

CONTENTS

I. EXECUTIVE ORDERS

EWE-79-9—Increases membership of Highway Safety Commission	318
EWE-79-10—Temporarily suspends purchasing procedures to expedite disaster relief	318
Executive Order Number 56 (Amendment)—Educational leave	318

II. EMERGENCY RULES

Health and Human Resources Department:	
✓ Office of Family Security—Payment for pancreatic enzymes under the Medical Assistance Program	318
✓ Maximum allowable costs for drugs	319
Office of Licensing and Regulation:	
✓ Division of Health Planning and Development—Review of capital expenditures by health care facilities	319
Natural Resources Department:	
Office of Conservation—Guidelines for sale of natural gas	322
Wildlife and Fisheries Department:	
Wildlife and Fisheries Commission—Closing of Black-Clear Lake and Saline Lake to commercial netting	324

III. RULES

Agriculture Department:	
Seed Commission—Certification of bulk seed rice	324
Tagging of certified seed	325
Structural Pest Control Commission—Meetings	325
Commerce Department:	
Racing Commission—Neurectomies	325
Education:	
Board of Trustees for State Colleges and Universities—Leaves of absence and public office seeking	325
Governor's Special Commission on Education Services:	
Loan/Grant Division—New loan limits	326
Board of Elementary and Secondary Education—ESEA Title II State Plan; implementation dates for high school graduation requirements; Tuition Exemption Continuing Education Program for Teachers; school calendars for vocational technical schools	326
Health and Human Resources Department:	
Air Control Commission—Refinery vacuum producing systems	326
✓ Office of Family Security—Reimbursement for removable partial dentures	326
✓ Standards for participation in the Emergency Transportation Program	326
✓ Medicaid payment for transportation services	328
Natural Resources Department:	
Office of the Secretary—Fees for holders of state mineral leases and pipeline rights-of-way in the coastal zone area	328
State Department:	
Board of Election Supervisors—Procedure for and removal of registrars of voters	328
Wildlife and Fisheries Department:	
Wildlife and Fisheries Commission—Menhaden season; netting trawls and seines at Grand Isle	329

IV. NOTICES OF INTENT

Agriculture Department:	
Office of Agricultural and Environmental Sciences:	
Horticulture Commission—Personal and vehicle identification	330
Pesticide Commission—Restricted use of pesticides	330
Structural Pest Control Commission—Lethal yellowing quarantine	330
Commerce Department:	
Board of Certified Public Accountants—Implementation of Act 510 of 1979	331
Licensing Board for Contractors—Exemption provisions	331
Racing Commission—Overnight handicap and added money stakes events	331
Corrections Department:	
Office of the Secretary—Escorted inmate absences	331
Education:	
Board of Elementary and Secondary Education—Nonpublic school testing guidelines; guidelines for project evaluators	332
Board of Regents—Amendment to <i>Master Plan for Higher Education</i>	333
Governor's Office:	
Tax Commission—Average stumpage market value of timber and pulpwood (joint notice)	338
Health and Human Resources Department:	
✓ Air Control Commission—Various amendments to the regulations and <i>State Implementation Plan</i>	333

- Board of Embalmers and Funeral Directors—Pressure sales tactics 337
- Office of Family Security—Payment for pancreatic enzymes under the Medical Assistance Program 337
 - Maximum allowable cost requirements for drugs 337
- Office of Health Services and Environmental Quality:
 - Food and Drug Control Unit—Reusing plastic containers 337
- Natural Resources Department:
 - Office of Conservation—Surface mining regulations 338
 - Office of Forestry—Average stumpage market value of timber and pulpwood (joint notice) 338
 - Office of the Secretary—Sale of crude oil to small refineries 338
 - Rules of procedure; implementation of Act 605 of 1979 338
- Public Safety Department:
 - Office of Alcoholic Beverage Control—Unfair business practices in the malt beverage industry 339
 - Office of State Fire Protection—Plans and specifications for new buildings 339
 - Office of Motor Vehicles—License plate regulations 339
- Transportation and Development Department:
 - Coastal Commission—Coastal use permits, approval of local programs 341
- Treasury Department:
 - Bond Commission—Rules for non-traditional use bond issues, procedural rules 341
- Wildlife and Fisheries Department:
 - Division of Water Pollution Control—Revised Mississippi River Basin Plans 341
 - Wildlife and Fisheries Commission—Oyster fees; experimental fishing permits 342

V. POTPOURRI

- Wildlife and Fisheries Department:
 - Wildlife and Fisheries Commission—Hearing of appeal concerning denial of application 342

Executive Orders

EXECUTIVE ORDER EWE-79-9

WHEREAS, the Louisiana Highway Safety Commission was created as a division of the office of the Governor by Act 275 of 1968 and Act 278 of 1977, and was subsequently transferred to the Department of Public Safety pursuant to Act 83 of 1977; and

WHEREAS, the membership of the Commission was fixed by said Acts at twenty-one members to be appointed by the Governor; and

WHEREAS, there are certain departments and officials, the functions, activities, and legal responsibilities of which involve or affect highway safety and whose experience, expertise, and guidance are invaluable to the statewide program;

THEREFORE, the membership of the Louisiana Highway Safety Commission is increased to include five ex-officio members: the Adjutant General of Louisiana, the Secretary of the Department of Public Safety, the Deputy Secretary of the Department of Public Safety, the Assistant Secretary for the Office of Highways, Department of Transportation and Development, and the Judicial Administrator of the Supreme Court of Louisiana.

IN TESTIMONY 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 25th day of September, A.D. 1979.

Edwin Edwards
Governor of Louisiana

EXECUTIVE ORDER EWE-79-10

WHEREAS, due to natural and incidental man-made catastrophes and disasters which have resulted and will continue to result from the torrential rains, high water levels and flooding of certain areas of the State of Louisiana, causing, or threatening to cause, widespread and severe damage and injury, including loss of life or property; and

WHEREAS, citizens of these areas have been or will be driven from their homes; and

WHEREAS, the state and federal governments have declared these areas a major disaster; and

WHEREAS, when such conditions exist, it is necessary and appropriate, under the Constitution and laws of this State, for the Governor to take such action as he considers necessary and appropriate to protect lives and property to the end that existing hazards, danger and delays will be decreased and hopefully eliminated; and

WHEREAS, the Chief Executive of Louisiana is required to act in the public interest in times of emergency, catastrophe, and disaster.

NOW, THEREFORE, by virtue of the powers vested in me to preserve law and order, to curtail and reduce injury and damage to persons and property resulting from catastrophe and disaster, and to expedite relief, I, EDWIN EDWARDS, acting under the authority granted to me and the duties imposed upon me by Article 4, Sections 5 (A) and (J) of the Louisiana Constitution of 1974, Act 636 of 1974 as amended by Section 1 of Act 645 of 1975 (The Louisiana Disaster Act of 1974) do hereby, and for an

indefinite period not to exceed thirty days from this date for the purposes of administering the Temporary Housing Program, suspend all provisions of any regulatory statutes prescribing the procedures for purchases of services, supplies, and equipment.

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 25th day of September, A.D. 1979.

Edwin Edwards
Governor of Louisiana

AMENDMENT AND ADDENDUM TO EXECUTIVE ORDER NO. 56 of 1974

BY VIRTUE of the power vested in me and acting under the authority of Article 4, Section 5 (A) of the Louisiana Constitution of 1974, I, EDWIN EDWARDS, do hereby add the following provision to Executive Order 56 of 1974, such provision to be designated as subsection 11.4:

11.4 Educational Leave

The four higher education boards—the Board of Regents, the Board of Supervisors of Louisiana State University, the Board of Supervisors of Southern University and the Board of Trustees for State Colleges and Universities may adopt rules, procedures, or criteria for the granting of academic, educational, administrative, or sabbatical leave, with or without pay, for their respective unclassified employees. Unclassified employees of other state agencies may be granted educational leave in accordance with Civil Service rules and regulations.

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 7th day of September, A.D. 1979.

Edwin Edwards
Governor of Louisiana

Emergency Rules

DECLARATION OF EMERGENCY

Department of Health and Human Resources Office of Family Security

In accordance with the provisions of R.S. 40:29, the Department of Health and Human Resources, Office of Family Security, has expanded the list of drugs eligible for payment by the Medical Assistance Program. Effective October 15, 1979, persons under age twenty-one who are recipients in the Medicaid (Title XIX) Program are eligible for payment of pancreatic enzymes through the drug program. The following are the enzymes that will be covered by the program: Cotazym, Ilozyme, Ku-zyme HP, Pancrease, Pancreatin, and Viokase.

This action will allow the Medical Assistance Program the capability of providing these potentially life sustaining medications.

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

DECLARATION OF EMERGENCY

Department of Health and Human Resources Office of Family Security

In accordance with the provision of R.S. 40:29, the Department of Health and Human Resources, Office of Family Security has expanded the list of drugs for which Maximum Allowable Costs (MAC) are required by federal regulations. Effective October 15, 1979, the MAC has been established as follows: Diphenoxylate hydrochloride/atropine sulfate 2.5 mg./0.025 mg. tablet, \$0.0491 per tablet; Doxepin, 100 mg. capsule, 0.2900 per capsule; Methocarbamol, 500 mg. tablet, 0.0496 per tablet; Methocarbamol, 750 mg. tablet, 0.0640 per tablet; Oxyphenbutazone, 100 mg. tablet, 0.0847 per tablet; Penicillin G, 400 mu. tablet, 0.0237 per tablet; Penicillin G, 800 mu. tablet, 0.0640 per tablet; Sulfisoxazole, 500 mg. tablet, 0.0273 per tablet; and Tetracycline Hcl, 125 mg./5 ml. syrup, 0.0104 per ml.

In no case may a recipient be required to provide payment for any difference in a prescription price that may occur with the implementation of MACs, nor may our office use a cost which exceeds the established maximums except as follows. HEW's regulations provide that when a physician certifies that a specific brand is medically necessary for a particular patient then the MAC limitations for that medication will not apply. In this case their specific guidelines provide that:

1. the certification must be in the physician's handwriting;
2. the certification may be written directly on the prescription, or on a separate sheet which is attached to the prescription;
3. a standard phrase written on the prescription, such as "brand necessary" will be acceptable;
4. a printed box on the prescription blank that could be checked by the physician to indicate brand necessity is unacceptable;
5. a handwritten statement transferred to a rubber stamp and then stamped on the prescription blank is unacceptable.

This action will allow the Medical Assistance Program to be in compliance with federal regulation 45 CFR 19.5. These new regulations were published in the *Federal Register*, Volume 44, Number 169, page 50651. Compliance with these regulations assures continued federal financial participation in Louisiana's Medical Assistance Program.

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

DECLARATION OF EMERGENCY

Department of Health and Human Resources Office of Licensing and Regulation Division of Health Planning and Development

In accordance with the provisions of the FY 1979-80 agreement between the Louisiana Department of Health and Human Resources (DHHR) and the United States Department of Health, Education and Welfare (DHEW) to conduct a program in Louisiana to review capital expenditures by health care facilities

under Section 1122 of the Social Security Act, the following rules were adopted by the Department of Health and Human Resources in its capacity as the State Health Planning and Development Agency under Public Law 93-641 and as the Designated Planning Agency under Public Law 92-603 (Section 1122).

An Emergency Rule was necessary in order that the Department of Health and Human Resources could ensure uninterrupted operation of the review of capital expenditures by health care facilities under Section 1122 of the Social Security Act. Effective September 24, 1979, this Department has adopted policies in regard to Section 1122 which will ensure continued operation of that program.

Section 1122 Guidelines

Section 1122 of the Social Security Act, as amended by Public Law 92-603, the Social Security Amendments of 1972, requires that a health facility which proposes to make a capital expenditure obtain prior approval by a designated planning agency in order to be reimbursed for expenses related to the capital expenditure under the Medicare, Medicaid, and Maternal and Child Health programs. The purpose of this provision is to assure that federal funds are not used to support unnecessary capital expenditures by health care facilities.

The state agency designated to carry out the provisions of this law in Louisiana is the Division of Health Planning and Development (DHPD), which is the state agency organized under P.L. 93-641.

In making its review of proposed capital expenditures DHPD will consult with the appropriate health systems agency in addition to the Division of Licensing and Certification and any other appropriate state agency.

For the purpose of this Section (1122), "health care facility" includes hospitals, psychiatric hospitals, tuberculosis hospitals, skilled nursing facilities, kidney disease treatment centers including freestanding hemodialysis units, intermediate care facilities, and ambulatory surgical facilities, but does not include Christian Science sanatoriums operated or listed and certified by the First Church of Christ, Scientists, Boston, Massachusetts.

Capital expenditures covered are those which are not properly chargeable as expenses of operation and maintenance and which exceed \$100,000 or change the bed capacity of the facility, or substantially change the services of the facility. Any questions regarding applicability of expenditures to review should be directed solely to DHPD for an official determination.

When making a determination of the total amount of any capital expenditure discussed herein, DHPD shall consider the cost of studies, surveys, designs, plans, working drawings, specifications and other activities essential to the acquisition, improvement, expansion or replacement of the plant and equipment with respect to which such expenditure is made.

Proposals for the acquisition of facilities or equipment by lease or comparable arrangement or through donation may be subject to review under Section 1122. DHPD should be contacted for a determination of applicability and assistance in computing amounts subject to Section 1122 review.

Any capital expenditure for which the obligation is incurred by or on behalf of a health care facility after December 31, 1972, is subject to review under these provisions.

An expenditure for which an obligation was incurred before January 1, 1973, is not subject to review requirements of Section 1122.

The statute permits an exception to any health care facility providing services as of December 18, 1970, which as of that date was committed to a formal plan of expansion or replacement as approved by the facility's board of trustees. This can only occur if

the facility spent \$100,000 or more during the three-year period ending December 17, 1970, for preliminary items on the plan including payments for studies, surveys, designs, plans, working drawings, specifications and site acquisition. In such a case, Section 1122 shall not apply to capital expenditures made in conformity with that plan. The exception shall, however, not apply to capital expenditures which are not included in the plan.

The Division of Health Planning and Development may, at its option, elect not to review certain proposed capital expenditures which have been determined to be subject to review under Section 1122 of the Social Security Act. A decision to elect not to review shall be equivalent to a determination by DHPD that such expenditure is in conformity with applicable standards, criteria or plans.

In order to be eligible for election not to review, a proposal must meet all of the following criteria:

1. There will be no substantial change in services offered by the health care facility as a result of the proposed expenditure, except that proposals costing less than \$100,000 which result in the addition or termination of a clinically related service may be considered for election not to review.

2. The bed complement of the facility will not be changed by more than ten beds or ten percent of the total number of licensed beds, whichever is less, as a result of the proposed expenditure.

3. Total costs of the proposal do not exceed \$500,000, except that in the case of a proposal for the acquisition of non-medical equipment, election not to review may be considered if total costs do not exceed \$1,000,000. Regardless of costs stipulated, the following shall apply to proposed expenditures for the acquisition of a health care facility by purchase, lease or comparable arrangement: All such proposals shall be subjected to full review under Section 1122, except that proposals for the acquisition of skilled nursing facilities and intermediate care facilities will be considered eligible for election not to review on a case by case basis.

