

Rules

RULE

Department of Agriculture and Forestry Advisory Commission on Pesticides

Commercial Applicators; Pesticide Application,
Equipment and Salesperson; Agricultural Consultant;
Fees; Rinsate System; and Closed Containment System
(LAC 7:XXIII.Chapter 1)

In accordance with provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Agriculture and Forestry, Advisory Commission on Pesticides amends rules and regulations regarding certification of commercial applicators, pesticide salespersons, agricultural consultants, restrictions on applications of certain pesticides, rinsate systems, and closed containment systems. These amendments correct technical and typographical errors and clarify language and other housekeeping matters regarding the above-mentioned rules and regulations. These rules comply with and are enabled by R.S. 3:3203, R.S. 3:3242, R.S. 3:3246, and R.S. 3:3271.

No preamble regarding these rules is available.

Title 7

AGRICULTURE AND ANIMALS

Part XXIII. Pesticide

Chapter 1. Advisory Commission on Pesticides

Subchapter F. Certification

§125. Certification of Commercial Applicators

A. The commissioner hereby establishes the following standards as qualifications required for certification:

1.a. - f. ...

2. An individual applying for certification in Category 7c (see §125.B.2) must have two years of experience in the phase of work in which he is making application. Required experience must be substantiated by a notarized statement acceptable to the commissioner.

3. An individual applying for certification in Category 8d (see §125.B.2) must have either:

a. a bachelor's degree with at least 12 hours in entomology; or

b. at least four years of experience in mosquito control working under supervision of a person certified in Category 8d. Required experience must be substantiated by a notarized statement acceptable to the commissioner.

A.4. - B.2. ...

(Note: The classifications in this Subsection reflect national categories established by EPA.)

a. - d. ...

e. Aquatic Pest Control (Category 5). This category is subdivided into two subcategories:

i. Subcategory 5a includes commercial applicators using or supervising the use of any restricted use pesticide purposefully applied to standing or running water, excluding

applicators engaged in public health related activities included in Category 8 (§125.B.2.h);

ii. Subcategory 5b includes commercial applicators using, or supervising the use of, any restricted use pesticide containing Tributyltin (TBT) in paints to be applied to vessel hulls and other marine structures to inhibit the growth of aquatic organisms such as barnacles and algae.

f. ...

g. Industrial, Institutional, Structural, and Health Related Pest Control (Category 7). This category includes commercial applicators and nonfee commercial applicators using, or supervising the use of, pesticides with restricted uses in, on, or around food-handling establishments; human dwellings; institutions, such as schools and hospitals; industrial establishments, including warehouses and grain elevators; and any other structures and adjacent area public or private; and for the protection of stored, processed or manufactured products. This category has been subdivided into four subcategories:

i. Subcategory 7a is for pest control operators who are, or will be, certified and licensed by the Structural Pest Control Commission. The commissioner hereby delegates to the Structural Pest Control Commission the authority to examine and certify all persons in this subcategory. The commissioner hereby delegates to the Structural Pest Control Commission the authority to enforce all federal and state laws and regulations as they apply to persons certified under this subcategory;

ii. ...

iii. Subcategory 7c is for applicators who apply, or supervise the application of, restricted use pesticides on a nonfee basis in, on, or around commercial grain elevators and other grain handling establishments, feed mills, flour mills, food processing plants, and other places where processed or unprocessed foods are stored, as the owner or in the employ of the owner. This subcategory is divided into three separate areas of certification:

(a). general pest control;

(b). vertebrate control;

(c). stored grain pest control.

B.2.g.iv. - G. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3203, R.S. 3:3242 and R.S. 3:324.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Advisory Commission on Pesticides, LR 9:169 (April 1983), amended LR 10:193 (March 1984), amended by the Department of Agriculture and Forestry, Office of Agriculture and Environmental Sciences, LR 19:735 (June 1993), LR 20:641 (June 1994), LR 21:298 (September 1995), amended by the Advisory Commission on Pesticides, LR 23:193 (February 1997), LR 24:280 (February 1998).

