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# Executive Orders

## EXECUTIVE ORDER DCT 81-11

WHEREAS, the Governor's Thrift Industry Advisory Council was created by the authority of Executive Order 81-6; and  
WHEREAS, it is within the best interest of the people of our state, our state chartered savings and loan associations, their employees, and customers to assure that the state's thrift industry remains strong and vital;

NOW, THEREFORE, I, DAVID C. TREEN, Governor of the State Of Louisiana, by virtue of the authority invested in me as Governor, pursuant to the Constitution and applicable statutes of the State of Louisiana, do hereby direct the Governor's Thrift Industry Advisory Council to study problems of the thrift industry in the State of Louisiana and to make recommendations to the Commissioner of Financial Institutions.

Said Council shall be composed of six members rather than five as stipulated in Executive Order No. 81-6. Three of those members shall be appointed from the area composed of the First, Second, and Third Congressional Districts of the State. Two members shall be appointed from the area composed of the Fourth, Fifth and Seventh Congressional Districts. One member shall be appointed from the area composed of the Sixth and Eighth Congressional Districts.

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 28th day of December, A.D., 1981.

David C. Treen  
Governor of Louisiana

## EXECUTIVE ORDER DCT 82-1

WHEREAS, alcoholism and drug abuse are major problems in Louisiana as well as the entire United States; and

WHEREAS, alcoholism and drug abuse costs the taxpayers of this state millions of dollars in treatment, law enforcement and rehabilitation; and

WHEREAS, there are many programs dealing with the problems, both on the state and local levels of government; and

WHEREAS, there is a need to study these programs in order to provide the best services at the most economical level of funding; and

WHEREAS, during the 1980 Regular Session of the Legislature, legislation was enacted to encourage the Governor to appoint a special committee on alcoholism and drug abuse to study problems related to alcohol and drug abuse, the extent of such problems, treatment, rehabilitation, necessary education, research, law enforcement, prevention, physical and mental ailments caused by such abuse; and

WHEREAS, it is in the best interests of the people of our State to undertake this worthy pursuit;

NOW, THEREFORE, I, DAVID C. TREEN, Governor of the State of Louisiana, by virtue of the authority vested in me as Governor, pursuant to the Constitution and applicable statutes of the State of Louisiana, do hereby create the Governor's Committee on Alcoholism and Drug Abuse, whose duties shall be to study problems related to alcohol and drug abuse, the extent of such

problems, treatment, rehabilitation, necessary education, research, law enforcement, prevention, and the physical and mental ailments caused by such abuse.

BE IT FURTHER RESOLVED, that the Governor shall designate a chairman of such committee.

BE IT FURTHER RESOLVED, that the committee shall meet at the discretion of its members and shall be reimbursed for actual expenses incurred in attending meetings of the committee in accordance with appropriate statutes.

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 8th day of January, A.D., 1982.

David C. Treen  
Governor of Louisiana

## EXECUTIVE ORDER DCT 82-2

WHEREAS, The problem of alcohol-related automobile accidents has become a problem of national proportions; and

WHEREAS, Annually some 26,000 Americans will die and 750,000 will suffer crippling and other serious injuries from alcohol-related automobile accidents; and

WHEREAS, In Louisiana in 1981 an estimated 500 fatalities, 40,000 injured persons and approximately 80,000 accidents were alcohol related, making Louisiana second in the nation in alcohol-related fatalities; and

WHEREAS, The problems of drunk driving have an economic cost running into the billions of dollars annually; and

WHEREAS, Drunk driving is the nation's number one highway safety problem;

NOW, THEREFORE, I, DAVID C. TREEN, Governor of the State of Louisiana, by virtue of the authority vested in me as Governor, pursuant to the Constitution and applicable statutes of the State of Louisiana, do hereby create the Governor's Task Force on Drinking and Driving to study the facts surrounding this problem and to make specific recommendations for legislation to combat this problem.

Said Task Force shall be composed of 15 members: A member of the Louisiana House of Representatives; a member of the Louisiana State Senate; a judge; one representative from the following: Attorney General's Office, State Police, Sheriff's Association, District Attorney's Association, Medical Association, the insurance community, labor and industry, Alcoholics Anonymous, Highway Safety Commission, the Governor's Commission on Alcoholism and Drug Abuse, and two members at large.

The Commission shall meet and make recommendations to the Governor prior to the 1982 Regular Session 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 25th day of January, A.D., 1982.

David C. Treen  
Governor of Louisiana

# Emergency Rules

## DECLARATION OF EMERGENCY

### Department of Education Educational Employees Professional Improvement Program

The State Committee for the Louisiana Educational Employees Professional Improvement Program (R.S. 17:3601-R.S. 17:3661) at its January 19, 1982 meeting exercised those powers conferred by the emergency provisions of the Administrative Procedure Act, R.S. 49:953B, and adopted the following emergency rule:

Dr. Helen Brown moved that the Committee adopt Bulletin 1619 (Revised 1982) and instruct the staff to promulgate the Guidelines for local committees in keeping with the Administrative Procedure Act, R.S. 49:952, et. seq., and also instruct the staff to advise the Governor, the Attorney General, and the Department of the State Register that under the provisions of Louisiana Revised Statutes 49:953B that these guidelines were being adopted on an emergency basis. The committee is of the opinion that if the guidelines are not adopted on an emergency basis, there will be a significant risk that expected participants and members of local committees will not be cognizant of the necessary criteria involved in both the implementation and the administration of the program for the second year prior to the enrollment period, March 1 through March 31, 1982. Ms. Gloria Walker seconded, and the motion passed with eight yeas and zero nays.

Robert C. Rice, Chairman  
State Committee for the Louisiana  
Educational Employees Professional  
Improvement Program.

## DECLARATION OF EMERGENCY

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

The Department of Health and Human Resources, Office of Family Security, has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953B, to amend, effective March 2, 1982, the policy for payment for abortions under Title XIX, Medicaid, as follows:

Payment will be made to the attending physician for abortions only when the physician has found and certified in writing to the Office of Family Security, Medical Assistance Program, that on the basis of his professional judgement, the life of the mother would be endangered if the fetus were carried to term.

This reduction in service will bring the Medical Assistance Program into full compliance with the conditions for which Federal Financial Participation is available for abortions pursuant to Public Law 97-92. Under this legislation, Federal funds are no longer available for abortions for victims of rape and incest. Earlier compliance was delayed pending the resolution of an injunction granted November 27, 1978, which enjoined the Department of Health and Human Resources from enforcement of R.S. 40:1299.35 (now R.S. 40:1299.34.5) which limited abortions to those medically necessary to prevent the death of the mother.

George A. Fischer  
Secretary

## DECLARATION OF EMERGENCY

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

The Department of Health and Human Resources, Office of Family Security, does hereby exercise the emergency provision of the Administrative Procedure Act (R.S. 49:953B) to adopt, effective April 1, 1982, a rule which reduces the period of eligibility of refugees and Cuban/Haitian entrants certified for cash and medical assistance in the Refugee Resettlement Program (RRP) and Cuban/Haitian Entrants Program, to 18 months from the date of entry into the United States.

Thus, any refugees and Cuban/Haitian entrants certified in the Refugee Resettlement Program or Cuban/Haitian Entrants Program who have been in the United States for 18 months or longer on or after April 1, 1982 will no longer be eligible for cash and medical assistance. These recipients are currently eligible for assistance for a period of 36 months from the date of entry into the United States.

Refugees and Cuban/Haitian entrants who meet the eligibility requirements of Aid to Families with Dependent Children (AFDC), Supplemental Security Income (SSI) and Medicaid would not be affected by this proposed policy change and would continue to be eligible for such assistance for 36 months from the date of entry into the United States.

This proposed rule change is in response to a notification from the Office of Refugee Resettlement which advised that the implementation date of February 1, 1982 contained in the Notice of Proposed Rulemaking published in the December 11, 1981 issue of the Federal Register (Vol. 46, No. 238, pages 60629 - 60633) has been changed to April 1, 1982.

George A. Fischer  
Secretary

## DECLARATION OF EMERGENCY

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

The Department of Health and Human Resources, Office of Family Security, has exercised those powers conferred by the emergency provision of the Administrative Procedure Act, R.S. 49:953B, to adopt the following as an emergency rule:

Effective March 1, 1982, the personal care needs allowance for those Title XIX Medical Assistance recipients in the OAA (Aged), ANB (Blind), and DA (Disabled) categories residing in Intermediate Care Facilities I, Intermediate Care Facilities II, Skilled Nursing Facilities, and Intermediate Care Facilities for the Mentally Retarded, will be increased from \$25 to \$50 per month.

An optional state supplementation payment up to \$25 per month will be made to recipients with gross income below \$50 per month. Recipients with monthly income equal to or greater than \$50 will be allowed to retain \$50 for personal care needs.

This action has been taken in order to make the increased personal expenses allowance available to the recipients at the earliest possible date. Senate Concurrent Resolution No. 133 of the 1980 Regular Session of the Legislature authorized this increase and funds were subsequently appropriated in the 1981 Regular Session of the Legislature.

George A. Fischer  
Secretary

**DECLARATION OF EMERGENCY**

**Department of Health and Human Resources  
Office of Licensing and Regulation**

The Department of Health and Human Resources, Office of Licensing and Regulation, does hereby exercise the emergency provision of the Administrative Procedure Act (R.S. 49:953 B) to adopt, effective January 22, 1982 the following policies and guidelines for Section 1122, Capital Expenditures Review in those regions where the HSAs are no longer performing review functions. These policies and guidelines are adopted in accordance with the mandate of 42 CFR Part 100.106 (a)(1)(38 FR 31381, November 1973 as amended at 39 FR 32030, September 4, 1974).

Until such time as the North Louisiana Health Systems Agency ceases to review Section 1122 applications for capital expenditures the following procedure shall apply. The applicant shall provide three copies of the application for capital expenditures to the Division of Health Planning and Development and 25 copies to Mr. Herb Darling, Executive Director, North Louisiana Health Systems Agency, 1600 Fairfield, Suite 400, Shreveport, LA 71101.

The North Louisiana Health Systems Agency will review the application at a public meeting of an appropriate committee. Notice of the meeting will be publicized in the local newspaper. In addition, the applicant will be given sufficient notice of the date of the meeting and will be invited to attend to explain his application. The review committee will make its recommendations to the Board of Directors or Executive Committee which body shall make the final decision of the HSA and send its findings and recommendations to DHPD.

For complete policies and guidelines, please turn to the Notice of Intent on page 112 of the Register.

George A. Fischer  
Secretary

**DECLARATION OF EMERGENCY**

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

RESOLUTION ADOPTED BY THE LOUISIANA WILDLIFE AND FISHERIES COMMISSION AT ITS REGULAR MEETING HELD IN NEW ORLEANS, JANUARY 26, 1982.

WHEREAS, following the failure of Allen Dam in Natchitoches Parish, the Northwest Game and Fish Preserve Commission passed a resolution barring commercial net fishing on Black and Clear Lakes for calendar year 1982, and

WHEREAS, the Northwest Game and Fish Preserve Commission has since requested the Louisiana Department of Wildlife and Fisheries to take appropriate action in order to enforce this resolution, and

WHEREAS, as a result of the Allen Dam collapse, Black and Clear Lakes are undergoing a drastic drawdown which has reduced their water acreage from 14,000 acres to 3,000 acres, thus creating a severe concentration of fish populations which would be detrimentally affected by netting in this particular situation.

THEREFORE BE IT RESOLVED, the Louisiana Wildlife and Fisheries Commission hereby prohibits the use of netting in Black and Clear Lakes, Natchitoches Parish, for the remainder of calendar year, 1982.

Jesse J. Guidry  
Secretary

# Rules

**RULE**

**Department of Agriculture  
Agriculture and Environmental Sciences**

The Commissioner of Agriculture, pursuant to the authority contained in LSA 3:2302 and in accordance with Notice of Intent published on January 20, 1982, has adopted the following amendments to the Rules and Regulations governing the Apiary Program:

Rule 1.13 was amended to read as follows:

Combless Package Cage - Any container used in shipping bees without comb or foundation

Rule 1.18 was amended to read as follows:

Quarantined Area - A yard in which American Foulbrood infection has been found, and all that area within a yard or apiary, or any area defined as a quarantined area by the State Entomologist because of excessive disease (above four percent) found present in bees within the area or because restricted articles were moved into the area from a quarantined area

Rule 1.20, reading as follows, was added:

Super - A standard 10 frame hive body (all depths)

Rule 1.21, reading as follows, was added:

Frame - a wooden or plastic case for holding honeycomb

Rule 4.1 was amended to read as follows:

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. Whenever reasonably possible, agents shall notify beekeeper before performing any inspections.

Rule 4.3, reading as follows, was added:

All hives shall have removable tops and frames for inspection purposes.

Rule 6.2 was amended to read as follows:

Colonies of bees and/or used or second-hand beekeeping equipment, as defined in Rule 1.19 or in Rule 8.0 of these regulations shall not be sold within the State of Louisiana or to destinations outside the State of Louisiana unless accompanied by a special permit issued by the State Entomologist. Any apiarist wishing to sell colonies of bees and/or used or second-hand beekeeping equipment may secure the required special permit by contacting the Baton Rouge or District Office(s) of the State Entomologist.

Rule 7.2 was amended to read as follows:

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 it has been determined that the American Foulbrood infection has been destroyed. If an apiary or yard of bees has four percent or less American Foulbrood infestation, as noted below, the infected colony(ies) shall be burned immediately and no quarantine imposed; however, a second inspection shall be made within 21-30 days to insure control of the disease. Where a second inspection is required, colonies shall not be moved except by special permission of the State Entomologist.

Colonies in apiary or yard	AFB Infected Colony
1-25	1
26-50	2
51-75	3
75 or more	4

If over four percent of the colonies, but not more than four colonies, in an apiary or yard are found to be infested with American Foulbrood, the colonies shall be burned immediately and the apiary or yard shall be placed under a 21-30 day quarantine, during which time no drugs will be allowed to be fed to the bees. If after 21-30 days an inspection shows that the apiary or yard is found free from American Foulbrood infestation, the quarantine shall be lifted. However, if American Foulbrood is again found, an additional 21-30 day quarantine period shall be enforced and infested colonies shall be burned immediately. An additional 60-day quarantine shall be enforced on any quarantined apiary or yard found to be treated with drugs to mask the infection.

