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# Emergency Rules

## DECLARATION OF EMERGENCY

### Board of Elementary and Secondary Education

The State Board of Elementary and Secondary Education at its meeting on September 25, 1980, exercised those powers conferred by the emergency provisions of the Administrative Procedures Act R.S. 49:953B and adopted a Certification Program for Teachers in English as a Second Language.

The presence of non-English speakers in our Louisiana schools is emerging as a major problem for our school officials. The New Orleans area continues to receive Spanish-speakers from Latin America, and the Indochinese refugee enrollment in Louisiana has grown to over 10,000 (third largest population in the country). Although these are also concentrated in the New Orleans area, refugee children are enrolled in schools across the state.

The problem of educating the non-English speakers has grown to such proportions that special programs have been designed both in English as a second language and in bilingual education. For the 1979-80 school year, Orleans Parish has hired seventeen full-time English teachers to teach English as a second language. Other parishes are utilizing part-time ESL teachers and have set up special tutorial programs. Teachers at all levels who work with the non-English speakers share common challenges and unique difficulties in their attempt to provide academic instruction. For these students, a working command of English is an educational essential. This command must be acquired through methods which differ from those customarily employed by the teacher of English to native speakers of the language. This constitutes the case for a special pattern of preparation for teachers of English as a second language.

### Certification Program in English as a Second Language

English as a Second Language would be added to the certificate of any teacher who a) holds certification in foreign languages, English, or elementary education; and b) successfully completes the following courses:

A. Methods for Teaching ESL - the theories and practical approaches and techniques for teaching ESL to elementary, secondary, and adult education students. (three semester hours).

B. An introduction to Language and Culture - the relationship of language acquisition to social and cognitive development. (three semester hours).

C. The Structure of the English Language - a study of the distinctive sound patterns and grammatical systems of American English. (three semester hours).

D. Curriculum Design for the Multicultural Classroom - adapting curricula for the multi-ethnic classroom, as well as a review of existing ESL materials (elementary, secondary, and adult education levels. (three semester hours).

Effective date of this program will be September, 1982.

James V. Soileau  
Executive Director

## DECLARATION OF EMERGENCY

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

In accordance with the provisions of Louisiana R.S. 40:29, the Department of Health and Human Resources, Office of Family Security has implemented the following policy regarding Title XIX Medicaid) payment for abortions.

Effective September 19, 1980, the Louisiana Medical Assistance Program will enforce Medicaid regulations which restrict payments for abortions except when one of the two criteria outlined below is met:

1) A physician has found, and so certified in writing, that on the basis of his/her professional judgment, the life of the pregnant woman would be endangered if the fetus were carried to term.

2) A physician has obtained signed documentation from a law enforcement agency or public health service stating: (a) that the pregnant woman was reported to have been the victim of an incident of rape or incest; (b) the date of which the incident occurred; (c) the date on which the report was made, which, in the case of rape, must have been within seventy-two hours (three days) of the date on which the incident occurred; (d) the name and address of the person making the report (if different from the victim); and (e) that the report included the signature of the person who reported the incident.

This action will allow the Medical Assistance Program to be in compliance with the United States Supreme Court rulings of June 30, 1980 and September 17, 1980. Compliance with these regulations assures continued federal financial participation in Louisiana's Medical Assistance Program.

George A. Fischer, Secretary  
Department of Health and Human Resources

## DECLARATION OF EMERGENCY

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

The Department of Health and Human Resources, Office of Family Security, will implement effective November 3, 1980, a program of state medical assistance for state and local retirees who become ineligible for Supplemental Security Income and Medicaid benefits due to cost of living increases in state or local government retirement benefits occurring on or after August 31, 1979. The medical benefits to be provided are the same as those provided through Title XIX, Medicaid, but will be funded by all state monies.

The expansion of the State Medical Assistance Program is mandated by Act 481 of the 1980 session of the Louisiana Legislature.

In determining eligibility of potential recipients, all percentage increases in state, local, and parish retirement benefits beginning in August, 1979, will be disregarded from the individual's current income. Need will be determined in accordance with Supplemental Security Income (SSI) standards. SSI resource criteria shall also be used.

For those determined eligible, medical cards will be issued for any appropriate retroactive months and for current and subsequent months.

The declaration method shall be used in redetermining eligibility annually. If the individual becomes ineligible for any reason other than the cost of living increase from state and local retirement, the case shall be closed.

George A. Fischer, Secretary  
Department of Health and Human Resources

## DECLARATION OF EMERGENCY

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

In accordance with provisions of Louisiana R.S. 40:29, the Department of Health and Human Resources, Office of Family Security, has implemented the following policy regarding assignment of health insurance benefits effective September 12, 1980.

By operation of law (Act 255 of the 1980 Legislature) the applicant or recipient of Medical Assistance shall be deemed to

have made an assignment to the Department of Health and Human Resources of his right to any hospitalization, medical, accident, or health benefits owed to applicant or recipient by any third party (i.e., insurance company, etc.), as well as rights to such benefits or medical support payments owed by any third party to applicant's or recipient's children or any other person for whom applicant or recipient has legal authority to execute such an assignment.

This action will allow the Medical Assistance Program to be in compliance with Act 255 of the 1980 Legislature and federal regulations 42 CFR 433.135. Compliance with these regulations assures continued federal financial participation in Louisiana's Medical Assistance Program.

George A. Fischer, Secretary  
Department of Health and Human Resources

**DECLARATION OF EMERGENCY**

**Department of Health and Human Resources  
Office of Human Development**

As provided for in the Appropriations Act of the 1980 Louisiana Legislature, effective July, 1980, the Department of Health and Human Resources, Office of Human Development, has adopted revisions which increases the fees or rates paid for the Foster Care services listed below. The emergency rulemaking procedure has been adopted to enable foster parents and foster children to benefit from these increased rates in the month of August, 1980.

1. Monthly board rate for a foster child in Foster Family Care under age six - \$160.00 (\$5.24 per day).
2. Monthly board rate for a foster child in Foster Family Care between the ages of six years and twelve years - \$185.00 (\$6.11 per day).
3. Monthly board rate for a foster child in Foster Family Care ages thirteen or older - \$212.00 (\$6.98 per day).
4. Foster Family Home Retainer Fee - \$15.00.
5. Initial Replacement Clothing Allowance - \$175.00.
6. Physician's fee for required annual physical examination of Foster Parent - \$25.00.
7. Monthly subsidy payment for specialized foster homes - \$700.00.
8. Special recreational expenses of foster child - \$200.00 per school year — \$200.00 per summer.

Additional copies of this material may be secured from the office of Human Development, Division of Evaluation and Services, Planning Section, Box 3318, Baton Rouge, Louisiana 70821.

Interested persons may submit written comments on the proposed policy changes through November 5, 1980 to: Mr. Arthur J. Dixon, Assistant Secretary, Office of Human Development, Box 44731, Baton Rouge, Louisiana 70821.

George A. Fischer, Secretary  
Department of Health and Human Resources

**DECLARATION OF EMERGENCY**

**Department of Health and Human Resources  
Office of Human Development**

With funds provided in the Appropriations Act of the 1980 Louisiana Legislature, the Department of Health and Human Resources has adopted the following increased rate schedule for the provision of Day Care services provided through vendor payments to licensed day care centers and approved family day care homes:

**Licensed Day Care Centers    Approved Family Day Care Homes**

	Old Rate	New Rate	Old Rate	New Rate
Monthly	\$112.42	\$123.20	\$73.92	\$81.62
Daily	5.11	5.60	3.36	3.71
Hourly	.73	.80	.48	.53

The amount paid by the Office of Human Development for a child's full-time care shall be the center's regular fee for day care and transportation but shall not exceed \$123.20 per month.

In no case shall the amount of payment exceed the amount charged by a day care center to private paying clients.

George A. Fischer, Secretary  
Department of Health and Human Resources

**DECLARATION OF EMERGENCY**

**Department of Health and Human Resources  
Office of Human Development**

The Department of Health and Human Resources, Office of Human Development, does hereby exercise the emergency provisions of the Administrative Procedures Act (R.S. 49:953B) to adopt, effective with October 1980 payments, the following increases in the monthly maintenance subsidy rates in the Subsidized Adoption Program:

	Old Rate	New Rate
Special Needs Adoptive Child under age six	\$116.80	\$128.00
Special Needs Adoptive Child between six and twelve	\$136.00	\$148.00
Special Needs Adoptive Child ages thirteen or older	\$154.82	\$169.60

Additionally, the following revised income eligibility standard for the Adoption Subsidy Program is being adopted to reflect adjustments in the Louisiana median annual income as computed by the U.S. Bureau of the Census. The table lists, by family size, 115 percent of the Louisiana median annual income. Persons adopting special needs children in the custody of the Department of Health and Human Resources whose family income is below that listed on the table may apply for a maintenance subsidy.

Family Size	Gross Annual Income	Family Size	Gross Annual Income
2 Persons	\$14,616	9 Persons	\$30,300
3 Persons	\$18,048	10 Persons	\$30,948
4 Persons	\$21,492	11 Persons	\$31,956
5 Persons	\$24,936	12 Persons	\$32,244
6 Persons	\$28,368	13 Persons	\$32,880
7 Persons	\$29,016	14 Persons	\$33,528
8 Persons	\$29,664		

For each additional family member above fourteen, add \$648.00 to the figure shown for a fourteen member family.

George A. Fischer, Secretary  
Department of Health and Human Resources

**DECLARATION OF EMERGENCY**

**Department of Wildlife and Fisheries  
Wildlife and Fisheries Commission**

The Louisiana Wildlife and Fisheries Commission has adopted emergency rules in accordance with R.S. 49.953B of the Administrative Procedures Act. Said rules will become effective as stated.

1. Iatt Lake in Grant Parish has been closed to commercial netting during the draw down of water beginning August 15, 1980, until the closing of the control gates on February 1, 1981. This

would allow for the authorization of Department enforcement agents to enforce the closure. Fish population samples taken by Department biologists indicate the poundage of commercial fish in Iatt Lake is generally low and nets can jeopardize the game fish population. This action is being taken at the request of the Iatt Lake Water Conservation Committee Board which adopted a similar resolution on August 14, 1980.

2. The oyster season in Calcasieu Lake has been set to extend from one-half hour before sunrise on Saturday, November 1, 1980, through one-half hour after sunset on Tuesday, March 31, 1981, with the right being reserved to extend said season or close it sooner if biologically justifiable. Fishing will be limited to the use of tongs and to daylight hours. The open areas shall be confined to the area of Calcasieu Lake, with the exception of Calcasieu River and Ship Channel, East Fork, West Fork and Oyster Bayou which shall be closed. The three inch culling law shall be observed by all fishermen fishing the area and the culls shall be returned to the fishing area reefs to provide for future harvesting. All oysters shall be put into sacks before leaving the oyster fishing area in Calcasieu Lake. Oysters not in sacks leaving the fishing area in Calcasieu Lake shall be confiscated and violator subject to penalty set forth in Title 56, Section 115. The taking of oysters for commercial purposes shall be limited to fifteen sacks per boat per day. The taking of oysters for home consumption shall be limited to three bushels (two sacks) per boat per day, which need not be tagged. All commercial fishing of oysters shall be done only with proper licenses, and the sacks of oysters be properly tagged before leaving fishing vessel. All sacks entering into commerce shall be tagged. The Secretary is hereby authorized and empowered to extend or close said season, and increase or decrease the limit, when biologically justified.

The State Department of Health will examine the growing oysters of this aforementioned area and approve the waters for fishing oysters if the health standards are met.

3. WHEREAS, R.S. 56:437 has by excluding the use of undersize dredge on public oyster grounds created an injustice for a segment of the oyster fisheries, and

WHEREAS, Act 197 of the 1980 legislative session has attempted to rectify the problem in R.S. 56:437 but made the designation of the areas upon which these small dredges may be used the responsibility of the Commission, and

WHEREAS, R.S. 56:462 designates areas to be included in the "Oyster Seed Grounds," and

WHEREAS, R.S. 56:457 designates certain areas as public grounds incorporated into "Oyster Seed Reservations"; Sister Lake, Hackberry Bay, Bay Junope, Bay Gardene.

THEREFORE, BE IT RESOLVED that the Louisiana Wildlife and Fisheries Commission now designates those areas pre-designated in sections R.S. 56:462 and 457 as those areas upon which undersize dredges can be used with a special permit from the Secretary. Section 437 also requires a special permit for an undersized dredge when used on private leases and by lessee's designee.