4. The proposed expenditure is not a discrete component of a larger capital expenditure or a part of a phased project, the total cost of which would disqualify that proposal from election not to review according to the criteria set forth in this section.

DHPD may, at its option, subject any proposal to full review, including proposals which meet all of the above criteria.

A person proposing a capital expenditure by or on behalf of a health care facility, which expenditure may qualify for election not to review according to the above criteria, should submit in writing to DHPD notice of intent to make the capital expenditure. After examining the information contained in such notification, and any additional information DHPD may request, a determination will be made by DHPD whether or not to elect not to review the proposed expenditure.

If DHPD determines that such proposal shall require full review, the applicant will be notified of such decision and will be supplied with appropriate application forms to provide information adequate for full review of the proposal.

The procedures for review are as follows:

1. Any person, agency, organization, or health care facility which proposes to make a capital expenditure subject to review under the provisions of Section 1122 of the Social Security Act should request an application from DHPD.

2. DHPD will promptly send a copy of this booklet and a questionnaire to the applicant.

3. The appropriate health systems agency concerned will be notified of the proposed expenditure (and the applicant will be notified of the health systems agency covering the area in which his project is located).

4. The applicant should fill out the questionnaire in coordination with the appropriate health systems agency. When ready for submittal for review, the applicant must provide three copies of the application to DHPD and simultaneously provide twenty-five copies of the application to the appropriate health systems agency. All copies submitted must be identical.

5. An application must be received by DHPD and determined to be complete at least sixty days prior to the date upon which the applicant expects to incur an obligation to make the expenditure. If DHPD determines that the application is incomplete, the applicant will be notified within fifteen days of additional information needed. This determination is made in coordination with the appropriate health systems agency.

6. The applicant must provide additional information as requested in Part A. 5., above, again with the provision that requested information be received by DHPD at least sixty days prior to the expected date of obligation to make the expenditure.

7. The review period will not exceed ninety days unless the applicant agrees to a longer time period. The review period will begin upon receipt by DHPD of a complete application. Procedures governing incomplete applications are found in Parts 5. and 6. above.

8. DHPD will issue a press release of its receipt of the complete application.

9. DHPD will send copies of the application to the Division of Licensing and Certification and any other state agency deemed appropriate by DHPD.

10. The appropriate health systems agency (HSA) will review the application at a public meeting of an appropriate committee. Notice of the meeting will be publicized in the local newspaper. In addition, the applicant will be given sufficient notice of the date of the meeting and will be invited to attend to explain his application. The review committee will make its recommendations to the board of directors or executive committee, which body shall make the final decision of the HSA and send its findings and recommendations to DHPD.

11. The Division of Licensing and Certification and other state agencies from which comments have been requested will review the application and send their recommendations to DHPD.

12. Findings and recommendations pursuant to Parts 10. and 11. above will be received by DHPD no later than sixty days after start of the review period. In the case of an application which specifies that an obligation to make the capital expenditure will be incurred sixty days after start of the review period, DHPD will coordinate with the HSA and the Division of Licensing and Certification to establish a date by which findings and recommendations will be received by DHPD. Such date should allow sufficient time for HSA and Division of Licensing and Certification review, as well as a period for consideration of those findings and recommendations by DHPD.

13. DHPD will then complete the review and send its findings and recommendations to the applicant, the Secretary of DHEW, the HSA, the Division of Licensing and Certification, and the Secretary of the Department of Health and Human Resources of Louisiana. This step shall be completed not more than ninety days after the date DHPD has received the completed application unless the applicant has indicated an earlier date for obligation of the expenditure. However, a minimum of sixty days must be allotted for completion of the review. At an applicant's request or concurrence, the review period may be for a longer period of time as agreed.

14. DHPD will issue a news release of the final finding.

15. In the case of a negative recommendation by DHPD, the applicant may request an appeal, which request must be

made in writing and received by DHPD within thirty days after the applicant has received notice in writing of the notice of disapproval.

16. DHPD will notify the Attorney General of the State of Louisiana who is responsible for conduct of the appeal hearing.

17. The Attorney General will select a hearing date and notify DHPD, and the hearing shall be commenced within thirty days after receipt of the request for a hearing by the applicant (or later, at the option of the person requesting the hearing).

18. DHPD will notify the applicant of the hearing date.

19. DHPD will issue a news release of the hearing.

20. As soon as possible, but not later than forty-five days after the conclusion of the hearing, the Attorney General will notify the applicant, DHPD and the Regional Health Administrator (DHEW) of the appeal decision.

21. DHPD will issue a press release of the appeal decision.

Evidence of obligation to make the capital expenditure must be received by DHPD within one year after approval of the project, or the approval will expire.

As provided in the regulations, the one year approval period may be extended for up to six months at the discretion of DHPD in consultation with the HSA upon the showing of good cause by the proponent.

A progress report to DHPD on the project is required six months after approval.

As provided in the regulations, an obligation to make a capital expenditure shall be incurred not more than one year following the date of approval. An obligation shall be deemed to have been incurred by or on behalf of a health care facility or health maintenance organization:

A. When an enforceable contract is entered into by such facility or organization or by a person proposing such capital expenditure on behalf of such facility or organization for the construction, acquisition, lease or financing of a capital asset; or

B. Upon formal internal commitment of funds by such facility or organization for a force account expenditure which constitutes a capital expenditure; or

C. In the case of donated property, the date on which the gift is completed in accordance with applicable Louisiana law.

It is the sole responsibility of the proponent to keep DHPD informed of its progress during the one year approval period and to submit documentary evidence as proof that at least one of the above conditions has been fulfilled. The following conditions have been established regarding the acceptance of certain documents as proof of an obligation:

A. In the case of a construction contract, such document must be fully consummated and filed with a local clerk of court's office in accordance with applicable state law and must indicate a commencement date of not more than 180 days from the date of the contract. Failure to begin vertical construction on or before the specified starting date will result in the determination of approval to be deemed expired, if such date is beyond the one year approval period. There is no provision for extension of the 180-day period within which construction must commence.

B. In the case of a purchase or lease arrangement, a signed purchase or lease agreement with a specified time limitation of not more than 180 days when the purchase or lease is to be executed, will be accepted. If such purchase or lease is not completed on or before the 180-day period, the determination of approval will be deemed expired, if such date is beyond the one year approval period. There is no provision for extension of the 180-day period within which the purchase or lease must be completed.

C. In the case of a financial commitment, such commitment must be a documented binding commitment from a lending institution for permanent or interim financing accompanied by an acceptance signature from the proponent. Such financial commitment must have an expiration date of not more than 180 days. (Loan guarantees do not fulfill the requirements set forth above). If such commitment is not executed on or before the 180-day period, the determination will be deemed expired, if such date is beyond the one year approval period. There is no provision for extension of the 180-day period within which the financial commitment must be executed.

D. In the case of bonds, an obligation is deemed to have been incurred whenever the bonds have been approved for sale or issuance by either an election or board action of an official public body acting on behalf of a health care facility. Sale of bonds must be completed within 180 days of the issuance of approval for their sale or the determination of approval will be deemed expired, if the one year approval period has elapsed. There is no provision for extension of the 180-day period within which the sale of bonds must be completed.

If DHPD recommends that the capital expenditure not be made, the Secretary of HEW shall, in determining the federal payments to be made under Titles V, XVIII and XIX of the Social Security Act to the health care facility, ordinarily exclude certain expenses related to such capital expenditure. However, if the Secretary, after submitting the matters involved to the National Advisory Council on Health Planning and Development and after taking into consideration the recommendations of DHPD and other reviewing agencies, determines that an exclusion of expenses for a capital expenditure would discourage the operation or expansion of a health care facility (or any facility of such an organization) which has demonstrated capability to provide comprehensive health care services efficiently, effectively, and economically or would otherwise be inconsistent with the effective organization and delivery of health services or the effective administration of Titles V, XVIII, and XIX, he shall include such expenses in federal payments under such titles.

When DHPD has good cause to believe that an obligation for a capital expenditure has been incurred by or on behalf of a health care facility and that timely notice of at least sixty days was not provided, DHPD shall send written notification to such health care facility, the Secretary, the Health Systems Agency in the concerned area, and all other agencies deemed appropriate by DHPD of a proposed finding that an obligation for a capital expenditure subject to review has been incurred and that timely notice was not provided. Procedures for processing such a finding shall be according to Section 100.108 (a) of the regulations, and the policy on lack of timely notice as published January 26, 1977, in the *Federal Register*, Volume 42, Number 17.

In the case of disapproved project, the applicant will be entitled to a reconsideration by DHPD of its finding: (a) whenever there is a substantial change in existing or proposed health facilities or services of the type proposed in the area; or (b) upon a substantial change in the need for facilities or services of the type proposed in the area; or (c) at any time following the expiration of three years from the date of the finding of DHPD or of its last reconsideration of such finding pursuant to this paragraph, whichever is later.

If DHPD finds, after such reconsiderations, that the facilities or services provided by the capital expenditure involved are in conformity with the applicable standards, criteria, or plans, and so notifies the Secretary of DHEW, the Secretary will include, in determining future payments under Titles V, XVIII, and XIX, expenses related to such capital expenditure. However, such expenses will be included only for payments following the date of notification to the Secretary by DHPD of its reconsideration.

In making recommendations concerning projects reviewed under Section 1122 of the Social Security Act, the review body or agency at each level designated in the review process shall consider, but not be limited to, the following criteria, as required under P.L. 93-641 and implementing rules and regulations:

1. The relationship of the health services being reviewed to the applicable Health Systems Plan and Annual Implementation Plan and the State Health Plan adopted pursuant to the provisions of P.L. 93-641.

2. The relationship of services reviewed to the long range development plan (if any) of the person providing or proposing such services.

3. The need that the population served or to be served by such services has for such services. In considering the need for a proposed project, DHPD and the Health Systems Agency will review, but not be limited to, the following information:

A. The availability of similar facilities, services and institutional beds within the service area, including but not limited to:

(1) Number of similar facilities, services and beds in the service area.

(2) Ratio of institutional beds to the population, as a whole and where appropriate, to age groups.

(3) Comparison of service area bed ratio with other health service areas in the state and other relevant areas.

(4) Distribution of institutional beds, services, and facilities within the area.

B. Accessibility of the target population of the proposed project to existing and proposed facilities and services. (This would include physical and financial accessibility.)

C. Measures of utilization of existing facilities and services:

(1) Admission rates per 1,000 persons.

(2) Occupancy rate: $\frac{\text{Average Daily Census}}{\text{Number of beds}}$

(3) Length of stay (average): $\frac{\text{Census} \times 365}{\text{Annual Admissions}}$

(4) Other appropriate utilization material.

D. Projects of utilization.

E. A delineation of the proposed service area.

F. Various projections of bed need.

G. The projected population growth or lack of growth of the proposed service area.

4. The availability of alternative, less costly, or more effective methods of providing such services.

5. The immediate and long term financial feasibility of the proposal.

6. The relationship of the services proposed to be provided to the existing health care system of the area in which such services are proposed to be provided. The HSA and DHPD will review, but not be limited to, documentation of coordination and/or linkage agreements between the applicant and existing or planned health care institutions and/or providers within the service area.

7. The availability of resources (including health manpower, management personnel, and funds for capital and operating needs) for the provision of the services proposed to be provided and the availability of alternative uses of such resources for the provision of other health services. The Health Systems Agency and DHPD will review, but not be limited to, the following information regarding Health Care staffing:

A. Present and projected—availability of physicians in the service area.

B. Present and projected—availability of nursing personnel in the service area, and adequacy of proposed staffing according to required standards.

C. Present and projected—availability of management and other personnel in the service area.

8. The relationship, including the organizational relationship, of the health services proposed to be provided to ancillary or support services.

9. The special needs and circumstances of those entities which provide a substantial portion of their services or resources, or both, to individuals not residing in the health service areas in which the entities are located or in adjacent health service areas. Such entities may include medical and other health professionals schools, multi-disciplinary clinics, and specialty centers.

10. The special needs and circumstances of health maintenance organizations for which assistance may be provided under Title XIII of the Act.

11. The special needs and circumstances of biomedical and behavioral research projects which are designed to meet a national need and for which local conditions offer special advantage.

12. In the case of a construction project, the cost and methods of the proposed construction, including the costs and methods of energy provision, and the probable impact of the construction project reviewed on the cost of providing health services by the person proposing such construction project.

The criteria adopted for reviews in accordance with the above may vary according to the purpose for which a particular review is being conducted or the type of health service reviewed.

An approval issued in accordance with Section 1122 of the Social Security Act in no way relieves an applicant of responsibility for fulfilling other state and/or federal requirements.

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

DECLARATION OF EMERGENCY

Department of Natural Resources Office of Conservation

The Department of Natural Resources, Office of Conservation, has adopted effective September 28, 1979, an emergency Interim Regulation No. 14, Governing the Provisions of Section 607 of Act 732 of the 1979 Regular Session of the Legislature. The regulation provides guidance to producer—sellers to facilitate sales of natural gas. Because of the approaching winter season, any delay of gas movements into the natural gas market may cause serious injury to the public health, safety, and welfare. The emergency rule follows:

Interim Regulation No. 14 Governing the Provisions of Section 607 of the Act (Act 732, 1979)

A. This regulation shall only apply to the requirements of R.S. 30:607.

B. No person shall dedicate natural gas to or introduce said natural gas into interstate commerce or connect said person's intrastate natural gas pipeline as defined herein with an interstate pipeline without first obtaining a certificate of public convenience and necessity issued by the Commissioner of Conservation. No certificate of public convenience and necessity shall be issued to a producer-seller unless:

1. In the case of natural gas which is the subject of an intrastate sales contract that will expire subsequent to September 7, 1979, the producer-seller has first offered such gas to the person who is the purchaser of such gas at the same price at which

the gas could be sold to any other person pursuant to arm's length negotiations and under other terms, conditions, and circumstances as favorable as those which could be obtained for the sale of such gas to any other user in the state of Louisiana, including intrastate natural gas transporters.

2. In those cases where (a) the offer provided for in Paragraph 1 above has been refused and (b) where the natural gas was not the subject of an intrastate sales contract, the producer-seller has made a bona fide offer to sell such natural gas to intrastate natural gas transporters capable of taking delivery within a reasonable time.

C. As used in this regulation, the words and phrases defined herein shall have the following meanings:

1. Gas committed or dedicated to interstate commerce:

a. shall mean gas which is subject to federal jurisdiction under the Natural Gas Act, 15 U.S.C. 717, et seq., or

b. shall mean all gas dedicated or contractually committed to interstate commerce before September 7, 1979, or

c. shall mean such quantities of natural gas that a producer-seller is required to commit to interstate commerce pursuant to an order issued by the Federal Power Commission or the Federal Energy Regulatory Commission prior to September 7, 1979.