§127. Certification of Pesticide Salespersons

A. Examinations for certification for pesticide salespersons will be given upon request of the applicant, in

Baton Rouge, at the Office of Pesticides and Environmental Programs, and at any district office of the department. Each person who has been certified as a pesticide salesperson, and whose certification has not been revoked or suspended, may renew that certification by attending a recertification meeting as designated by the commissioner. The commissioner shall issue a certification card to each pesticide salesperson. This card shall expire on December 31 of each year. Each person wishing to renew a certification card shall do so by submitting an application form and the proper fee, as prescribed by the commissioner.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3203, R.S. 3:3244 and R.S. 3:3249.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Advisory Commission on Pesticides, LR 9:169 (April 1983), amended LR 10:193 (March 1984), amended by the Department of Agriculture and Forestry, Office of Agriculture and Environmental Sciences, LR 19:735 (June 1993), LR 20:641 (June 1994), LR 21:298 (September 1995), amended by the Advisory Commission on Pesticides, LR 23:193 (February 1997), LR 24:280 (February 1998).

§129. Certification of Agricultural Consultants

A. - D.2.c.ii. ...

iii. Forest Weed Control. Making recommendations for the control of weeds and grasses in forest lands.

iv. Right-of-Way and Industrial Weed Control. Making recommendations for the control of weeds and grasses in and around industrial and commercial sites.

d.i. - iv. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3203, R.S. 3:3246 and R.S. 3:3249.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Advisory Commission on Pesticides, LR 9:169 (April 1983), amended LR 11:943 (October 1985), amended by the Advisory Commission on Pesticides, LR 24:281 (February 1998).

Subchapter G. Fees

§131. Fees

A. Fees required under pesticide statutes and these regulations are as follows:

1. Annual Registration of Pesticides \$300

A.2. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3203, R.S. 3:3244 and R.S. 3:3249.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Advisory Commission on Pesticides, LR 10:194 (March 1984), amended by the Department of Agriculture and Forestry, Advisory Commission on Pesticides, LR 15:76 (February 1989), LR 24:281 (February 1998).

Subchapter I. Application of Pesticides

§143. Restrictions on Application of Certain Pesticides

A. - A.3. ...

B. The following pesticides may not be applied by commercial applicators during the times set forth in this rule in the areas listed in §143.C, D and E hereof.

Chemical Name	Common Name
1. 4-amino-3, 5,6-trichloro-picolinic acid	Picloram
2. Arsenic trioxide	---

3. 3-chlorophenoxy-alpha-propionamide	3-CPA
4. 4-chlorophenoxy acetic acid	4-CPA
5. 2,4-dichlorophenoxy acetic acid	2,4-D
6. 4-(2,4-dichlorophenoxy) butyric	2,4-DB
7. 2-methoxy-3, 6-dichlorobenzoic acid	Dicamba
8. 2-methyl-4-chlorophenoxyacetic acid	2, 4-MCPA
9. 4-(2 methyl-4-chlorophenoxy) butyric acid	---
10. 2-(2 methyl-4-chlorophenoxy)	2-MCPP
11. Arsenic acid	Arsenic
12. Sodium arsenite	---
13. 2-(2,4,5-trichlorophenoxy) ethyl 2,2 dichloropropionate	---
14. Tris (2,4-dichlorophenoxy ethyl) phosphite	---
15. A mixture of tri-, tetra-, and polychlorobenzoic acid	---

C. - F. ...

G. No commercial applicator may make application of the following pesticides when the wind speed is at 10 miles per hour or above:

1. 3 ¹ 4 ¹ -Dichloropropionanilide	Propanil
2. 1:1-Dimethyl-4, 4 ¹ -Bipyridinium (cation) dichloride	Paraquat

H. - M.1. *Servitude* ...

2. Exemptions are hand held manual pump sprayers up to a maximum 3-gallon capacity.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3203, R.S. 3:3242 and R.S. 3:3249.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Advisory Commission on Pesticides, LR 9:169 (April 1983), amended LR 10:193 (March 1984), LR 11:219 (March 1985), LR 11:942 (October 1985), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Advisory Commission on Pesticides, LR 18:953 (September 1992), LR 19:735 (June 1993), LR 21:668 (July 1995), LR 24:281 (February 1998).