BE IT FURTHER RESOLVED that the use on public grounds be used only as specified in Act 197 during open season.

BE IT FURTHER RESOLVED that this be an emergency action due to the season opening September 3, 1980, and the law becoming effective September 13, 1980.

Joseph V. Colson  
Secretary

#### **Fiscal and Economic Impact Statement For Administrative Rules**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)  
There will be no implementation costs or cost savings to the agency.

#### **II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)**

The Department estimates that there will be no effect on revenue collections.

#### **III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)**

The commercial and recreational activities will be curtailed during closing but yields should be significantly higher after the control gates are closed.

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

There is very little commercial fishing in Iatt Lake due to the low poundage of commercial fish in this lake. Commercial fishing will be curtailed on the lake for a period of six months. However, yields are expected to increase by ten percent after the drawdown.

Mary Mitchell  
Fiscal Officer, Wildlife and Fisheries

Mark C. Drennen  
Legislative Fiscal Officer

#### **Fiscal and Economic Impact Statement For Administrative Rules**

#### **I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)**

There will be no costs to the Department of Wildlife and Fisheries to implement the oyster season in Calcasieu Lake. Enforcement of the laws pertaining to this season fall within regular work days of Wildlife and Fisheries agents.

#### **II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)**

The Department estimates that there will be no effect on revenue collections.

#### **III. ESTIMATED COST AND BENEFITS TO AFFECTED GROUPS - (Summary)**

The commercial and recreational activities will be curtailed during closing but yields should be significantly higher after the control gates are closed.

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

There is very little commercial fishing in Iatt Lake due to the low poundage of commercial fish in this lake. Commercial fishing will be curtailed on the lake for a period of six months. However, yields are expected to increase by ten percent after the drawdown.

Mary Mitchell  
Fiscal Officer, Wildlife and Fisheries

Mark C. Drennen  
Legislative Fiscal Officer

#### **Fiscal and Economic Impact Statement For Administrative Rules**

#### **I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)**

There will be no cost to this Department.

#### **II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)**

There will be no effect on the Revenue Collections of this Department.

#### **III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)**

There will be no estimated cost to affected groups. There have been 19 permits issued by the Department for small dredges.

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

There have been 19 permits issued for small dredges. We have no historical data on which to base competition and employment.

Mary Mitchell  
Fiscal Officer, Wildlife and Fisheries

Mark C. Drennen  
Legislative Fiscal Officer

# Rules

## RULE

### Department of Education Board of Regents

The Louisiana Board of Regents at its meeting of September 25, 1980, amended and/or revised policies 2.2 - Letters of Intent; 3.10 - State Appropriation Formula, Revised: 1981; and 4.2 Mandatory Guidelines for the Conduct of Off-Campus Activities as follows.

#### Section II

##### Academic Affairs 2.02.01 2.2 (Rev.) Letters of Intent

The purpose of Letters of Intent is to strengthen the planning and coordination of academic programs by allowing the Board of Regents to review summaries of projected programs while they are still in the formative stage. Accordingly, institutions of higher education shall transmit Letters of Intent to the Commissioner of Higher Education for all academic programs to be proposed. A Letter of Intent must be filed separately for each program to be submitted. Each Letter of Intent should be limited to three pages or less. It should provide the title, a brief description, and purpose of the projected programs, and demonstrate that the program would:

- (1) Be within the role and scope of the institution.
- (2) Complement and strengthen existing programs at the institution.
- (3) Avoid unnecessary duplication of programs at other State-supported institutions.
- (4) Supply present and future manpower needs.
- (5) Be within the institution's anticipated resources.
  - (a) Letters of Intent have no binding qualities. Institutions may later decide to alter or cancel plans for projected programs. Letters of Intent will not affect the authority of management boards to dispense with proposed programs as they deem appropriate. Communications and deliberations pursuant to a Letter of Intent will imply neither approval nor disapproval of the subsequent program by the Board of Regents.
  - (b) Letters of Intent must be filed at least twelve months in advance for the submittal of baccalaureate, master's, specialist, and doctoral programs; and ninety days in advance for the submittal of certificate and associate programs. Under unusual circumstances, institutions may at any time request the Board of Regents to waive these requirements.
  - (c) The staff will submit periodic reports to the Board of Regents summarizing both the Letters of Intent on file and deliberations with institutions pertaining to them.
  - (d) This policy shall not be interpreted to restrict actions which the Board of Regents may take during the reviews of existing academic programs.
  - (e) A Letter of Intent is invalid three years after the date of its submittal to the Board of Regents.

## 3.10 - State Appropriation Formula

Revised: 1981

### Section I - Authority

This formula is submitted in accordance with Article VIII, Section 5-(D)(5) of the Louisiana Constitution of 1974 which mandates the Board of Regents "to formulate and make timely revision of a master plan for higher education. As a minimum, the plan shall include a formula for equitable distribution of funds to the institutions of higher education." Additionally, there have been repeated requests in the past from the Executive and Legislative branches of state government and the institutions themselves for the development of an equitable method for determining funding levels for each institution.

### Section II - Introduction

The complex character of educational institutions, combined with increasing enrollments and operational costs in the last decade, exerted a demand for a more uniform method to distribute tax-generated funds to state institutions of higher learning. These pressures resulted in the development of numerous higher education formulae in numerous states using various factors of measurements as input for calculations to derive state appropriations for public colleges and universities. The number of states adopting this approach of "formula funding" has continually increased since the early 1960's; one survey indicated that twenty-five states utilized this method in 1973, and indications are that the trend is continuing. In computing the required amount of state funding, these formulae range in complexity from those using a few factors to those using many factors.

There are inherent advantages in using the formula approach to determine state appropriations. The formula method results in the accumulation of measurable data from institutions; it permits the use of mathematical calculations that remove the necessity for subjective evaluation; and it is objective in nature and identifies the needs of all institutions in comparable terms. Primarily, the formula concept is equitable. This formula uniformly places financing on a per student credit hour basis for each institution. Equity, and not necessarily equality, is the basic objective of the formula.

The intention of this formula does not extend to the internal allocation of funds for any functional category, specific discipline, or program. The internal allocation necessary for the development of an effective program of higher education on each campus remains the prerogative of that campus administration and its governing board.

### Section III

#### 1981-82 Basic Factor Chart Value Per Student Credit Hour

##### Basic Factor Chart

##### Instruction, Research, Academic Support and all Other Support

Student Level	Lower Cost	Higher Cost
	Areas	Areas
Lower Level Undergraduate	51.12	65.02
Upper Level Undergraduate	67.11	86.64
Nursing - LLU	—	128.84
Nursing - ULU	—	162.54
Nursing - Masters	—	265.82
Masters	207.74	260.40
Specialist Professional	232.11	—
Doctorate	562.12	700.40
Law	—	139.56

Higher Cost areas are listed below. All remaining HEGIS taxonomy codes are valued at the lower cost rate.

Agriculture	0101-0199
Allied Health & Pharmacy	1208; 1211-1215; 1220, 1223-1225
Engineering	0901-0999
Fine Arts & Architecture	0201-0299; 1001-1099
Law	1401-1499
Nursing	1203
Sciences	0401-0499; 0700-0799; 1901-1999
Technology	5100-5499

### Definitions and Interpretations

1. Values—The values in the chart are based upon average Southern Regional Education Board (SREB) academic year (nine-month) salaries, pupil/teacher ratios, definitions of full-time equivalent students in Student Credit Hours (SCH) per academic year, and historical expenditure patterns by function. The veterinary medicine formula shall be considered by the Board of Regents prior to the 1981-82 budget hearings. If approved, the budget of the School of Veterinary Medicine prepared for 1981-82 on a non-formula basis may be amended.

2. Level—The assignments in the chart were stratified by level of offering and by program area. In the reporting of SCH productivity, the level of offering for a given SCH will be determined by the classification of the student pursuing the course.

3. Student Classification Structure—

Classification Structure	Earned Credits
Lower Level Undergraduate	0-59 semester hours
Upper Level Undergraduate	60 semester hours - graduation
Masters	Accepted for Graduate Study; Masters and Masters plus thirty
Specialist/Professional	Specialist/Professional refers only to students formally enrolled in an Education Specialist Program. The higher value assigned to this level of instruction reflects the Board of Regents' dedication to the improvement of teachers in Louisiana
Doctorate	Formally admitted to study toward the Doctorate

### 4. Additional Student Classification Definitions

(a) A post-baccalaureate student enrolled in a state institution of higher learning, but not officially admitted to graduate school, is to be counted as "upper level undergraduate."

(b) The categories presently recognized as "professional" are Law (only those courses taught in a professional school of law), Veterinary Medicine, Dentistry, and Medicine. Of these, only Law is currently included in this formula. Veterinary Medicine may be included prior to the 1981-82 consolidated budget.

(c) "Deferred credit" is defined as credit earned by students when credit is granted at a later date, such as graduation from high school. These "deferred credits" may be counted in an institution's SCH production during the period in which the student is officially registered in the class.

(d) SCH credit earned in courses taught out of state is to be counted for student classification purposes and also is to be included in a separate section on the SCH production report for formula purposes. Records must be kept by course and location and are to indicate the number of students enrolled and the SCHs produced for each such course. Such records must be submitted to the Board of Regents no later than thirty days following the completion of the course.

(e) An institution shall not count audits in its SCH production report.

(f) Credit by examination, transfer credit, or correspondence study credit taken at another institution may be used only in

the classification of the student and not in an institution's SCH production report. An institution may accept a provisional student's classification on the basis of the best knowledge available during the first semester of enrollment at the institution.

(g) Credit earned in a cooperative institution (hospital, etc.) by a student enrolled in Medical Technology (or any curriculum requiring such arrangement) may not be counted in an institution's SCH production report.

(h) Student classification must be updated each semester.

(i) Student credit hours in nursing pursued in an associate degree nursing program are to be considered as upper level hours.

5. HEGIS Taxonomy—Taxonomy codes used in the Basic Factor Chart have not been expanded for this revision. The areas used are specific ones extracted from the taxonomy developed by the Western Interstate Commission for Higher Education (WICHE) for the United States Office of Education. These taxonomy codes have been statistically assigned into higher or lower cost areas.

### Section IV - Formula Methodology

Student credit hours (SCHs) that remain scheduled on the fourteenth class day are separated into higher cost or lower cost program areas and levels, using the HEGIS Taxonomy and student classification respectively. At the time legislative budget requests are prepared, summer and fall productivity data are complete. The approaching spring session production estimate should be based on the experience of the previous spring. Actual spring data will be available prior to the regular legislative session, and all institutions must submit adjusted reports by February 23, 1981 (Louisiana Tech - April 6, 1981). The SCHs shall be net, reflecting all transactions (drops, adds, resignations, etc.) occurring prior to the cutoff date. The resulting net SCHs are multiplied by the appropriate values on the Basic Factor Chart (Section III), and the sum of these products establishes 100 percent of the funding generated by SCH production. The values contained in the Basic Factor Chart are based on state support of 75 percent of E and G expenditures. Also, the values on the chart recognize fixed costs by providing a base support for all institutions. Funds for research are also included in the formula in accordance with the following provisions:

"Generally Mandated Research" shall be defined as that research which is (1) initiated internally by the institution or its management board, or (2) assigned as an institutional mission by *The Master Plan for Higher Education in Louisiana*, or (3) assigned as a general institutional mission by the executive or legislative branch of state government. The funds which will support this type of research shall be generated by values in the Basic Factor Chart of the higher education formula.

"Specifically Mandated Research" shall be defined as those research projects/programs which are initiated by executive order or by state statute. Funds for this type of research shall be requested as a formula exclusion.

The burden of proof is upon the institution that a particular research project is specifically mandated. Line item expenditures that are a direct result of a state legislative or executive mandate must be submitted to the Board of Regents' Finance Committee for review before such research will be allowed as a formula exclusion.

All institutions are to receive a base appropriation of \$1,267,952. This appropriation is intended to recognize fixed costs and diseconomies of scale.

An inflation factor for partial allocation of any new funds for higher education is included to promote an equitable distribution of inflationary support. The inflation factor amount for every institution funded on SCH production will be calculated by the Regents' staff. This computation will be based upon information institutionally supplied on budget "Form A's" for the 1980-81 operating budgets. All schools are to receive the inflation factor regardless of their level of implementation.

The combination of funds generated by SCH production, funds from the base appropriation, and funds generated by the inflation factor constitute full formula funding.

