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Executive Orders

EXECUTIVE ORDER NO. DCT 83-11

WHEREAS, various state agencies are responsible for the implementation of programs that impact economic development; and

WHEREAS, there is a need to establish a mechanism for coordinating the state's programs that impact economic development; and

WHEREAS, the most effective means of coordinating policy implementation is through the cooperation of the cabinet heads of those agencies concerned with economic growth and stability in the state;

NOW, THEREFORE, I, DAVID C. TREEN, Governor of the State of Louisiana, by virtue of the authority vested in me by the Constitution and applicable statutes of the State of Louisiana, do hereby order and direct:

I. That there is hereby created the Economic Development Coordinating Panel which shall have the following duties:

a) To implement economic development policies and programs.

b) To coordinate the activities of executive agencies charged with the responsibility of implementing activities associated with economic development for the state of Louisiana, and ensure interdepartmental cooperation in all said endeavors.

II. The Economic Development Coordinating Panel shall be composed of the chief officials of those agencies most actively involved with economic development matters, including but not limited to:

The Department of Commerce, the Secretary of which shall serve as Chairman

The Department of Transportation and Development

The Department of Urban and Community Affairs

The Department of Culture, Recreation and Tourism

The Department of Labor

The State Planning Office

The Department of Natural Resources

The Department of Revenue and Taxation

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 3rd day of June, A.D., 1983.

David C. Treen
Governor of Louisiana

EXECUTIVE ORDER NO. DCT 83-12

WHEREAS, it is recognized that fundamental changes are occurring in the worldwide and national economies, and

WHEREAS, economic development can best be effected through a cooperative effort of the public and private sectors;

NOW, THEREFORE, I, DAVID C. TREEN, Governor of the State of Louisiana, by virtue of the authority vested in me by the Constitution and applicable statutes of the State of Louisiana, do hereby order and direct:

I. That there is hereby created the Economic Development Advisory Council, which shall have the following duties:

a) To develop recommendations for statewide economic

development policy objectives.

b) To formulate and recommend cost-effective, productive economic development programs (both within state agencies and in the private sector).

c) To identify, rank, and address crucial Louisiana economic development problems and issues.

d) To recommend legislative initiatives pertaining to economic development.

II. That the Economic Development Advisory Council shall be composed of at least the following:

Five members from the Cabinet,

a) The Secretary of the Louisiana Department of Commerce, who shall serve as chairman.

b) The Secretary of the Louisiana Department of Transportation and Development.

c) The Secretary of the Department of Culture, Recreation and Tourism.

d) The Secretary of the Department of Labor.

Members to be appointed by the Governor:

a) Seven private sector business, agriculture, labor and community leaders who are active in economic development pursuits.

b) Two economic development experts from the state's universities.

c) A member of the House of Representatives.

d) A member of the Senate.

e) That appropriate personnel from the Office of Commerce and Industry and the State Planning Office shall serve as staff to the Council.

f) That the Economic Development Advisory Council shall first convene in June of this calendar year.

The Governor may from time to time appoint additional members as appropriate in light of the activities undertaken and the areas of inquiry.

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 3rd day of June, A.D., 1983.

David C. Treen
Governor of Louisiana

EXECUTIVE ORDER NO. DCT 83-14

WHEREAS, the purpose of this order is to improve the efficiency of cash management practices in the state; and

WHEREAS, a preliminary cash management review indicated that additional evaluation of cash management practices of state agencies is needed and that the resulting recommendations be instituted; and

WHEREAS, more efficient cash management practices will be beneficial to state agencies and citizens of the state in maximizing the amount of funds available for investment by the State of Louisiana;

NOW, THEREFORE, I, DAVID C. TREEN, Governor of the State of Louisiana, by virtue of the authority vested in me by the Constitution and applicable statutes of the State of Louisiana, do hereby create and establish a Cash Management Task Force to evaluate and recommend changes to improve cash management practices of State agencies.

BE IT FURTHER RESOLVED, that the task force herein created shall be composed of the State Treasurer, the Legislative Auditor, and the Commissioner of Administration. These individuals may designate employees from their offices to represent them on the Task Force, and are authorized to use those resources as necessary to carry out the purposes of this Executive Order. The

task force shall make such studies and gather data from State agencies as it finds necessary to carry out the purpose of this Executive Order.

BE IT FURTHER RESOLVED, that all State agencies shall:

1) Review their respective cash management practices relating to the billing, collecting, recording, depositing, investing, and disbursing of funds.

2) Determine if cash management functions are performed timely for efficient use and investment of funds by the state.

3) Institute changes to improve efficiency and timeliness of cash transactions.

4) Make recommendations to and provide information as requested by the Cash Management Task Force for improving cash management practices.

5) Cooperate with the Cash Management Task Force and assist in implementing changes in statewide cash management practices.

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 3rd day of August, A.D., 1983.

David C. Treen
Governor of Louisiana

Emergency Rules

DECLARATION OF EMERGENCY

Department of Commerce Racing Commission

The Louisiana State Racing Commission, pursuant to the authority contained in R.S. 49:953B, readopted four Emergency Rules. LAC 11-6:30.37 and 30.8 on simulcast wagering; LAC 11-6:54 et seq. on permitted medication; and LAC 11-6:14.9 on trainer applicant examinations.

The Commission, at its meeting of July 29, 1983, by unanimous resolution, made the finding that public welfare required the amendment and readoption of said Rules of racing.

Pursuant to R.S. 4:141 et seq. and, particularly, R.S. 4:142 stating the Legislative purpose of the racing statute, it is incumbent upon the Louisiana State Racing Commission to readopt said rules of racing so as to place under its control and jurisdiction the specifications and conditions whereby: 1) permitting nationally recognized out-of-state horseraces to be simulcasted at Louisiana racetracks, 2) allowing nationally recognized Louisiana horseraces to be simulcasted in other racing jurisdictions, 3) outlining the procedures and limitations of the use of permitted medication in racehorses, and, also, 4) requiring that horse trainer applicants pass an examination before being granted a trainer's license (a person failing said examination must wait for a 90 day period before reapplying).

Rule LAC 11-6:14.9 currently reads:

"An applicant for a license as trainer must show proof of at

least two years track experience with a racing stable. Application shall be accompanied by the written statements of two reputable persons to the effect that the applicant is personally known to them and that he is a person of good reputation and capable of satisfactory performance of the vocation he seeks to follow. An applicant shall be given a thorough examination by the stewards and such other persons as they may appoint."

Amend and readopt LAC 11-6:14.9 by adding the following to the last sentence thereof:

"Failure of applicant to obtain license will automatically require a 90 day waiting period before reapplying."

Gordon A. Burgess
Chairman

DECLARATION OF EMERGENCY

Department of Commerce Racing Commission

LAC 11-6:30.37

Pari-mutuel wagering within the enclosure of a licensed association's facility during approved racing dates on horse races held at a race track in another state or country may be permitted by the Commission. The following conditions must be met upon written application by the licensed association to the Commission:

A. The horse race must be of outstanding nature and of interest to a great number of patrons,

B. The horse race must be televised regionally, nationally, or internationally, or by closed-circuit network, so that patrons at the association's facility may view the racing event,

C. The licensed association must submit a written agreement with the host track or association where the race is held,

D. The licensed association must submit written approval by the host racing commission or board,

E. The licensed association must submit written approval by the host track or jurisdiction's horsemen's association,

F. Application to the Commission must be made at least 30 days before the racing event is to be held,

G. Notwithstanding the provisions of paragraph B, failure to receive the live telecast transmission of the race shall not affect wagers made and payoffs thereon.

Upon approval by the Commission of an association's application for pari-mutuel wagering on a racing event fulfilling the above criteria, the association agrees to:

A. Schedule not more than two such other track wagering events per day,

B. Schedule not more than 12 wagering events per day,

C. Accept wagers not more than 36 hours prior to the racing event,

D. Publish in its program the names of the contestants, owners, trainers, jockeys, weights, breeding information, color of silks, and a morning line of odds,

E. Display monies wagered and approximate odds on its tote board; win, place, show, daily double and exacta wagering shall be permitted on such other track racing events. The mutuel pay-off shall be computed on the basis of monies wagered at the licensed association's track on such other track racing events.

Gordon A. Burgess
Chairman

DECLARATION OF EMERGENCY

Department of Commerce Racing Commission

LAC 11-6:30.38

A horse race at a licensed association's track may be televised out of state. Pari-mutuel wagering may be permitted on such a race at a race track or entity in another state or country. A written application concerning the details of such a race and its agreements and contracts shall be submitted to the Commission for its approval at least 30 days prior to the racing event. Agreements and contracts shall comply with all applicable laws of the United States (particularly 15 U.S.C. Section 3001 et seq. - Interstate Horseracing Act), and the laws of this State.

Gordon A. Burgess
Chairman

DECLARATION OF EMERGENCY

Department of Commerce Racing Commission

LAC 11-6:54

Permitted Medication

(Editor's Note: The text of this Emergency Rule is contained under this same topic and number under the Racing Commission in the Rules section of this issue of the Register.)

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

The State Board of Elementary and Secondary Education, at its meeting of July 28, 1983, exercised those powers conferred by the emergency provisions of the Administrative Procedure Act R.S. 49:953B and adopted the following items as Emergency Rules:

1. Bulletin 1705, *Separate Minimum Standards for Moderately, Severely, and Profoundly Handicapped Students*. (Copy on file in BESE office and Department of State Register). This emergency adoption is necessary because in order to provide the local school systems with enough copies to begin implementation with the opening of the 83-84 school year, the Department of Education must begin printing and distributing immediately.

2. An amendment to the tuition exemption regulations (Bulletin 1533) under *College and University Procedures (VIII-E)* to allow colleges and universities 15 days after the date of commencement to submit tuition exemption invoices and related information to the State Department of Education. (This emergency adoption is necessary because the Department of Education must print and distribute these Regulations in order to allow teachers to return to colleges and universities in the Fall semester of 1983 under this program as provided by the Louisiana Legislature.)

3. Revised Section 459 of Bulletin 1706 (formerly Act 754 Regulations) as amended in Special Education Committee and as follows:

PROPOSED REVISIONS OF SECTION 459

A. Prior to any administrative disciplinary action with regard to a student classified as handicapped, the relationship between the behavior of concern, the handicapping condition of the student, and the proposed disciplinary action must be considered.

1. The need for a structured program of behavior therapy should be considered at each IEP meeting for all handicapped students.

2. Any structured program of behavior therapy which is

included in a student's IEP **shall not** be considered disciplinary action.

3. A handicapped student's IEP committee shall be convened to review the appropriateness of the student's program and/or placement following nine days in, or the third assignment to, a structured in-school alternative discipline program.

B. After a pattern of behavior has been established (three occurrences) resulting in any form of disciplinary action(s), the student's IEP committee shall be convened to review the student's program and/or placement.

C. When the behavior of the handicapped student is presenting an immediate danger to self or others or is significantly destructive to property, the student may be immediately removed from the school premises for a period not to exceed three days. Following the third such removal, the IEP committee shall be reconvened to:

1. determine if the behavior is related to the student's handicap, and

2. review the appropriateness of the student's educational program and/or placement.

In addition, a re-evaluation of the student shall be conducted in accordance with Bulletin 1508.

D. Each teacher is authorized to hold each student to a strict accountability for any disorderly conduct in the school, on the playground of the school, on any school bus going to or returning from school, or during recess or intermission. Teachers, principals, and administrators may, subject to any rules as may be adopted by a local parish/city school board, apply reasonable disciplinary and corrective measures to maintain order in the schools. In addition, school principals may suspend from school any student, including an exceptional child, for good cause in accordance with parish/city school board policy and this subpart.

E. A student classified as being handicapped shall be neither suspended nor expelled from school if the behavior for which action is taken is related to the student's handicap.

1. A suspension is defined as:

a) an in-school cessation of educational services for one school day or longer; and/or

b) a temporary removal from school for no more than nine school days.

2. An in-service alternative discipline program which includes educational services **shall not** be considered a suspension.

3. If the suspension being considered is for less than nine school days a determination as to whether the behavior is related to the student's handicapping condition shall be made by at least one person knowledgeable about the student (e.g., teacher) and one other professional staff member of the school system knowledgeable about the handicapping condition of concern (certified special education teacher, pupil appraisal staff member). The special education administrator or designee shall be notified within one operational day regarding the student's handicap, the behavior and the disciplinary action being taken.

F. If the determination is made that the student's behavior **is not related** to the student's handicap, the student shall be disciplined in accordance with discipline policies for non-handicapped students.

1. If a suspension or expulsion of more than nine school days is determined to be the appropriate disciplinary action, or if the cumulative number of days of suspension or expulsion exceeds nine school days during any one school year, then an alternative education program shall be provided to the student during the period of suspension or expulsion.

2. The suspension or expulsion or otherwise removal of a student classified as handicapped from his/her educational placement for a period of more than nine cumulative school days in one school year constitutes a significant change in placement and

requires adherence to the procedures established in Section 504 and P.L. 94-142, including:

a) The convening of the IEP committee to:

- 1) Determine if the behavior is related to the student's handicap, and
- 2) Review the appropriateness of the student's educational program and/or placement.

b) A re-evaluation of the student in accordance with Bulletin 1508.

G. If a determination is made that the student's behavior is related to the student's handicap, no suspension or expulsion shall be taken against the student.

(This policy was adopted as an Emergency Rule because the Office of Civil Rights has indicated in formal correspondence to the BESE that the current Section 459 of Bulletin 1706 is out of compliance with the requirements of Section 504 of the Vocational Rehabilitation Act of 1973. Section 459 of Bulletin 1706 was adopted on an emergency basis so that immediate compliance with Section 504 can be achieved.