Subchapter K. Mechanically Powered Pesticide Application Equipment

§159. Commercial Applicators

The following systems or controls must be present and in good operating order, prior to the issuance of a decal:

1. - 2.c. ...

d. The distance between the outermost nozzles on the boom of a fixed-wing aircraft shall not be more than 75 percent of the wing span of the aircraft. The boom on the rotary-wing aircraft may not exceed the rotor diameter. The commissioner may waive these requirements for specific aircraft.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3203 and R.S. 3:3243.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Advisory Commission on Pesticides, LR 10:198 (March

1984), amended by the Department of Agriculture and Forestry, Advisory Commission on Pesticides, LR 24:281 (February 1998).

Subchapter S. Unused Portions of Pesticides and/or Rinsate of Pesticides Classified as Hazardous Wastes

§181. Constructive Recycling

A. - C. ...

D. In less than 90 days after the final application for the season of a pesticide which, upon disposal, is classified as a hazardous waste, the applicator must remove the contents of each containment tank; triple-rinse the containment tank by procedures equivalent to triple-rinsing; and apply such tank contents and rinsate in accordance with label and labeling requirements governing the initial application of the pesticide.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3271.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Advisory Commission on Pesticides, LR 10:398 (May 1984), amended by the Department of Agriculture and Forestry, Advisory Commission on Pesticides, LR 24:282 (February 1998).

Subchapter T. Closed Containment Systems

§183. Closed Containment Systems of Commercial Applicators

A. Commercial applicators electing to install closed containment systems for a pesticide which, upon disposal, is classified as a hazardous waste must have such systems completed and operational on or before December 31, 1984. Following the effective date of this rule, any commercial applicator who is certified or licensed after January 1, who elects to install a closed containment system for a pesticide which, upon disposal, is classified as a hazardous waste must have such system completed and operational before the issuance of the certification or license.

B. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3271.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Advisory Commission on Pesticides, LR 10:398 (May 1984), amended by the Department of Agriculture and Forestry, Advisory Commission on Pesticides, LR 24:282 (February 1998).

Subchapter U. Surface Impoundments of Hazardous Wastes

§185. Surface Impoundments of Commercial Applicators: Management of Unused Portions of Pesticides and/or Rinsate of Pesticides

A. Unused portions of pesticides and/or rinsate resulting from the application of a pesticide which, upon disposal, is not classified as a hazardous waste should be handled by one of the following methods:

A.1. - J. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3271.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Advisory Commission on Pesticides, LR 10:399 (May 1984), amended by the Department of Agriculture and Forestry, Advisory Commission on Pesticides, LR 24:282 (February 1998).

Subchapter V. Surface Impoundments by Commercial Applicators

§187. Schedule for Implementation

A. - C. ...

D. Whenever violative levels of pesticides which, upon

disposal, are classified as hazardous waste are detected in any sample taken from a surface impoundment, whether the surface impoundment was in operation at the effective date of these regulations or installed after the effective date of these regulations, such surface impoundment may be immediately and permanently closed, and, if closed, all contents thereof shall be removed and disposed of at a permitted hazardous waste disposal facility. The financial responsibility of closing a surface impoundment belongs to the commercial applicator and/or property owner.

E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3271.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Advisory Commission on Pesticides, LR 10:399 (May 1984), amended by the Department of Agriculture and Forestry, Advisory Commission on Pesticides, LR 24:282 (February 1998).

Bob Odom
Commissioner

9802#013

RULE

**Department of Agriculture and Forestry
Office of the Commissioner**

Alternative Livestock—Imported Exotic Deer and Imported Exotic Antelope, Elk, and Farm-Raised, White-Tailed Deer (LAC 7:XXI.1501-1523)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Agriculture and Forestry, Office of the Commissioner hereby adopts regulations governing alternative livestock—imported exotic deer and imported antelope, elk and farm-raised, white-tailed deer. These rules comply with and are enabled by R.S. 3:3101 et seq.

The full text of these rules and regulations may be viewed in its entirety in the emergency rule section of this issue of the *Louisiana Register*.

Bob Odom
Commissioner

9802#014

RULE

Board of Elementary and Secondary Education

Alternative Post-Baccalaureate Appeals Process (LAC 28:I.107)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education amended LAC 28:I.107. This amendment will allow those persons who are enrolled in Alternate Post-Baccalaureate certification programs to participate in the appeals process.