Rule 9.1 was amended to read as follows:

All colonies of bees infested with American Foulbrood shall be destroyed by burning the frames, bees and combs in the presence of or by an inspector.

Rule 11.0 was subdivided into three Rules and amended to read as follows:

Rule 11.1 Restricted articles shipped or moved into Louisiana in violation of these regulations shall be destroyed in accordance with LSA 3:2301-2308.

Rule 11.2 Any person who violates any of the provisions of R.S. 3:2301-2308 or any provision of these Rules and Regulations shall be fined not less than \$10 nor more than \$100, or imprisoned for not less than ten days nor more than one month.

Rule 11.3 A penalty shall be assessed for each separate violation of the Law or these Rules and Regulations.

Bob Odom  
Commissioner

## **RULE**

### **Department of Agriculture Livestock Sanitary Board**

The State Department of Agriculture, Livestock Sanitary Board, in accordance with the authority contained in LSA 3:2095 and pursuant to Notices of Intent published on December 20, 1981, and January 20, 1982, adopted the following amendments to its Rules and Regulations at a public hearing on February 4, 1982:

Subsection (2) of Paragraph 2 of Regulation 1 was amended to read as follows:

All intact male and female calves over 12 months of age moving into the State of Louisiana from Class B and Class C states must have a permit for entry prior to coming into Louisiana. These test eligible cattle must be quarantined and retested 45 to 120 days after movement into Louisiana.

The following are exempt from this requirement:

A) Individually identified, officially calf vaccinated females under 20 months of age for dairy breeds and under 24 months of age for beef breeds which are not preparturient (springers) or postparturient, and the herd of origin is not known to be infected with brucellosis.

B) Individually identified cattle originating from a certified brucellosis free herd or certified Brucellosis Free Area and moving directly to a Louisiana farm. The certified herd number must be recorded on the health certificate.

C) Cattle accompanied by a waybill to a recognized slaughter establishment for immediate slaughter only or to an approved livestock auction market for sale for immediate slaughter, for sale to quarantined feedlots, or for sale to a Louisiana farm where they would be quarantined and retested within 45 to 120 days.

D) Steers and spayed heifers.

Subsection (3) of Paragraph 2 of Regulation 1 was amended to read as follows:

(3) Bulls under 12 months of age are eligible to move into Louisiana without brucellosis restrictions provided the herd of origin is not known to be infected with brucellosis.

Subsection E of Section 9 of Regulation 3 was amended to read as follows:

Auction operators will be in violation of Livestock Sanitary Board regulations if livestock that is to be sold for immediate slaughter is sold to anyone other than authorized buyers.

Subparagraph (a) under "Exceptions" in Subsection A of Section 13 of Regulation 3 was amended to read as follows:

Horses consigned and/or sold for immediate slaughter shall be sold to authorized buyers only. Such animals shall be branded with the letter "S" on the left shoulder prior to leaving the auction market and shall be accompanied by VS 1-27 to an approved slaughtering establishment.

A new Section 5 of Regulation 28, reading as follows, was adopted:

Section 5 - Buyers Authorized to Handle EIA Positive and "S" Branded Horses

1. Definitions

A. "Authorized buyer" means (a) an employee of an USDA approved slaughtering establishment who buys horses that move from the auction market directly to the slaughtering establishment with no period of time spent in a holding area of any kind; or (b) a buyer who has a permit issued by the Livestock Sanitary Board to operate a quarantine holding area for EIA positive and "S" branded horses.

B. "Buyer" means any individual, partnership, corporation, or association which handles EIA positive and/or "S" branded horses.

C. "Permit" means a document issued by the Livestock Sanitary Board on an annual basis authorizing a buyer to handle EIA positive and/or "S" branded horses in a quarantine holding area.

D. "Quarantine holding area" means an area where EIA positive and/or "S" branded horses are kept and where such horses are separated by at least 440 yards from all other horses.

2. Requirements for Permit for Operation of Quarantine Holding Area

A. Any buyer desiring to operate a quarantine holding area must file an application for approval of the facility on forms to be provided by the Livestock Sanitary Board.

B. The facility to be operated as a quarantined holding area must meet the requirements of the definition in Section 5.1.D above.

C. The facility must be approved by the Livestock Sanitary Board in an inspection of the premises prior to the issuance of the permit.

D. The buyer desiring to operate a quarantine holding area must agree in writing to comply with the Rules and Regulations of the Livestock Sanitary Board and to permit inspection of the premises at any reasonable time by the Board.

E. No other horses except horses consigned for slaughter may be kept in a quarantine holding area.

F. No horses can be kept in the quarantine holding area for longer than 60 days.

G. All permits must be renewed annually.

Bob Odom  
Commissioner

## **RULE**

### **Department of Commerce Office of Financial Institutions**

Under authority granted by LRS 6:902B, the Commissioner of Financial Institutions has adopted the following rule for the purpose of providing a means by which state chartered savings and loan associations may have authority consistent with that granted Federal associations by an opinion of the General Counsel Federal Home Loan Bank Board, subject Cashier's Checks Authority, dated July 29, 1981.

## **RULE**

State chartered Savings and Loan Associations may offer "Cashier's Checks", to aid in effecting withdrawals and for other purposes associated with the institution's normal business.

Hunter O. Wagner, Jr.  
Commissioner of Financial Institutions

## **RULE**

### **Department of Commerce Office of Financial Institutions**

Under authority granted by R.S. 6:902B, the Commissioner of Financial Institutions has adopted the following rule for the purpose of providing a means by which state chartered savings and loan associations may have authority consistent with that granted federal associations by Federal Home Loan Bank Insurance Regulation 563.9-3, published in the Federal Register, Volume 45, Page 76103, on November 18, 1980.

## **RULE**

Notwithstanding the limitations outlined in LRS 6:822B(1), state chartered savings and loan associations may lend to one borrower a maximum of 10 percent of such institution's withdrawable accounts or an amount equal to such institution's net worth, whichever is less; or an amount not exceeding \$200,000, and beginning on January 1, 1982, and annually thereafter, such amount adjusted by the dollar amount that reflects the percentage increase, if any, in the Consumer Price Index during the previous 12 months as shown in the November to November index.

For the information and guidance of state chartered savings and loan associations, Insurance Regulation 563.9-3 is outlined below.

#### **§563.9-3 Loans to one borrower.**

(a) Definition of terms. For the purpose of this section the term "one borrower" means (1) any person or entity that is, or that upon the making of a loan will become, obligor on a loan, (2) nominees of such obligor, (3) all persons, trusts, partnerships, syndicates, and corporations of which such obligor is a nominee or a beneficiary, partner, member, or record or beneficial stockholder owning 10 percent or more of the capital stock, and (4) if such obligor is a trust, partnership, syndicate, or corporation, all trusts, partnerships, syndicates, and corporations of which any beneficiary, partner, member, or record or beneficial stockholder owning 10 percent or more of the capital stock, is also a beneficiary, partner, member, or record or beneficial stockholder owning 10 percent or more of the capital stock of such obligor; and the term "total balances of all outstanding loans" means the original amounts loaned by an insured institution plus any additional advances and interest due and unpaid, less repayments and participating interests and exclusive of any loan on the security of such institutions savings accounts or real estate the title to which has been conveyed to a bona fide purchaser of such real estate.

(b) Limitations. No insured institution shall have outstanding any loan to one borrower, as defined in paragraph (a) of this section, if the sum of (1) the amount of such loan and (2) the total balances of all outstanding loans owed to such institution and its service corporation affiliates by such borrower exceed an amount equal to 10 percent of such institution's withdrawable accounts or an amount equal to such institution's net worth whichever amount is less: Provided, that, notwithstanding any other limitation of this sentence, any such loan may be made if the loan is secured by a lien on low-rent housing, or if the sum of sub-paragraphs (1) and (2) of this paragraph (b) does not exceed \$200,000.00 and, beginning on January 1, 1982, and annually thereafter, such amount adjusted by the dollar amount that reflects the percentage increase, if any, in the Consumer Price Index during the previous 12 months as shown in the November-to-November index.

(c) Determination by institution; maintenance of records. If an insured institution or service corporation affiliate thereof makes a loan to any one borrower, as defined in paragraph (a) of this section, in an amount which, when added to the total balances of all outstanding loans owed to such institution and its service corporation affiliates by such borrower, exceeds \$250,000 or 2 percent of the net worth of such institution, whichever is greater, but in all cases where such outstanding loans exceed 1,000,000, the records of such institution or its service corporation affiliate with respect to such loan shall include documentation showing that such loan was made within the limitations of paragraph (b) of this section; for the purpose of such documentation such institution or service corporation affiliate may require, and may accept in good faith, a certification by the borrower identifying the persons, entities, and interests described in the definition of one borrower in paragraph (a) of this section.

Hunter O. Wagner, Jr.  
Commissioner of Financial Institutions

## **RULE**

### **Department of Commerce Office of Financial Institutions**

Under authority granted by R.S. 6:902B, the Commissioner of Financial Institutions has adopted the following rule for the purpose of providing a means by which state chartered savings and loan associations may have authority consistent with that granted Federal associations by Federal Home Loan Bank Board Rules and Regulations 563.9(a) and 563.9(b) revised November 17, 1980 and Bank Regulation 80-700 dated November 10, 1980, published in the Federal Register, Volume 45, page 76095 on November 18, 1980.

## **RULE**

Notwithstanding any limitations set forth by LRS 6:701(13); LRS 6:731 H (2)(a) or LRS 6:831, state chartered savings and loan associations are hereby authorized to deal in loans originated from sources other than savings and loan associations or other federally insured or federally guaranteed institutions and participate in nationwide lending as outlined in Federal Home Loan Bank Board Regulation 563.9, which was published in Volume 45, page 76095, of the Federal Register dated November 18, 1980.

For the information and guidance of state chartered associations, the Federal Home Loan Bank Board Regulation, as amended, is outlined below.

## 563.9 NATIONWIDE LENDING

(a) An insured institution may invest in, sell, purchase, participate or otherwise deal in loans or interests therein on security property located outside its normal lending territory but within the United States or its territories and possessions.

(b) An institution investing in a nationwide loan shall obtain a signed report of appraisal of the real estate security for the loan, prepared by an appraiser having no interest, direct or indirect, in that security or in any loan on that security and whose compensation is not affected by the approval or declining of the loan.

Hunter O. Wagner, Jr.  
Commissioner of Financial Institutions

### RULE

#### Department of Commerce Office of Financial Institutions

Under authority granted by LRS 6:902B, the Commissioner of Financial Institutions has adopted the following rule for the purpose of providing a means by which State Chartered Savings and Loan Associations may have authority consistent with that granted Federal associations by Federal Home Loan Bank Regulations 545.4-2, which was published in Volume 46, page 24531, of the Federal Register dated May 1, 1981, and an amendment thereto published in Volume 46, page 41763, of the Federal Register dated August 18, 1981.

### RULE

Notwithstanding any limitations imposed by Chapter 9, Title 6, Louisiana Revised Statutes, state chartered savings and loan associations are hereby authorized to establish or use RSUs and participate with others in RSU operations, on an unrestricted geographic basis as authorized by Federal Home Loan Bank Regulation 545.4-2. For the information and guidance of state chartered associations, the Federal Home Loan Bank Board Regulations is outlined below. The words "Commissioner" and "State Chartered Associations" are substituted for the words "Board" and "Federal Associations" wherever used in the Federal regulation.

#### 545.4-2 - Remote Service Units (RSUs)

(a) Applicability of Regulation E. Transactions made under this Section are subject to the Electronic Fund Transfer Act (15 U.S.C. §1693 et seq.) and Regulation E of the Federal Reserve Board (12 CFR §205.2).

(b) Definitions. As used in this section - (1) "Commissioner" means the Commissioner of Financial Institutions, State of Louisiana.

(2) "Generic data" means statistical information which does not identify any individual accountholder.

(3) "Personal security identifier" (PSI) means any word, number, or other security identifier essential for an accountholder to gain access to an account.

(4) "Remote service unit" (RSU) means an information processing device, including associated equipment, structures and systems, by which information relating to financial services rendered to the public is stored and transmitted, instantaneously or otherwise, to a financial institution. Any such device not on the premises of a state chartered association that, for activation and

account access, requires use of a machine-readable instrument and PSI in the possession and control of an accountholder, is an RSU. The term includes, without limitation, point of sale terminals, merchant-operated terminals, cash-dispensing machines, and automated teller machines. It excludes automated teller machines on the premises of a state chartered association, unless shared with other financial institutions. An RSU is not a branch, satellite, or other type of facility or agency of a state chartered association under §545.14 et seq. of this Part.

(5) "RSU account" means a savings or loan account that may be accessed through use of an RSU.

(6) "State Chartered Association" means a savings and loan or homestead association chartered under the laws of the State of Louisiana.

(c) General. A state chartered association may establish or use RSUs and participate with others in RSU operations, on an unrestricted geographic basis. No RSU may be used to open a savings account or establish a loan account.

(d) RSU access techniques. A state chartered association shall provide a PSI to each accountholder and require its use when accessing an RSU; it may not employ RSU access techniques that require the accountholder to disclose a PSI to another person. The association must inform each accountholder that the PSI is for security purposes and shall not be disclosed to third parties. Any device used to activate an RSU shall bear the words "Not Transferable" or their equivalent. A passbook may not be such a device.

(e) Service charges. A state chartered association may impose service charges for RSU financial services.

(f) Privacy of account data. A state chartered association shall allow accountholders to obtain any information concerning their RSU accounts. Except for generic data or data necessary to identify a transaction, no state chartered association may disclose account data to third parties, other than the Commissioner or his representatives, unless express written consent of the accountholder is given, or applicable law requires. Information disclosed to the Commissioner will be kept in a manner to ensure compliance with the Privacy Act, 5 V.C. §522(a). A state chartered association may operate an RSU according to an agreement with a third party or share computer systems, communications facilities, or services of another financial institution only if such third party or institution agrees to abide by this Section as to information concerning RSU accounts in the state chartered association.

(g) Bonding. A state chartered association shall take all steps necessary to protect its interest in financial services processed at each RSU, including obtaining available fidelity, forgery, and other appropriate insurance.