4. The Board concurred with the recommendations of the Department of Education regarding the NTE Scores as listed below:

Area Examination	Core Battery Exams			
	Area Score	CS	GK	PK
Agriculture	466	645	644	645
Art Education	-	645	644	645
Biology & General Science	575	645	644	645
Business Education	591	645	644	645
Chemistry/Physics/ General Science	530	645	644	645
Early Childhood Education	506	645	644	645
Education in Elementary School	545	645	644	645
Education of Mentally Retarded	541	645	644	645
English Language/Literature	441	645	644	645
French	517	645	644	645
German	496	645	644	645
Home Economics Education	509	645	644	645
Industrial Arts Education	-	645	644	645
Mathematics	617	645	644	645
Media Specialist/Library/A-V	563	645	644	645
Music Education	533	645	644	645
Physical Education	545	645	644	645
Social Studies	563	645	644	645
Spanish	538	645	644	645
Speech Communications	-	645	644	645
CS - Communication Skills Professional Knowledge	GK - General Knowledge	PK		

Since the National Teacher Examinations were revised by the Educational Testing Service, it was necessary to revalidate the exams and set new scores for certification. Emergency adoption is necessary so that individuals can be employed under these provisions for the 1983-84 school year.

5. The Board adopted the following policy regarding issuing a temporary employment permit to those taking the revised NTE:

1. A temporary employment permit, valid for the 1983-84 school year, will be granted to those candidates who met the qualifying scores on the revised NTE in three out of four modules and whose aggregate score is equal to or above the total score on all four modules required for standard certification. All other standard certification requirements must be met.

2. When no area examination is required, a temporary employment permit will be granted to candidates who meet

qualifying scores in two out of three modules of the Core Battery and whose aggregate score is equal to or above the total score on all three modules of the Core Battery required for certification. All other standard certification requirements must be met.

3. To employ an individual on a temporary employment permit, a local superintendent would be required to verify that no regularly certified teacher is available for employment. Names of individuals employed on a temporary employment permit should be listed on the addendum to the Annual School Report with verification that no regularly certified teacher is available.

(The need for the emergency adoption of the above policy is to help local school systems that are experiencing a teacher shortage and cannot employ a regularly certified teacher.)

6. The Board adopted policies on attendance in the proposed revised Bulletin 741 as an Emergency Rule in order that these policies would be effective for the 1983-84 school year as listed below:

Attendance Requirements - (Elementary and Secondary Education)

Students from the seventh to the sixteenth birthday shall attend a public or private day school or participate in an approved home study program.

1. Schools shall administer attendance regulations in accordance with state and locally adopted policies.

2. Students shall be expected to be in attendance every student activity day scheduled by the local educational governing authority.

3. In order to be eligible to receive grades, high school students shall be in attendance a minimum of 80 days per semester or 160 days a school year for schools not operating on a semester basis. Elementary students shall be in attendance a minimum of 160 days a school year.

4. The only exception to the attendance regulation shall be the delineated extenuating circumstances that are verified by the Supervisor of Child Welfare and Attendance. (Refer to R.S. 17:226.)

Extenuating Circumstances

1) Extended personal physical or emotional illness as verified by a physician

2) Extended hospital stay as verified by a physician

3) Extended recuperation from an accident as verified by a physician

4) Extended contagious disease within a family as verified by a physician

5) Prior school system approved travel for education

6) Death in the family (not to exceed one week)

7) Natural catastrophe and/or disaster

8) For any other extenuating circumstances parents must make a formal appeal in accordance with the due process procedures established by the LEA.

5. Students who are verified as meeting extenuating circumstances and therefore eligible to receive grades shall not receive those grades if they are unable to complete make-up work or pass the course.

6. Absences Due to School Approved Activities — Students participating in school approved activities which necessitate their being away from school shall be considered to be present and shall be given the opportunity for make-up work.

7. Types of Absences — The days absent for elementary and secondary school students shall include temporarily excused absences, unexcused absences and suspensions.

8. Temporarily Excused Absences — Students shall be considered temporarily excused from school for personal illness, serious illness in the family, death in the family (not to exceed one week), or for recognized religious holidays of the student's own faith and shall be given the opportunity for make-up work.

9. Unexcused Absences — Students shall not be excused for any absence other than those listed and shall be given failing grades in those subjects for those days missed with no make-up work allowed.

10. Students shall not be excused from school to work on any job including agriculture and domestic service, even in their own homes or for their own parents or tutors.

11. Absences Due to Suspensions — Students missing school as a result of any suspension shall be counted as absent and shall be given failing grades for those days suspended with no make-up work allowed.

12. Homebound Instruction — A student enrolled in regular education who, as a result of physical illness, accident or the treatment thereof, is temporarily unable to attend school shall be provided instructional services in the home or hospital environment through special education, when appropriate. Procedures outlined in Act 754 and Bulletin 1508, *Pupil Appraisal Handbook*.

13. Exceptional Students' Attendance — School systems shall provide education and related services to exceptional students in accordance with an Individualized Education Program (IEP) for no less than the normal 180-day school cycle.

14. Entrance Requirements — All students upon entering Louisiana schools for the first time shall present an official birth certificate and a record of immunization.

All students entering any school for the first time shall present satisfactory evidence of having been immunized against diphtheria, tetanus, whooping cough, polio-myelitis, measles, and other communicable diseases according to a schedule approved by the State Department of Health and Human Resources, or shall present evidence of an immunization program in progress. In addition, each child shall have a test for meniscocytosis, commonly known as "sickle-cell anemia." The test is mandatory unless the parents object.

15. Age Requirements — Special Education preschool shall be provided to eligible students ages 3-5 years.

16. The school system shall have the option to provide special education preschool to handicapped students aged 0-2 years.

17. The minimum age for kindergarten shall be 4 years, 8 months.

18. Students attaining the age of 6 within 4 months after the beginning of any public school term or session may enter such school at the beginning of the school term or session.

In any parish or municipality, the local educational governing authority may establish the policy that only children attaining the age of 6 on or before December 31 may enter regular school at the beginning of the term or session.

19. Child Welfare and Attendance — A planned program of child welfare and attendance services shall be provided.

20. Unexcused Absences — Any unexplained, unexcused, or illegal absence or habitual tardiness shall be reported to the Visiting Teacher, and/or Supervisor of Child Welfare and Attendance when necessary.

The Visiting Teacher or Supervisor of Child Welfare and Attendance may visit the residence of a student or any other place in order to ensure that a student is in attendance during the hours of a school day.

In the discharge of the duties of their office, visiting teachers, or supervisors of child welfare and attendance, shall cooperate fully with the State Departments of Public Welfare, Labor, Health and Human Resources (DHHR), and other State and local agencies, and may serve such writs and process in law relating to compulsory attendance as may be necessary for the enforcement.

Violations of the compulsory attendance law shall be investigated, and when necessary, shall include written notice, either in

person or by registered mail, to the parent, tutor, or other person having control or charge of a student within the compulsory school attendance age.

21. Parent or Tutor Responsibility — The school system shall require that every parent or tutor or other person having charge of an exceptional student enrolled in the school system shall enforce the attendance of these students at the special schools or classes which may be provided for them by the state or by the local educational governing authority, and to which they have been assigned, and which they are eligible to enter.

Attendance Requirements - (Special Schools)
Special schools shall administer attendance regulations in accordance with state and locally adopted policies.

1. Students shall be expected to be in attendance every student activity day scheduled by the local educational governing authority.

2. In order to be eligible to receive grades, high school students shall be in attendance a minimum of 80 days per semester or 160 days a school year for schools not operating on a semester basis. Elementary students shall be in attendance a minimum of 160 days a school year.

3. Extenuating Circumstances — The only exception to the above stated standard (3.055.02) shall be the delineated extenuating circumstances that are verified by the Supervisor of Child Welfare and Attendance or other appropriate authority as designated by the educational governing authority.

Special schools not within the jurisdiction of a school system shall provide verification and approval of the extenuating circumstances through the principal of the school and the State Department of Education (SDE). (Refer to R.S. 17:226.)

Extenuating Circumstances

1) Extended personal physical or emotional illness as verified by a physician

2) Extended hospital stay as verified by a physician

3) Extended recuperation from an accident as verified by a physician

4) Extended contagious disease within a family as verified by a physician

5) Prior school system approved travel for education

6) Death in the family (not to exceed one week)

7) Natural catastrophe and/or disaster

8) For any other extenuating circumstances parents must make a formal appeal in accordance with the due process procedure established by the LEA.

4. Students who are verified as meeting extenuating circumstances and therefore eligible to receive grades shall not receive those grades if they are unable to complete make-up work or pass the course.

5. Absences Due to School Approved Activities — Students participating in school approved activities which necessitate their being away from school shall be considered to be present and shall be given the opportunity for make-up work.

6. Types of Absences — The days absent for elementary and secondary school students shall include temporarily excused absences, unexcused absences and suspensions.

7. Temporarily Excused Absences — Students shall be considered temporarily excused from school for personal illness, serious illness in the family, death in the family (not to exceed one week), or for recognized religious holidays of the student's own faith and shall be given the opportunity for make-up work. Exceptions can be made only through specific provisions in the Individualized Educational Program (IEP).

Entrance Requirements

8. All students entering a special school shall present an official birth certificate, a record of a physical examination, and satisfactory evidence of having been immunized against com-

municable diseases according to an approved schedule or shall present evidence of an immunization program in progress.

All students entering any school for the first time shall present satisfactory evidence of having been immunized against diphtheria, tetanus, whooping cough, polio-myelitis, measles, and other communicable diseases according to a schedule approved by the State Department of Health and Human Resources, or shall present evidence of an immunization program in progress. In addition, each child shall have a test for meniscocytosis, commonly known as "sickle-cell anemia." The test is mandatory unless the parents object.

9. Age Requirements — Eligible students served by special schools shall be between the ages of 3 through 21.

10. The special school shall have the option to provide special education preschool to handicapped students ages 0-2 years.

11. Special schools with graded programs shall adhere to established age requirements.

12. Unexcused Absence — Any unexplained, unexcused, or illegal absence or habitual tardiness shall be immediately reported to the Visiting Teacher, or Supervisor of Child Welfare and Attendance, or other appropriate authority as designated by the local educational governing authority.

The Visiting Teacher or Supervisor of Child Welfare and Attendance or other appropriate authority as designated by the local educational governing authority shall visit the residence of a student or any other place in order to ensure that a student is in attendance during the hours of a school day.

In the discharge of the duties of their office, Visiting Teachers, or Supervisors of Child Welfare and Attendance, shall cooperate fully with the State Departments of Public Welfare, Labor, Health and Human Resources, and other State and local agencies, and may serve such writs and process in law relating to compulsory attendance as may be necessary for the enforcement.

Violations of the compulsory attendance law shall be investigated, and when necessary, shall include written notice, either in person or by registered mail, to the parent, tutor, or other person having control or charge of a student within the compulsory school attendance age.

13. Parent or Tutor Responsibility — Each special school shall require that every parent or tutor or other person having charge of an exceptional child enforce the attendance of these children at the special schools or classes which may be provided for them.

James V. Soileau
Executive Director

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 provisions of the Administrative Procedure Act, R.S. 49:953 B, to amend the General Assistance policy regarding flat grant payment standards.

EMERGENCY RULE

The flat grant amount that shall be included in the payment budget for all certifications in the General Assistance Program is as follows:

18-922 flat grant amounts to be included in every GA Assistance Payment Budget.

No. of Persons	Flat Grant Amount
1	\$ 91
2	138
3	190
4	234
5	277
6	316
7	352
8	391
9	427
10	462
11	501
12	540
13	580
14	620
15	662
16	707
17	741
18	789

This Emergency Rule which rescinds the Emergency Rule of July 1, 1983, for the General Assistance Program is necessary as the rule regarding Flat Grant Amounts to be included in every General Assistance Payment Budget published in the June 20, 1983, *Louisiana Register* will result in the reduction or termination of General Assistance benefits for some one person households. The termination of benefits would be an imminent peril to the health and welfare of one person households whose General Assistance Benefits are terminated because these individuals would be deprived of the medical benefits which would terminate with the termination of the General Assistance benefits.

Roger P. Guissinger
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 the emergency provisions of the Administrative Procedure Act, R.S. 49:953 B, to amend the General Assistance policy regarding flat grant payment standards.

EMERGENCY RULE

Effective August 1, 1983, General Assistance Program applicants shall be referred to the Medical Social Review Team of the Office of Family Security rather than the Social Security Administration when incapacity is expected to last no more than six months, and is substantiated by medical evidence which the General Assistant applicant is able to present or readily secure.

The Emergency Rule is necessary as referral of all General Assistance applicants to the Social Security Administration prior to certification for General Assistance benefits would result in excessive delays for those individuals who become incapacitated for six months or less. The delay of benefits to the temporarily incapacitated will imminently imperil the health and welfare of those individuals who would be deprived of the medical benefits which become available upon inclusion in the General Assistance Program.

Roger P. Guissinger
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 the emergency provisions of the Administrative Procedure Act, R.S. 49:953 B, to amend the Title XIX State Plan, Method and Standards for Payment for Medical and Remedial Care and Services - Skilled Nursing and Intermediate Care Facilities. This Emergency Rule will serve to repeal an Emergency Rule published in the *Louisiana Register* on July 20, 1983, Volume 9, Number 1, page 457, bearing the title "Amendment to methods and standards for payment for medical services", which was never implemented, and will allow the Medical Assistance Program to adopt new policy, as follows:

Effective July 28, 1983, Attachment 4.19-D, page 103 after paragraph 4 and page 114 after paragraph 4 D. will be amended as follows:

EMERGENCY RULE

Page 103.

5. For the FY 1983-84 only, rates established for the FY 82-83 shall apply.

Page 114.

4.E. For the FY 1983-84 only, rates established for the FY 82-83 shall apply.

The intent of the regulation is to ensure reasonable rates for care provided during the FY 83-84.

As a result of problems identified in establishing allowable costs and the time required to resolve these conflicts, this method is established.

