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Executive Orders

EXECUTIVE ORDER EWE-77-9 (Not Published)

EXECUTIVE ORDER EWE-77-10

WHEREAS, there has been long-standing recognition of the fact that there are numerous subjects upon which uniformity of legislation in the various states and territories of the Union is desirable, but which are outside the jurisdiction of the Congress of the United States; and

WHEREAS, the chairman of the first committee on uniformity for state legislation of the American Bar Association in 1889, was an illustrious New Orleans attorney; and

WHEREAS, the State commission for the promotion of uniformity of legislation was created in Louisiana in 1902 and the State of Louisiana since that time, has continuously been represented in the National Conference of Commissioners of Uniform State Laws contributing each year to the support of that conference under its interstate compact programs; and

WHEREAS, it is of continuing importance to the citizens of this state that Louisiana participate in the National Conference of Commissioners on Uniform State Laws and actively examine the subjects upon which uniformity of legislation is desirable.

NOW, THEREFORE, I, EDWIN EDWARDS, by virtue of authority vested in me as Governor of the State of Louisiana, do hereby establish the Board of Commissioners for the Promotion of Uniformity of Legislation in the United States, which Board shall exercise the functions, perform the duties and discharge the obligations hereinafter set forth:

I. The Board shall examine the subjects upon which uniformity of legislation in the various states and territories of the union is desirable, but which are outside the jurisdiction of the Congress of the United States.

II. The Board shall consider and draft uniform laws to be submitted for the approval and adoption by the several states.

III. The Board generally shall devise and recommend such other and further courses of action as shall accomplish uniformity of legislation.

IV. The Board shall confer upon these matters with the Commissioners appointed by other states and territories for the same purposes.

V. The Board shall keep a record of its transactions and shall make a report of its actions and recommendations to the Governor and to the Legislature.

VI. The Board shall be composed of five attorneys and/or members of the Judiciary in the State of Louisiana, to serve at the pleasure of the Governor and without compensation for their services.

Pursuant hereto, I do hereby appoint DeVan D. Daggett, Ben R. Miller, Robert G. Pugh, Wex Malone, and Judge Adrian Duplantier as commissioners of the Board of Commissioners for the Promotion of Uniformity of Legislation in the United States and to represent the State of Louisiana on the National Conference of Commissioners on Uniform State Laws.

I further declare that this executive order shall supercede Executive Order EWE-76-9.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this the 26th day of July, A.D. 1977.

EDWIN EDWARDS
Governor of Louisiana

EXECUTIVE ORDER EWE-77-11

WHEREAS, the Congress of the United States has amended the Federal Property and Administrative Services Act of 1949 by Public Law 94-519, enacted October 17, 1976, which said statute is enumerated in the Federal Property Management Regulations by Amendment H to transfer to the states, Federal surplus personal property selected by a state for distribution through donation within the state to any public agency for use in carrying out or promoting for the residents of a given political area, one or more public purposes, such as conservation, economic development, education, parks, recreation, public health, and public safety, or to nonprofit educational or public health institutions or organizations, and for other purposes; and

WHEREAS, Part 101-44 (Title 41, CFR Part 101-44), Donation of Personal Property, has been revised and reissued to conform to the provisions of Public Law 94-519; and

WHEREAS, the General Services Administration of the Executive Branch of the United States government has replaced the Health, Education and Welfare Department as the Federal agency which shall allocate such property among the states in a fair and equitable basis pursuant to criteria based on need and utilization; and

WHEREAS, a temporary plan of operations must be submitted to the General Services Administrator for approval in order for the State to qualify for administration of the program under Public Law 94-519.

NOW, THEREFORE, I, EDWIN EDWARDS, Governor of the State of Louisiana, by virtue of the authority

vested in me by the Constitution and laws of the State, hereby change the name of the "Louisiana Surplus Property Agency" to "Louisiana Federal Property Assistance Agency" so as to identify this new plan of operations and the new Federal personal property program to the eligible donees.

FURTHER, I ORDER, this agency to be responsible for carrying out the provisions of the plan of operations as approved by the General Services Administrator. This agency shall be in the executive branch in the Office of the Governor, the Division of Administration, with the director reporting to the Commissioner of Administration.

FURTHERMORE, the director of the Louisiana Federal Property Assistance Agency, Office of the Governor, shall have and exercise all the functions, powers, duties, authority, and responsibilities enumerated in the new plan of operations, approved by the General Services Administrator, as are and may be necessary to carry out the program in compliance with State and Federal laws and regulations.

In compliance with the provisions of Public Law 94-519, this Executive Order shall become effective on October 17, 1977.

FURTHERMORE, Executive Order EWE-77-9 issued on July 1, 1977, A.D. is hereby rescinded in its entirety.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to have affixed the Great Seal of the State of Louisiana at the Capitol in the City of Baton Rouge, on this 1st day of August, A.D. 1977.

EDWIN EDWARDS

Governor of Louisiana

Emergency Rules

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

The following emergency policy was adopted by the Board at its regular meeting on July 28, 1977, in response to repeated suggestions from the local educational authorities and the Department of Education in order to extend secondary certification to include the sixth grade level but only in departmentalized situations.

Rule 3.01.52d

Teachers certified at the secondary level who are teaching in a departmentalized situation shall be allowed to teach at the sixth grade level in their respective areas of certification. This provision shall in no way be applied to the present and/or proposed policies relative to teaching two hours per day out of the field of certification by virtue of completion of twelve hours in a field.

Earl Ingram, Director
Board of Elementary and
Secondary Education

DECLARATION OF EMERGENCY

Department of Health and Human Resources Office of Family Services

The Department of Health and Human Resources, Office of Family Services, has adopted a policy lowering the age for mandatory work registration of Aid to Families with Dependent Children (AFDC) clients who do not meet specific exemption criteria to sixteen years.

Because the revised policy may affect the eligibility of some current recipients, it has been effected immediately.

This action was taken pursuant to R.S. 49:953 B. Copies of the emergency rule are available for public examination at the Office of the Department of Health and Human Resources, Office of Family Services, 755 North Riverside Mall, Baton Rouge, Louisiana.

15-781 Who Shall be Required to Register for Work at Employment Security (ES)

- A. All applicants and recipients, age sixteen and over, must register for employment as a condition of eligibility for an AFDC payment unless exempt for one of the following reasons:
- (1) The person, age sixteen through twenty, who is enrolled as a full-time student or has been accepted for enrollment as a full-time student for the next school term. School attendance is defined in 15-704.1 A. and verification is as stated in 15-704.1 B. and C.
 - (2) The person is incapacitated, either permanently or temporarily, and for that reason is prevented from entry into employment. When the incapacity is temporary, local office controls shall be set up to register the person when he is no longer incapacitated.
Incapacity shall be verified and the verification recorded in the case record by the

assistance payments worker. The verification of incapacity may be by worker observation, medical reports, or Form 90. If Form 90 must be obtained to verify incapacity and the local office needs State Office assistance in making a decision, submit Form 90 to Medical Review Team (MRT) as stated in policy 15-766. For authorization of a medical examination and completion of Form 90, issue Form 146 using Code 01. If the Medical Section cannot make a decision unless special tests are made, such tests will be approved by the Medical Section. Complete Form 146 using Code 02 for special tests.

A doctor's statement that the client is incapacitated, shall not be accepted when the local office has evidence which is not in agreement with the statement. In those instances, all pertinent medical and social information shall be sent to State Office for a MRT decision. Specify on Form 90-X or a cover memorandum the reason for the submittal.

If a person claims an incapacity which has to be verified, the person can be included or retained in the certification while incapacity is being verified.

- (3) The person is age sixty-five or older.
- (4) The person is providing caretaker services on a substantially continuous basis to another member of the household who has special medical problems. The need for this person to be a caretaker must be established as well as the condition of the person with the special medical problem.

The presence of the person as a caretaker is required when the medical condition of the ill household member does not permit self-care and there is no exempt person in the household to give the required care. It is the responsibility of the client or the ill person to provide verification of care needed. This verification shall be recorded in the case record. Persons exempted as "needed in the home" shall register for employment when no longer needed in the caretaker role.

- (5) The person is a mother or other caretaker relative of a child under age six or a woman for whom a term of at least four months of pregnancy has expired. The length of pregnancy shall be verified in writing by a licensed physician or medical agency. Persons eligible for exemptions under this paragraph shall be informed that they can

volunteer to register. If the decision is made to register, child care plans shall be discussed, when applicable, and if employed, child care services offered through the social services unit explained.

When there are two or more mothers or caretaker relatives of children under age six in the home, only one such mother or caretaker can be exempt for that reason. The mothers or caretaker relatives shall decide which one will be exempt.

- (6) The person has what is considered full-time employment for his occupation with earnings in excess of work expenses. A thirty-hour work week is considered full-time.

School employees who work nine months and who meet the criteria specified in the above paragraph are exempt from registration. Full-time seasonal workers are exempt from registration if their employment will last at least sixty days after the certification or redetermination and earnings exceed work expenses. When the seasonal work is over, the client no longer meets our exemption criteria.

When a person works less than thirty hours weekly, and less than thirty hours is what is usually worked in the community, and he receives wages usually paid in the community, such person is exempt from registration under this reason.

Work expenses in this exemption refers to the standard deduction, transportation and child care as specified in policy 15-836 B.

- (7) The person lives more than thirty miles (too remote) from the nearest Employment Security office or one itinerant point used by ES or has no transportation available to enable him to register.

All persons sixteen and over who do not meet any of the above exemption requirements must register for work at Employment Security. Since work registration is a condition of eligibility, it is essential that the Assistance Payments (AP) worker determine if any health problems of potential registrants would result in an illness or incapacitation. If the client is over twenty and is enrolled in any type of training at the time of his required registration, the fact of such enrollment does not make the person exempt from work registration, unless he has two years or less of school attendance or training (including college) to complete his curriculum. Work registration is not an eligibility requirement when

two years or less of school attendance or training remains. See 15-790—When Preparation for Suitable Occupation by AFDC Parent(s) is Considered Equivalent to Employment.

William A. Cherry, M.D., Secretary
Department of Health and Human Resources

DECLARATION OF EMERGENCY

**Department of Health and Human Resources
Office of Family Services**

The Department of Health and Human Resources, Office of Family Services, has adopted a revised Standard of Need for Aid to Families with Dependent Children (AFDC), which takes into consideration cost of living increases in urban and nonurban areas which have occurred since the last adjustment in 1969.

Because we were advised by the Department of Health, Education and Welfare that the Need Standard must be taken into consideration in determining the eligibility of AFDC applicants, who have earned income, the policy has been effected immediately.

This action was taken pursuant to R.S. 49:953 B. Copies of the emergency rule are available for public examination at the office of the Department of Health and Human Resources, Office of Family Services, 755 N. Riverside Mall, Baton Rouge, Louisiana.

AFDC Need Standard

Size of Household	Nonurban	*Urban
1	\$ 93.00	\$100.00
2	177.00	196.00
3	247.00	271.00
4	309.00	335.00
5	366.00	393.00
6	418.00	445.00
7	471.00	497.00
8	523.00	549.00
9	574.00	600.00
10	622.00	648.00
11	675.00	702.00
12	706.00	730.00
13	758.00	779.00
14	794.00	814.00
15	821.00	841.00
16	877.00	904.00
17	924.00	939.00
18	971.00	992.00
	For each additional person in household, add \$43.00 to the standard	For each additional person in household, add \$48.00 to the standard

*Urban areas include: Orleans, Jefferson, East Baton Rouge and St. Bernard.

The above recommendations are presented to comply with the provisions of Act No. 540 of the 1976 session of the State Legislature. The actual payment levels in AFDC are determined by the size of the respective appropriation, and bears no direct relationship to the need standard.