2. Bona fide offer: for purposes of R.S. 30:607C(2) and this regulation, a bona fide offer shall be deemed made by a producer-seller when he notifies all intrastate natural gas transporters on file with the Commissioner that he will entertain bids for the purchase of natural gas at the same price, terms, conditions, and circumstances as the producer-seller could obtain in interstate commerce. Such bids must be received by the producer-seller within thirty days of the date the notice is sent.

3. Natural gas: shall mean all gas capable of being produced or which is produced within the state of Louisiana which is not subject to federal jurisdiction under the Natural Gas Act, 15 U.S.C. 717, et seq., including natural gas transported through the use of interstate pipelines where such use of interstate pipelines is or may hereafter be exempt from the control of the Federal Energy Regulatory Commission under the Natural Gas Act or rules and regulations promulgated by the Federal Energy Regulatory Commission thereunder; and gas, wherever produced, which is or may be transported into this state and delivered into an intrastate pipeline system in this state to be used or consumed wholly within this state.

4. Intrastate natural gas pipeline: shall mean all facilities located within the state of Louisiana which may be or are utilized for the production, gathering or transportation of intrastate natural gas and which are not subject to federal jurisdiction under the Natural Gas Act, 15 U.S.C. 717, et seq., including, but not limited to, wellhead facilities, gathering facilities, pipeline facilities, and all facilities connected thereto or utilized therewith.

5. Intrastate natural gas transporter: shall mean a person as defined in R.S. 30:503(6).

6. Interested parties:

a. shall, for an application for an exclusion, be the interstate purchaser and any other persons whose facilities are used in processing or transporting such natural gas.

b. shall, for an application for a certificate of public convenience and necessity, be the intrastate natural gas transporters who have responded pursuant to request for purchase of natural gas as provided hereinabove, the interstate purchaser, and any other persons whose facilities are used in processing or transporting such gas.

c. shall, for a letter of objection pursuant to R.S. 30:607C(3), be the parties to the contract.

D. For all natural gas committed or dedicated to interstate commerce before September 7, 1979, which has not been connected to or introduced into an interstate pipeline on said date, the Commissioner may, upon receipt of due proof of said commitment or dedication, issue an order excluding the producer-seller hereunder and authorizing the producer-seller to make such connection with or to introduce such natural gas into the applicable interstate pipeline. The Commissioner after review may administratively issue said order. Intrastate natural gas pipelines and gas gathering lines which were subject to Article IX, Section 2 of the Louisiana Constitution of 1974, prior to September 7, 1979, shall not enjoy this exclusion.

E. An application to the Commissioner for an order under Paragraph D or for a certificate of public convenience and necessity shall be made by the producer-seller in writing, verified under oath by an individual having authority to execute same and contain the following information:

1. Order under Paragraph D.

a. a certified copy of the executed contract.

b. a completed Form PL 3.

c. a general description and diagrammatic sketch of facilities required to effect the movement of contracted gas from the wellhead to the point of delivery into interstate commerce; including the names and addresses of any other persons whose facilities are used in the processing or transporting of such natural gas.

2. Certificate of public convenience and necessity.

a. the exact legal name of the applicant; its principal place of business; and the name, title, and mailing address of the person or persons to whom communications concerning the application are to be addressed.

b. all information required to be filed under Paragraph E.1 above.

c. proof that a bona fide offer was made to sell such contracted natural gas.

The Commissioner may request such additional information as in his opinion is reasonably necessary to properly evaluate the application.

F. If a person who is a party to an intrastate gas sales contract subject to R.S. 30:607C(3) files a letter of objection with the Commissioner of Conservation alleging noncompliance with this regulation and Section 607C(3), the Commissioner shall proceed under Rule 5 of the Commissioner's Rules of Procedure to resolve all matters of controversy. The producer-seller shall bear the burden of establishing that it has, pursuant to arm's length negotiations, made an offer to the present purchaser of said gas, to continue said sale at the same price, at which the gas could be sold to any other person, except where otherwise provided by law, and under other terms, conditions, and circumstances as favorable as those which could be obtained for the sale of such gas to any other user in the state of Louisiana, including intrastate natural gas transporters. The producer-seller shall make the offer to the purchaser of gas under an intrastate natural gas contract no less than forty-five days prior to the termination of said contract. A letter of objection by either party must be filed with the Commissioner at least twenty days prior to the termination date of the contract. Should the matter require hearing the person filing the letter of objection shall submit a filing fee of one hundred dollars by check payable to the Louisiana Office of Conservation. All parties shall provide such additional information as the Commissioner in his opinion deems reasonably necessary to properly evaluate the matter.

G. In determining the public interest, the Commissioner shall take into consideration pertinent circumstances surrounding the producer-seller, user and intrastate natural gas transporter, with

due consideration being given to the economics and lease obligations.

H. Except as indicated in Paragraph D above, no order, ruling, or finding may be made or other action taken with respect to this regulation without a public hearing after due notice to all interested parties unless the right to a public hearing is waived pursuant to the provisions of the Administrative Procedures Act, as amended (R.S. 49:951 et seq.)

R. T. Sutton
Commissioner of Conservation

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

At its regular meeting held in New Orleans on September 25, 1979, the Louisiana Wildlife and Fisheries Commission took emergency action to close Black-Clear Lake in Natchitoches Parish and Saline Lake in Winn Parish to commercial webbing during drawdown; specifically - gill nets, trammel nets and hoop nets.

This action was taken at the request of the Northwest Game and Fish Preserve Commission and the Saline Lake Game and Fish Preserve Commission, both Commissions having been advised by biologists of the Louisiana Department of Wildlife and Fisheries that commercial fish populations were very low and that the commercial gear could be injurious to game fish populations as well as alligators while the lake was being drawn down for control of bothersome aquatic vegetation.

The Northwest Game and Fish Preserve Commission met on August 20, and the Saline Lake Game and Fish Preserve Commission on August 30, both Commissions taking action at these meetings to begin drawdowns on the respective lakes beginning September 4. Requests from these agencies were received by the Louisiana Department of Wildlife and Fisheries on August 27 and September 24 respectively. The late date of receipt of these requests plus late availability of biological data precluded full compliance with the Administrative Procedures Act and necessitated emergency action at the September meeting in order that the enforcement personnel of the Louisiana Department of Wildlife and Fisheries have full authority to enforce the net prohibition regulation. A copy of the resolution adopted by this Department follows:

Whereas, the Northwest Game and Fish Preserve Commission and the Saline Lake Game and Fish Preserve Commission have requested that Black-Clear Lake and Saline Lake respectively be closed to commercial nets during the 1979-80 drawdown period, and

Whereas, data collected as a result of fish population surveys indicate there is a very low commercial fish population in both lakes, and

Whereas, extensive use of commercial gear would probably be injurious to the game fish population as well as alligators in both lakes.

Therefore be it resolved, the Louisiana Department of Wildlife and Fisheries does hereby close Black-Clear and Saline Lakes to commercial netting; specifically - gill nets, trammel nets and hoop nets, from September 25, 1979, through September 15, 1980.

J. Burton Angelle, Secretary
Department of Wildlife and Fisheries

Rules

RULES

Department of Agriculture Seed Commission

In accordance with the provisions of Revised Statutes of 1950, Title 3, Part I, Chapter 11, as amended by Act 439 of 1954, the following regulation regulates certification of seed rice in bulk. This regulation is supplemental to and does not supersede or cancel any of the provisions covering sampling, bagging, tagging, or other standards for certification of seed rice not sold in bulk.

Regulation Governing Certification of Seed Rice in Bulk

I. Application. Initial application for approval of certification of bulk seed rice shall be on a form furnished by the Seed Commission and shall be submitted thirty days prior to seed entering bins to be certified. Application shall designate an individual who shall be responsible for all records and procedures required to complete certification of bulk seed rice. At any time the person designated is replaced for any reason, the Commission shall immediately be furnished the name of the successor.

II. Storage Facilities. Primary storage facilities must be so constructed as to allow for bulk sampling according to provisions of the Bulk Sampling Regulation (Certified Seed Regulation Number 28 as amended May 20, 1979) and allow for sealing all seed ingress to the facility. All storage facilities and conveyors must be so constructed to allow for complete clean out and all other procedures to assure maintenance of purity. Primary storage must be labeled to show lots contained within and all lot numbers from a given bin must contain a prefix peculiar to that bin. The operation of secondary facilities must include procedures to identify by lot number the seed contained within at all times.

III. Sampling Procedures. Sampling certified rice for sale in bulk will comply with provisions of the Bulk Sampling Regulation (Certified Seed Regulation Number 28 as amended May 20, 1979). Each official certified sample transcript will include the number of lots contained in the bin.

IV. Tagging. Each container of bulk certified rice seed other than primary and secondary storage, will have attached a tag which complies with certified and seed law regulations. The tag will be attached in such a manner as to assure its remaining on the container until it reaches the consumer. Each container of certified bulk seed rice will be sealed in such a manner as to prevent contamination.

V. Sale of Bulk Certified Seed Rice. (Certified Seed Regulation Number 28 as amended May 20, 1979).

A. Sale of bulk certified seed rice will be restricted to the blue tagged certified class only and will not be eligible for recertification.

B. Sale of bulk certified seed rice will be limited to sale by the processor to the final user except when in containers which can be sealed and lend themselves to normal storage. Bulk certified seed rice shall not be bagged for resale as certified seed, unless retested and retagged according to the certification regulation.

VI. Penalties. Any person, firm, or corporation found guilty of violating the provisions of this regulation shall be subject to the penalties provided for by Revised Statutes of 1950, Title 3, Parts I, II, and III, Chapter 11.

VII. Revisions. The above regulation may be revised or amended at any time that conditions warrant.

VIII. Effective Date. The above regulation shall be effective on and after October 20, 1979.

Richard Carlton, Secretary
Seed Commission

RULE

**Department of Agriculture
Seed Commission**

In accordance with Section 1432 of Title 3 of the Louisiana Revised Statutes of 1950, as amended, and the provisions of the Administrative Procedures Act, R.S. 49:951-968, as amended, the Louisiana Seed Commission hereby promulgates the following amendment to Certified Seed Regulation 29 titled Regulation Governing Tagging of All Classes of Certified Seed.

**Regulation Governing Tagging
of all Classes of Certified Seed**

I. Definition of Terms.

C. "Lot" shall mean the permanent identity given to a certain quantity of seed entered for certification, which is uniform in its quality and has been field inspected and found to meet the field standards for its class of certified seed.

IV. Tagging Requirements.

A. Before any seed sold as certified seed leaves the premises of the certified grower or processor of certified seed, each bag must be tagged and the lot numbers on the certified tags must conform to the lot numbers already marked on the bags.

Richard Carlton, Secretary
Seed Commission

RULE

**Department of Agriculture
Structural Pest Control Commission**

The Louisiana Structural Pest Control Commission has amended Rule III A1. This amendment will allow regular quarterly meetings of the Structural Pest Control Commission to be held at any location within the domicile of the Commission, East Baton Rouge Parish. Particular meetings may still be held at any location after due notification is given.

Rule III. Enforcement and Administration; Employment of Necessary Personnel. (Section 1263)

A. Place and frequency of meetings.

1. All meetings shall be held in the domicile of the Commission, East Baton Rouge Parish, unless a change of place is determined desirable for particular meetings which will be indicated in the notices calling same.

Richard Carlton, Secretary
Structural Pest Control Commission

RULES

**Department of Commerce
Racing Commission**

Amend LAC 11-6:19.7 to read:

§19.7 A trainer shall not enter or start a horse which is not in serviceably sound racing condition, has been trachea-tubed, or

has been nerved. However, horses which have had a posterior digital (heel nerve) neurectomy or cryosurgical intervention in the areas reserved for posterior digital neurectomies performed on one or more feet, may be permitted to race. All horses which have undergone either of the above procedures shall be so designated on the foal certificate and be certified by the practicing veterinarian. All horses which have undergone either of the above procedures prior to the adoption of this rule must also be certified, and it is the responsibility of the trainer to see that either of such procedures will be carried on the foal certificate. All nerved horses, high or low, and all horses having had a cryosurgical intervention, as aforesaid, must be published on the bulletin board in the racing secretary's office. Any horse which is high nerved shall not be permitted to enter in a race. Except as provided herein, a trainer shall not enter or start a horse which has been "nerve blocked" or treated with, or been given any drug internally, externally or by hypodermic injection, except as permitted in LAC 11-6:54. Nor shall a trainer enter or start a horse which is not properly plated, is blind or whose vision is seriously impaired in both eyes, is on a stewards', veterinarian's, starter's, or disqualified list or is permanently barred from racing in any jurisdiction.

Amend LAC 11-6:45.11 to read:

§45.11 When a claimed horse has had posterior digital (heel nerve) neurectomy or cryosurgical intervention in the areas reserved for posterior digital neurectomies, performed prior to the claim, the claimant shall have forty-eight hours from the moment the horse leaves the paddock to protest the claim in writing to the stewards. Cryosurgical intervention in the areas reserved for posterior digital neurectomies shall be considered "heel nerved."

Albert M. Stall, Chairman
Racing Commission

RULE

Board of Trustees for State Colleges and Universities

Section 7.5D, Leaves of Absence, of the Policies and Procedures of the Board of Trustees for State Colleges and Universities is deleted in its entirety, and Sections 7.5E and 7.5F are renumbered to 7.5D and 7.5E, respectively.

Section 7.8A, Colleges and Universities, is amended to read:

A. Seeking and Holding Public Office—Every employee has the constitutional right to seek and hold public office. In so doing, the employee must meet the following conditions: a) notify the president of his/her intention prior to the date of qualification; b) continue normal workload, including teaching and all other duties and office hours required by the institution; or c) if unable to meet condition b above, take annual leave or leave without pay for the appropriate period of time, in accordance with the leave policies of the Board. Additionally, such an employee should be accurate in his/her statements and make every effort to indicate that he/she is not a spokesman for the institution.

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

RULES

Governor's Special Commission on Education Services Loan/Grant Division State Guaranteed Student Loan Program

Rule 11a has been changed to read as follows:

a. All undergraduate and vocational students are eligible to apply for \$2,500 within the fiscal year, \$1,250 for one semester; graduate college students, \$2,500 within the fiscal year, \$1,250 for one semester; medical, dental, and veterinary students may apply for \$5,000 for the fiscal year, \$2,500 for one semester; maximum guarantee of all loans for any undergraduate or vocational student at any one time is \$7,500; graduate college student, \$15,000 (including medical, dental, and veterinary). Summer session: undergraduate and graduate college, \$625; Louisiana Tech, \$800, when authorized.

Richard W. Petrie, Director, Loan/Grant Division
Governor's Special Commission on Education Services

RULE

Board of Elementary and Secondary Education

Editor's Note: The Department of the State Register will not publish the texts of Rule 3.01.06 and Rule 5.00.80(1), described below, in accordance with R.S. 49:954.1C. Copies of these rules may be obtained from the Board of Elementary and Secondary Education, Box 44064, Baton Rouge, Louisiana 70804.