Procedures:

**Inflation Factor Calculation**

Current Year 1980-81 Budgeted Operating Other Support Expenditures	
Institutional Support	\$ _____
Student Services	_____
Scholarships & Fellowships	_____
Operation & Maintenance of Physical Plant	_____
Total Other Support	_____
State Appropriation Share	_____ x .75
Inflation Percentage*	_____ x .13
Inflation Factor	\$ _____

\*The inflation percentage may be changed annually.

**Section V - Functional Category Distribution**

Allocations to Educational and General Expense—Dr. John Dale Russell\* has recommended allocations of expenditures to eight functional categories of the Educational and General function. These categories, in use until recently, were: (1) Resident Instruction; (2) Organized Activities Related to Instruction; (3) Organized Research; (4) Extension and Public Service; (5) Libraries; (6) General Administration; (7) General Expense; and (8) Maintenance and Operation of Physical Plant. If the first four of Russell's categories are grouped under one heading, his recommendations are reduced to four groups as follows.

Resident Instruction & Related Activities	At least 63 percent
Libraries	5 percent to 6 percent
General Administration	15 percent or less
Operation & Maintenance of Physical Plant	16 percent or less

Further analysis in conjunction with Dr. Russell's research has led to the selection of the following suggested allocations of total educational and general expenditures:

Resident Instruction & Related Activities	68 percent
Libraries	5 percent
General Administration & General Expense	15 percent
Operation & Maintenance of Physical Plant	12 percent
	100 percent

Recent developments will have a definite impact on these allocations.

\*Russell, John Dale, "Budgetary Analysis," *College Self-Study*, Richard Axt and Hall T. Sprague, Eds. (Boulder, Colorado: Western Interstate Commission for Higher Education, 1959), p. 106. Two such developments are: (1) the establishment of new functional categories within the Education and General Function by National Association of College and University Business Officers (N.A.C.U.B.O.); and (2) the energy crisis which has sent utility costs soaring, and therefore, may change the physical plant allocation. Since there are not sufficient data to support new recommended allocations, the old percentages shall be retained as broad guidelines.

The new functional categories as established by N.A.C.U.B.O., and how they should be converted for percentage allocation purposes, are as follows.

**N.A.C.U.B.O. New Categories**

**Conversion to Russell's Percentage Allocation**

(1) Instruction	R.I.R.A.
(2) Research	R.I.R.A.
(3) Public Service	R.I.R.A.
(4) Academic Support (Libraries)*	R.I.R.A. Libraries
(5) Student Services	G.A.G.E.
(6) Institutional Support	G.A.G.E.
(7) Scholarships and Fellowships	G.A.G.E.
(8) Operation and Maintenance of Plant	O.M.P.P.

It should be noted that Staff Benefits (Related Benefits) costs are to be reported as a cost in the department (category) in which an individual is employed. This has been recommended by N.A.C.U.B.O. in the most recent publication of the handbook, *College and University Business Administration*, 1974.

\*For comparative purposes, Libraries are to be extracted from Academic Support.

**Section VI - Funding Requests**

A. Because the budgetary process requires considerable planning and effort, it is necessary that the requests be both reasonable and adequate to meet institutional needs and also be within the state's funding capabilities. Therefore, these requests must be prepared in the manner set forth in this formula document. The Regents have the prerogative to make the final recommendation for funding levels of all segments of higher education. Such recommendations will be based upon (a) complete evaluation of all requests, (b) projected state revenues, and (c) the development of a consolidated budget to be presented to the Executive and Legislative branches of state government.

B.1. The 1981-82 budget requests for all institutions subject to the formula are to be based on an implementation rate of one hundred percent. However, no institution need request less than the 1980-81 amount of state appropriations received for formula purposes.  
2. Funding requests for areas excluded from the formula shall be determined on an individual basis as set forth in Section IX - Exclusions.

C. Funding requests for management boards and their staffs, i.e., the Louisiana State University System, the Southern University System, and the Board of Trustees System, will be as set forth in Section IX - Exclusions. The funds for the operations of these management boards are an actual cost allocable to each segment of the respective boards. Therefore, an institution's pro rata share of system costs plus that individual institution's state appropriation shall be used in determining the attainment of the one hundred percent level of implementation.

D. All state appropriations not conforming to the Formula allocation process shall not be considered in the continuing base appropriations, nor will these funds be considered in the application of the Inflation Factor computation. For comparative purposes in all Formula schedules, analyses, etc., such funds will be included for determining implementation level; funds appropriated that do not conform to the Formula process shall be footnoted to indicate their amount, source, and purpose. The aim of this section is to encourage equitable allocation of all funds for higher education through the Formula.

**Section VII - Special Requests**

Justification for extraordinary expenditures, for a limited predetermined period, shall be based on this section. The purpose of this section is to provide a means of requesting funds over and above those funds generated by SCH production. Such funds may be requested to support projects particular and peculiar to a specific situation; e.g., a land purchase, large equipment purchase to meet accreditation requirements, etc. Each request is to be supported by a separate, concise report giving the purpose, the necessity, the expected results, the minimum amount needed, and

the method of determining this amount. In addition, if the possibility exists that special funding will be required for more than one year, the expected duration shall be given along with a complete explanation. Requests for ongoing continuous functions, merely to avoid inclusion in formula funding, will not be granted.

#### **Section VIII - Other Means of Financing**

All annually recurring revenues, regardless of source, shall be budgeted by each institution. There are several reasons for these requirements: (1) the 1974 Constitution requires the annual appropriation of all funds for budgetary purposes; (2) budgeting provides responsible fiscal control over funds; and (3) budgeting requires planning in advance which, if properly done, normally results in more efficient and economical use of available resources. Institutions are the recipients of revenues from varied sources. Some examples of what should be included in the annual budgets, both the request and operating, are as follows: tuition and student fees; parking fees and fines; library fines; income from publications; income from sales and services; recurring federal funds such as George Barden, Vocational Education, McIntire-Stennis, etc.; user fees in continuing education, correspondence study, and extension courses; and auxiliary income.

#### **Section IX - Exclusions**

A. The primary reasons for this section providing funding outside formula-generated appropriations are:

1. A method of measurement has not been devised for those institutions or operations that do not utilize student credit hours (SCHs) as a determinant of productivity. These institutions and operations are the Louisiana State University Medical Center and the Louisiana State University Center for Agricultural Sciences and Rural Development. A modified program budget approach supported by substantiating statistical and narrative data shall be used by the Medical Center in requesting funds for 1981-82.

2. Other exclusions consist of specific items which do not fall within the normal scope of operations of all institutions. For this reason these items are separated from formula consideration in order to provide a sound basis of comparison between institutions. Within this category are bond service and special funds for capital outlay (for those institutions that include these funds in the operating budget); Louisiana State University Fireman Training Program Dedicated Funds; Specifically Mandated Research; the annual Livestock Show at Southern University-Baton Rouge; Laboratory Schools at Louisiana State University-Baton Rouge and Southern University-Baton Rouge.

B. Method of Determining Recommended Funding Level

1. Funding of these exclusions that are not otherwise provided for will be based upon fully documented and justified need as required so as to fulfill their duties and responsibilities as set forth in the role, scope, and mission charge of the respective units. The units for this year are:

- a. Southern University Board and System Staff;
- b. Board of Trustees and System Staff;
- c. Louisiana State University Board and System Staff;
- d. Louisiana State University Medical Center;
- e. Center for Agricultural Sciences and Rural Development; and
- f. Specifically Mandated Research.

2. The School of Veterinary Medicine is to prepare a budget request consistent with the actual needs for establishing the program.

3. Louisiana State University has received dedicated revenues for a number of years which could be bonded and expended for capital facilities. Capital outlay in the Board of Trustees and Southern University Systems has been handled outside of operating budgets, whereas the Louisiana State University System has used a combination approach. Because provisions already require the expenditures of annual appropriation funds to service these commitments, it is recommended that these funds be received by Louisiana State University above the formula amounts

until these commitments are retired. In compliance with the Constitution and laws of this state, additional commitments cannot be made without approval of the Board of Regents.

4. It is recommended that each public college or university operating a public laboratory school receive the proper allocation of funds based on the Minimum Foundation Formula of the State Department of Education. For Louisiana State University-Baton Rouge and Southern University-Baton Rouge, these funds should be specifically appropriated to the institutions.

5. The Louisiana State University-Baton Rouge Fireman Training Program receives funds dedicated from fire insurance premiums by Act 32 of 1970. This Act provides that one-fourth of one percent of premiums received annually by insurers for fire coverage within Louisiana be used solely for this program. Since this amount is subject to fluctuation, the requested budget amount should be based on the previous year's receipts adjusted for any anticipated changes. These funds are to be received in addition to formula funds.

6. The Southern University-Baton Rouge annual Livestock Show is to be separately funded outside of the formula appropriation.

7. The allocation to Southern University-Baton Rouge for the Scotlandville Fire District is an annual fixed amount charged the campus for the provision of fire department protection. This is necessary since the campus is not located within the jurisdiction of a municipal fire department. These funds are to be exclusive of formula funding.

#### **Section X - Audit Procedures**

The use of a state appropriation formula results in Student Credit Hours (SCHs) becoming dollars through the conversion using the Basic Factor Chart. The audit procedure previously established will continue to be used for this revision. This will insure correct and consistent interpretation and application of the procedure for recording and receiving credit for SCH production and will facilitate the use of the State Appropriation Formula. Every affected institution shall be visited each year and shall provide any required assistance needed to validate the methods and procedures used and the resultant data. The auditors shall use a predetermined audit outline including statistically proven record search patterns for those record areas requiring comparisons. Records to be examined shall include but not be limited to: class rolls; final grade reports; drop/add records; transcripts; student schedules; withdrawals and resignations; and any other relevant data sources.

Discrepancies shall be noted and reconciled, and the necessary corrective action shall be taken. Should a particular situation warrant it, the audit will be expanded so that the extent of the problem can be determined and the SCH production reports amended to indicate the correct production figures. Official notification of the adjustment shall be given to all concerned parties.

The audit process will also include a review of off-campus SCH production to verify compliance with Board of Regents' Policy 4.2 - Guidelines for the Conduct of Off-Campus Activities. Non-compliance will be noted in the audit report.

#### **APPENDIX A**

##### **Standardized Reporting Forms**

The student credit hour audit procedure as it presently exists takes fourteenth class day data (department, course, section, credit hours, number enrolled, student identification, and SCHs produced) and compares them to final grade reports. Any exceptions must be substantiated with support documentation; i.e., properly prepared drop, add, or resignation forms. This provides a uniform reporting system to put all institutions of higher education in the state on a common base, primarily utilizing four standardized report formats. These reports, the (1) Class Roster, (2) Final Grade Report, (3) Detailed Formula Level Report, and (4) Summary Formula Area Report, are to be prepared by all institutions.

The reports should be prepared as of the close of the fourteenth class day during the regular semesters and the seventh class day during the summer session (Louisiana Tech - Ninth class day). One copy of the Summary Formula Area Report should be sent to the Board of Regents by the twenty-fourth class day of each regular semester and the seventh class day of the summer session (Louisiana Tech - Nineteenth class day). For new classes beginning after the 14th (seventh, ninth) class day, each institution will be required to file a supplementary report of SCHs produced. These classes are to be reported in the session in which they are completed or in the following session if they are conducted totally in an interim period. The SCH production is to be reported in keeping with the two preceding requirements, with SCH production being counted on a date that is equivalent to the fourteenth or seventh class day (Louisiana Tech - ninth) of courses offered during a regular semester. These supplemental reports will be due upon issuance of final grades in the reporting session and should include beginning and ending dates and equivalent cut-off dates for each class. A class day is defined as a regular class schedule day; Saturday, Sunday and state legal holidays are to be excluded as class days.

A common sequence arrangement of the various reports is to be used by all institutions; this method will simplify the audit procedure and provide for a uniform communication basis. The Class Roster, Detail Formula Level Report, and Final Grade Report are all to be arranged in the same sequence, alpha by course name or title/or alpha by course name or title within college.

All exceptions between the fourteenth class day (ninth class day for Louisiana Tech) and the Final Grade Report must be supported by properly prepared and authorized drop, add, or resignation forms which are to be maintained for all courses by semester, filed in alphabetical order by student's last name. The Summary Formula Area Report should be arranged in alph order by course number within each formula area breakdown.

Each institution will be required to identify all off-campus SCH production either on the above required reports or on a special supplementary report. Each course offered off campus and the parish(es) in which it is taught must be reported. Parish codes are provided in Appendix C.