(h) Security. A state chartered association shall protect electronic data against fraudulent alterations or disclosure. All RSUs shall meet the minimum security devices requirements of Part 563a of this Chapter as though such units were offices as defined in §563a.1 of said Part, except to the extent that an association satisfies the Commissioner that those requirements are inappropriate. In such a case, alternative measures satisfactory to the Commissioner must be taken for installation, maintenance and operation of security devices and procedures, reasonable in cost, to discourage robberies, burglaries, larcenies, and computer theft and to assist in identification and apprehension of persons who commit such acts.

(i) Commissioner. A state chartered association may share an RSU controlled by an institution not subject to examination by a regulatory agency only if such institution has agreed in writing that the RSU is subject to such examination by the Commissioner as it deems necessary.

Hunter O. Wagner, Jr.  
Commissioner of Financial Institutions.

## **RULE**

### **Department of Commerce Racing Commission**

The Louisiana State Racing Commission, at its meeting held January 22, 1982 formally adopted the following rule:  
LAC 11-6:45.1

45.1 In claiming races any horse is subject to being claimed for its entered price by any racing interest recognized by the Commission, by any licensed horse owner, or his authorized agent, but only for the account of the person making the claim, or for whom the claim was made by the agent (provided; however, that no person shall claim his own horse or a horse in which he has an interest or cause his horse to be claimed directly or indirectly for his own account.)

J. Melton Garrett  
Chairman

## **RULE**

### **Department of Commerce Racing Commission**

The Louisiana State Racing Commission, at its meeting held January 22, 1982 formally adopted the following rule:  
LAC 11-6:14.17

“Mutual and miscellaneous employees of an Association shall be licensed, but shall not be assessed any fees or other charges for the license. (A miscellaneous employee is defined as a person employed at a race track by a concessionaire and/or a person who is a member of a bona fide trade and/or labor union who is employed at a race track by a Racing Association.) All other persons who work at a race track in any capacity not specifically provided for in RS 4:169 (a) shall be licensed and charged an occupational fee of \$2.00.

J. Melton Garrett  
Chairman

## **RULE**

### **Department of Commerce Racing Commission**

The Louisiana State Racing Commission, at its meeting held January 22, 1982 formally adopted the following rule:  
LAC 11-6:20.24

20.24 Riders will not be permitted to use whips on two-year olds prior to March 15.

J. Melton Garrett  
Chairman

## **RULES**

### **Board of Elementary and Secondary Education**

Rule 3.01.08

The Board approved for final adoption, Curriculum Standards mandated by Act 750 (R.S., 1979) as presented by the Department.

Rule 3.01.08(a)

The Board approved for final adoption, Minimum Standards for Mathematics, Reading and Writing.

Rule 3.01.51.dd

The Board adopted an amendment to Bulletin 741, Page 36, Early College Admissions Policy to add: “Applies only to high school students attending college full time” for clarification purposes.

Rule 7.02.04(1)

The Board adopted Revisions to Bulletin 1508, *Pupil Appraisal Handbook*, Pages 36, 37, 75 and 48.

James V. Soileau  
Executive Director

## **RULES**

### **Office of the Governor Commission on Law Enforcement and Administration of Criminal Justice State Grant-In-Aid Program Program Restrictions**

1. All grants must be approved by the Louisiana Commission on Law Enforcement (LCLE).
2. No traffic-related grants will be eligible.
3. Local criminal justice agencies are the only eligible grantees (including private non-profit agencies involved in juvenile delinquency prevention or other specific crime problems). State agencies are ineligible for participation.
4. All projects shall be eligible for a maximum of one year funding.
5. Indirect costs are ineligible expenditures.
6. No state grant-in-aid funds may be used for project evaluations or for Regional Planning Units administrative expenses.
7. There is a general restriction prohibiting the funding of the following items:
  - a) All mobile vehicles (automobiles, vans, airplanes, boats, etc.), gasoline, tires, automobile repair and maintenance, insurance, uniforms, leather accessories, maintenance of equipment and uniforms, firearms and ammunition. (Ammunition for training purposes will be considered on a case-by-case basis.)
  - b) No automobile accessories will be allowed except radio equipment.
8. Renovation will be limited to a maximum of \$25,000 in grant funds.
9. Private non-profit agencies will be required to have a current surety bond equal to the amount of the grant.
10. Personnel costs (salary, fringe, etc.) may be eligible for funding under new grants.
11. Consultants and contracts will be limited to research/development and training programs. Consultants may not be used to perform services ordinarily accomplished by existing personnel.
12. Consultant fees will be limited to a maximum of \$25 per hour. Travel time may not be counted in computation. Travel expenses will be based on State Travel Regulations.
13. Consultant services which are available as no-cost technical assistance will not be eligible for funding.
14. All State Grant-In-Aid juvenile projects must be reviewed first by the JJDP Advisory Board prior to review by the Louisiana Commission on Law Enforcement. All courts projects must be reviewed by the Judicial Planning Committee prior to review by the LCLE.
15. Applications received at the Louisiana Commission on Law Enforcement on or before the fifteenth of the month shall be presented to the Commission at the meeting in the following month.

16. Funding for equipment grants will be made on the basis of a purchase order or invoice submitted by the grantee.

17. Payment for training (including advanced and in-service) shall be a on-reimbursement basis subject to State Travel Regulations. All other subgrants shall be made on a quarterly draw-down basis.

18. Use of confidential funds are subject to rules and regulations established by the Louisiana Commission on Law Enforcement.

19. All funds unawarded by March 1 shall be reviewed by the Louisiana Commission on Law Enforcement for redistribution at the following Commission meeting.

20. All unspent funds, as reported on the March 31 fiscal report, shall be reviewed at the following Commission meeting for deobligation and redistribution.

21. State reimbursement for basic training tuition shall not exceed \$400 per person certified by POST. (Requires successful completion) Reimbursement shall be limited to tuition cost only. (No travel, lodging and meals.)

22. No university (or any certified academy) receiving direct state appropriations for law enforcement training shall be eligible for training funds under this program.

23. Basic training and travel policies may be adopted by local councils (subject to LCLE approval and state travel regulations) and be an eligible reimburseable expense out of Local Block Training.

24. Any subgrant to a single agency in excess of \$3,000 made from regional block training funds, excluding basic training, must be approved by the Louisiana Commission on Law Enforcement.

25. No agency on official notice by the Louisiana POST Council of non-compliance with state basic training mandates shall be eligible for participation in the State Grant-In-Aid Program except basic training reimbursement.

26. To be eligible for participation in the State GIA program, local criminal justice agencies will be required to comply with requests for information mandated by the Louisiana Commission on Law Enforcement.

#### 27. APPEALS PROCEDURE:

When an application for funding is rejected by the Commission, or when an approved subgrant is discontinued, the applicant or subgrantees may appeal the decision of the Commission by filing a notice of appeal with the Louisiana Commission on Law Enforcement at the recognized business address, (1885 Wooddale Boulevard, Room 610, Baton Rouge, Louisiana, 70806). The notice of appeal must be by certified mail and must be filed no later than 15 business days after receipt of the notice of denial by the applicant or subgrantee.

Upon receipt of the notice of appeal by the Louisiana Commission on Law Enforcement, the Executive Director will notify the Commission that an appeal hearing will be held on the date of the next regularly scheduled Commission meeting. The Priorities Committee will hear the appeal and make recommendations to the Commission. The Executive Director shall designate the time and place of the meeting, and a copy of the notice shall be sent to the applicant or subgrantee.

On the date of the next regularly scheduled Commission meeting, the Priorities Committee shall meet and hear evidence by the applicant or subgrantee relative to reasons the appeal should be granted. The applicant or subgrantee may present as many witnesses as may be necessary to support his appeal, except that the Committee Chairman may limit the number or time allotted to the witnesses where necessary. The secretary to the Commission shall take minutes of the appeal hearing and the entire hearing shall be recorded. The Committee may also request other evidence relating to the application or project.

At the conclusion of the hearing, the Committee shall present its findings and make recommendations to the Commission.

A vote shall then be taken on the appeal.

In the event the appeal is denied, the applicant or subgrantee may, within 15 days of the date of denial, file with the Office of the Governor and the Louisiana Commission on Law Enforcement, a notice of appeal to the Governor. The notice of appeal must be by certified mail.

Upon receipt of the notice of appeal to the Governor, the Louisiana Commission on Law Enforcement shall have 15 days to provide the applicant or subgrantee and the Governor with the minutes of the appeal hearing and a copy of the vote of the Commission. The recorded tapes shall also be made available to the Governor at his request.

The results of the appeal to the Governor shall be communicated to the Louisiana Commission on Law Enforcement within 20 days.

Nothing herein shall preclude the resubmission of an application through the use of regular Louisiana Commission on Law Enforcement procedures.

Elmer B. Litchfield  
Executive Director

## RULE

### Department of Health and Human Resources Board of Examiners For Nursing Home Administrators

The State Board of Examiners for Nursing Home Administrators has adopted the following changes to its Rules and Regulations.

1. Rule 12, paragraph 2 amended to read:

“Prospective preceptors shall apply on forms supplied by the Board for approval of the Board prior to beginning any A.I.T. Program. Preceptors shall be approved by the Board when it is verified that they meet requirements for preceptor.”

2. Rule 17, paragraph B amended to read:

“A copy of the certificate(s) of attendance for 15 hours of approved Continuing Education is to be attached to the annual Re-registration application.”

3. Rule 14, paragraph A amended to read:

2. “collectively contain a minimum of 15 clock hours with the recommendation that no more than five hours be offered daily.”

4. Rule 12, paragraph 5 amended to read:

“This provision, or portions thereof, may be waived if the applicant has earned at least a baccalaureate degree in health care administration or has work experience in the health field that meets or exceeds AIT requirements in his or her specialty and/or other areas as approved by the Board. Request for Waiver(s) must be submitted with the application (B.E. 2) for approval of the Board.”

Winborn E. Davis  
Executive Secretary

## RULES

### Department of Health and Human Resources Office of Licensing and Regulation Board of Nursing

R.N. 2.05 (3)

When the Board has determined that a program in Nursing Education is not meeting the Legal Standards and Requirements, the Board, after an evaluation or hearing, shall provide the nursing program with a written notice of a specific deficiency, or deficiencies, and place the program on conditional approval for a period of one year. A program has the right, at any time, to present evidence to the Board that the deficiency, or deficiencies has/have been corrected, and may petition the Board to restore full approval status to the Nursing Education Program.

At the end of one year, from the date on which the program was placed on conditional approval, the program shall submit to the Board, a written report with a specific plan of action for removing the specified deficiency or deficiencies. If the program presents sufficient evidence that the deficiency, or deficiencies, has/have been corrected, the Board may restore full approval status. If a program presents substantive evidence that action is being taken to correct the specified deficiencies, the Board may, after an evaluation and hearing, continue the conditional approval status for another year. At the end of the second year, the program shall submit to the Board, a second written report of the progress made in correcting the deficiency, or deficiencies.

At the end of three consecutive years of being on conditional approval, if after a hearing, it is determined that the program has not corrected the deficiency or deficiencies, the Board shall remove the program from the list of state approved schools.

Merlyn M. Maillian, R.N.  
Executive Director

## RULES

### Department of Health and Human Resources Board of Practical Nurse Examiners

The Louisiana State Board of Practical Nurse Examiners at its meeting on January 29, 1982 adopted the following amendments to the *Administrative Rules and Minimum Requirements Relating to Practical Nursing Education and Licensure to Practice in the State of Louisiana*.

#### Section IV

#### Program Projection

#### 6. Curriculum Requirements

6-1 Development - The curriculum shall be developed and written by the nursing faculty and shall include the philosophy and objectives of the program and shall be approved by the Louisiana State Board of Practical Nurse Examiners.

6-2 Length of Program - A program shall be no less than 1500 hours of scheduled instruction with at least 700 hours being classroom instruction. Theory and clinical experience should be concurrent, if possible, progressing from the simple to the complex.

a. Program instruction and clinical experience shall be no less than 12 months.

b. Part time program instruction and clinical experience shall be no longer than two years.

6-3 The Curriculum shall include:

a. Body Structure and Function providing the student with a foundation for understanding basic anatomy and the normal functions of the human body and deviations from normal.

b. Introduction to Microbiology presenting a basic understanding of microbes necessary in carrying out nursing procedures and in helping to prevent illness and/or its transfer to others.

c. Vocational Adjustments including concepts of self adjustment, personality development, ethical, legal and social relationships with patients, families, employers and co-workers, communication skills, responsibilities of the practical nurse and general information on nursing and nursing organizations.

d. Personal, Family and Community Health presenting concepts of health and its maintenance, human development throughout the life cycle, development, spread and control of disease, and local, state and national health resources.

e. Nutrition in Health and Illness describing concepts of proper nutrition of all age groups and diet modifications for therapeutic purposes.

f. Introduction to Pharmacology presenting concepts relating to action, dosage, side effects and administration of medications.

g. Principles and Practices of Nursing presenting the application of concepts which will provide basic principles of nursing care and correlated experiences to develop competency in Medical-Surgical Nursing, Geriatric Nursing, Maternal-Child Nursing and Mental Health Nursing.

h. Career Readiness presenting information relating to interviews, completing application forms, writing resumes, requesting license endorsement in another state, job seeking, career opportunities, continuing education availability and review for the practical nurse licensure examination.

Helen W. Sheehan, R.N.  
Executive Director

## RULE

### Department of Health and Human Resources Board of Veterinary Medicine

At a public meeting held in Alexandria, Louisiana on February 5, 1982, and following a hearing on January 7, 1982, at which public comment was received, the Louisiana Board of Veterinary Medicine adopted the following Rules in accordance to law:

#### ANNUAL MEETING - [R.S. 37:1515 (E)]

The annual meeting of the Louisiana Board of Veterinary Medicine shall be on the fourth Friday in May of each year, at a time and place to be announced by posting public notice of the time and place of said meeting 24 hours in advance of such meeting at the permanent office of the Louisiana Board of Veterinary Medicine at 1986 Beaumont Drive, Baton Rouge, Louisiana.

Additional meetings of the Board may be called by the President or any three members of the Board and may be announced by posting notice of the date, time and place of such meeting, at least 24 hours in advance thereof, at the permanent office of the Board located at 1986 Beaumont Drive, Baton Rouge, Louisiana.

#### FEES [R.S. 37:1518 (3)]

The Board hereby adopts and establishes the following fees:

(a) Examination fee, per examination, State or National	\$100
(b) Original Registration Fee	\$ 25
(c) Annual Renewal of License Fee	\$ 50

## APPLICATIONS FOR LICENSE - [R.S. 37:1520 (A)]

### Subsection A

The application for licensure to practice veterinary medicine in the State of Louisiana shall be written, signed by the applicant, and shall contain the information set forth in R.S. 37:1520 (A).

