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Executive Order

EXECUTIVE ORDER

Executive Order DCT 81-1

WHEREAS, the reorganization of the executive branch of state government required by constitutional mandate is nearly complete; and

WHEREAS, total reorganization of the executive branch will achieve a governmental structure in which authority is integrated in the governor through a hierarchical structure which permits the exercise of gubernatorial leadership and permits the legislature to require departmental accountability; and

WHEREAS, the benefits of this structure will include: (1) greater ability of the governor to exert policy leadership; (2) greater facility for the legislature oversight; (3) more accountability to the public; (4) easier access for citizens to state assistance and information about state programs; (5) centralization of budget preparation and control, purchasing, and related functions; (6) a new thrust and opportunity for state government to produce better services with present resources, to combine like programs, to eliminate duplication and thereby to deter the growth of government as population growth and inflation drive up personnel and cost demands;

WHEREAS, the reorganization process is a two-fold process of enacting statutory framework for reorganization and oversight; and

WHEREAS, at this point in the reorganization process such continuous review is particularly necessary in order to consolidate duplicate functions, coordinate complimentary functions, and prepare legislation to fully implement the reorganization of the executive branch of government as intended in the Executive Reorganization Act,

NOW, THEREFORE, I, DAVID C. TREEN, by powers vested in me as Governor of the State of Louisiana, do hereby create and establish the Joint Committee on Executive Branch Reorganization to conduct such studies and propose such legislation as may be necessary to accomplish the continued reorganization of the executive branch of state government as contemplated by Article XIV, Section 6, and Article IV, Section 1 of the Louisiana Constitution of 1974 and in particular by the transfer, allocation, or consolidation of state agencies and their powers, duties, functions, and responsibilities as contemplated by Sections 2 and 4 of Title 36 of the Louisiana Revised Statutes, and generally to carry out the intent of this Executive Order to oversee the fullest implementations of the potential and intent of Title 36.

BE IT FURTHER RESOLVED, that the committee herein created shall be composed of five members of the House of Representatives and five members of the Senate, appointed by the governor. The chairman of the committee shall be appointed by the governor from the membership of the committee. The committee shall make all such studies and propose such legislation as it finds necessary to carry out the purposes of this Executive Order and to respond to the specific concerns stated herein. It shall hold its organizational meeting on call of the governor, at which time it shall determine particular areas of study and procedures for making such studies. The committee shall meet as often as necessary to carry out the purposes of this Executive Order.

The committee shall submit a report of its findings and recommendations based thereon to the governor prior to the 1981 session of the legislature together with drafts of such legislation as

shall be necessary to accomplish its recommendations and at such other times as it shall deem necessary.

For the purposes of conducting the study herein contemplated, the committee is authorized to make, or cause to be made, any studies it may find helpful to the purposes of this Executive Order through such personnel as may be available to the committee or in cooperation with any public or private agency, including universities, colleges, foundations, charitable corporations and research organizations. The committee may call upon the members or staffs of any and all existing departments or agencies of the state for data and assistance and all such agencies and departments are hereby directed to cooperate with the committee. The committee may request of and utilize such counsel, assistance, personnel, facilities and advice as may be obtained from any and all private sources, including but not necessarily restricted to business, labor and private research agencies, individuals or organizations. At the written request of the committee, the heads or governing authorities of any state department, agency or other instrumentality of the executive branch shall make available to the committee any employees thereof, selected by the committee in consultation with the agency head, to be assigned to the committee to aid and assist in the carrying out of its functions, duties and obligations for as long as is deemed necessary by said committee and that the compensation and expenses of any such person so assigned shall be borne by and paid out of the funds appropriated to the particular agency from which he was selected.

The committee may create or appoint such advisory committees or task forces to act in any advisory capacity or to assist in its studies, composed of such representatives of the public and private sectors, as it shall deem appropriate.

The committee shall coordinate its efforts with and otherwise cooperate with any private consultants the governor may employ to study and make recommendations for improved organizations and/or management of state government.

The committee is authorized to receive grants, donations or gifts of money or services from public or private organizations or from any other sources to be utilized for the purposes of this study.

The members of the committee shall receive the same per diem and travel allowance in the performance of their duties as is provided for members of the legislature. Such per diem and travel allowance and all other expenses incurred by the committee shall be paid for out of such funds as may be made available to the committee by the governor or the presiding officers of the Louisiana Legislature.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this the 5th day of February, A.D., 1981.

David C. Treen
Governor of Louisiana

Emergency Rules

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education Certification Requirements for Preschool Handicapped

The State Board of Elementary and Secondary Education intends to adopt as an Emergency Rule and inclusion in Bulletin 746, the following:

Rules

RULE

Department of Agriculture Dairy Stabilization Board

On recommendation of the Louisiana Dairy Stabilization Board, the Commissioner of Agriculture has adopted the following rule:

To be read in context with LAC 2-17:13.1 which states as follows: "Unfair methods of competition, unfair or deceptive acts or practices and disruptive trade practices are hereby declared unlawful with respect to the sale of milk and milk products". (R.S. 40:931.8A). The following trade practices are hereby declared to be disruptive trade practices.

Advertisement of Lowfat Fluid Milk

The advertising of Lowfat Fluid Milk products, (milk with a milk fat content of not less than 0.5 percent nor more than 2 percent) in any form of mass media without clearly stating the percentage of milk fat contained in said product.

C. James Gelpi
Director-Attorney

RULE

Department of Agriculture Livestock Sanitary Board

The Louisiana State Department of Agriculture, Livestock Sanitary Board, pursuant to the authority contained in LSA 3:2096 and in accordance with Notice of Intent published on February 20, 1981, has adopted the following Rules and Regulations at a public hearing held on March 10, 1981, in the State Capitol, Baton Rouge, Louisiana:

Regulation 12. Intrastate Manufacture, Sale, or Distribution of Animal Vaccines

1. No person, firm, association, or corporation shall manufacture, sell, or distribute any animal vaccine within the State of Louisiana unless such person, firm, association, or corporation can prove to the Board that he (it) is currently the holder of a valid Federal license to manufacture, sell, or distribute such animal vaccine, except as provided hereinafter.

2. The Board shall authorize the intrastate manufacture, sale, or distribution of animal vaccines on an individual basis to meet emergency situations within the State of Louisiana under special permit of the State Veterinarian, provided that no special permit for the intrastate manufacture, sale, or distribution of animal vaccines shall be issued by the State Veterinarian except under the authorization of the Board.

3. The Board reserves the right to prohibit the intrastate manufacture, sale, or distribution of animal vaccines which, in the judgment of the Board, would be detrimental to any phase of the livestock and/or animal health industries of the State. The Board shall distribute, through the State Veterinarian, on an annual basis, no later than December 31 of each year, a complete list of all vaccines which are prohibited for use within Louisiana, and such list shall be available to any interested person who makes request therefor.

* * *

The previously existing Regulation 12 of the Rules and Regulations of the Livestock Sanitary Board is repealed in its entirety upon the effective date of the Rules herein adopted.

Bob Odom
Commissioner of Agriculture

1. For institutions offering graduate programs for certification in the area of noncategorical preschool handicapped, the Board shall allow a six semester hour graduate level practicum to be accepted in lieu of the twelve semester hour student teaching requirement specified for the undergraduate program, provided that students in the graduate program are degreed teachers and have had student teaching. For persons in the program who do not hold kindergarten certification, an additional three hour kindergarten practicum shall be required.

2. For institutions offering graduate level programs for certification in the area of noncategorical preschool handicapped, the Board shall allow a two hour nutrition course in lieu of the three semester hours of nutrition required in the undergraduate program.

James V. Soileau
Executive Director

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

The State Board of Elementary and Secondary Education at its meeting on February 26, 1981, exercised those powers conferred by the emergency provisions of the Administrative Procedure Act, R.S. 49:953B and adopted the following emergency rule:

The items referred to in motions 8 and 9 in the February 1981 Teacher Certification Committee minutes were submitted for referral to the Certification Committee in January, 1981. Because these items were listed on the same page with another item, they were overlooked in Dr. Parker's office. Therefore, it is requested that they be adopted as emergency rules in March.

James V. Soileau
Executive Director

DECLARATION OF EMERGENCY

Office of The Governor Office of Elderly Affairs

The Office of the Governor - Office of Elderly Affairs has adopted the following rules and regulations which affect the administration of the Office's Programs.

1. Older Americans Act of 1965 as amended on October 18, 1978. Public Law 95-478.

2. The Federal Register for the Act as published on March 31, 1980.

3. Chapter 7 of Title 46 of the Louisiana Revised Statutes of 1950, as amended in 1979.

4. CFR Title 45 Part 74.

5. Division of Administration State Purchasing Manual.

6. Office of Management and Budget Circulars A102, 122, 74-4.

7. Administration on Aging Policy Announcements.

8. Guidelines for Financial and Compliance Audits of Federally Assisted Programs.

9. Louisiana Revised Statute R.S. 46:931-940; R.S. 46:1751 - 1867; R.S. 46:1601 - 1605; Title 40-2009.13 - 18.

10. 7CFR Part 250 Food Distribution Program.

11. Title 29 Subpart A - Senior Community Service Employment Program.

Ronald Blereau
Assistant Director

RULE

Department of Agriculture Office of Agriculture and Environmental Science

The Commissioner of Agriculture, pursuant to the authority contained in LSA 3:2302, and in accordance with Notice of Intent published on February 20, 1981, has adopted the following Rules and Regulations for the administration of the Apiary Program:

- 1.0 Definitions
- 2.0 Movement of beekeeping equipment, colonies, nuclei or comb packages
- 3.0 Movement or shipment of combless packages and/or queens and used combless package cages
- 4.0 Authority of agents to enter premises
- 5.0 Applications for inspections
- 6.0 Shipment or movement of restricted articles
- 7.0 Issuance and use of certificate permits in Louisiana
- 8.0 Shipment or movement of restricted articles from any quarantined area except under special permit
- 9.0 Eradication measures
- 10.0 Levy of assessments
- 11.0 Penalties

* * *

- 1.0 Definitions
 - 1.1 Department - the Louisiana State Department of Agriculture
 - 1.2 Commissioner - The Commissioner of Agriculture
 - 1.3 State Entomologist - the Entomologist of the State Department of Agriculture
 - 1.4 Agent or Inspector - an authorized representative of the State Entomologist and/or the State Department of Agriculture
 - 1.5 Person - an individual, firm, or corporation
 - 1.6 Beekeeper - an individual, firm or corporation who owns or has charge of one or more colonies of bees
 - 1.7 Apiary or Yard - the assembly of one or more colonies of bees at a single location
 - 1.8 Hive, Colony, or Colony of Bees - an aggregate of bees consisting principally of workers, but having, when perfect, one queen and at times many drones; including brood, combs, honey and the receptacles inhabited by the bees
 - 1.9 Nucleus - bees, brood, combs and honey in or inhabiting a small hive or portion of a standard hive or other dwelling place
 - 1.10 Package - a comb or combless package of bees prepared for shipment or movement
 - 1.11 Comb Package - a package of bees shipped or moved on a comb containing honey and/or brood, with or without a queen
 - 1.12 Combless Package - a package of bees shipped or moved without comb, with or without a queen
 - 1.13 Combless Package Cage - a container made of wood and wire screen constructed in such a manner to permit the insertion of a feeder can to be used in shipping bees without comb or foundation
 - 1.14 Queen - a fully developed female bee, capable of being fertilized
 - 1.15 Beekeeping Fixtures or Beekeeping Equipment - anything that is used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards, extractors, and so forth
 - 1.16 Strap - two or more packages of bees and/or queen cages strapped or tied together for shipment
 - 1.17 Disease - any infectious disease of bees which is detrimental to the honey bee industry, such as American foulbrood, European foulbrood, Isle of Wight, Nosema, and so forth
 - 1.18 Quarantined Area - a yard in which American foul-

brood infection has been found, and all that area within a one-mile radius of such yard; or any area defined as a quarantined area by the State Entomologist because of excessive disease found present in bees within the area or because restricted articles were moved into the area from a quarantined area