## APPENDIX B

### Reporting of Final SCH Production

To facilitate further research and study for the possible formula revisions, it will be necessary for each institution to furnish end-of-year reports on an annual basis. Information of this nature is necessary in the evaluation of measurement factors to determine effectiveness of programs. It will also point out areas where special formula consideration may be required. These reports, at a minimum, are to consist of recalculated BRC-1 and BRC-1A budget forms reflecting SCH production based on the final grade report.

## APPENDIX C

### Parish Codes

Acadia	01	Claiborne	14
Allen	02	Concordia	15
Ascension	03	DeSoto	16
Assumption	04	E. Baton Rouge	17
Avoyelles	05	E. Carroll	18
Beauregard	06	E. Feliciana	19
Bienville	07	Evangeline	20
Bossier	08	Franklin	21
Caddo	09	Grant	22
Calcasieu	10	Iberia	23
Caldwell	11	Iberville	24
Cameron	12	Jackson	25
Catahoula	13	Jefferson	26

Jefferson Davis	27	St. Helena	46
Lafayette	28	St. James	47
Lafourche	29	St. John	48
LaSalle	30	St. Landry	49
Lincoln	31	St. Martin	50
Livingston	32	St. Mary	51
Madison	33	St. Tammany	52
Morehouse	34	Tangipahoa	53
Natchitoches	35	Tensas	54
Orleans	36	Terrebonne	55
Ouachita	37	Union	56
Plaquemines	38	Vermilion	57
Point Coupee	39	Vernon	58
Rapides	40	Washington	59
Red River	41	Webster	60
Richland	42	W. Baton Rouge	61
Sabine	43	W. Carroll	62
St. Bernard	44	W. Feliciana	63
St. Charles	45	Winn	64

## 4.2 Mandatory Guidelines for the Conduct of Off-Campus Activities

Part A. Narrative Statement—The Board of Regents, in accordance with its constitutional mandate to coordinate, plan, and have budgetary responsibility for all public higher education in Louisiana, sets forth the attached guidelines for the conduct of off-campus instructional activity. For purposes of these guidelines, off-campus instructional activity is defined as any instruction, credit or noncredit, conducted outside the parish of domicile of the following public institutions of higher education: Delgado Junior College, Grambling State University, Louisiana State University at Alexandria, Louisiana State University at Baton Rouge, Louisiana State University at Eunice, Louisiana State University at Shreveport, Louisiana Tech University, McNeese State University, Nicholls State University, Northeast Louisiana University, Northwestern State University, Southeastern Louisiana University, Southern University at Baton Rouge, Southern University at New Orleans, Southern University at Shreveport, University of New Orleans, and University of Southwestern Louisiana.

Conversely, on-campus instruction is defined as instruction offered for credit or noncredit by those institutions named above in the parish of domicile of the main campus of that institution.

These guidelines are issued following extensive public hearings and consideration of recommendations offered by the Ad Hoc Advisory Committee on Off-Campus Activity. The sole purpose of the guidelines is to achieve greater efficiency and quality in the off-campus educational opportunities offered to the citizens of Louisiana, while, at the same time, assuring that the citizens' educational needs are met.

Continuing education, both credit and noncredit, is a most important facet of higher education today. The importance of this activity will undoubtedly increase in the future as the role of institutions of higher education changes to meet changing societal needs. The Board of Regents recognizes that it would be remiss to leave to chance the quality and efficiency of so extensive and important an aspect of public higher education in Louisiana.

Part B. Advisory Committee on Off-Campus Activity—There shall be established an Advisory Committee on Off-Campus Activity to be charged initially with the following responsibilities: (a) to aid and advise the Board of Regents in matters pertaining to the coordination of off-campus noncredit instructional activity and off-campus credit-producing instructional activity; (b) to advise the Board of Regents in the implementation and necessary timely revision of guidelines for the conduct of all off-campus activities; (c) to develop and maintain an adequate data-gathering format to assure the availability of timely, comparable information pertinent to the coordination of all off-campus instructional activities; (d) to

assess the needs of the citizens of Louisiana for off-campus educational opportunities; (e) to perform the functions assigned to the Advisory Council in the following guidelines; and (f) to perform other duties as assigned by the Board of Regents.

The Advisory Committee on Off-Campus Activity will be appointed by the Board of Regents no later than October 1, 1976, and will consist of a representative(s) from each of the three systems of higher education under the jurisdiction of the Board, from the private sector, and from consumers of off-campus instruction. These representatives will be nominated by the Commissioner of Higher Education and approved by the Board of Regents.

**Part C. Noncredit Off-Campus Activity—Self-supporting noncredit off-campus activities may be conducted by any institution in any location in the state. The term self-supporting in this instance is meant to require that faculty salary, travel expenses, and supplies for each activity be supported entirely by fees charged to participants in the activity.**

I. Noncredit off-campus activity is defined as instructional activity which does not result in the awarding of student credit hours.

II. Noncredit off-campus activity must be self-supporting. State appropriated funds may not be used in direct support of noncredit off-campus activity, except where provided by law prior to the date of adoption of this policy.

**Part D. Credit-Producing Off-Campus Activity—Credit-producing off-campus activity, defined as instructional activity for which student credit hours are awarded and/or formula funding is provided, may be conducted by public institutions of higher education in accordance with the guidelines below. The guidelines apply to all credit-producing off-campus activity except for student teaching and other clinical, practicum, or internship experiences.**

I. Guidelines for the Conduct of Credit-Producing Off-Campus Activities by Level of Instruction.

A. Lower level undergraduate, i.e., freshman and sophomore level, courses may be offered in accordance with the guidelines contained herein by the following public institutions of higher education: Delgado Junior College, Grambling State University, Louisiana State University at Alexandria, Louisiana State University at Baton Rouge, Louisiana State University at Eunice, Louisiana State University at Shreveport, Louisiana Tech University, McNeese State University, Nicholls State University, Northeast Louisiana University, Northwestern State University, Southeastern Louisiana University, Southern University at Baton Rouge, Southern University at New Orleans, Southern University at Shreveport, University of New Orleans, and University of Southwestern Louisiana.

B. Upper level undergraduate, i.e., junior and senior level, courses may be offered in accordance with the guidelines contained herein by the following public institutions: Louisiana State University-Baton Rouge, University of New Orleans, Louisiana State University-Shreveport, Southern University at Baton Rouge, Southern University-New Orleans, Louisiana Tech University, McNeese State University, Nicholls State University, Northwestern State University, Southeastern Louisiana University, University of Southwestern Louisiana, Grambling State University, and Northeast Louisiana University.

C. Graduate level, i.e., masters, specialist, and doctoral level, courses may be offered in accordance with the guidelines contained herein by the following public institutions: Louisiana State University-Baton Rouge, University of New Orleans, Southern University-Baton Rouge, Louisiana Tech University, McNeese State University, Nicholls State University, Northwestern State University, Southeastern Louisiana University, University of Southwestern Louisiana, Grambling State University, Northeast Louisiana University, and Louisiana State University-Shreveport.

II. General Prerequisites for Offering Off-Campus Credit-Producing Instruction

A. The sponsoring institution shall assure that any off-campus offering is related to the educational goals and objectives in effect on the main campus.

B. Only those courses offered on-campus on a regular basis may be offered off-campus.

C. Admission and state residence requirements for off-campus offerings shall be the same as those for on-campus offerings. This regulation applies to all off-campus offerings including those conducted outside the state of Louisiana and outside the continental limits of the United States. Prior approval from the Board of Regents must be obtained to change rules applying to offerings conducted outside the state of Louisiana and outside the continental limits of the United States.

D. A minimum of fifteen students must be enrolled in any undergraduate course offered off-campus, and a minimum of ten students must be enrolled in any graduate course offered off-campus. However, when a new off-campus location (population center) is established within the institution's geographic area as defined by the Guidelines, the offering institution may, for one calendar year, offer courses with less than the minimum required enrollment. The new location will be certified as such by the institution to the Board of Regents. No site may be certified as a new location more than one time.

E. Institutions may enter into contracts to provide instruction for local business, industry, or governmental units within the institution's defined area. (See Attachment A.) The nature of the contract or the clientele may require enrollments below the minimum levels as outlined in II.D. above. A contract between an institution and an agency is exempt from the minimum enrollment stipulations (II.D. above) if: (1) the contractor reimburses the institution for all direct costs incurred pursuant to the contract, (2) the instruction is provided within the institution's defined area, and (3) a copy of the contract is on file in the Board of Regents' office prior to the initiation of the instruction.

III. Guidelines for Choosing Faculty in Off-Campus Instruction

A. Faculty assigned off-campus instruction must be fully competent to undertake the level of instruction offered, and must be selected and evaluated in the same manner as that used for selection and evaluation of faculty who teach in the same discipline on-campus.

B. Faculty members regularly assigned off-campus instruction must teach from time to time on the main campus.

C. When necessary, qualified faculty members regularly employed by other public and private institutions of higher education may be employed by an institution to offer a course off-campus. Individuals in this category are exempted from III.B. above.

IV. Guidelines for Supporting Services for Off-Campus Instruction

A. The sponsoring institution must demonstrate that ongoing provision has been made for guidance and counseling service for students and for continual monitoring of the progress of students toward their educational goals.

B. Satisfactory support in the form of library resources, laboratory and clinical experiences, instructional supplies, and classroom facilities must be conveniently available to sustain the off-campus instruction program.

V. Accreditation Requirements for Off-Campus Offerings

A. Only those public institutions which are regionally accredited or have been accepted to candidacy status for regional accreditation may offer courses off-campus.

B. Where professional accreditation is available through a member agency of the Council on Postsecondary Accreditation (COPA), such accreditation or candidacy to accreditation where applicable, must have been granted to a program prior to its being offered off-campus.\* If there is demand for a program in the defined area of an institution not professionally accredited for that

program, the Board of Regents will assist in ensuring that the needed program is provided to the citizens of the region.

\*A list of professional accrediting agencies which are members of COPA is published in *Accredited Institutions of Postsecondary Education, 1975-76*, Sherry S. Harris, editor. The publication is available from the American Council on Education, One Dupont Circle, Washington, D.C. 20036.

#### VI. Guidelines for the Administration of Off-Campus Activity

A. These guidelines recognize and require institutional adherence to Standard IX of the Southern Association of Colleges and Schools' *Standards of the College Delegate Assembly*.

B. In regard to graduate offerings off-campus, these guidelines recognize and require institutional adherence to Standard X, specifically Section 5, of the Southern Association of Colleges and Schools' *Standards of the College Delegate Assembly*.

#### VII. Guidelines for Offering Off-Campus Instruction in Programs of Limited Competition.

A. Courses in the major field of a program offered at no more than three public institutions of higher education may be offered anywhere in the state by the institutions offering the program, except in the defined area (See Attachment A) of other institutions offering that program. The Board of Regents' Inventory of Curricula and Terminal Programs will be the guide for determining the number of institutions offering a particular program.

B. The professional accreditation requirement cited in V.B. above applies to programs of limited competitiveness as well as all other programs.

#### VIII. Guidelines for the Conduct of Off-Campus Activities by Land Grant Institutions.\*

A. The land grant institutions in Louisiana, Southern University-Baton Rouge and Louisiana State University-Baton Rouge, are subject to the defined areas outlined below in all fields except agriculture and home economics, in which land grant institutions have a legal mandate for statewide service.

\*The Commissioner of Higher Education was instructed to request the opinion of the Attorney General regarding the bearing of the Morrill Acts on action of the Board of Regents.

B. All other guidelines presented herein apply to all programs at land-grant institutions including agriculture and home economics.

#### IX. Defined Areas for the Conduct of Off-Campus Activities

A. Courses may be offered at multi-purpose resident centers approved by the appropriate management board in accordance with the following definitions and guidelines. Multi-purpose resident centers are defined as campuses owned by a management board for higher education.

1. Multi-purpose resident centers of Louisiana State University-Baton Rouge may be established by the LSU Board of Supervisors on the following campuses: the University of New Orleans, Louisiana State University-Eunice, Louisiana State University-Alexandria, and Louisiana State University-Shreveport.

2. Multi-purpose resident centers of Southern University-Baton Rouge may be established by the Southern University Board of Supervisors on the following campuses: Southern University in New Orleans, and Southern University in Shreveport.

3. Any course may be offered by a parent institution on a multi-purpose resident center campus as identified above, provided that the course is not offered by the resident center in its own right or by another public institution of higher education located in the same parish as the multi-purpose resident center.

B. Courses may be offered at single-purpose resident centers in accordance with the following definitions and guidelines.