Rule 3.01.06

The Board adopted the Title II State Plan.

Rule 3.01.51n

The Board adopted a revision of implementation dates for completion of requirements for high school graduation, to be effective with students entering the ninth grade in the 1979-80 school year for nonpublic and public schools.

Rule 5.00.80(1)

(This policy replaces present policy in effect.) The Board adopted Bulletin 1533, *Guidelines for Tuition Exemption Continuing Education Program for Teachers*.

Rule 5.03.13

The Board adopted the following policy relative to school calendars for vocational-technical schools:

Vocational-technical schools will be open a minimum of two hundred thirty days per fiscal year, inclusive of the annual workshop. Personnel not attending the annual workshop are required to be at their respective schools or on annual, sick, or some other type of approved leave.

Annual, sick, compensatory, or some other type leave will be charged for any times personnel are not at their respective schools other than those days which are listed on the approved school calendar as being holidays with the school closed.

Calendars will be submitted to the Department of Education prior to June 1 of each fiscal year.

James V. Soileau, Executive Director
Board of Elementary and Secondary Education

RULES

Department of Health and Human Resources Air Control Commission

The Air Control Commission has added the following to its Regulations:

22.17 Refinery Vacuum Producing Systems.

A. Emissions of volatile organic compounds from steam jet ejectors and mechanical vacuum pumps shall be controlled by one of the applicable methods specified in Section 22.8.

B. Emissions of volatile organic compounds from a hotwell with a contact condenser shall be controlled by covering the hotwell and controlling the vapors by one of the applicable methods specified in Section 22.8.

Sources affected by this Section of the Regulations shall achieve compliance promptly according to a compliance schedule approved by the Louisiana Air Control Commission, but in no event later than December 31, 1982.

22.18 Refinery Process Unit Turnaround. Emissions of volatile organic compounds from petroleum refinery process unit turnarounds shall be controlled by pumping the liquid contents to storage and depressurizing the processing units to five psig (pounds per square inch gauge) or below before venting to the atmosphere. Control of the vapors during the depressurization prior to venting to atmosphere shall be accomplished by one of the applicable methods specified in Section 22.8.

Sources affected by this Section of the Regulations shall achieve compliance promptly according to a compliance schedule approved by the Louisiana Air Control Commission, but in no event later than December 31, 1982.

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

RULE

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security, has adopted effective November 1, 1979, a policy to allow Title XIX reimbursement for removable partial dentures, when required to fulfill the requirement for balancing occlusion. The patient must be Title XIX eligible and have less than the required four posterior teeth in the arch opposing a full denture or less than a combination of eight anterior and posterior teeth in the arch opposing a full denture. The patient's potential abutment teeth must be caries free, and within reason, periodontally sound. Patients qualifying under the above criteria will have all missing teeth in the arch replaced by a partial denture.

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

RULES

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources (DHHR), Office of Family Security, has adopted effective November 1, 1979, a policy to revise the standards for participation in the Emergency Transportation Program. The revised standards are listed below:

A. Definitions.

1. "Ambulance" means any privately or publicly owned land, air, or water vehicle that is designed, constructed, or reconstructed, maintained, equipped or operated, or issued for, or intended to be used for air, land, or water medical transportation of persons in emergency situations.

2. "Emergency situation" means an unforeseen combination of circumstances which apparently demand immediate attention at a medical facility to prevent permanent injury or loss of life; when a mental patient is unmanageable or needs restraint; when a patient has a medical condition such as possible heart attack, coma, hemorrhage, loss of consciousness, debilitating condition; transfer of a patient requiring the administration of intravenous (IV) fluids, for which the patient would be susceptible to injury using other methods of transport.

3. "Emergency medical technician" means any person who possesses a valid emergency medical technician's (EMT) certificate; who has completed a Department of Transportation approved eighty-one-hour EMT course of instruction, and is approved by the State Board of Medical Examiners or the Bureau of Emergency Medical Services (BEMS).

4. "First aid certificate" refers to a certificate in the Advanced First Aid and Emergency Care Course issued by the Bureau of Mines or American Red Cross wherein it is stated that the person to whom it is issued has successfully completed the required training and met the established standards of such organizations.

5. "Certified provider" means any authorized emergency transportation service designated by the Department of Health and Human Resources as meeting the standards approved for participation under the Medical Assistance Program.

B. Provider Certification Requirements.

1. Service Requirements.

a. Certified providers must offer twenty-four-hour a day personnel availability and service during the certification period.

b. No ambulance shall operate in this program unless the following insurance coverages are in effect at the time of application and during the period of certification.

2. Insurance Requirements.

a. For injury to, or death of, individuals resulting from any cause to which the owner of the ambulance would be liable regardless of whether the vehicle was being driven by the owner or his agent, and for damages to the property of another in the amounts specified in these rules and regulations.

b. The applicant shall provide insurance for not less than the following limits of liability: for each accident causing bodily injury (including death at any time resulting therefrom) one hundred thousand dollars for each person, three hundred thousand dollars for each accident, and fifty thousand dollars property damage sustained in any one accident.

c. No insurance coverage shall be satisfactory unless issued by an insurance company authorized to write such coverage in this state.

3. Personnel Requirements.

a. Every ambulance when transporting a Medicaid, or Part B eligible patient shall be occupied by at least two persons, one of whom is either a licensed physician, registered nurse, licensed practical nurse, or emergency medical technician, who must be present in the patient compartment of the vehicle and a vehicle driver who is, as a minimum, the holder of a valid advanced first aid certificate.

b. Any person desiring certification as an emergency medical technician shall make application to the BEMS. The

BEMS shall determine whether the applicant meets the prescribed qualifications as set forth in the regulations promulgated by the Secretary of DHHR. The applicant shall be issued a certificate if found to be fully qualified.

4. Vehicle Requirements.

a. Each vehicle certified must have on board the essential equipment for ambulances as recommended by the Committee on Trauma, American College of Surgeons:

(1.) Portable suction apparatus with wide-bore tubing and rigid pharyngeal suction tip.

(2.) Hand operated bag-mask ventilation unit with adult, child, and infant-size masks.

(3.) Oropharyngeal airways in adult, child, and infant sizes.

(4.) Mouth to mouth artificial ventilation airways for adults and children.

(5.) Portable oxygen equipment with adequate tubing and semiopen, valveless, transparent masks in adult, child, and infant sizes.

(6.) Mouth gags, either commercial or made of three tongue blades taped together and padded.

(7.) Universal dressings, approximately ten inches by thirty-six inches, compactly folded and packaged in convenient sizes.

(8.) Sterile gauze pads, four inches by four inches.

(9.) Soft roller self-adhering type bandages, six inches by five yards.

(10.) Roll of aluminum foil, eighteen inches by twenty-five feet, sterilized and wrapped.

(11.) Two rolls of plain adhesive tape, three inches wide.

(12.) Two sterile burn sheets.

(13.) Hinged half-ring lower extremity traction splint (ring nine inches in diameter, overall length of splint forty-three inches) with commercial limb-support slings, padded ankle hitch and traction strap.

(14.) Uncomplicated inflatable splints.

(15.) Short and long spine boards with accessories.

(16.) Triangular bandages.

(17.) Large-size safety pins.

(18.) Shears for bandages.

(19.) Sterile obstetrical kit.

(20.) Poison kit.

(21.) Blood pressure manometer, cuff, and stethoscope.

(22.) Compartmentalized pneumatic trousers with inflation equipment.

(23.) Two-way radio allowing direct communication between EMT and the emergency department of the hospital.

C. Application for Participation. A provider wishing to apply for participation in the Medical Assistance Program must apply to the Department of Health and Human Resources, Office of Family Security (Provider Enrollment Unit). If the provider is not certified, application to the Department of Health and Human Resources, Bureau of Emergency Medical Services, must be made simultaneously. To be certified, the following conditions must be met:

1. No person either as owner, agent, or otherwise, shall furnish, operate, conduct, maintain, advertise or otherwise engage in or profess to engage in providing ambulance services for the Medical Assistance Program, Emergency Ambulance Transportation Services, unless that person holds a currently valid provider permit to do so.

2. The application to the Department of Health and Human Resources for certification shall be made annually and include:

a. The name and business address of the operator and owner of the medical transportation vehicle service or proposed ambulance service.

b. The name under which the applicant will operate.

c. A list of the names and address of all officers and directors, and all authorized agents in Louisiana if incorporated; or if the organization is an unincorporated association, a list of the names and addresses of all officers and directors.

d. A description of each ambulance to be used, including the make, model, year of the vehicle, mileage, motor and chassis numbers, passenger capacity, size and gross weight of each vehicle, state or federal aviation or marine registration number where applicable, and the color scheme, insignia, name, monogram and other distinguishing characteristics to be used to designate the applicant's vehicles.

e. The location and description of the place or places from which the ambulance service will operate.

f. A statement reasonably describing the geographic area or areas and the population to be served by the applicant.

g. Evidence of adequate insurance coverage for claims arising out of injury or death to persons and damage to the property of others resulting from any cause for which the owner of said business or service would be liable in the limits established herein.

h. A list of currently certified EMT's and their registry numbers.

i. A completed, verifiable list of equipment as required by the regulations.

j. Such other information as the Office of Family Security deems reasonable and necessary.

D. Inspection.

1. The Department of Health and Human Resources shall make all investigations and inspections necessary for the enforcement of these rules and regulations.

2. These inspections are mandatory for providers of Emergency Ambulance Transportation Services, that participate in the Medical Assistance Program, and may include all their personnel, vehicles, and associated equipment including required life support equipment. Inspections may be made on a regular or special basis and at such times and places as the Department of Health and Human Resources deems necessary.

E. Certificate, Permit, License; Transfer or Assignment Prohibited. No certificate, provisional certificate, permit, or license issued under the provisions of these rules and regulations shall be assignable or transferrable by the person to whom issued.

F. Suspension or Revocation of License or Permit; Procedures; Appeals. The Secretary, or his designated representative, is authorized to suspend or revoke any license, permit, or provider agreement issued in any case where he determines that there has been a substantial failure by a holder of a license, permit, or provider agreement to comply with the requirements and rules of the Medical Assistance Program.

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

RULE

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

The Department of Health and Human Resources, Office of Family Security, has adopted effective November 1, 1979, a policy to ensure that the Medicaid Program makes no payment for

transportation services which exceeds the maximum payment which Medicare would make for the same service. The Medicaid Program will make payment for the usual and customary charge by the provider or the amount Medicare would pay, whichever is lower.

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

RULE

**Department of Natural Resources
Office of the Secretary**

Pursuant to authority granted under Title 56 of the Louisiana Revised Statutes, Sections 700.1 through 700.5 (Fishermen's Gear Compensation Fund); and after public hearing held on October 8, 1979, following publication of notice thereof, as required by the Louisiana Administrative Procedures Act, the following rules and regulations are promulgated by the Secretary, Department of Natural Resources, as being reasonably necessary to carry out the provisions of said Act.

Section 1, Assessment of Fees

Effective November 1, 1979, in order to establish the Fishermen's Gear Compensation Fund, a fee in the amount of three hundred dollars is levied upon each lessee of a state mineral lease, and each grantee of a state right-of-way which is located within the coastal zone boundary as described in R.S. 49:213.4.

For definition herein:

A. A "lessee of a state mineral lease" means the owner of the right to sever minerals from state owned water bottoms whether or not such right is derived by lease, operating agreement, or otherwise.

B. A "grantee of a state right of way" means the owner of a pipeline right-of-way grant and no other.

William C. Huß, Secretary
Department of Natural Resources

RULES

**Department of State
Board of Election Supervisors**

**Rules of Procedure for the
Removal of Registrars of Voters**

1. Proceedings relative to the removal of registrars of voters for cause, as enumerated in R.S. 18:53, shall be conducted in accordance with the provisions of the Administrative Procedures Act (R.S. 49:951, et seq.), as clarified by these rules.

2. The person filing the complaint shall be responsible for the presentation of his case and shall be required to prove his allegations by a preponderance of evidence. The Board shall act as impartial judge only.

3. No proceeding for the removal of a registrar shall be commenced except by written complaint filed with the Board by one or more natural persons of legal age who reside within the parish served by the registrar whose removal is sought.

4. The complaint shall include:

A. The name and mailing address of each complainant.

B. The name of the registrar whose removal is sought and the parish he serves.

C. Reference to the specific grounds for removal as set out in R.S. 18:53, upon which the complaint is based.

D. A full statement of the facts, commissions or omissions upon which the complaint is based, including the names of persons, dates, places and circumstances, so as to fully inform the registrar as to the factual basis for the complaint. No evidence of any fact not alleged in the complaint shall be admissible.

E. A clear statement that the removal of the registrar from office is being sought by the complainant.

5. The complaint must be signed by each complainant and verified under oath before a notary or other officer authorized to administer oaths as true and correct to the best of affiant's knowledge, information and belief.

6. The original and two copies of the complaint shall be filed with the Chairman (Secretary of State) by personal delivery to his office, or by regular or certified mail. The complainant shall also mail a copy of the complaint to the accused registrar by certified mail, return receipt requested with restricted delivery to addressee only.

7. Upon receipt of the complaint, if the Board finds that it fails to state a cause of action for removal, the Board shall notify the complainant and registrar accordingly and the complaint shall be dismissed without prejudice.

8. Upon receipt of the complaint, if the Board finds that the alleged facts, if true, could constitute grounds for removal of the registrar from office, as set out in R.S. 18:53, and if the complaint is otherwise found to be in order, the Board shall notify the registrar, by certified mail return receipt requested with restricted delivery to addressee only, that a complaint has been filed which alleges facts which, if true, could constitute grounds for removal under the provisions of R.S. 18:53.

9. Within fifteen days from the date of this notice the registrar shall file a written answer to the complaint, verified as provided by Rule No. 5, wherein he shall admit or deny specifically each of the allegations of the complaint, and otherwise answer to the complaint. An extension of the period for answering may be allowed by the Board for good cause.

10. If the Board finds that the public welfare requires the suspension of the registrar pending the outcome of the proceedings, it shall notify the registrar and his appointing authority of the suspension and its effective date. The suspension shall be with pay unless otherwise ordered.

11. Upon receipt of the registrar's answer or upon expiration of the time allowed for filing his answer, the Board shall set a hearing date which shall be at least fifteen, but not more than thirty days subsequent to the date of the "notice of hearing." The notice of hearing shall be in compliance with the provisions of R.S. 49:955.

12. Postponements will not be allowed except for a serious and compelling cause beyond the control of the requesting party. If it is necessary to reschedule a hearing, it may be rescheduled within ten days of the date of the notice of the rescheduled hearing.

13. At the request of the Board or either party and at the requesting party's cost, the Board shall cause the testimony to be recorded. Copies of the transcription of the testimony may be ordered by either party or the Board, at their cost.

14. The hearing shall be conducted in accordance with the provisions of the Administrative Procedures Act (R.S. 49:951 through 957).