William A. Cherry, M.D., Secretary
Department of Health and Human Resources

DECLARATION OF EMERGENCY

Department of Transportation and Development

The Louisiana Department of Transportation and Development exercised the emergency provisions of the Administrative Procedures Act (R.S. 49:953B) to adopt, effective August 20, 1977, the following rules regarding special permit procedures for movement of oversize and overweight vehicles on the State highway system. These emergency rules will allow for orderly transition from the Louisiana State Police to the Department of Transportation and Development those permit functions required by Act 113 of the Louisiana Legislature of 1977, which became effective upon signature of the Governor on June 22, 1977.

Rule No. 1

An oversize special permit shall not be required for the operation of any vehicle, or combination of vehicles, transporting forest products in their natural state whose overall length, including any load thereon, is seventy-five feet or less and provided also that any load on said vehicle(s) shall not extend more than fifteen feet past the rear and maintains a clearance of two feet above the pavement structure.

Rule No. 2

Oversize special permits shall be issued by the Department of Transportation and Development without charge to all Federal, State and local governmental agencies, except government-owned utility companies. Such permits may be issued for a period not to exceed six months.

Rule No. 3

Overweight special permits shall not be issued without charge by the Department to Federal, State and local governmental agencies. Federal, State and local governmental agencies are required to obtain overweight special permits as required by R.S. 32:387. Federal, State and local governmental agencies are not required to post a

surety bond with the Department in order to purchase special permits on a credit basis.

George A. Fischer, Secretary
 Department of Transportation
 and Development

Rules

RULES

Department of Culture, Recreation and Tourism Office of the State Museum

The Louisiana State Museum is responsible for the preservation of historic buildings placed in its care. In order to meet this responsibility the Department of Culture, Recreation and Tourism has adopted the following policy for use of the museum facilities for functions not sponsored by the Louisiana State Museum.

Request for usage of the Louisiana State Museum facilities will be entertained from:

A. Nonprofit organizations whose purposes are simi-

lar to the educational and historical museum purposes of the Louisiana State Museum.

B. Requests from official governmental agencies.

Request from eligible nonprofit corporations and governmental agencies will be considered only for functions numbering less than five hundred and only during the Museum's nonpublic hours.

The Museum Director is authorized to approve usage of the buildings in the policy established above. Requests for usage will be submitted to the Board's Buildings and Grounds Committee that do not clearly come within the policy and the Committee will make a recommendation to the Board for final action.

Procedures:

1. All eligible requests must be submitted at least two months prior to the anticipated function on forms supplied by the Louisiana State Museum.

2. Requests not clearly within the above policy will be submitted to the Buildings and Grounds Committee, which will make a recommendation to the Board for final action.

3. A base charge will be established to cover costs of security, custodial, and utility services required for the function. The Museum may, at its discretion, establish added charges based on the nature of the function.

RENTAL CHARGES

Presbytere

	No Refreshments	*With Refreshments
9:00 a.m. - 5:00 p.m.		
Business Meetings, Lectures, Slide Presentations	\$ 50.00	\$ 65.00
After 5:00 p.m.		
Business Meetings, Lectures, Slide Presentations (Minimum based on 1st hour of usage)		
1 - 200 guests	100.00	115.00
201 - 250 guests	115.00	130.00
251 - 300 guests	130.00	145.00
301 - 350 guests	145.00	160.00
351 - 400 guests	160.00	175.00
Each additional ½ hour	50.00	50.00
Receptions	1st floor only	2nd floor
1 - 200 guests	150.00	200.00
201 - 350 guests	200.00	250.00
351 - 500 guests	250.00	300.00
Each additional ½ hour	75.00	50.00

*The Museum does not provide catering service. Host organizations must make arrangements with caterer of their choice.

Cabildo

In addition to the rates above, an additional fee of \$300.00 will be charged for additional costs involved in preparation and post cleaning, relaying carpets, replacing exhibition material. If the Museum is required to be closed to the public during normal public hours prior to, during, or after the function, a charge of \$50.00 per hour will be charged to compensate for loss of revenue.

Sandra S. Thompson, Secretary
Department of Culture,
Recreation, and Tourism

RULES

Board of Elementary and Secondary Education

Rule 4.03.01

(This policy should be substituted for Fiscal Year 77 State Plan presently in effect.)

The Board adopted the Five Year State Plan for Vocational Technical Education as amended.

Rule 4.02.01

(This policy should be substituted for Fiscal Year 76-77 Title VI Plan presently in effect.)

The Board approved the Amended Annual Program Plan for Special Education Fiscal Year 78 as amended. The Board adopted these policies on July 14, 1977, to become effective on August 20, 1977. The Department of the State Register, in accordance with R.S. 49:954.-1C, has exercised its privilege to omit from the Louisiana Register the text of the rules. The public may inspect these rules at the Board's office, Room 104, Education Building, 646 North Fourth Street, Baton Rouge, Louisiana.

Earl Ingram, Director
Board of Elementary and
Secondary Education

RULE

**Department of Health and Human Resources
Office of Family Services**

The Department of Health and Human Resources, Office of Family Services, has adopted revised minimum standards for the licensure of maternity homes.

Copies of the Minimum Requirements for the Licensure of Maternity Homes may be obtained without cost at the following address: Office of Family Services, Planning and Policy Formulation, 755 Riverside Mall, Baton Rouge, Louisiana 70804.

**Minimum Requirements for the Licensure
of Maternity Homes**

Introduction

The licensing authority of the Department of Health

and Human Resources, Office of Family Services is established by Act 367 of 1957 as amended (R.S. 46:1401-11), making mandatory the licensing of all child placing agencies, maternity homes, child caring institutions, day care centers caring for ten or more children, and family boarding homes providing care to seven or more children.

The Office of Family Services in fulfilling its responsibility under this statute has adopted Minimum Requirements for the Licensure of Maternity Homes. A maternity home is defined in Act 367 of 1957 as amended, as "any place in which any person, society, agency, corporation, or facility receives, treats or cares for within a period of six months, more than one illegitimately pregnant woman, either before, during or within two weeks after childbirth. The provisions of this definition shall not include women who receive maternity care in the home of a relative within the sixth degree of kindred computed according to civil law, or general or special hospitals in which maternity treatment and care is part of the medical services performed and the care of children only brief and incidental." This definition is presumed not to include foster family homes used by agencies in lieu of group care. These foster family homes would come under regulations governing child placing agencies.

The original application for a license is made on a form provided by the Office of Family Services. A license will be issued for a period of one year unless there is mutual agreement between the Office and the maternity home that it be for a greater or lesser period.

A social services consultant of the Office's staff will prepare a comprehensive study of the home's program, measuring performance in relation to requirements and offering recommendations and suggestions in indicated areas. This report will be made available to the facility for review of facts prior to submission to the Assistant Secretary of the Office of Family Services for a decision on the license. A home has the right to appeal through the court, as provided in the Act, if its license is denied or revoked.

The licensing report is held confidential by the Office but must be released to persons or courts upon request.

A maternity home which is operated in conjunction with other programs subject to license, such as child

caring and/or child placing programs, shall obtain a license for each of its programs.

I. Organization and Administration.

A. Purpose.

1. There shall be a written statement specifying the purposes of the maternity home. This statement shall be one which has been adopted by the governing body. All the functions of the maternity home shall be stated in its charter, or articles, when the home operates under one of these.
2. It shall be clear from the practices of the home that the purposes for which it was declared to be established are being met.
3. The governing body shall adopt a supplementary statement of any new function which is added to the program of the maternity home.

B. Governing Body.

1. There shall be a responsible governing body which shall be one of the following:
 - a. a board of local citizens elected or appointed for that purpose;
 - b. a religious, fraternal, charitable organization, or veteran's organization; or
 - c. a public authority.
2. This governing body shall exercise sufficient authority so that it can reasonably be held responsible for the practices within the maternity home.
3. The governing body shall have the power to appoint or dismiss the executive director and shall carry responsibility for the direction of the program.
4. If the governing body is a national or regional organization and has a local advisory board or committee, minutes of the local group setting forth changes in policies and administrative decisions affecting the local operation shall be made available to the licensing authority.

C. Administrative Responsibilities.

1. There shall be one person employed by the governing body to serve as superintendent or executive director. This person shall be responsible for the administration of the maternity home.
2. The agency executive director or superintendent shall be responsible for the direction and supervision of all personnel employed in the maternity home.
3. The duties, responsibilities, and authority of each staff member shall be clearly defined specifying:
 - a. where responsibility and authority rest

for each of his or her functions within the maternity home;

- b. that no responsibility or authority shall conflict with another.
4. The duties, responsibilities, and authority of each Board Committee working directly with staff shall be clearly defined.
 5. The following personnel practices shall be observed:
 - a. The Office of Family Services shall be notified promptly when there is a change of executive director within the period covered by a license. This notification shall include a statement of the qualifications of the new employee.
 - b. Only such staff members who are qualified for the duties assigned by virtue of ability, health, age, emotional stability, education, and experience shall be employed and retained in employment.
 - c. A written statement shall be given to the employee at the time of employment setting forth the duties that will be assigned to him, to whom he is directly responsible, and conditions of employment, including official responsibilities, salary, hours of work, sick leave, retirement benefits, vacations, and the notice he will be expected to give or receive in case of resignation or release.
 - d. No person shall be required to do work in contravention of the labor laws of the State of Louisiana or the United States.
 - e. The governing body of the maternity home shall be encouraged to participate in a retirement plan for the employees. Such coverage may be the home's own retirement plan or Retirement Survivors' and Disability Insurance.

D. Resources.

1. The maternity home shall prepare an annual budget adequate to finance the program. The budget shall be prepared for the maternity home's fiscal year and shall clearly indicate all sources of income as well as anticipated expenditures.
2. The maternity home partially dependent on board payments to carry out its functions shall have sufficient funds available to continue care until other plans can be

- made for residents should contributions cease.
3. The governing body shall not assign to the personnel of the maternity home the responsibility for fund raising.
 4. Soliciting funds shall be the responsibility of the governing body or of a special officer appointed for this purpose.
- E. Auditing of Accounts.
The accounts of the maternity home shall be audited annually by an independent certified public accountant or by a public authority.
- F. Personnel Plan.
1. An executive director shall be employed whose qualifications include a basic year's training in an accredited school of social work, or three years of successful experience in a recognized social agency, or five years successful experience in closely allied fields such as nursing, education, or ministry.
 2. A caseworker shall be employed who meets the following qualifications: completion of one basic year in an accredited school of social work and one year of experience in a family or children's agency. The experience may be waived if the facility employs a casework supervisor with the same qualifications as the supervisor in a child placing agency.
 3. A case aide or aides may be employed with the following qualifications: a B.A. or B.S. degree in social work or a related field. This person shall be closely supervised by the casework supervisor.
 4. A full-time resident staff person shall be employed when the superintendent does not live at the home. The resident staff person's qualifications shall include: a. a high school education; b. at least two years successful experience in allied fields such as practical nursing, household management, housemother experience; c. an ability to accept and work with expectant mothers; d. an ability to supervise assistant resident staff persons; and e. be over the age of twenty-one.
 5. Assistant staff person, with the following qualifications, shall be employed when the population requires it: a. a high school education; b. an ability to accept and work with expectant mothers; and c. be over the age of twenty-one.
 6. There shall be on call at all times an employee who is a graduate nurse or a practical nurse.
 - a. The graduate nurse must have a current license to practice nursing in the State of Louisiana.
 - b. The practical nurse must have a current license to practice in the State of Louisiana.
7. Sufficient clerical staff shall be employed to keep correspondence, records, book-keeping system, and files current and in good order. Expectant mothers receiving care in the maternity home shall not be used in this capacity. Clerical staff shall be selected in relation to ability to understand the confidentiality of the work and to respect the program.
 8. Sufficient domestic staff shall be employed so that the major and heavy household duties are not assigned to the expectant mothers or become the duties of the resident staff person. Domestic staff shall be selected in relation to ability to understand the confidentiality of the work and to respect the program.
 9. All employees living or working within an institution shall be required to obtain a written statement from a physician certifying that the employee is free from venereal disease, tuberculosis, and other infectious or contagious disease. This statement shall be obtained prior to employment, or immediately thereafter and annually during employment.
 10. Resident staff shall be provided with quarters which insure reasonable privacy and rest during hours off duty. In addition, provision shall be made for personal belongings and bathing and toilet facilities separate from those used by expectant mothers.
 11. Foster homes which are used in lieu of a congregate home shall meet the standards outlined for foster homes in "Minimum Requirements for License of Child Placing Agencies," published by the Office of Family Services.
- G. Staff.
1. There shall be on duty at all times one adult serving in the capacity of resident staff. In addition, an alternate person shall be on call. There shall be one adult on the staff designated as the assistant to the resident staff who will also serve as relief resident staff.
 2. In small maternity homes, it may be necessary for one employee to serve in more than one capacity. When this practice

is followed, the employee shall be well qualified by training and experience for the different duties assigned.