- 1.19 Restricted Articles - colonies of bees, nuclei, comb or combless packages of bees, queens, used or second-hand beekeeping fixtures or equipment, and anything that has been used in operating an apiary
- 2.0 Movement of beekeeping equipment, colonies, nuclei or comb packages
 - 2.1 The movement or shipment of used or second-hand beekeeping equipment, colonies of bees, nuclei or comb packages of bees into Louisiana is prohibited.
- 3.0 Movement or shipment of combless packages and/or queens and used combless package cages.
 - 3.1 Combless packages of bees and/or queens shall not be shipped or moved into Louisiana unless there is firmly attached to each package or container, or to each strap of packages or containers, a certificate permit issued by proper officials of the State or country of origin, certifying that the apiary from which the combless packages of bees and/or queens originated was inspected and found free of American foulbrood for a period of at least one year previous to date of shipment, and that an inspection was made of the apiary within sixty days of the date of shipment. Diseases other than American foulbrood found present in the apiary from which the shipment originated must have been effectively controlled in an approved manner. The feed for combless packages of bees and/or queens shall be of sugar syrups or sugar candies only.
 - 3.2 Package bee shippers of Louisiana may bring or have shipped back into the State combless package cages previously used and re-use same in making subsequent shipments.
- 4.0 Authority of agents to enter premises
 - 4.1 Agents of the Department are authorized and shall be allowed entrance onto any property or premises in the State of Louisiana for the purpose of carrying out the provisions of these regulations.
 - 4.2 No person shall in any way interfere with an agent in making inspections on properties or premises in carrying out the provisions of these regulations.
- 5.0 Applications for inspections
 - 5.1 Beekeepers who desire certificate permits authorizing the movement of packages of bees and/or queens shall make application for inspection by February 15 of each year on a form that will be furnished by the Department and shall give the location of each and every apiary or yard owned or controlled or from which package bees and/or queens are to be moved or shipped by the applicant.
 - 5.1 In application for inspection and at the time of inspection, beekeepers shall declare the yards in which sulfa drugs (or other chemicals) have been fed or administered to one or more colonies.
- 6.0 Shipment or movement of restricted articles
 - 6.1 Combs or combless packages of bees and/or queens An official, unexpired Apiary Package Certificate Permit, issued by the Department, shall be pasted on each package, queen cage, or strap of packages; and an official Apiary Certificate Permit, issued by the Department to cover shipments or movements of bees and/or queens, shall be filled out (in duplicate) by the beekeeper on each complete shipment to show the name and address of the consignor, name and address of the consignee, the contents of the shipment and the serial number or numbers of the package permits used on the shipment. The original copy of the certificate shall be either pasted on the shipment or attached to the bill of lading covering the shipment; and the duplicate copy shall be kept by the

beekeeper for a period of at least three years, during which time the State Entomologist or his agents may examine such duplicates and tabulate such information as he deems necessary.

6.2 Colonies of bees, used or second-hand beekeeping equipment

Colonies of bees, used or second-hand beekeeping equipment shall not be shipped, moved or sold unless accompanied by a special permit issued by the State Entomologist, except as provided for in Rule 8.0 of these regulations.

6.3 Requirements covering the return into Louisiana of supers and frames used in shipping comb honey to points outside the state

Under special permit issued by the State Entomologist, comb honey producers of Louisiana may ship comb honey supers filled with frames and honey back to points outside the State and move or ship the same supers and frames back into Louisiana, provided: (1) each super and frame is branded by burning into the wood the name of the shipper, or an official brand which may be obtained from the Louisiana Brand Commission; (2) all supers and frames returned shall have been cleaned of all honey and comb; (3) upon receipt of such supers and frames returned into the State, the State Entomologist shall be advised of same, indicating the number of supers and frames returned and name and address of consignee. All such returned equipment shall be subject to inspection by agents of the Department.

7.0 Issuance and use of certificate permits in Louisiana

7.1 Package permits and certificate permits shall not be issued by the Department except to cover the shipment or movement of package bees and/or queens from a yard or yards that are not under quarantine and have been inspected at least once each year (prior to the shipment or movement of bees therefrom) and found free of American Foulbrood infection and other diseases found have been effectively controlled.

7.2 Package permits and certificate permits shall not be issued to cover the shipment or movement of package bees and/or queens from an area that has been quarantined on account of American Foulbrood infection until two consecutive inspections have been made of the colonies within the area and no further infection was found; the first inspection to be made not less than twenty-one days nor more than thirty days after the American Foulbrood infection was found and destroyed. If found free after the initial inspection (21-30 days), the quarantine shall be lifted. However, if American Foulbrood is again found, an additional twenty-one to thirty day quarantine period will be enforced with destruction of those colonies found to be infested. An additional sixty day quarantine will be enforced on any yard found to be treating with drugs to mask the presence of American Foulbrood.

7.3 Special permits shall be issued to cover the shipment or movement of colonies of bees, used or second-hand beekeeping equipment into other states only with the approval of the proper officials of the state of destination.

7.4 Package permits and certificate permits issued by the Department shall be used by beekeepers only to cover the shipment or movement of package bees and/or queens from a yard or yards designated by the State Entomologist or his agents.

8.0 Shipment or movement of restricted articles from any quarantined area except under special permit

8.1 The shipment or movement of restricted articles from any quarantined area of Louisiana is prohibited except under special permit issued by the authorized official of the State or country of destination.

9.0 Eradication measures

9.1 All colonies of bees infected with American Foulbrood shall be destroyed by burning, in the presence of or by an inspector.

9.2 All colonies of bees found infected with European Foulbrood shall be queened within thirty days after infection is found; or the infected colonies shall be destroyed.

9.3 Nuclei exposed to American Foulbrood infection by the transfer of combs with brood or bees from an infected colony or yard shall be destroyed by burning.

9.4 All other bee diseases shall be treated as prescribed by the State Entomologist or his agents for the control of same.

10.0 Levy of Assessments

10.1 The State Entomologist may levy an assessment of fifteen cents per colony of bees as provided by R.S. 3:2306, which assessment shall be due by May 1 of each year.

11.0 Penalties

11.1 Restricted articles shipped or moved into Louisiana in violation of these regulations shall be destroyed in accordance with LSA 3:2301-2308; any person who fails to comply with the requirements of these regulations is subject to the penalties provided for in LSA 3:2301-2308.

Bob Odom

Commissioner of Agriculture

RULES

Department of Agriculture Livestock Sanitary Board

The Louisiana State Department of Agriculture, Livestock Sanitary Board, pursuant to the authority contained in LSA 3:2091 and 3:665, and in accordance with Notice of Intent published on February 20, 1981, has adopted the following addition to Regulation 3 of the Rules and Regulations of the Board, at a public hearing held on March 10, 1981:

SECTION 3. Conditions for Issuing a Livestock Auction Market Permit

* * *

D. The day of the week approved by the Board for the conduct of the sale must be established prior to the issuance of the charter.

(1) In the application for charter, the applicant shall specify the day(s) of the week on which he desires to conduct sales.

(2) No requested sales day shall be approved for any applicant if any established, chartered auction market(s) located within a fifty mile radius of the applicant has received prior Board approval for the conduct of a sale on the same day of the week, provided that the Board may approve an applicant's request for approval of a sale on the same day of the week as a sale conducted by an established, chartered market within a fifty-mile radius if the operator(s) of the established market(s) submits a statement, in writing, to the effect that he has no objections to the Board's approval of the same sales day.

(3) Whenever any established, previously chartered auction market desires to change the day of the week approved by the Board for the conduct of his sale, the operator shall submit a request for a change of approved sales days at least fifteen days prior to the desired change, which request shall include, but not be limited to, the following information: (a) day of the week previously approved for the sale, (b) day of the week for which approval is sought, (c) statement identifying reasons for the requested change, specific benefits which are expected to accrue to producers and buyers, and proposed allocation of Board personnel to handle the change of sales day. If the established market desires to change the approved sales day to the same day previously approved for another established auction market within a fifty-mile radius, the operator shall submit the same statement as required by Rule D (2) above.

(4) Within fifteen days following the effective date of this Rule, each chartered auction market operator in this State shall submit to

the Board a request for sales days, which request shall include: (a) day of the week on which his sale is currently held, (b) first sale conducted on this day (for example, "first Monday sale in June, 1967; sales held on Mondays only continuously since June, 1967"), and (c) present location of the sale (i.e., street and city). The Board at its next meeting shall establish sales days for every livestock auction charter. Any chartered markets which are presently conducting sales on the same day of the week shall be required to submit the statement required in Rule D (2) above. (5) In any case where two or more chartered markets located within a fifty-mile radius desire to conduct sales on the same day of the week, and the statement required under Rule D (2) above is not filed by all such chartered operators, the Board shall establish the day of the week on which each operator shall conduct his sale.

Bob Odom
Commissioner of Agriculture

RULES

Department of Agriculture Livestock Sanitary Board

The Louisiana State Department of Agriculture, Livestock Sanitary Board, pursuant to the authority contained in LSA 3:2096 and in accordance with Notice of Intent published on February 20, 1981, has adopted the following Rules and Regulations at a public hearing held on March 10, 1981, in the State Capitol, Baton Rouge, Louisiana:

The following addition to Regulation 1, Section 3, Sub-Section (5) was added immediately after Paragraph (3) thereof:

Exceptions: (a) Feeder swine going to an approved quarantine feed lot.

* * *

The following new Regulation 29 was adopted:
Section 1. Definition of Terms.

1. Quarantined Feed Lot — A confined area for the finish feeding of swine with no provision for pasturing and grazing, from which swine may move only to immediate slaughter and which is maintained under the direct supervision and control of the state livestock official who shall establish procedures to insure individual identify of all animals entering the lot.
2. Person — An individual, partnership, corporation or association.
3. Permit — A license issued annually by the Louisiana Department of Agriculture, Livestock Sanitary Board.

Section 2. Permit Required.

1. No person may operate a quarantined swine feed lot without first obtaining a permit from the Livestock Sanitary Board. Any person operating a feed lot without a valid permit will be in violation of this regulation and subject to prosecution.

Section 3. Conditions for Issuing a Quarantined Feed Lot Permit.

1. The operation must not constitute a health hazard to livestock on surrounding premises or create a public nuisance.
2. The operator must agree to abide by the provisions of this regulation and all other regulations of the Livestock Sanitary Board and the U.S. Department of Agriculture governing such operations and movements.

Section 4. Requirements for Operation of Quarantined Feed Lots.

1. All swine must be maintained at a safe distance and apart from all other neighboring swine of other producers.
2. Complete records must be maintained on all transactions showing dates, identification, origin and disposition of each animal. These records shall be made available to State-Federal personnel upon request.

3. All swine movements from a quarantined feed lot must be directly to a slaughtering establishment operating under approved State or Federal meat inspection.

Section 5. Cancellation of Quarantined Feed Lot Permit.

1. A quarantined swine feed lot permit may be cancelled whenever the operation does not meet the requirements of this regulation or the operator of such quarantined swine feed lot has violated the provisions of this regulation in any respect.
2. The Board shall give written notice of the cancellation of a quarantined swine feed lot permit to the operator thereof.
3. Any operator of a quarantined swine feed lot whose permit is so cancelled may appeal the cancellation thereof by written notice to the Board within ten days of receipt of the notice of cancellation. Any operator of a quarantined swine feed lot who appeals cancellation of his permit shall be entitled to a full hearing before the Board, and the decision of the Board at such hearing will be final unless the operator appeals to a court of competent jurisdiction.

Section 6. Penalty.

1. All violations are subject to cancellation of permit, prosecution under LSA 3:2095, and the penalties set forth in LSA 3:2096.

Bob Odom
Commissioner of Agriculture

RULE

Board of Elementary and Secondary Education

Rule 3.01.70v(34) - The Board adopted the amended Louisiana Standards for Special Education Paraprofessional Permits as follows:

Louisiana Standards for Special Education
Paraprofessional Permits
Permit LEVEL I

Level I paraprofessionals working in special education programs in Louisiana *shall demonstrate the following competencies* by successful completion of an approved inservice training program.

1. Understanding of Level I paraprofessional role, responsibilities, and limitations.
2. Ability to work effectively and cooperatively with other staff members.
3. Ability to communicate effectively (oral, written, and non-verbal).
4. Understanding of the intellectual, physical, and social/emotional characteristics of the various handicapping condition.
5. Awareness of terminology associated with special education and various handicapping conditions.
6. Awareness of generalized training procedures associated with academic, self-help, motor and social skills.
7. Knowledge of general health and safety procedures.
8. Ability to maintain an attractive, safe, hygienic classroom environment.
9. Ability to define and demonstrate basic personal grooming skills.
10. Awareness of requirements for safely positioning and handling handicapped students.
11. Ability to identify orthopedic appliances, equipment and prosthetic devices.
12. Knowledge and skills necessary to safely accompany handicapped children in a passenger vehicle.
13. Ability to operate commonly used audio-visual and duplicating equipment.

Permit Level II

Level II paraprofessionals working in special education programs in Louisiana *shall demonstrate all Level I competencies*

and the following additional competencies by successful completion of an approved training program.