This action is necessary to ensure that recipients of Title XIX long term care services continue to be served, thus avoiding an imminent peril to their health and welfare; it ensures that providers of these services are paid adequately and timely; and also provides for effective administration of the Medical Assistance Program in this area.

Roger P. Guissinger
Secretary

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

The Wildlife and Fisheries Commission does hereby exercise the emergency provisions of the Administrative Procedure Act (R.S. 49:953B) to adopt, effective September 10, 1983 the following Rules and Regulations:

The Louisiana Department of Wildlife and Fisheries recommends that an alligator season be hereby established in accordance with the following regulations: No exceptions of these procedures will be permitted, and anyone taking alligators contrary to these regulations will be charged in accordance with Title 56 of the Louisiana Laws Pertaining to Wildlife and Fisheries, Revised 1982 Edition, appropriate federal laws; and/or Wildlife and Fisheries Commission regulations.

This is deemed to be an emergency due to the fact the biological data must be obtained up to the last possible moment so that the seasons may be set in the best interest of the renewable resources involved.

1. Open area - Alligator habitat in the State of Louisiana. Harvest quotas will be rigidly controlled according to alligator population estimates within all of the state's wetland habitat types.

2. Harvest season - The open season shall run for a 30-day period beginning on September 10, 1983, and continue through October 9, 1983. Size - no alligators under four feet in length may

be taken.

3. Harvest methods - Alligators may be taken only during daylight hours, between official sunrise and official sunset. If a licensed hunter is cited for hunting alligators out of season, at night, or on property other than that for which tags were assigned, all tags and skins for the current season will be confiscated in addition to revocation of the alligator hunting license. Special instructions will be issued to the holders of alligator hunter licenses shortly before the opening of the season describing detailed methods regarding the skinning of alligators. Skins processed contrary to the specific requirements of the Department will be considered illegal and will be confiscated by Department personnel. Pole hunting is prohibited to protect the nesting female population. Hooks and lines may be set no more than one day prior to the season opening. No hook and line shall remain set after the closing day of the alligator season. All alligator hooks and lines must be checked daily and all hooks and lines must be removed when a hunter's tag quota is reached. Alligators cannot be cut loose from hooks and lines for purposes of selecting larger alligators.

4. Licenses - An alligator hunter must have in possession a valid commercial alligator hunter license to take or sell alligators or their skins or other alligator parts. The fee for the resident license is \$25 per year and for the non-resident \$150. These licenses are non-transferable. In order to obtain a resident license, the hunter must have resided within the state for a period of 90 days immediately preceding the season and established bona fide residence in the state. A hunter must complete application forms provided by the Department and furnish proof that he owns the land or has an agreement with the landowner or another authorized hunter to hunt alligators on the specified property. Information as to the location and acreage of the property must be provided (all land descriptions must include parish, township, range, and section delineation figures). Applications must be submitted beginning August 1, 1983. Property ownership and description requirements do not apply to public lake hunters. The alligator hunter license will be issued only after the hunter has satisfactorily complied with the above requirements. Commercial alligator hunter licenses will not be issued after September 16, 1983. Non-resident hunters and resident sport hunters must coordinate their hunt through landowners and licensed resident hunters. A non-resident hunter may take no more than three alligators per season. A fur buyer license or fur dealer license is required for purchasing and handling raw alligator skins in Louisiana. An alligator parts dealer license is required of any person who deals in alligator parts other than hides and who: (a) Buys from an alligator hunter or farmer for the purpose of resale; or (b) Manufactures within the state alligator parts into a finished product; or (c) Purchases, cans, processes, or distributes alligator meat for wholesale or retail. A retailer selling canned alligator parts or a retailer purchasing alligator parts from an alligator parts dealer or a restaurant selling prepared alligator meat for human consumption shall not be classified as an alligator parts dealer. The fee for the parts dealer license is \$50 per year. Persons or firms entering alligators or alligator skins and/or parts in interstate/foreign commerce in the course of a commercial activity must be licensed in accordance with state and federal regulations. Persons shipping alligators, or alligator skins and/or parts to another state must do so in accordance with the regulations of that state.

5. Tagging - In addition to a valid commercial alligator hunting license, the hunter must also obtain from the Department, and have in his possession while hunting, official tags which must be firmly attached to each alligator skin immediately upon taking. Numbered tags will be issued to license holders for a sum of \$5 (one fee charged regardless of the number of tags involved). Alligator tags will not be issued after September 16, 1983. The tags must be attached and locked in the last six inches of the tail. The

tag must remain attached to the skin until finally processed by the fabricator. It shall be illegal to possess alligator skins in Louisiana without valid official tags attached. Failure to properly tag an alligator or skin will result in confiscation of both the alligator or skin and tag. Official alligator tags will be issued only to alligator hunters, and farmers and only to those who have authorized applications. The number of tags will be issued on the basis of the quantity and quality of the habitat, and the rate per acre will be fixed based on extensive population estimates. Tags will be issued for alligator habitat only, based on final decision of Department biologists. Tags issued on public lakes are non-transferable and limited to five per hunter. No more than this fixed number of tags will be issued. Each official tag will bear a characteristic number, and the tag numbers issued to each hunter will be recorded. Hunters will be held accountable for all alligator tags issued to them. *Unused tags must be returned by the hunter to the Department no later than 15 days following the close of the season.* Department personnel must be notified, within 15 days following the close of the season, of any alligator hides not sold to a commercial buyer or dealer on official Louisiana Department of Wildlife and Fisheries forms provided. Lost or stolen tags will not be replaced but must be reported within 15 days of close of season. Tags can be used only on the lands applied for and approved on the application. Tags furnished by the Louisiana Department of Wildlife and Fisheries must be attached to all alligator meat/parts upon transfer by a hunter or farmer.

6. Alligator Farmers and Breeders - Licensed alligator farmers or breeders will be issued permits to kill and skin their alligators but must follow the same rules and regulations which apply to wild alligators (except farm alligators can be harvested during closed season with Department approval).

7. Sale of Alligator Skins - All alligator skins taken during the alligator season must be validated by personnel of the Louisiana Department of Wildlife and Fisheries prior to the hides leaving the state. Special skinning instructions will be verified, and any skins not prepared according to instructions issued in advance of season will be considered illegal. Buyers/dealers must abide by special skinning instructions or be subject to forfeiture of improperly skinned hides.

8. Buyer/Dealer Hide Records - All buyers and dealers making purchases of alligator hides shall maintain a complete set of records of all purchases and sales. Such records will include names and addresses of buyers and/or sellers, alligator hide tag number and length, and date purchased. Dealers will submit reports as required by the Department for all hides purchased/sold. Every buyer or dealer having raw alligator hides in his possession shall file with the Department within 60 days after the close of the alligator season, or prior to shipping out of state, a complete report as specified on forms provided by the Department.

9. Shipment - All interstate shipments of raw alligator skins must be tagged with official out-of-state shipping tags provided by the Department. All shipments of skins within the state must be tagged with official Louisiana Department of Wildlife and Fisheries in-state shipping tags. A severance tax of 25¢ per hide must be paid on all out-of-state shipments at the time skins are transported or shipped.

10. Sale of Meat and Parts - Meat and other parts from lawfully taken alligators can only be sold according to Louisiana Health Department regulations, Louisiana Department of Wildlife and Fisheries regulations, and federal laws. Alligator meat sold for human food must be processed in a facility approved by the Louisiana Health Department. If a person or firm (corporation) is

cited for buying or selling alligator meat that was not processed through a licensed alligator processing plant, all alligator meat in possession will be confiscated. Alligator hunters, farmers, and parts dealers shall maintain records of all transactions, purchases, and sales on forms provided by the Department. These forms shall be submitted to the Department within 30 days following the close of the season and thereafter at 60-day intervals until all parts are sold. All alligator meat and parts, excluding hides, shall be tagged with an official alligator parts tag (Color: Blue) to be furnished by the Department. Hunters, farmers, and alligator parts dealers (must be licensed by the Louisiana Health Department) shall furnish a bill of sale to all retailers and restaurants purchasing alligator parts. This bill of sale shall be maintained for a period of six months.

11. Nuisance Removal Program - A statewide alligator nuisance removal program will be administered on an annual basis. This program will allow the taking of problem alligators within the confines of municipal, ward, parish, or state responsibility where there are alligator-people conflicts. Alligators taken under this program must be taken in accordance with state regulations and local regulations/ordinances. Skinning instructions issued by the Department will be for one calendar year. This nuisance removal program depends upon close cooperation of state, parish, and local authorities. Tags may be issued by the Department to an approved licensed hunter who has been designated by Department supervisory personnel or officials of a local governing body. The number of tags issued will be based on the number of complaints received and the quantity and quality of alligator habitat involved. The Commission is hopeful this program will lessen the threat to people and property by reducing human/alligator contact.

12. Hunting on Public Lakes - The Department may select public lakes for an experimental alligator hunting program. The harvest will be controlled by a tag allotment for each lake as determined by population surveys by Department personnel. An alligator hunter can receive tags for and hunt on only one public lake each season. The tag quota for a public lake is five per hunter. *Alligator tags issued on public lakes are nontransferable.* Applicants for public lake hunting must be 16 years of age or older. In the event that the number of applicants for any particular public lake exceeds the number of allowable hunters, a public drawing will be held to select hunters. Applications for public lake hunting must be received at least 10 days prior to the season opening date.

13. Harvest Rates - Tags will be issued on the following basis, with the exception of alligator farmers, breeders and the nuisance complaint program.

1983 NON-MARSH ALLIGATOR TAG ALLOTMENT BY ZONE AND PARISH
LAKE REGION

ZONE	PARISH	HABITAT	ACRES OF HABITAT	TAG ALLOTMENT	ACRES/TAG	REMARKS
Minden	Caddo	Cross Lake	500	20	25	Public Lake (Experimental Harvest)
	Bossier	Flag Lake	500	10	50	Barksdale A.F.B.
		Barksdale A.F.B. Lakes	500	10	50	"
	DeSoto	*Clear Lake	1,500	50	30	Public Lake (Experimental Harvest)
		**Smithport Lake	1,500	50	30	"
		Bayou Pierre Brake	3,000	30	100	Private Lake (Experimental Harvest)
DeSoto-Caddo	Wallace Lake	2,000	5	400	Public Lake (Experimental Harvest)	
Monroe	Ouachita	Calhoun Brake	600	6	100	Private Lake (Experimental Harvest)
		Black Bayou Lake	720	15	50	"
		McGowen Brake	600	6	100	"
		Bartholomew Lake	250	5	50	Public Lake (Experimental Harvest)
	Morehouse	Wham Brake	500	5	100	Private Lake (Experimental Harvest)

1983 NON-MARSH ALLIGATOR TAG ALLOTMENT BY ZONE AND PARISH (CONT'D)

LAKE REGION

ZONE	PARISH	HABITAT	ACRES OF HABITAT	TAG ALLOTMENT	ACRES/TAG	REMARKS
Alexandria	Grant	Iatt Lake	3,000	20	150	Public Lake (Experimental Harvest)
	Rapides	Indian Creek	500	5	100	"
		Kincaid Lake	500	5	100	"
	Rapides- Evangeline	Cocodrie Lake	4,000	10	400	"
	Natchitoches	Black Lake	2,400	10	240	"
	Winn	Saline Lake	2,400	10	240	"
	Vernon	Anacoco Lake	1,000	5	200	"
Ferriday	Caldwell	Jones Brake	200	10	20	Boeuf W.M.A. (Experimental Harvest)
		Dizzy Brake	160	10	16	Private Lake (Experimental Harvest)
	Concordia	Lower Sunk Lake	600	5	120	Three Rivers W.M.A. (Experimental Harvest)
		Silver Lakes	400	5	80	"
	Tensas	Lake St. Joseph	800	40	20	Public Lake (Experimental Harvest)
Lake- Charles	Evangeline	Chicot Lake	1,625	16	100	State Parks (Experimental Harvest)

1983 NON-MARSH ALLIGATOR TAG ALLOTMENT BY ZONE AND PARISH (CONT'D)

LAKE REGION

ZONE	PARISH	HABITAT	ACRES OF HABITAT	TAG ALLOTMENT	ACRES/TAG	REMARKS
Lake Charles	Evangeline	Miller's Lake	3,000	30	100	Private Lake (Experimental Harvest)
Opelousas	Avoyelles	Grassy Lake W.M.A.	760	8	100	(Experimental Harvest)
		Spring Bayou W.M.A.	3,420	50	70	"
	St. Martin	Bayou des Ourses Brake	1,300	20	65	Private brakes within upper portion of Atchafalaya Basin
	Iberville	Bayou des Glaises Brake	2,000	20	100	(Experimental Harvest)
Lake Region Totals		Lakes	40,105	491	85	Experimental Harvest Rates

Additionally: Any private alligator habitat determined by Dept. personnel to have a reproducing population may be issued tags at the rate of one tag per 85 acres of habitat.