In addition to the above requirements, the Board may also require that any applicant furnish the following information:

1. A current photograph of the applicant;
  2. A transcript of the applicant's veterinary school records;
  3. A copy of the applicant's diploma from an accredited veterinary medical school;
  4. A certificate by the applicant that the applicant has not been arrested or indicted for or been convicted, pled guilty or pled nolo contendere to either a felony or misdemeanor, other than minor traffic violations, and, in the event that the applicant is unable to so certify, may require the applicant to explain in full and/or provide further documentation;
  5. A certificate that the applicant has never had his or her license to practice veterinary medicine revoked, suspended or denied, and, in the event that the applicant is unable to so certify, the Board may request or require full explanation and/or documentation concerning such revocation, suspension or denial;
  6. A list of the veterinary licenses which the applicant currently holds;
  7. The score on any previous National Examinations or State Examinations (whether Louisiana State Examinations or State Examinations from other States) previously taken by the applicant;
  8. A list of licensed veterinarians for reference and/or letters of recommendations from licensed veterinarians, furnished for the purpose of determining the applicant's professional capabilities and ethical standards;
  9. A certificate that the applicant has received and read the Louisiana Veterinary Practice Law and the rules and regulations promulgated by the Board.
- The Board may require such application to be sworn to by the applicant, notarized, or attested to by the applicant under penalty of perjury.
- The Board may reject any application which does not contain full and complete answers and/or information as requested, and may reject any application if any of the information furnished in the application is fabricated, false, misleading or incorrect.

### LICENSES WITHOUT EXAMINATION

[R.S. 37:1522]

The Board shall not issue licenses without examination under any circumstances.

### TEMPORARY PERMITS

[R.S. 37:1523]

The Board shall not issue temporary permits under any circumstances.

### APPEALS AND REVIEW

[R.S. 49:951 (2)]

### Subsection A

Any applicant desiring to review his or her National Examination and/or the master answer sheet and/or the examination questions shall make arrangements with the National Board of Veterinary Medical Examiners and/or any person, firm, corporation or entity charged with the preparation, grading and/or administration of the National Examination by the National Board of Veterinary Medical Examiners for such review. The Louisiana Board of Veterinary Medicine shall not conduct reviews of the questions contained on the National Examination, the answers to

the questions contained on the National Examination, or any applicant's score on the National Examination.

### Subsection B

Any person aggrieved by a decision of the Board, other than a licensee against whom disciplinary proceedings have been brought pursuant to R.S. 37:1526, may, within 30 days of notification of the Board's action or decision, petition the Board for a review of the Board's actions.

Such petition shall be in the form of a letter, signed by the person aggrieved, and mailed to the Board at its principal office located at 1986 Beaumont Drive, Baton Rouge, Louisiana 70806.

Upon receipt of such petition, the Board then may proceed to take such action as it deems expedient or hold such hearings as may be necessary, and may review such testimony and/or documents and/or records as it deems necessary to dispose of the matter, but the Board shall not, in any event, be required to conduct any hearings or investigations, or consider any offerings, testimony or evidence unless so required by Statute or other rules or regulations of the Board.

### Subsection C

Any licensee against whom disciplinary proceedings have been instituted and against whom disciplinary action has been taken by the Board pursuant to R.S. 37:1526 shall have rights of review and/or rehearing and/or appeal in accordance with the terms and provisions of the Administrative Procedure Act.

### INFORMATION, AGENCY OFFICE, REQUEST FOR RULES OR ACTION

[R.S. 49:951 (1)]

### Subsection A

The Board shall maintain its principal office at 1986 Beaumont Drive in Baton Rouge, Louisiana, where the records of the Board shall be maintained for public inspection by any interested parties during regular office hours.

### Subsection B

Persons requesting information concerning Board activities, or wishing to request adoption, amendment or repeal of rules, or seeking to institute disciplinary proceedings, or having other business of whatever kind or character before the Board may do so at the principal office of the Board, in writing, or in person.

### Subsection C

Notices of Board meetings, proposed rules, and all other information concerning the activities, functions and actions of the Board shall be available for public inspection at the principal office of the Board.

A.R. Allbritton, D.V.M.

Secretary-Treasurer

## RULE

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

The Department of Health and Human Resources, Office of Family Security and Office of Human Development, has adopted a rule to implement Cuban/Haitian entrants Program. The Notice of Intent proposing this rule was published March 20, 1981. This program, provided for by P.L. 96-442, covers the Cuban and Haitian immigrants who began arriving in the United States in the Spring of 1980 and who were given the special "entrants" status. These immigrants, due to their "entrants" status, are not eligible under the currently funded Refugee Resettlement Program.

Within the limits of available appropriations the Department of Health and Human Services through the Office of Refugee Resettlement will provide special Federal funding to states for 100 percent of the costs of cash and medical assistance and related administrative costs for Cuban/Haitian Entrants. Cash assistance through this program is based on AFDC and GA grant standards and is limited to 36 months. The Office of Family Security will administer the Cash and Medical Assistance Program. Funds are available to provide services for unaccompanied minors and an appropriation has been made for social services and the related administrative costs. These services will be administered by the Office of Human Development.

George A. Fischer  
Secretary

#### **RULE**

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

The Department of Health and Human Resources, Office of Family Security, has deleted from the Title XIX Medical Assistance Program effective October 30, 1981, the following list of drugs. Identical products made by manufacturers not shown on the list are also excluded from payment.

DESI DRUG PRODUCTS AND KNOWN RELATED DRUG PRODUCTS THAT LACK SUBSTANTIAL  
EVIDENCE OF EFFECTIVENESS AND ARE SUBJECT TO A NOTICE OF OPPORTUNITY FOR HEARING  
SEPTEMBER 25, 1981

<u>Trade Name</u>	<u>Active Ingredient</u>	<u>Dosage Form/Route</u>	<u>Firm</u>	<u>Remarks</u>
Adrenosem Salicylate	Carbazochrome Salicylate	Tab/Oral Sol/IM	Beecham Labs	
Alevaire	Tyloxapol	Sol/Inh	Breon Winthrop	
Amesec	Aminophylline Amobarbital Ephedrine Hydrochloride	ECT/Oral Cap/Oral	Lilly	
Aminophylline & Amytal	Aminophylline Amobarbital	Cap/Oral	Lilly	
Amphocortin	Calcium Amphomycin Hydrocortisone Acetate Neomycin Sulfate	Crm/Top	Warner-Lambert Co./ Warner-Chilcott	
Ananase	Bromelains	ETC/Oral	Rorer	
Antora-B.T.D	Pentaerythritol Tetranitrate Secobarbital	Cap/Oral	Mayrand	
Aridia	Nylidrin Hydrochloride	Tab/Oral	USV	
Avasyme	Chymotrypsin	ECT/Oral	Wallace	
Azo Gantanol	Phenazopyridine Hydrochloride Sulfamethoxazole	Tab/Oral	Roche	
Bentyl/Phenobarbital	Dicyclomine Hydrochloride Phenobarbital	Cap/Oral Tab/Oral	Merrell Dow Pharmaceuticals	NOOH does not apply to syrup
Betadine Vaginal Gel	Povidone-Iodine	Gel/Vag	Purdue Frederick	
Brophed	Ephedrine Sulfate Hydroxyzine Hydrochloride Theophylline	Tab/Oral	Cord	
Butazolidin Alka	Aluminum Hydroxide Magnesium Trisilicate Phenylbutazone	Tab/Oral	Geigy	
Cantil w/Phenobarbital	Mepenzolate Bromide Phenobarbital	Tab/Oral	Merrell Dow Pharmaceuticals	
Caldecort	Calcium Undecylenate Hydrocortisone Acetate	Ont/Top	Pennwalt	
Caldecort	Calcium Undecylenate Hydrocortisone Acetate Neomycin Sulfate	Ont/Top	Pennwalt	
Carbital	Carbromal Sodium Pentobarbital	Cap/Oral Elx/Oral	Warner-Lambert Co./ Parke-Davis	
Cartrax	Hydroxyzine Hydrochloride Pentaerythritol Tetranitrate	Tab/Oral	Roerig	
Celestone w/ Neomycin	Betamethasone Neomycin Sulfate	Crm/Top	Schering	
Cetacaine	Benzocaine Tetracaine Hydrochloride	AER/Top Ont/Top Gel/Top Liq/Top	Cetylite	
Chymoral	Chymotrypsin Trypsin	ECT/Oral	Armour Pharm	
Combid	Isopropamide Iodide Prochlorperazine Maleate	SRC/Oral	SKF	
Car-Tar-Quin	Coal Tar Solution Dilodihydroxyquin Hydrocortisone	Crm/Top Lot/Top	Dome	
Cordran-N	Flurandrenolide Neomycin Sulfate	Ont/Top Crm/Top Lot/Top	Lilly	
Corovas	Pentaerythritol Tetranitrate Secobarbital	SRC/Oral	Amfre-Grant	

Trade Name	Active Ingredient	Dosage Form/Route	Firm	Remarks
Carisiprin	Gramicidin Hydrocortisone Neomycin Sulfate	Crm/Top	Burroughs-Wellcome	
Cortomycin	Hydrocortisone Neomycin Sulfate	Ont/Top	Bryant Pharmaceutical	
Cyclandelate	Cyclandelate	Tab/Oral	Cord Premo	
Cyclospasmol	Cyclandelate	Cap/Oral	Ives	
Dalite	Aminophylline Benzocaine Dried Aluminum Hydroxide Gel Ephedrine Hydrochloride Phenobarbital	Tab/Oral	Wallace	
Dalite-KI	Aminophylline Benzocaine Dried Aluminum Hydroxide Gel Ephedrine Hydrochloride Potassium Iodide Phenobarbital	Tab/Oral	Wallace	
Dartcon PB	Oxyphenycyclimine Hydrochloride Phenobarbital	Tab/Oral	Beckham Labs	
Daener	Deanol Acetamidobenzoate	Tab/Oral	Riker	
Depril	Benazepril Hydrochloride Meprobamate	Tab/Oral	Wallace	
Di-Ademil-K	Hydroflumethazide Potassium Chloride	Tab/Oral	Squibb	
Dibenzyline	Phenoxylbenzamine Hydrochloride	Cap/Oral	SKT	
Ditensan	Methylethylazide Crypsenamine Tannates	Tab/Oral	Wallace	
Donatal Extentabs	Atropine Sulfate Hyoscyamine Sulfate Phenobarbital	SR/Oral	Robins	NOOH applies only to controlled release product
Zquagesis	Aspirin Meprobamate Ethiopeazine Citrate	Tab/Oral	Wyeth	
Zquanitate	Meprobamate Pentazocine Tetranitrate	Tab/Oral	Wyeth	
Erythrocin	Erythromycin	Ont/Top	Abbott	
Erythromycin	Erythromycin	Ont/Top	Upjohn	
Piorinet	Fludrocortisone Acetate Gramicidin Neomycin Sulfate	Lot/Top	Squibb	
Hydrocortisone-Neomycin	Hydrocortisone Acetate Neomycin Sulfate	Crm/Top	Byk-Gulden	
Hydromet	Hydrocortisone Neomycin Sulfate	Lot/Top	Merk Sharp & Dohme	
Polycin No. 90	Erythromycin	Ont/Top	Lilly	
Iodochlorhydroquin w/ Hydrocortisone	Hydrocortisone Iodochlorhydroquin	Crm/Top	Byk-Gulden	
Isordil w/Phenobarbital	Isorbide Dinitrate Phenobarbital	Tab/Oral	Ives	
Isosuprine HCL	Isosuprine Hydrochloride	Tab/Oral	Cord Premo	
Librax	Chlordiazepoxide Hydrochloride Clidinium Bromide	Cap/Oral	Roche	

<u>Trade Name</u>	<u>Active Ingredient</u>	<u>Dosage Form/Route</u>	<u>Firm</u>	<u>Remarks</u>
Lufyllin-EPG	Dyphiline Ephedrine Hydrochloride Guafenesin Phenobarbital	Tab/Oral Elx/Oral	Wallace	
Luftodil	Ephedrine Hydrochloride Guafenesin Phenobarbital Theophylline	Tab/Oral	Wallace	
Kenalog-S	Gramicidin Neomycin Sulfate Triamcinolone Acetonide	Ont/Top Crm/Top Lot/Top	Squibb	
Marax	Theophylline Ephedrine Sulfate Hydroxyzine Hydrochloride	Tab/Oral Syr/Oral	Roerig	
Mepergan Fortis	Meperidine Hydrochloride Promethazine Hydrochloride	Cap/Oral	Wyeth	
Meti-Derm w/Neomycin	Neomycin Sulfate Prednisolone	Ont/Top Aer/Top	Schering	
Midrin	Acetaminophen Dichloralphenazone Isometheptane	Cap/Oral	Reed & Carnrick	
Migral	Caffeine Cyclizine Hydrochloride Ergotamine Tartrate	Tab/Oral	Burroughs Wellcome	
Milpath	Meprobamate Tridihexethyl Chloride	Tab/Oral	Wallace	
Miltrate	Meprobamate Pentaerythritol Tetranitrate	Tab/Oral	Wallace	
Myco Triacet	Gramicidin Neomycin Sulfate Nystatin Triamcinolone Acetonide	Ont/Top	Promo	
Myeolog	Gramicidin Neomycin Sulfate Nystatin Triamcinolone Acetonide	Ont/Top Crm/Top	Squibb	
Myconef	Fludrocortisone Acetate Gramicidin Neomycin Sulfate Nystatin	Ont/Top	Squibb	
Naturetin w/K	Bendroflumethiazide Potassium Chloride	Tab/Oral	Squibb	
Neo-Aristocort	Neomycin Sulfate Triamcinolone Acetonide	Crm/Top Ont/Top	Lederle	
Neo-Aristoderm	Neomycin Sulfate Triamcinolone Acetonide	Aer/Top	Lederle	
Neo-Cort-Dome	Hydrocortisone Neomycin Sulfate	Lot/Top Crm/Top	Dome	
Neo-Cortef	Hydrocortisone Acetate Neomycin Sulfate	Ont/Top Lot/Top Crm/Top	Upjohn	
Neo-Decadron	Dexamethasone Sodium Neomycin Sulfate	Crm/Top	Merck Sharp & Dohme	
Neo-Decaspray	Dexamethasone Neomycin Sulfate	Aer/Top	Merck Sharp & Dohme	
Neo-Delta-Cortef	Neomycin Sulfate Prednisolone Acetate	Ont/Top Lot/Top	Upjohn	
Neo-Diloderm	Dichlorisone Neomycin Sulfate	Crm/Top	Schering	
Neo-Domeform-HC	Hydrocortisone Iodochlorhydroxyquin Neomycin Sulfate	Crm/Top	Dome	