II. Ethical Practices.

The following code of professional ethics shall be observed:

- A. Respect for the confidential nature of information provided by the expectant mother and other agencies. Divulging identifying information about the expectant mother or her baby to anyone other than professional social casework staff and judicial agencies is prohibited. Information may be provided to other social casework staff and judicial agencies only when necessary for planning for the mother or the baby's welfare. Information about the mother may be given to other professional persons such as physicians or attorneys with the mother's written permission.
- B. Honesty in all dealings with expectant mothers, with other organizations and the public, including the keeping of agreements made with each.
- C. The fulfilling of any responsibility accepted by the maternity home from courts of law.
- D. Utilizing funds for the stated purposes of the maternity home.
- E. Honoring contracts and prompt payment of bills.

III. Social Services.

A social study shall be completed for every expectant mother accepted for care by the maternity home. The social study shall be completed by a caseworker on the maternity home's staff or by a caseworker of the referring agency. When she is accepted through correspondence or on an emergency basis, the expectant mother shall be interviewed by the maternity home caseworker within a week after arrival. An immediate interview, however, is preferable.

A. Intake.

1. The intake study shall include social information establishing that the expectant mother is in need of the services of the maternity home.
2. The following identifying information is essential: name, date of birth, nationality, religion, education, occupation, health history, physical appearance of mother, marital status, and home address.
3. The social worker shall discuss with the expectant mother the following:
 - a. the regulations of the maternity home and her responsibilities;
 - b. the services available to her through the maternity home and community;
 - c. agreement that while she is in the care

of the maternity home she may plan either to keep or to release her baby. The narrative record shall clearly show that a full discussion was held with the expectant mother regarding alternatives. The expectant mother should understand that should she not surrender her child to the home, the home will release the child only to the mother or to a licensed agency.

4. The agreement shall be in writing when a charge for care is made.

B. Continuing Casework.

1. Following admission, the social worker shall counsel with the expectant mother as often as her individual needs require. The caseworker will begin to establish a relationship in order to gain an understanding of the expectant mother's total situation and the meaning of the pregnancy for the expectant mother.
2. Interviewing shall be focused on the expectant mother's individual problems and on plans for the baby. In general, the treatment plan will be focused on preparing the expectant mother for a return to useful community life and providing her with information regarding the resources available in her local community.
3. The decision to surrender or take her baby should be made by the mother before, or at the time of, discharge. Should the expectant mother desire postponement of her decision regarding surrender, the consideration of allowing more time shall be made on an individual basis by the social worker. In any event, adequate discharge plans shall be made.
4. The social worker shall know at the time of discharge what plans the expectant mother has for living arrangements, employment, or school. It is the social worker's responsibility to assist the expectant mother directly or through referral to other agencies when she needs help in these areas.

C. Records.

A narrative record shall be maintained which incorporates the information required in A. and B. of this section. Copies of correspondence, agreements, and other forms shall be filed in this folder. The confidential nature of these records shall be respected, and these records are for the use of professional casework staff only. Social records shall be accessible only to the appropriate staff and shall be maintained in locked files.

IV. Care in the Home.

A. Health Aspects.

1. Responsibility for the health supervision of the maternity home shall be placed in a licensed physician or a group of licensed physicians appointed by the governing body. A physician shall approve written procedures governing the following: a. medications and treatment that may be given without specific orders from a licensed physician or by a physician designated by him; b. circumstances under which a physician shall be called; c. action to be taken in case of emergency; d. a special diet if required; and e. household tasks that may be required. The physician shall review annually the health practices within the maternity home and certify in writing that they meet the licensing requirements.
2. Unless the maternity home requires, prior to admission, a statement from a physician that the expectant mother is free from communicable diseases, the maternity home shall have an isolation facility available. The expectant mother admitted without the statement from the physician shall be placed in isolation until she has had a complete physical examination to determine her freedom from communicable diseases.
3. The expectant mother shall be placed immediately under medical supervision. She shall have a physical examination within a week after admission to the home and at least monthly prior to confinement and before discharge. Should she leave the home before she is medically discharged, this fact shall be recorded on her medical record.
4. Nourishing food, attractively served, shall be provided. The diet shall be planned in consultation with a nurse, or if a special diet, the physician in charge. Necessary changes in diet prescribed in individual cases by the physician shall be followed.
5. A complete medical record shall be maintained on each expectant mother when she delivers at the maternity home. The caseworker or nurse is responsible for maintaining a record for each expectant mother who delivers in public or private hospitals. This record shall contain dates of visits to the medical facility and a summary of medical consultation. Delivery information on the infant shall be recorded. These records shall be maintained in locked files.

6. When an infant is admitted for care into the home's nursery, all standards for child caring institutions apply.

B. Program.

1. Regulations.

- a. The regulations of the maternity home shall not infringe on the expectant mother's privilege of writing and receiving uncensored mail and visits from her family.
- b. The same food shall be served to the staff and expectant mothers when they dine together, except when special diets must be prepared for any of the expectant mothers.
- c. A mother who wishes to give personal attention to her baby, such as bathing and feeding, shall be permitted to do so.
- d. An expectant mother shall be allowed a choice of duties, insofar as possible.

2. Recreation.

A recreational program shall be provided which will meet the individual needs of the expectant mothers. This program shall consist of a well-stocked library, magazines, newspapers, games, radio or television, piano, and record players. It is desirable to encourage arts and crafts with proper leadership. There shall be provision for outdoor activities. The yard should provide for privacy and be equipped with comfortable outdoor furniture. Expectant mothers interested in community activities should be encouraged to participate.

3. Education.

Every effort shall be made to arrange continued education for girls under sixteen and for older girls whose schooling has been interrupted. Vocational training when appropriate should be encouraged. Household duties should have an educational value.

4. Religion.

Expectant mothers shall have the privilege of attending the church of their choice. Religious services should be available in the maternity home to those expectant mothers wishing to attend. An expectant mother wishing consultation with her pastor shall be provided the opportunity.

V. Plant and Equipment.

A. Maintenance.

The building, grounds, and equipment shall be kept clean and in good repair.

B. Location.

Local zoning ordinances should be followed.

C. Allocation of Space.

1. The room assigned expectant mothers shall be clean, airy, and inviting. Each expectant mother shall have a separate bed, and there shall be at least four feet between beds. Each expectant mother shall have adequate closet and drawer space for personal possessions in the room assigned to her. There shall be toilet and bath facilities available in the ratio of one to six expectant mothers. Any maternity home established or rebuilt shall be designed for a maximum of not more than four girls to a room.
2. A recreation room for the exclusive use of the expectant mothers shall be provided.
3. A room insuring privacy where expectant mothers can visit with their families shall be provided.
4. An isolation room and bath for expectant mothers admitted prior to examination for communicable diseases shall be provided.
5. When facilities for delivery are provided in the maternity home, separate and properly equipped quarters approved by the home's physician shall be provided.
6. When the home has facilities for delivery, a recovery room shall be provided on the same floor as the delivery room unless an elevator is available.
7. Separate, private offices shall be provided for the casework staff when the offices are housed in the maternity home. Facilities for the use of a private telephone should be provided.
8. Living quarters separate from those occupied by the expectant mothers shall be provided for auxiliary staff (nursery attendants, domestic staff, and maintenance staff), if they are required to live in.

D. Safety Aspects.

All requirements of the local and State fire prevention and health authorities shall be met. An annual inspection by each of these authorities shall be requested by a designated authority of the maternity home and the report shall be submitted to the Office of Family Services.

William A. Cherry, M.D., Secretary
Department of Health and Human Resources

RULE

**Department of Health and Human Resources
Office of Family Services**

The Department of Health and Human Resources, Office of Family Services, has adopted the following definitions for the levels of nursing care provided by a Skilled Nursing Facility (SNF), an Intermediate Care Facility I (ICF I) and an Intermediate Care Facility II (ICF II). These revisions will allow the Medical Assistance Program to comply with Federal regulations (45 CFR 245.10(b)(4)(i)) which require a common definition of skilled nursing care for the Medicare and Medicaid Programs. These regulations broaden the interpretation and application of the skilled level of care.

Skilled Nursing Facility Services Level of Care is skilled nursing and/or rehabilitation services ordered by and under the direction of a licensed physician which are needed on a daily basis and required to be provided on an inpatient basis and which can be provided only by or under the supervision of professional personnel, including registered nurse or licensed practical nurse on a continuous basis over a twenty-four-hour period and seven-day registered nurse services and/or supervision. Such services include specific skilled and/or rehabilitation services, skilled supervision and management of a complicated or extensive plan of care instituted by a physician; or skilled observation, assessment and monitoring of a complicated or unstable condition, or of the progress of a rehabilitation program; or skilled evaluation of the proper maintenance therapy for chronic ongoing illnesses.

Intermediate Care Facility Services I Level of Care is basic nursing care and services ordered by and under the direction of a licensed physician which are needed in an institutional setting and which can be provided by and under the supervision of a registered nurse or licensed practical nurse on a continuous basis over a twenty-four-hour period, for those individuals who do not require the degree of care and treatment provided in a skilled nursing facility.

Intermediate Care Facility Services II Level of Care is primarily supervised personal care and health related services ordered by and under the direction of a licensed physician which are required in an institutional setting and which usually can be provided by trained aides and orderlies under the supervision of a licensed practical nurse during twelve-hour daytime span with registered nurse consultation.

William A. Cherry, M.D., Secretary
Department of Health and Human Resources

RULE

Department of Health and Human Resources Office of Family Services

The Department of Health and Human Resources, Office of Family Services, has adopted policy and procedural changes that will allow payment for physician services under the following limitations:

(1) Up to twelve outpatient physician visits per calendar year with provisions for extension if medically approved. Payment will actually be made for up to fifteen visits before a claim is rejected. This will allow claims which were in process at the time the medical eligibility card was issued.

(2) Up to fifteen inpatient hospital visits including admission visits in any calendar year when the recipient is hospitalized without surgery with provision for extension if medically necessary.

William A. Cherry, M.D., Secretary
Department of Health and Human Resources

RULE

Department of Natural Resources Office of Conservation

Statewide Order No. 29-N

Pursuant to power delegated under the laws of the State of Louisiana, and particularly Title 30 of Revised Statutes of 1950, as amended by 30:1D, 3 (c) (1) and 4C (16), adopted by the Legislature as Act 122 of 1976; and after a hearing held under Docket No. 77-501 in Baton Rouge, Louisiana, on July 5, 1977, following publication of notice as required by the Administrative Procedures Act, Title 49, Sections 951 through 968 of the Revised Statutes of 1950, as amended, the following rules and regulations are promulgated by the Commissioner of Conservation as being reasonably necessary to govern waste disposal wells used for the injection into the subsurface of waste or waste products and otherwise carry out the provisions of the laws of this State.