* North of La. 509 Bridge

** South of La. 509 Bridge

1983 NON-MARSH ALLIGATOR TAG ALLOTMENT BY PARISH
CYPRESS-TUPELO SWAMP REGION

ZONE	PARISH	ACRES OF HABITAT	TAG ALLOTMENT	ACRES/TAG	REMARKS
Opelousas	Iberville	29,880	93	320	Tag allotment based upon night counts, alligator model and harvest rate of 4.7% of harvestable size animals
	Lafayette	1,200	4	320	
	Pointe Coupee	1,000	3	320	
	W. Baton Rouge	7,040	22	320	
Baton Rouge	Acension	40,320	126	320	Alligator harvest within Pearl River W.M.A.
	E. Baton Rouge	2,000	6	320	
	Livingston	66,720	208	320	
	St. Tammany	9,000	28	320	
	Tangipahoa	*36,181	113	320	
New Orleans	St. Charles	39,340	123	320	
	St. James	76,960	241	320	
	St. John	104,320	326	320	
New Iberia-Bourg	Assumption	98,560	308	320	
	Iberia	31,550	99	320	
	LaFourche	112,350	351	320	

1983 NON-MARSH ALLIGATOR TAG ALLOTMENT BY PARISH
 ATCHAFALAYA BASIN REGION

ZONE	PARISH	ACRES OF HABITAT	TAG ALLOTMENT	ACRES/TAG	REMARKS
Opelousas	Iberville	35,000	41	850	Tag allotment based upon night counts, alligator model and harvest rate of 4.7% of harvestable size animals
	St. Martin	100,000	118	850	
New Iberia	Iberia	39,980	47	850	
	St. Martin	80,000	94	850	
	St. Mary	13,560	16	850	
BASIN TOTAL		268,540	314	850	

1983 NON-MARSH ALLIGATOR TAG ALLOTMENT BY PARISH
 CYPRESS-TUPELO SWAMP REGION

ZONE	PARISH	ACRES OF HABITAT	TAG ALLOTMENT	ACRES/TAG	REMARKS
	St. Mary	60,190	188	320	
	Terrebonne	43,014	134	320	
SWAMP TOTAL		758,625	2,373	320	

* 35,000 additional acres of intermediate marsh.

Parish	1983 Tag Allotment/Marsh Type		
	Brackish	Intermediate	Fresh
Cameron Calcasieu	1:175	1:100	1:125
Jeff Davis			1:125
Vermilion	1:150	1:100	1:250
Iberia St. Mary	1:250	1:175	1:200
Terrebonne	1:225	1:100	1:150
Lafourche	1:400	1:175	1:100
St. Charles	1:400	1:100	1:100
St. John the Baptist		1:100	1:100
Jefferson	1:300	1:200	1:175
Orleans	1:500	1:225	1:225
Plaquemines	1:350	1:250	1:250
St. Bernard	1:400	1:200	
St. Tammany	1:125	1:125	1:125
Tangipahoa			1:175
Swamp	1:320		
Dewatered Marsh	1:500		
Deteriorating Brackish Marsh*	1:500		

*Marsh areas which are characterized by a generally declining alligator population caused by degradation of alligator habitat.

This is to certify that the above and foregoing is a true copy of the excerpt of the meetings of the Louisiana Wildlife and Fisheries Commission held in New Orleans, Louisiana on July 26, 1983.

Jesse J. Guidry
Secretary

DECLARATION OF EMERGENCY
Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

WHEREAS, there is a need to define the interior limits of Chandeleur and Breton Sounds for vessels using two trawls in order to conserve and protect small juvenile shrimp in nursery ground areas,

NOW, Therefore, Be It Resolved that the Wildlife and Fisheries Commission at its regular meeting on July 26, 1983 does hereby establish the western limits of Chandeleur and Breton Sounds as being that area extending generally east of a line running south from the Louisiana - Mississippi boundary to the east end of Isle Aux Pitre to Door Point, Brush Island, Point Comfort, Point Chico, Grace Point (Break-in-the-rocks, MR-GO), Mozambique Point, Telegraph Point, California Point, Sable Island Light, Raccoon Point, Coquille Point, Deep Water Point, and the northeastern point of land at Taylor Pass.

Jesse J. Guidry
Secretary

DECLARATION OF EMERGENCY
Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

The Wildlife and Fisheries Commission does hereby exercise the emergency provisions of the Administrative Procedure Act (R.S. 49:953B) to adopt, effective September 17, 1983 the following Rules and Regulations:

1983-84 Migratory Hunting Season Dates

	Dates	Days
Rails	Sept. 17-25	9
	Nov. 12-Jan. 11	<u>61</u>
		70 Total
Gallinules:	Sept. 17-25	9
	Nov. 12-Jan. 11	<u>61</u>
		70 Total
Snipe:	Nov. 12-Feb. 26	107
Woodcock:	Dec. 10-Feb. 12	65
Doves	North Zone: Sept. 3*-18	16
	Oct. 15*-Nov. 6	23
	Dec. 10*-Jan. 9	<u>31</u>
		70 Total
	South Zone: Oct. 15*-Nov. 27	44
	Dec. 10*-Jan. 4	<u>26</u>
		70 Total
Teal:	Sept. 17-25	9

*Season opens at 12 noon on these dates.

Shooting Hours:

1. Sept. Teal Season: Sunrise to sunset.
2. Ducks, Geese, Coots, Rails, Gallinules, Woodcock and Snipe: one half hour before sunrise to sunset.
3. Doves: one half hour before sunrise to sunset except on the opening first two days of each season segment (September 3 and 4, October 15 and 16 and December 10 and 11) when shooting hours are 12 noon until sunset.

This is deemed to be an emergency due to the fact that the federal frameworks with the selected dates are not received from the U.S. Fish and Wildlife Service, Department of the Interior until the first week of August. Dates must be selected within this framework by the Wildlife and Fisheries Commission and returned by August 29, 1983.

Jesse J. Guidry
Secretary

RULES

RULE
Department of Commerce
Motor Vehicle Commission

The Louisiana Motor Vehicle Commission, in accordance with the authority granted to it by R.S. 1251, et seq., and pursuant to the Administrative Procedure Act, R.S. 49:950, et seq., is adopting the following amendments, in part, of Section 20 of the Rules and Regulations relative to advertising:

1. Every price advertisement shall include all charges except local and/or state sales tax, license and insurance.

2. Full and complete information shall be shown in describing the new motor vehicle so advertised and shall include:

- A. Make and Year.
- B. Series (Manufacturer's name plate).
- C. Number of doors.

D. Equipment included in advertised price. Any illustration used in any advertising media, including television, must be that of the new motor vehicle advertised as outlined above.

E. Any advertised statements, illustrations and offers of motor vehicles as to year, make, model, type, condition, equipment, price, trade-in allowance, terms, etc., shall be clearly set forth and based upon facts.

(a) The use of stock numbers will not preempt the requirements of full disclosures as stated above, except that the listing of equipment is not required when a manufacturer's list price, if an automobile, or manufacturer's suggested retail price, if a truck, is also advertised.

3. CREDIT SALES PLANS advertised must include:

A. The requirements contained in 2 above with regard to description and illustration of the advertised product shall also be adhered to in credit sales plan advertisements.

B. The amount of any required downpayment.

C. The amount to be financed.

D. The number, amount, or period of payments scheduled to repay the debt.

E. The finance charge expressed as an annual percentage rate.

4. DEFERRED PAYMENTS: No advertisement shall of

fer to defer the first payment on a credit sale beyond 45 days unless such advertisement states with equal prominence the method and/or terms of extending the first payment.

5. **LEASE ADVERTISING:** Lease advertising regulation is required because it represents an alternative to buying on credit. The following disclosures are required in lease advertising:

A. The requirements contained in 2 above with regard to description and illustration of the advertised product shall also be adhered to in lease advertisements.

B. That the transaction advertised is a lease.

C. The total amount of any payment such as security deposit or capitalized cost reduction required at the consummation of the lease, or that no such payments are required.

D. The number, amount, periods of scheduled payments, residual value, if any.

E. A statement of whether or not the lessee has the option to purchase the leased property and at what price and time.

F. A statement of the amount or method of determining the amount of any liabilities the lease imposes upon the lessee shall be liable for the difference, if any, between the estimated value of the lease property and realized value at the end of the lease term, if the lessee has such liability.

6. **STATEMENT OF COSTS - INVOICE:** No advertisement shall be run which uses the term or terms "invoice"; "cost"; "percent over/under cost, invoice or profit"; "\$\$\$ over/under cost, invoice or profit".

7. **FREE MERCHANDISE:** It is unfair practice for a dealer to use the word "free" or any other word or words of similar import, in any advertising, if the cost, or any part of the cost of the "free" equipment, accessory, or other merchandise, is included in the price of the motor vehicle or if the motor vehicle can be purchased for a lesser price without such equipment, accessory, or merchandise.

8. **CASH OFFERS:** Any cash offer funded by the dealer shall not be used and is prohibited.

9. **UNDERSELLING CLAIMS AND VOLUME DEALING:** Unsupported underselling claims shall not be used. Claims such as "First", "Largest", "Biggest" must be qualified as to validity (using valid source data) and the time period of claim.

10. **SAVINGS CLAIMS - DISCOUNTS:** (1) Specific claims or discount offers shall not be used in connection with any motor vehicle other than new or a Demonstrator and then only to show the difference between the dealer's own current selling price and the bona fide Manufacturer's Suggested List price, if an automobile, or Manufacturer's Suggested Retail price, if a truck. Full explanation must be given, as for example, "Save or discount \$___ from Manufacturer's List/Retail Price." (2) Such statements as "Up To", "As Much As", "From" - "To", etc., shall not be used in connection with savings claims.

11. **MANUFACTURER AND DISTRIBUTOR REBATES:** It shall be unlawful for any manufacturer or distributor, either directly or indirectly, to advertise, publicize or represent to the public by any means or in any medium, any offer to purchasers of vehicles sold by the manufacturer or distributor, of a rebate, refund, discount or other financial inducement or incentive, which is either payable to or for the benefit of the purchaser of the vehicle or which reduces the amount to be paid by the purchaser for the vehicle, whether such amount is the vehicle purchase price or any other cost accruing to the purchaser in connection with the purchase of the vehicle, where any portion of such rebate, refund, discount or other financial incentive or inducement is paid by, financed by, or in any manner contributed to by the dealer selling the vehicle, unless such advertising or publicizing discloses clearly and discernibly the following:

A. The dealer's contribution may affect the final negotiated price of the vehicle.

B. A manufacturer or distributor rebate which includes the dealer portion or contribution shall not be regarded as a cash offer funded by the dealer for purposes of Rule 8.

12. **DEALERS ADVERTISING OF MANUFACTURER AND DISTRIBUTOR REBATES:** It shall be unlawful for any dealer, either directly or indirectly, to advertise, publicize or represent to the public by any means or in any medium, any offer to purchasers of vehicles sold by the dealer, of a manufacturer's or distributor's rebate, refund, discount or other financial inducement or incentive of the type described in 11 above, unless such advertising or publicizing clearly and discernibly discloses the following:

A. The dealer's contribution may affect the final negotiated price of the vehicle.

13. **UNTRUE AND AMBIGUOUS STATEMENTS SHALL NOT BE USED:** Statements such as "Write your own deal", "Name your own price", "Name your own monthly payment", "Appraise your own motor vehicle", and phrases of similar import are obviously untrue and shall not be used.

14. **CURRENT USED:** Used motor vehicles shall not be advertised so as to create the impression they are new.

A. Motor Vehicles of the current and preceding year, which are other than new, must be clearly identified and qualified as "Used", "Executive Driven", "Demonstrator", "Demo", etc., as may be the case.

B. When new motor vehicles and motor vehicles of the current and preceding model year which are other than new are offered in the same advertisement, such offers shall be clearly separated by description, layout and art treatment.

15. **ADVERTISING FORMAT AND DISCLOSURE REQUIREMENTS:**

A. Qualifying phrases and amounts shall be clearly legible and associated with the featured amount.

B. The finance charge (expressed as an annual percentage rate) and other required disclosures must be presented at least in the video portion of a TV commercial and in a discernible manner.

16. **GAS MILEAGE CLAIMS:** Advertising which includes a gas mileage claim, i.e., a certain miles-per-gallon claim must be properly qualified as to the source of information and authenticity of the claim. Such advertisement should include, but not be limited to, a clear statement as to whether the claimed miles-per-gallon can be expected to be attained under normal or usual driving conditions.

17. **Auto shows:** Auto shows must be submitted for approval by the Louisiana Motor Vehicle Commission and comply with the following terms and conditions:

A. Any request for approval of an auto show must be submitted, in writing, not less than 45 days prior to the anticipated date of the proposed auto show.

B. All local new car dealers shall be offered an opportunity to participate in such auto shows unless sponsored by a particular trade association to promote its members products.

C. Such auto shows must comply with all rules and regulations of the Louisiana Motor Vehicle Commission and the Laws of the State of Louisiana.

D. Any other term or condition in which the Louisiana Motor Vehicle Commission deems necessary.

L. A. House
Acting Executive Secretary

RULES

Department of Commerce Office of Commerce and Industry

The Secretary of the Department of Commerce, pursuant to the authority contained in R.S. 51:1786 A (6) adopts the following Rules:

RULES FOR ACT 901 ENTERPRISE ZONE

RULE 1 Use of Louisiana Manufacturers and Suppliers

“The Board of Commerce and Industry requires manufacturers and their contractors to give preference and priority to Louisiana manufacturers and, in the absence of Louisiana manufacturers, to Louisiana suppliers, contractors, and labor, except where not reasonably possible to do so without added expense or substantial inconvenience or sacrifice in operational efficiency. In considering applications for tax exemption, special attention will be given to those applicants agreeing to use, purchase and contract for machinery, supplies and equipment manufactured in Louisiana, or, in the absence of Louisiana manufacturers, sold by Louisiana residents, and to the use of Louisiana contractors and labor in the construction and operation of proposed tax exempt facilities. It is a legal and moral obligation of the manufacturers receiving exemptions to favor Louisiana manufacturers, suppliers, contractors, and labor, all other factors being equal.”

RULE 2 Endorsement Resolution

The request for such exemption must be accompanied by an endorsement resolution approved by the governing body of the appropriate municipality, parish, port district, or industrial development board in whose jurisdiction the establishment is to be located.

RULE 3 Documentation of Location

The business must document its location within the boundaries of a particular Enterprise Zone.

RULE 4 Qualified Employees - Urban Zones

A business located in an urban Enterprise Zone and receiving the benefits of this Chapter must certify that at least 35 percent of its employees:

- (a) Are residents of the same or a contiguous Enterprise Zone as the location of the business; or
- (b) Were receiving some form of public assistance prior to employment; or
- (c) Were considered unemployable by traditional standards, or lacking in basic skills; or
- (d) Any combination of the above. Such certification must be updated annually if the business is to continue receiving the benefits of this Chapter.

