1703,1705,1707,1709,1711,1713	Adopted	Mar. 813	V.109,1101,1113,1127,1301,1516,1531,4145		Amended	Mar. 781		
XV.1715,1717,1719	Adopted	Mar. 813	V.2299,2519,2603,4105,4139,4511,4901		Amended	Mar. 774		
28	I.503	Amended	Mar. 772		V.4903	Amended	Mar. 774	
	I.1107	Amended	June 1404		V.10303,10305	Amended	June 1417	
	IV.703	Amended	Feb. 354		V.30103,30105,30107,30118,30123,30127	Amended	Jan. 99	
	IV.1401	Amended	Feb. 354		V.30124,30146,30207,30446	Adopted	Jan. 99	
	IV.1415	Amended	May 1229	V.30131,30140,30145,30173,30264,30307	Amended	Jan. 99		
	IX.305	Amended	May 1228	V.30137,30144	Repealed	Jan. 99		
	XLIII.133	Amended	June 1401	V.30401,30402,30432,30440,30452,30571	Amended	Jan. 99		
	XLIII.167,168,169	Amended	Mar. 768	V.30573,30588,30905	Amended	Jan. 99		
	XLIII.540,541,542,543	Adopted	April 1006	VII.115,508	Amended	Jan. 46		
	XLIII.543	Repromulgated	May 1225	34	I.601,603,605,607,609,611,613,615,617	Adopted	June 1406	
	XLIII.543	Amended	June 1403		35	I.1304	Amended	June 1407
	LXXIX.115,705,707,905,2103,3303	Amended	June 1404			I.1505	Amended	June 1408
	LXXIX.119,2109	Amended	April 1008			XIII.10501	Amended	June 1407
	LXXIX.2109,2317,2321,2323,2331	Amended	Mar. 769	XIII.10901		Amended	June 1410	
	LXXIX.3001,3003,3005,3007,3009,3011	Adopted	May 1226	XIII.11001	Adopted	June 1408		
	LXXIX.3013,3015,3017	Adopted	May 1226	37	XIII.14101,14103,14105,14107,14109	Adopted	April 1027	
	LXXXIII.409,515,707,3501	Amended	May 1212		XIII.14111,14113,14115,14117,14119	Adopted	April 1027	
	LXXXIII.601,613	Amended	June 1391		40	I.2701,2715,2717	Amended	April 1030
	LXXXIII.2403	Repealed	June 1391			I.2715,2717	Repromulgated	May 1286
	LXXXIII.3503,3507	Repealed	May 1214	I.2915		Amended	Mar. 836	
	CXI.312,315,701,1803,1813,1817,1821,3303	Amended	Jan. 33	I.2718		Adopted	April 1030	
	CXI.317,1348,1808,2401,2403,2405,2407	Adopted	Jan. 33	43	I.1101,1102,1103,1104,1107,1108,1109,1110	Adopted	Jan. 125	
	CXI.305,312,501	Amended	Mar. 747		I.1111,1112,1113,1114,1115,1116,1117,1118	Adopted	Jan. 125	
	CXI.3305,3505	Amended	Jan. 33		I.1119,1120,1121,1122,1123,1124,1125,1129	Adopted	Jan. 125	
	CXIII.303,307,501,1901,2501,2507	Amended	Mar. 748		I.1130,1131,1132,1133,1134,1135,1136,1137	Adopted	Jan. 125	
	CXV.337,502	Amended	Jan. 41		I.1138,1139,1140,1141,1142,1145,1146,1147	Adopted	Jan. 125	
	CXV.337,507	Amended	Jan. 39		I.1148,1153,1154,1155,1156,1157,1161,1162	Adopted	Jan. 125	
	CXV.505	Amended	May 1224		I.1163,1164,1165,1166,1167,1168,1169,1175	Adopted	Jan. 125	
	CXV.907,1103	Amended	May 1224		I.1176,1177	Adopted	Jan. 125	
	CXV.1103	Amended	April 1000		V.401,403,405,407,409,411,413	Repealed	Jan. 125	
	CXV.1103	Amended	June 1399		XI.101	Repromulgated	June 1414	
	CXV.2307	Amended	May 1223		XIII.301,303,305,307,309,311,313,315,317	Amended	Jan. 110	
CXV.2317,2318,2325,2345,2351,2353	Amended	Mar. 754	XIII.312,322,2731,3501,3503,3505,3507		Adopted	Jan. 110		
CXV.2318,2319	Amended	Mar. 761	XIII.319	Repealed	Jan. 110			
CXV.2318,2319	Amended	April 1001	XIII.321,503,507,713,715,912,921,1105	Amended	Jan. 110			
CXV.2357	Amended	Jan. 40	XIII.923,2720	Repromulgated	Mar. 828			
CXV.2385	Amended	June 1399	XIII.1151,1511,1513,1933,2117,2705,2715	Amended	Jan. 110			
CXV.2701,2703,2705,2707,2709,2711,2713	Repealed	June 1398	XIII.2716,2911,3323,3325,3331,3335,3339	Amended	Jan. 110			