Findings

The Commissioner of Conservation finds as follows:

1. That rules and regulations should be established to govern waste disposal wells used for the injection into the subsurface of waste or waste products as well as the regulation of the surface and storage facilities at the injection site and that sections 1 through 16 below are reasonable and will carry out the purpose and intent of the laws of this State:

Section 1.0. Purpose and Scope

The rules and regulations as stated herein apply to waste disposal wells used for the injection into the

subsurface of waste or waste products as defined below and in applicable laws, but shall not apply to the disposal of brine fluids associated with the production of oil and gas, to radioactive or nuclear waste disposal activities, storage, or geothermal wells.

Section 2.0. Definitions

The words defined in this Section have the following meaning where used in these rules and regulations:

(1) Aquifer: A formation, group of formations, or a part of a formation that contains sufficient saturated material to yield economically significant quantities of water to wells.

(2) Commissioner: The Commissioner of Conservation of the State of Louisiana or his designated representative.

(3) Contamination: Any introduction into water of microorganisms, chemicals, wastes, or waste-fluids that makes the water unfit for its intended use.

(4) Casing: A tubular retaining structure, generally metal, which is used to isolate strata between the earth's surface and deepest depth at which the base of the casing is set.

(5) Fresh water: Water having total dissolved solids less than one thousand milligrams per liter.

(6) Pollution: A condition created by harmful or objectionable material in water.

(7) Static fluid level: The nonpumping water level in a well as maintained by the defined fluid in the well, which has not been in operation for a stated period of time.

(8) Underground drinking water source: An aquifer which supplies a source of drinking water or an aquifer which contains water having less than ten thousand milligrams per liter total dissolved solids, unless otherwise designated as not requiring protection after public hearing.

(9) Waste or waste product: Any liquid, sludge, effluent, semiliquid, or other substance resulting from any process, whether manufacturing or otherwise.

Section 3.0. Effective Date

Any waste disposal well permitted on and after August 20, 1977, shall be permitted and constructed in accordance with the rules and regulations stated herein and, for the purpose of these regulations, be known as a new well. Waste disposal wells and associated activities, which are permitted before the effective date of the rules and regulations, as stated herein, shall continue to operate in accordance with the provisions of the permit previously approved by the Commissioner and in accordance with the provisions of Section 4.0. hereof.

Section 4.0. Wells Permitted

Prior to Effective Date

Not more than five years after the effective date of

these regulations and upon receipt of notification from the Commissioner the owner or operator of a waste disposal well permitted prior to the effective date shall provide, within ninety days, the information required to assure that the well and related facilities are in compliance with the rules and regulations as stated herein for new waste disposal wells. If such assurance cannot be provided by the owner or operator of such wells the owner or operator shall either:

- (1) Obtain an approved variance for the well and related facilities as required in Section 16.0.
- (2) Submit a compliance implementation schedule acceptable to the Commissioner so as to bring the disposal well and related facilities into compliance with these regulations no later than five years from the effective date of the regulations.

Section 5.0. Application Procedures

(1) The application shall be filed in duplicate with the local district office of the Office of Conservation. At the same time, a copy of the application shall be sent to the Louisiana Office of Health Services and Environmental Quality, Bureau of Environmental Services, whose address is Office of Health Services and Environmental Quality, Bureau of Environmental Services, 325 Loyola Street, Post Office Box 60603, New Orleans, Louisiana 70160.

(2) The application shall be processed by the district office and if satisfactory, be forwarded to the Commissioner, who shall review the application along with supporting data, obtain an evaluation from the Louisiana Office of Health Services and Environmental Quality, require reasonable security bond or proof of financial responsibility for the construction and operation of a waste disposal well, and take any other action needed to make a decision.

(3) Within forty-five days after the application is received a letter shall be sent by the Commissioner to the district manager indicating approval or disapproval. If disapproved, a reason for denial of application shall be given. The district manager shall immediately notify the applicant of approval or disapproval.

(4) When an application is approved, final approval for the completion of the well in the injection zone or zones shall be given upon receipt of and review of the electrical or induction log of the waste disposal well, the casing program with packer setting, and the initial measured static fluid level, in feet, with respect to land surface datum or mean sea level.

(5) Upon completion and recompletion of a well, Conservation Form WH and Casing Test Form CSG-T shall be filed with the Commissioner of Conservation.

Section 6.0. Application Requirements

An application for a permit for a new well shall include the following information. The requirements for

a recompleted well that will inject into a zone that is different than that previously approved are given in Section 11.0., Recompleted Wells.

(1) The name and address of the owner and the operator of the proposed injection facility.

(2) A plan showing the location of (a) the well, (b) all related surface facilities, and (c) property boundaries.

(3) An electrical or induction log of a nearby hole or well showing the proposed injection zone.

(4) Listing of other operating wells, within two miles, injecting waste into the proposed injection zone. (Note: The Commissioner of Conservation may, if necessary, request the construction data for the nearby wells from their operators.)

(5) A description of the hydrology and geology of the area, including information on the vertical and lateral (within a two-mile radius of the injection well) limits of zones containing water with a total dissolved solids of three thousand milligrams per liter and ten thousand milligrams per liter and other information that illustrates the general lithology and geological structural features of the area.

(6) Description of chemical, physical, and biological properties and characteristics of fluid to be injected.

(7) Volume, injection rate, and calculated injection pressure of fluid to be injected.

(8) Contingency plans designed to cope with all shut-ins or well failures in order to prevent contamination of underground drinking water sources and pollution of water courses. These plans shall include a listing of alternative disposal practices.

(9) Well construction data that shall include (a) diameter of hole and total depth of hole and well, (b) type, size, weight, and strength of all casing and tubing, (c) proposed cementing procedures, (d) proposed formation testing procedures, and (e) proposed injection procedures. (Note: The State of Louisiana's requirements for casing and cementing are in Section 9.0., Well Construction). A schematic drawing of the well shall be submitted with the application.

(10) Where reasonable justification exists, the Commissioner has the option to require additional data that will assist in evaluating the application. Examples of additional data that may be required are a map showing the location of water wells; surface bodies of water; oil, gas, exploratory, or test wells; other waste disposal wells; mines, and quarries and other pertinent surface features, including residences, roads, outcrops, and faults and fractures within a two-mile radius of the injection operation.

(11) A certified copy of public notice as published in parish and State Journals. (See Section 7.0.)

Section 7.0. Public Notices and Hearings

The applicant shall publish in a form prescribed by the Commissioner in the Official State Journal and in

Section 14.0. Well or Hole Conversion

An abandoned or nonproducing oil or gas well or test hole shall not be converted to a waste disposal well unless approved by the Commissioner. An abandoned well or hole shall not be considered for conversion by the Commissioner unless (1) the surface casing has been set below the maximum depth of fresh water and pressure tested and (2) the well can be converted to a disposal well in accordance with requirements established by the Commissioner on the basis of the rules and regulations stated herein. A converted well shall be considered a new well.

Section 15.0. Permit Conditions

A permit for a waste disposal well is issued by the Commissioner under the conditions that the Commissioner may cause the permit to be suspended, revoked, or modified in whole or in part for cause, including but not limited to the following:

- (1) The disposal of waste endangers underground drinking water sources;
- (2) Violation of any material terms or conditions of the permit;
- (3) Obtaining a permit by misrepresentation or failure to fully disclose required information;
- (4) Any change in conditions or equipment that may cause and/or indicate failure of the waste disposal well; or
- (5) Failure or refusal of owner or operator to permit the Commissioner or his designated representative to enter premises to inspect waste disposal wells and associated activities.
- (6) Approval or the granting of a permit to construct a waste disposal well shall be valid for a period of one year and if not begun in that time, the approval shall be null and void.

Section 16.0. Variances

Approval to vary from the rules and regulations stated herein must be obtained from the Commissioner. Requests for variance must be sent to the Commissioner and must show that compliance with the rules and regulations as stated herein is impractical and must outline an alternative. Alternate requirements must be equivalent to the rules and regulations stated herein as related to the prevention of contamination or pollution and to the protection of underground drinking water sources.

2. That the rules and regulations provide for environmental safety and the protection of surface and subsurface fresh water supplies.

ORDER

NOW, THEREFORE, IT IS ORDERED THAT:

From and after the effective date hereof; all applicants and operators of waste disposal wells shall

comply with the provisions of Finding No. 1 hereof and cognizance is taken of Finding No. 2 hereof.

This Order shall be effective as of August 20, 1977.

R. T. Sutton
Commissioner of Conservation

RULES

Department of Wildlife and Fisheries

The Department of Wildlife and Fisheries, via resolution of the Wildlife and Fisheries Commission, has adopted the following rules.

Oyster Seed Reservations

WHEREAS, the natural oyster reefs (oyster seed grounds) under the managerial supervision of the Louisiana Department of Wildlife and Fisheries must open on the first Wednesday following Labor Day, September 7, 1977, as provided for by Louisiana law, Title 56, Section 433, and

WHEREAS, oyster seed reservations are small portions of the oyster seed grounds managed and controlled for seed oyster production which are opened on alternate years, and

WHEREAS, the Louisiana Department of Wildlife and Fisheries had clam shells deposited in an area commonly referred to as Black Bay to provide cultch material for oyster setting and it will take approximately one year for this plant to materialize,

NOW, THEREFORE, BE IT RESOLVED that the Louisiana Department of Wildlife and Fisheries does hereby set the Hackberry Bay (Du Chene) Oyster Seed Reservation and the Bay Junop Oyster Seed Reservation season beginning one-half hour before sunrise on the first Wednesday following Labor Day, September 7, 1977. Said seasons shall remain open with the same regulations as the regular oyster season; however, the Secretary shall be authorized and empowered to close the two areas if it is deemed necessary by biological investigations and sampling.

BE IT FURTHER RESOLVED that the three hundred acre shell plant marked off in Black Bay will be closed for the 1977-1978 oyster season.

BE IT FURTHER RESOLVED that the Bay Gardene and Sister Lake Seed Reservations will not be opened to oyster harvest or transplant.

* * * *

Raccoon Season

BE IT RESOLVED THAT, in accordance with Act 171 of 1977, the Louisiana Wildlife and Fisheries Commission does hereby set the bag limit of one

raccoon per legally licensed person per night in group hunting of raccoon for sport, except during the trapping season; that the taking of raccoons from boats and motor vehicles is specifically forbidden.

BE IT FURTHER RESOLVED THAT enforcement of this regulation will begin September 10, 1977; that all other basic regulations pertaining to the hunting of raccoon at night by sport hunters will remain unchanged.

* * * *

Atchafalaya Delta Wildlife Management Area

WHEREAS, the Wildlife and Fisheries Commission has for several months considered the establishment of a major wildlife management area in Atchafalaya Bay south of Morgan City and

WHEREAS, a major delta marshland is in the process of forming in the bay as a result of sedimentation from the Atchafalaya River and

WHEREAS, the new delta marsh will become one of the most important wildlife areas along the Gulf Coast and

WHEREAS, tens of thousands of ducks and geese and large numbers and other forms of wildlife are already utilizing the ten thousand acres of marshes and mud flats that have formed in the bay and

WHEREAS, the delta is increasing in size at a rate of six hundred or seven hundred acres per year and is expected to extend outward to Pointe au Fer Island by the end of this century and

WHEREAS, the establishment of a wildlife management area would afford protection for the wildlife resources and habitat in the bay area while at the same time providing the people of Louisiana with a public area where hunting, fishing and other forms of outdoor recreation can be enjoyed, and

WHEREAS, the Louisiana Legislature during the regular 1977 session enacted a statute providing for the establishment of a wildlife management area in this location, now,

THEREFORE BE IT RESOLVED that the Louisiana Wildlife and Fisheries Commission does hereby authorize and empower the Secretary of the Department of Natural Resources to initiate and sign any and all documents necessary to the establishment of the 125,000-acre Atchafalaya Delta Wildlife Management Area, now,

BE IT FURTHER RESOLVED any outstanding leases that may have been previously issued from lands in this area will be honored.