1. Existing single-purpose resident centers are limited to the

Southeastern Louisiana University School of Nursing located in Baton Rouge, the Northwestern State University School of Nursing located in Shreveport, and the Southern University-Baton Rouge Resident Center in Ville Platte. The Southeastern Louisiana University School of Nursing and the Northwestern State University School of Nursing are limited to offering authorized curricula in nursing and allied health. The Southern University-Baton Rouge Resident Center is limited to offering authorized curricula in undergraduate teacher education.

2. At a single-purpose resident center located outside the assigned area of the parent institution, only courses necessary to the curriculum offered at that center may be scheduled. If the single-purposed resident center is within the assigned area of the parent institution, the above restriction does not apply.

C. No resident center, either multi-purpose or single-purpose in nature, not specifically named herein may be established without prior approval of the appropriate management board and the Board of Regents.

D. The attached lists define the geographic regions in which each public institution of higher education may operate for purposes of lower level undergraduate, upper level undergraduate, and graduate off-campus instruction unless otherwise specified herein.

E. When it is deemed necessary for an institution to offer a course outside of an area assigned to it by these guidelines, a written request to do so shall be made to the Board of Regents. When limited response time is a factor, the request may be submitted by telephone, with a written request to follow immediately. Each management board shall supply the Board of Regents with a list of appropriate personnel at the system and/or institution level to be contacted to effect a mutually agreeable solution to each request. Records will be kept on all requests and the disposition of the requests.

#### X. Guidelines for the Funding of Off-Campus Credit Courses.

A. The state appropriation formula shall continue to recommend funding student credit hours produced off-campus at the same level as student credit hours produced on-campus.

B. Tuition charges and appropriate fees for courses offered off-campus shall be the same as tuition charges and appropriated fees for courses offered on-campus.

Student credit hours produced in courses offered off-campus shall be reported in accordance with the instructions contained in the State Appropriation Formula.

XI. Guideline for Sharing of Faculty and Facilities in the Conduct of Off-Campus Activity—Sharing of faculty and facilities between institutions of postsecondary education shall occur whenever practicable.

#### XII. Guidelines for the Conduct of Off-Campus Instruction Via Correspondence.

A. Louisiana State University-Baton Rouge is the only public institution in Louisiana authorized to offer correspondence study and shall make every effort to satisfy the needs of the citizens of the state.

B. Other public institutions of higher education in Louisiana may offer study by correspondence with prior approval of the appropriate management board and the Board of Regents.

Part E. Guidelines for Contracts and Memoranda of Agreement with the Armed Services—The terms of existing contracts and/or memoranda of agreement shall not be affected by these guidelines.

I. Future negotiations of contracts and/or memoranda of agreement shall be for the mutual benefit of all parties to the agreements, but need not be subject to guidelines contained herein. However, adherence to the spirit of these guidelines in the provision of quality and economy in off-campus instruction should be a primary objective in the negotiation of subsequent contracts and activities.

II. Guidelines anticipated to be forthcoming from the Task Force on State, Institutional, and Federal Responsibilities in Providing Postsecondary Educational Opportunity to Service Personnel shall be given careful consideration and will be implemented wherever feasible.

Part F. Implementation of Guidelines for the Conduct of Off-Campus Activities

I. Guidelines prescribed herein for the conduct of noncredit off-campus activities shall become effective upon final publication in the *Louisiana Register*.

II. Guidelines prescribed herein for the conduct of student credit-hour producing off-campus activities shall become effective as follows.

A. The professional accreditation requirement set forth in Part D, Section V.B. will become effective September 1, 1978.

All other guidelines set forth herein shall be applied to the conduct of lower level undergraduate instruction conducted off-campus no later than September 1, 1976.

C. All other guidelines set forth herein shall be applied to upper level undergraduate instruction conducted off-campus no later than January 1, 1977.

D. All other guidelines set forth herein shall be applied to graduate level instruction conducted off-campus no later than September 1, 1977.

E. The dates in B. and C. above shall not apply to the off-campus activities of Southern University-Baton Rouge in Opelousas, which shall be phased out no later than June 1, 1977.

## ATTACHMENT A

### Assigned Parishes for the Conduct of Off-Campus Activity at the Lower Undergraduate Level by Institution

Delgado Junior College

Jefferson  
Orleans  
Plaquemines  
St. Bernard  
St. Tammany

Grambling State University

Bienville  
Claiborne  
Jackson  
Lincoln  
Union  
Webster

Louisiana State University

at Alexandria  
Avoyelles  
Evangeline  
Rapides

Louisiana State University

at Baton Rouge  
Ascension  
East Baton Rouge  
East Feliciana  
Iberville  
Livingston  
Pointe Coupee  
St. Helena  
West Baton Rouge  
West Feliciana

Louisiana State University

at Eunice  
Acadia  
Evangeline  
St. Landry

Louisiana State University  
at Shreveport

Bossier  
Caddo

Louisiana Tech University

Bienville  
Claiborne  
Jackson  
Lincoln  
Union  
Webster

McNeese State University

Allen  
Beauregard  
Calcasieu  
Cameron  
Jefferson Davis

Nicholls State University

Assumption  
Iberville  
Jefferson (West Jefferson only)  
Lafourche  
St. Charles  
St. James  
St. John  
St. Mary  
Terrebonne

Northeast Louisiana State  
University

Caldwell  
Catahoula  
Concordia  
East Carroll  
Franklin  
Jackson  
Madison  
Morehouse  
Ouachita  
Richland  
Tensas  
Union  
West Carroll

Northwestern State University

Catahoula  
DeSoto  
Grant  
LaSalle  
Natchitoches  
Red River  
Sabine  
Vernon  
Winn

Southeastern Louisiana University Jefferson (East Jefferson  
Only)

Livingston  
St. Helena  
St. John  
St. Tammany  
Tangipahoa  
Washington  
St. Charles (East Bank  
Only)

Southern University at

Baton Rouge  
Ascension  
East Baton Rouge  
East Feliciana  
Iberville

Livingston  
 Pointe Coupee  
 St. Helena  
 West Baton Rouge  
 West Feliciana  
 Southern University at  
 New Orleans  
 Jefferson  
 Orleans  
 Plaquemines  
 St. Bernard  
 St. Tammany  
 Southern University at  
 Shreveport-Bossier City  
 Bossier  
 Caddo  
 University of New Orleans  
 Jefferson  
 Orleans  
 Plaquemines  
 St. Bernard  
 St. Tammany  
 University of Southwestern Louisiana  
 Acadia  
 Iberia  
 Lafayette  
 St. Martin  
 St. Mary  
 Vermilion

**Assigned Parishes for the Conduct of Off-Campus Activity  
 at the Upper Undergraduate Level by Institution**

Grambling State University  
 Bienville  
 Claiborne  
 Jackson  
 Lincoln  
 Union  
 Webster  
 Louisiana State University  
 at Baton Rouge  
 Ascension  
 Avoyelles  
 East Baton Rouge  
 East Feliciana  
 Iberville  
 Livingston  
 Pointe Coupee  
 St. Helena  
 West Baton Rouge  
 West Feliciana  
 Louisiana State University  
 at Shreveport  
 Bossier  
 Caddo  
 Louisiana Tech University  
 Bienville  
 Claiborne  
 Jackson  
 Lincoln  
 Union  
 Webster  
 McNeese State University  
 Allen  
 Beauregard  
 Calcasieu  
 Cameron  
 Jefferson Davis

Nicholls State University  
 Ascension  
 Assumption  
 Iberville  
 Jefferson (West Jefferson only)  
 Lafourche  
 St. Charles  
 St. James  
 St. John  
 St. Mary  
 Terrebonne  
 Northeast Louisiana  
 University  
 Caldwell  
 Catahoula  
 Concordia  
 East Carroll  
 Franklin  
 Jackson  
 Madison  
 Morehouse  
 Quachita  
 Richland  
 Tensas  
 Union  
 West Carroll  
 Northwestern State University  
 Avoyelles  
 Catahoula  
 Concordia  
 DeSoto  
 Grant  
 LaSalle  
 Natchitoches  
 Rapides  
 Red River  
 Sabine  
 Vernon  
 Winn  
 Southeastern Louisiana University  
 Jefferson (East Jefferson Only)  
 Livingston  
 St. Helena  
 St. John  
 St. Tammany  
 Tangipahoa  
 Washington  
 St. Charles (East Bank Only)  
 Southern University at  
 Baton Rouge  
 Ascension  
 Avoyelles  
 East Baton Rouge  
 East Feliciana  
 Iberville  
 Livingston  
 Pointe Coupee  
 St. Helena  
 West Baton Rouge  
 West Feliciana  
 Southern University at  
 New Orleans  
 Jefferson  
 Orleans  
 Plaquemines  
 St. Bernard  
 St. Tammany  
 University of New Orleans  
 Jefferson

Orleans  
 Plaquemines  
 St. Bernard  
 St. Tammany  
 University of Southwestern Louisiana  
 Acadia  
 Evangeline  
 Iberia  
 Lafayette  
 St. Landry  
 St. Martin  
 St. Mary  
 Vermilion

**Assigned Parishes for the Conduct of Off-Campus Activity  
 at the Graduate Level by Institution**

Grambling State University

Bienville  
 Bossier  
 Caddo  
 Claiborne  
 Jackson  
 Lincoln  
 Union  
 Webster

Louisiana State University  
 at Baton Rouge

Ascension  
 Avoyelles  
 East Baton Rouge  
 East Feliciana  
 Iberville  
 Livingston  
 Pointe Coupee  
 St. Helena  
 West Baton Rouge  
 West Feliciana

Louisiana Tech University

Bienville  
 Bossier  
 Caddo  
 Claiborne  
 Jackson  
 Lincoln  
 Union  
 Webster

McNeese State University

Allen  
 Beauregard  
 Calcasieu  
 Cameron  
 Jefferson Davis

Nicholls State University

Ascension  
 Assumption  
 Iberville  
 Jefferson (West Jefferson only)  
 Lafourche  
 St. Charles  
 St. James  
 St. John  
 St. Mary  
 Terrebonne

Northeast Louisiana State

University  
 Caldwell  
 Catahoula  
 Concordia  
 East Carroll

Franklin  
 Jackson  
 LaSalle  
 Madison  
 Morehouse  
 Quachita  
 Richland  
 Tensas  
 Union  
 West Carroll

Northwestern State University

Avoyelles  
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 Caddo  
 Catahoula  
 Concordia  
 DeSoto  
 Grant  
 LaSalle  
 Natchitoches  
 Rapides  
 Red River  
 Sabine  
 Vernon  
 Winn

Southeastern Louisiana University

Jefferson (East Jefferson Only)  
 Livingston  
 St. Helena  
 St. John  
 St. Tammany  
 Tangipahoa  
 Washington  
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Baton Rouge  
 Ascension  
 Avoyelles  
 East Baton Rouge  
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 Iberville  
 Livingston  
 Pointe Coupee  
 St. Helena  
 West Baton Rouge  
 West Feliciana

University of New Orleans

New Orleans  
 Jefferson  
 Orleans  
 Plaquemines  
 St. Bernard  
 St. Tammany

University of Southwestern Louisiana

Acadia  
 Avoyelles  
 Evangeline  
 Iberia  
 Lafayette  
 St. Landry  
 St. Martin  
 St. Mary  
 Vermilion

Louisiana State University-Shreveport

Caddo  
 Bossier

William Arceneaux  
 Commissioner of Higher Education

**RULE**  
**Office of the Governor**  
**Commission on Law Enforcement**  
**And Administration of Criminal Justice**

The Louisiana Commission on Law Enforcement and Administration of Criminal Justice has adopted jail standards for the State of Louisiana at a meeting held Wednesday, September 24, 1980.

Introduction

The purpose of these standards is to provide a reasonable guideline for use by persons responsible for the planning, administration and construction of parish jails in Louisiana. They are intended to reflect the minimum requirements which comply with court orders and protect the guaranteed rights of inmates in custody. The criteria were derived from court decisions, Louisiana state statutes, codes and regulations, and standards developed by organizations in the criminal justice field. The items generally avoid specific numerical absolutes so as to be useful to jails of all sizes and populations.

PART I

Minimum Jail Standards

11.0 Management

11.1 The Administrator shall formulate a written statement of institution goals and purposes.

11.2 The administrator shall develop a written manual describing institution policies and procedures.

11.3 Inmates shall not be subject to discrimination on basis of race, religion, sex, nationality or handicap, and shall receive equal treatment under all policies and procedures of the institution.