Trade Name	Active Ingredient	Dosage Form/Route	Firm	Remarks
Neo-Hydrasol	Neomycin Sulfate Prednisolone Sodium Phosphate	Lot/Top Ont/Top	Merck Sharp & Dohme	
Neo-Hytone	Hydrocortisone Neomycin Sulfate	Crm/Top	Dermik Labs	
Neo-Magnacort	Hydrocortisone Hydrocortisone Hydrochloride Neomycin Sulfate	Ont/Top	Pfizer	
Neo-Medrol Acetate	Methylprednisolone Acetate Neomycin Sulfate	Crm/Top	Upjohn	
Neo-Hytra-Cort	Hydrocortisone Neomycin Sulfate	Ont/Top	Dome	
Neo-Oxylone	Fluorometholone Neomycin Sulfate	Ont/Top	Upjohn	
Neo-Rasulin-F	Hydrocortisone Neomycin Sulfate Resorcinol Monoacetate Sulfur	Crm/Top	Schleifelin	
Neo-Synalar	Fluocinolone Acetonide Neomycin Sulfate	Crm/Top	Syntex	
Neo-Tarcorlin	Coal Tar Extract Hydrocortisone Neomycin Sulfate	Ont/Top	Reed & Carrick	
NeoDecadron	Dexamethasone Sodium Phosphate Neomycin Sulfate	Crm/Top	Merck Sharp & Dohme	
Neomycin Sulfate-Hydrocortisone Hydrochloride	Hydrocortisone Hydrochloride Neomycin Sulfate	Ont/Top	Timar Pharmaceutical	
Neomycin Sulfate-Hydrocortisone	Hydrocortisone Neomycin Sulfate	Ont/Top	Kasco-Ruco Labs Byk-Gluden Premo Doak Pharamcal Ferndale Labs Clay-Park Labs	
Neomycin Sulfate-Hydrocortisone Acetate	Hydrocortisone Acetate Neomycin Sulfate	Ont/Top	American Pharmaceutical Biosert Labs Amrix Labs	
Neosporin	Neomycin Sulfate Polymyxin B Sulfate	Lot/Top	Burroughs-Wallcome	
Neosporin-Q	Gramicidin Neomycin Sulfate Polymyxin B Sulfate	Crm/Top	Burroughs-Wallcome	
Neylin-HC	Hydrocortisone Neomycin Sulfate	Ont/Top	Schleichup Drug	
Nylidrin HCL	Nylidrin Hydrochloride Neomycin Sulfate	Tab/Oral	Cord	
Nytra-Cort	Hydrocortisone Nystatin	Lot/Top	Dome	
Nystalorm-HC	Hydrocortisone Iodochlorhydroxyquin Nystatin	Ont/Top Lot/Top	Dome	
Nystalin-Neomycin Sulfate-Gramicidin-Triamcinolone Acetonide	Gramicidin Neomycin Sulfate Nystatin Triamcinolone Acetonide	Crm/Top	Premo Byk-Gluden	
Nystalin-Neomycin Sulfate-Gramicidin-Triamcinolone Acetonide	Gramicidin Neomycin Sulfate Nystatin Triamcinolone Acetonide	Ont/Top	Byk-Gluden Clay-Park	
Onycho-Phytex	Alcohol Boric Acid Salicylic Acid Tannic Acid	Sol/Top	Unimed	
Orenzyme	Trypsin Chymotrypsin	ECT/Oral	Merrell Dow Pharmaceuticals	
Oxaline M	Aluminum Hydroxide Gel Magnesium Hydroxide Oxethazoline	Sus/Oral	Wyeth	

Trade Name Active Ingredient Dose Form/Route Firm Remarks

Papase Proteolytic Enzymes from Carica Papaya Chewable Tab/ Oral or Bucc Warner-Lambert Co./Parke-Davis Lederle  
 Pathamate Heparomate Tridihexethyl Chloride Tab/Oral Lederle  
 Pathlon Sequels Tridihexethyl Chloride SR/Oral Lederle  
 Pathlon does not apply to conventional dosage forms of Pathlon

Pathlon/Phenobarbital Phenobarbital Tridihexethyl Chloride SR/Oral Lederle  
 Parlate w/ Phenobarbital Phenobarbital Penterythritol Tetrantate SR/Oral Warner-Lambert Co./Parke-Davis

containing products Aminobutyl-PT Canelene Canelene-M D-Vasco Gevicol Halizol Metrazol Mivert Nalene Nalax Nico-Metrazol Nicozol Nicotic Panzol Forte Panalate PentyleneTetrazol PenyleneTetrazol & Niacin R-U-Vet Senlex Senilex Su-Ton Liquid Su-Zol Liquid T-Lex Tenaplex Treia Vasolin Verlab Vita-Metrazol Vital

Potaba Aminobenzoate Potassium Tab/Oral Cap/Oral Pwr/Oral Glenwood

Priscoline Tolazoline Hydrochloride Sol/TM-TV-SC Ciba

Pro-Banthine/Phenobarbital Phenobarbital Propanteline Bromide Tab/Oral Searle

Propazine Isopropamide Iodide Cap/Oral Cord

Propion Gel Propionate Calcium Propionate Sodium Gal/Vag Wyeth

Quadrinal Zephedrine Hydrochloride Tab/Oral Knoll

Quibron Plus Butabarbital Zephedrine Hydrochloride Cap/Oral Elx/Oral Mead Johnson

Racet Hydrocortisone Iodochlorhydroxyquin Crm/Top Lemmon Pharmacal

Rautrax Piumethazide Potassium Chloride Rawwolla Serpentina Tab/Oral Squibb

<u>Trade Name</u>	<u>Active Ingredient</u>	<u>Dosage Form/Route</u>	<u>Firm</u>	<u>Remarks</u>
Rautrax Improved	Hydroflumethiazide Potassium Chloride Rauwolfia Serpentina	Tab/Oral	Squibb	
Rautrax-N	Bendroflumethiazide Potassium Chloride Rauwolfia Serpentina	Tab/Oral	Squibb	
Rautrax-N Modified	Bendroflumethiazide Potassium Chloride Rauwolfia Serpentina	Tab/Oral	Squibb	
Roniacol	Nicotinyl Alcohol Tartrate	Tab/Oral SRT/Oral	Roche	
	Nicotinyl Alcohol	Elx/Oral		
Ruhexatal Pb	Mannitol Hexanitrate Phenobarbital	Tab/Oral	Lemmon	
Ruhexatal & Reserpine	Mannitol Hexanitrate Reserpine	Tab/Oral	Lemmon	
Sterazolidin	Dried Aluminum Hydroxide Gel Magnesium Trisilicate Phenybutazone Prednisone	Cap/Oral	Geigy	
Supertah H-C	Coal Tar Hydrocortisone	Ont/Top	Purdue Frederick	
Synaigos	Aspirin Caffeine Promethazine Hydrochloride	Cap/Oral	Ives	
Synaigos DC	Aspirin Caffeine Dihydrocodeine Bitartrate Promethazine Hydrochloride	Cap/Oral	Ives	
T.C.M.	Meprobamate Tridihexethylchloride	Tab/Oral	Zenith	
Terra-Cortril	Hydrocortisone Oxytetracycline Hydrochloride	Ont/Top	Pfizer	
Terra-Cortril	Hydrocortisone Oxytetracycline Hydrochloride Polymyxin B Sulfate	Aer/Top	Pfizer	
Tigan	Trimethobenzamide Hydrochloride	Cap/Oral Supp/Rectal	Beecham	NOOH does not apply to capsules in 200 mg or 400 mg strengths
Tri-Statia	Gramicidin Neomycin Sulfate Nystatin Triamcinolone Acetonide	Crm/Top	Clay-Park	
Trocinate	Thiphenamil Hydrochloride	Tab/Oral	Poythress	
Valpin PB	Anisotropine Methylbromide Phenobarbital	Tab/Oral	Endo	
Vasocon-A	Antazoline phosphate Naphazoline Hydrochloride	Sol/Oph	Cooper	
Vasodilan	Isosuprine Hydrochloride	Tab/Oral Sol/IM	Mead Johnson	
Vioform-Hydrocortisone	Hydrocortisone Iodochlorhydroxyquin	Crm/Top Ont/Top	Ciba	
Vytone	Dilodohydroxyquin Hydrocortisone	Crm/Top	Dermik Labs	

<u>Trade Name</u>	<u>Active Ingredient</u>	<u>Dosage Form/Route</u>	<u>Firm</u>	<u>Remarks</u>
Wyanoids HC	Belladonna Extract Bismuth Subcarbonate Bismuth Oxyiodide Boric Acid Ephedrine Sulfate Hydrocortisone Acetate Peruvian Balsam Zinc Oxide	Sup/Rtl	Wyeth	
Zactane	Ethoheptazine Citrate	Tab/Oral	Wyeth	
Zactirin	Aspirin Ethoheptazine Citrate	Tab/Oral	Wyeth	
Zactrin Compound 100	Aspirin Caffeine Ethoheptazine Phenacetin	Tab/Oral	Wyeth	
Za-Tar-Quin	Coal Tar Dilodihydroxyquin Hydrocortisone	Crm/Top	Dermik Labs	
Zetone	Coal Tar Hydrocortisone	Crm/Top	Dermik Labs	

**ABBREVIATIONS**

Dosage Forms

Aer	Aerosol
Cap	Capsule
Crm	Cream
Dps	Drops
ECT	Enteric coated tablets
Elx	Elixir
Liq	Liquid
Lot	Lotion
Ont	Ointment
Pwr	Powder
Pwr Recon	Powder for reconstitution
SRC	Sustained release capsule
SRT	Sustained release tablet
Sol	Solution
Sup	Suppositories
Sus	Suspension
Syr	Syrup
Tab	Tablet

Routes of Administration

Bucc	Buccal
IM	Intramuscular
IV	Intravenous
Inh	Inhalation
Oph	Ophthalmic
Rtl	Rectal
SC	Subcutaneous
Top	Topical
Vag	Vaginal

This action is necessary in order to comply with a Rule and general notice published in the Federal Register on October 1, 1981 (46 FR 48550) and October 23, 1981 (46 FR 51646) respectively. These regulations were to implement Section 2103 of the Omnibus Budget Reconciliation Act of 1981 (P.L. 97-35) which prohibits the use of federal funds, therefore discontinuing reimbursement, under Medicare Part B and Medicaid for expenses incurred on or after October 1, 1981, for the drugs identified in Section 2103. Although both the Rule and general notice cited above purport to grant a 90 day grace period extending to January 1, 1982, this grace period was declared invalid in a civil lawsuit entitled National Council of Senior Citizens v. Schweiker (civ. Action No. 81-2452) United States District Court for the District of Columbia. In that suit, the Department of Health and Human Services was ordered to implement Section 2103 of the Act effective October 30, 1981. The Department of Health and Human Resources received notice of this action via telegram on October 29, 1981.

George A. Fischer  
Secretary

#### **RULE**

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

Effective February 22, 1982, the Department of Health and Human Resources, Office of Family Security, as mandated by the Omnibus Reconciliation Act of 1981, P.L. 97-35, Sec. 101-117, will proceed to phase in retrospective budgeting and monthly reporting (RB/MR) requirements as to all Food Stamp Program recipients, except those described in paragraph B. Retrospective Budgeting/Monthly Reporting will be implemented in three phases as follows:

1) By October, 1982, approximately 13 percent of the food stamp caseload will have implemented RB/MR.

2) Beginning in October, 1982 through July, 1983, approximately 74 percent of the state's food stamp caseload will be added to RB/MR on parish-wide basis. Additional staff is anticipated to process this increased workload.

3) In August, 1983, the remaining caseload will implement RB/MR. Enhanced data processing capabilities are anticipated to aid in processing these cases.

A. The amount of benefits for food stamp recipients will be based on the actual income or circumstances which existed in the second prior month. Food stamp recipients subject to monthly reporting will be required to submit a monthly report of household circumstances including verification of income to the local Office of Family Security.

The monthly reports shall be submitted to the local Office of Family Security by the tenth day of each month or the next working day if the tenth is a holiday or weekend. Failure to submit a completed report, including verification each month, may result in suspension or closure of the case.

B(1a). Those households whose income is by contract for other than an hourly or piecework basis or by self-employment, derive their annual income in a period of time shorter than one year shall have their income calculated by averaging such income over a twelve-month period. These households will be subject to the monthly reporting requirement, but not the retrospective budgeting requirement.

B(1b). Those households that receive educational loans on which payment is deferred, grants, scholarships, fellowships, veteran's educational benefits, and the like to the extent that they are used for tuition and mandatory school fees at an institution of

higher education or school for the handicapped shall have their income calculated by averaging such income over the period for which it is received. These households will be subject to the monthly reporting requirement, but not the retrospective budgeting requirement.

B(2). Households that have no earned income and in which all members are 60 years of age or over or receive Supplemental Security Income benefits under Title XVI of the Social Security Act or disability and blindness payment under Title I, II, X, XIV, and XVI of the Social Security Act shall be subject to the retrospective budgeting requirement but not the monthly reporting requirements.

B(3). Migrant farmworker households will not be subject to either the monthly reporting requirement or the retrospective budgeting requirement.

George A. Fischer  
Secretary

#### **RULE**

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

The Department of Health and Human Resources, Office of Family Security, effective March 1, 1982, will implement a 7.96 percent increase in reimbursement rates for specific provider groups in 1-6 below:

(1) Private Physicians and Optometric Program

(2) Public Physicians Program

(3) Laboratory and X-Ray Program

(4) Chiropractic Program

(5) Early, Periodic, Screening, Diagnosis and Treatment (EPSDT) Dental Program

(6) Early, Periodic, Screening, Diagnosis and Treatment Eyeglasses Program

(7) In the Adult Dental Program, selected services within the program will be increased with an overall increase not to exceed 7.96 percent.