1. Understanding of Level II paraprofessional role, responsibilities and limitations.
2. Understanding of role and responsibilities of teachers.
3. Understanding of role and responsibilities of related service personnel.
4. Ability to interpret, communicate, and carry out written and oral instructions.
5. Knowledge and understanding of developmental patterns (normal and atypical).
6. Ability to define and utilize terminology commonly associated with special education and various handicapping conditions.
7. Knowledge of special education rules and procedures associated with screening and evaluation and development and implementation of IEP.
8. Knowledge of confidentiality requirements and procedures.
9. Awareness of various community and regional agencies which serve handicapped children and their families.
10. Ability to administer classroom assessment instruments.
11. Ability to observe and recall behaviors in an objective, systematic manner.
12. Ability to express observations in a clear, concise, factual manner, both orally and in writing.
13. Knowledge of basic principles of behavior shaping and classroom management.
14. Ability to count pinpointed behaviors.
15. Ability to implement recommended educational and training programs associated with academic, self-help, social and motor skills.
16. Ability to sequence recommended instructional activities or steps.
17. Ability to safely and appropriately position and handle handicapped children.
18. Ability to monitor use of orthopedic appliances, equipment, and prosthetic devices.
19. Ability to carry out basic health and first aid procedures.
20. Knowledge of health and safety procedures associated with medication, seizure management, etc.
21. Ability to implement recommended procedures associated with care of a child with specific handicapping conditions.
22. Ability to prepare routine classroom reports.

Permit LEVEL III

Level III paraprofessionals working in special education programs in Louisiana shall demonstrate all Level I and Level II competencies and the following additional competencies by successful completion of an approved training program.

1. Understanding of Level III paraprofessional role, responsibilities, and limitations.
2. Ability to describe the characteristics and causes of various handicapping conditions.
3. Understanding the impact of a child's handicapping condition on the family.
4. Knowledge and skills required to communicate with various community agencies which serve handicapped children and their families.
5. Knowledge of special education rules and regulations associated with implementation of federal and state law.
6. Ability to score and interpret basic classroom assessment instruments.

7. Ability to task analyze goals and objectives.
8. Knowledge and skills required to develop recommended educational and training programs associated with academic, self-help, social and motor skills.
9. Knowledge and skills required to develop recommended behavior shaping and classroom management programs.
10. Ability to evaluate and report on effectiveness of educational and behavioral programs.
11. Ability to make recommended changes and adaptations in instructional activities and materials.
12. Knowledge and skills required to present information and demonstrate program procedures to parents/guardians of handicapped children.
13. Knowledge and skills required to make recommended adjustments on orthopedic appliances, equipment, and prosthetic devices.
14. Knowledge and skills (as specified by employing agency) required to safely transport a handicapped student in a passenger vehicle.

Permit LEVEL IV

Level IV paraprofessionals working in Louisiana shall demonstrate all Level I, and Level II, and Level III competencies. Additionally they will have earned a *Special Education Paraprofessional Associate of Arts* degree from an approved program.

AMENDMENT TO ITEM 8 ON THE BOARD AGENDA Louisiana Standards for Special Education Paraprofessional Permits

EFFECTIVE DATE:

The Louisiana Standards for Special Education Paraprofessionals Permits will become effective October 31, 1981.

PROVISIONS:

1. A person certified as a special education teacher who serves as a special education paraprofessional will automatically receive a Level III permit.
2. Persons employed as a special education paraprofessional will have until September 1, 1985, to earn an appropriate level permit.
3. Each person serving as a paraprofessional and having successfully completed a paraprofessional training program approved by the Department and offered through another agency, as documented by the training officer of the agency, will receive the appropriate level permit.
4. Persons participating in pilot training activities will be issued permits according to the level of training completed.

James V. Soileau
Executive Director

RULE

Board of Trustees for State Colleges and Universities.

The Policies and Procedures Manual of the Board of Trustees for State Colleges and Universities, Part IX, Section 9.6E, is changed to read as follows:

Paragraph 2:

"2. A migrant or transfer from an institution not under the jurisdiction of the Board shall cease to be classified as such after the completion of twenty-four semester hours, or the equivalent, in residence at an institution under the jurisdiction of the Board, some part of which must have been earned during a regular fall or spring semester; provided he or she meets all other eligibility requirements."

* * * * *

Paragraph 4:

"4. If an institution is a member of the NCAA or NJCAA, a migrant or transfer shall be eligible for practice and financial aid.

The student-athlete shall not be eligible for competition until the completion of twenty-four semester hours, some part of which must have been earned during a regular fall or spring semester, at that institution."

All other paragraphs remain unchanged.
Bill Junkin
Executive Director

RULE

PPM No. 63 (Revised)

**Office of the Governor
Division of Administration**

The Office of the Governor, Division of Administration, hereby gives notice of the adoption of Policy and Procedure Memorandum No. 63 (Revised), relative to the use of state-owned vehicles, mileage reimbursements and reporting requirements. These rules and regulations are identical to those published under emergency procedures in the December 20, 1980, *Louisiana Register*.

E. L. Henry
Commissioner of Administration

RULE

**Division of Administration
Property Control Section**

The Property Control Section revised the State Property Control Regulations as follows:

Section 1.

1.4 "Property" means all tangible non-consumable movable property owned by an agency with the exception of property specifically exempted by the Commissioner. The Commissioner hereby designates that State-owned timber should be considered to be movable and State-owned pecans shall be considered to be non-consumable for purposes of the Louisiana Property Control Law (LSA-R.S. 39:321 et seq.).

6.2 Agencies shall submit their Release Order requisitions for State of Louisiana identification tags to the State Property Control Director. The tags are purchased in large quantities on state contract and shall be issued at actual cost.

7.1 The Agency Property Manager shall establish and maintain a Property Location Index. This index may have up to four numbers of alphabetical characters and shall be used to keep track of the location of the property of the agency.

Example:

Code	Location
0100	605 Main Street - Room 100
0101	605 Main Street - Room 101
0200	615 Main Street - Room 45
A101	Administration - First Floor

The Agency Property Manager shall keep the Property Location Index for the agency current and shall submit to the State Property Control Director an up-to-date index each time a change or modification is made in the Property Location Index.

7.2.7. Serial Number (columns 20-23). The Agency Property Manager shall fill in the last four numbers of the manufacturer's serial number.

Alphabetical characters can be used with numbers. If there is no serial number on the item, leave all four spaces blank. Do not leave blanks in between the numbers and if the numbers are less than four, the column(s) on the left must be left blank under this heading.

10.2.1. Active Duplicate Item - This is when the same tag number and classification code being submitted is already on the master file.

10.2.2. Inactive Duplicate Item - This is when the same tag number and classification code being submitted was once on the file and was permanently removed.

10.2.3. Active Duplicate Tag - This is when an item is submitted using a tag number which is already on the master file.

10.2.4. Inactive Duplicate Tag - This is when an item is submitted using a tag number which has been permanently removed from the master file.

Section II.

2.4 No Agency Property Manager or head of the agency shall authorize the transfer of any items of surplus property to the State Property Control Section without a prior approved BF-11 for each item and a scheduled delivery date from the State Property Control Section. Items which arrive with unapproved BF-11's at the State Property Control Section for disposition will be returned to the shipping agency for proper compliance to these Regulations. When more than one item is to be transferred, not located, scrapped, or dismantled for parts, one BF-11 may be used with the necessary information on an attached sheet.

5.5.1. Originating purchase from participating Federal Funds - The agency transferring the item shall be reimbursed eighty percent of the percentage of Federal Funds used for the original purchase. A copy of supporting Federal documentation must be enclosed with BF-11 request for transfer to the Property Control Section.

Example: If an item was purchased with 75/25 Federal Funds and was sold at surplus public bid for \$100.00 the amount reimbursed would be eighty percent of \$75.00 or \$60.00. Note: The use by the agency of the reimbursed percentage of Federal funds must be documented for the Legislative Auditor.

5.5.2. Originating purchase from the State Revolving Fund - The agency transferring the item shall be reimbursed up to eighty percent of the proceeds received by State Property Control for the item.

5.5.5. As an exception to the general state property disposition regulations, state agencies may sell their livestock at any authorized public auction or sale. A BF-11 and any documentation pertaining to the sale should be sent to the State Property Control Office immediately after the sale for approval to remove the livestock from the master file.

Phillip Collins, Director
State Property Control

RULE

**Office of the Governor
Division of Administration**

The Office of the Governor, Division of Administration, hereby gives notice of the adoption of policies, rules and regulations, relative to the Small and Minority Business Set-Aside Program, mandated by R.S. 39:1731-1736. These policies, rules and regulations are identical to those published in the January, 1981, *Louisiana Register*.

E. L. Henry
Commissioner of Administration

RULES

Department of Health and Human Resources Board of Nursing

R.N. 3.04 *Advanced Practitioner of Nursing* is a health care provider who is currently licensed as a registered nurse in Louisiana and who, by virtue of additional educational preparation, has gained knowledge and skills in a specialty area of nursing. This educational preparation shall be fulfilled by one of the following:

(1) Satisfactorily complete a program of studies offered through an institution of higher education leading to an advanced degree in nursing (or its equivalent) and/or to national certification; or

(2) Satisfactorily complete a program of studies accredited by a nationally recognized accrediting agency which is recognized by the Louisiana State Board of Nursing.

Programs of study not meeting one of the above criteria, or in the case of questions regarding the quality of the program, said programs will be evaluated by the Louisiana State Board of Nursing prior to recognition of its graduates.

Advanced Practitioners of Nursing are authorized, within the scope of their preparation for practice, to perform advanced nursing functions.

Advanced Practitioners of Nursing shall include, but not be limited to the following:

R.N. 3.041 *Primary Nurse Associate* (also known as nurse practitioner):

(1) A registered nurse who provides direct nursing care to individuals, families and other groups in a variety of settings including homes, institutions, offices, industry, schools and other community agencies. The nursing service provided by the primary nurse associate is aimed at the delivery of primary acute or chronic care which focuses on the maintenance, achievement, and restoration of optimal functions in the population. The primary nurse associate engages in nursing care decision making. The primary nurse associate also participates in making decisions with other health care professionals regarding the needs of clients, and functions under the direction of a physician.

(2) By virtue of and consistent with additional educational preparation, knowledge and clinical skills, a primary nurse associate, under the direction of a physician, may perform appropriate nursing functions, including:

(a) Assess and develop a comprehensive health data base (including the elicitation of a comprehensive health history and performance of physical assessment, using skills of observation, inspection, palpation, percussion and auscultation, as well as basic instruments and indicated screening procedures) for the purpose of reporting abnormal findings to the physician;

(b) Plan, implement and evaluate nursing care consistent with medical treatment and care prescribed by a physician;

(c) Evaluate, plan, implement, and re-evaluate nursing care of individuals requiring emergency nursing measures;

(d) Initiate or modify medical treatment when and to the extent authorized by the treating physician within established plan of medical and nursing protocol;

(e) Assist the consumer in identifying and using the community resources available for follow-up health care services;

(f) Create and maintain accurate records, appropriate legal documents and other reports of client care consistent with the law;

(g) Develop individualized client teaching plans based on assessed nursing needs;

(h) Counsel individuals, families and groups about health and illness and promote health maintenance; and

(i) Recognize, initiate and participate in the development and implementation of professional and community educational programs related to health care.

R.N. 3.042 *Certified Nurse-Midwife*:

(1) A registered nurse who by virtue of added knowledge and skill gained through an organized program of study and clinical experience recognized by the American College of Nurse-Midwives (ACNM), and subsequent certification by the ACNM, has extended the limits of her practice into the area of management of care of mothers and babies throughout the maternity cycle so long as progress meets criteria accepted as normal.

(2) A nurse-midwife never works as an independent practitioner, but always as a member of a physician-directed health care team. (S) he functions within the framework of medically approved criteria, policies and standing orders.

(a) Assume responsibility for the management and complete care of the essentially healthy woman and newborn related to the childbearing processes.

(b) Develop with the woman an appropriate plan of care attentive to her interrelated needs.

(c) Participate in individual and group counseling and teaching throughout the childbearing processes.

(d) Manage, through mutual agreement and collaboration with the physician, that part of care of medically complicated women which is appropriate to the skills and knowledge of nurse-mid-wives.

(e) Collaborate with other health professionals in the delivery and evaluation of health care.

(f) Assess own professional abilities and function within identified capabilities.

(g) Assume responsibility for own self-determination within the boundaries of professional practice.

(h) Maintain and promote professional practice in concert with current trends.

(i) Utilize Standards for Evaluation of Nurse-Midwifery Procedural Functions in development and evaluation of practice.

(j) Promote the preparation of nurse-midwifery students.

(k) Assists with the education of other health care personnel.

(l) Support the philosophy and official policies of the American College of Nurse-Midwives.

R.N. 3.043 *Certified Registered Nurse Anesthetist*:

(1) A registered nurse who renders anesthesia care and meets the requirements of Louisiana R.S. 37:930.

(2) A certified registered nurse anesthetist works under the direction and supervision of a physician or dentist who is licensed to practice under the laws of the State of Louisiana:

(a) Conduct a pre-anesthesia visit and assessment with appropriate documentation.

(b) Develop an anesthesia care plan.

(c) Induce anesthesia.

(d) Maintain anesthesia at the required levels.

(e) Support life functions during the perioperative period.

(f) Recognize and take appropriate action for untoward patient responses during anesthesia.

(g) Provide professional observation and management of the patient's emergence from anesthesia.