RULE 5 Qualified Employees - Rural Zones

A business located in a rural Enterprise Zone and receiving the benefits of this Chapter must certify that at least 35 percent of its employees:

- (a) Are residents of the same parish as the location of the business; or
- (b) Were receiving some form of public assistance prior to employment; or
- (c) Were considered unemployable by traditional standards, or lacking in basic skills; or
- (d) Any combination of the above. Such certification must be updated annually in order for the business to continue receiving the benefits of this Chapter.

RULE 6 Branch Operations

Multi-location businesses will qualify provided that the branch located within an Enterprise Zone is treated as a separate entity for sales tax and income tax if a partnership or sole proprietorship. For a corporate multi-location business to qualify, the business location within the Enterprise Zone must be established

as a separate operating division.

RULE 7 Arbitrary Termination of Employees

The Board will not accept an application from a business which has arbitrarily terminated employees and hired others in order to qualify for the benefits of this program.

RULE 8 Items Eligible For Sales/Use Tax Exemption

Only material used in the construction of a building, or any addition or improvement thereon, for housing any legitimate business enterprise, and machinery and equipment used in that enterprise will be considered eligible for exemption sales/use taxes.

RULE 9 Filing of Applications

The applicant shall submit an application, on the required forms for the exemptions from taxes allowed under this act to the Office of Commerce and Industry together with the certifications required under Rules 4 and 5. The Office of Commerce and Industry shall verify the information given in the applications. Applications shall be submitted to the Office of Commerce and Industry at least 60 days prior to the Board of Commerce and Industry meeting where it will be heard.

RULE 10 Recommendations of the Secretaries of Commerce and Revenue and Taxation

The Office of Commerce and Industry shall forward the application with its recommendations to the Secretary of Commerce and the Secretary of Revenue and Taxation for their review. Within 30 days after the receipt of the application the Secretaries of Commerce and Revenue and Taxation shall submit their recommendations (the Secretary of Revenue and Taxation shall submit a LETTER OF NO OBJECTION in lieu of a letter of RECOMMENDATION) in writing to the Assistant Secretary for Commerce and Industry.

RULE 11 Application Shall Be Presented to the Board of Commerce and Industry

The Office of Commerce and Industry shall present an agenda of applications to the Board of Commerce and Industry with the written recommendations of the Secretaries of Commerce and Revenue and Taxation and the endorsement resolutions outlined in Rule 2 and shall make recommendations to the Board based upon its findings.

RULE 12 Board of Commerce and Industry Shall Enter Into Contract

Upon approval of the application, the Board of Commerce and Industry shall enter into contract with the applicant for exemptions of the taxes allowed by R.S. 51:1781-1789. The contract shall be for five years and can be renewed for one additional five year period. A copy of the contract shall be sent to the Department of Revenue and Taxation.

RULE 13 Refund on Sales/Use Taxes

The contract will not authorize the applicant to make tax-free purchases from vendors. The tax exemption for state sales and use taxes will be effected through issuance of tax refunds by the Department of Revenue and Taxation.

Refunds will be secured by the filing of affidavits for each calendar month with the Department of Revenue and Taxation, Sales Tax Section, which must include the following:

- (1) A listing of purchases made during the month of movable property that is intended to be used on the Enterprise Zone project and the contract number of the project. The listing must include a brief description of each item, the vendor's name, date of the sale, sales price and the amount of 3 percent state sales tax paid. The items included in the listing must have been purchased by the owner of the project, or by a builder or other party that has contracted with the owner to provide materials and services for the project.
- (2) A certification that the materials included in the listing are reasonably expected to qualify upon completion of the project

for the exemption under provision of the statute.

(3) A certification that the sales/use taxes have actually been paid on the items included in the listing.

The affidavit may be filed on official Department of Revenue and Taxation "Claim for Refund" forms or on other forms prepared by the applicant. After the Department of Revenue and Taxation has verified the information or the application, a refund check will be issued for the amount of state sales/use taxes paid.

Local sales and use tax exemptions will be handled in the manner prescribed by the local taxing authority.

RULE 14 Contractees Must File State Franchise and Income Tax Returns

(a) Corporations organized for the purpose of locating within an urban Enterprise Zone and qualifying for exemption from corporate income and franchise taxes shall file the same required forms and returns with the Department of Revenue and Taxation as would be required if the exemption had not been granted. Each form and return should have a certification attached stating the Corporation is exempt from income and franchise taxes and giving the contract numbers of its exemptions, date the contract was approved and the expiration date.

Partnerships and sole proprietorships shall file the same returns as would be required if the exemption had not been granted. In addition, each return must include a profit and loss statement for the business located in the Enterprise Zone.

(b) Contractees qualifying for the \$2,500 tax credit per new employee employed in the business located in the rural Enterprise Zone shall file the same required forms and returns with the Department of Revenue and Taxation as would be required if no credit were due.

Each yearly return will have the contract number of the exemption, a certification attached showing the annual increase in employment as determined by the company's average annual employment reported to the Office of Employment Security, and the unused credits from previous years. If total tax credits are less than the total taxes, remittance in the amount of the difference must be enclosed with the return.

RULE 15 Violations of Rules, Statutes, or Documents

On the initiative of the Board of Commerce and Industry or whenever a written complaint of violation of the terms of tax exemption rules, the documents or the statute is received, the Assistant Secretary for the Office of Commerce and Industry shall cause to be made a full investigation on behalf of the Board, and shall have full authority for such investigation including, but not exclusively, authority to call for reports or pertinent records or other information from the contractors. If the investigation substantiates a violation, the Assistant Secretary may present the subject contract to the Board for formal cancellation. The contractee shall then remit any and all taxes that would have been imposed but for the issuance of a contract.

RULE 16 Affidavits Certifying Eligibility Filed Annually

On January 1 of each year, the contractee will file an affidavit with the Office of Commerce and Industry certifying that the business still qualifies under Rule 5. If the affidavit shows the company no longer qualifies under this rule, the Board of Commerce and Industry shall cancel the contract and no further exemptions will be granted. The Department of Commerce will notify the Department of Revenue and Taxation within 30 days after revocation of a contract.

RULE 17 Renewal of Tax Exemption Contract

The initial period of tax exemption is limited to five calendar years. If renewal for an additional five calendar year period is desired, an application must be filed on the prescribed forms with the Office of Commerce and Industry at least 90 days before the expiration of the original contract. Upon showing compliance with the contract for exemption and the statute, the Board of Com-

merce and Industry may renew the contract for an additional five years.

RULE 18 Benefits Accrued Prior to Application Submission

From the first day of January 1983, the effective date for Sales and Use Tax exemptions shall be the date an application is received in the Office of Commerce and Industry.

RULE 19

For a business to qualify for the benefits of this Chapter, there must be an expansion in the capacity for new employees and/or a minimum of two new jobs must be created.

(1) A "new employee" shall be a person residing and domiciled in this state, hired by the taxpayer to fill a position for a job in this state which previously did not exist in the business enterprise during the taxable year for which the credit allowed by this Section is claimed. In no case shall the new employees allowed for purpose of the credit exceed the total increase in employment. A person shall be deemed to be so engaged if such person performs duties in connection with the operation of the business enterprise on:

(a) a regular, full-time basis;

(b) a part-time basis, provided such person is customarily performing such duties at least 20 hours per week for at least six months during the taxable year.

RULE 20

Businesses that move their facility from an *original* enterprise zone/enumeration district (identified prior to 18 July, 1982), into an *alternative* enterprise (designated after 18 July, 1982), for the sole purpose of receiving the benefits of this Chapter, will not be eligible to apply for these benefits.

RULE 21 Multi-Tenant Operations

In the case of a facility where there are more than one occupant/tenant, an owner applicant for the benefits of this Chapter must occupy a minimum of 33 percent of the total floor area of the building.

RULE 22 Application/Alternative Designation Requests Review Process

All applications for benefits of this Chapter and requests for the designation of alternative Enterprise Zones must submit the proposals to an area-wide review board/clearinghouse.

RULE 23 Alternative Designation of Enterprise Zones

The alternative designation of an enterprise zone will be on a one time basis only, unless there are extenuating circumstances which must have prior approval of the Board of Commerce and Industry. A local governing authority will be limited a maximum of ten percent of the total number of *originally* qualified enumeration districts to be exchanged. A local governing authority requesting the alternative designation of an enterprise zone must provide valid reasons for requesting an exchange. In order for an applicant to meet the requirements of RULE 4, those employees who live in an enumeration district/enterprise zone which was deleted by virtue of alternative designation shall qualify for the 35 percent residency requirement.

RULE 24 Appeals Procedure

Applicants who wish to appeal the action of the Board of Commerce and Industry must submit their appeals along with any necessary documentation to the Office of Commerce and Industry at least 30 days prior to the meeting of the Board of Commerce and Industry during which their appeal will be heard.

RULE 25 Income and Franchise Tax Requirements

In order for owners of a business to benefit from the Income and Corporate Franchise Tax benefits of this Chapter, they must be listed along with their estimated five year Income and Franchise Tax liability. This information will be held in the strictest confidence and will be used only to estimate the potential tax relief lost to the state.

RULE 26 Exclusion of Residential Developments

A business engaging in residential-type development (construction, selling or leasing of single-family/multi-family dwellings, apartment buildings, condominiums, townhouses, etc.) shall not be eligible for the benefits of this Chapter.

Robert P. Adams
Financial Incentives Director

RULE

**Department of Commerce
Racing Commission**

The Louisiana State Racing Commission has formally adopted the following as a Rule:

LAC 11-6:16.7

“Each partner’s percentage shall be declared in the application for partnership license.”

Gordon A. Burgess
Chairman

RULE

**Department of Commerce
Racing Commission**

The Louisiana State Racing Commission has formally adopted the following as a Rule:

LAC 11-6:16.8

“A joint venture, for the purpose of licensing, shall comply with all rules governing partnerships, and processed as if a partnership.”

Gordon A. Burgess
Chairman

RULE

**Department of Commerce
Racing Commission**

The Louisiana State Racing Commission has formally adopted the following as a Rule:

LAC 11-6:18.3

“No license as an owner shall be granted to a corporation or to a lessee or lessees of any corporation unless each stockholder is licensed as an owner.”

Gordon A. Burgess
Chairman

RULE

**Department of Commerce
Racing Commission**

The Louisiana State Racing Commission has formally adopted the following as a Rule:

LAC 11-6:18.4

... delete the word “syndicate” wherever it appears therein.

Gordon A. Burgess
Chairman

RULE

**Department of Commerce
Racing Commission**

The Louisiana State Racing Commission has formally adopted the following as a Rule:

LAC 11-6:23.9

“Each association shall provide, equip, and operate an adequate first aid room within its enclosure, having not less than two beds therein except such enclosure of an association for which approval thereof has been given by the Commission on or prior to June 1, 1983. Each such first aid room shall have in attendance during the racing hours of such association, a licensed physician and a registered nurse or a licensed practical nurse with not less than one year experience.”

Gordon A. Burgess
Chairman

RULE

**Department of Commerce
Racing Commission**

The Louisiana State Racing Commission has formally adopted the following as a Rule:

LAC 11-6:23.9.1

“Each association shall provide one ambulance during its training and racing hours. During such time, the ambulance shall be ready for duty, properly equipped to provide emergency medical services, including equipment and personnel, and shall have immediate access to the racing strip.”

Gordon A. Burgess
Chairman

RULE

**Department of Commerce
Racing Commission**

The Louisiana State Racing Commission has formally adopted the following as a Rule:

LAC 11-6:30.37

Pari-mutuel wagering within the enclosure of a licensed association’s facility during approved racing dates on horse races held at a race track in another state or country may be permitted by the Commission. The following conditions must be met upon written application by the licensed association to the Commission:

A. The horse race must be of outstanding nature and of interest to a great number of patrons,

B. The horse race must be televised regionally, nationally, or internationally, or by closed-circuit network, so that patrons at the association’s facility may view the racing event,

C. The licensed association must submit a written agreement with the host track or association where the race is held,

D. The licensed association must submit written approval by the host racing commission or board,

E. The licensed association must submit written approval by the host track or jurisdiction’s horsemen’s association,

F. Application to the Commission must be made at least 30 days before the racing event is to be held,

G. Notwithstanding the provisions of paragraph B, failure to receive the live telecast transmission of the race shall not affect wagers made and payoffs thereon.

Upon approval by the Commission of an association’s application for pari-mutuel wagering on a racing event fulfilling the

above criteria, the association agrees to:

- A. Schedule not more than two such other track wagering events per day,
- B. Schedule not more than 12 wagering events per day,
- C. Accept wagers not more than 36 hours prior to the racing event,
- D. Publish in its program the names of the contestants, owners, trainers, jockeys, weights, breeding information, color of silks, and a morning line of odds,
- E. Display monies wagered and approximate odds on its tote board; win, place, show, daily double and exacta wagering shall be permitted on such other track racing events. The mutuel pay-off shall be computed on the basis of monies wagered at the licensed association's track on such other track racing events.

Gordon A. Burgess
Chairman

RULE

Department of Commerce Racing Commission

The Louisiana State Racing Commission has formally adopted the following as a Rule:

LAC 11-6:30.38

A horse race at a licensed association's track may be televised out of state. Pari-mutuel wagering may be permitted on such a race at a race track or entity in another state or country. A written application concerning the details of such a race and its agreements and contracts shall be submitted to the Commission for its approval at least 30 days prior to the racing event. Agreements and contracts shall comply with all applicable laws of the United States (particularly 15 U.S.C. Section 3001 et seq. - Interstate Horseracing Act), and the laws of this state.