(8) A \$5 fee increase from \$15 to \$20, will be implemented for providers for paid examination completion of Form 90 - Medical and Social Evaluation on Disability.

George A. Fischer  
Secretary

#### **RULE**

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

The Department of Health and Human Resources, Office of Family Security, effective March 1, 1982, will limit payment for laboratory and diagnostic testing performed in a physician's office. Claims for these tests will be paid only when the physician has on file with the Medical Assistance Program, Provider Enrollment Section, a complete list of the laboratory and diagnostic equipment, the capabilities of such equipment, and permits verification of this data in accordance with the provider agreement.

Only those physicians who desire to claim reimbursement for laboratory or diagnostic tests performed in their offices need to complete and return the form. The laboratory and diagnostic equipment which needs to be reported is that equipment which is not common to all physician's offices and for whose use there are specific CPT-IV codes.

George A. Fischer  
Secretary

**RULE**

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

The Department of Health and Human Resources, Office of Family Security, has adopted a rule to implement the Low Income Home Energy Assistance Program to assist low income households with the high cost of home energy.

Eligible households are those with liquid assets such as cash on hand, checking and savings accounts, stocks, bonds, and credit shares, valued at \$1,500 or less for single person households and \$3,000 for a multi-person household. Additionally, total monthly income shall not be more than \$309 for a single person household and \$505 for a multi-person household during February, 1982. For the month of August, the total allowable monthly income is subject to change in accordance with the percentage increase effective July 1, 1982, for Supplementary Security Income and Social Security Administration recipients. Finally, eligible households will be paying for a heating and/or cooling utility or paying rent which includes an amount for utilities.

Applications for assistance will be accepted from February 1, 1982, through February 26, 1982, for the heating assistance program and from August 2, 1982, through August 31, 1982, for the cooling assistance program. All payments will be made for the months of February and August, 1982. Payment amounts will range from \$40 to \$55.

George A. Fischer  
Secretary

**RULE**

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

The Department of Health and Human Resources, Office of Family Security, will implement effective March 1, 1982, a 7.96 percent increase in reimbursement rates for outpatient services rendered at private mental health centers.

George A. Fischer  
Secretary

**RULE**

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

In accordance with the provisions of La. R.S. 40:3 and La. R.S. 40:5 the extension of the 1973 Oyster Harvesting Closure Line to include the Cocodrie area of Terrebonne Parish, Louisiana was enacted on an Emergency Order of Closure on May 19, 1981. This rule makes that closure permanent.

The area as described above was found to be substandard for shellfish harvesting in the respect that fecal coliform limits were exceeded during a recent sanitary survey of the area. Specifically these standards require that all oyster growing waters whose bacteriological quality have exceeded the fecal coliform median of 14 fecal coliforms per 100 ml. and more than 10 percent of the samples ordinarily exceed a median of 43 coliforms per 100 ml. be closed to oyster harvesting.

Additionally, the area may be so contaminated with fecal material that consumption of the oysters might be hazardous.

George A. Fischer  
Secretary

**RULE**

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

The Department of Health and Human Resources, Office of Human Development has adopted rules affecting the eligibility of clients for services provided by the Office of Human Development within its client placement program. The rule changes allow the Office of Human Development to mandate that applicants for Office of Human Development client placement services apply for funding under available federally funded programs. Further, the rule changes allow the Office of Human Development to refuse to provide state funds for a voluntary placement in a facility if the applicant refuses to apply for funding under available federally funded programs or if the applicant refuses to utilize these funds for funding of a placement, if eligible.

George A. Fischer  
Secretary

**RULE**

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

In accordance with the provisions of La. R.S. 36:254 the following procedures have been adopted to fund shelter care facilities as authorized by La. R.S. 15:1092. The Office of Human Development shall enter into contractual agreements with approved shelter care facilities and shall reimburse said facilities for the care of juveniles placed therein in accordance with the provision of the Juvenile Code of Procedures and the Federal Runaway Youth Act as contained in P.L. 93-415. The amount of funds that the Office of Human Development shall expend with regards to a specific shelter shall be determined by the allowable costs specified in a cost report submitted in accordance with the provisions of the current issue of the DHHR Rate Determination Manual for Non-State Operated Facilities, with the exception that provisions of said manual relating to occupancy rates and levels of care shall not be applicable with regards to shelter facilities funded by these regulations.

After establishing the actual yearly operational cost of a facility, the Department of Health and Human Resources shall initiate quarterly advances of funds for a facility that is selected to participate in the provisions of this program. The first advance shall be based upon 25 percent of the contractual agreement. In addition to the first year's operational cost, the Department of Health and Human Resources may provide reimbursement for start-up costs incurred by an approved shelter facility if the facility became operational no more than a year prior to its selection as a participant in this program. This one-time reimbursement, however, shall not exceed \$50,000 and shall be based upon the actual costs considered allowable by the Department that were incurred in establishing the shelter facility.

The actual selection of a shelter facility by the Department of Health and Human Resources for participation in this program shall be based upon the degree to which the facility meets the following criteria:

- (1) Submission of a detailed proposal in accordance with a format approved by the Department of Health and Human Resources. Deadline for the submission of proposals for funding for FY 81 is January 15, 1982.
- (2) Reasonableness of projected operational costs for the first year.
- (3) Ability of the facility to obtain support (firm written commitments) from law enforcement agencies and juvenile courts

within the facility's specified catchment area indicating utilization of the facility once it is established.

(4) Location of the facility and the extent to which the facility will serve the total juvenile population without undue travel distances.

(5) Adequacy of written admission criteria to ensure that all youths within the catchment area who are eligible for shelter services are admitted on a space available, first come, first served basis. The extent that this philosophy is translated into a working cooperative agreement with each law enforcement agency and juvenile court within the catchment area will be significant.

(6) The established (documented) need for the facility and the number of beds proposed except that no facility shall be accepted for participation in the program if the bedspace for which reimbursement will be requested exceeds fifteen.

(7) Written intake procedures in accordance with Article 34(B) of the Juvenile Code of Procedure that are non-discriminatory with regards to the sex, age, race or status offense of juveniles with the exception that juveniles whose behavior by reputation or circumstance is considered a threat to the safety and welfare of other residents or staff shall be excluded from admission into the shelter facility.

(8) Transportation is secured for the facility's operation. Compliance should be in the form of a written cooperative agreement with law enforcement agencies within the catchment area that places the responsibility for the provision of transportation with regards to admission, attendance at court hearings and/or releases with appropriate law enforcement agencies. Additionally, the proposal should also indicate the facility's responsibilities with regards to the provision of transportation for those functions related to the care and supervision of resident youths.

(9) Written requirements for the filing of petitions and the timely scheduling of hearings as provided by the Juvenile Code of Procedure are prescribed for all youths.

Assurances of such should be in the form of a written agreement with each District Attorney within the catchment area indicating the District Attorney's intent to provide such for the youths from his jurisdiction.

George A. Fischer  
Secretary

## **RULE**

### **Department of Health and Human Resource Office of the Secretary**

The Department of Health and Human Resources intends to adopt the following guidelines for the Community Residential Development Fund.

#### **A. DEFINITION OF COMMUNITY RESIDENTIAL DEVELOPMENT FUND:**

The Community Residential Development Fund was established by Act 770 of the 1981 Louisiana Legislature for the purpose of granting loans to eligible private, non-profit organizations to pay for the initial costs of development of community residential programs. Community residential programs, as defined by Act 770, are residential programs for not less than four nor more than six physically and/or mentally disabled persons at one program site and would include such programs as community (group) homes, supervised apartments, or out-of-home respite care. Funds for the loan program are located within the Office of the Secretary to be used by the appropriate program Offices (i.e.: Mental Retardation, Human Development, and Mental Health and Substance Abuse). The maximum amount available to any one organization is \$45,000.

#### **B. ELIGIBLE ORGANIZATIONS:**

In order to be eligible to apply for funds under the Community Residential Development Fund, the applicant organizations must at a minimum meet the following criteria:

1) Must be classified non-profit according to the requirements of S. 501(c)(3) of the Internal Revenue Code of 1954, 26 U.S.C. § 501. (c)(3);

2) Must agree to serve clients of the Department of Health and Human Resources;

3) Must serve clients whose mental or physical disability is not a result of the aging process and whose impairment limits one or more major tasks: walking, seeing, hearing, speaking, or breathing and is attributable to any physiological disorder or condition, cosmetic disfigurement, or loss of limbs affecting one or more of the body's systems; neurological, musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; or any mental or psychological disorder such as mental retardation, organic brain syndrome, and emotional or mental illness; and

4) Must provide a ten percent match to the borrowed amount either in cash or in real property or in kind.

#### **C. ALLOWABLE COSTS:**

The Costs of development which can be paid by this loan would include the following categories;

1. The downpayment for the purchase and/or construction of a home, duplex, or apartment(s);

2. The modification/renovation of such facility;

3. The purchase of equipment, fire/safety devices, and/or furniture for the facility;

4. Costs incurred during the development phase of the program prior to and up to one month after admission of clients. Such costs could include;

a. The payment of salaries of personnel connected with the development and/or first month of operation of the program;

b. The payment of rent, utilities, food and other general operating expenses during the development phase and/or the first month of operation; and

c. The purchase of insurance during the development and/or the first month of operation.

Line item changes may be made only with prior approval from the appropriate program office.

#### **D. APPLICATION PROCESS: (NOTE: THE TIMETABLE SET FORTH IN THIS APPLICATION PROCESS APPLIES ONLY TO FY 1981-1982)**

1. Notification of the availability of funds for establishing community residential programs will be given through the Louisiana Register and through the Offices of Mental Retardation, Human Development, and Mental Health and Substance Abuse. Each Office shall designate its own Community Residential Development Fund Coordinator.

2. Interested/potential applicants shall request application packets from the Community Residential Development Fund Coordinator of the appropriate program office. The determination of which program office is appropriate will be based on the client population the applicant plans to serve. Those serving the mentally retarded will apply to the Office of Mental Retardation, those serving the mentally ill/emotionally disturbed and the autistic through the Office of Mental Health and Substance Abuse, and those serving the physically handicapped through the Office of Human Development. These Offices can be contacted at the following address: Office of Mental Retardation, 721 Government St. 3rd Floor, Baton Rouge, LA 70802; Office of Mental Health and Substance Abuse, 655 N. 5th St., Baton Rouge, LA 70802; Office of Human Development, 1755 Florida Blvd., Baton Rouge, LA 70802.

3. The application packet will be mailed or delivered within ten working days of receipt of request.

4. For FY 1981-82, the applications will be due into the appropriate program offices by March 1, 1982.

5. If the service provider anticipates operating expenses to be reimbursed through the Title XIX (Medicaid) Program, a simultaneous application shall be made to the State Office of Comprehensive Health Planning and the local Health Systems Agency. This will place the provider in compliance with Section 1122 of the Social Security Act which provides for review of all new health care facilities which are reimbursed through Medicare, Medicaid, and Maternal and Child Health programs. Three (3) copies of the application, along with a questionnaire enclosed in the application packet, shall go to the State Office of Comprehensive Health Planning and twenty-five copies, along with the same questionnaire, shall go to the local Health Systems Agency. Policy and guidelines for Section 1122 are included in the application packet. Both the State Office of Comprehensive Health Planning and the local Health Systems Agency will accept the same application form as the Community Residential Development Fund.

6. The evaluation process, including an on-site inspection of the proposed facility by the program office and the Office of Licensing and Regulation, will be completed by April 2, 1982. The program offices will be responsible for evaluating the application/proposals. During the evaluation process, applicant organizations may be called for an interview by the appropriate program office.

7. Following the evaluation process, the program offices will prioritize the applications according to the stated criteria for evaluation. The prioritized applications will be forwarded to the Office of the Secretary of DHHR for final approval. The Office of the Secretary of DHHR will notify the program offices by April 23, 1982 of those applicants approved for the funding.

8. Applicants will be notified as to the final decision by April 30, 1982 through the appropriate program offices.

9. The agreements will be signed and the funds obligated by June 30, 1982.

#### E. CRITERIA FOR EVALUATING APPLICATIONS:

The program offices of Mental Retardation, Mental Health and Substance Abuse, and Human Development will be responsible for the evaluation and prioritization of applications/proposals. Each Office shall review those applications/proposals for the client population they are legislatively charged to serve. The following criteria will be utilized in evaluating applications by each of the program offices.

1. The experience of the applicant with similar programs and populations;

2. Need for the program for the clientele/geographical area;

3. The adequacy of programmatic components and services to be offered;

4. The degree of coordination between the proposed program and the necessary support services;

5. Demonstration of understanding of the principles behind the development of community residential programs;

6. Documentation that the program is the least restrictive setting for the clients to be served (for example, substitute family care for infants would be a more appropriate least restrictive environment than a community home for infants);

7. The proposed site has been reviewed by the appropriate program office and the Office of Licensing and Regulation to assure that it is or can be brought into compliance with licensing and certification standards;

8. The facility (house, apartment, duplex, etc.) must fit into the neighborhood where it will be established. (Labels, signs, or other distinguishing features which could draw attention to the program and its clients are prohibited.);

9. The site is separated from the location of the day programs in which the residents engage;

10. The site is not within 1000 feet of another facility

servicing handicapped persons or another congregate living setting;

11. Access to and from the site should be convenient for its residents, staff, and others;

12. The soundness, justifiability and practicability of the applicant organization's budget request;

13. Documented financial need based upon the submitted financial solvency statement;

14. Operational funds have been committed by DHHR or another appropriate source;

15. How the proposed facility would fit into DHHR's current program priorities (for example, the placement of Gary W. classmates); and

16. The applicants commitment to the project as evidenced through at least a 10% cash or real property or in kind match as well as the amount of funds requested under the Community Residential Development Fund.

#### F. REPAYMENT PROCEDURE:

1. Repayment of the loan shall commence upon completion of the first year of operation and shall be made in equal payments during each month thereafter for the next sixty (60) months. Such payments are due by the last day of the month and are considered delinquent thereafter. Delinquent payments are subject to a monthly interest penalty computed in accord with the rate paid on the past previous sale of U.S. Treasury Bills prior to but covering the same period of time as the delinquency. Loan payments that are delinquent by more than two months may cause the entire principal to be due and payable as outlined in Section F.2. of these rules. The repayment checks should be made out to the Community Residential Development Fund. For purposes of rate setting, the Department of Health and Human Resources will allow costs met through the Community Residential Development Fund to be considered as reimbursable costs.