11.4 The Administrator shall formulate a written statement of policy regulating communications with the news media and promoting positive public relations with the community.

11.5 Space and equipment shall be designated for all necessary administrative functions.

11.6 Space and equipment shall be designated for all heads of the security staff.

12.0 Fiscal

12.1 A fiscal system shall be established to record all income and expenditures in accordance with commonly accepted professional accounting practices.

12.2 An annual budget shall be prepared which projects the operating needs of the institution.

13.0 Records

13.1 A record system shall be established to provide continuous, accurate, and current information on the location and legal status of all inmates.

13.2 A record system shall be established to account for inmate money and personal property, with disbursement only upon authorization of the inmate owner.

13.3 A record system shall be established to provide statistical information required by legitimate law enforcement and correctional interests at the federal, state and local level.

13.4 A record system shall be established for all routine activities occurring on each shift and for all emergency situations.

13.5 A record system shall be established for all management functions of the institution, including administration, personnel, operations and physical plant.

13.6 A log shall be kept of all persons entering or leaving the jail.

13.7 All record systems shall specify method and frequency of supervisory review, and such reviews shall be made as indicated.

13.8 Inmates shall be forbidden to handle any management, personnel, inmate, fiscal or other institutional records.

13.9 Secure space shall be provided for the use of current records and the storage of other records required in this section.

14.0 Personnel and Training

14.1 Employees shall be given a written manual describing all personnel policies and procedures, including grievance and appeal mechanisms.

14.2 Employees and job applicants shall have the protection of equal employment opportunities.

14.3 Duties and qualifications for each employee position shall be described in writing by the Administrator.

14.4 Employee records shall be maintained in individual files, but employees shall have the right to view and challenge their file information.

14.5 Employees shall receive preservice orientation and shall participate in regular inservice and staff development programs.

14.6 Space and equipment shall be provided for all training and staff development programs.

15.0 Community

15.1 The Administrator shall develop a program of community resources to assist inmates during incarceration and facilitate their reentry after release.

15.2 Civilian volunteers shall not work in the institution until they have completed orientation appropriate to their assignments.

20: Inmate Support

21.0 Inmate Housing

21.1 Separation shall be provided between areas housing male and female inmates and between adults and juveniles.

21.2 Renovation of existing space shall provide for individual cells to house inmates whenever possible.

21.3 Renovation of existing space shall provide a minimum of sixty square feet floor space for each inmate confined to cell less than ten hours daily, and seventy square feet when confinement exceeds ten hours per day.

21.4 Renovation of existing space shall provide a minimum of sixty square feet of sleeping area for each inmate confined to multiple occupancy cells, with a maximum of four inmates per cell.

21.5 Renovation of existing space shall provide a minimum of fifty square feet of sleeping area for each inmate worker in a dormitory with a maximum of twenty inmates per unit.

21.6 New construction shall provide a minimum of sixty square feet per inmate in individual cells if confinement is less than ten hours daily, and seventy square feet when confinement exceeds ten hours per day.

21.7 New construction shall provide a minimum of fifty square feet of sleeping area for each inmate worker in a dormitory, with a maximum of sixteen inmates per unit.

21.8 New construction shall provide a view of daylight from every housing cell.

21.9 Newly constructed housing areas shall have dayrooms which provide a minimum of thirty-five square feet of floor space for each inmate in the housing area.

21.10 New construction shall provide each inmate with direct access from the sleeping area to a separate dayroom during all lock-out periods.

22.0 Food Service

22.1 Food service areas, equipment and operations shall meet all state and local health laws and regulations.

22.2 Inmates shall receive at least three meals every twenty-four hour period with no more than fourteen hours between any two meals. At least two of these meals shall be hot.

22.3 Nutrition, food service plan, and daily menus shall be approved by a licensed physician, certified dietician or nutritionist.

22.4 Inmates shall be provided with special diets as ordered by the physician and approved by the Administrator.

22.5 Inmates assigned to food service jobs shall be medically screened and certified free from disease prior to starting work.

22.6 Space shall be provided for all food preparation and service activities.

22.7 Inmates who are not segregated because of security, safety or discipline shall not be fed in their cells.

#### 23.0 Clothing and Bedding

23.1 Indigent inmates shall be provided with all needed clothing at institution expense.

23.2 Inmates shall be provided with any clothing required for special jobs or work assignments at institution expense.

23.3 Inmates shall be provided with a minimum of two changes of clean clothing per week.

23.4 Inmates shall be provided with a complete set of clean linen and bedding on admission to the institution, and at least once a week thereafter.

23.5 Sanitary storage areas shall be provided for all inmate clothing, linen and bedding.

23.6 Arrangements shall be made for laundry and distribution of clean clothing and bedding to inmates.

23.7 Arrangements shall be made for disinfecting mattresses, pillows and mattress covers prior to issuance to inmates.

23.8 All clothing and bedding distributed by the institution shall be in good repair.

#### 24.0 Personal Hygiene

24.1 Inmates shall have access to a shower on a daily basis and shall be required to bathe no less than twice a week.

24.2 Inmates shall be given all necessary personal health care items upon admission, and these items shall be replenished as needed.

24.3 Inmates shall be able to shave and receive haircuts on a regular basis.

24.4 Inmates assigned to food service or other work details shall shower and receive a complete change of appropriate clothing daily.

#### 25.0 Medical and Health Care

25.1 A licensed physician shall be responsible for the health care program and for the practice of medicine in the institution, and no restrictions shall be placed on the medical judgement of the physician.

25.2 All health care shall be provided in accordance with written policies and procedures developed by the physician in charge and endorsed by the Administrator.

25.3 Dental care shall be provided under the direction, supervision and written procedures of a licensed dentist.

25.4 Treatment given by other than a licensed physician shall be made by trained personnel according to written, standing or direct orders of the physician in charge.

25.5 Inmates shall have continuous access to emergency health care by trained personnel and professional medical attention whenever required.

25.6 Inmates shall have access to routine health care by a physician within forty-eight hours after making such request.

25.7 At least one employee on each shift shall be qualified to administer basic first aid and cardiopulmonary resuscitation.

25.8 Arrestees will be asked at the time of booking about their current state of health and medications being taken, and health problems will be referred immediately to the physician.

25.9 New inmates shall receive a medical examination within seventy-two hours of admission to the institution.

25.10 Inmates shall receive a medical examination at least every twelve months while incarcerated.

25.11 New Inmates shall be instructed in the procedure for obtaining routine and emergency medical attention at the time they are admitted to the institution.

25.12 Inmates shall be able to report illness or health complaints daily and all reports shall be recorded together with complaint disposition.

25.13 Pharmaceuticals shall be controlled and dispensed only under written orders and procedures prepared by the physician in charge, and shall be filled at institution expense as prescribed within twenty-four hours.

25.14 Inmates shall not participate in experimental testing programs for medical or pharmaceutical purposes unless specifically ordered to provide therapy for individual conditions.

25.15 An area shall be provided for inmates requiring isolation for reasons of physical or mental illness.

25.16 Space, equipment, supplies and material shall be provided for all health services delivered in the facility.

#### 30: Inmate Service

##### 31.0 Court Access

31.1 Inmates may receive visits from attorneys or attorney-delegates at any reasonable time between wake-up and lights-out.

31.2 Inmate communications with attorneys by telephone or personal visit shall be entirely confidential.

31.3 Inmate correspondence with attorneys shall be entirely confidential and shall not be delayed, read, nor interfered with in any manner.

31.4 Paralegals may be required to show evidence of their employment by an attorney before being admitted to visit with an inmate.

31.5 Inmates shall be permitted to present any issue to the courts at any time without restrictions, reprisal or penalty.

31.6 Inmates shall be able to obtain paper, postage, forms, notarial services, technical information and specific legal materials needed to insure their rights to court access.

31.7 Inmates shall be transported to any scheduled court appearance at the designated time at institution expense.

##### 32.0 Visiting

32.1 Inmates shall have maximum freedom and duration for visiting consistent with the security and management needs of the institution.

32.2 Each inmate shall be permitted a minimum of one personal visiting period per week.

32.3 Visitors shall be notified by posted signs that they and their possessions are subject to search at any time within the security perimeter of the institution.

32.4 Visitors shall register before admission and may be denied admission for refusal to register, for refusal to consent to search, or for any violation of posted institutional rules.

32.5 Inmate visits shall be conducted under visual surveillance of security staff, but conversations with visitors shall not be monitored.

32.6 Space shall be provided for all activities required by the visiting program.

##### 33.0 Mail

33.1 Outgoing letters from inmates will be submitted unsealed and may be inspected and censored by the institutions.

33.2 An outgoing letter from an inmate may be disapproved if it falls into any of the following categories:

- (a) It contains threats of physical harm against any person or threats of criminal activity.
- (b) It threatens blackmail or extortion.
- (c) It concerns transport of contraband in or out of the institution.
- (d) It contains plans for escape.
- (e) It concerns plans for activities which violate institution rules.
- (f) It concerns plans for criminal activities.
- (g) It is in code and its contents are not understood by the reader.
- (h) It solicits gifts or goods or money from other than family.
- (i) It contains information which if communicated would create clear and present danger of violence or physical harm to a human being.

33.3 If an inmate is prohibited from sending a letter, he will be given back the letter with a written and signed notice citing the specific reason for disapproval and indicating the portion or portions of the letter involved.

33.4 Incoming letters to inmates may be inspected and censored by the institution in accordance with procedures in this section.

33.5 An incoming letter may be disapproved only for

reasons listed in 33.1-33.2.

33.6 If an inmate is prohibited from receiving a letter, the letter will be returned to the sender with a written notice citing the specific reason for the refusal, and the inmate will be notified of the rejection, the reason, and the name of the sender.

33.7 Outgoing letters to courts, recognized attorneys at law, governmental agencies and elected officials shall not be opened or read unless for security reasons, and will be submitted sealed by the inmate with the title or position of the addressee clearly marked on the envelope.

33.8 Incoming letters from courts, recognized attorneys at law, governmental agencies and elected officials may be opened for inspection, but only in the presence of the inmate recipient and without being read for content.

33.9 The Administration shall establish a written procedure for inmate grievances involving mail, including method for written complaint, formal hearing, and written notice of complaint disposition.

#### 34.0 Telephone

34.1 Inmates shall have reasonable access to telephones on a regular schedule.

34.2 Inmates shall be permitted to complete two local telephone calls at institution expense immediately after arrest, or two collect long distance calls if they are not local residents.

34.3 Inmates shall have maximum freedom and duration of telephone privileges consistent with the security and management needs of the institution.

34.4 Inmate telephone calls shall be confidential and shall not be monitored.

#### 35.0 Religion

35.1 Inmates shall be permitted to attend religious services of their own denominations.

35.2 Inmates shall not be sanctioned or rewarded for attendance at religious services or be required to be present during any service.

35.3 Inmates in all conditions of detention shall have access to confidential consultation with religious advisors at any reasonable time.

35.4 Space shall be provided for religious services and programs.

#### 36.0 Recreation

36.1 Inmates shall have active outdoor recreation at least one hour per day three days per week where possible.

36.2 Inmates shall be provided with some form of indoor recreational activity on a daily basis.

36.3 Space and equipment and supplies for recreation shall be furnished by the institution.

#### 37.0 Work Programs

37.1 Inmate work assignments shall be made impartially according to a plan and subject to the number and type of work opportunities available.

37.2 Unsented inmates shall be required to do only personal housekeeping.

37.3 Sented inmates shall be required to do only personal housekeeping and such other tasks as necessary for facility maintenance.

37.4 Inmates may receive pay and/or diminution of sentence for work performed, as permitted by statute.

37.5 Inmate work income shall be considered personal property of the inmate.

#### 38.0 Education

38.1 Sented inmates who wish to advance their general education through the high school level shall be provided the means to do so.

38.2 Sented inmates who wish to take correspondence or special courses at their own expense shall be permitted to do so if no specific security problems are involved.

#### 39.0 Commissary

39.1 Inmates shall have access to commissary or canteen services where they can purchase approved items not furnished by the institution.

39.2 Commissary items shall not cost more than standard community retail prices, and all sales records shall be audited regularly by an approved agency.

39.3 Sufficient and appropriate space shall be provided for commissary services.

#### 40: Inmate Managements

##### 41.0 Intake Reception

41.1 No person who is unconscious, seriously injured, or violently disturbed shall be received for booking without written authorization from a licensed physician.

41.2 New arrivals shall be processed according to written intake procedures and shall be held separate from the inmate population until completion of these procedures.