CXV.2907	Amended	April 1000	XIII.3345,3351,5103	Amended	Jan. 110			
CXV.2715	Repealed	April 1398	XIII.3509,3511,3513,3515	Adopted	Jan. 110			
CXXXI.240	Amended	Mar. 765	46	I.1315	Amended	April 1012		
CXXXI.240,703,705,707,721,723	Amended	Jan. 42		XXIX.101,103,105,107,109,111,113,115,301	Amended	Jan. 148		
CXXXI.343	Amended	Mar. 762		XXIX.110	Adopted	Jan. 148		
CXXXI.405,659	Amended	June 1400		XXIX.307,309,311,315,317,501,503,505,507	Amended	Jan. 148		
CXXXI.411	Amended	Jan. 44		XXIX.509,511,513,515,517,519,521,701,703	Amended	Jan. 148		
CXXXI.413	Amended	Jan. 45		XXIX.901,903,1103,1109,1111,1113,1301	Amended	Jan. 148		
CXXXI.415	Amended	Mar. 768		XXIX.1501,1503,1505,1507,1509	Amended	Jan. 148		
CXXXI.605	Amended	Jan. 43		XXIX.1511,1513	Adopted	Mar. 813		
CXXXI.607	Amended	Jan. 44		XXXIII.124,306,403,409,415,1611,1709	Repromulgated	Feb. 355		
CXXXI.665	Amended	Mar. 766		XXXIII.1611,1615	Amended	Mar. 817		
CXXXI.668	Adopted	Mar. 767		XXXIII.1711	Repromulgated	Feb. 355		
CXXXI.903,906,909,911	Amended	Mar. 762						
CXXXIX.103,512,513,515,517,701,901	Amended	Mar. 750						
CXXXIX.103,512,513,515,517,701,901	Repromulgated	June 1392						

LAC Title	Part.Section	Effect	Location LR 38 Month Page	LAC Title	Part.Section	Effect	Location LR 38 Month Page		
46	XLI.1903,1904,1905	Amended	April 1018	50	XXII.6503,6701,6703,6901,6903	Adopted	Mar. 820		
	XLI.1906,1907	Amended	April 1018		XXXIX.117	Amended	Feb. 368		
	XLV.193,195,2501,2505,2507,2510,2511	Amended	Jan. 52		XXXIII.101,103,105,107,301,303,305,501	Adopted	Feb. 360		
	XLV.2513,2525,2527,2529,2531,2533,2535	Repealed	Jan. 52		XXXIII.701,901	Adopted	Feb. 360		
	XLV.2515,2517,2519,2521,2523,2536,2537	Amended	Jan. 52		XXXIII.2101,2103,2301,2303,2501,2701	Adopted	Feb. 363		
	XLV.2539	Repealed	Jan. 52		XXXIII.4101,4103,4301,4303,4305,4501	Adopted	Feb. 400		
	XLV.2540,2541,2543,2545,2547,2548,2549	Amended	Jan. 52		XXXIII.4701,4703	Adopted	Feb. 400		
	XLV.2551,2553,2555,2557,2559,2561,2563	Amended	Jan. 52		XXXIII.6101,6103,6301,6303,6305,6307	Adopted	Feb. 358		
	XLV.2565,2567,2569,2571,2575,5501,5505	Amended	Jan. 52		XXXIII.6501,6701	Adopted	Feb. 358		
	XLV.2573	Adopted	Jan. 52		XXXIII.8101,8103,8303,8305,8501,8701	Adopted	Feb. 366		
	XLV.3149 (HCR#69)	Amended	June 1460		XXXIII.10101,10103,10301,10303,10501	Adopted	Feb. 369		
	XLV.3509	Amended	April 1026		XXXIII.10701,10703,10705,10707	Adopted	Feb. 369		
	XLV.4507	Amended	May 1233		XXXIII.12101,12103,12301,12303,12501	Adopted	Feb. 427		
	XLV.5507,5509,5517,5519	Amended	Jan. 52		XXXIII.12701,12703,12705,12707	Adopted	Feb. 427		
	XLVII.3331	Amended	Mar. 818		XXXIII.14101,14103,14301,14303,14501	Adopted	Feb. 426		
	XLIX.713	Amended	Jan. 51		XXXIII.14701	Adopted	Feb. 426		
	LIII.525	Adopted	May 1233		51	II.701	Amended	May 1252	
	LIII.505,905,1203	Amended	May 1234			IX.325,327,331,333	Amended	Jan. 95	
	LIII.1105	Amended	May 1239			IX.330	Adopted	Jan. 95	
	LIII.1143	Amended	May 1240			52	I.1201,1203,1205,1207	Amended	May 1207
	LIII.1501,1513	Amended	May 1235				I.1209	Adopted	May 1207
	LIII.1512	Adopted	May 1235				I.2401,2403,2405,2407,2409,2411,2413,2415	Adopted	May 1209
	LIII.1525	Repealed	May 1240				I.2417	Adopted	May 1209