15. The Board shall render its decision within ten days after the hearing. All decisions shall comply with the requirements of R.S. 49:958.

16. A rehearing shall be granted in accordance with the requirements of R.S. 49:959.

17. The decision shall become final thirty days after the mailing date shown thereon, unless a rehearing has been timely requested by either party, or unless the registrar, whose removal

has been ordered, files a petition for judicial review by trial de novo in the 19th Judicial District Court before the expiration of the thirty-day period. If a rehearing is requested by the registrar, the decision upon rehearing, or denial thereof, shall become final thirty days after the mailing date shown thereon, unless the registrar files a petition for judicial review by trial de novo in the 19th Judicial District Court before the expiration of the thirty day period.

18. Any interested person may petition the Board requesting the adoption, amendment or repeal of a rule by filing a copy of the proposed rule or amendment along with a statement of the reasons for requesting the change. The Board shall act upon such request as provided by R.S. 49:953C.

19. All filings and correspondence shall be addressed to: State Board of Election Supervisors, Secretary of State, Chairman, Box 44125, Baton Rouge, Louisiana 70804.

Paul J. Hardy, Chairman
Board of Election Supervisors

RULES

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Menhaden Season

Whereas, the menhaden fishing management plan by the State-Federal Board determined that a coordinated menhaden season be established in the northern Gulf; and

Whereas, the Louisiana Wildlife and Fisheries Commission did develop regulations concerning menhaden seasons and areas opened and closed to fishing; and

Whereas, the three-year limitation on such Commission action will expire.

Therefore be it resolved, that the regular menhaden season in Louisiana and areas open to fishing shall be as follows:

The menhaden season shall be from the third Monday in April through the Friday following the second Tuesday in October. It shall apply to all areas in the territorial sea outside of the inside-outside waters line as described in Paragraph 495, Title 56, of the Louisiana Revised Statutes of 1950. During the open season, menhaden fishing is also permitted in Chandeleur and Breton Sounds. All other inside waters and passes are permanently closed to menhaden fishing.

* * * *

Closing Grand Isle Waters

Whereas, the Louisiana Wildlife and Fisheries Commission is charged with enforcing the law, and

Whereas, the Louisiana Wildlife and Fisheries Commission in open meeting held in New Orleans, Louisiana, September 29, 1979, and acting under authority of Act 282 of 1979, Title 56, Section 22, Louisiana Revised Statutes of 1950, the waters of the State of Louisiana on the south side of Grand Isle from Caminada Pass to Barataria Pass, in Jefferson Parish, from the southeast side of Caminada Bridge to the northwest side of Barataria Pass at Fort Livingston, extending from the beach side of Grand Isle to a distance of five hundred feet beyond the shoreline into the Gulf of Mexico from the said Grand Isle are hereby designated as closed zones, and

Whereas, for the purpose of preventing a public health problem or measure because of undesirable fish (such as small catfish) or other aquatic or marine life being left on the beach of Grand Isle to rot or deteriorate, the said above waters are closed to the taking of fish with salt water netting, trawls, and seines of any type from May 1 to September 15, both dates inclusive, and beginning

May 1, 1979, and each year thereafter during this period, until further action on the part of the Commission,

Now therefore be it resolved, that the Louisiana Department of Wildlife and Fisheries properly enforce the area described.

J. Burton Angelle, Secretary
Department of Wildlife and Fisheries

All interested persons may submit their views and opinions in writing, on or before November 8, 1979, to the following address: Mr. E. A. Cancienne, Director, Pesticide Commission, Office of Agricultural and Environmental Sciences, Department of Agriculture, Box 16390-A, Baton Rouge, Louisiana 70893.

E. A. Cancienne, Director
Pesticide Commission

Notices of Intent

NOTICE OF INTENT

Department of Agriculture Office of Agricultural and Environmental Sciences Horticulture Commission

In accordance with the provisions of Section 1961 of Title 37 of the Revised Statutes of 1950, as amended, and the provisions of the Administrative Procedures Act, R.S. 49:951-968, as amended, notice is hereby given of intent to amend Rule IV of Rules and Regulations of the Louisiana Horticulture Commission by addition of two new sections.

The proposed amendment requires that all licensees licensed under the Louisiana Horticulture Law display title of profession and license number on all company vehicles and carry personal identification during times when work is being conducted.

Rule IV

I. All commercial vehicles (pickup trucks, vans, etc.) owned and used by all professionals licensed under the Louisiana Horticulture Law (R.S. 37:1961-1975) in the performance of the normal activities of their profession must be plainly marked on both sides and the back in letters and numbers no smaller than three inches high displaying the title of their profession and license number.

J. Appropriate identification must be available on the person of all licensees while performing the activities normally associated with their professions.

Written comments and inquiries may be addressed to Mr. Richard Carlton, State Entomologist, Box 44153, Baton Rouge, Louisiana 70804, through November 4, 1979.

Richard Carlton, State Entomologist
Horticulture Commission

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, under authority of Part I of Chapter 12 of Title 3 of the Louisiana Revised Statutes of 1950, intends to amend the Rules and Regulations on Mixing and Application of Pesticides.

The purpose of the amendment is to remove the Parish of St. Landry from the list of parishes that the application of Restricted-Use Pesticides by Commercial or Custom Application is prohibited between April 1 and September 15 of each year.

A copy of the proposed amendment is available at Room 223, Harry D. Wilson Building, LSU Campus, Baton Rouge, Louisiana.

NOTICE OF INTENT

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

Amendment to Lethal Yellowing Quarantine

Whereas, it has been determined that a serious plant pest commonly known as Lethal Yellowing is known to exist outside the State of Louisiana; and

Whereas, Lethal Yellowing is known to be a serious pest of palm trees.

Therefore, in order to prevent the introduction and spread within Louisiana, and to eradicate the Lethal Yellowing wherever found in the state, the Louisiana Department of Agriculture under authority of Part II of Chapter 12 of Title 3 of the Louisiana Revised Statutes of 1950, does hereby propose the following amendment to the quarantine and regulation declaring new regulated products.

V. Regulated Products: All palms of any species.

Following Host Plants:

1. *Allagoptera arenaria* (Gomes) Kuntze
2. *Arenga engleri* Becc.
3. *Arikuryroba schizohpylla* (Mart.) Bailey (Arikury palm)
4. *Borassus flabellifer* L. (Palmyra palm)
5. *Caryota mitis* Lour. (Cluster fish-tail palm)
6. *Chrysalidocarpus cabadae* H. E. Moore (Cabada palm)
7. *Cocos nucifera* L. (Coconut palm) - all varieties, including Malayan dwarf
8. *Corypha elata* Roxb. (Buri palm, Gebang palm)
9. *Dictyosperma album* (Bory) H. Wendl. and Drude (Hurricane or Princess palm)
10. *Gaussia attenuata* (O. F. Cook) Beccari (Puerto Rican Gaussia)
11. *Howeia belmoreana* (C. Moore and F. Meull.) Becc. (Sentry palm)
12. *Latania* spp. (all species)
13. *Livistona chinensis* (N. J. Jacquin) R. Br. ex Mart. (Chinese fan palm)
14. *Mascarena verschaffeltii* (Wendl.) Bailey (Spindle palm)
15. *Nannorrhops ritchiana* (W. Griffith) J. E. T. Aitchison (Mazari palm)
16. *Phoenix canariensis* Hort. ex Chab. (Canary Island date palm)
17. *Phoenix dactylifera* L. (Date palm)
18. *Phoenix reclinata* Jacq. (Senegal date palm)
19. *Phoenix sylvestris* (L.) Roxb. (Sylvester date palm)
20. *Pritchardia affinis* Becc. (Kona palm)
21. *Pritchardia pacifica* Seem. and H. Wendl. (Fiji Island fan palm)
22. *Pritchardia thurstonii* F. Meull. and Drude
23. *Ravenea hildebrandti* Wendl. ex Bouche
24. *Trachycarpus fortunei* (Hook.) Wendl. (Chinese windmill palm)
25. *Veitchia merrillii* (Becc.) H. E. Moore (Christmas palm, Manila, or adontidia)

26. *Veitchia montgomeryana* H. E. Moore (Montgomery's palm)

Written comments and inquiries may be addressed to Mr. Richard Carlton, State Entomologist, Box 44153, Baton Rouge, Louisiana 70804, through November 4, 1979.

Richard Carlton, Secretary
Structural Pest Control Commission

NOTICE OF INTENT

Department of Commerce Board of Certified Public Accountants

Notice is hereby given that the State Board of Certified Public Accountants of Louisiana intends to revise, amend, and renumber Sections 71 through 90 of its current rules to implement changes made by Act 510 of the 1979 Regular Session of the Louisiana Legislature. The new and revised rules are being promulgated pursuant to Section 75 of Title 37 of the Louisiana Revised Statutes of 1950, and copies of these proposed rules may be obtained from the State Board of Certified Public Accountants of Louisiana, 1109 Masonic Temple Building, 333 St. Charles Avenue, New Orleans, Louisiana 70130. Until such time as the proposed rules are formally adopted by the Board, the current rules will remain in effect to the extent that they are not inconsistent with Act 510 of the 1979 Regular Session of the Louisiana Legislature.

Interested persons may submit written comments on the proposed rules through November 9, 1979, to Mrs. Mildred McGaha, Executive Director, State Board of Certified Public Accountants of Louisiana, 1109 Masonic Temple Building, 333 St. Charles Avenue, New Orleans, Louisiana 70130.

The State Board of Certified Public Accountants of Louisiana will hold a public hearing on November 16, 1979, at 9:30 a.m. in the Board Room of the Chamber of Commerce, 301 Camp Street, New Orleans, Louisiana, to discuss and hear comments on the proposed rules. Persons desiring to present comments orally at these hearings should also notify the Board, in writing, of their intention to do so no later than November 9, 1979.

John J. Sehart, Jr., Secretary
Board of Certified Public Accountants

NOTICE OF INTENT

Department of Commerce Licensing Board for Contractors

Notice is hereby given that the State Licensing Board for Contractors, pursuant to authority granted in R.S. 37:2153, intends to revise its rules to conform with Act 782 passed during the 1979 Legislature changing the present \$30,000 exempt provisions where it appears in the rules to \$50,000; and the exemption of a residential unit.

Interested persons may submit comments up to fifteen days following publication hereof, to Emery L. Villar, Executive Director of the State Licensing Board for Contractors, 7434 Perkins Road, Baton Rouge, Louisiana 70808.

Emery L. Villar, Executive Director
Licensing Board for Contractors

NOTICE OF INTENT

Department of Commerce Racing Commission

The Louisiana State Racing Commission does hereby give notice that it intends to add Section 25.35 to its rules and regulations to read as follows:

25.35 When an overnight handicap, or an added money stakes event, is advertised, if six or more nominations are received by the Racing Secretary, entries must be taken. If the field consists of six or more, the race must go. A complete list of all nominations, regardless of the number, will be posted in the Racing Secretary's Office the day after the nominations close. A copy of said list will be filed with the State Steward.

Written comments will be accepted through November 5, 1979, and should be addressed to Ms. Rosalie Robinson, State Racing Commission, Suite 1020, One Shell Square, 701 Poydras Street, New Orleans, Louisiana 70139.

Albert M. Stall, Chairman
Racing Commission

NOTICE OF INTENT

Department of Corrections Office of the Secretary

The Department of Corrections intends to amend its rules governing trips by inmates away from the institution to which they are assigned. This action is taken to comply with amendments to R.S. 15:833. The proposed rules follow:

Regulation No. 30-7C Adult Services

Escorted Inmate Absences

1. Purpose. The purpose of this regulation is to establish the policy of the Department of Corrections regarding escorted trips of inmates outside the confines of the institutions.

2. Responsibility. The Assistant Secretary for Adult Services, his staff, and all wardens and correctional treatment administrators of each adult correctional institution in the Department of Corrections are responsible for ensuring compliance with this regulation.

3. Legal. Absences from adult correctional institutions are controlled by R.S. 15:833.

4. General. Escorted trips outside correctional institutions must be approved by the Secretary or his designee prior to departure. The period during which the inmate will be on escorted absence from an institution will be clearly indicated in the approval.

5. Applicability.

A. The terms "escorted absences" and "escorted trips" do not refer to:

(1) furloughs (see Department Regulation No. 30-7).

(2) work details.

(3) hospital trips.

(4) court appearances.

(5) participation in approved programs at other correctional facilities.

The terms do apply to all other occasions when inmates may be taken off of institutional grounds. This includes, but is not limited to, funerals, athletic events, speeches, field trips, and religious services. Any inmate may be taken off of institutional grounds for work details, hospital trips, court appearances, or participation in programs at other correctional units provided that adequate security is maintained.

B. This regulation sets forth the minimum requirements necessary for approval for escorted trips and does not prevent the denial of such trips to any inmate whose record or observable behavior indicates that approval would not be appropriate or who, in the Secretary's discretion, is not otherwise acceptable.

6. Exclusions.

A. Inmates serving sentences for the following offenses:

- (1) first degree murder.
- (2) second degree murder.
- (3) attempted murder.
- (4) aggravated rape.
- (5) attempted aggravated rape.
- (6) forcible rape.
- (7) aggravated kidnapping.
- (8) aggravated arson.
- (9) armed robbery.
- (10) attempted armed robbery.
- (11) producing, manufacturing, distributing or dispensing or possession with intent to produce, manufacture, distribute or dispense a Schedule I or II controlled dangerous substance (R.S. 40:964).

(12) habitual felony conviction (R.S. 15:529.1) shall be eligible for escorted absences from the institution in the following cases only:

- (1) visits with dying family members.
- (2) funerals of family members.
- (3) speaking assignments.
- (4) participation in charity boxing matches.
- (5) performances by organized vocal or instrumental groups at civic or charitable functions.
- (6) religious services.

B. All inmates, including those noted above, who are being considered for escorted trips must meet the following (may be waived by the appropriate warden in cases of death or serious illness in inmate's family):

- (1) The inmate must have been in custody for the current offense for a period of not less than six months and must have been in the physical custody of the Department of Corrections for not less than three months prior to becoming eligible for an escorted trip.
- (2) The inmate must not have a disciplinary conviction for a major rule infraction in which he lost good time or was placed in isolation for six months prior to the beginning of the escorted trip.
- (3) The inmate must not have escaped or attempted to escape during the three years preceding an escorted trip.
- (4) The inmate must be classified as minimum security according to the criteria of the institution where the inmate is confined prior to recommendation for an escorted trip.

7. Procedures.

A. Requests for escorted trips should be directed by the warden to the Office of Adult Services so that it might be determined that the application is in conformance with this regulation.

B. The request should contain all significant information regarding the escorted trip including places and times and the manner of security which is to be provided.

C. The request should contain an express statement by the warden that he recommends that the escorted trip be allowed.

D. Inmates should not be recommended for escorted trips even though they might meet criteria established herein when it is known to the warden or responsible officials that the inmate might present a danger to himself or to the public should the inmate be released from direct custody.