Gordon A. Burgess
Chairman

RULE

Department of Commerce Racing Commission

The Louisiana State Racing Commission has formally adopted the following as a Rule:

LAC 11-6:54

PERMITTED MEDICATION

"54.1 Except as a licensed veterinarian may otherwise be permitted by law or in his or her general veterinary practice, the administration, use, application and/or possession of any narcotic, stimulant, depressant, or local anesthetic are prohibited within the confines of a race track or within its stables, buildings, sheds or grounds, or within an auxiliary stable area (as defined in LAC 11-6:55.1) where horses are lodged or kept which are eligible to race over a race track of any association holding a race meeting.

54.2 Notwithstanding anything to the contrary in this Rule or any other Rule of Racing, there will be no "Permitted Medication" for two-year olds for racing. The presence of any drug in the blood or urine specimen of a two-year old horse, regardless of the level thereof, shall be prima facie evidence of the presence of a drug and a violation of this Rule.

54.3 No non-steroidal and/or anti-inflammatory medication may be administered to or used on a horse in training and eligible to be raced at a race meeting in this state except by a licensed veterinarian or a licensed trainer, or under his or her personal order; provided, however, that any such medication

given hypodermically may only be administered by a licensed veterinarian. The non-steroidal, anti-inflammatory medications designated below may be used in training but may not be administered within 24 hours of a race in which a horse is entered. The maximum analytical test result levels of the urine and blood of such horse, regardless of time of administration, shall be as follows:

POST-RACE URINE LEVELS - TOTAL OF DRUG AND/OR METABOLITE

Phenylbutazone	165 micrograms per milliliter
Oxyphenylbutazone	165 micrograms per milliliter

POST-RACE BLOOD LEVELS - TOTAL OF DRUG AND/OR METABOLITE

Phenylbutazone	5.0 micrograms per milliliter
Oxyphenylbutazone	5.0 micrograms per milliliter

In addition to any other urine or blood specimens required to be tested and analyzed, the stewards may order the taking of a blood specimen from any horse from which a urine specimen has been taken or will be taken while the horse is at the special barn and/or test barn as provided in LAC 11-6:23.35, which blood specimen shall be delivered to the state chemist for testing and analysis.

54.4. A. No bleeder medication may be administered to a horse in training for a race during any race meeting except upon compliance with the following:

1. Only a licensed veterinarian may prescribe, dispense and administer bleeder medication.
2. No horse entered to race may be administered bleeder medication within four hours of post-time of the race in which the horse is to run.

B. A horse shall be considered a known bleeder when:

1. It is observed bleeding by a Commission or Association veterinarian during and/or after a race or workout.
2. An endoscopic examination authorized by the Commission veterinarian or state steward, conducted within one hour of a race or workout, reveals blood in the trachea and/or upper respiratory tract of the horse examined.
3. A statement from a Commission or Association veterinarian of any other racing jurisdiction, confirming that a specific horse is a known bleeder is received by the Commission or stewards having jurisdiction of the race meeting where such horse may be eligible to race.

C. The stewards or Commission veterinarian may require an endoscopic examination before ordering that a horse be included on the Bleeder List. Such examination shall be performed by a licensed veterinarian, at the cost of and employed by the owner of the horse or his agent, and shall be conducted in the presence of or with the approval of the Commission veterinarian.

D. The Commission veterinarian at each race meeting shall maintain, on a current Bleeder List, a list of horses classified as known bleeders together with those on bleeder medication. The Commission veterinarian shall make the Bleeder List available to racing officials at other race tracks operating in Louisiana. The Commission veterinarian shall record and initial on the foal certificate of the horse the date of each bleeding of the horse.

E. When a horse is placed on the Bleeder List for the first time, it shall be kept on said list for 21 calendar days from the date of its first bleeding. Should a horse bleed a second time, it shall be placed on the Bleeder List for 90 calendar days from the date of its second bleeding. When a horse bleeds for a third time, it shall be placed on the Bleeder List for 180 days from the date of its third bleeding. Should a horse bleed a fourth time, or anytime thereafter, it shall be placed on the Bleeder List for 365 days from the date of such bleeding.

F. The licensed veterinarian prescribing, dispensing, and administering bleeder medication must furnish a written report to the Commission veterinarian at least one hour prior to post-time

for the first race of the day on forms supplied by the Commission. Furnishing of such written report timely shall be the responsibility of the prescribing, dispensing, and/or administering veterinarian.

G. A medication card for horses which are known bleeders and/or on the Bleeder List must be on file with the Commission veterinarian before entry of such a horse can be accepted. Filing of such medication card shall be the responsibility of the trainer of the horse.

H. In order to insure that the use of bleeder medication is reported accurately, the Commission shall have the right to perform or have performed pre-race testing of blood or urine of any horse eligible to race at a meeting, whenever it is deemed necessary by it or its stewards.

54.5 Definitions:

As used in this Rule: "Veterinarian" shall mean a person who is licensed to practice veterinary medicine in Louisiana, and who is licensed by the Commission. "Permitted Medication" shall mean the use of Phenylbutazone and bleeder medication as provided in this Rule. "Bleeder Medication" shall mean any drug or medication which is recognized by the veterinary profession for the treatment of exercise-induced hemorrhage.

54.6 After notice and hearing, any person found to have violated the provisions of the Permitted Medication Rule may be punishable by fine, and/or suspension, and/or revocation of his/her license."

Gordon A. Burgess
Chairman

RULES

Board of Elementary and Secondary Education

Rule 6.02.61.d

The Board adopted a Graduated Salary Schedule for Special School District No. I Paraprofessionals and Teacher Aides as follows:

Pay Schedule Based upon Years of Experience and Education

A. Definition of Experience for Pay Purposes Crediting: Successful, regular, full-time, credited work in SSD #1 as a Teacher Aid or Paraprofessional in assisting the teachers in providing instruction to students.

B. Standards for Crediting Experience:

1. No substitute teacher aide or paraprofessional or day-by-day substitute teacher experience counts.

2. For .5+ of a SSD #1 school year (130+ days), credit that year as a full year for pay purposes.

3. The maximum credit for education on the pay scale is two years.

4. Interagency agreement with Department of Corrections (DOC) requires that the DOC pay scale and duty hours be used rather than SSD #1 requirements for teacher aides or paraprofessionals working in correctional facilities.

C. Verification: Experience will be verified and a record maintained by the SSD #1 Personnel Office.

Highest academic degree verification will be coordinated by SSD #1 Personnel Office:

1. For college hours and/or graduation; official transcript required to be sent directly from the college/university to SSD #1 Personnel Office.

D. Education: A minimum of high school graduation would be required. Highest educational level achieved would affect pay: there is a basic pay scale; however, 60-89 college semester hours from an accredited college or university equals one year of experience on the pay scale, and 90 through a baccalaureate degree equals two years of experience.

E. Pay Schedule:

Years Experience	Annual Salary
0	9,237
1	9,537
2	9,837
3	10,137
4	10,437
5	10,737
6	11,037
7	11,337
8	11,637
9	11,937
10	12,237
11	12,537
12	12,837
13	13,137
14	13,437
15	13,737
16	14,037
17	14,337
18	14,637
19	14,937

1. All legislatively approved and funded increases will be effective from implementation date.

2. One-half year's experience counts as one year.

3. Changes in step levels on the scale will be effective July 1.

4. On implementation date of the schedule, employees will be grandfathered in at current rate or on-step to appropriate rate. There will be no reduction in pay; freeze until catch-up on scale. Those at OMHSA who were in instructional capacity before SSD #1 began operation (7/1/79) get credit for experience (must be verified).

5. No business college.

Rule 4.05.00

The Board adopted a fee schedule for teacher certification documents as listed below, effective July 1, 1983:

Initial certificate (in-state graduate)	\$15.00
Initial certificate (out-of-state graduate)	25.00
Additional certification endorsement	10.00
Transcript analysis	5.00
Copies of materials in certification folder	1.00

Rule 3.07.12

Deleted Board Policy 3.07.12 stating: "A student with a GED diploma will not be allowed to return to school to receive a regular high school diploma" and adopted the following policy: "Students who have received the GED diploma and who return to a regular high school program will not be allowed to participate in athletic activities."

Rule 3.01.54.c

The Board adopted a procedure to be used by the Department of Education for securing approval of ITV broadcasting schedules.

Rule 3.01.70u(16)

A revision to Bulletin 746, page 25, *Standards for Certification in Home Economics (Occupational Programs)* after #3, add: "Certified vocational home economics teachers having a minimum of three years of teaching experience in an approved occupational home economics program prior to the implementation of the certification requirements may be certified in Occupational Programs if criteria 1 and 2 of the above have been met."

Rule 3.01.80(b)

The Board adopted under the regular adoption process, the recommendation on submission of galleys to adoption committee members with the following changes:

a) Samples of finished books shall be made available as soon as they are complete.

b) Publishers shall pick up galleys from the nine regional libraries and replace them with finished books by May 1 of each year.

Rule 7.02.00

Bulletin 1508, *Pupil Appraisal Handbook*, Revised 1983.

Rule 4.00.04

Bulletin 1706, *Regulations for Implementation of the Exceptional Children's Act* (R.S. 17:1941 et seq.), Revised 1983. (formerly Act 754 Regulations.)

James V. Soileau
Executive Director

RULE

Department of Education Educational Television Authority

The Louisiana Educational Television Authority, pursuant to Notice of Intent published in the *Louisiana Register* of June 20, 1983, has repealed a Rule which was published in the *Louisiana Register* of April 20, 1981, entitled "Policy on Compensation to Non-commercial Broadcast Stations Not Licensed to the Louisiana Educational Television Authority."

A. Fred Frey
Executive Director

RULE

Office of the Governor Department of Veterans Affairs War Veterans Home

The following are Rules of eligibility requirements and Rules pertaining to the collecting and handling of fees from veterans who are residents of the Louisiana War Veterans Home, Jackson, LA, administered by the Department of Veterans Affairs. Rules published at a prior date which are in conflict with the following Rules are hereby repealed.

1. For admission to the Louisiana War Veterans Home, Jackson, LA, for domiciliary or nursing care, a veteran must be a resident of the State of Louisiana.

2. The veteran's military service must be such as to meet the requirements for admission into any Veterans Administration Medical Center.

3. The veteran applicant must undergo a medical examination and, as a result, it must be shown that he/she does not have a communicable disease, does not require medical or hospital care for which the Home is not equipped to provide, and does not have violent traits which may prove dangerous to the physical well-being of other residents or employees.

4. The veteran must consent to abide by all the Rules and regulations governing the Home and to follow the course of treatment prescribed by the Veterans' Home medical staff or its outside consultant.

5. Every resident of the Home shall be responsible for payment of the full resident care and maintenance charge. The Home Administrator may consider waiver of payment of Care and Maintenance charges only for the amount of difference of income the veteran has and the total charge of Care and Maintenance.

6. Care and Maintenance fees will be based on all family income. This includes income from all sources (Social Security, Veterans Administration pension, private pension, interest from savings account(s), income from any/all sources). In no case will the fees charged to the resident be more than the actual cost of care as determined by the Director of the Louisiana Department of

Veterans Affairs and the Veterans Affairs Commission.

7. SECTION A. For domiciliary residents the following formula will be used to determine Care and Maintenance Fees: The resident will retain the first \$60 per month. After this amount, all income up to \$300 will be collected on a \$1 for each \$2 basis. All income over \$300 will be collected on a \$1 for \$1 basis until the full amount of care cost is collected.

SECTION B. If the veteran has dependents and his income reflects a figure less than \$300 per month for a spouse before computing the fees, an amount will be added to insure that he/she has at least an income of \$300. In the case of a dependent child, the amount is \$150. The veteran is expected to handle personal expenses out of his retained funds after the Care and Maintenance fee is collected.

SECTION C. Exclusion - All income received as a direct result of arts and crafts made at the Home shall be exempt and excluded as income for consideration in computing the Care and Maintenance charges.

8. For nursing care residents, the formula for determining fees will be as follows: The nursing care resident will retain the first \$60 per month. After this amount, all income will be collected on a \$1 for \$1 basis until the full amount for nursing care cost has been collected.

9. Residents are expected to apply for all monetary benefits for which they may be entitled from both the State and Federal Government (free will election). They will be counseled on these benefits.

10. After admission, fee and maintenance charges will be payable in advance. These fees are due before the tenth of each month. A portion of a month will be pro-rated according to the number of days stay. Residents will not be charged Care and Maintenance Fees for periods of hospital confinement in excess of 96 hours. For periods of leave from the Home, maintenance fees are payable as arranged with the Administrator or his designee. Note: Present residents who have the inability to change to the advance payment immediately will be phased in by the end of fiscal year 1983-84, without creating a hardship on the resident.

11. Care and Maintenance fees will be adjusted when it has been established that there is a change in the veteran's income or family income if he has a dependent. The Home reserves the right to request updated income information from the resident, dependents, or any other source (signed authority at admission by veteran and/or next of kin).

12. In addition to the regular Care and Maintenance Fees collected, if less than maximum monthly amount and the resident has a savings account in excess of \$2,500 if single, and \$5,000 if married, the resident may be assessed an amount that would bring his Care and Maintenance Fees up to the maximum amount allowable per month until this account is reduced to the above-stated balance. This Rule also applies to residents' in-house accounts in excess of \$2,500.

13. There will be no income limitation as an eligibility requirement for admission in the Louisiana War Veterans Home. Applicants' income or net worth, available or lacking, shall not be a bar to admission.

14. The Home Administrator when given incorrect income information will avail himself of all state laws to recoup all monies that should have been available to the Home for Care and Maintenance Fees, retroactive to the time that these monies became available for the residents use while he was staying at the Louisiana War Veterans Home.

15. All residents of the Louisiana War Veterans Home who feel that they have unusual financial circumstances can request relief and consideration of reduction of Care and Maintenance Fees. The resident must apply for this consideration through the War Veterans Home Administrator for recommenda-

tion to the Director of Veterans Affairs for approval or disapproval. In the event this request is denied, an appeal may be submitted to the Veterans Affairs Commission for their consideration. The Veterans Affairs Commission's decision shall be rendered final.