	LIII.1801,1803,1805,1807,1809,1811,1813	Adopted	May 1235			55	I.1301,1303,1305,1307,1309,1311,1313,1315	Amended	May 1279
	LIII.1815,1817,1819	Adopted	May 1235				I.1301,1307	Repromulgated	June 1415
	LXI.105	Amended	Mar. 835				VII.315,3109	Amended	Jan. 144
	LXI.105	Repromulgated	April 1029		VII.317		Amended	May 1286	
	LXI.2305,2701	Amended	June 1418		VII.329,3119		Adopted	May 1285	
	LXVI.901	Amended	Jan. 97		VII.3101,3103,3109		Amended	Jan. 145	
	LXVI.1127,1129	Adopted	Jan. 97		IX.101,103,105,107,109,111,113,115,117		Amended	May 1254	
	LXVII.2515	Amended	April 1021		IX.119,121,123,125,127,129,131,133,135		Amended	May 1254	
	LXXX.501	Amended	April 1025		IX.139,141,143,145,151,155,159,163,165		Amended	May 1254	
	LXXX.901,903,905,907,909,911,917,921	Amended	April 1022		IX.147,173		Repealed	May 1254	
	LXXX.906,908,913,915,929	Adopted	April 1022		IX.166,167,169,171,172,175,177,179,181		Amended	May 1254	
	LXXX.919,925	Repromulgated	April 1022		IX.183,201,203,205,207,301,1501,1503,1505		Amended	May 1254	
	LXXX.923,927	Amended	April 1022		IX.1507,1509,1511,1513,1515,1517,1519		Amended	May 1254	
	LXXXV.712,1103,1105,1200,1201,1211	Amended	Feb. 356		IX.1521,1523,1525,1527,1529,1531,1533		Amended	May 1254	
	LXXXV.1209	Adopted	Feb. 356		IX.1535,1537,1539,1541,1543,1545,1547		Amended	May 1254	
	48	I.5001	Amended		June 1410		XIII.101,103,105,301,303,305	Adopted	April 1019
		I.5001,5003,5005,5007,5009,5011,5013,5015	Adopted		Jan. 63	XXI.101,103,105,301,303,305,307,309,311	Amended	Jan. 48	
		I.5016,5017,5019,5021,5023,5025,5027,5029	Adopted		Jan. 63	XXI.501,503	Adopted	Jan. 48	
		I.5031,5033,5035,5037,5039,5041,5043,5045	Adopted		Jan. 63	58	I.2511,2513	Amended	Mar. 836
		I.5049,5051,5053,5055,5057,5059,5061,5063	Adopted		Jan. 63		I.2521,2523	Repealed	Mar. 836
		I.5071,5073,5075,5077,5079,5081,5083,5085	Adopted		Jan. 63		V.101	Amended	Mar. 796
		I.5087,5089,5090,5091,5093,5094,5095,5099	Adopted		Jan. 63		V.501	Amended	April 1011
		I.6201,6203,6207,6209,6211,6213,6215,6217	Adopted		Feb. 401		V.503,505	Repealed	April 1011
I.6219,6221,6223,6225,6227,6229,6233,6237		Adopted	Feb. 401	V.2003,2005	Adopted		April 1012		
I.6239,6241,6245,6247,6249,6251,6253,6255		Adopted	Feb. 401	XVII.101,103,105	Adopted		April 1029		
I.6259,6261,6265,6267,6269,6271,6273,6275		Adopted	Feb. 401	61	V.101,303,304,703,907,1101,1103,1307		Amended	Mar. 799	
I.6279,6281,6285,6287,6289,6291,6293,6295		Adopted	Feb. 401		V.1503,2503,2713,2717,3101,3103,3105		Amended	Mar. 799	
I.9001,9001,9031,9033,9035,9037,9041,9049		Amended	Feb. 371		V.3106,3107		Amended	Mar. 799	
I.9007,9009,9011,9013,9015,9017,9019,9021		Adopted	Feb. 371		67		III.301,303,305,307,309,311,313,315,317	Amended	April 964
I.9023,9025,9027,9029,9043,9045,9047,9063		Adopted	Feb. 371				III.319,321,323,325,327,329,331,333	Amended	April 964
I.9051,9061,9065,9067,9071,9075,9077,9079		Amended	Feb. 371				III.1983	Amended	Feb. 350
I.9069,9083,9085,9087,9089,9091,9093,9095		Adopted	Feb. 371				III.5329,5729	Amended	June 1390
I.9081		Amended	Feb. 371				III.7312,7327,7365,7373	Amended	April 981
I.9097		Adopted	Feb. 371				III.7328,7378	Adopted	April 981
I.9303,9305,9377		Amended	June 1413			III.7331,7363	Amended	May 1207	
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