E. Approval by the Secretary or his designee must be obtained prior to departure.

8. Administrative Requirements.

A. Except in cases of serious illness or death, requests for escorted trips should be submitted at least seven days prior to the date of the requested trip.

B. Requests for escorted trips may be telecopied should the appropriate warden feel that the situation is such that this procedure is justified.

9. Cancellation. Department Regulation No. 30-7(C), dated April 1, 1979, is cancelled and superceded by this regulation.

Interested persons may submit comments on the proposed changes, in writing, through November 3, 1979, to Mr. C. Paul Phelps, Secretary of Corrections, Box 44304, Baton Rouge, Louisiana 70804.

C. Paul Phelps, Secretary
Department of Corrections

NOTICE OF INTENT

Board of Elementary and Secondary Education

The State Board of Elementary and Secondary Education intends to adopt as policy the following at its November meeting:

1. Nonpublic School Testing Guidelines.
2. Guidelines for Project Evaluators: Eligibility Restrictions.

The proposed rules read as follows:

A person who is paid for writing a proposal, a board member, an employee or a person on contract to a Local Educational Agency, or whose firm is under contract to a Local Educational Agency, has a vested interest and cannot evaluate that project.

An evaluator can be removed from the registry for cause.

The project evaluator shall address the cost effectiveness of the project as well as the educational aspects.

Applying parishes are required to submit to the Department of Education and to the Board of Elementary and Secondary Education the name of the project evaluator, the evaluation design, and methods of analysis for evaluating the project at the time the application is made. The application, evaluation design, and methods of analysis must outline what the applying school system intends to accomplish written in measurable terms, as well as the procedure for implementation, and the procedure for measurement.

The Department of Education will submit all project evaluations to the Board.

Project evaluators will submit an itemized breakdown of honorariums and per diem expenditures which shall in no case exceed five percent of the total project cost (but not necessarily five percent depending upon the nature of the project). Verification for the requested honorariums will be required.

3. Directives to be used in listing nonpublic schools in the Louisiana School Directory as follows:

If a school does not submit an annual school report, it shall not be listed in the directory; schools ineligible under *Brumfield v. Dodd* would be so listed in the directory and be noted as ineligible by the use of an asterisk. Approval categories should be listed as approved, provisional, probational, or unapproved, with appropriate notations as to whether or not the schools are special schools or alternative schools and have met those standards.

4. Amendment to Rule 1.00.30c which will require that referrals of advisory council minutes/reports be made to the standing committee(s) at the discretion of the Board Staff Director.

Interested persons may comment on the proposed policy changes and/or additions, in writing, until 4:30 p.m., November

7, 1979. Submit comments to James V. Soileau, Executive Director, State Board of Elementary and Secondary Education, Box 44064, Baton Rouge, Louisiana 70804.

James V. Soileau, Executive Director
Board of Elementary and Secondary Education

NOTICE OF INTENT

Board of Regents

Notice is hereby given that the Louisiana Board of Regents intends to update and/or amend *The Master Plan for Higher Education in Louisiana* at its December 6, 1979, meeting. The proposed update and/or amendments will be available at least fifteen days prior to the date upon which they are to be considered and will be available for public inspection between the hours of 8:00 a.m. and 4:30 p.m., on any working day, at the Louisiana Board of Regents Office, Suite 1530, One American Place, Baton Rouge, Louisiana. In the event this matter is not considered at the Board's December meeting, it will be considered at its regular January, 1980, meeting.

Interested persons may submit their views and opinions up to fifteen days following availability of materials to Sharon Beard, Louisiana Board of Regents, Suite 1530, One American Place, Baton Rouge, Louisiana 70825, telephone (504) 342-4253.

William Arceneaux
Commissioner of Higher Education

NOTICE OF INTENT

Department of Health and Human Resources Air Control Commission

The Air Control Commission proposes to adopt and amend rules and regulations, and to amend the State Implementation Plan (SIP), to provide for the control of organic compound emissions from dry cleaning sources, graphic arts (printing) sources, pharmaceutical manufacturing sources, gasoline terminal operations, storage tanks, surface coating (painting) sources, vapor degreasers, and petroleum refinery sources; and to amend the requirements for the granting of emission permits. These rules are being enacted under the authority granted to the Commission by R.S. 40:2204(A)(2).

The Commission will hold a public hearing, beginning at 10:00 a.m., October 23, 1979, in the New Orleans City Council Chambers, 1300 Perdido Street, to discuss and consider the adoption of the proposed Regulation revisions and State Implementation Plan revisions, and tentatively plans to adopt final regulations at a public hearing at the same location, beginning 10:00 a.m., November 27, 1979.

The person within the agency responsible for responding to inquiries about the proposed rule modifications is James F. Coerver, Technical Secretary, Louisiana Air Control Commission, Box 60630, New Orleans, Louisiana 70160; telephone (504) 568-5121. Written comments may be submitted to the above address until 4:30 p.m. of the day before the date of the hearing.

Data concerning these proposed changes will be available for review at the following locations at least thirty days prior to the public hearings:

1. State Office Building, 325 Loyola Avenue, Room 409, New Orleans.
2. East Baton Rouge Parish Health Unit, 353 North Twelfth Street, Room 83, Baton Rouge.

3. State Office Building, 1525 Fairfield Avenue, Fifth Floor, Shreveport.

4. Office of Health Services Building, 1505 North Nineteenth Street, Monroe.

5. Calcasieu Parish Health Unit, 721 Prien Lake Road, Lake Charles.

Proposed Regulations

4.99 Graphic Arts (Printing). The formation of words, designs and pictures, usually by a series of application rolls each with only partial coverage.

4.100 Packaging Rotogravure Printing. The printing upon paper, paper boards, metal foil, plastic film, and other substrates, which are, in subsequent operations, formed into containers and labels for articles to be sold.

4.101 Publication Rotogravure Printing. The printing upon paper which is subsequently formed into books, magazines, catalogues, brochures, directories, newspaper supplements, and other types of printed materials.

4.102 Flexographic Printing. The application of words, designs and pictures to a substrate by means of a roll printing technique in which both the pattern to be applied is raised above the printing roll and the image carrier is made of rubber or other elastomeric materials.

4.103 Vapor-Tight. Not capable of allowing the passage of gases at the pressures encountered.

4.104 Pharmaceutical Manufacturing Facility. Any facility which manufactures pharmaceutical products by chemical syntheses.

* * * *

6.3.8 A statement that any proposed new or modified major stationary source as per Section 173 of the Federal Clean Air Act as amended August 1977 in an area which has been designated as "nonattainment" by the Environmental Protection Agency will be built or modified to achieve the lowest achievable emission rate (LAER) as defined by Section 171 of the Federal Clean Air Act as amended August 1977. In addition, the owner or operator of such proposed new or modified source will demonstrate that all major stationary sources owned or operated by such person (or by any entity controlling, controlled by, or under common control with such person) in Louisiana is in compliance with all emission limits and standards under the Federal Clean Air Act or is on a schedule of actions, officially adopted by the Commission, to achieve compliance. Such demonstration shall be evidenced by the owner or operator furnishing the following certification:

All existing major stationary sources owned and operated by the applicant in Louisiana, which are subject to a final court judgement or final EPA order or final Louisiana Air Control Commission enforcement action entered as a result of the alleged non-compliance of such sources with an emission limitation or standard under the Clean Air Act, are now in compliance with all such judgements or orders including, without limitation, any approved compliance schedules which are federally enforceable contained therein. This certification is based upon a reasonable inquiry of those employees of applicant who have operational responsibility for compliance with such emission limitations and standards.

If owner or operator is not able to make the affirmations specified in Section 6.3.8, a permit cannot be issued.

* * * *

Revise the first sentence of Section 22.3 (a) to read as follows:
22.3...(a) A floating roof, consisting of a pontoon type, double deck type roof or internal floating cover, which will rest or float on the surface of the liquid contents and can be equipped with a

closure seal or seals to close the space between the roof edge and tank wall...

* * * *

To incorporate emission limitations for the surface coating of miscellaneous metal parts and products as well as factory surface coating of flat wood paneling:

Revise 22.9.2 to read: Surface Coating Industries. No person may cause, suffer, allow or permit volatile organic compound (VOC) emissions from the surface coating of any materials affected by Regulation 22.9.2 (a) through (j) to exceed the emission limits as specified in the regulation.

Add 22.9.2 (i) reading: Surface Coating of Miscellaneous Metal Parts and Products. The following emission limits shall apply:

	VOC Emission Limitation	
	lbs per gal of coating (minus water)	kg per liter of coating (minus water)
Clear Coat	4.3	0.52
Air or forced air-dried items (not oven dried)	3.5	0.42
Frequent color change and/or large numbers of colors applied, or first coat on untreated ferrous substrate	3.0	0.36
Outdoor or harsh exposure or extreme performance characteristics	3.5	0.42
No or infrequent color change, or small number of colors applied		
(1) Powder Coating	0.4	0.05
(2) Other	3.0	0.36

Add 22.9.2 (j) reading: Factory Surface Coating of Flat Wood Paneling. The following emission limits shall apply:

	VOC Emission Limitation	
	lbs per 100 sq. ft. of coated surface	kg per 10 sq. meter of coated surface
Printed interior wall panels made of hardwood plywood and thin particleboard	6.0	2.9
Natural finish hardwood plywood panels	12.0	5.8
Class II finishes for hardboard paneling	10.0	4.8

Revise Section 22.9.3 (b) to read: If a person wishes to use low solvent technology to meet any of the emission limits specified in Regulation 22.9.2 (a) through (j) and if the technology to be used for any particular application is not now proven but is expected to be proven in a reasonable length of time, he may request a compliance date extension from the Technical Secretary. After consultation with appropriate local governmental agencies, the Technical Secretary may extend the compliance date to no later than December 31, 1982; December 31, 1983, for paragraphs (i) and (j). Compliance date...

...Final compliance date for any control plan shall be no later than December 31, 1982; December 31, 1983, for paragraphs (i) and (j).

* * * *

22.12.4 Exemptions. A vapor degreaser emitting one hundred pounds (forty-five kilograms) or less of VOC in any consecutive twenty-four hour period (uncontrolled) is exempt from the provisions of this section provided the total emissions from all the vapor degreasers at the facility combined are less than one

hundred tons/year of VOC, uncontrolled. If these two conditions are not met, the provisions of Section 22.12 must apply.

* * * *

22.19 Perchloroethylene Dry Cleaning Systems

22.19.1 Control Requirements.

A. There shall be no liquid leakage of volatile organic compounds from any perchloroethylene dry cleaning system. Liquid leakage shall be determined by visual inspection of the following sources:

1. Hose connections, unions, couplings and valves.
2. Machine door gasket and seating.
3. Filter head gasket and seating.
4. Pumps.
5. Base tanks and storage containers.
6. Water separators.
7. Filter sludge recovery.
8. Distillation units.
9. Divertor valves.
10. Saturated lint from lint basket.
11. Cartridge filters.

B. Vaporized perchloroethylene shall be handled in vapor-tight equipment and transfer lines.

C. The dryer exhaust must be vented through a carbon adsorber or equivalent control system for a vented solvent concentration of 100 ppm or less before dilution.

D. Filter and distillation wastes.

1. The residue from any diatomaceous earth filter shall be cooked or treated so that wastes shall not contain more than twenty-five pounds of solvent per one hundred pounds of wet waste material (25kg/100kg).

2. The residue from a solvent still shall not contain more than sixty pounds of solvent per one hundred pounds of wet waste material (60kg/100kg).

3. Filtration cartidges must be drained in the filter housing for at least twenty-four hours before being discarded. The drained cartridges should be dried in the dryer tumbler after draining if at all possible.

4. Any other filtration or distillation system can be used if equivalency to these guidelines is demonstrated to the Technical Secretary. For purposes of equivalency demonstration, any system reducing waste losses below one pound solvent per one hundred pounds of clothes cleaned (1kg/100kg) will be considered equivalent.

5. The amount of solvent in filter and distillation wastes shall be determined by utilizing the test method described by the American National Standards Institute in the paper, "Standard Method of Test for Dilution of Gasoline-Engine Crankcase Oils."

22.19.2 Exemptions.

A. Perchloroethylene dry cleaning facilities are exempt from Section 22.19.1 where an adsorber cannot be accommodated because of inadequate space or where no, or insufficient, steam capacity is available to desorb adsorbers. Documented evidence must be presented to the Louisiana Air Control Commission. Any exemption granted shall be confirmed in writing.

B. Any coin operated perchloroethylene dry cleaning facility is exempted.

C. Any perchloroethylene dry cleaning facility which has a potential to emit a combined weight of volatile organic compounds less than five hundred fifty pounds (249kg) in any consecutive twenty-four hour period is exempt from the provisions of this subsection.

22.19.3 Compliance. All affected facilities shall be in compliance with the provisions of Section 22.19.1 as soon as practicable, but no later than December 31, 1983.

* * * *

22.20 Graphic Arts (Printing) by Rotogravure and Flexographic Processes.

22.20.1 Control Requirements. No person shall operate or allow the operation of a packaging rotogravure, publication rotogravure, or flexographic printing facility unless volatile organic compound emissions are controlled by one of the following methods:

A. The volatile organic compound fraction of ink, as it is applied to the substrate, contains twenty-five volume percent or less and seventy-five volume percent or more of water.

B. A volatile organic compound adsorption or incineration system which can be demonstrated to have an overall capture and abatement reduction of at least:

1. Seventy-five percent where a publication rotogravure process is employed.
2. Sixty-five percent where a packaging rotogravure process is employed.
3. Sixty percent where a flexographic printing process is employed.

C. This rule applies to affected machines on which both surface coating and printing operations are performed.

22.20.2 Exemptions. A rotogravure or flexographic printing facility which has a potential to emit a combined weight of volatile organic compounds less than five hundred fifty pounds (249kg) in any consecutive twenty-four hour period is exempt from the provisions of Section 22.20.1.

22.20.3 Compliance. All affected facilities shall be in compliance with the provisions of 22.20.1 as soon as practicable, but no later than December 31, 1983.

* * * *

22.21 Fugitive Emission Control

22.21.1 Control Requirements.

A. No component of any petroleum refinery shall be allowed to leak at a rate which would result in a volatile organic compound concentration exceeding 10,000 parts per million (ppm) when tested in the manner described in appendix B of the OAQPS guideline series: "Control of volatile organic compound leaks from petroleum refinery equipment," June 1978.

B. No valve, except safety pressure relief valves, shall be located at the end of a pipe or line containing volatile organic compounds unless the end of such line is sealed with a second valve, a blind flange, a plug, or a cap. Such sealing device may be removed only when the line is in use, for example, when a sample is being taken.

C. The operator of a refinery shall make every reasonable effort to repair a leaking component, as described in Section 22.21.1A, within fifteen days. If the repair of a component would require a unit shutdown, and if the shutdown would create more emissions than the repair would eliminate, the repair may be delayed to the next scheduled shutdown.