John L. McGovern
Director

RULE

Office of the Governor Facility Planning and Control Engineers Selection Board

RULES FOR SELECTION PROCEDURE

Pursuant to the provisions of Act 721, 1975 Regular Legislative Session (R.S. 38:2310 through R.S. 38:2316, Revised Statutes of 1950) effective date, September 12, 1975, the Louisiana Engineers Selection Board, hereinafter referred to as Board, has promulgated such Rules and procedures as it deemed necessary to carry out the provisions of the said statutes. These Rules were established by the Board, and are subject to change by said Board, in accordance with the Administrative Procedure Act.

ARTICLE I INFORMATION

Any person may obtain information concerning the Board, its Rules, regulations and procedures from the Board's Secretary at the Office of Facility Planning and Control Department, Office of the Governor, Box 44095, Baton Rouge, LA 70804. Request for information shall be made verbally or in writing. There may be a nominal fee charged to defray the cost of information furnished.

ARTICLE II PUBLIC NOTIFICATION

Section 1. Upon being advised by the Division of Administration, Facility Planning and Control Department, that an Agency intends to contract for design service, the Chairman shall request the official advertisement to be published by the Division of Administration. There shall be a ten day application period, commencing with the day of the first publication of the official advertisement, and ending on the day of the deadline for receiving applications. During this period, the official advertisement shall be published in the official state journal, one time.

Section 2. The official advertisement specified above shall include the following information:

- a. The name, location and user agency for which the engineer is to be selected.
- b. Time and instructions for applicants to submit application to the Board.
- c. A statement that details are available upon request from the user agency.
- d. Time frame in which the engineer must complete the work.
- e. The project budget.
- f. The fee, as determined by the Division of Administration, together with contractual obligations as contained in the current Capital Improvement Projects Procedure Manual for Design and Construction.
- g. The tentative date of the Board meeting at which applications will be considered.

Section 3. Special selections for emergency reasons will be made under one of two methods. The first of these methods should be used whenever possible.

Section 4. The first method will require a one week application period. The official advertisement will be published one time in the publication listed in Section 1. The deadline for applications shall be one week after the advertisement. The selection shall be

made one week after the deadline for applications.

Section 5. The second method shall be to make a selection within 24 hours of the notice to the Board by the Division of Administration. The Division of Administration shall contact the Chairman, Vice-Chairman, and other members in alphabetical order by telephone. The first person contacted shall select a time and place for the meeting which shall be held on the day following notification by the Division of Administration. Members not attending the meeting in person will be contacted by telephone for their vote. The Board shall make the selection from names submitted by the user agency or any Board member. The user agency shall submit names of at least three firms.

ARTICLE III COMMUNICATIONS WITH APPLICANT FIRMS

No member of the Board shall communicate in any manner concerning a project application with any representative of an applicant firm or anyone communicating on behalf of an applicant firm. This restriction shall apply from the time advertisement of a project begins until the opening of the Board meeting at which the project application will be considered.

ARTICLE IV APPLICATION

Section 1. Any applicant (proprietorship, partnership, corporation or joint venture of any of these) meeting the requirements of Title 38 of the Louisiana Revised Statutes of 1950, R.S. 38:2310 through R.S. 38:2316, may submit an application for selection consideration for a particular project upon which official advertisement has been published. The information submitted shall contain data concerning its experience, previous projects undertaken, present state projects now being performed, scope and amount of work on hand, and any other information that the Board deems appropriate.

Section 2. The Louisiana Engineers Selection Board hereby adopts the use of Standard Form LE-1 - Engineer Selection Board Services as the format for submitting a firm's experience to the Board.

Any special information requested in the advertisement shall be submitted with the required LE-1 form. Incomplete submissions become property of the Board, to be disposed of as it sees proper.

Section 3. All selection applications shall be filed with the Secretary within the time prescribed by the Board. The Secretary shall time date when received, all applications. All applications are to be received by the Board at the Facility Planning and Control Department during the time prescribed in the advertisement. The burden for timely and complete submittal lies solely with the applicant, and additionally will in no way be affected by non-delivery of the application by the U. S. Postal Service or other common carrier.

Section 4. The submission of an application on a particular project shall be considered by the Board to mean that based on available information:

- a. That the applicant is aware of the scope of work of the project.
- b. That the applicant can perform the work within the time frame stated.
- c. That the applicant concurs that the project budget is reasonable.
- d. That the fee is equitable.
- e. That the engineering contract shall contain a prohibition against contingent fees.
- f. That the applicant is familiar with the terms and conditions set forth in the current Capital Improvement Projects Procedure Manual for Design and Construction, and will comply therewith.

Should an applicant determine that any of the above items are incomplete, inadequate, or insufficient, the applicant is invited to submit a letter stating in detail the applicant's findings, and the Board will consider this information in the selection process. No unsolicited additional information shall be considered. The Board reserves the right to reject all applications for selection consideration and to readvertise any official advertisement.

Section 5. The Board may, at its option and with the concurrence of the Division of Administration and the user agency, conduct design competitions in accordance with nationally accepted professional standards. Final selection of the applicant from among the competition submissions will be made within 30 days of deadline date of receipt of the entries. No closed competitions will be allowed.

ARTICLE V APPLICATION REVIEW

After the deadline for applications, the Division of Administration shall forward copies of the applications together with any available description of the job to the Board members. A special meeting of the Board shall be called within ten days after the deadline for application.

ARTICLE VI FINAL APPLICANT SELECTION

Section 1. The Board shall make its final selection from the submitted applications. The Board reserves the right to require interviews, or additional information, in excess of that required in the official advertisement, when it deems necessary.

Section 2. The final selection shall occur no later than 60 days following the official advertisement.

Section 3. Upon the final selection of the applicant, the Chairman shall notify the Division of Administration, Facility Planning and Control Department, said notification to be made in accordance with the terms of Act 721.

ARTICLE VII SELECTION PROCEDURE

Selection procedure is as follows:

1. User agency will give scope of project.
2. Call for discussion of applications.
3. Board will take weighted vote (each member may vote for as many as three (or two) or as few as one of the firms under consideration).
4. Select firm from two or three firms with most votes on a "one" vote basis. (If less than eight applicants, select from top two; if eight or more than eight applicants, select from top three.)
5. If there is a tie, revote with discussion. If after voting a second time, there is still a tie, the Board may have additional votes and discussion or may postpone the selection until the next meeting.

ARTICLE VIII SEVERABILITY

If any provision or items of these Rules or the application thereof is held invalid, such invalidity shall not affect other provisions, items, or applications of these Rules which can be given effect without the invalid provision, items, or applications and to this end the provisions of these Rules are hereby declared severable.

Harvey Koch
Chairman

RULE

Department of Health and Human Resources Board of Examiners of Psychologists

The Louisiana State Board of Examiners of Psychologists adopts a policy to establish as the passing criterion on the Examination for Professional Practice in Psychology (EPPP) written examination the 25th percentile based on the national norms of all doctoral candidates taking that particular form of the examination.

June M. Tuma, Ph.D.
Chair

RULE

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security adopts the following Rule in the AFDC Program. This Rule is authorized in accordance with 45 CFR 233.10 (b) (2) (ii).

A natural but not legal incapacitated father who lives with his AFDC child shall be included in the AFDC certification as an AFDC parent. Such recipient shall be entitled to Medicaid benefits.

Roger P. Guissinger
Secretary

RULE

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security adopts the following Rule in the Medical Assistance Program.

RULE

Effective September 1, 1983, the Department of Health and Human Resources, Office of Family Security, amends the current limit on outpatient hospital services from three per year per recipient to the following limits for the specified Title XIX outpatient hospital services:

- (1) Emergency room services - three emergency room visits per year per recipient;
- (2) Rehabilitation services - number of visits in accordance with a rehabilitation plan prior authorized by the Medical Review Section of the Office of Family Security;
- (3) Clinic services - physician services provided in a clinic in an outpatient hospital setting shall be considered physician services, not outpatient services, and shall be included in the limit of 12 physician visits per year per recipient; and
- (4) All other outpatient services, including therapeutic and diagnostic radiology services, chemotherapy, hemodialysis and laboratory services, shall have no limit imposed other than the medical necessity for the service.

Roger P. Guissinger
Secretary

RULE

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security adopts the following Rule, effective September 1, 1983.

The Department of Health and Human Resources, Office of Family Security, shall continue the suspension of homemaker services. Homemakers services were provided under the approved waiver document (section 2176 of Public Law 97-35) which implemented Home and Community Based Services. The suspension shall remain in effect until June 30, 1984.

The original Rule suspending homemaker services effective March 1, 1983 through August 31, 1983, was published in the *Louisiana Register* on February 20, 1983, in Volume 9, Number 2, page 64.

Roger P. Guissinger
Secretary

RULE

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

The Department of Health and Human Resources, Office of Family Security adopts the following Rule in the Medical Assistance Program.

RULE

The Department of Health and Human Resources, Office of Family Security shall discontinue reimbursement for inpatient and outpatient services to hospitals participating as emergency access only hospitals in the Title XIX Medical Assistance Program effective September 1, 1983. An emergency access only hospital is defined as a hospital enrolled as a Title XIX provider for emergency services only.

Title XIX reimbursement for inpatient and outpatient hospital services provided on or after September 1, 1983 shall be limited to hospitals enrolled as a Title XIX full access hospital. A full access hospital is defined as a hospital which accepts Medicaid assignment for any Medicaid recipient.

Roger P. Guissinger
Secretary

RULE

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

The Department of Health and Human Resources, Office of Family Security, hereby adopts the following Rule:

RULE

Effective August 20, 1983, Title XIX reimbursement will no longer be made for the following drugs, deemed "less than effective":

Trade Name	Active Ingredient	Dosage Form/Route	Firm
Adroyd	Oxymetholone	Tab/oral	Warner-Lambert Co. Parke-Davis
Anadrol	Oxymetholone	Tab/oral	Syntex
Dianabol	Methandrostenolone	Tab/oral	Ciba
Dipyridamole	Dipyridamole	Tab/oral	Lemmon
Forhista	Dimethindene Maleate	SRT/oral	Ciba
Isosorbide Dinitrate	Isosorbide Dinitrate	Tab/subl Tab/oral SRT/oral	Bolar
Methandrostenolone	Methandrostenolone	Tab/oral	Bolar Par

Methylandrostenediol	Methandriol	Susp/IM	Maury Biologicals
Pyribenzamine and Ephedrine	Ephedrine Sulfate	Tab/oral	Ciba
	Tripeleppamine Hydrochloride		

This action is necessary because Section 2103 of the "Omnibus Budget Reconciliation Act of 1981" (P.L. 97-35) prohibited the use of Federal funds, therefore discontinuing reimbursement, under Medicare Part B and Medicaid for expenses incurred on or after October 1, 1981, for drugs identified in Section 2103. Identical products made by manufacturers not shown on the list are also excluded from payment for all drugs with the exception of Dipyridamole and Isosorbide Dinitrate. Payment will be withheld for Isosorbide Dinitrate and Dipyridamole for only the manufacturer identified by name on this list. The preclusion of payment for identical, similar, or related products will not be applied in the case of isosorbide dinitrate and dipyridamole.

Lists of drugs deemed "less than effective" and identical, similar and related were published in the *Louisiana Register* on November 20, 1981, September 20, 1982, and February 20, 1983.

Roger P. Guissinger
Secretary

RULE

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

The Department of Health and Human Resources, Office of Family Security shall amend the Title XIX State Plan. Effective September 1, 1983, Attachment 3.1-A, Item 12 a., Page 2 a., will include paragraph (i), as follows:

Beginning September 1, 1983 payment will be made by the Louisiana Medical Assistance Program (LMAP) only for those new drug entities which the LMAP approves for coverage. Manufacturers introducing new drug entities will be required to submit applications and drug information to the Medical Assistance Program for consideration of coverage of the drugs.

Prior to September 1, 1983, new drug entities have been automatically covered by the program unless they were in one of the pharmacological categories of drugs excluded from program coverage.

Drug entities covered by the LMAP prior to September 1, 1983 will continue to be so covered.

Roger P. Guissinger
Secretary

8-20-83

RULE

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

The Department of Health and Human Resources, Office of Family Security, has adopted the following Rule:

Rule

Effective for services beginning September 1, 1983, the Title XIX (Medicaid) State Plan, Attachment 3.1-A, Item 12. a. 6 is amended to revise and expand the state's program of maximum allowable costs for multiple-source drugs. This program is known as the Louisiana Maximum Allowable Cost (LMAC) Program. This Rule establishes maximums for the costs of certain drugs which

shall be reimbursed under Title XIX. The state established LMAC for these drugs shall be applicable unless a lower Federal MAC for the respective products is established.

The cost reimbursable in the Louisiana Medical Assistance Program (LMAP) for any drug included on the Louisiana Maximum Allowable Cost (LMAC) list shall not exceed: (1) the Louisiana Maximum Allowable Cost (LMAC), (2) a Federal Maximum Allowable Cost (MAC), or (3) the estimated acquisition cost (EAC) of the product dispensed, whichever is lower.

The LMAC replaces the methodology currently used in the LMAP Pharmacy Program to determine allowable costs and is as follows:

(1) The wholesale cost of a specific strength/unit of a drug by a single manufacturer, labeler, etc., is the average wholesale cost of that drug as listed in the most current edition of American Druggist Blue Book or its revisions, hereinafter referred to as the Blue Book.

(2) The LMAC list is the DHHR, MAP listing of drugs, by generic name, by strength/unit and dosage which are reimbursable with a LMAC.

(3) Estimated acquisition cost (EAC) is the agency's best estimate of what providers are generally paying for a drug. The basis for determining the EAC will be the current American Druggist Blue Book and its revisions. The agency has determined that the EAC for multi-source drugs with a LMAC shall be the LMAC or the Blue Book wholesale cost whichever is less.