(h) Conduct postanesthesia visit and assessment with appropriate documentation.

(i) Participate in the life support of the patient for whatever cause.

R.N. 3.044 *Clinical Nurse Specialist*:

(1) A registered nurse holding a Master's degree in a specific area of clinical nursing. The advanced knowledge, skill and competence of this nurse is made available to the public through

the provision of direct nursing care to individuals. These services are further extended through the planning, guiding and directing of care given by other nursing personnel.

(2) The primary responsibility of the clinical nurse specialist is patient care delivery to a select population in a specialty area. The role functions of the clinical nurse specialist are: 1) direct nursing care; 2) indirect nursing care; 3) research; 4) change-agent; 5) teaching; and 6) consultation.

(a) Direct Nursing Care: Utilize a broad base of advanced scientific knowledge, nursing theory and skills in assessing, planning, executing and evaluating those aspects of health and nursing care of individuals who require this specialized competence.

(b) Indirect Nursing Care: Plan, guide, evaluate and direct the nursing care given by other personnel associated with the nursing functions.

(c) Research: Create and test methods of nursing intervention and health care in the area of specialization.

(d) Change-Agent: Act as a catalyst and/or initiator of change by applying new scientific knowledge in nursing practice, disseminating new knowledge and its application in nursing practice; work with agencies or groups of health personnel to change nursing practice and the system of health care delivery.

(e) Teaching: Utilize theories and skills of communication and teaching-learning to increase the knowledge or functioning of individuals and groups, nursing personnel, students and other members of the health care team.

(f) Consultation: Act as a resource, utilizing advanced health knowledge and skills, to those who are directly and indirectly involved in nursing care.

Merlyn M. Maillian, R.N., Executive Director
Louisiana State Board of Nursing

RULE

Department of Health and Human Resources Board of Nursing

R.N. 1.05 Implementation of the Nurse Practice Act

The Louisiana Nurse Practice Act, R.S. 37:911 et seq., provides that, in order to safeguard life and health, any person practicing or offering to practice as a registered nurse in this state shall submit evidence that (s)he is qualified to do so and shall be licensed to practice as a registered nurse. The Act creates a Board of Nursing with regulatory authority, dictates the Board's composition and qualifications, methods of appointment and term of office of the Board members. The duties of the Board are specified in the Act, and these duties provide for the implementation of the Nurse Practice Act through the adoption of rules and regulations.

R.N. 1.051 Officers of the Board

The officers of the Board shall consist of a President and a Secretary-treasurer.

(1) The officers of the Board shall be elected annually at the last regular meeting of the year. The candidate receiving the largest number of votes cast by Board members shall be declared elected and shall assume office when the New Business is begun at that meeting.

(2) A vacancy occurring in an office shall be filled by election to complete the unexpired term of the respective officer.

(3) The duties of the officers shall be as follows:

(a) The President shall preside at all meetings of the Board. (S)he shall appoint all standing and special committees not otherwise provided for, and perform all other duties pertaining to this office.

(b) The Secretary-treasurer shall prepare the annual budget, review financial records periodically and present a report at each regular meeting of the Board.

(c) Both the President and the Secretary-treasurer shall sign the registration certificate for each new licensee in Louisiana.

R.N. 1.052 Official Office of the Board

The domicile of the Board is Baton Rouge, Louisiana. The office for administration of Board work shall be established in the City of New Orleans.

(1) An Executive Director, who shall be a registered nurse, shall be appointed by the Board to carry on the work defined by the Board.

(2) An Associate Director, who shall be a registered nurse, shall be appointed by the Board to carry on the work defined by the Board. (S)he is administratively responsible to the Executive Director.

(3) A Nursing Practice Consultant(s), who shall be a registered nurse(s), shall be appointed by the Board to carry on the work defined by the Board. (S)he is responsible to the Executive Director.

(4) A clerical staff shall be maintained to carry on the office work.

R.N. 1.053 Meetings of the Board

Regular business meetings shall be held at the office of the Board or at a place designated by the Board.

(1) A minimum of four regular meetings shall be held each year. The annual meeting shall be held in the fall.

(2) Special meetings shall be called by the Executive Director, or a designee, at the request of the President, or upon the request of three members of the Board.

(3) Four members, including one officer, shall constitute a quorum of the Board for the purpose of conducting business.

(4) Any person wishing to have a special topic added to the agenda for a Board meeting shall notify the Executive Director, or a designee, at least twenty-one days prior to the meeting. Items of an emergency nature may be considered at any meeting without prior notice.

(5) The Executive Director, or a designee, shall keep a record of all meetings and such records shall be retained as permanent records of the transactions of the Board.

(6) Meetings of the Board for the conduct of regular business and for the formation of policy shall be open to the public.

R.N. 1.054 Powers and Duties of the Board

R.S. 37:918 provides that the Board shall:

(1) Establish and publish minimum curriculum requirements and standards for persons seeking to be licensed under this Part;

(2) Approve schools which meet the licensing requirements of the Board;

(3) Provide for hearings for nurse educational programs when approval is denied or withdrawn;

(4) Establish and publish standards of nursing practice in accordance with those developed and accepted by the profession;

(5) Examine, license, and renew licenses of duly qualified applicants;

(6) Conduct hearings upon charges calling for discipline of a licensee;

(7) Cause the prosecution of all persons violating any provision of this Part and have the power to incur necessary expenses therefor;

(8) Keep a record of all board proceedings;

(9) Publish an annual report for distribution to the governor and the legislature;

(10) Publish an annual roster, and distribute same for professional purposes;

(11) Adopt, and revise rules and regulations necessary to enable the Board to carry into effect the provisions of this Part;

(12) Employ an executive director who holds a current

Louisiana license to practice nursing as defined in this Act, and other persons necessary to carry on the work of the Board, define their duties, and fix their compensation;

(13) Appoint an attorney at law to represent it in all matters pertaining to the administration of the provisions of this Part, fix his compensation, and define his duties;

(14) Have all other powers necessary and proper to the performance of their duties.

R.N. 1.055 Adoption of Rules and Regulations

R.S. 37:918 provides that the Board shall adopt and revise rules and regulations necessary to enable the Board to carry into effect the provisions of this Part. In promulgating rules, the Board is exercising powers that have been delegated by the Louisiana Legislature.

(1) Definition of Rules and Regulations: Statements, guides or requirements of conduct or action that are of general applicability. Rules and Regulations of the Board of Nursing implement or interpret the Nurse Practice Act or describe the organization, procedure or practice of the Board.

(2) All Rules and Regulations of the Board shall be adopted, revised or repealed in accordance with the Administrative Procedure Act, R.S. 49:951 thru 968.

(a) Except in emergency situations, the Board shall give at least fifteen days notice of its intent to adopt, revise, or repeal Rules and Regulations. The notice shall be in accordance with Statutory requirements and shall be published in the *Louisiana Register*.

(b) After adoption, and as soon as possible, the official text of the Rules and Regulations shall be submitted for publication in the *Louisiana Register*. The Rules and Regulations become effective on the date of their publication, unless otherwise specified.

(c) Any interested person may petition the Board, requesting the promulgation, revision or repeal of Rules and Regulations which would affect that person. The petition shall:

- (1) Be submitted in writing;
- (2) State the name and address of the petitioner;
- (3) Include an exact statement of the changes sought and the effect of the proposed change on existing practice;
- (4) Include data, opinions or arguments in support of request.

The Board shall act on the petition within ninety days after receiving said petition. The Board shall either deny the petition, stating reasons therefor, or shall initiate rule-making proceedings in accordance with its procedure for same.

R.N. 1.056 Declaratory Statements of the Board

The Board may issue a declaratory statement in response to a request for clarification of the effect of Rules and Regulations or of R.S. 37:911 et seq.

(1) A request for a declaratory statement is made in the form of a petition to the Board. The petition shall include at least:

- (a) The name and address of the petitioner;
- (b) Specific reference to the Statute or Rules and Regulations to which the petition relates;
- (c) A concise statement of the manner in which the petitioner is aggrieved by the Rule or Statute or by its potential application to her/him, or in which (s)he is uncertain of its effects;
- (d) A statement of whether an oral hearing is desired.

(2) Said petition shall be considered by the Board at its next regularly scheduled meeting provided that the petition has been filed at least twenty-one days prior to said meeting.

(3) The declaratory statement of the Board on said petition shall be in writing and mailed to petitioner at the last address furnished to the Board.

R.N. 1.06 Disciplinary Proceedings before the Board

The Board of Nursing has the responsibility to consider and determine the action necessary upon all charges of conduct which

fail to conform to R.S. 37:911 et seq., or to the Rules and Regulations promulgated to carry out the provisions of this Part.

R.N. 1.061 Proceedings Against a Registered Nurse

The Board may deny, revoke, or suspend any license to practice as a registered nurse or otherwise discipline a licensee in accordance with R.S. 37:921-923.

Every licensee subjected to disciplinary proceedings shall be afforded an opportunity for a hearing before the Board or its duly appointed hearing officer or committee.

A complaint that a licensee has engaged in, or is engaging in, any conduct proscribed by R.S. 37:921, may be made by any person or the Board. Such complaints shall be in writing, shall be signed, and the Board may require that the complaints be sworn to.

(1) Grounds for disciplinary proceedings against a registered nurse are specified in R.S. 37:921:

(a) Is guilty of selling or attempting to sell, falsely obtaining, or furnishing any nursing diploma or license to practice as a registered nurse;

(b) Is guilty of a felony;

(c) Is unfit or incompetent by reason of negligence, habit or other causes;

(d) Is habitually intemperate or is addicted to the use of alcohol or habit-forming drugs;

(e) Is guilty of aiding or abetting anyone in the violation of any provisions of this Part;

(f) Is mentally incompetent; or

(g) Has violated any provisions of this Part.

(2) Definition of Terms: The Board in the exercise of its disciplinary authority has adopted the following meaning for the following terms.

(a) "Deny" means to refuse for cause.

(b) "Revoke" means to annul or make void by calling back.

(c) "Suspend" means to hold in abeyance for a definite or an indefinite period of time.

(d) "Felony" means a crime of a serious nature usually punishable by imprisonment in a state penitentiary at hard labor or by death; or a crime in violation of federal statutes in which the punishment is more than one year incarceration.

(e) "Unfit or incompetent" means unsuitable.

(f) "Negligence" means a breach of duty of care owed to a party.

(g) "Habit" means a mode of negligent behavior which a registered nurse acquires over a period of time.

(h) "Other causes" includes, but is not limited to:

(1) Failure to practice nursing in accordance with the Legal Standards of Nursing Practice as adopted by the Board.

(2) Possessing a physical impairment or mental impairment which interferes with the judgment, skills or abilities required for the practice of nursing as defined in R.S. 37:913, (3).

(3) Failure to utilize appropriate judgment in administering nursing practice.

(4) Failure to exercise technical competence in carrying out nursing care.

(5) Violating the confidentiality of information or knowledge concerning the patient.

(6) Performing procedures beyond the authorized scope of nursing or any specialty thereof.

(7) Performing duties and assuming responsibilities within the scope of the definition of nursing practice when competency has not been achieved or maintained, or where competency has not been achieved or maintained in a particular specialty.

(8) Improper use of drugs, medical supplies, or patient's records.

(9) Misappropriating personal items of an individual or the agency.

(10) Falsifying records.

(11) Intentionally committing any act that adversely affects the physical or psychosocial welfare of the patient.

(12) Delegating nursing care, functions, tasks, or responsibilities to others contrary to regulations.

(13) Leaving a nursing assignment without properly notifying appropriate personnel.

(14) Failing to report, through the proper channels, facts known regarding the incompetent, unethical, or illegal practice of any health care provider.

(i) "Habitually intemperate or addicted" includes, but is not limited to, the abuse of narcotics, hallucinogenics, stimulants, depressants, intoxicants, or other controlled drugs which could result in behavior that interferes with the practice of nursing and the responsibilities of the licensee.

(j) "Aiding and abetting" means to intentionally assist anyone by condoning, or to apply positive or negative force to assist anyone in violating the Nurse Practice Act or the Rules and Regulations of the Board.

(k) "Mentally incompetent" means a court judgment of legal insanity or incompetence or a medical diagnosis indicating insanity or incompetence.

(3) The Disciplinary Process and Procedures

A disciplinary proceeding, including the formal hearing, is less formal than a judicial proceeding. It is not subject to strict rules and technicalities, but must be conducted in accordance with considerations of fair play and constitutional requirements of due process.

The purpose of a disciplinary proceeding is to determine contested issues of law and fact: whether the licensee did certain acts and, if he did, whether those acts violated the Nurse Practice Act or Rules and Regulations of the Board of Nursing; and to determine the appropriate disciplinary action.