22.21.2 Monitoring Requirements. The monitoring of components containing volatile organic compounds shall be performed by the following schedule using the method described in Section 22.21.1 A.:

A. Monitor with a portable VOC detection device one time per year (annually) the following equipment items:

1. Pump seals.
2. Pipeline valves in liquid service.
3. Process drains.

B. Monitor with a portable VOC detection device four times per year (quarterly) the following equipment items:

1. Compressor seals.
2. Pipeline valves in gas service.
3. Pressure relief valves in gas service.

C. Monitor pump seals visually fifty-two times a year (weekly).

D. Monitor with a portable VOC detection device any pump seal when liquids are observed dripping from the pump seals.

E. Monitor with a portable VOC detection device any pressure relief valve within fifteen days after it has vented to the atmosphere.

F. Monitoring is not required on the following equipment items:

1. Pipeline flanges,
2. Pressure relief valves in liquid service, and
3. Pressure relief devices which are tied into either a flare header or vapor recovery device.

G. The monitoring schedule of Section 22.21.2 A, B, and C may be modified as follows:

1. After at least two complete annual checks, the operator of a refinery may request in writing to the Louisiana Air Control Commission that the monitoring schedule be revised. This request shall include data that have been developed to justify any modification in the monitoring schedule.

2. If the Technical Secretary determines that there is an excessive number of leaks in any given process area, he may require an increase in the frequency of monitoring for that process area of the refinery.

H. The Technical Secretary may approve an alternate monitoring method if the refinery operator can demonstrate that the alternate monitoring method is equivalent to the method required by this Regulation. Any request for an alternate monitoring method must be made in writing to the Technical Secretary.

22.21.3 Records Requirements.

A. When a leak, as described in Section 22.21.1 A, is located, a weatherproof and readily visible tag bearing an identification number and the date the leak is located shall be affixed to the leaking component. The tag may be discarded after the leak is repaired.

B. A survey log shall be maintained by the operator of a refinery which shall include the following:

1. The name of the process unit where the leaking component is located.
2. The name of the leaking component.
3. The stream composition at the leak.
4. The identification number from the tag required by Section 22.21.3A.
5. The date the leak was located.
6. The date maintenance was performed.
7. The date the component was rechecked after maintenance.

The operator shall retain the survey log for two years after the latter date specified in Section 22.21.3 B 7.

22.21.4 Reporting Requirements. The operator of a refinery shall, after each quarterly monitoring has been performed, submit a report to the Technical Secretary of the Louisiana Air Control Commission listing all leaks that were located but not repaired within the fifteen day limit. Such report shall include the following:

- A. The name of the unit where the leaking component is located, the date of last unit shutdown.
- B. The name of the leaking component.
- C. The stream composition at the leak.
- D. The date the leak was located.
- E. The date maintenance was attempted.
- F. The date the leak will be repaired.
- G. The reason repairs failed or were postponed. The operator shall include in this report a signed statement attesting

to the fact that all other monitoring has been performed as required by this rule.

22.21.5 Compliance Schedule. All facilities affected by this regulation shall be in compliance as soon as practicable, but no later than December 31, 1983.

* * * *

22.22 Gasoline Terminal Vapor-Tight Control Procedure.

22.22.1 Gasoline Tank Trucks.

A. Gasoline tank trucks and their vapor collection systems shall not sustain a pressure change of more than three inches of water (0.75 kPa) in five minutes when pressurized to eighteen inches of water (4.5 kPa) evacuated to six inches of water (1.5 kPa) using the test procedure described in Appendix A of the OAQPS Guideline series: "Control of volatile organic compound leaks from gasoline tank trucks and vapor collection systems," December 1978, (EPA-450/278051).

B. All tank trucks must have a sticker displayed on each tank indicating the identification number of the tank and the date each tank last passed the pressure and vacuum test described in Section 22.22.1 A. Each tank must be certified annually and the sticker must be displayed near the Department of Transportation certification plate.

22.22.2 Vapor Collection System.

A. Loading and unloading operations at gasoline terminals shall not produce a reading equal to or greater than 100 percent of the lower explosive limit (LEL, measured as propane) at 2.5 centimeters around the perimeter of a potential leak source as detected by a combustible gas detector using the test procedure described in appendix B of the document referenced in Section 22.22.1 A.

B. Vapor collection and processing equipment shall be designed and operated to prevent tank truck gauge pressure from exceeding eighteen inches of water (4.5 kPa) and prevent vacuum from exceeding six inches of water (1.5 kPa).

C. The gasoline terminal operator shall keep records for two years indicating the last time the vapor collection facility passed the requirements specified in Section 22.22.2 A. Items which required repair in order to pass the specified requirements must also be recorded during the annual test procedure.

D. The monitoring frequency for the vapor collection system may be modified as follows:

1. After at least two annual checks, the terminal operator may request in writing to the Louisiana Air Control Commission that the monitoring frequency be extended. The operator should include data that have been developed to justify less frequent monitoring.

2. If the Technical Secretary determines that there is an excessive number of leaks during any given test by the terminal operator or by a Louisiana Air Control Commission representative, he may require an increase in the monitoring frequency.

22.22.3 Exemptions. All loading and unloading facilities for crude oil and condensate, for ships and barges and for facilities loading or unloading only liquified petroleum gas are exempt from Section 22.22.

22.22.4 Compliance Schedule. All affected facilities shall be in compliance with the provisions of these regulations as soon as practicable, but no later than December 31, 1983.

* * * *

22.23 Pharmaceutical Manufacturing Facilities

22.23.1 Reactors, Distillation Operations, Crystallizers, Centrifuges, and Vacuum Dryers. The owner or operator of a synthesized pharmaceutical manufacturing facility subject to this regulation shall control the volatile organic compound emissions from all reactors, distillation operations, crystallizers, centrifuges and

vacuum dryers that have the potential to emit fifteen pounds per day (6.8 kg/day) or more of VOC. Surface condensers or equivalent controls shall be used, provided that:

A. If surface condensers are used, the condenser outlet gas temperature must not exceed:

1. -13°F (-25°C) when condensing VOC of vapor pressure greater than 5.8 psia (40.0 KPA),

2. 5°F (-15°C) when condensing VOC of vapor pressure greater than 2.9 psia (20.0 KPA),

3. 32°F (0°C) when condensing VOC of vapor pressure greater than 1.5 psia (1.0 KPA),

4. 50°F (10°C) when condensing organic compounds of vapor pressure greater than 1.0 psia (7.0 KPA), or,

5. 77°F (25°C) when condensing organic compounds of vapor pressure greater than 0.5 psia (3.50 KPA).

B. If equivalent controls are used, the VOC emissions must be reduced by at least as much as they would be by using a surface condenser which meets the requirements of Section 22.23.1 A.

22.23.2 Air dryers, and production equipment exhaust systems. The owner or operator of a synthesized pharmaceutical manufacturing facility subject to this regulation shall reduce the VOC emissions from all air dryers and production equipment exhaust systems:

1. By at least 90 percent if emissions are 330 lb/day (150 kg/day) or more of VOC; or,

2. To 33 lb/day (15.0 kg/day) or less if emissions are less than 330 lb/day (150 kg/day) of VOC.

22.23.3 Storage and loading controls. The owner or operator of a synthesized pharmaceutical manufacturing facility subject to this regulation shall:

A. Provide a vapor balance system or equivalent control that is at least 90 percent effective in reducing emissions from truck or railcar deliveries to storage tanks with capacities greater than 2,000 gallons that store VOC with vapor pressures greater than 4.1 psia (28.0 KPA) and,

B. Install pressure/vacuum conservation vents set at plus or minus 0.03 psi gauge (plus or minus 0.2 KPA) on all storage tanks that store VOC with vapor pressures greater than 1.5 psia (10.3 KPA), unless a more effective control system is used.

22.23.4 Centrifuges, filters, and in-process tank requirements. The owner or operator of a synthesized pharmaceutical facility subject to this regulation shall:

A. Enclose all centrifuges, rotary vacuum filters, and other filters which process liquids containing VOC with vapor pressures of 0.5 psia (3.50 KPA) or more.

B. Install covers on all in-process tanks containing a volatile organic compound at any time. These covers must remain closed, unless production, sampling, maintenance, or inspection procedure require operator access.

22.23.5 Volatile organic compound leaks. The owner or operator of a synthesized pharmaceutical manufacturing facility subject to this regulation shall repair all leaks from which a liquid, containing VOC, can be observed running or dripping. The repair shall be completed the first time the equipment is off-line for a period of time long enough to complete the repair.

22.23.6 Exemptions. Any pharmaceutical manufacturing facility which has a potential to emit a combined weight of volatile organic compounds less than 550 pounds (249 kg) in any consecutive twenty-four-hour period is exempt from the provisions of Section 22.23.

22.23.7 Compliance. All affected persons shall be in compliance with these rules as soon as practicable, but no later than December 31, 1983.

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

NOTICE OF INTENT

Department of Health and Human Resources Board of Embalmers and Funeral Directors

The Louisiana State Board of Embalmers and Funeral Directors proposes to adopt the following new rule (Rule 14). Rules previously numbered 14, 15, and 16 will become Rules 15, 16, and 17. Interested persons may submit written comments to Dawn Scardino, Box 8757, Metairie, Louisiana 70011, through November 3, 1979.

Rule 14. Pressure Sales Tactics

The use of pressure sales tactics and/or plans, including but not limited to a bait and switch plan, and/or a sales commission plan by a funeral establishment, or by anyone in their employ, or by anyone acting on their behalf, in the sale of merchandise or services, shall be an unethical and/or deceptive practice.

Lloyd E. Eagan, Secretary
Board of Embalmers and Funeral Directors

NOTICE OF INTENT

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security proposes to adopt a rule that will permit the payment of the following pancreatic enzymes for persons under age twenty-one who are recipients in the Medicaid Program: Cotazym, Ilozyme, Ku-zyme HP, Pancrease, Pancreatin, and Viokase.

Interested persons may submit written comments on the proposed policy changes through November 3, 1979, at the following address: Mr. Alvis D. Roberts, Assistant Secretary, Office of Family Security, Box 44065, Baton Rouge, Louisiana 70804. Mr. Roberts is the person responsible for responding to inquiries about this proposed rule.

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

NOTICE OF INTENT

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security proposes to adopt policy that will expand the list of drugs subject to the Maximum Allowable Costs (MAC) regulations. The list is as follows: Diphenoxylate hydrochloride/atropine sulfate 2.5 mg./0.025 mg. tablet, \$0.0491 per tablet; Methocarbamol, 500 mg. tablet, \$0.0496 per tablet; Methocarbamol, 750 mg. tablet, \$0.0640 per tablet; Sulfisoxazole, 500 mg. tablet, \$0.0273 per tablet; Oxyphenbutazone, 100 mg. per tablet, \$0.0847 per tablet; Tetracycline HC1, 125 mg./5 ml. syrup, \$0.0104 per ml.; Doxepin, 100 mg. capsule, \$0.2900 per capsule; Penicillin G, 400 mu. tablet, \$0.0237 per tablet; and Penicillin G, 800 mu. tablet, \$0.0640 per tablet.

In no case may a recipient be required to provide payment for any difference in a prescription price that may occur with the implementation of MAC, nor may our office use a cost which exceeds the established maximums except as follows. HEW's regulations provide that when a physician certifies that a specific brand is medically necessary for a particular patient then the MAC limi-

tations for that medication will not apply. In this case their specific guidelines provide that:

1. the certification must be in the physician's handwriting;
2. the certification may be written directly on the prescription, or on a separate sheet which is attached to the prescription;
3. a standard phrase written on the prescription, such as "brand necessary" will be acceptable;
4. a printed box on the prescription blank that could be checked by the physician to indicate brand necessity is unacceptable;
5. a handwritten statement transferred to a rubber stamp and then stamped on the prescription blank is unacceptable.

Interested persons may submit written comments on the proposed policy changes through November 3, 1979, at the following address: Mr. Alvis D. Roberts, Assistant Secretary, Office of Family Security, Box 44065, Baton Rouge, Louisiana 70804. Mr. Roberts is the person responsible for responding to inquiries about the proposed rule.

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

NOTICE OF INTENT

Department of Health and Human Resources Office of Health Services and Environmental Quality Food and Drug Control Unit

The Department of Health and Human Resources, Office of Health Services and Environmental Quality, Food and Drug Control Unit, proposes to permanently adopt rules and regulations governing the use of "reusable" plastic or "second-hand" containers in the manufacturing, production, preparation, compounding, blending, or packing for sale, distribution, or transfer of a food, drug, or beverage. These rules and regulations, promulgated pursuant to R.S. 40:688, are made necessary as a result of the introduction of such containers into the flow of commerce in this state. The proposed rules and regulations are as follows:

1.01. Sterilization Process.

A. All "reusable" glass containers shall be cleansed, sterilized, and freed from rust and contamination of any kind by the process that is described in detail in R.S. 40:682.

B. Any person or firm wishing to reuse plastic containers in the manufacturing, production, preparation, compounding, blending or packing for sale, distribution or transfer of a food, drug, or beverage must develop a suitable sterilization process and have it approved by the Secretary of the Department of Health and Human Resources (State Health Officer) or his designee. From time to time, the Secretary of the Department of Health and Human Resources shall declare approval of such sterilization processes as having been proven effective for cleansing, sterilizing, and removing rust from such plastic containers.

2.01. Prohibited Activities.

A. The using of reusable plastic containers as a vehicle to handle or store gasoline, kerosene, pesticides or other toxic organic chemicals is prohibited.

B. The attempted sterilization of reusable plastic containers for the packaging of foods, drugs, or cosmetics after they have been used to hold any toxic organic chemicals is prohibited.

C. The attempted sterilization for reusable plastic containers by a process not approved by the Secretary of the Department of Health and Human Resources is prohibited.

Interested persons may submit written comments on the proposed policy changes through November 3, 1979, at the following address: Mr. Ronald J. Hingle, R.S., Administrator, Food and

Drug Control Unit, Room 319, Louisiana State Office Building, Box 60630, New Orleans, Louisiana 70160.

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

NOTICE OF INTENT

Department of Natural Resources Office of Conservation

In accordance with R.S. 30:1, et seq., particularly R.S. 30:901 through R.S. 30:932, and R.S. 49:951, et seq., a public hearing will be held in the Civic Center, Council Chambers, City Hall, 1234 Texas Avenue, Shreveport, Louisiana at 9:00 a.m., November 14, 1979.

At such hearing, the Commissioner will consider evidence relative to revising and/or amending the rules and regulations pertaining to the practice and procedure for all hearings, investigations, reclamation and procedures before the Commissioner, Office of Conservation, State of Louisiana, under the Surface Mining and Reclamation Act.

These proposed rules and regulations are to be issued in compliance with federal regulations issued by the Department of the Interior, Office of Surface Mining Reclamation and Enforcement in Volume 44, No. 50 of the Federal Register, dated March 13, 1979 at pages 15311 through 15463.