2. If the service provider which has received a loan under this fund ceases to accept appropriate clients, provide adequate care and maintenance to clients, or files papers of bankruptcy, the remaining unpaid portion of the loan shall be due and payable within a one-year period from the date on which the Department has notified the provider that the program has ceased to provide care or that the provider has filed bankruptcy proceedings. In addition to the remaining unpaid portion of the loan, an interest penalty shall also be due and payable on that portion of the loan which has been repaid. The interest penalty shall be computed beginning with the month in which the loan was finalized. The rate shall be that of the last previous sale of U.S. Treasury Bills prior to but with the same length of maturity as the time over which the loan had been repaid. If repayment had taken place over a longer period of time than the maximum maturity date of U.S. Treasury Bills, the one year Bill rate shall be utilized. The amount of the principal and interest shall constitute a lien in favor of the State against all real and personal property of the organization. The lien shall be perfected by the appropriate officer of the department by executing and acknowledging a statement of the name of the organization and the amount due on the loan and a copy of the promissory note which shall be recorded by the department with the clerk of the district court in the parish where the organization is located. If the organization has filed a petition for bankruptcy, the department shall file and enforce the lien in the bankruptcy proceedings. Otherwise, the lien shall be enforced in a manner prescribed by law. All funds received by the department from the enforcement of this lien shall be deposited in the Community Residential Development Fund in the state treasury.

3. If the private, nonprofit organization is unable to continue to provide the specified services due to the termination of their lease by the lessor or to natural disaster they may be granted a period of grace of up to one year in order to reestablish their program. During this period of grace the repayment formula as

described in R.S. 46:2394, shall be suspended until such time as the program is reestablished. If after the maximum one-year grace period the organization is unable to reestablish the program, the defaulting provisions of this section, as outlined in R.S. 46:2395, will go into effect.

**G. THE ANNUAL STATEMENT:**

The private, non-profit organizations receiving loans under this fund shall submit to the appropriate DHHR program offices an annual statement setting forth the residential services they have provided during the year together with such other information as the department shall require. Those requirements for each organization include:

1. An accounting of expenditures made during the year for both start-up and ongoing operational expenses;
2. A listing of personnel connected with the program during that year of operation complete with resumes and job descriptions;
3. The number of clients served and the nature of their disabilities;
4. A listing of the types of day programs utilized by clients during the year (i.e. Day Developmental Training Services, Sheltered Workshops, Day Hospital, College, Competitive Employment, etc.);
5. A description of the coordination that occurred with other agencies and services in the community/area;
6. Identifying gaps in services in the organizations' community for the client-type served;
7. Identifying problems encountered, if any, during the year (examples include such elements as zoning, neighborhood opposition, client difficulties with law enforcement, accessing existing resources, safety issues).

The annual statement (six in all for each organization) shall be submitted within sixty (60) days upon completion of each year of service.

Interested persons may submit written comments on the proposed rule through february 5, 1982 to the Assistant Secretary of the Offices listed above. These Assistant Secretaries are responsible for responding to inquiries about the proposed rule.

George A. Fischer  
Secretary

**RULE**

**Department of Natural Resources  
Office of Conservation**

**AMENDMENT TO STATEWIDE ORDER NO. 29-B**

Amendment concerning the underground injection control of salt water disposal wells, enhanced recovery injection wells, and liquid hydrocarbon storage wells.

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Pursuant to power delegated under the laws of the State of Louisiana, and particularly Title 30 of the Louisiana Revised Statutes of 1950, Sections 30:4 C(1)(2)(3)(6)(8)(9)(10)(14)(16), and I; and after a public hearing held under Docket No. UIC-1 in Baton Rouge, Louisiana, on September 23, 1981, following publication of notice and notice thereof as required by the Louisiana Administrative Procedure Act, Title 49, Sections 951 through 968 of the Louisiana Revised Statutes of 1950, as amended, the following rules and regulations are promulgated by the Commissioner of Conservation as being reasonably necessary to govern disposal wells which inject (into the sub-surface) fluids which are brought to the surface in connection with conventional oil or natural gas production, for enhanced recovery of oil and natural gas, and for storage of hydrocarbons which are liquid at standard temperature and pressure (Class II) and otherwise carry out the provisions of the laws of this State.

Section XV of Statewide Order 29-B, as amended effective November 1, 1967, provides for the prevention of endangerment of underground sources of drinking water (fresh water) by the disposal of produced salt water into disposal (injection) wells. In response to the minimum requirements mandated by the Safe Drinking Water Act (P.L. 93-523), Section 1425, the Commissioner has amended Section XV and has made the following findings:

**FINDINGS**

The Commissioner of Conservation finds as follows:

1. That rules and regulations should be amended or established to govern injection wells used for the injection of fluids brought to the surface in connection with conventional oil or natural gas production, for enhanced recovery of oil and natural gas, and for storage of hydrocarbons which are liquid at standard temperature and pressure (Class II) as well as to regulate the surface and storage and surface facilities at the injection site and that Section XV, Paragraphs 1 through 18 below are reasonable and will carry out the purpose and intent of the laws of this State.

**ORDER**

NOW, THEREFORE, IT IS ORDERED THAT:

1. Statewide Order No. 29-B, Section XV, is hereby amended as follows:

**SECTION XV - Pollution Control**

**1. Permits Required:**

A. Permits are required for wells which inject fluids:

- 1) Which are brought to the surface in connection with conventional oil or natural gas production and may be commingled with waste waters from gas plants which are an integral part of production operations, unless those waters are classified as a hazardous waste at the time of injection.
- 2) For enhanced recovery of oil and natural gas; and
- 3) For storage of hydrocarbons which are liquid at standard temperature and pressure.

B. Sub-surface injection or disposal by use of a well as described in paragraph 1 (A) above is prohibited unless authorized by permit or rule. This authorization shall be conditioned upon the applicant taking necessary or corrective action to protect underground sources of drinking water as specified by the Commissioner. "Underground source of drinking water (USDW)" means an aquifer or its portion:

- a)1) which supplies any public water system; or
- 2) which contains a sufficient quantity of ground water to supply a public water system; and
  - i) currently supplies drinking water for human consumption; or
  - ii) contains fewer than 10,000 mg/1 total dissolved solids; and
- b) which is not an "exempted aquifer" (see Section 20.08 of Statewide Order 29-N-1.)

C. Existing enhanced recovery, saltwater disposal, and liquid hydrocarbon storage wells are authorized by rule and are not required to reapply for a new permit. However, they are subject to the provisions of paragraph 10 (C) of this amendment.

D. The provisions and requirements of this Section shall apply to underground injection by Federal agencies or any other person whether or not occurring on property owned or leased by the United States.

**2. Disposal of produced salt water:**

A. Produced salt water shall be disposed of into subsurface formations not productive of hydrocarbons, except:

- 1) It may be disposed of in pits where such method and pits have been approved by the Commissioner of Conservation.
- 2) It may be disposed of in tidally affected waters, brackish waters or any other waters unsuitable for human consumption or agricultural purposes.

B. Produced salt water shall not be disposed of into a zone producing or productive of hydrocarbons unless such disposal is approved by the Commissioner of Conservation after a public hearing or unless prior approval has been granted to use the proposed zone for salt water disposal.

**3. Application Requirements for New Enhanced Recovery Injec-**

tion and New Salt Water Disposal Wells:

A. Each application for the approval of a new enhanced recovery injection well or disposal well shall be filed on Form MD-10R and shall be verified by a duly authorized representative of the operator. The original and one (1) copy of the application and two (2) complete sets of attachments shall be furnished to the Commissioner. An application for the approval of an injection well which is a part of a proposed enhanced recovery operation may be consolidated with the application for the approval of the enhanced recovery project (see paragraph 4 of this amendment).

B. The application for the approval of an enhanced recovery injection or disposal well or wells shall be accompanied by:

1) A map showing the disposal well or enhanced recovery project area for which a permit is sought and the applicable area of review (for individual wells - ¼ mile radius; for enhanced recovery projects - the project area plus a circumscribing area the width of which is ¼ mile) and the following information:

a) Within the area of review, the map must show the number or name and location of all existing producing wells, injection wells, abandoned wells and dry holes.

b) Identification of the surface owner of the land on which the enhanced recovery injection or disposal is to be located within the area of review.

c) Identification of each operator of a producing leasehold within the area of review.

d) The map may also show surface bodies of water, mines (surface and subsurface), quarries and other pertinent surface features including residences and roads, and faults if known or projected.

e) Only information on file with the Office of Conservation and pertinent information known to the applicant is required to be included on this map.

2) If the well has been drilled, a copy of the Well History and Work Resume Report (WH-1) and any available electric or radioactive log of the well. A descriptive statement of the proposed zone to be used for injection or disposal. The approximate depth of said zone in the case of undrilled wells along with an electric or radioactive log of a nearby well, if available.

3) A schematic diagram of the well showing:

a) the total depth, drilled out depth of plugged-back depth of the well.

b) the depth of the top of the injection or disposal interval.

c) the geological name of the injection or disposal zone.

d) the depths of the tops and bottoms of the casing and amount of cement used to cement each string of casing. (Every well used for injection shall be cased, cemented, and tested in accordance with paragraphs 7 and 9 of this order.)

e) the size of the casing and tubing, and the depth of the packer.

f) the depth of the base of the deepest USDW.

4) Information showing that injection into the proposed zone will not initiate fractures through the overlying strata which could enable the injection fluid or formulation fluid to enter an underground source of drinking water. This requirement will be satisfied upon proper demonstration by the applicant that the pressure in the well at the depth of injection shall not exceed 75 percent of the pressure needed to fracture the formation.

5) Proposed operating data:

a) Daily injection rates and pressures.

b) Geologic names, depths, and location of injection fluid sources.

c) Qualitative and quantitative analysis of water from two or more existing water wells within one-quarter mile of proposed enhanced recovery injection or disposal well or wells. Give location of said water wells and date(s) samples were taken, or statement why samples were not submitted.

d) Qualitative and quantitative analysis of representative sample of water to be injected.

e) Geological name of injection zone and vertical distance separating top of injection zone from base of the deepest USDW, and a geological description of each major separating bed including individual bed thickness.

f) Geological name, if known, and depth of the base of the

deepest USDW.

4. Application Requirements for Enhanced Recovery Projects:

A. An enhanced recovery project shall be permitted only by order of the Commissioner after notice and public hearing.

B. The application for a permit authorizing an enhanced recovery project shall contain the following:

1) The names and addresses of the operator or operators of the project.

2) In addition to the information on the map required in Paragraph 3B(1) of this amendment, show the lease, group of leases, unit or units included within the proposed project;

3) The common source or sources of supply in which all wells are currently completed;

4) The name, description and depth of each common source of supply to be affected;

5) A log of a representative well completed in the common source or sources of supply;

6) A description of the existing or proposed casing programs for injection wells, and the proposed method of testing all casing;

7) A description of the injection medium to be used, its source or sources and the estimated amounts to be injected daily;

8) For a project within an allocated pool, a tabulation showing recent gas-oil ratios and oil and water production tests for each of the producing oil and/or gas wells;

9) The proposed plan of development of the area included within the project;

10) A schematic diagram of existing and/or proposed injection well(s) as set out in Paragraph 3 B (3) of this amendment;

C. A copy of the application shall be mailed to each operator offsetting the project as shown on the application within five days after the application is filed. An affidavit of compliance with this rule shall be filed on or before the hearing.

5. Permit Notice Requirements

A. Applications for salt water disposal, enhanced recovery wells or projects, and other Class II facilities shall be advertised in the official state journal.

B. Notice requirements for commercial salt water facilities can be found in Paragraph 13 of the Amendment to Statewide Order 29-B (Section XV) entitled "Off-site Disposal of Drilling Mud and Salt Water" dated July 20, 1980.

C. Public Hearings

1) If any person protests the application for a saltwater disposal or other Class II facility by filing written comments with the Commissioner within 15 days following publication of notice, the application shall be set for public hearing at the election of the applicant or the Commissioner.

2) All enhanced recovery well or project applications shall be approved only after a 30 day comment period and public hearing. The notice of hearing shall be mailed out to each interested owner and to each interested party.

D. The Commissioner may administratively approve or deny the application for a Class II well other than an enhanced recovery well or project, after review, without a public hearing if there are no comments received during the application comment period. If the Commissioner denies administrative approval, the operator shall have a right to a public hearing on the decision.

E. Response to Comments

1) At the time that any final permit is issued, following a public hearing, the Commissioner shall issue a response to comments. This response shall briefly describe and respond to all significant comments on the permit application raised during the public comment period, or during any hearing.

2) The response to comments shall be available to the public.

6. Duration of Permits

A. Permits authorizing injection into enhanced recovery injection wells and disposal wells shall remain valid for the life of the well, unless revoked by the Commissioner for just cause.

B. A permit granting underground injection may be modified, revoked and reissued, or terminated during its term for cause. This may be at the request of any interested person or at the

Commissioner's initiative. All requests shall be in writing and shall contain facts or reasons supporting the request.

C. A permit may be modified, revoked and reissued, or terminated after notice and hearing, if:

1) There is a substantial change of conditions in the enhanced recovery injection well or the disposal well operation, or there are substantial changes in the information originally furnished.

2) Information as to the permitted operation indicates that the cumulative effects on the environment are unacceptable, such as pollution of USDW's.

3) There are substantial violations of the terms and provisions of the permit.

4) The operator has misrepresented any material facts during the permit issuance process.

#### 7. Transfer of Permits

A permit authorizing an enhanced recovery injection well or disposal well shall not be transferred from one operator to another without the approval of the Commissioner (Form MD-10-R-A).

#### 8. Construction Requirements For New Wells

A. Each new enhanced recovery injection well or disposal well shall be completed, equipped, operated and maintained in a manner that will prevent endangerment of USDW's or damage to sources of oil or gas and will confine injected fluids to the interval or intervals approved.

B. The casing and cementing program shall conform to the following requirements:

1) Surface casing set through the base of the deepest USDW and cemented back to the surface in accordance with Section V B(1) of this order.

2) Long string casing shall be cemented above the injection zone in accordance with Section V D (3) of this Order.

C. Tubing and Packer. New wells drilled or existing wells converted for disposal after the effective date of this rule shall be equipped with tubing set on a mechanical packer. Packers shall be set no higher than 150 feet above the top of the disposal zone.