(a) Informal disposition of Complaints

Some complaints may be settled informally by the Board and the licensee, without a formal hearing. The following types of informal dispositions may be utilized:

(1) Disposition by Correspondence: For less serious complaints, the Executive Director, or a designee of the Board, may write to the licensee explaining the nature of the complaint received. The licensee's subsequent response may satisfactorily explain the situation, and the matter may be dropped. If the situation is not satisfactorily explained, it shall be brought before the Board for a formal hearing.

(2) Conference or Informal Hearing: The Executive Director, or a designee of the Board, may hold a conference with the licensee, in lieu of, or in addition to correspondence, in cases of less serious complaints. If the situation is satisfactorily explained in conference, a formal hearing is not scheduled.

The licensee shall be given adequate notice of the conference, of the issues to be discussed, and of the fact that information brought out at the conference may later be used in a formal hearing. Board members are not involved in informal hearings.

(3) Settlement: An agreement worked out between the persons making the complaint and the licensee does not preclude disciplinary action by the Board of Nursing. The nature of the offense alleged and the evidence before the Board must be considered.

(b) Consent Order

An order involving some type of disciplinary action may be made by the Board with the consent of the licensee. A consent order requires formal consent of a quorum of the Board. It is not the result of the Board's deliberation; it is the Board's acceptance

of an agreement reached between the Board and the licensee. The order is issued by the Board to carry out the parties' agreement.

(c) Formal Hearing

The Board of Nursing has the authority, granted by R.S. 37:922, to bring administrative proceedings to persons to whom it has issued a license to practice as a registered nurse. The Board and the licensee are the parties to the proceeding. The licensee has the right to appear and be heard, either in person or by counsel; the right of notice, a statement of what accusations have been made; the right to present evidence and to cross-examine; and the right to have witnesses subpoenaed.

If the licensee does not appear, in person or through counsel, after proper notice has been given, the licensee may be considered to have waived these rights and the Board may proceed with the hearing without the presence of the licensee.

The process of a disciplinary proceeding shall include certain steps and may include other steps as follows:

(1) The Board of Nursing receives a complaint alleging that a licensee has acted in violation of the Nurse Practice Act. Communications from the complaining party shall be privileged and shall not be revealed to any person except when such documents are offered for evidence in a formal hearing and except those documents being subpoenaed by a Court.

(2) The complaint is investigated by the Board's employees to determine if there is sufficient evidence to warrant disciplinary proceedings. No Board member may communicate with any party to a proceeding or his representative concerning any issue of fact or law involved in that proceeding, once notice of the proceeding has been served, and said member has notice thereof.

A decision to initiate formal complaint or charge is made if one or more of the following conditions exists:

(a) The complaint is sufficiently serious;

(b) The licensee fails to respond to the Board's correspondence concerning the complaint;

(c) The licensee's response to the Board's letter or investigative demand is not convincing that no action is necessary;

(d) An informal approach is used, but fails to resolve all of the issues.

(3) A sworn complaint is filed, charging the violation of one or more of the provisions of R.S. 37:921 and the specific violation thereof.

(4) A time and place for a hearing is fixed by the Executive Director or a designee of the Board.

(5) At least ten days prior to the date set for the hearing, a copy of the charges and a notice of the time and place of the hearing are sent by registered mail to the last known address of the person accused. If the mailing is not returned to the Board, it is assumed to have been received. It is the licensee's obligation to keep the Board informed of his whereabouts.

The content of the charges limits the scope of the hearing and the evidence which may be introduced. The charges may be amended at any time up to ten days prior to the date set for the hearing.

If the Board is unable to describe the matters involved in detail at the time the sworn complaint is filed, this complaint may be limited to a general statement of the issues involved. Thereafter, upon the licensee's request, the Board shall supply a more definite and detailed statement to the licensee.

(6) Except for extreme emergencies, motions requesting a continuance of a hearing shall be filed at least five days prior to the time set for the hearing. The motion shall contain the reason for the request, which reason must have relevance for due process.

(7) The Executive Director, or a designee of the Board, issues subpoenas for the Board for disciplinary proceedings, and

when requested to do so, may issue subpoenas for the other party. Subpoenas include:

- (a) A subpoena requiring a person to appear and give testimony; and
- (b) A subpoena *duces tecum*, which requires that a person produce books, records, correspondence, or other materials over which he has control.

A motion to limit or quash a subpoena may be filed with the Board, but not less than seventy-two hours prior to the hearing.

(8) The hearing is held, at which time the Board's primary role is to hear evidence and argument, and to reach a decision. Any Board member who, because of bias or interest, is unable to assure a fair hearing, shall be recused from that particular proceeding. The reasons for the recusal are made part of the record. Should the majority of the Board members be recused for a particular proceeding, the Governor shall be requested to appoint a sufficient number of pro tem members to obtain a quorum for the proceeding.

The Board is represented by its staff or other personnel who conducted the investigation and presents evidence that disciplinary action should be taken against the licensee, and by the Board's attorney. The licensee may present evidence personally or through an attorney, and witnesses may testify in behalf of the licensee.

Evidence includes the following:

- (a) Oral testimony given by witnesses at the hearing, except that, for good cause, testimony may be taken by deposition; (cost of the deposition is borne by requesting party)
- (b) Documentary evidence, i.e., written or printed materials including public, business or institutional records, books and reports;
- (c) Visual, physical and illustrative evidence;
- (d) Admissions, which are written or oral statements of a party made either before or during the hearing;
- (e) Facts officially noted into the record, usually readily determined facts making proof of such unnecessary.

All testimony is given under oath. If the witness objects to swearing, the word "affirm" may be substituted.

(9) The President of the Board presides and the customary order of proceedings at a hearing is as follows:

- (a) The person presenting evidence against the licensee makes an opening statement of what (s)he intends to prove, and what action, (s)he wants the Board to take.
- (b) The licensee, or her/his attorney, makes an opening statement, explaining why (s)he believes that the charges against her/him are not legally founded.
- (c) The person representing the Board presents the case against the licensee.
- (d) The licensee, or her/his attorney, cross-examines.
- (e) The licensee presents evidence.
- (f) The person who presented evidence against the licensee cross-examines.
- (g) The person presenting evidence against the licensee rebuts the latter's evidence.
- (h) The licensee rebuts the evidence against her/him.
- (i) Both parties make closing statements. The attorney for the Board makes the final statement.

(10) Motions may be made before, during, or after a hearing. All motions shall be made at an appropriate time, according to the nature of the request. Motions made before or after the hearing shall be in writing. Those made during the course of the hearing may be made orally since they become part of the transcript of the proceeding.

(11) The records of the hearing shall include:

- (a) All papers filed and served in the proceeding;

(b) All documents and other materials accepted as evidence at the hearing;

- (c) Statements of matters officially noticed;
- (d) Notices required by the statutes or rules, including notice of the hearing;
- (e) Affidavits of service or receipts for mailing of process or other evidence of service;
- (f) Stipulations, settlement agreements or consent orders, if any;
- (g) Records of matters agreed upon at a prehearing conference;
- (h) Reports filed by the hearing officer;
- (i) Orders of the Board and its final decision;
- (j) Actions taken subsequent to the decision, including requests for reconsideration and rehearing;
- (k) A transcript of the proceedings, if one has been made, or a tape recording or stenographic record.

The record of the proceeding shall be retained until the time for any appeal has expired, or until the appeal has been concluded. The record is not transcribed unless a party to the proceeding so requests, and the requesting party pays for the cost of the transcript.

(12) The decision of the Board shall be reached according to the following process:

- (a) Determine the facts in the issue on the basis of the evidence submitted at the hearing.
- (b) Determine whether the facts in the case support the charges brought against the licensee.
- (c) Determine whether charges brought are a violation of the Nurse Practice Act or Rules and Regulations of the Board of Nursing.

The vote of the Board shall be recorded. Minority views may be made part of the record.

Sanctions against the licensee who is party to the proceeding are based upon the findings of fact and conclusions of law determined by the hearing. The party is notified by mail of the decision of the Board.

(13) The Board may reconsider a matter which it has decided. This may involve rehearing the case, or it may involve reconsidering the case on the basis of the record. Such reconsideration may occur when a party who is dissatisfied with a decision of the Board files a petition requesting that the decision be reconsidered by the Board.

The Board shall reconsider a matter when ordered to do so by a higher administrative authority or when the case is remanded for reconsideration or rehearing by a court to which the Board's decision has been appealed.

A petition by a party for reconsideration or rehearing must be in proper form and filed within ten days after notification of the Board's decision. The petition shall set forth the grounds for the rehearing, which include one or more of the following:

- (a) The Board's decision is clearly contrary to the law and the evidence.
- (b) There is newly discovered evidence, which was not available to the licensee at the time of the hearing and which may be sufficient to reverse the Board's action.
- (c) There is a showing that issues not previously considered ought to be examined in order to dispose of the case properly.

(d) It would be in the public interest to further consider the issues and the evidence.

(d) Emergency Action

If the Board finds that public health, safety, and welfare requires emergency action and incorporates a finding to that effect in its order, summary suspension of a license may be ordered

pending proceedings for revocation or other action. Such proceedings shall be promptly instituted and determined.

(e) Disciplinary Proceedings in Another Licensing Jurisdiction

When a licensee whose license has been granted on the basis of interstate endorsement has her/his license revoked, suspended, denied or sanctioned in other ways for disciplinary reasons (other than non-payment of fees) by the original licensing jurisdiction or by a subsequent licensing authority, that licensee shall be notified that her/his Louisiana license is automatically suspended.

(4) Appeal from Board Decision

Any person whose license has been revoked, suspended or denied by the Board shall have the right to have the proceedings of the Board reviewed by the court having jurisdiction over the Board, provided that such appeal is made within thirty days after the notice of the decision of the Board. If an appeal is granted, the decision of the Board is not final and, therefore, is not implemented until a decision is reached in the judicial review. The Board's decision is enforceable in the interim unless the court orders a stay.

(5) Reinstatement of License

Application for reinstatement of a revoked license must be made in accordance with the requirements of initial licensure in Louisiana.

The application for reinstatement of a suspended license does not require satisfaction of the requirements for initial licensure.

Prior to reinstatement of a license previously revoked or suspended (except for non-payment of fees), a hearing is held before the Board to afford the applicant with the opportunity to present evidence that the cause for the revocation or suspension no longer exists and to provide an opportunity for the Board to evaluate changes in the person or conditions.

R.N. 1.062 Proceedings Against a Nursing Education Program - See R.N. 2.01 (3), 2.05 (3), 2.06, 2.078 (2) (g)

R.N. 1.07 Registration and Licensure

Registration in Louisiana is mandatory for practicing as a registered nurse.

Registration and licensure as a registered nurse shall be issued only to an applicant who qualifies by examination or endorsement in accordance with R.S. 37:920. All applicants shall meet the same standards.

The Board shall issue a certificate of registration, carrying a permanent registration number, designating the date of issuance, the authorization to practice as a registered nurse in Louisiana, and signed by the president and the secretary-treasurer of the Board, to all applicants who qualify for initial licensure.

The Executive Director, or a designee of the Board, shall record the registration of the permanent records of the Board and shall issue a license to practice, valid from the date of issuance until December 31 of that year.

R.N. 1.071 Licensure by Examination

(1) The State Board Test Pool Examination is the examination for licensure as a registered nurse.

(a) The licensing examination shall be administered by the Board of Nursing in accordance with the contract between the Board and the National Council of State Boards of Nursing, Inc.

(b) This examination shall be administered twice a year on national testing dates which are determined by the National Council of State Boards of Nursing, Inc. The dates shall be published at least six months in advance.

(c) Each examination shall be given under the direction of the Executive Director of the Board or another designee of the Board.

(d) Individual results from the examination shall be released to individual candidates and to the director of their nursing education program. Aggregate results are published for statistical purposes.

(e) Pending adoption of the new State Board Test Pool Examination, the passing standard score shall be 350 in each of the five tests that make up the State Board Test Pool Examination. Following adoption of the new State Board Test Pool Examination, the passing standard score shall be determined by the Board.

(f) Pending adoption of the new State Board Test Pool Examination, all tests of the examination must be passed within a twenty-five month period. If, after twenty-five months, all tests have not been successfully completed, the candidate must repeat the entire examination.

(2) Requirements for eligibility to take the State Board Test Pool Examination in Louisiana include:

(a) Graduation from a school of nursing approved by the Board of Nursing in the state in which the school is located.

(b) Recommendation by the director of the school of nursing.

(c) Completion of the application form at least thirty days prior to the date set for the examination.

(d) Remittance of the required fee.

(e) Freedom from restrictions by the Board of Nursing of any state.

(f) Graduates of foreign nursing schools (except Canadian schools) must produce evidence of successful completion of the Commission on Graduates of Foreign Nursing Schools Examination.

(3) Proctoring Examinations

(a) Candidates for Louisiana licensure may write the State Board Test Pool Examination in another jurisdiction of the United States, providing arrangements are made through the Louisiana State Board of Nursing prior to the examination date and providing the Board of Nursing in that jurisdiction consents to proctor the examination. The candidates shall bear the cost charged by the proctoring board.