The proposed rules may be reviewed in any of the following offices of the Office of Conservation: Baton Rouge (504-342-5540), State Land and Natural Resources Building, Corner of Riverside Mall and North Street; Shreveport (318-226-7585), 960 Jordan Street, Room 214; Lafayette (318-235-1581), 315 Audubon Street; Houma (504-873-7791), 1206 Tunnel Boulevard; Lake Charles (318-477-7551), 3520 Patrick Street and New Orleans (504-568-5785), 325 Loyola Avenue, 307 State Office Building - Civic Center.

The Commissioner of Conservation, on or after December 20, 1979, will promulgate the rules and regulations pertaining to the Surface Mining and Reclamation of lignite and coal in the State of Louisiana.

Comments and views regarding the revised and/or amended proposed statewide rules and regulations should be directed in written form to be received in the Baton Rouge office not later than 5:00 p.m., November 14, 1979. Oral comments will be received at the hearing, but should be brief and not cover the entire matter contained in the written comments.

The person responsible for responding to inquiries about the proposed rules is R. T. Sutton.

R. T. Sutton, Commissioner
Office of Conservation

NOTICE OF INTENT

Department of Natural Resources Office of Forestry and Office of the Governor Tax Commission

The Office of Forestry will hold its annual joint meeting with the Tax Commission on Monday, December 3, 1979, for the purpose of determining the current average stumpage market value of timber and pulpwood for severance tax computations for 1980.

The meeting will be held in Baton Rouge at the Office of Forestry headquarters, 5150 Florida Boulevard at 10:00 a.m. Interested parties will be afforded reasonable opportunity to present views and comments at the meeting. Written comments may be submitted to D. L. McFatter, State Forester, Office of Forestry, Box 1628, Baton Rouge, Louisiana 70821.

D. L. McFatter, State Forester
Office of Forestry

C. Gordon Johnson, Chairman
Tax Commission

NOTICE OF INTENT

Department of Natural Resources Office of the Secretary

Pursuant to the provisions of R.S. 40:143, the Department of Natural Resources hereby gives notice of its intention to formulate a regulatory program under Act 592 of 1979 for the sale of crude oil to small refineries of royalties in-kind from state owned mineral rights.

All inquiries about this intended action and all written data, views, or arguments should be submitted on or before November 4, 1979, to William C. Huls, Secretary, Department of Natural Resources, Box 44396, Baton Rouge, Louisiana 70804, telephone (504) 342-4500.

An opportunity for oral presentation and arguments will be given to all interested persons on November 5, 1979, at 1:30 p.m. in the Mineral Board Hearing Room, Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, Louisiana.

William C. Huls, Secretary
Department of Natural Resources

NOTICE OF INTENT

Department of Natural Resources Office of the Secretary

Notice is hereby given that the Department of Natural Resources intends to adopt rules concerning its future activities in formulating regulations and in exercising its quasi-judicial authority. These rules will comply with requirements of the Louisiana Administrative Procedures Act, R.S. 49:951 et seq., and will be general in scope and applicable to all statutory direction concerning exercise of state sovereignty by this Department.

Copies of the proposed regulations may be obtained from and written comments concerning them submitted to Mr. Jerry Hill, Undersecretary, Department of Natural Resources, Box 44396, Baton Rouge, Louisiana 70804, prior to Monday, November 5, 1979. On this date, at 9:00 a.m., in the Mineral Board Hearing Room, Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, Louisiana the public is invited to attend a hearing for and to comment on these proposed rules.

* * * * *

Notice is given that the Department of Natural Resources intends to adopt regulations responsive and supplementary to Act 605 of the 1979 Legislature and with reference to Public Law 95-620 and 10 CFR. They will relate to the conversion by industries and utilities, as defined in the law, to coal or alternate sources of fuel other than gas or petroleum. They will be addressed to the filing, processing and issuing of licenses for support facilities

necessary for conversion, hearings, fees, enforcement of license standards, and related matters.

Copies of the proposed regulations may be obtained from and written comments concerning them submitted to Mr. Jerry Hill, Undersecretary, Department of Natural Resources, Box 44396, Baton Rouge, Louisiana 70804, prior to Monday, November 5, 1979. On this date at 10:00 a.m., in the Mineral Board Hearing Room, Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, Louisiana, the public is invited to attend a hearing for and to comment on these proposed rules.

William C. Huls, Secretary
Department of Natural Resources

NOTICE OF INTENT

Department of Public Safety Office of Alcoholic Beverage Control

Notice is hereby given pursuant to the requirements of R.S. 49:953 that on November 5, 1979, the Office of Alcoholic Beverage Control plans to adopt an amendment to Rule IX, Prohibiting Certain Unfair Business Practices in the Malt Beverage Industry in Louisiana.

The amendment will modify and effect a change in certain exceptions to the general prohibitions against "tied house" arrangements which are prohibited by R.S. 26:286(9)(10).

Interested persons may submit written testimony on this subject to the Office of Alcoholic Beverage Control, Box 66404, Audubon Station, Baton Rouge, Louisiana 70896, through November 4, 1979. The person responsible for responding to inquiries about the proposed amendment is Lynn E. Williams.

Lynn E. Williams, Assistant Secretary
Office of Alcoholic Beverage Control

NOTICE OF INTENT

Department of Public Safety Office of State Fire Protection

The Department of Public Safety, Office of State Fire Protection, proposes to amend its existing Rule 4.1 to read as follows, and to add new Sections 2 and 3 to Rule 2, as follows:

Plans and Specifications for a New Building

4.1. As of January 1, 1980, the plans and specifications for every structure built or remodeled in the State of Louisiana must be drawn in accordance with the requirements of a 1976 edition of the Life Safety Code of the National Fire Protection Association and Section 518 - Special Provision for High Rise, of Chapter 4 of the 1974 amendments to the 1973 Southern Standard Building Code.

General Provisions

2.2. With regard to buildings constructed between January 1, 1975, and January 1, 1980, inspections of those buildings will be made on the basis of requiring that the buildings meet the minimum requirements set forth in the 1973 edition of the Life Safety Code of the National Fire Protection Association and Section 518 - Special Provision for High Rise, of Chapter 4 of the 1974 amendments to the 1973 Southern Standard Building Code.

2.3. For buildings constructed prior to January 1, 1975, inspections by the Office of State Fire Marshal shall be made utilizing the requirements set forth in the 1967 edition of the Life Safety Code of the National Fire Protection Association.

Anyone who has any questions or comments, or desires a public hearing on the matter, should contact State Fire Marshal Daniel L. Kelly at the Louisiana State Office Building, New Orleans, Louisiana 70112, or the attorney for the State Fire Marshal, Plache F. Villere, Jr., 500 Dufossat Street, New Orleans, Louisiana 70115 before November 6, 1979.

Daniel L. Kelly
State Fire Marshal

NOTICE OF INTENT

Department of Public Safety Office of Motor Vehicles

Notice is hereby given that the Louisiana Department of Public Safety proposes to adopt the following rules relative to the issuance of prestige license plates, ex-prisoners' of war license plates, disabled veterans' license plates, and antique license plates. Interested persons may submit their written views and opinions until 4:30 p.m., November 6, 1979, to the following: Margaret Levraea, Department of Public Safety, Vehicle Registration Bureau, Box 66196, Baton Rouge, Louisiana 70896.

Prestige License Plates

1. Description. The plates shall bear combinations of not more than six characters. Any combination of numerical and alphabetical characters can be used; however, at least two alphabetical characters must be used in any configuration. A plate comprising six characters is entitled to one free space. The only characters other than alphabetical or numerical characters that can be used are periods and dashes. Plates bearing obscene or objectionable words or initials will not be authorized.

2. Eligibility. Prestige license plates may be used on the following types of vehicles:

- A. Private passenger automobiles.
- B. Private passenger pickup trucks up to six thousand pounds.
- C. Private use vans which qualify for automobile or minimum use pickup truck plates.
- D. Private buses and recreational vehicles.
- E. Commercial vehicles operated for private use only.

3. Place of Application. Applications for issuance of prestige license plates shall be made at the Vehicle Registration Bureau, 109 South Foster Drive, Baton Rouge, Louisiana, or through the mail by writing to the Department of Public Safety, Box 66196, Baton Rouge, Louisiana 70896.

4. Application. All applications for issuance of prestige license plates shall be made on form DPSVR 1619 and all transfers and conversions shall be made on prescribed DPSVR forms. If the vehicle on which the prestige plate will be displayed has been purchased but application for title has not been made, the application for title and the request for prestige plate will be taken at the same time. A numerical plate will be issued for the vehicle until the prestige plate has been received, at which time the numerical plate and corresponding registration certificate will be surrendered for cancellation.

5. Fee. The fee for issuance of a prestige license plate shall be twenty-five dollars a year for the prestige plate plus the regular registration fee of three dollars a year for automobiles, ten dollars a year for pickup trucks and twenty-five dollars a year for private buses. The plate can be transferred from one vehicle to another; however, a three dollar transfer fee is due. The plates are subject to regular renewal requirements. Once a prestige license plate has been issued to an applicant, he shall have priority to such plate for

succeeding years, provided application for renewal and fee are submitted within the allotted period.

6. Cancellation. Prestige license plates displayed on vehicles other than those to which issued are subject to immediate cancellation. If the applicant no longer wishes to display the plate on his vehicle or transfer the plate to another vehicle registered in his name, the plate shall be returned to this office for cancellation. The Commissioner shall cancel and pick up any plate inadvertently issued and later found to carry a connotation offensive to good taste and decency. No refund or replacement will be made.

7. Replacement. If the prestige plate is lost or stolen, applicant may apply for a replacement plate by executing prescribed DPSVR form and submitting along with the registration certificate and two dollar fee.

Ex-Prisoners' of War License Plates

1. Eligibility. Applicants for ex-prisoner of war license plates shall include all former prisoners of war of World War I, World War II, the Korean Conflict and the Vietnamese Conflict. License plates shall be issued for any private passenger automobiles, private use minimum trucks and private use vans. If the applicant qualifies for both a disabled veteran's license plate and an ex-prisoner of war license plate, he shall be issued only one type. He cannot have both.

2. Place of application. Applications for issuance of ex-prisoner of war license plates shall be made at the Vehicle Registration Bureau, 109 South Foster Drive, Baton Rouge, Louisiana, or through the mail by writing to the Department of Public Safety, Box 66195, Baton Rouge, Louisiana 70896.

3. Application. All applications for issuance or transfer of ex-prisoner of war license plates shall be made on prescribed DPSVR forms. Applications must be accompanied by an affidavit signed by a Veterans Affairs Service Officer attesting to the applicant's eligibility or sufficient proof of the applicant's status as an ex-prisoner of war. If the vehicle is not registered in the applicant's name, he must submit proper title documentation and fees along with the request for ex-prisoner of war license plate.

4. Fee. There shall be no charge for the initial issuance of the ex-prisoner of war license plate. The plate can be transferred from one vehicle to another; however, there will be a three dollar transfer fee. Only one ex-prisoner of war license plate shall be issued for each applicant.

5. Cancellation. Ex-prisoner of war license plates displayed on vehicles other than those to which issued shall be subject to immediate cancellation and all such vehicles subject to full registration fees prescribed by law. If the applicant no longer wishes to display the plate on his vehicle or if the applicant is deceased, the plate shall be returned to this office.

6. Replacement. If the ex-prisoner of war license plate is lost or stolen, the applicant may apply for a replacement plate by executing the prescribed DPSVR form and submitting it along with the registration certificate and two dollars.

Disabled Veterans' License Plates

1. Eligibility. Applicants for disabled veterans' license plates shall include any veteran who has a service-connected disability of one hundred percent, total and permanent, and who is a resident of this state. License plates shall be issued for any private passenger automobiles, private use minimum trucks and private use vans. If the applicant qualifies for both a disabled veterans' license plate and an ex-prisoner of war license plate, he shall be issued only one type. He cannot have both.

2. Place of application. Applications for issuance of disabled veterans' license plates shall be made at the Vehicle Registration Bureau, 109 South Foster Drive, Baton Rouge, Louisiana, or through the mail by writing to the Department of Public Safety, Special Services Section, Box 66196, Baton Rouge, Louisiana 70896.

3. Application. All applications for issuance or transfer of disabled veterans' license plates shall be made on prescribed DPSVR forms. Applications must be accompanied by an affidavit signed by a Veterans Affairs Service Officer attesting to the applicant's eligibility. If the vehicle is not registered in the applicant's name, he must submit proper title documentation and fees along with the request for disabled veteran's license plate.

4. Fee. There shall be no charge for the initial issuance of the disabled veteran's license plate. The plate can be transferred from one vehicle to another; however, there will be a three dollar transfer fee. Only one disabled veteran's license plate can be issued for each applicant.

5. Cancellation. Disabled veterans' license plates displayed on vehicles other than those to which issued are subject to immediate cancellation and all such vehicles subject to full registration fees prescribed by law. If the applicant no longer wishes to display the plate on his vehicle or if the applicant is deceased, the plate shall be returned to this office.

6. Replacement. If the disabled veteran's license plate is lost or stolen, applicant may apply for a replacement plate by executing the prescribed DPSVR form and submitting along with the registration certificate and two dollar fee.

Antique License Plates

1. Definition. Antique motor vehicle means a motor vehicle, including a motorcycle, which is at least thirty years of age or older that, because of its significances, is being collected, preserved, restored, operated or maintained by a hobbyist as a leisure pursuit.

2. Place of application. Applications for issuance of Antique License plates shall be made at the Vehicle Registration Bureau, 109 South Foster Drive, Baton Rouge, Louisiana, or through the mail by writing to the Department of Public Safety, Special Services Section, Box 66196, Baton Rouge, Louisiana 70896.

3. Application. All applications for issuance or transfer of antique license plates shall be made on prescribed DPSVR forms. Applications must be accompanied by either a copy of a current membership card in an antique car club or a notarized statement attesting to the condition of the vehicle and a picture of the vehicle. If the vehicle is not presently registered in the applicant's name, he must submit proper title documentation and fees along with the request for antique license plate.

4. Fee. The fee for issuance of the antique license plate shall be fifteen dollars and shall be issued for the life of the vehicle. The fee for transferring such plate to a subsequent owner of vehicle shall be five dollars. Each subsequent owner will also be required to submit a machine copy of a current membership card in an antique car club or a notarized statement attesting to the condition of the vehicle and a picture of the vehicle.

5. Cancellation. Antique license plates displayed on vehicles other than those to which issued are subject to immediate cancellation and all such vehicles subject to full registration fees prescribed by law. Vehicles which no longer qualify as true antiques by modifications contrary to stock specifications or vehicles on which the owner no longer wishes to display antique plates must return that antique plate for cancellation and purchase regular numerical license plates.

6. Replacement. If the antique plate is lost or stolen, applicant shall apply for a replacement license plate by executing prescribed DPSVR form and submitting it along with the registration certificate and two dollar fee.

Colonel Malcolm Millet, Secretary
Department of Public Safety