* * * *

Jackson-Bienville Wildlife Management Area

WHEREAS, when setting the 1977-78 hunting seasons last month we had for Jackson-Bienville Wildlife

Management Area a season permit required for the first five days of the bucks only season, and

WHEREAS, the Department of Wildlife and Fisheries has been collecting valuable deer management data for the past several years by having daily permits, and

WHEREAS, daily permits for the period of November 25-29, 1977, will assist the Department in continuing to collect this data, now,

THEREFORE BE IT RESOLVED, that daily permits will be required for deer hunting on the Jackson-Bienville Wildlife Management Area for the periods November 20-25, December 17-23, and December 31-January 1, 1978.

* * * *

Migratory Bird Seasons

WHEREAS, the U. S. Fish and Wildlife Service has announced the regulations for the taking of several species of migratory game birds, and

WHEREAS, it is necessary that the Louisiana Wildlife and Fisheries Commission adopt dates for the hunting of these species, now,

THEREFORE BE IT RESOLVED that the Louisiana Wildlife and Fisheries Commission does hereby adopt the following hunting season dates, bag and possession limits, and shooting hours for the taking of these migratory game birds during the 1977-78 hunting seasons:

Doves: (North Zone) Sept. 3-18, sixteen days, Oct. 15-Nov. 13, thirty days, Dec. 17-Jan. 9, twenty-four days, seventy days total; bag limit, twelve; possession limit, twenty-four; shooting hours, 12:00 noon to sunset; (South Zone) Oct. 15-Nov. 27, forty-four days, Dec. 17-Jan. 11, twenty-six days, seventy days total; bag limit, twelve; possession limit, twenty-four; shooting hours, 12:00 noon to sunset.

Rails: Sept. 17-Nov. 25, seventy days; Clapper and King bag limit, fifteen; Clapper and King possession limit, thirty; Sora and Virginia bag limit, twenty-five; Sora and Virginia possession limit, twenty-five; shooting hours, one-half hour before sunrise to sunset.

Woodcock: Dec. 3-Feb. 5, sixty-five days; bag limit, five; possession limit, ten; shooting hours, one-half hour before sunrise to sunset.

Snipe: Nov. 5-Feb. 19, one hundred seven days; bag limit, eight; possession limit, sixteen; shooting hours, one-half hour before sunrise to sunset.

Gallinules: Sept. 17-Nov. 25, seventy days; bag limit, fifteen; possession limit, thirty; shooting hours, one-half hour before sunrise to sunset.

Teal: Sept. 17-25, nine days; bag limit, four; possession limit, eight; shooting hours, sunrise to sunset.

BE IT FURTHER RESOLVED that all other regulations established by the U. S. Fish and Wildlife Service are also hereby placed into effect as related to

baiting, types of firearms, bag and possession regulations, etc.

* * * *

Lake Bistineau

WHEREAS, recent population samples conducted on Lake Bistineau indicate very low populations of commercially valuable fish which are normally taken in nets, and

WHEREAS, only two commercial fishermen could be located who make a portion of their living on Lake Bistineau, and

WHEREAS, the future use of nets pose a threat to the developing striped bass fishery which was initiated in the lake in 1975,

NOW, THEREFORE BE IT RESOLVED, the Department of Wildlife and Fisheries does hereby close Lake Bistineau to all commercial webbing except for special seasons which may be set at some time in the future if it is determined commercial fish occur in fishable numbers. This closure is to become effective January 1, 1978.

* * * *

Alligator Season

WHEREAS, Louisiana's efforts to manage the resident population of alligators for the past seventeen years have substantially increased the total population, and

WHEREAS, the Louisiana Department of Wildlife and Fisheries has, during 1972, 1973, 1975, and 1976, successfully demonstrated that a periodic commercial harvest, based upon comprehensive population inventories, can be closely controlled, and

WHEREAS, data collected during the 1972, 1973, 1975, and 1976 seasons and from aerial inventory during July, 1977, reflects that the seasons were beneficial in all respects, and

WHEREAS, population levels in Cameron, Vermilion, and Calcasieu Parishes now warrant the establishment and continuation of a season in this region of the state, and

WHEREAS, it has been determined from the past four seasons that the system developed for conducting the harvest of animals through a rigidly controlled set of regulations worked out extremely well, and

WHEREAS, no evidence was found that the opening of the four previous seasons encouraged illegal killing of these reptiles, and

WHEREAS, alligators are a renewable resource and should be managed on a sustained yield basis thereby providing economic incentive for preserving marshlands,

NOW, THEREFORE BE IT RESOLVED, that another experimental alligator season be hereby established in accordance with the following regulations: No exceptions of these procedures will be permitted, and anyone taking alligators contrary to these regulations

will be charged in accordance with the Louisiana Revised Statutes and/or Endangered Species Act of 1973:

1. Open Area: Parishes of Calcasieu, Cameron, and Vermilion. Coastal marshes, including converted marshland. An estimated 108,000 alligators are present in this area outside the refuges. No more than eight percent of this population may be taken during the season.

2. Harvest Season: The open season shall run for a thirty-day period beginning on September 1, 1977, and continue through September 30, 1977. No alligators under four feet in length may be taken.

3. Harvest methods: Alligators may be taken only during the daylight hours, between one-half hour before official sunrise to one-half hour after sunset. Special instructions will be issued to the holders of alligator hunter licenses shortly before the opening of the season describing detailed methods regarding the skinning of alligators. Skins processed contrary to the specific requirements of the Commission will be considered illegal. Pole hunting is prohibited to protect nesting female populations.

4. Licenses: An alligator hunter must have a valid commercial alligator hunter license to take, transport, or sell alligators or their skins. The fee for the resident license is twenty-five dollars per year and for the nonresident, five hundred dollars. These licenses are nontransferable. In order to obtain a resident license, the hunter must have resided in Louisiana for one year preceding the season. He must complete application forms provided by the Commission and furnish proof that he owns the land or has an agreement with the landowner to hunt alligators on the specified property. Information as to the location and acreage of the property must be provided. Applications must be submitted between August 1 and August 31, 1977. The alligator hunter license will be issued only after the hunter has satisfactorily complied with the above requirements. A fur buyer license or fur dealer license is required for purchasing and handling raw alligator skins in Louisiana. Persons or firms entering alligators in interstate commerce in the course of a commercial activity must be licensed in accordance with State and Federal regulations.

5. Tagging: In addition to a valid commercial alligator hunting license, the hunter must also obtain from the Commission, and have in his possession while hunting, official tags which must be firmly attached to each alligator skin immediately upon taking. Numbered tags will be issued to license holders for a sum of five dollars. The tags must be attached in the last six inches of the tail. The tag must remain attached to the skin until finally processed by the fabricator. It shall be illegal to possess alligator skins in Louisiana without valid, official tags attached. Official alligator tags will be issued only to alligator hunters, and farmers, and only to

those who have authorized applications. The number of tags will be issued on the basis of the area and quality of the habitat, and the rate per acre will be fixed based on extensive population estimates. Tags will be issued for alligator habitat only, based on final decision of the technician. No more than this fixed number of tags will be issued. Each official tag will bear a characteristic number and a duplicate tab, and the tag numbers issued to each hunter will be recorded. Unused tags must be returned to the Commission. Lost or stolen tags will not be replaced, but must be reported. Tags can be used only on the lands applied for and approved on the application.

6. Alligator Farmers and Breeders: Licensed alligator farmers or breeders will be issued permits to kill and skin their alligators but must follow the same rules and regulations which apply to wild alligators. No alligators on breeding farms may be killed without such a permit. Tagging validation is required on skins taken.

7. Harvest Rates: Maximum of eight percent of overall population in open season area may be taken. Tags will be issued on the following basis: Cameron and Calcasieu Parishes, brackish marsh, one per three hundred acres; intermediate marsh, one per one hundred acres; fresh marsh, one per one hundred twenty-five acres; pump-off districts, regardless of marsh type, one per five hundred acres. Vermilion Parish, intermediate marsh, one per one hundred acres; fresh marsh, one per five hundred acres; brackish marsh, one per one hundred fifty acres; pump-off district, one per five hundred acres.

8. Validation of Alligator Skins: All alligator skins taken during the experimental alligator season shall be checked and a second tag fixed by personnel of the Louisiana Department of Wildlife and Fisheries at the headquarters of the Rockefeller Refuge on October 3, 4, 5, 1977. The holders of alligator hunting licenses must bring their skins to Rockefeller for validation on one of these three dates between the hours of 8:00 a.m. and 5:00 p.m. Special skinning instructions will be verified, and any skins not prepared according to instructions issued in advance of season will be considered illegal. Unused tags will be returned at this time. Validation tags must remain attached to the skin in Louisiana.

9. Shipment: All raw alligator skins shipped out-of-state must bear official shipping tags provided by the Commission. Forms provided must be filled out completely and returned to the Commission within fifteen days following the close of the season. No raw alligator skins may be shipped from the state after sixty days following the close of the season without first obtaining a permit from the Commission. Raw alligator skins transported in the course of a commercial activity, shipped or transported within the state must be labeled with tags issued by the Commission describing the number of skins, the consignor, shipping point, consignee, and destination. All parts of alligators, other than

the raw skins, shipped or transported within or out of the state must be clearly labeled with the license number of the alligator hunter and the number of the official tag which was attached to the alligator skin.

THEREFORE, BE IT FURTHER RESOLVED, that the administrative responsibility for conducting this season shall rest with J. Burton Angelle, Secretary of the Louisiana Department of Wildlife and Fisheries.

* * * *

Beauregard Parish Doe Season

WHEREAS, when setting the 1977-78 hunting seasons a description was omitted for a doe season in Beauregard Parish, and

WHEREAS, this area is described as that portion of Beauregard parish bounded on the west by U.S. Highway 190 and 171, on the south by the gravel pit road from Longville to Dry Creek, and on the north and east by La. Highway 394, and

WHEREAS, this described area is in Area 5 and is to have a doe season on November 5 and December 17, 1977, now,

THEREFORE BE IT RESOLVED that the above described area in Beauregard Parish have a doe season November 5 and December 17, 1977.

J. Burton Angelle, Secretary
Department of Wildlife and Fisheries

Notices of Intent

NOTICE OF INTENT

Department of Agriculture Office of Agricultural and Environmental Sciences

Notice is hereby given that the Louisiana Department of Agriculture, Office of the Commissioner, intends to establish rules for the certification of nonfee commercial applicators in Categories 7b and 7c of Section V of the State Plan for the Certification of Pesticide Applicators.

The rules establish: (1) experience requirements of applicants, (2) three phases of pest control in which the applicant may be certified, (3) the examination of the applicant, and (4) assessment of fees for certification. A copy of the proposed rules is available at Room 223, Harry D. Wilson Building, South Stadium and Highland Roads, Louisiana State University Campus, Baton Rouge, Louisiana.

All interested persons may submit their views and opinions, in writing, on or before September 6, 1977,

to the following address: Mr. E. A. Cancienne, Director, Pesticide Commission, Office of Agricultural and Environmental Sciences, Department of Agriculture, Post Office Box 16390-A, Baton Rouge, Louisiana 70893.

Gilbert L. Dozier, Commissioner
Department of Agriculture

NOTICE OF INTENT

**Department of Agriculture
Office of Agricultural and Environmental Sciences
Pesticide Commission**

Notice is hereby given that the Louisiana Department of Agriculture, Office of Agricultural and Environmental Sciences, intends to amend the Regulations to the Louisiana Pesticide Control Act, under authority of Part I of Chapter 12 of Title 3 of the Louisiana Revised Statutes of 1950.

The purpose of the amendment is to establish a system of record keeping of uses of restricted use pesticides by commercial applicators and to identify grounds for revocation or suspension of certification. A copy of the proposed amendment to the supplement is available at Room 223, H. D. Wilson Building, South Stadium and Highland Road, LSU Campus, Baton Rouge, Louisiana.