(b) The Louisiana State Board of Nursing will proctor examinations upon request by other state boards of nursing. Such requests shall be accompanied by the necessary forms for identification and examination required by that board. Proctoring services will be provided only at the regularly scheduled examination sessions. The proctoring fee shall be paid by the candidate and must be received by the Louisiana State Board of Nursing at least one month before the examination date.

R.N. 1.072 Licensure by Endorsement

The Board of Nursing may issue a license to practice nursing as a registered nurse in Louisiana without examination to persons who meet the requirements of R.S. 37:920, B.

(1) Requirements of the applicant for licensure by endorsement include:

(a) Must be duly licensed under the laws of another state, territory, or country; and

(b) Must have completed a nursing education program approved by the Board of Nursing, and following completion of said program,

(c) Must have successfully completed a licensing examination which is comparable to that required for licensure by examination in Louisiana at the time of applicant's graduation; and

(d) Must submit the required fee; and

(e) Must complete the required application for endorsement, including the obtainment of required documents, within one year. School records submitted by the applicant or a third party will not be accepted.

(2) The Executive Director, or a designee of the Board of

Nursing, is authorized to endorse an applicant provided that:

- (a) All of the above requirements are unquestionably met.
- (b) The applicant is not under restriction of any form by the Board of Nursing in any state where the applicant holds a license to practice nursing.
- (c) There is no civil or criminal charge pending against the applicant.
- (d) There is no allegation of cause for denial of licensure according to R.S. 37:921.

(3) Applicants who fail to meet the requirements under (1) above will be denied endorsement. Applicants who meet same requirements but who, for reasons listed under 2, (b), (c) or (d) above, will be considered individually by the Board of Nursing at a regular meeting. Due process will be afforded the applicant in all cases.

R.N. 1.073 Temporary Permits

In accordance with R.S. 37:920, the Board of Nursing may issue the following temporary permits to practice as a registered nurse:

(1) A working permit may be issued to graduates of approved schools pending the results of the first licensing examination scheduled by the Board following graduation.

(a) The terminology R.N. Applicant identifies those individuals who have been issued a temporary working permit. R.N. Applicant may be abbreviated as R.N. App. after signatures on records. The full spelling is required on identification pins.

(b) The temporary work permit is limited as follows:

The R.N. Applicant shall practice only in nursing situations where direct R.N. supervision is available.

The R.N. Applicant shall serve in a staff nurse position.

The R.N. Applicant shall assume only those responsibilities and functions commonly included in the staff nurse position.

(c) The working permit issued to the R.N. Applicant expires upon the R.N. Applicant's receipt of the results of the first examination after graduation.

(2) A ninety-day permit to practice as a registered nurse may be issued to any nurse currently registered in another state, territory, or country, pending receipt of endorsement credentials providing that said nurse has filed a complete application for licensure by endorsement and provided that:

(a) The person provides verification of current licensure.

(b) The person resides in Louisiana and plans to work in Louisiana.

(c) There be no record of conviction or pending charge of felonious crime. If information relative to conviction of a felonious crime, or an investigation of same, is received during the ninety-day permit interval, the permit will be recalled and the person's file will be presented to the Board.

(3) Graduates of foreign nursing schools, except for certain Canadian schools, are not eligible for work permits.

R.N. 1.074 Renewal of License

(1) Every person holding a license to practice as a registered nurse, and intending to practice during the ensuing year, shall renew their license annually. It shall be the duty of the registrant to notify the Board of changes in conditions as follows:

(a) Change of address: Notify the office of the Board prior to September 1 if a change of address has occurred since the last renewal time. If a change of address occurs after September 1, and before the renewal application is received, notify the Board immediately.

(b) Change of name: If a registered nurse/candidate for registration should change her name through marriage, divorce, religious order, or for any other reason, a request for a change of name should be sent to the office of the Board. A copy of the

marriage certificate, divorce document, or affidavit confirming change of name, is required to execute a name change on Board records.

(2) Requirements for renewal of license include:

(a) Completion of application form, including statistical information.

(b) Payment of fee.

(c) Evidence of meeting other requirements for special categories of nursing practice, such as requirements for Advanced Practitioners of Nursing.

(3) A lapsed license may be reinstated by submitting a completed application, paying the required fee, and meeting all other relevant requirements, provided that no criminal charge is under adjudication.

R.N. 1.075 Change of Status

(1) A registrant who is no longer practicing as a registered nurse, may, by submitting a written notice to the Board, be granted nonpracticing status. No annual renewal nor fee is required of a person in nonpracticing status.

(2) A person who holds nonpracticing status may resume practicing status by submitting a completed application form, paying the required fee and meeting all other requirements for licensure renewal.

R.N. 1.076 Verification of Licensure

(1) Registered nurses shall show their license upon the request to do so by their employer or by a consumer of their practice.

(2) If there is any suspicion relative to the validity of a license, the office of the Board may be called to verify current licensure. Only the correct spelling of the name of the person in question is necessary. The only information given by telephone by the office of the Board is whether or not the person in question holds a current license to practice as a registered nurse and the address of the individual.

(3) Before employing a person as a registered nurse, current licensure should be verified by inspection of the document or by calling the office of the Board. Failure to do so may result in aiding and abetting an unlicensed person to practice nursing in violation of the law.

(4) Annually, immediately after December 31, current licensure of registered nurses should be verified by directors of nursing or supervisors. Visual inspection of the license form is necessary to ascertain that the year is current. Documentation of this inspection should be maintained.

(5) Licenses should not be photocopied. In extreme cases where a photocopy is necessary, the copy should be defaced by printing "COPY" in red ink across the copy of the seal of the Board.

(6) Recordation of license number is discouraged. The number in itself does not verify current licensure, only initial registration.

(7) Lost or stolen licenses should be immediately reported to the office of the Board. Names of persons whose licenses have been lost or stolen are reported in *The Examiner*. For the remainder of the current calendar year, the valid license for the person so listed will have the word "Duplicate" on it.

R.N. 3.01 Duties of the Board Directly Related to Nursing Practice as cited in R.S. 37:918

The Board shall:

(1) Establish and publish standards of nursing practice in accordance with those developed and accepted by the profession;

(2) Adopt, and revise rules and regulations necessary to enable the board to carry into effect the provisions of this Part;

(3) Have all other powers necessary and proper to the

performance of their duties.

R.N. 3.02 Definition of Terms Applying to Nursing Practice

(1) Terms Applying to Legal Definition of Nursing Practice, R.S. 37:913, (3).

(a) "Specialized knowledge and skills" required for the practice of nursing means the current theory and practice taught in basic nursing education programs preparing persons for R.N. licensure as well as information in the biological, physical and behavioral sciences.

(b) "Medical diagnosis" means the conclusion reached in identification of the patient's disease, especially the art of distinguishing among several possibilities with the intent of prescribing relevant treatment.

(c) "Medical prescriptions" mean medical interventions. These include all medications and medical treatments.

(d) "Assessing human responses" means gathering information relative to physiologic, behavioral, sociologic, spiritual and environmental impairments and strengths of an individual by means of the nursing history, physical examination, and observation, in accordance with the Louisiana State Board of Nursing Legal Standards of Nursing Practice.

(e) "Case Finding" means identifying human responses which indicate existing or potential unwellness.

(f) "Health instruction" means those nursing measures that provide health information and explanation.

(g) "Health counseling" means those nursing measures that assist an individual in analyzing his/her health status, formulating health goals and planning activities to reach these goals.

(h) "Care supportive to or restorative of life and well-being" means activities designed to resolve, diminish, or prevent the needs that are inferred from the individual's problem; includes the planning, implementation and evaluation of said activities in accordance with the Louisiana State Board of Nursing Legal Standards of Nursing Practice.

(i) "Executing medical regimes as prescribed by a licensed physician or dentist" means carrying out the medical orders of a physician or dentist licensed in Louisiana.

(j) "Supervision and instructions of personnel associated with nursing functions" means those activities which serve to fulfill the accountability of the registered nurse for the total nursing care of the individual when tasks in the nursing care are delegated to other nursing personnel. These activities include:

(1) Judging the priority of nursing needs of the individual(s);

(2) Determining actions required to meet the needs;

(3) Assigning personnel, including self, qualified to implement the prescribed nursing care or components of that care;

(4) Providing information needed by personnel for the implementation of the assigned nursing care and ascertaining the assimilation of same information;

(5) Directing the nursing care and evaluating the outcomes of that care;

(6) Determining and initiating changes in nursing care or in assignment of nursing personnel.

(k) "Additional acts" means activities beyond those taught in basic nursing education programs. Additional acts are authorized by the Board through rules and regulations or declaratory statements interpreting the legal definition of nursing.

(l) "Delegation of nursing functions" means entrusting the performance of selected nursing tasks by the registered nurse to other competent nursing personnel in selected situations. The registered nurse retains the accountability for the total nursing care of the individual.

1) Any situation where tasks are delegated should meet the

following criteria:

a) The person has been adequately trained for the task.

b) The person has demonstrated that the task has been learned.

c) The person can perform the task safely in the given nursing situation.

d) The patient's status is safe for the person to carry out the task.

e) Appropriate supervision is available during the task implementation.

f) The task is in an established policy of the nursing practice setting and the policy is written, recorded and available to all.

2) The registered nurse may delegate to licensed practical nurses the major part of the nursing care needed by individuals in stable nursing situations, i.e., when the following three conditions prevail at the same time in a given situation:

a) nursing care ordered and directed by RN/MD requires abilities based on a relatively fixed and limited body of scientific fact and can be performed by following a defined nursing procedure with minimal alteration, and responses of the individual to the nursing care are predictable; and

b) change in the patient's clinical conditions is predictable; and

c) medical and nursing orders are not subject to continuous change or complex modification.

In complex (unstable) situations, the registered nurse may utilize the expertise of the licensed practical nurse by delegating selected tasks.

3) Contingent upon the registered nurse's evaluation of each patient's condition and also upon the registered nurse's evaluation of the competency of each unlicensed nursing personnel, registered nurses may delegate non-complex tasks to unlicensed nursing personnel.

(2) "Student nurse" means a person who is engaged in learning experiences in a program of study leading to candidacy for licensure to practice as a registered nurse. The term applies only when the person is participating in an integral part of the program of study, and not when that person is engaged in an employment situation.

(3) "R.N. Applicant" means a person who has completed the educational requirements and whose application to take the required examination for licensure as a registered nurse has been accepted by the Board.

Merlyn M. Maillian, R.N.
Executive Director

RULE

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

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

1.01 Sterilization Process:

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

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

2.01 Prohibited Activities:

1) The using of reusable plastic containers as a vehicle to handle or store gasoline, kerosene, pesticides or other toxic organic chemicals

3) The attempted sterilization for reusable plastic containers by a process not approved by the Secretary of Health and Human Resources.

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

RULE

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

The Department of Health and Human Resources, Office of Family Security, has changed the rate and methodology of reimbursement to providers of medically necessary non-emergency medical transportation, under the Medical Assistance Program, Title XIX of the Social Security Act as follows:

Rate of Reimbursement: Providers of services shall be reimbursed at the provider's usual rate or a rate not to exceed:

- 1) \$10.00 per one-way pick-up for the first person; and
- 2) \$5.00 per one-way pick-up for each additional person;

and

- 3) 50 cents per Title XIX vehicle mile.

4) Implement a provision for wait time at the rate of \$4.00 per hour for each full hour a driver has to wait on recipients at the medical provider's office.

To exceed these maximum rates, approval by the Assistant Secretary of the Office of Family Security or his designee shall be required on a case by case basis.

Medically necessary non-emergency transportation provided by commercial aircraft, buses, or taxis shall be reimbursed at their usual and customary rate, subject to such maximum limitations as may be established by Office of Family Security.

Annual cost reports must be submitted by those providers who are reimbursed on the basis of a pick-up fee and mileage within ninety days following the provider's fiscal year end. The state may adjust mileage costs semi-annually if there is an increase or decrease in petroleum prices.

This change which is necessary to contain cost, will decrease annual expenditures for non-emergency medical transportation by approximately \$1,934,592.

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

RULES

**Department of Natural Resources
Office of Conservation**

Rules of Procedure

**Applicable to Matters Arising under
the Natural Resources and Energy Act of 1973,
Chapter 7 of Title 30 of Revised Statutes of 1950**

Pursuant to authority delegated under the laws of the State of Louisiana, and particularly Chapter 7 of Title 30 of the Revised

Statutes of 1950 entitled the Natural Resources and Energy Act of 1973, after due notice having been given and all legal delays observed, and after public hearing held under Docket Number PL 79-137 in Baton Rouge, Louisiana, on the eighth day of January, 1980, the following Rules of Procedure are amended, reenacted, and adopted by the Commissioner of Conservation as being reasonably necessary to govern and control matters involving the provisions of the Natural Resources and Energy Act of 1973.