D. Pressure Valves. The wellhead shall be equipped with above ground pressure observation valves on the tubing and for each annulus of the well; said valves will be equipped with 1/2-inch female fittings. Operators of existing wells shall comply with this requirement by no later than six months after adoption of this amendment.

E. Well History. Within 20 days after the completion or conversion of a disposal well, the owner or operator shall file in duplicate to the Commissioner a completed form WH-1.

#### 9. Monitoring and Reporting Requirements

A. The operator shall monitor injection pressure and injection rate of each enhanced recovery injection well or disposal well on a monthly basis with the results reported annually on Form SWD-1R-2.

B. The operator shall report on Form SWD-1R-2 any casing annulus pressure monitoring used in lieu of pressure testing and any other casing annulus pressure test performed.

C. All reports submitted to the Office of Conservation shall be signed by a duly authorized representative of the operator.

D. The operator of an enhanced recovery injection well or disposal well shall, within 30 days, notify the Commissioner of the date upon which injection or disposal commenced.

E. The operator shall request permission from the Commissioner for suspension of injection if an injection well or project is to be removed from service for a period of six months or more and give reasons or justification for such suspension of injection. Said permission shall not exceed one year. After one year, the well or well(s) in a project shall be plugged and abandoned as outlined in Section XIX of this Order. The operator may request a hearing for

an extension exceeding one year. Wells required for standby service, provided they meet all requirements for wells in active service, are exempt from the plugging requirements of this paragraph.

F. The operator shall, within 30 days notify the Commissioner of the date injection into an enhanced recovery injection well, enhanced recovery injection project or disposal well is terminated permanently and the reason therefore; at which time the permit authorizing the well or project shall expire. Notification of project injection termination must be accompanied by an individual well status report for all project injection wells.

G. Mechanical failures or downhole problems which indicate an enhanced recovery injection well or disposal well is not, or may not be, directing the injected fluid into the permitted or authorized injection zone may be cause to shut-in the well. If said condition may endanger an USDW, the operator shall orally notify the Commissioner within 24 hours at (504) 342-5515. Written notice of this failure shall be submitted to the Office of Conservation within five days of the occurrence together with a plan for testing and/or repairing the well. Results of such testing and well repair shall be included in the annual monitoring report to the Commissioner. Any mechanical downhole well repair performed on the well not previously reported shall also be included in the annual report.

#### 10. Logging and Testing Requirements

##### A. New Wells

1) Before operating a new well drilled for enhanced recovery injection or salt water disposal, the casing outside the tubing shall be tested under the supervision of the Office of Conservation at a pressure not less than the maximum authorized injection pressure, or at a pressure of 300 psi, whichever is greater.

2) a) If open-hole logs of a nearby well were not run through the lowermost USDW, a new well shall be logged from the surface to the total depth before casing is set.

b) If such logs exist for a nearby well, the new well need only be logged electrically below the surface casing before the longstring is set.

3) After cementing the casing, a cement bond log, temperature survey, x-ray log, density log or some other acceptable test shall be run to assure there are no channels adjacent to the casing which will permit migration of fluids up the well bore from the disposal formation to the lowermost USDW. The casing program shall be designed for the lifetime of the well.

##### B. Converted Wells

Before operating an existing well newly converted to enhanced recovery injection or disposal, the casing outside the tubing shall be tested under supervision of the Office of Conservation at a pressure of 1000 psi or maximum authorized injection pressure, whichever is less, provided no testing pressure shall be less than 300 psi.

##### C. Existing Wells

1) An injection well has mechanical integrity if:

a) There is no significant leak in the casing, tubing or packer; and

b) There is no significant fluid movement into an underground source of drinking water through vertical channels adjacent to the injection well bore.

2) One of the following methods must be used to evaluate the absence of significant leaks under paragraph c(1)(a) above:

a) Monitoring of annulus pressure; or

b) Pressure test with liquid; or

c) Records of monitoring showing the absence of significant changes in the relationship between injection pressure and injection flow rate for the following enhanced recovery wells:

i. Existing wells completed without a packer provided that a pressure test has been performed and the data is available and

provided further that one pressure test shall be performed at a time when the well is shut down and if the running of such a test will not cause further loss of significant amounts of oil or gas; or

ii. Existing wells constructed without a long string casing, but with surface casing which terminates at the base of the lowest USDW provided that local geological and hydrological features allow such construction and provided further that the annular space shall be visually inspected. For these wells, the Commissioner shall prescribe a monitoring program which will verify the absence of significant fluid movement from the injection zone into an USDW.

3) One of the following methods must be used to determine the absence of significant fluid movement under paragraph C(1)(b) above:

a) Cementing records demonstrating the presence of adequate cement to prevent such migration; or

b) The results of a temperature or noise log.

4) The Commissioner may approve a request for the use of a test to demonstrate mechanical integrity other than those listed in paragraphs C(2) and (3) above if the proposed test will reliably demonstrate the mechanical integrity for wells for which its use is proposed.

5) Each disposal and enhanced recovery well shall demonstrate mechanical integrity at least once every five years. The Commissioner will prescribe a schedule and mail notification to operators to allow for orderly and timely compliance with this requirement.

D. The operator shall notify the Commissioner at least 48 hours prior to the testing. Testing shall not commence before the end of the 48-hour period unless authorized by the Commissioner. The Commissioner may authorize or require alternative test or surveys as is deemed appropriate and necessary.

E. A complete record of all mechanical integrity pressure tests shall be made out, verified and filed in duplicate on the Form PLT#1 within 30 days after the testing.

11. Confinement of Fluids. If the operator or the Commissioner determines that the disposal operation is causing fluid to enter an unauthorized stratum or to escape to the land surface, the operator shall shut in the disposal well immediately and notify the Commissioner by telephone within 24 hours at (504) 342-5515. Injection into the disposal well shall not be resumed until the Commissioner has determined that the well is in compliance with all material permit conditions. If a certificate of compliance is not issued within 90 days, the permit shall be cancelled and the disposal well shall be plugged and abandoned in accordance with Section XIX of this Order.

12. Enhanced recovery injection wells and disposal wells shall be plugged in accordance with the provisions of the Commissioner's rules governing the plugging of oil and gas wells, as found in Section XIX of this Order.

13. Off-site Disposal of Drilling Mud and Salt Water.

See Amendment to Statewide Order 29-B, Off-site Disposal of Drilling Mud and Salt Water Generated from Drilling and Production of Oil and Gas Wells, July 20, 1980.

Amendment to Statewide Order 29-B, Section XV, Paragraph 13.2.b.1(b)

b. Documentation must be presented which shows that an impermeable barrier exists at least five feet below the base of the pit to prevent vertical movement of fluid contained therein plus sufficient impermeable material to prevent horizontal fluid movement from the pit. This can be analyzed borings within 100 feet of the pit(s) levee(s) by an independent and qualified laboratory to be evaluated by the Office of Conservation's Underground Injection Control (UIC) Division. This data should include (1) two borings per acre, (2) borings must be at least 10 feet below base of pit, (3) there must be at least five feet of clay or impermeable material

below the base of the pit, and (4) clay or impermeable material must be at least  $10^7$  md permeability.

14. Liquid Hydrocarbon Storage Wells

A. Authorization for the use of salt dome cavities for storage of liquid hydrocarbons is provided in Statewide Order No. 29-M.

B. Authorization for all other liquid hydrocarbon storage wells will be granted by the Commissioner after notice and hearing, provided there is a finding that the proposed operation will not endanger USDW's.

15. A filing fee of \$100 shall be attached to each application for a salt water disposal well or enhanced recovery project.

16. Annular Disposal. The Commissioner may approve annular disposal of salt water for a period of one year. The applicant shall provide the Commissioner a radioactive tracer survey (accompanied by an interpretation of the survey by the company who performed the test) to prove that the injected fluid is entering the correct zone and there are no leaks in the casing. The applicant shall furnish the Commissioner an economic study of the well and the economics of alternative methods for disposal of the produced salt water.

17. Exceptions. The Commissioner may grant an exception to any provision of this amendment upon proof of good cause. The operator must show proof that such an exception will not endanger USDW's.

18. This Order shall supersede Section XV of Office of Conservation Statewide Order No. 29-B (effective November 1, 1967). Any existing special orders authorizing disposal of salt water under conditions which do not meet the requirements hereof shall be superseded by this Amendment and the operator shall obtain authority for such disposal after complying with the provisions hereof.

19. Effective Date.

This Amendment shall be effective on and after February 20, 1982.

R.T. Sutton

Commissioner of Conservation

## COMMITTEE REPORT

### House of Representatives Natural Resources Committee Subcommittee on Oversight

Pursuant to the provisions of R.S. 49:968, the Oversight Subcommittee of the House of Representatives Natural Resources Committee met on February 8, 1982, and reviewed certain changes in state regulations proposed by the Office of Conservation, for which notice of intent was published in the January 20, 1982, Louisiana Register with the following results:

1) Amendment of the definition of "Gas" contained in Regulation No. 1 of the Office of Conservation, Department of Natural Resources - Approved by a vote of 5-0.

John N. John, III

Vice Chairman

Oversight Subcommittee

## RULE

### Department of Natural Resources Office of Conservation

#### STATEWIDE ORDER NO. 29 - N - 1 UNDERGROUND INJECTION CONTROL PROGRAM REGULATIONS for CLASS I, III, IV, AND V WELLS

Statewide Order adopting rules and regulations to regulate the disposal of waste products into the subsurface by means of an injection well, to regulate wells which inject for extraction of minerals or energy, or to regulate any other use of an injection well described herein, excluding wells regulated by Statewide Order 29-B.

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Pursuant to power delegated under the laws of the State of Louisiana, and particularly Title 30 of the Louisiana Revised Statutes of 1950, Sections 30:1D, 4 C(16), and 4.1; and after a public hearing held under Docket No. UIC-1 in Baton Rouge, Louisiana, on September 23, 1981, following publication of notice and notice thereof as required by the Louisiana Administrative Procedure Act, Title 49, Sections 951 through 968 of the Louisiana Revised Statutes of 1950, as amended, the following rules and regulations are promulgated by the Commissioner of Conservation as being reasonably necessary to govern injection wells used for the injection of waste or waste products into the subsurface (Class I, IV), wells which inject for extraction of minerals or energy (Class III), or any other use of an injection well described herein (Class V), excluding wells regulated by Statewide Order 29-B (Class II).

#### FINDINGS

The Commissioner of Conservation finds as follows:

1) That rules and regulations should be established to govern waste disposal wells used for the injection of waste or waste products into the subsurface (Class I, IV), wells which inject for extraction of minerals or energy (Class III), or any other use of an injection well described herein (Class V), excluding wells regulated by Statewide Order 29-B (Class II, and that Sections 10.0 through 80.0 below are reasonable and will carry out the purpose and content of the laws of this State:

13) "Disposal well" means a well used for the disposal of waste into a subsurface stratum.

14) "Drilling mud" means heavy suspension used in drilling an "injection well" introduced down the drill pipe and through the drill bit.

15) "Effective date" means the date that the Louisiana State UIC Program is approved by the Environmental Protection Agency.

16) "Emergency permit" means a UIC permit issued in accordance with Part 80.

17) "Exempted aquifer" means an "aquifer" or its portion that meets the criteria of the definition of "underground source of drinking water" but which has been exempted according to the procedures set forth in Section 20.08.

18) "Existing injection well or project" means an "injection well or project" other than a "new injection well or project".

19) "Experimental technology" means a technology which has not been proven feasible under the conditions in which it is being tested.

20) "Facility or activity" means any facility or activity (including land or appurtenances thereto) that is subject to these regulations.

21) "Fault" means a surface or zone of "rock" fracture along which there has been displacement.

22) "Flow rate" means the volume per time unit given to the flow of fluid substance which emerges from an orifice, pump, turbine or passes along a conduit or channel.

23) "Fluid" means any material or substance which flows or moves whether in a semisolid, liquid, sludge, gas or any other form or state.

24) "Formation" means a body of rock characterized by a degree of lithologic homogeneity which is prevailing, but not necessarily, tabular and is mappable on the earth's surface or traceable in the subsurface.

25) "Formation fluid" means "fluid" present in a "formation" under natural conditions as opposed to introduced fluids, such as "drilling muds."

26) "Generator" means any person, by site location, whose act or process produces hazardous waste identified or listed in the Louisiana Hazardous Waste Management Program.

27) "Ground water" means water below the land surface in a zone of saturation.

28) "Hazardous waste" means a hazardous waste as defined in the Louisiana Hazardous Waste Management Program.

29) "Hazardous Waste Management (HWM) facility" means all contiguous land, and structures, other appurtenances, and improvements on the land, used for treating, storing or disposing of "hazardous waste."

30) "Injection well" means a well into which "fluids" are being injected other than fluids associated with active drilling operations.

31) "Injection zone" means a geological "formation", group of formations or part of a formation receiving fluids through a "well."

32) "Ionizing radiation" means any electromagnetic or particulate radiation capable of producing ions, directly or indirectly, in its passage through matter. It includes any or all of the following; alpha rays, beta rays, gamma rays, X-rays, neutrons, high-speed electrons, high-speed protons, and other atomic particles; but not sound or radiowaves, or visible, infrared or ultraviolet light.

33) "Lithology" means the description of rocks on the basis of their physical and chemical characteristics.

34) "Major facility" means any Class I or IV hazardous waste injection well "facility or activity."

35) "Manifest" means the shipping document originated and signed by the "generator" which contains the information required by the Hazardous Waste Management Program.

36) "New injection well" means a "well" which began injection after the Louisiana Underground Injection Control program is approved and the applicable (Office of Conservation) rules and regulations are promulgated.

37) "Owner or operator" means the owner or operator of any facility or activity subject to regulation under the UIC program.

38) "Packer" means a device lowered into a well to produce a fluid tight seal within the casing.

39) "Permit" means an authorization, license, or equivalent control document issued by the Commissioner to implement the requirements of these regulations. "Permit" includes, but it is not limited to, area permits and emergency permits. "Permit" does not include UIC authorization by rule or any permit which has not yet been the subject of final agency action, such as a "draft permit."

40) "Person" means an individual, association, partnership, corporation, municipality, state or federal agency, or an agent or employee thereof.

41) "Plugging" means the act or process of stopping the flow of water, oil or gas into or out of a formation through a borehole or well penetrating that formation.

42) "Plugging record" means a systematic listing of perma-