All interested persons may submit their views and opinions, in writing, on or before September 6, 1977, to the following address: Mr. E. A. Cancienne, Director, Pesticide Commission, Office of Agricultural and Environmental Sciences, Department of Agriculture, Post Office Box 16390-A, Baton Rouge, Louisiana 70893.

E. A. Cancienne, Director
Pesticide Commission

NOTICE OF INTENT

**Department of Agriculture
Office of Agricultural and Environmental Sciences
Structural Pest Control Commission**

Notice is hereby given that the Louisiana Department of Agriculture, Office of Agricultural and Environmental Sciences, Structural Pest Control Commission, proposes to adopt a policy to refuse permission for an applicant to take an examination as required of Section 1265 of the Structural Pest Control Law and Regulations, so long as the applicant is under probation, suspension or any other disciplinary action of the Commission.

The purpose of the policy is to afford the public additional protection against possible fraudulent operators.

All interested persons may submit their views and opinions, in writing, on or before September 10, 1977, to the following address: Mr. Richard Carlton, Secretary, Structural Pest Control Commission, Office of Agricultural and Environmental Sciences, Box 44153, Baton Rouge, Louisiana 70804.

Richard Carlton, Secretary
Structural Pest Control Commission

NOTICE OF INTENT

**Department of Agriculture
Dairy Stabilization Board**

Notice is hereby given that the Louisiana Dairy Stabilization Board will hold a public hearing at 10:00 a.m. on the 27th day of September, 1977, and each succeeding day as is necessary in the Conference Room, Ground Level, 2843 Victoria Drive, Baton Rouge, Louisiana for the purpose of:

1. Considering the adoption of a rule or regulation under the authority granted in R.S. 40:931.8 which would require a deposit to be placed on milk cases.

2. Considering amendments to the Dairy Stabilization Board's Regulations so that they would conform with the Louisiana Administrative Procedures Act as amended and in particular but not limited to that part referred to and known as R.S. 49:953 section A (2).

All interested persons will be afforded a reasonable opportunity to submit data, views, or arguments, orally or in writing and to participate fully in accordance with the rules and regulations of the Board and the Louisiana Administrative Procedures Act (R.S. 49:951 et seq.).

C. James Gelpi, Director-Attorney
Dairy Stabilization Board

NOTICE OF INTENT

Department of Civil Service

The State Civil Service Commission will hold a public hearing on September 7, 1977, to consider changes in the Uniform Classification and Pay Plan for classified employees.

The hearing will begin at 9:00 a.m., in the Civil Service Hearing Room, 7th Floor of the State Land and Natural Resources Building, in Baton Rouge, Louisiana.

The proposals to be considered will be to establish new classes, revise existing classes, change qualification requirements of classes and abolish classes. Additionally, consideration will be given to the adjustment of pay ranges assigned to classes.

Persons interested in making comments relative to these proposals may do so by appearance at the public

hearing or by writing to the Director of the Department of Civil Service at Box 44111, Baton Rouge, Louisiana 70804.

George Hamner, Director
Department of Civil Service

NOTICE OF INTENT

Department of Commerce Licensing Board for Contractors

The State Licensing Board for Contractors will meet Tuesday, September 14, 1977, to consider the adoption of the following rule. Interested persons may submit written comments through September 9, 1977 to: State Licensing Board for Contractors, 9181 Interline Avenue, Suite 100, Baton Rouge, Louisiana 70809.

It shall be unlawful and illegal for any primary contractor, contractor, owner, awarding authority, sub-contractor, or any other person to contract, or sub-contract, all or any portion of work involved herein, to any other contractor or subcontractor unless said contractor or subcontractor was duly licensed by this Board as of the final date fixed for the submission of bids on said work from the primary contractor to the owner, or awarding authority.

Emery L. Villar, Executive Director
Licensing Board for Contractors

NOTICE OF INTENT

Department of Commerce Real Estate Commission

Notice is hereby given that the Louisiana Real Estate Commission intends to consider at its September 14-15, 1977, meeting adoption of new and/or revised rules and regulations for the conduct of the real estate business in the State of Louisiana.

Interested persons may present their views, in writing, to the Louisiana Real Estate Commission, Post Office Box 44095, Capitol Station, Baton Rouge, Louisiana 70804, not later than September 13, 1977.

Stanley Passman, Executive Director
Real Estate Commission

NOTICE OF INTENT

Board of Trustees for State Colleges and Universities

In accordance with the laws of the State of Louisiana and with reference to the provisions of Title

30 of the Revised Statutes of 1950, as amended, a public hearing will be held in the Mineral Board Hearing Room, State Land and Natural Resources Building, Baton Rouge, Louisiana, beginning at 9:30 a.m. on September 30, 1977.

Under the authority of Article VIII, Section 6 of the 1974 Louisiana Constitution, the Board will at such hearing consider amendment to:

PART VI, Financial and Leave Policies and Procedures, and specifically, to add Section 6.6(B); and

PART IX, Athletic Policies, and specifically, Section 9.5, Eligibility Rules, B. 2. b (amend); Section 9.5, Eligibility Rules, B. 5 (amend); Section 9.5, Eligibility Rules, B. 10 (add); Section 9.6, Recruiting A. 1 and A. 2 (add); Section 9.11, Tickets and Passes, B. 1. (amend) and B. 27. (add); and Section 9.12, Other Board policies, J. Spectator Control (add).

The Board of Trustees for State Colleges and Universities will accept written comments until 5:00 p.m., September 9, 1977, at the following address: Board of Trustees for State Colleges and Universities, Suite 1412, One American Place, Baton Rouge, Louisiana 70825.

All interested persons will be afforded reasonable opportunity to submit data, views, comments, or arguments at the regular September Board meeting.

Bill Junkin, Executive Director
Board of Trustees for State Colleges
and Universities

NOTICE OF INTENT

Board of Elementary and Secondary Education

Notice is hereby given that the State Board of Elementary and Secondary Education intends to adopt at its September 22, 1977, meeting, the following policies:

1. Revision to Policy and Procedure Manual Section 4.03.40e: Adoption of a single grievance procedure for all institutions under the jurisdiction of the Board.

2. Revision to Policy and Procedure Manual Section 3.03.10: Vocational-technical directors may begin a new class or evening extension class if the initial enrollment is below fifteen persons but this must be brought to the attention of the Board at the next regular session of the Board.

3. Adoption of Vocational-Technical Education Policy and Procedure Manual as prepared by the State Advisory Council for Vocational-Technical Education with proposed amendments.

4. Revision to Policy and Procedure Manual, Section 3.01.52d, relative to teachers certified at the secondary level who are teaching in a departmentalized situation being allowed to teach at the sixth grade level.

5. 1978 State Plan for Migrant Education.

The State Board of Elementary and Secondary Education will accept written comments until 4:30 p.m., September 7, 1977, at the following address: State Board of Elementary and Secondary Education, Post Office Box 44064, Capitol Station, Baton Rouge, Louisiana 70804.

The public is made aware of the consideration of the above rule change in compliance with R. S. 49:951, et seq.

All interested parties will be afforded reasonable opportunity to submit data, views, comments, or arguments at the regular September Board meeting.

Earl Ingram, Director
Board of Elementary and
Secondary Education

NOTICE OF INTENT

**Department of Health and Human Resources
Office of Family Services**

The Department of Health and Human Resources, Office of Family Services, proposes to adopt a policy which lowers the age for mandatory work registration of Aid to Families with Dependent Children (AFDC) recipients to sixteen years.

The proposed policy as follows:

**15-781 Who Shall be Required to Register for Work at
Employment Security (ES)**

A. All applicants and recipients, age sixteen and over, must register for employment as a condition of eligibility for an AFDC payment unless exempt for one of the following reasons:

- (1) The person, age sixteen through twenty, who is enrolled as a full-time student or has been accepted for enrollment as a full-time student for the next school term. School attendance is defined in 15-704.1 A. and verification is as stated in 15-704.1 B. and C.
- (2) The person is incapacitated, either permanently or temporarily, and for that reason is prevented from entry into employment. When the incapacity is temporary, local office controls shall be set up to register the person when he is no longer incapacitated.

Incapacity shall be verified and the verification recorded in the case record by the assistance payments worker. The verification of incapacity may be by worker observation, medical reports, or Form 90. If Form 90 must be obtained to verify

incapacity and the local office needs State Office assistance in making a decision, submit Form 90 to Medical Review Team (MRT) as stated in policy 15-766. For authorization of a medical examination and completion of Form 90, issue Form 146 using Code 01. If the Medical Section cannot make a decision unless special tests are made, such tests will be approved by the Medical Section. Complete Form 146 using Code 02 for special tests.

A doctor's statement that the client is incapacitated, shall not be accepted when the local office has evidence which is not in agreement with the statement. In those instances, all pertinent medical and social information shall be sent to State Office for a MRT decision. Specify on Form 90-X or a cover memorandum the reason for the submittal.

If a person claims an incapacity which has to be verified, the person can be included or retained in the certification while incapacity is being verified.

- (3) The person is age sixty-five or older.
- (4) The person is providing caretaker services on a substantially continuous basis to another member of the household who has special medical problems. The need for this person to be a caretaker must be established as well as the condition of the person with the special medical problem.
The presence of the person as a caretaker is required when the medical condition of the ill household member does not permit self-care and there is no exempt person in the household to give the required care. It is the responsibility of the client or the ill person to provide verification of care needed. This verification shall be recorded in the case record. Persons exempted as "needed in the home" shall register for employment when no longer needed in the caretaker role.
- (5) The person is a mother or other caretaker relative of a child under age six or a women for whom a term of at least four months of pregnancy has expired. The length of pregnancy shall be verified in writing by a licensed physician or medical agency. Persons eligible for exemptions under this paragraph shall be informed that they can volunteer to register. If the decision is made to register, child care plans shall be discussed, when applicable, and if employ-

to make payments on the conveyance. Part of this condition is the client's written agreement that he will transfer the title to the child as soon as the child attains majority or is emancipated by marriage.

A power driven conveyance that is not excluded under the above noted circumstances shall be valued at its current market value less encumbrances; that is, the actual amount of money the client would receive if the conveyance was sold at market value and all indebtedness was paid off.

When placing a value on an automobile or truck, a current issue of the National Automobile Dealers Used Car Guide may be used. To secure the value add the "average wholesale" quotation and the "average retail" quotation and divide by two. Current newspaper advertisements may also be used to estimate the value of an automobile or truck, particularly when the value obviously exceeds the allowable resource limit. A client estimate of the value of a conveyance is acceptable when backed up by either of the above. When the client's estimate of value cannot be substantiated by the above or other valid data, or if he disagrees with the value placed on the conveyance by the worker, an appraisal from a licensed automobile dealer shall be secured by the client or by someone acting in his behalf.

C. Statement of Policy Intent

This policy is intended to allow a recipient group to own at least one power driven conveyance, without restriction, on the grounds that such ownership is recognized as a need for employment, for securing essential medical care and other life necessities, and for other reasons that permit maximum possible participation in normal activities of a complex society.

This policy is not intended to make a second conveyance allowable when such resource is not essential for one or more of the purposes outlined in B above.

Interested persons may submit written comments until 4:30 p.m. on September 9, 1977, to the following address: Mr. Roy E. Westerfield, Assistant Secretary, Office of Family Services, Department of Health and Human Resources, Post Office Box 44065, Baton Rouge, Louisiana 70804.