Rule 1 — Definitions — The words used herein shall have their usual meanings unless specially defined herein or in Chapter 7, Title 30 of the Louisiana Revised Statutes of 1950, or in regulations promulgated by the Commissioner of Conservation pursuant thereto.

Rule 2 — Applications — All applications to the Commissioner, pursuant to Chapter 7 of Title 30 of Louisiana Revised Statutes of 1950, or Article IX, Section 2 of the Louisiana Constitution 1974, shall comply with these rules of procedure.

Except as otherwise provided in these rules of procedure or in the Commissioner's regulations implementing the Natural Resources and Energy Act of 1973, all applications shall be made in duplicate in the form required by the Commissioner and to the extent required, shall contain an outline and explanation of the nature of the proposal and shall be accompanied by such attachments, if any, as are required for such applications under the provisions of Chapter 7 of Title 30 of Louisiana Revised Statutes of 1950 and applicable regulations adopted by the Commissioner pursuant thereto, and Article IX, Section 2 of the Louisiana Constitution 1974. In those situations where a public hearing is required, applications shall be submitted to the Commissioner in triplicate.

Rule 3 — Applications Not Requiring Public Notice — Applications to the Commissioner for which no public notice is required shall be made in writing and shall be in the form required by the Commissioner and shall contain such information as is required for such applications under the applicable regulations.

If, in applicant's opinion, the public interest requires immediate action, the applicant may request a decision by telephone, and if approval is granted, the application must be submitted in writing within seventy-two hours thereafter.

Rule 4 — Applications Requiring Public Notice — Public notice with respect to all applications for which a public hearing is required shall be given by publication of a notice of said hearing in the Official Journal of the State of Louisiana not less than ten days prior to the hearing. Public notice shall be in writing and shall include (1) a statement of the time, place and nature of the hearing and the time within which a response is required, (2) a statement of the legal authority and jurisdiction under which the hearing is to be held, (3) a reference to the particular sections of the statutes, rules and regulations involved, and (4) a concise statement of the matters asserted.

The Commissioner shall mail a copy of the public notice to the applicant by certified mail. A copy of the public notice, with a copy of the application, shall be mailed by the applicant to all interested parties within two working days of the receipt of said public notice from the Commissioner.

Notice to owners of land to be traversed by a pipeline, for all purposes under the Act and these regulations, shall be sufficient and shall be reasonable notice if mailed to the persons and to the addresses identified in the ad valorem tax records of the parishes as owners of the traversed lands.

Rule 5 — Applications Requiring Public Hearing — No order, ruling or finding may be made or other action taken with respect to La. R.S. 30:553, 554, 555(A) through (C), 555(F), 555(H), 556, 557, 558, 571 through 576, 593, 596, 598(E), 599, 722, 723, and 607 without a public hearing after due notice to all

interested parties unless the right to a public hearing is waived pursuant to the provisions of the Administrative Procedure Act, as amended, (La. R.S. 49:951-968) or the Natural Resources and Energy Act of 1973 expressly provides that no hearing is required in that instance.

Applications to the Commissioner of Conservation for which a public hearing is required shall be submitted in writing, be verified under oath, and shall be in a form and contain such information as is required by the Commissioner. The hearing on the application shall be noticed in accordance with Rule 4. The hearing date of the application shall not be less than ten days following the date of publication of notice.

Interested parties who wish to object to said application or participate in the hearing must file a petition or notice with the Commissioner and the applicant within five days following the receipt by such interested parties of notice of the hearing. Petitions or notices filed in connection with the application shall set forth clearly and concisely the facts from which the nature of the petitioner's alleged right or interest can be determined, the grounds of the proposed participation, and the position of the petitioner in the proceeding, so as to fully and completely advise the parties and the Commissioner as to the specific issues of fact or law to be raised concerning public interest, provided however, that the right to participate in a proceeding commenced under this Chapter shall not extend to objections directed solely to the matters involving rights-of-way including, but not limited to, the public purpose and necessity to be served in an expropriation thereof or the compensation therefor which is a judicial question pursuant to the Constitution of the State of Louisiana 1974, Article 1, Section 4.

The Commissioner, either upon his own motion, or at the request of an interested party or the applicant, may call a conference of the parties to a proceeding at any time, if in his opinion, such a conference would resolve or narrow the issues in controversy or assist in the conduct of the hearing.

If no objection to the application is timely filed by an interested party, in accordance with the provisions of this rule, it will be unnecessary for the applicant to be present or to be represented at the hearing, and evidence shall be filed by affidavit or in such other form as is acceptable to or permitted by the Commissioner who shall render an order based upon the record in the proceeding. The order of the Commissioner shall be final, subject to reconsideration by him upon application for rehearing by the applicant or interested party filed within ten days from the date of its entry.

If the commissioner, in his judgment, determines that an emergency exists, which in the public interest, requires action on the application prior to the hearing date or the minimum ten day notice period herein required, the Commissioner may act on the application and issue a temporary order; however, such emergency authorization shall remain in force no longer than fifteen days from its effective date. In any event, a temporary order shall expire when the Commissioner's decision on the application after notice and hearing becomes effective.

An interested party who fails to comply with the requirements of this rule, may, at the Commissioner's discretion, be precluded from introducing witnesses or from presenting evidence at the hearing; however, any person shall be permitted to cross-examine witnesses and make statements confined to his position in the matter.

Hearings on applications for approval to connect an intrastate natural gas pipeline, gas gathering line or coal slurry pipeline to an interstate natural gas pipeline or coal slurry pipeline filed pursuant to La. R.S. 30:555(H) and 607 and Louisiana Constitution 1974, Article IX, Section 2, shall be held not less than ten days after notice given in the manner provided in Rule 4. Provided, however,

that if the Commissioner, in his judgment, determines that an emergency exists, which, in the interest of public health, safety or welfare, requires that said hearing be held on shorter notice, said emergency hearing may be held on any abbreviated notice, but not less than three days following the date of publication of notice of said hearing in the Official Journal of the State of Louisiana.

Rule 6 — Applications and Notices — All applications and notices filed pursuant to these rules of procedure shall contain a list of the names and addresses of the interested parties and show that a diligent effort has been made to obtain this list.

Rule 7 — Approvals by the Commissioner for Certain Matters Under the Act — All matters under the Act requiring the approval and permission of the Commissioner, and for which no objection thereto has been received within fifteen days after due notice, if required, and no public hearing is specifically required may be approved by the Commissioner without a public hearing by the issuance of an order, or administratively, on forms and in a manner determined by the Commissioner.

Rule 8 — Approvals by the Commissioner for Matters Involving a Public Hearing — As to matters under the Act requiring the approval of the Commissioner after a public hearing, the Commissioner shall issue his order and findings relative thereto on forms and in a manner determined by the Commissioner.

Rule 9 — Reports — All reports required to be submitted to the Commissioner under the Act shall be on forms approved by him and filed in accordance with schedules set by him. The Commissioner may at his discretion grant extensions of time to file said reports upon good cause shown.

Rule 10 — Applicability of Rules of Procedure — The rules of procedure set out herein apply only to the provisions of the Act (Chapter 7, Title 30), as implemented by applicable regulations. All other rules of procedure applicable to Chapters of Title 30 other than Chapter 7 shall not apply in any manner whatsoever to the Act, or Regulations implementing same.

Regulations, As Amended, Under the Natural Resources and Energy Act of 1973, Chapter 7, Title 30 of the Revised Statutes of 1950

Pursuant to authority delegated under the laws of the State of Louisiana, and particularly Chapter 7 of Title 30 of the Revised Statutes of 1950, entitled the Natural Resources and Energy Act of 1973, after due notice having been given and all legal delays observed, and after public hearing held under Docket Number PL 79-137 in Baton Rouge, Louisiana, on the eighth day of January, 1980, the following Regulations are amended, reenacted, and adopted by the Commissioner of Conservation as being reasonably necessary to govern and control matters involving the provisions of the Natural Resources and Energy Act of 1973.

Regulation 1 — Definitions — The words and terms defined herein shall have the following meanings when used in these Regulations. All other words and terms so used and not herein defined shall have their usual meanings unless specially defined in Chapter 7 of Title 30 of the Louisiana Revised Statutes of 1950.

Act or Chapter: shall mean the Natural Resources and Energy Act of 1973, being Act 16 of the Extraordinary Session of 1973, now Chapter 7 of Title 30 of the Louisiana Revised Statutes of 1950, as amended after 1950.

Commissioner: shall mean the Commissioner of Conservation of the State of Louisiana who shall be the Commissioner of Conservation within the Department of Natural Resources.

Excess Capacity of Intrastate Gas Pipelines: shall mean that part of the capability of a pipeline system to transport intrastate natural gas from point to point along its line in excess of the immediate needs of the pipeline company or its subsidiaries or its

parent or the subsidiary companies of its parent. In determining excess capacity, the Commissioner may disregard existing contracts for the transportation or sale of intrastate natural gas to the extent they are not then being performed or fulfilled. Excess capacity of intrastate pipelines may also be created as a result of intrastate natural gas delivery curtailment orders of the Commissioner in the implementation of the allocation, rationing and conservation measures governing the end-use of intrastate natural gas provided for in the Act.

Facility: shall mean any component of a pipeline or pipeline system except:

(1) **Auxiliary Installations.** Installations which are merely auxiliary or appurtenant to an existing transmission pipeline system and which are installed only for the purpose of obtaining more efficient or more economical operation of authorized transmission facilities, such as: valves; drips; yard and station piping; cathodic protection equipment; gas cleaning and treating equipment; heaters, cooling and dehydration equipment; residual refining equipment; water pumping treating and cooling equipment; production compressors; measurement equipment; pressure or flow regulation or control equipment; electrical and communication equipment and buildings.

(2) **Replacement of Facilities.** Facilities which constitute the replacement of existing facilities which have or will soon become physically deteriorated or obsolete to the extent that replacement is deemed advisable: Provided, that such replacement will not result in a reduction or abandonment of service rendered by means of such facilities: Provided further, that such replacement shall have substantially equivalent designed delivery capacity as the particular facilities being replaced.

(3) **New Delivery Points.** Metering and regulating installations and branch lines necessary to the establishment of new delivery points required for the delivery of gas, coal or lignite to an existing customer.

(4) **Taps.** Taps on existing transporter pipelines which are installed solely for the purpose of enabling a purchaser or transporter to take delivery of gas, coal, or lignite from a producer.

Gas: shall mean any gas derived from or composed of hydrocarbons.

Interested Parties: shall mean those persons who have a direct interest in the subject matter for which an application is filed as such persons are specified in these regulations.

Intrastate Coal Slurry Pipeline: shall mean a pipeline located and operated in the State of Louisiana for the transportation of coal or lignite from within or outside state limits or any mixture of substances which includes coal or lignite, in any form, but does not include producer owned producing and gathering lines and facilities located within the mine limits associated and used in connection therewith, provided such lines and facilities are not used for hire in the transportation of coal or lignite for others.

Intrastate Coal Slurry Transporter: shall mean any person owning or operating an intrastate coal slurry pipeline.

Intrastate Natural Gas: shall mean that gas produced, transported, and utilized wholly within the State of Louisiana, through the use of intrastate pipelines or of interstate pipelines where such use of interstate pipelines is or may hereafter be exempt from the control of the Federal Energy Regulatory Commission under the Natural Gas Act or rules and regulations promulgated by the Federal Energy Regulatory Commission thereunder, and gas, wherever produced, which is or may be transported into this state and delivered to an intrastate pipeline in this state to be used or consumed wholly within this state.

Intrastate Natural Gas Pipeline: shall mean a pipeline which is located and operated wholly within the State of Louisiana for the transportation of intrastate natural gas within the State of

Louisiana, which does not extend beyond the boundaries of the State of Louisiana, and which is not merely a local branch of an interstate pipeline system but does not include producer owned producing and gathering lines and facilities associated and used in connection therewith, provided such lines and facilities are not used for hire in the transportation of natural gas for others, except as provided in R.S. 30:607.

Intrastate Natural Gas Transporter: shall mean any person owning or operating an intrastate natural gas pipeline pipeline.

Natural Gas Company: shall mean a person engaged in the sale of intrastate natural gas beyond the wellhead.

Person: shall mean any natural person, corporation, political subdivision, association, partnership, receiver, tutor, curator, executor, administrator, fiduciary, or representative of any kind.

Rules of Procedure: shall be the rules of procedure promulgated by the Commissioner and which are stated to be applicable to the Act.

Sale of Intrastate Natural Gas at the Wellhead: shall mean the first transfer for value by the producer of such gas whether at the wellhead, a central gathering facility, or at the tailgate of a gas processing plant.