(4) The LMAC, determined and calculated for a multiple source drug (as defined in 42 CFR 447.332), is the median wholesale cost of a drug for a specific strength/unit. The median wholesale cost is determined by listing the wholesale costs for a drug for a specific strength/unit for each readily available manufacturer, labeler, etc., and taking the median of those wholesale costs. (One-half of the manufacturers etc., will be above the median cost and one-half of the manufacturers will be below the median cost).

All LMAC costs will be computed as described above. The LMAC costs may be adjusted by the agency based on changes in the availability and Estimated Acquisition Costs (EAC) of the drugs. Any LMAC cost revisions will be based on The American Druggist Blue Book Data Center information. Such LMAC cost revisions will be sent to pharmacist and physician providers on a timely, monthly basis, beginning October 1, 1983 and continuing thereafter. A complete LMAC cost list will be distributed to physician and pharmacist providers annually beginning July 10, 1984.

The list was determined by a study of the availability of drugs in the Louisiana Medical Assistance Program (MAP) for the purpose of determining reasonable estimated acquisition costs of drugs to allow for the effective and efficient administration of the MAP.

The LMAC limits shall be applicable for the specified drugs unless the prescriber has certified, in his own handwriting, that a specified brand is medically necessary for the recipient. In no case may a recipient be required to provide payment for any difference in a prescription price that may occur with implementation of the LMAC limit, nor may OFS use a cost which exceeds the established maximums except as specified below.

This program shall track the U. S. Department of Health and Human Services regulations regarding exceptions to their MAC limitations. The specific guidelines regarding procedures for such exceptions provide that:

(a) The certification must be in the physician's handwriting;

(b) The certification may be written directly on the prescription or on a separate sheet which is attached to the prescription;

(c) A standard phrase written on the prescription, such as

"brand necessary" will be acceptable;

(d) A printed box on the prescription blank that could be checked by the physician to indicate brand necessity is unacceptable;

(e) A handwritten statement transferred to a rubber stamp and then stamped on the prescription blank is unacceptable.

Louisiana Maximum Allowable Costs (LMAC's) for reimbursement under Title XIX are as follows on those multiple-source drugs specified:

DRUG NAME	STRENGTH/UNIT	DOSAGE FORM
Item 12.a.		
Acetaminophen Combination		Tablet
Acetaminophen	300.000 MG	
Codeine	30.000 MG	
Acetaminophen Combination		Tablet
Acetaminophen	300.000 MG	
Codeine	60.000 MG	
Acetaminophen Combination		Solution
Acetaminophen	120.000 MG	
Codeine Phosphate	12.000 MG	
Acetazolamide	125.000 MG	Tablet
Acetazolamide	250.000 MG	Tablet
Allopurinol	100.000 MG	Tablet
Allopurinol	300.000 MG	Tablet
Aminophylline	105.000 MG/5ML	Solution
Aminosalicylate Sodium	500.000 MG	Tablet
Amitriptyline HCL	10.000 MG	Tablet
Amitriptyline HCL	25.000 MG	Tablet
Amitriptyline HCL	50.000 MG	Tablet
Amitriptyline HCL	75.000 MG	Tablet
Amitriptyline HCL	100.000 MG	Tablet
Amitriptyline HCL	150.000 MG	Tablet
Amoxicillin Trihydrate	125.000 MG/5ML	Suspension
Amoxicillin Trihydrate	250.000 MG	Capsule
Amoxicillin Trihydrate	250.000 MG/5ML	Suspension
Amoxicillin Trihydrate	500.000 MG	Capsule
Ampicillin Sodium	1.000 G	Injection
Ampicillin Sodium	2.000 G	Injection
Ampicillin Sodium	250.000 MG	Injection
Ampicillin Sodium	500.000 MG	Injection
Ampicillin Trihydrate	125.000 MG/5ML	Suspension
Ampicillin Trihydrate	250.000 MG	Capsule
Ampicillin Trihydrate	250.000 MG/5ML	Suspension
Ampicillin Trihydrate	500.000 MG	Capsule
Belladonna Combination		Capsule
Belladonna Alkaloids		
Phenobarbital	15-20 MG	
Belladonna Combination		Tablet
Belladonna Alkaloids	15-20 MG	
Phenobarbital		
Butalbital Combination		Capsule
Butalbital		
Aspirin		
Caffeine		
Butalbital Combination		Tablet
Butalbital		
Aspirin		
Caffeine		
Calcium Chloride	100.000 MG/1ML	Injection
Calcium Lactate	300.000 MG	Tablet
Calcium Lactate	600.000 MG	Tablet
Carisoprodol	350.000 MG	Tablet
Cefazolin Sodium	1.000 G	Injection
Cefazolin Sodium	250.000 MG	Injection
Cefazolin Sodium	500.000 MG	Injection
Cephadrine	250.000 MG	Capsule
Cephadrine	250.000 MG/5ML	Suspension
Cephadrine	500.000 MG	Capsule
Chloral Hydrate	250.000 MG	Capsule

Chloral Hydrate	500.000 MG	Capsule
Chloral Hydrate	500.000 MG/5ML	Solution
Chlorothiazide	250.000 MG	Tablet
Chlorothiazide	500.000 MG	Tablet
Chlorpheniramine Maleate	10.000 MG/1ML	Injection
Chlorpromazine HCL	10.000 MG	Tablet
Chlorpromazine HCL	25.000 MG	Tablet
Chlorpromazine HCL	25.000 MG/1ML	Injection
Chlorpromazine HCL	30.000 MG/1ML	Solution
Chlorpromazine HCL	50.000 MG	Tablet
Chlorpromazine HCL	100.000 MG	Tablet
Chlorpromazine HCL	100.000 MG/1ML	Solution
Chlorpromazine HCL	200.000 MG	Tablet
Chlorthalidone	25.000 MG	Tablet
Chlorthalidone	50.000 MG/1ML	Tablet
Chlorthalidone	100.000 MG	Tablet
Clotrimazole	1.000 %	Cream, Vaginal
Clotrimazole	1.000 %	Cream, Topical
Clotrimazole	1.000 %	Solution
Clotrimazole	100.000 MG	Suppository
Cloxacillin	500.000 MG	Capsule
Cloxacillin Sodium	125.000 MG/5ML	Solution
Cloxacillin Sodium	250.000 MG	Capsule
Codeine Phosphate Combination		Tablet
Codeine Phosphate	15.000 MG	
Acetaminophen	300.000 MG	
Codeine Phosphate Combination		Tablet
Codeine Phosphate	15.000 MG	
Aspirin	300.000 MG	
Codeine Phosphate Combination		Tablet
Codeine Phosphate	30.000 MG	
Aspirin	300.000 MG	
Codeine Phosphate Combination		Tablet
Codeine Phosphate	60.000 MG	
Aspirin	300.000 MG	
Colchicine	500.000 MCG	Tablet
Colchicine	600.000 MCG	Tablet
Copper Chloride	400.000 MCG/ 1ML	Injection
Copper Sulfate	2.000 MG/1ML	Injection
Corticotropin	25.000 U	Injection
Cortisone Acetate	5.000 MG	Tablet
Cortisone Acetate	10.000 MG	Tablet
Cortisone Acetate	25.000 MG	Tablet
Cortisone Acetate	25.000 MG/1ML	Injection
Cortisone Acetate	50.000 MG/1ML	Injection
Cyanocobalamin	1.000 MG/1ML	Injection
Cyanocobalamin	100.000 MCG/ 1ML	Injection
Cyproheptadine HCL	2.000 MG/5ML	Solution
Cyproheptadine HCL	4.000 MG	Tablet
Dexamethasone	.500 MG/5ML	Solution
Dexamethasone	1.500 MG	Tablet
Dexamethasone	4.000 MG	Tablet
Dexamethasone	250.000 MCG	Tablet
Dexamethasone	500.000 MCG	Tablet
Dexamethasone	750.000 MCG	Tablet
Dexamethasone Sodium Phosphate	4.000 MG/1ML	Injection

Dicloxacillin Sodium	250.000 MG	Capsule
Dicloxacillin Sodium	500.000 MG	Capsule
Dicyclomine HCL	10.000 MG	Capsule
Dicyclomine HCL	10.000 MG/5ML	Solution
Dicyclomine HCL	20.000 MG	Tablet
Diethylstilbesterol	1.000 MG	Tablet
Diethylstilbesterol	5.000 MG	Tablet
Diethylstilbesterol	1.000 MG	Tablet, EC
Diethylstilbesterol	5.000 MG	Tablet, EC
Digitalis	100.000 MG	Tablet
Digitoxin	50.000 MCG	Tablet
Digitoxin	100.000 MCG	Tablet
Digitoxin	150.000 MCG	Tablet
Digitoxin	200.000 MCG	Tablet
Digoxin	50.000 MCG/ 1ML	Solution
Digoxin	100.000 MCG/ 1ML	Injection
Digoxin	125.000 MCG	Tablet
Digoxin	250.000 MCG	Tablet
Digoxin	250.000 MCG/ 1ML	Injection
Digoxin	500.000 MCG	Tablet
Diphenhydramine HCL	12.500 MG/ 5ML	Solution
Diphenhydramine HCL	25.000 MG	Capsule
Diphenhydramine HCL	50.000 MG	Capsule
Diphenhydramine HCL	50.000 MG/ 1ML	Injection
Diphenoxylate HCL Combination		Tablet
Diphenoxylate HCL	2.500 MG	
Atropine Sulfate	25.000 MCG	
Dipivefrin HCL	.100 %	Solution
Dipyridamole	25.000 MG	Tablet
Dipyridamole	50.000 MG	Tablet
Dipyridamole	75.000 MG	Tablet
Disulfiram	250.000 MG	Tablet
Disulfiram	500.000 MG	Tablet
Doxepin HCL	10.000 MG	Capsule
Doxepin HCL	10.000 MG/1ML	Solution
Doxepin HCL	25.000 MG	Capsule
Doxepin HCL	50.000 MG	Capsule
Doxepin HCL	75.000 MG	Capsule
Doxepin HCL	100.000 MG	Capsule
Doxepin HCL	150.000 MG	Capsule
Echothiophate Iodide	.030 %	Solution
Echothiophate Iodide	.060 %	Solution
Echothiophate Iodide	.125 %	Solution
Echothiophate Iodide	.250 %	Solution
Ephedrine Sulfate	25.000 MG	Capsule
Ephedrine Sulfate	50.000 MG	Capsule
Ephedrine Sulfate Syrup	20.000 MG/5ML	Solution
Epinephrine HCL	1.000 MG/1ML	Injection
Epinephrine HCL	100.000 MCG/1ML	Injection
Ergocalciferol	8000.000 U/1ML	Solution
Ergocalciferol	25000.000 U	Capsule
Ergocalciferol	50000.000 U	Capsule
Ergocalciferol	500000.000 U/1ML	Injection
Ergotamine Tartrate	2.000 MG	Soluble Tablet

Erythromycin	250.000 MG	Enteric Coated Tablet
Erythromycin Ethylsuccinate	400.000 MG/5ML	Suspension
Erythromycin Stearate	250.000 MG	Tablet
Erythromycin Stearate	500.000 MG	Tablet
Estrogens Conjugated	1.250 MG	Tablet
Estrogens Conjugated	2.500 MG	Tablet
Estrogens Conjugated	300.000 MCG	Tablet
Estrogens Conjugated	625.000 MCG	Tablet
Ferrous Gluconate	300.000 MG	Tablet
Ferrous Sulfate	125.000 MG/1ML	Solution
Ferrous Sulfate	220.000 MG/5ML	Solution
Ferrous Sulfate	300.000 MG	Tablet
Ferrous Sulfate	300.000 MG	Enteric Coated Tablet
Fluocinolone Acetonide	.010 %	Solution
Fluocinolone Acetonide	.010 %	Cream
Fluocinolone Acetonide	.025 %	Ointment
Fluocinolone Acetonide	.025 %	Cream
Fluoxymesterone	5.000 MG	Tablet
Fluoxymesterone	10.000 MG	Tablet
Fluphenazine HCL	2.500 MG	Tablet
Fluphenazine HCL	5.000 MG	Tablet
Folic Acid	1.000 MG	Tablet
Folic Acid	800.000 MCG	Tablet
Furosemide	10.000 MG/1ML	Injection
Furosemide	20.000 MG	Tablet
Furosemide	40.000 MG	Tablet
Furosemide	80.000 MG	Tablet
Gentamicin Sulfate	.300 %	Solution
Gentamicin Sulfate	40.000 MG/1ML	Injection
Glutethimide	500.000 MG	Tablet
Griseofulvin	250.000 MG	Capsule
Griseofulvin	250.000 MG	Tablet
Griseofulvin	500.000 MG	Tablet
Guanethidine Monosulfate Combination		Tablet
Guanethidine Monosulfate	10.000 MG	
Hydrochlorothiazide	25.000 MG	
Guanethidine Sulfate	10.000 MG	Tablet
Guanethidine Sulfate	25.000 MG	Tablet
Heparin Sodium	100.000 U/1ML	Injection
Heparin Sodium	1000.000 U/1ML	Injection
Heparin Sodium	5000.000 U/1ML	Injection
Heparin Sodium	10000.000 U/1ML	Injection
Heparin Sodium	20000.000 U/1ML	Injection
Heparin Sodium	40000.000 U/1ML	Injection
Hydralazine HCL	10.000 MG	Tablet
Hydralazine HCL	25.000 MG	Tablet
Hydralazine HCL	50.000 MG	Tablet
Hydralazine HCL	20.000 MG/1ML	Injection
Hydrochlorothiazide	25.000 MG	Tablet
Hydrochlorothiazide	50.000 MG	Tablet
Hydrochlorothiazide	100.000 MG	Tablet