William A. Cherry, M.D., Secretary
Department of Health and Human Resources

NOTICE OF INTENT

**Department of Health and Human Resources
Office of Family Services**

The Department of Health and Human Resources, Office of Family Services proposes to adopt a revised standard of need for Aid to Families with Dependent Children, which takes into consideration cost of living

increases in urban and nonurban areas, which have occurred since the last adjustment in 1969. The recommended standard by size of household is as follows:

AFDC Need Standard

Size of Household	Nonurban	*Urban
1	\$ 93.00	\$100.00
2	177.00	196.00
3	247.00	271.00
4	309.00	335.00
5	366.00	393.00
6	418.00	445.00
7	471.00	497.00
8	523.00	549.00
9	574.00	600.00
10	622.00	648.00
11	675.00	702.00
12	706.00	730.00
13	758.00	779.00
14	794.00	814.00
15	821.00	841.00
16	877.00	904.00
17	924.00	939.00
18	971.00	992.00
	For each additional person in household, add \$43.00 to the standard	For each additional person in household, add \$48.00 to the standard

*Urban areas include: Orleans, Jefferson, East Baton Rouge and St. Bernard.

The above recommendations are presented to comply with the provisions of Act No. 540 of the 1976 session of the State Legislature. The actual payment levels in AFDC are determined by the size of the respective appropriation, and bears no direct relationship to the need standard.

Interested persons may submit comments orally or in writing until 4:30 p.m. September 9, 1977, to Mr. Roy E. Westerfield, Assistant Secretary, Office of Family Services, Department of Health and Human Resources, Post Office Box 44065, Baton Rouge, Louisiana 70804.

William A. Cherry, M.D., Secretary
Department of Health and Human Resources

NOTICE OF INTENT

**Department of Health and Human Resources
Office of Family Services**

The Department of Health and Human Resources, Office of Family Services, proposes to implement effective October 1, 1977, a Medically Needy Program. This program implementation will assure compliance

with Act 528 passed by the Louisiana Legislature in 1976, which directed the Department of Health and Human Resources to prepare and administer a Medically Needy Program. The intent of the Medically Needy Program is to assume the expense of services covered by Louisiana's Medical Assistance Program when an individual or family is categorically related to a comparable group and whose income and/or resources are insufficient to meet medical needs. The Medically Needy Program will not include payments to mental health hospitals, tuberculosis hospitals, and long term care facilities.

Eligibility Requirements for the Medically Needy Program

Eligibility for the Medically Needy Program is limited to individuals and/or families who are categorically related to a comparable group covered by an assistance category, but their income and resource levels are sufficient to meet their basic maintenance needs.

1. Categories of public assistance relatedness:
 - A. Age requirements for Supplemental Security Income (SSI) (sixty-five), verified by birth certificate, passport, baptismal certificate, census report, Retirement Survivors' and Disability Insurance (RSDI), etc.;
 - B. Blindness requirement for SSI (vision is no better than 20/200 even with glasses) verified by examination by a licensed ophthalmologist, eye, ear, nose and throat specialist, or optometrist;
 - C. Disabled requirement for SSI (physical or mental impairment prevents substantial gainful work, impairment is expected to last twelve months, or result in death), verified by medical examination and review by Medical Social Review Team (MSRT), RSDI verification;
 - D. Deprivation of parental support as in Aid to Families with Dependent Children (AFDC), deprivation exists when at least one parent is dead, absent continuously from the child's home, or incapacitated. It is not necessary to file nonsupport charges.

The requirement for categorical relatedness as a condition of eligibility for the Indochinese Refugee applicant/recipient is not imposed for Medically Needy assistance.

2. Resource requirements:
 - A. Home and contiguous property regardless of value.
 - B. Auto (motor vehicle) valued up to \$1,200 is excluded. Any vehicle valued above this amount would need to be required for at least one of the following:
 - (1) If needed in medical care,
 - (2) If used for work or for business,

- (3) If car has been modified for use by handicapped person.

- C. Liquid assets worth up to \$1,500 for individual, \$2,250 for two, \$2,275 for three. Add twenty-five dollars for additional household members.
 - D. Life insurance face value \$1,500 on each individual in the family. Do not count term life insurance or any that does not have a cash surrender value.

Indochinese Refugee applicants/recipients' financial resources which are in fact not available to the refugee, including resources remaining in Vietnam and Cambodia owned by the refugee or a responsible relative, shall not be considered in determining eligibility for the Medically Needy Program.

Medically Needy Group Designation

There are two major groups within the Medically Needy Program:

1. Regular Medically Needy are those individuals or families whose income for family size is within the Medically Needy Income Eligibility Standard (see chart) and whose resources fall within specified limits for the Medically Needy Program. Eligibility as regular medically needy continues as long as the individual or family meets the categorical relatedness criteria and income and resources are within the specified limits. In these situations, a redetermination of eligibility is required every six months.

The eligibility date in regular medically needy situations may be the first day of the month of application, or may extend retroactively as far back as the first day of the third month prior to the month of application.

At the time of redetermination, the case shall be either closed or eligibility will be extended for the next six months. A redetermination scroll for regular Medically Needy cases will be sent from State office during the fifth month of eligibility. Eligibility must be redetermined prior to the cutoff date during the six month period.

2. Spend-Down Medically Needy are those individuals or families whose resources fall within the specified limits, but whose adjusted income is above the Medically Needy Income Eligibility Standard (see chart). These individuals or families qualify for the Medically Needy Program on the basis that their excess income is obligated or spent for medical services. Eligibility for this group is for a predetermined time period, up to a maximum of three months.

There will be no redetermination in these cases since Spend-Down Medically Needy individuals or families have a "fixed" period of eligibility at the end of which data processing automatically closes the case. Individuals or families may reapply for Spend-Down Medically Needy.

In Spend-Down Medically Needy cases, the date eligibility begins will be the day on which excess income is obligated or spent on medical services to that point specified on the Medically Needy Income Eligibility Standard chart (see attached). Eligibility can be extended retroactively as far back as the third month preceding the date of application. Individuals in this group will not be automatically certified for full month coverage, but will be eligible from the point the incurred expenses have "spent-down" the excess income.

Interested persons may submit in writing or orally comments on the proposed policy until 1:00 p.m. September 5, 1977, to Mr. Roy E. Westerfield, Assistant Secretary, Office of Family Services, Department of Health and Human Resources, Post Office Box 44065, Baton Rouge, Louisiana 70804.

William A. Cherry, M.D., Secretary
Department of Health and Human Resources

**Medically Needy
Income Eligibility Standard**

Rural Parishes		
Number of Persons	Monthly Eligibility Standard	Quarterly Eligibility Standard
1	\$108.00	\$ 325.00
2	117.00	351.00
3	167.00	501.00
4	208.00	625.00
5	242.00	726.00
6	275.00	825.00
7	317.00	951.00
8	350.00	1,050.00
9	383.00	1,150.00
10	417.00	1,251.00
11	450.00	1,350.00
12	492.00	1,476.00
13	525.00	1,575.00
14	567.00	1,701.00
15	608.00	1,825.00
16	642.00	1,926.00
17	683.00	2,050.00
18	725.00	2,175.00
19	767.00	2,301.00
20	800.00	2,400.00

**Urban Parishes
(Orleans, Jefferson, St. Bernard,
East Baton Rouge)**

Number of Persons	Monthly Eligibility Standard	Quarterly Eligibility Standard
1	\$117.00	\$ 351.00
2	133.00	400.00
3	183.00	550.00
4	225.00	675.00
5	258.00	775.00
6	300.00	900.00
7	333.00	1,000.00
8	367.00	1,101.00
9	400.00	1,200.00
10	433.00	1,300.00
11	467.00	1,401.00
12	508.00	1,525.00
13	542.00	1,626.00
14	583.00	1,750.00
15	617.00	1,851.00
16	667.00	2,001.00
17	692.00	2,076.00
18	733.00	2,200.00
19	783.00	2,350.00
20	825.00	2,475.00

NOTICE OF INTENT

**Department of Health and Human Resources
Office of Health Services and Environmental Quality**

The Department of Health and Human Resources, Office of Health Services and Environmental Quality, proposes to amend the rules and regulations for the chemical testing for intoxication so as to permit the use of the Gas Chromatograph Intoximeter manufactured by CalDetect, Inc., Richmond, California, and distributed by Intoximeters, Inc., of St. Louis, Missouri. The proposed amendments would also establish procedures for the operation and maintenance of the Gas Chromatograph Intoximeter, and provide for the training of operators. Interested persons may submit written comments to Raymond L. Smart, General Counsel, 505 Commerce Building, 333 Laurel Street, Baton Rouge, Louisiana 70804 through the close of business September 6, 1977.

William A. Cherry, M.D., Secretary
Department of Health and Human Resources

NOTICE OF INTENT

Department of Health and Human Resources Office of Mental Health

The Louisiana Department of Health and Human Resources, Office of Mental Health, proposes to adopt the 1978 Louisiana State Plan for Comprehensive Mental Health Services. This action will be in compliance with United States Government Regulations promulgated on June 30, 1976, in the Federal Register, Volume 41, Number 127, page 26,909.

The National Alcohol, Drug Abuse and Mental Health Administration requires that each state submit a comprehensive mental health plan, in order to justify use of Federal matching funds for programming or construction. The plan being proposed is a description of: (1) administration, (2) the State mental health program, and (3) catchment area mental health programs, with projected needs for expanded services during the next four years. The plan identifies those areas of the state having the greatest need for additional mental health services and facilities.

The proposed plan is available for public review at all Mental Health Centers in the state and at the State Office of Mental Health, Room 303, 655 North Fifth Street, Baton Rouge. Written comments may be directed to the Office of Mental Health, P. O. Box 106, Baton Rouge, Louisiana 70821, through September 6, 1977.

Carolyn Kitchin, M.D.
Assistant Secretary
Office of Mental Health

NOTICE OF INTENT

Department of Health and Human Resources Board of Examiners for Nursing Home Administrators

The Department of Health and Human Resources, Board of Examiners for Nursing Home Administrators, will meet at 10:00 a.m. September 15, 1977, in the Board Room of the Family Services Building, Riverside Mall, Baton Rouge, Louisiana for the purpose of considering the adoption of rules relative to the following:

1. Minimum standards for reciprocity, including minimum score of seventy percent on the examination of the National Association of Boards of Examiners for Nursing Home Administrators (NAB), or an equivalent test; sixty semester hours of academic training from an accredited college or university and/or five years of experience as a licensed nursing home administrator; one semester (four to six months) in an administrator-in-training program, in addition to the sixty semester hours

of college or university training, and in lieu of five years of experience as a licensed nursing home administrator.

2. Deletion of the word "misdemeanor" wherever it appears in the rules and regulations and from future reregistration applications.

3. Deletion of Section 6, Part A, of Rule 7, which reads "on or after July 1, 1976, an applicant must have been awarded the baccalaureate degree from an accredited institution of higher learning."

4. Amending Rule 11 to reduce the passing grade from seventy-five percent to seventy percent.

Interested persons may submit written comments through September 6, 1977, to: Dr. Robert W. Haacker, Board of Examiners for Nursing Home Administrators, 301 Oriole Lane, Shreveport, Louisiana 71105. Reasonable opportunity for oral comments will be made available at the Board meeting.

Robert W. Haacker, Executive Secretary
Board of Examiners for Nursing Home
Administrators

NOTICE OF INTENT

Department of Labor Office of Employment Security

Notice is hereby given that the Office of Employment Security proposes to amend Regulations 11 and 15 of the Office of Employment Security regulations effective October 1, 1977, as follows:

Regulation 11. Separation Notices.

(a) Individual Separation Notices.

(1) No disqualification alleged.

Whenever a worker is separated from his employment, permanently or for an indefinite period or for an expected duration of seven or more days, under circumstances which are not expected by his employer to disqualify him for benefits pursuant to R.S. 23:1601, his employer shall give him at the time of separation or if such personal delivery is impossible or impracticable shall mail to his last known address within forty-eight hours after such separation, "Worker's Claim Information Booklet," Form LDES-87.

(2) Under Conditions Which May Disqualify.

Whenever a worker is separated from his employment permanently or for an indefinite period or for an expected duration of seven or more days, under conditions which may disqualify him for benefits pursuant to the provisions of R.S. 23:1601, his employer shall within seventy-two hours after such separation give him, or if such delivery is impossible or impracticable, mail to his last known address a "Separation Notice Alleging

Disqualification," Form LDES-77, on which the employer has entered the required information.