Regulation 2 — Certificate of Transportation or License to Be Issued Pursuant to the Provisions of Section 554 or 722 of the Act.

a. This regulation shall apply to a certificate of transportation issued to a qualified person(s) in accordance with the provisions of Section 554 of the Act or to a license to operate a coal slurry pipeline in accordance with the provisions of Section 722 of the Act.

b. All certificates of transportation heretofore issued by the Commissioner of Conservation pursuant to Section 554 of the Act, as implemented by Regulation No. 2, shall remain in force and effect pursuant to the terms and conditions thereof.

c. Any qualified person desiring a certificate of transportation, except those covered by b. above or license shall apply to the Commissioner for an order therefor upon such forms and in such manner as the Commissioner prescribes, and shall furnish such data and information as the Commissioner may direct; provided, however, that if a person has filed documents and evidence with the Commissioner in accordance with Section 555(C) of the Act, as required by Regulation No. 4, such filing shall be considered by the Commissioner in his determination with respect to the issuance of an order hereunder.

d. The Commissioner shall issue an order granting a certificate of transportation or license to any qualified applicant if after hearing with due notice by publication in the Official State Journal and if he finds that the applicant is able and willing to perform properly the service proposed and to conform to the provisions of Chapter 7 of Title 30 of the Revised Statutes of the State of Louisiana and the requirements, rules and regulations of the Commissioner thereunder, and that the proposed issuance of the certificate or license is or will be required by the present or future public interest.

e. All persons receiving a certificate of transportation or license shall be vested with all of the rights and privileges granted and extended under Section 554 or 722 of the Act.

Regulation 3 — Requirements For Abandonment of All or Any Portion of a Facility, or Any Service Rendered By Means of Such Facility Under Sections 555(B) and 722 of The Act.

a. This regulation shall apply to requirements of an intrastate natural gas or coal slurry transporter to abandon all or any portion of a facility, or any service rendered by means of such facility, pursuant to the provisions of Section 555(B) or 722 of the Act; provided, however, that this regulation shall not apply to any coal slurry transporter then being regulated by a federal agency

having jurisdiction. Application for abandonment shall be filed in accordance with the regulation and Rules 4 and 5. However, an application for the abandonment of a sale or transportation contract or related facility shall be submitted to the Commissioner at least 30 days, but no more than six months, prior to the contract termination date, or prior to the proposed date of termination of a service or abandonment of a facility in the absence of a contract. The Commissioner may for good cause shown grant an exception to said time limitations.

b. Where an abandonment of service or facility is proposed, the interested parties shall be the signatory parties to the contracts affecting said services or facilities and the owners or operators of such facility to be abandoned.

c. The Commissioner shall issue his permission and approval for the abandonment of all or any portion of the facilities of an intrastate natural gas or coal slurry transporter subject to the jurisdiction of the Commissioner, or any service rendered by means of such facilities, only after the intrastate natural gas or coal slurry transporter shall have demonstrated, to the satisfaction of the Commissioner, that the available supply of natural gas, coal, or lignite is depleted to the extent that the continuance of service is unwarranted or that the public interest and energy needs permit such abandonment. However, the Commissioner may deny abandonment based upon satisfactory evidence that a user of gas or coal or lignite located in the state, a majority of which users' employees are Louisiana residents, or which user produces goods or services for Louisiana residents, including gas or electric service, is or will be unable to secure adequate supplies of natural gas or coal or lignite to maintain employment, production, or service levels if abandonment is granted. Application for abandonment shall be made to the Commissioner in writing, executed under oath by an individual having authority to execute same with a copy to all interested parties and shall include the following information:

(1) Description and location, if applicable, of the facility, or portion thereof, or the service rendered by such facility, or portion thereof, to be abandoned.

(2) If a gas, coal or lignite sales or transportation contract:

(a) The exact legal name and status of the seller and purchaser and the name, title and mailing address of the person(s) to whom communications concerning the notice are to be addressed.

(b) Date of contract.

(c) Term of contract.

(d) Quantities of gas, coal or lignite:

Maximum daily quantity seller is obligated to deliver: thousands of cubic feet per day (MCF/Day), millions of British thermal units per day (MMBTU/Day) or tons per day (TON/Day).

Minimum daily quantity purchaser is obligated to receive: MCF/Day, MMBTU/Day or tons per day (TON/Day).

Measurement — Pressure base.

Service—Firm or Interruptible. Give conditions under which deliveries or receipts can be interrupted or curtailed and minimum level of daily volume during interruption or curtailment.

(e) Type of Service: (Industrial sale, sale for resale, transportation or other.)

(f) Point(s) of delivery.

(g) Delivery pressures, minimum, maximum.

(h) Price.

(3) Reasons for abandonment.

(4) Prospective date of abandonment.

(5) Where an agreement as to the terms and conditions of abandonment has been reached between the transporter and the person or persons who are parties to a contract relating to the use of facilities or services to be abandoned, the application for aban-

donment shall be accompanied by a letter of agreement, signed by the parties or an authorized agent of the parties, verified under oath.

(6) Forms PL-1(A) for abandonment of service and PL-1(B) for abandonment of facility may be obtained from the Office of Conservation.

d. Applications for pregranted abandonment of emergency or temporary sales and connections necessitated thereby, including those sales to supply an immediate and necessary demand for gas, coal, or lignite, shall contain the information required under Section c. above, and may be administratively approved by the Commissioner.

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

Regulation 4 — Transportation of Intrastate Natural Gas, Coal or Lignite and the Construction, Extension, Acquisition, and Operation of Facilities or Extension Thereof Pursuant to Provisions of Sections 555(C) and 722 of the Act.

a. This regulation shall apply to the requirements placed by Sections 555(C) and 722 of the Act upon a person relative to the transportation of intrastate natural gas, coal or lignite, and the construction, extension, acquisition and operation of facilities or extensions thereof.

b. All applications by a person required to be filed with the Commissioner of Conservation pursuant to the provisions of Sections 555(C) and 722 of the Act shall be in writing, verified under oath by an individual having authority to execute same, shall be in the form approved by the Commissioner, and shall contain the following information:

(1) The exact legal name of the applicant; its principal place of business; whether an individual, partnership, corporation or otherwise; the State under the laws of which applicant was organized or authorized; if a corporation, a certificate of good standing and authorization to do business from the Secretary of State of Louisiana, the location and mailing address of applicant's registered office, the name and post office address of each registered agent in Louisiana, and the names and addresses of all its directors and principal officers; if a partnership or other similar organization, the names and addresses of its partners of record, officer or other responsible parties of record; applicant's current financial statement or such other information which may be submitted by the applicant and accepted by the Commissioner concerning the ability of the applicant to construct, acquire, or operate the proposed facility or extension thereof; and the name, title and mailing address of the person or persons to whom communications concerning the application are to be addressed.

(2) The nature of the service rendered by applicant (industrial sale, sale for resale, transportation or other of gas coal or lignite).

(3) A concise description of applicant's existing operations.

(4) A table of contents which shall list all exhibits and documents filed with the application.

(5) A map(s), of its pipeline system(s), which shall reflect the location and capacity of all compressor sites, all points of connection between such system(s) and pipelines, or pipeline system(s) of other persons, the date of such connections, and all major points of supply.

(6) A listing of applicant's gas, coal or lignite sales contracts and gas, coal or lignite transportation contracts within the State of Louisiana on prescribed forms containing the following data:

(a) Parties: seller, purchaser, owner, transporter.

(b) Date of contract.

(c) Term of contract.

(d) Quantities of gas, coal or lignite:

Maximum daily quantity seller is obligated to deliver: MCF/Day, MMBTU/Day or TON/Day

Minimum daily quantity purchaser is obligated to receive: MCF/Day, MMBTU/Day or TON/Day.

Measurement — Pressure base.

Service — Firm or Interruptible

Give conditions under which deliveries or receipts can be interrupted or curtailed and minimum level of daily volume during interruption or curtailment.

(e) Type of Service: (Industrial, sale for resale, transportation or other).

(f) Points of delivery.

(g) Delivery pressures: minimum, maximum.

(h) Price.

(7) A listing of the location of interconnects between applicant's pipeline system(s) and pipeline or pipeline system(s) of other persons.

c. Subsequent filings may be required by the Commissioner to complete an evaluation of each pipeline system for the purposes of Sections 555(C) and 722 or other sections of the Act.

A person authorized to operate as an intrastate natural gas or coal slurry transporter may incorporate the information required to be filed under section b. paragraphs (1), (3), (5), (6), and (7) of this regulation by reference to prior hearing evidence, presented to the Commissioner, specifically identifying such prior evidence and the items to be incorporated therefrom.

d. All applications filed shall be noticed on interested parties, and all hearings required under Section 555(c) or 722 of the Act shall be in accordance with the rules of procedure of the Commissioner. Interested parties shall be as follows:

(1) Where a new supply of gas, coal or lignite from a producing field(s) or mine in Louisiana is to be connected by a new pipeline, the interested parties shall be:

(a) The owner(s) of the proposed new pipeline.

(b) The owner(s) of an existing pipeline (if different from owner(s) of proposed new pipeline), if any, to which the proposed new pipeline is to be connected.

(c) Each seller and each purchaser to the contract or contracts covering the new supply of gas, coal or lignite to be connected, or in the case of gas, coal or lignite to be transported or exchanged, the parties from whom the gas, coal or lignite is to be received, and the parties to whom the gas, coal or lignite is to be delivered.

(d) Owner(s) of the land to be traversed by the proposed pipeline in Louisiana.

(2) Where a new pipeline customer(s) is to be connected, the interested parties shall be:

(a) The owner(s) of the proposed new pipeline.

(b) The owner(s) of an existing pipeline, if any, (if different from the owner or owners of the proposed new pipeline) to which the proposed new pipeline is to be connected and from which pipeline gas, coal or lignite will flow to the proposed new pipeline.

(c) Each seller and each purchaser to the contract(s) under which gas, coal or lignite delivered by the new pipeline is to be sold in Louisiana, or in the case of gas, coal or lignite to be transported or exchanged in Louisiana, each party to each transportation or exchange agreement.

(d) Owner(s) of the land to be traversed by the proposed pipeline.

e. The Commissioner, upon proper showing, shall issue his order in accordance with the application submitted. Provided, however, the order shall expire on its first anniversary date if construction of facilities authorized by said order has not commenced. The Commissioner may, upon written request and for

good cause shown, extend the expiration date of said order. The Commissioner shall be given timely written notice when the construction authorized under this regulation is completed.

f. The Commissioner may issue, upon application by a person(s) a temporary order in cases of emergency without notice or hearing pending the application for a permanent order, all in accordance with the rules of procedure of the Commissioner.

g. Each transporter shall annually file by April 1 an updated map of its intrastate natural or coal slurry gas pipeline facilities depicting the location and size of all compressors, all points of connection between such facilities and pipelines of other persons, all major points of supply, and the nominal size of all lines. If none of the above data has changed during the previous year, the applicant shall so notify the Commissioner in writing by April 1.

Regulation 6 — Requirements for Connections Pursuant to Sections 555(H) and 722 of the Act and Louisiana Constitution 1974.

a. All applications to the Commissioner requesting approval for an intrastate natural gas or coal slurry transporter to connect its system with, move gas, coal or lignite into or receive gas, coal or lignite from another pipeline system in the State of Louisiana, including pipelines or pipeline systems owned by it, within the terms of Sections 555(H) and 722 of the Act, and Louisiana Constitution 1974, shall contain the following information:

(1) Point of connection or connections.

(2) Status or character of each pipeline, specifying whether said line or lines carry intrastate gas, coal or lignite or interstate gas, coal or lignite and whether they have been deemed jurisdictional by the Federal Energy Regulatory Commission or other Federal agency.

(3) Anticipated volumes of natural gas, coal or lignite to be transferred or exchanged from one pipeline to another.

(4) Term of exchange or transfer.

(5) Reasons for interconnections.

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

b. No order, ruling or finding may be made or other action taken with respect to this regulation without a public hearing after due notice to all interested parties unless the right to a public hearing is waived pursuant to the provisions of Administrative Procedures Act, as amended La. (R.S. 49:951-968).

c. Public interest does not require the issuance of an order authorizing any action taken by an intrastate natural gas or coal slurry transporter which would be covered by the provisions of Sections 555(H) and 722 of the Act where imminent danger of life and property can be eliminated by such action. Provided, however, that every person undertaking such action shall so advise the Commissioner immediately by telegram stating briefly the circumstances and shall within ten days file a statement in writing and under oath, together with four conformed copies thereof, setting forth the purpose and character of the action, the facts warranting invocation of this section, and the anticipated period of the stated emergency. Emergency operations undertaken without an order pursuant to this section shall be discontinued upon the expiration of the emergency or as otherwise ordered by the Commissioner. All facilities installed for such temporary action shall be promptly removed after expiration of the exempt period of operation. Every person shall advise the Commissioner in writing and under oath within ten days following the removal of facilities constructed for emergency operations that such removal of facilities has been completed pursuant to this section. Every person undertaking any such action pursuant to this section desiring to continue such action shall file an application with the Commissioner prior to the