41.3 New arrivals shall be given a written itemized receipt for all personal property taken from them at time of admission.

41.4 Inmates shall be provided an opportunity to consult with bailbonding and pretrial release agencies as soon as the booking process is completed.

41.5 New arrivals shall receive written and oral information about facility rules, procedures, programs and policies, and shall have access to a translator if English is not understood.

41.6 New arrivals may be housed in individual intake holding cells for a maximum of forty-eight hours before being classified and transferred to an appropriate housing area.

41.7 Special holding provisions shall be made for persons requiring detoxification, additional safety measures and isolation.

41.8 New and renovated holding cells shall house no more than eight inmates and provide a minimum of thirty square feet of floor space per person.

41.9 Single occupancy intake holding cells shall have a floor area of at least fifty square feet.

41.10 Space shall be provided for all booking and intake areas and functions.

##### 42.0 Classification

42.1 Inmate housing, programs, work assignments and transfers shall be made on the basis of impartial written classifications procedures, and inmates shall be informed of the reasons for these decisions.

42.2 Classification shall separate males from females, adults from juveniles, and inmates with special problems of health, behavior or vulnerability from the general population.

42.3 Initial classification assignments shall be completed according to the written schedule within forty-eight hours of admission.

42.4 The classification process shall be completed within seventy-two hours.

##### 43.0 Supervision and Control

43.1 Inmate supervision shall be conducted by trained correctional officers, and inmates shall never be placed in positions of control or supervision over other inmates.

43.2 Supervision of inmates by opposite sex staff shall be conducted according to written procedures. Supervision of female inmates in their housing areas shall be done by female officers at all times.

43.3 Inmates shall be logged in and out when they enter or leave the security perimeter of the institution for any reason.

43.4 Inmates shall be accounted for by roll call at least once every shift and by head count at various times during each shift.

43.5 Inmates may be involuntarily confined in their cells a maximum of twelve hours in any twenty-four hour period except as required for security reasons.

##### 44.0 Inmate Safety

44.1 Inmates shall have continuous access to communica-

tions from their housing areas to a manned control station containing emergency and alarm capability.

44.2 New inmates shall be instructed how to obtain immediate assistance in case of illness, assault, or other personal emergency.

44.3 Secure housing arrangements shall be provided for inmates requiring protective custody under conditions equivalent to those of the general inmate population.

#### 45.0 Discipline

45.1 New inmates shall be given written rules of conduct specifying prohibited acts and penalties which may be imposed for both major and minor rule violations, and this information shall also be posted in the institution.

45.2 Inmates shall not be subjected to corporal punishment or personal abuse, or confined in instruments of restraint as punishment.

45.3 Inmates shall not be deprived of food, clothing or personal hygiene items as punishment.

45.4 Inmates shall have impartial access to formal hearing and appeals procedures for any disciplinary action.

45.5 Inmates who must be isolated for disciplinary reasons shall be held in conditions of confinement equivalent to those of the general population.

#### 46.0 Grievance & Appeal

46.1 Inmates shall have the right to report grievances verbally or in writing to any official of state or local government without fear of reprisal.

46.2 Inmates shall be informed of a formal written procedure for reporting and referring grievances and making appeals.

#### 47.0 Transportation

47.1 Vehicles used to transport prisoners shall meet state and local safety standards and shall be operated only by properly licensed personnel.

47.2 Inmates shall be transported only in accordance with written procedures and only by officers who have received special training in this duty.

47.3 Female inmates shall be accompanied by a female officer during transport.

47.4 A secure area shall be provided for transfer of prisoners and goods between the institution and transporting vehicles.

47.5 Inmates shall not be restrained during transport more than necessary to insure security, and shall never be shackled to a vehicle or left unattended in a vehicle.

#### 48.0 Release

48.1 Inmates shall not be released from the institution until legal authority and positive identification have been verified.

### 50: Security and Control

#### 51.0 Keys

51.1 Written policy and procedure shall govern the regular inspection and maintenance of locks and keys.

51.2 Written policy and procedure shall govern the issue, use, control, loss and replacement of all keys.

51.3 A locked secure area shall be provided for all keys not in use and for a full set of duplicate keys to all parts of the facility.

#### 52.0 Control Center

52.1 Every institution shall provide a control center manned twenty-four hours, to monitor and control communications, emergency systems and security.

#### 53.0 Contraband

53.1 Items legally defined as contraband shall be identified in a list to be made available to all inmates, employees and visitors, together with regulations for disposal.

53.2 A list of articles approved for inmates will be identified and all other items will be considered unacceptable and disposed of according to written procedures.

#### 54.0 Emergencies

54.1 The institution shall comply with all provisions of state and local fire, safety and other applicable codes and regulations.

54.2 The institution shall develop written emergency procedures to cover escapes, riots, fires, passive resistance, other disturbances and disasters, and emergency evacuation of inmates.

54.3 Officers who work in direct contact with inmates shall have access at all times to an emergency communication system link with central control.

54.4 Diagrams shall be posted throughout the building showing evacuation routes, and instructions for use of emergency equipment shall be posted near the equipment.

54.5 All employees shall be instructed in emergency procedures, and senior watch officers shall have access to complete emergency plans at all times.

54.6 Hardware systems must permit the release of all inmates from a housing area within a maximum of five minutes in an emergency.

54.7 Emergency exit keys shall be marked to insure ready identification under conditions of smoke, poor visibility or other crisis situations.

#### 55.0 Searches

55.1 Searches of inmate living areas shall be conducted according to written policies and procedures, avoiding damage or destruction to personal property.

55.2 Contraband items removed during area searches shall be logged, and a receipt shall be given to the inmate if requested.

55.3 Body searches shall be conducted only when an inmate has traveled or has had contact with persons outside the security perimeter of the institution, or when probable cause can be documented.

55.4 Visual body searches shall be conducted by trained personnel of the same sex as the inmate and shall avoid force, undue embarrassment or indignity.

#### 56.0 Hardware

56.1 Each area within the facility shall be designated for a certain level of security, and appropriate hardware shall be provided to insure that level.

56.2 Each opening in the exterior security perimeter of the facility shall contain hardware appropriate to contain safely the inmate population, and to permit controlled access by legitimate public and law enforcement personnel.

### 60: Building and Construction

#### 61.0 Planning and Site

61.1 All jail facilities shall conform to state and local codes and regulations.

#### 62.0 Sanitation and Maintenance

62.1 The institution shall comply with the health and sanitation codes of the state and with all local laws and regulations.

62.2 The institution shall maintain records of all authorized inspections made by regulatory agencies, and of all actions taken as a result of these inspections.

62.3 The institution shall develop and implement a plan for the maintenance and housekeeping of the entire physical plant.

62.4 The institution shall provide for control of vermin and pests by a specialist and shall remove inmates from areas during treatment if requested by the physician in charge.

62.5 Sanitation and housekeeping shall be the responsibility of the institution even when inmates are assigned to housekeeping and maintenance tasks.

#### 63.0 Institution Storage

63.1 Storage shall be provided for all equipment and supplies for the functions of the institutions.

#### 64.0 Climate Control

64.1 Temperature and humidity ranges in the institution shall be checked and approved by the state health officer.

64.2 All equipment used for heating, ventilating and air-conditioning shall comply with state and local codes and regulations.

64.3 Ventilation systems shall be designed for kitchens, toilets, showers and laundry rooms and for the removal of chemi-

al agents where they may be used.

#### 65.0 Lighting and Power

65.1 All electrical wiring shall comply with state and local codes and regulations.

65.2 Facilities shall have two independent sources of power, each sufficient to maintain minimum vital services during an emergency.

65.3 Illumination in housing areas shall be sufficient to permit reading, and shall be reduced to a level to permit normal sleep during night hours.

#### 66.0 Mechanical and Plumbing

66.1 All water supply, sewerage and plumbing installations shall comply with state and local codes and regulations.

66.2 Inmate housing areas shall have hot and cold potable water supplied to each lavatory and shower fixture.

66.3 Water supplies to kitchen and laundry equipment shall meet the temperature and volume recommended by state and local codes and regulations.

66.4 All inmate occupied areas shall be provided with positive floor drainage.

Elmer B. Litchfield, Executive Director  
Louisiana Commission on Law Enforcement  
and Administration of Criminal Justice

### Fiscal and Economic Impact Statement For Administrative Rules

#### I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)

The 1980 Capital Outlay Legislation provides \$34,960,000 for the planning, acquisition, construction, and renovation of parish jails in ten parishes which are under federal court orders. Under the Legislation, each participating parish must reimburse the state for thirty percent of the total bonded debt. The Legislation further provides that the funds shall be available only if each parish agrees to comply with the standards set for Louisiana jails.

#### II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

There will be no effect on revenue collections.

#### III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)

The proposed rules will have no direct financial impact upon parishes. Those parishes electing to participate in the program will receive state capital outlay funds to plan, construct or renovate their respective jails. This election will result in each parish being required to adhere to the jail standards established in the proposed rules. These standards require, for the most part, the jailkeeper to develop accepted procedures of operation in the jail. The new jails, coupled with improved procedures, will greatly benefit the prisoners and meet the mandates established by federal courts.

#### IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

1. The implementation of the proposed rules will have no direct impact upon competition and employment.
2. The Capital Outlay Legislation will result in the construction or renovation of jails thereby creating additional jobs in the construction industry.

Elmer B. Litchfield,  
Commissioner on Law Enforcement

Mark C. Drennen  
Legislative Fiscal Officer

### RULE

#### Department of Health and Human Resources Board of Examiners of Psychologists

The Board approved for final adoption Rules on the Use of Specialty Titles.

### Rules on the Use of Specialty Titles

I. The definition of the practice of psychology, as contained in Louisiana R.S. 37:2352(5), is a generic description, individuals certified under the provisions of Louisiana R.S. 37:2351-2368 are licensed to practice psychology in accordance with that statute and the rules and regulations of the Board adopted under the provisions of state statute.

II. The Board's "Ethical Standards of Psychologists" includes the following statements under Principle 2:

A. "Psychologists recognize the boundaries of their competence and the limitations of their techniques and only provide services, use techniques, or offer opinions as professionals that meet recognized standards."

B. "Psychologists accurately represent their competence, education, training, and experience."

In representing their competence, education, training, and experience, psychologists licensed by the Board may use such additional titles as are consistent with the "Ethical Standards of Psychologists" and other rules and regulations of the Board.

III. The use of any specialty title must be consistent with the Board's "Ethical Standards" and with such additional standards as may be designated by other, professional but nonstatutory, Boards which certify the use of such specialty titles by individuals who present appropriate qualifications to them.

A. The term "specialty" refers to an area within the profession of psychology which can be identified on the basis of a history and tradition of service, research, and scholarship to have a body of knowledge and a set of skills related to that knowledge base, and which is discriminably different from other such specialties.

B. "Special proficiency" recognizes the mastery of a special skill, special technique, or an in-depth knowledge of the needs of a specific population or problems of a specific setting. Such special proficiencies are not unique to any one specialty of psychology, and also may not be unique to the profession of psychology.

IV. As a service to both the public and those individuals licensed by the Board, the Board offers the opportunity for registering the licensee's area of competence, education, training, and experience within a limited list of recognized "specialties," as defined in III.A. above. The Board does not maintain a list of "special proficiencies," as defined in III.B. above.

A. Those specialties which are currently recognized by the Board are: Clinical, Counseling, School, Educational, Developmental, Experimental, Industrial/Organizational, Social.

B. The non-registration of such specialties shall not prevent licensed providers of psychological services from using the methods or dealing with the populations of any specialty, so long as the provision of such services is in accordance with the Board's rules and regulations.

V. For the registration of a specialty in an applied area of psychology, at the time the license is granted, the candidate must meet the standards described in the Board's "Rules on Training and Credentials," Section III.C. Such supervised training experiences must be supported by appropriate graduate level education, as described in the Board's rules and regulations.

VI. The registration of each additional specialty or the registration of a specialty after licensure must meet all criteria described above, including both appropriate graduate or post-graduate education and appropriate supervised training experiences.

The Board, as a means of establishing Rules and Regulations for Internship, approved for final adoption the following changes in the Rules and Regulations for Supervision of Unlicensed Psychologists. The Board changed the title from Rules and Regulations for Supervision of Unlicensed Psychologists to Rules and Regulations for Supervised Practice Leading Toward Licensure.

The Board revised I.A.I. to read: Credit shall not be granted for practice in connection with course work practicum

experience for which predoctoral graduate credits are granted.