Within the same period of time, the employer shall send a copy of such separation notice, certified to by himself or his duly authorized agent, to the Administrator.

(3) Upon Request of Administrator.

Upon the request of the Administrator for Separation Information covering any worker separated by any employing unit from its employ, such employing unit shall within ten days following the mailing of such request, completely fill out such notice and return it to the address specified thereon.

(4) Failure by an Employing Unit.

Failure by an employing unit to furnish the Administrator, within the time allowed, information which may disqualify for benefits under R.S. 23:1601 shall be deemed an admission that such worker was not separated under disqualifying circumstances, unless the Administrator finds good cause for the failure to comply.

(b) Mass Separation Notices.

In the event of a separation of fifty or more individuals by an employer for the same reason and about the same time, the employer shall notify the Administrator of such separation. Upon receipt of such notice, the Administrator shall make full investigation.

(c) Labor Dispute Notices.

(1) In case of a separation due to a labor dispute, the employer shall within forty-eight hours after such separation file with the local employment office nearest the place of business a notice setting forth the existence of such dispute and the approximate number of workers affected.

(2) Upon request by the Administrator such employer shall furnish the names and Social Security account numbers of workers ordinarily attached to the department or the establishment where unemployment is alleged to be caused by a labor dispute.

Regulation 15. Registration for Work and Claims for Benefits for Partial Unemployment.

(a) Employer Responsibility in the Initiation of a First Claim for Partial Benefits in a Benefit Year.

(1) Immediately after the termination of any calendar week in which a worker earned less than sixty percent of his customary full-time weekly wage due to lack of work, his employer shall give such worker a copy of Form LDES-89, "Low Earnings Report and Claim for Partial Benefits," setting forth therein the information required of the employer. If such worker completes and returns Form LDES-89 to his employer, such employer shall promptly mail or otherwise transmit such form to the local office of the Department of Labor, Office of

Employment Security, through which the employer has a partial claims agreement.

(2) Upon receipt of Form LDES-89 the Department of Labor, Office of Employment Security, shall promptly notify such worker named therein of his potential rights to partial benefits and shall notify his employer of such worker's weekly benefit amount and benefit year ending date. Upon receipt thereof, such employer shall record such weekly benefit amount and benefit year ending date upon his payroll records.

(b) Employer to Furnish Evidence of Subsequent Weeks of Partial Unemployment.

After an employer has been notified of the weekly benefit amount and current benefit year ending date of any worker in his employ, such employer, until otherwise notified, shall, immediately after the termination of each calendar week which begins within such benefit year and for which such worker's earnings fall below such weekly benefit amount because of lack of work in such week, furnish each such worker with a copy of Form LDES-89, "Low Earnings Report and Claim for Partial Benefits," setting forth the information required therein, including the worker's name and Social Security account number, the ending date of such week, the wages earned therein, and a proper certification as to his having worked less than his normal customary full-time hours because of lack of work in such week. If such worker completes and returns such form to his employer, such employer shall promptly mail or otherwise transmit such form to the local office of the Department of Labor, Office of Employment Security, through which the employer has a partial claims agreement.

(c) Registration and Filing of Claims for Partial Unemployment.

A claim for benefits for any individual on Form LDES-89, "Low Earnings Report and Claim for Partial Benefits," or other form designated by the Department of Labor, mailed by him or his employer in his behalf, or delivered to the local office of the Department of Labor, Office of Employment Security, shall constitute such individual's notice of unemployment, registration for work, and claim for benefits or waiting period credit, with respect to each such week of partial unemployment covered by the claim provided that such form is executed by such individual and received by the local office of the Department of Labor, Office of Employment Security, through which the employer has a partial claims agreement within seven days following the week to which the form pertains.

(d) Extended Period for Registration and Filing of Claims for Good Cause.

Notwithstanding the provisions of part (c) of this regulation, if the Administrator finds that the failure of any individuals to register and file a claim for partial unemployment benefits within the time set forth in part

(c) was due to failure on the part of the employer to comply with any of the provisions of parts (a), (b), and (c) of this regulation, or to coercion or intimidation exercised by the employer to prevent the prompt filing of such claim, or to failure by the Department of Labor, Office of Employment Security, to discharge its responsibilities promptly in connection with such partial unemployment, the Administrator shall extend the period during which such claim may be filed to a date which shall be not less than one week after the individual has received appropriate notice of his potential rights to benefits and his earnings during the period of such partial unemployment, provided, however, that the period during which such claim may be filed shall not be extended beyond the thirteen-week period subsequent to the end of the actual or potential benefit year during which such week of partial unemployment occurred.

(e) Employer Records in Connection with Partial Unemployment.

In addition to the requirements set forth in regulation 6, each employer shall keep his payroll records in such form that it would be possible for an inspection to determine with respect to each worker in his employ who may be eligible for partial benefits:

(1) Wages earned, by weeks, described in regulation 12(b).

(2) Whether any week was in fact a week of less than full-time work.

(3) Time lost, if any, for each such worker, due to his unavailability for work.

Persons having any questions or comments concerning the above amendments may contact Howard Gautreau, Room 270, Office of Employment Security, 1001 North 23rd Street, Baton Rouge, Louisiana, through September 6, 1977.

Thomas M. Lockwood, Assistant Secretary
Office of Employment Security,
Department of Labor

NOTICE OF INTENT

Department of Public Safety
Office of the Secretary

Notice is hereby given that the Secretary of the Louisiana Department of Public Safety will conduct a public hearing at 9:00 a.m. September 28, 1977, in the Hearing Room, Office of Alcoholic Beverage Control, 2124 Wooddale Boulevard, Baton Rouge, Louisiana. This hearing will be for the consideration of revisions in the rules and regulations relative to the possession, transportation, storage, and use of explosives in the State of Louisiana. Interested persons may present their views in writing through September 23, 1977, to:

Officer Earl Ensor, Supervisor, Explosive Control, Box 1791, Baton Rouge, Louisiana 70821. Also, reasonable opportunity for oral comments will be made available at the hearing.

Malcolm R. Millet, Secretary
Department of Public Safety

NOTICE OF INTENT

Department of Urban and Community Affairs
Office of Community Services

The Department of Urban and Community Affairs, Office of Community Services, will hold a public hearing at 9:00 a.m. September 6, 1977, in the Conservation Auditorium, Land and Natural Resources Building, 625 North 4th Street, Baton Rouge, Louisiana.

The purpose of the hearing will be to receive comments and consider adoption of the State Plan for the Federal Energy Administration's Weatherization Assistance Program for low income people, Title II, Part A, P.L. 94-3385.

Interested persons may submit their written views and opinions until 4:30 p.m., September 5, 1977, at the following address: Department of Urban and Community Affairs, Office of Community Services, 300 Louisiana Avenue, Baton Rouge, Louisiana 70802. Reasonable opportunity for oral comment will be permitted at the hearing.

Leon Tarver, Secretary
Department of Wildlife and Fisheries

NOTICE OF INTENT

Department of Urban and Community Affairs
Office of Consumer Protection

The Assistant Secretary of the Office of Consumer Protection, Department of Urban and Community Affairs, hereby gives notice of his intention to amend Title 1 and Title 2 of the Consumer Protection Rules and Regulations to reflect changes in the Administrative Procedures Act (Act 279 of 1976) and the Reorganization Act (Act 83 of 1977), subject to the approval of the Consumer Protection Advisory Board and the Attorney General, on September 6, 1977, at 5:00 p.m. at the office, 1885 Wooddale Boulevard, Suite 1218, Baton Rouge, Louisiana 70806.

Any interested person may submit, orally or in writing, his views, arguments, data, or reasons in support of or in opposition to this intended adoption of amendments to the rules and regulations by personally visiting the above office during its normal office hours

from 8:30 a.m. to 5:00 p.m. on any day not a legal holiday or day of the weekend, from now until the above time and date of taking the intended action, and submitting same.

Charles W. Tapp, Assistant Secretary
Office of Consumer Protection

NOTICE OF INTENT

Department of Wildlife and Fisheries

The Department of Wildlife and Fisheries will consider a change in the closing date of the menhaden season at a meeting of the Wildlife and Fisheries Commission to be held at 10:00 a.m. September 27, 1977, at 400 Royal Street, New Orleans, Louisiana 70130. The menhaden season opens the third Monday in April and closes the second Tuesday in October. Interested persons may submit written comments until 5:00 p.m. September 15, 1977, to: Mr. J. Burton Angelle, Department of Wildlife and Fisheries, 400 Royal Street, New Orleans, Louisiana 70130.

J. Burton Angelle, Secretary
Department of Wildlife and Fisheries

NOTICE OF INTENT

Department of Wildlife and Fisheries Stream Control Commission

Notice is hereby given that the Louisiana Stream Control Commission will hold a public hearing in the Conservation Hearing Room on the first floor of the State Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, Louisiana, on Thursday, September 29, 1977, beginning at 9:30 a.m.

The Commission will consider the adoption of:

1. A proposed regulation regarding the execution of the Lower Mississippi River Waterworks Warning Network Plan by all users and dischargers to the Mississippi River, downstream of the Old River Control Structure, and users of Bayou Lafourche.

2. A proposed regulation regarding the control and/or restriction of effluents from sand and gravel mining operations into Louisiana surface waterbodies.

These proposed orders were presented and discussed at the August 26, 1977, public hearing and modified in accordance therewith.

Interested persons may submit data, views, or arguments relative to the proposed orders and/or the procedures employed in developing them, orally or in writing at the public hearing or prior to the hearing submit them to the Louisiana Stream Control Commission, Post Office Drawer FC, University Station, Baton

Rouge, Louisiana 70893, Telephone (504) 389-5309.

The Commission acting under the authority of R.S. 56:1439 and under the procedures prescribed by R.S. 49:953 may adopt the proposed orders as presented or amended in response to data, views, or arguments submitted.

Copies of proposed changes or revisions, if any, will be available for inspection ten days prior to the date of the hearing and may be seen in every parish library in the State of Louisiana and in every district office of the Louisiana Department of Wildlife and Fisheries as well as the office of the Louisiana Stream Control Commission in the Geology Building, Room 135, on the Louisiana State University Campus, Baton Rouge, Louisiana. While the limited supply lasts, the Commission will mail copies to interested persons who request them by mail.

Robert A. Lafleur, Executive Secretary
Stream Control Commission

Department of Labor Office of Employment Security

Pursuant to Act 664 of the Regular Session of the 1974 Louisiana Legislature and Act 583 of the Regular Session of the 1975 Louisiana Legislature, the state's average weekly wage upon which both the maximum unemployment compensation weekly benefit amount and the maximum workmen's compensation weekly benefit amounts will be based effective September 1, 1977, has been determined by the Louisiana Department of Labor to be \$194.75.

Joseph R. Gerace, Secretary
Department of Labor

Department of Urban and Community Affairs Office of Consumer Protection

By this means I hereby delegate to the Assistant Secretary of the Department of Urban and Community Affairs, Office of Consumer Protection, that authority transferred to the Department of Urban and Community Affairs by Section 851-857 of Act 83 of 1977, which is necessary and incidental to the implementation and performance of those legal duties and functions vested in the Office of Consumer Protection by Act 759 of 1972 and Act 83 of 1977.

You are hereby authorized to initiate any action, sign any document, release any material, or make any

appearance, and to discharge those duties, responsibilities, and functions with respect to the Office of Consumer Protection as expressed in Section 558 E of Act 83 of 1977. You are further authorized to implement and enforce the provisions of Act 759 of 1972 as that Act may be amended from time to time.

A copy of this document shall be filed with the Office of the Governor, the Office of the Attorney General, the Office of the Secretary of State, the Division of Administration, and the Department of the State Register.

Done this 2nd day of August in the year 1977.

Leon Tarver, Secretary
Department of Urban and Community Affairs