The Board approved addition of 1.A.3, Rules and Regulations Defining Internship Programs as follows:

1.A.3. A predoctoral internship shall be credited toward the required two years of supervised experience:

a. If that experience was required as a part of the doctoral degree, and was a minimum of 2000 clock hours of supervised practice.

b. Any internship which meets all other criteria of this rule, but is less than 2000 hours in duration, may be credited proportionately toward two years of experience required for licensure:

(1) If that internship covered a minimum of 1000 clock hours.

(2) The applicant or candidate completes all other supervised experience after award of the doctoral degree.

B. Supervised experience shall be credited for professional practice only if obtained in a public or private agency, institution, or organization which will provide an opportunity to utilize a variety of theories and work with a broad range of populations and techniques.

1. The contribution of at least one other discipline whose expertise is germane, into the evaluation and intervention decisions in professional problem areas is a necessary aspect of professional training and practice.

2. Experience in other settings may be considered only by prior arrangement with, and approval of, the Board.

Wayne A. Greenleaf, Ph.D.  
Chairman  
Board of Examiners of Psychologists

**Fiscal and Economic Impact Statement  
For Administrative Rules**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) - (Summary)

There are no estimated implementation costs to the agency.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

There is no estimated effect on revenue collections.

III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)

Applicants for psychologists licenses, as well as the Department of Health and Human Resources and any other government agencies that employ psychologists, will benefit due to the elimination of a restriction previously placed on becoming a licensed psychologist.

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

It may encourage free and open competition due to the reduction of restrictions placed on becoming a licensed psychologist.

Wayne Greenleaf  
Chairman  
Board of Examiners of Psychologists

Mark C. Drennen  
Legislative Fiscal Officer

**Fiscal and Economic Impact Statement  
For Administrative Rules**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)

There is no implementation cost.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

There is no effect on revenue collections.

III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)

There is no cost. However, the agencies, boards, and commissions will benefit by having specialty titles accepted by the profession.

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

There is no apparent effect on competition and/or employment.

Wayne Greenleaf, Chairman  
Board of Examiners of Psychologists

Mark C. Drennen  
Legislative Fiscal Officer

**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 August 1, 1980 the following increases in the Aid to Families with Dependent Children (AFDC) and General Assistance (GA) grant amounts.

Using a fourteen percent increase standard for AFDC and a ten percent increase standard for GA the new grant amounts are proposed as follows.

**I. AFDC**

**A. For Parishes Other Than Those Specified in B Below**

Number of Persons	Flat Grant Amount	Number of Persons	Flat Grant Amount
1	\$ 60	10	\$404
2	112	11	438
3	158	12	474
4	197	13	513
5	235	14	551
6	269	15	588
7	304	16	626
8	339	17	663
9	371	18	701

For each additional person, add \$41.00 to the flat grant amount.

**B. For Orleans, Jefferson, St. Bernard, and East Baton Rouge Parishes.**

Number of Persons	Flat Grant Amount	Number of Persons	Flat Grant Amount
1	\$ 65	10	\$420
2	125	11	455
3	173	12	491
4	213	13	527
5	252	14	564
6	287	15	602
7	320	16	643
8	355	17	674
9	388	18	717

For each additional persons, add \$44.00 to the flat grant amount.

**II. General Assistance**

A. Regular Grant — The maximum amount paid for a regular grant shall be:

(1) \$83.00 when only one person is to be included in the certification.

(2) \$120.00 when two or more persons are included in the certification.

B. Special Grant — The maximum amount paid for a special GA grant shall be:

(1) \$121.00 when the budget plan includes an allowance for a special diet approved for a special grant and only one person included in the certification. \$127.00 when a special diet is approved and there are two or more persons in the certification.

(2) \$139 when the budget plan includes an allowance for discharge from a state mental institution.

(3) \$132.00 when the budget includes one person and an allowance is necessary for special care in his own home or home of a relative or in a private home by an unrelated person. \$138.00 when the budget includes two or more persons and special care as explained above is necessary.

C. GA III or Handicapped Children's Grant — The amount paid shall be the family budgetary deficit subject to \$121.00 maximum without inclusion of the extra cost of the child's special diet and/or essential transportation (if any), plus the cost of this item or items subject to a maximum of \$306.00.

D. Other Grants.

(1) Financial Assistance to persons who were patients in Carville and who ceased to be eligible for OAA, ANB, or DA assistance on January 1, 1974, as a result of the SSI Program. This is applicable in Iberville Parish only. (Effective October, 1975.) Those persons who are currently patients at Carville referred to above, if otherwise eligible, shall be allowed \$39.00 for basic requirements to provide for personal needs not provided by the hospital.

(2) GA recipients receiving SNF care in a skilled nursing home or ICF I or ICF II care in an intermediate care facility shall receive a personal care needs allowance of \$24.00.

E. Indochinese One-Person Households — Indochinese one-person households shall receive payment in accordance with the payment level applicable to a one person GA certification.

GA

PRE-ADDED BASIC REQUIREMENTS

	13 Years and Over and Less than 65	Birth Through 12 Years
Food	\$40.00	\$27.00
Clothing	9.00	7.00
Incidentals	6.00	5.00
Total	\$55.00	\$39.00

Alvis D. Roberts  
Assistant Secretary

**RULE**

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

The Department of Health and Human Resources, Office of Family Security, has adopted the following changes in the Medically Needy Income Eligibility Standards (MNIES) in the Medical Assistance Program.

Rural-Medically Needy Income Eligibility Standard

FAMILY SIZE	AFDC FLAT GRANT AMOUNT	MONTHLY MNIES	QUARTERLY MNIES
1	\$ 60	\$ 142	\$ 426
2	112	150	450
3	158	217	651
4	197	267	801
5	235	317	951
6	269	367	1,101
7	304	408	1,224
8	339	458	1,374
9	371	500	1,500
10	404	542	1,626

11	438	592	1,776
12	474	633	1,899
13	513	692	2,076
14	551	742	2,226
15	588	792	2,376
16	626	842	2,526
17	663	892	2,676
18	701	942	2,826
19	742	992	2,976
20	783	1,050	3,150
21	824	1,100	3,300
22	865	1,158	3,474
23	906	1,208	3,624
24	947	1,267	3,801
25	988	1,325	3,975
26	1,029	1,375	4,125
27	1,070	1,433	4,299
28	1,111	1,483	4,449
29	1,152	1,542	4,626
30	1,193	1,592	4,776

Urban-Medically Needy Income Eligibility Standard

FAMILY SIZE	AFDC FLAT GRANT AMOUNT	MONTHLY MNIES	QUARTERLY MNIES
1	\$ 65	\$ 150	\$ 450
2	125	167	501
3	173	233	699
4	213	292	876
5	252	342	1,026
6	287	383	1,149
7	320	433	1,299
8	355	475	1,425
9	388	525	1,575
10	420	567	1,701
11	455	608	1,824
12	491	658	1,974
13	527	708	2,124
14	564	758	2,274
15	602	808	2,424
16	643	858	2,574
17	674	900	2,700
18	717	958	2,874
19	761	1,017	3,051
20	805	1,075	3,225
21	849	1,133	3,399
22	893	1,192	3,576
23	937	1,250	3,750
24	981	1,308	3,924
25	1,025	1,367	4,161
26	1,069	1,433	4,299
27	1,110	1,492	4,476
28	1,157	1,550	4,650
29	1,201	1,608	4,824
30	1,245	1,667	5,001

George A. Fischer, Secretary  
Department of Health and Human Resources

**Fiscal and Economic Impact Statement  
For Administrative Rules**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)  
A. Total estimated implementation cost for FY 80-81 is

\$55,440; FY 81-82 is \$63,840, and FY 82-83 is \$73,440.

B. Implementation of the rule change would cause an insignificant increase in workload. There would be no increase in personnel therefore no additional cost to the program in this area.

C. The source of funding for FY 80-81 is \$17,286 state funds and \$38,154 federal funds; FY 81-82, \$20,869 state funds and \$42,971 federal funds; and FY 82-83, \$24,375 state funds and \$49,065 federal funds.

D. Sufficient funds are on hand to implement the proposed rule change.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

None

III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)

The proposed rule change would increase by twenty the number of Title XIX eligibles per month in the Medically Needy Program. There would be no cost to recipient. Benefits received by this group would be eligible for Title XIX covered medical services.

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

None

Michael S. Haddad  
Office of Family Security

Mark C. Drennen  
Legislative Fiscal Officer

**RULE**

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

The Department of Health and Human Resources, Office of Family Security, has implemented a new reimbursement methodology and increase payment rates for private nursing homes enrolled in the Medical Assistance Program effective with the November, 1980 Payment.

The methodology is to set reasonable payment rates which are cost related by levels of care by regions.

The rates of Region I, composed of Orleans, Jefferson, St. Tammany, and St. Bernard Parishes, are:

Level of Care	Monthly Rate	Daily Rate
Skilled Nursing Facilities	\$1,016.22	\$33.41
Intermediate Care Facilities I	861.70	28.33
Intermediate Care Facilities II	683.16	22.46

The rates for Region II, composed of the remaining parishes, are:

Level of Care	Monthly Rate	Daily Rate
Skilled Nursing Facilities	\$968.77	\$31.85
Intermediate Care Facilities I	809.69	26.62
Intermediate Care Facilities II	644.83	21.20

George A. Fischer, Secretary  
Department of Health and Human Resources

**Fiscal and Economic Impact Statement  
For Administrative Rules**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)

The Office of Family Security anticipates an increase in costs of \$1,054,794.00 for FY 80-81 to implement this change. For FY 81-82 the cost will be \$1,676,124.00 and for FY

82-83 \$1,916,735.00. Funds for implementing the proposed rule will be based on 31.18% State funds and 68.82% Federal Funds. Sufficient funds have been appropriated to implement the rule change for the current year.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

None

III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)

An increase in the reimbursement rate which more adequately meets facility costs in Region (1) should increase the quality of care provided recipients in these Long Term Care facilities.

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

If the additional 1,011 Long Term Care beds, currently authorized by the State Health Planning and Development Agency are certified they would open up approximately 430 new jobs in the area. However, there would be competition among existing Health Care Providers for nursing staff.

Michael S. Haddad  
Office of Family Security

Mark C. Drennen  
Legislative Fiscal Officer

**RULES**

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

In accordance with the provisions of the designation agreement between the Louisiana Department of Health and Human Resources (DHHR) and the United States Department of Health and Human Services (DHHS) 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 DHHR in its capacity as the State Health Planning and Development Agency (SHPDA) under Public Law 93-641 and as the Designated Planning Agency under Public Law 92-603 (Section 1122).

Documents containing those rules, regulations, procedures, guidelines, standards and criteria which shall be used in conducting the Section 1122 review program are as follows.

1. Federal Register, Volume 38, Number 218 - Tuesday, November 13, 1973, pages 31381 - 31385 pertaining to Part 100 of Title 42, CFR, "Limitation of Federal Participation for Capital Expenditures."
2. Federal Register, Volume 42, Number 14 - Friday, January 21, 1977, pages 4001 - 4032, pertaining to Parts 100 and 123 of Title 42, CFR.
3. Federal Register, Volume 42, Number 17 - Wednesday, January 26, 1977, pages 4847 - 4848, pertaining to "Policy on Lack of Timely Notice" under Part 100 of Title 42, CFR.
4. Federal Register, Volume 44, Number 81 - Wednesday, April 25, 1979, pages 24428 - 24429, pertaining to 42 CFR 100.103.
5. "Policies and Guidelines for Section 1122 Capital Expenditure Review," as adopted herein by the Division of Health Planning and Development.
6. State Health Plan, 1980-1985, as adopted by the Statewide Health Coordinating Council.
7. 1980 Revised State Health Plan, as adopted by the Statewide Health Coordinating Council.
8. Designation agreement between DHHR and DHHS to conduct the Section 1122 review program, including attachments.

## 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 17, 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 acquisitions. 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.

DHPD 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. Proposals for the addition of beds will be considered for election not to review on a case-by-case basis, providing the addition can be undertaken in a manner consistent with cost-effectiveness and good quality care. A full review will be required when (a) the proposed expenditure exceeds \$100,000 or (b) the bed complement of the facility will be increased by more than 10 percent of the total number of licensed beds.

3. Total costs of the proposal do not exceed \$1,000,000 except that proposals for the replacement of existing medical equipment, for the acquisition of non-medical equipment, for construction and/or renovations to achieve compliance with life safety codes or for the acquisition of a health care facility through purchase, lease or comparable arrangement will be considered 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 applicant 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 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