Title 28
EDUCATION

Part I. Board of Elementary and Secondary Education
Chapter 1. Organization

§107. Board Appeals Councils

A. Teacher Certification Appeals Council

1. - 2.b.iii ...

c. The appeals council, in the absence of mitigating circumstances, shall not be required to consider appeals of persons who:

- i. are nondegreed; or
- ii. lack the required NTE scores.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 4:359 (October 1978), amended LR 5:346 (November 1979), LR 15:962 (November 1989), LR 16:297 (April 1990), LR 24:283 (February 1998).

Weegie Peabody
Executive Director

9802#072

RULE

Board of Elementary and Secondary Education

Bulletin 746—Jobs for Louisiana
Graduates Specialist Certification

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education amended Bulletin 746 to add requirements for Certification for the Jobs for Louisiana's Graduates Job Specialist. The requirements, which are an addition to Bulletin 746, Part B, Louisiana Standards for State Certification of School Personnel, Vocational-Technical Personnel, Postsecondary, are printed below.

IV. Jobs for Louisiana's Graduates Job Specialist

A. Education/Experience:

1. a bachelor's degree from a state-approved and regionally accredited college or university, preferably in education, business administration, marketing, or related field and two years of full-time work experience, preferably in business, marketing, or related field; or

2. a high school diploma or General Equivalency Diploma (GED) and five years of full-time work experience, preferably in business, marketing, or related field. Exceptions to the number of required years of experience may be approved by the Board of Elementary and Secondary Education.

B. When the applicant has met the requirements listed under Items A.1 or 2, a one-year vocational-technical certificate will be issued. For renewal of this certificate, applicants with a high school diploma must earn at least three semester hours in professional vocational education each year until a minimum of 15 semester hours has been completed, at which time the vocational-technical certificate shall become

permanent. Applicants with a bachelor's degree shall earn nine semester hours on the same basis.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6.

HISTORICAL NOTE: Amended by the Board of Elementary and Secondary Education, LR 24:283 (February 1998).

Weegie Peabody
Executive Director

9802#071

RULE

Board of Elementary and Secondary Education

Bulletin 1706—Exceptional
Children's Act (LAC 28:I.909)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education amended Bulletin 1706, regulations for implementation of the Exceptional Children's Act. The amendments clarify existing state regulations and make them more consistent with the federal regulations. Bulletin 1706 is referenced in LAC 28:I.909.E and was previously published in full as an emergency rule in the June 1997 issue of the *Louisiana Register*.

Title 28
EDUCATION

Part I. Board of Elementary and Secondary Education
Chapter 9. Bulletins, Regulations, and State Plans

Subchapter A. Bulletins and Regulations

§909. Special Education Regulations

A. - E.1. - 2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941-1958.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 4:337 (September 1978), amended LR 7:407, 484, 625 (August, October, December 1981), LR 8:63, 323 (February and July 1982), LR 9:130, 549, 835, 836 (March, August, December 1983), LR 10:7 (January 1984), LR 11:252 (March 1985), LR 12:763 (November 1986), LR 14:11, 609 (January, September 1988), LR 16:297 (April 1990), repromulgated LR 24:283 (February 1998).

**BULLETIN 1706—IMPLEMENTATION OF
THE EXCEPTIONAL CHILDREN'S ACT
(R.S. 17:1941 et seq.)**

(Editor's Note: The amended Bulletin 1706 published below does not use the *Louisiana Administrative Code* codification/format.)

§106. Opportunity of Hearing

The state board shall provide an opportunity for a hearing according to procedures set out in Education Division General Administrative Regulations (EDGAR) at 45 CFR 100.b.401.d before the department disapproves any school system application for federal entitlement funds for special education under IDEA-Part B.

§130. State Advisory Council

A. The advisory council shall be appointed by the department with the approval of the State Board of Elementary and Secondary Education. Each board member shall recommend to the superintendent, one name to serve on

the advisory board from one of the membership categories to be chosen on the basis of lots drawn by board members as vacancies occur. Procedures shall follow existing state board procedures for appointing such councils.

B. Membership of the council will be composed of persons involved in or concerned with the education of children with disabilities and will include at least one person representing each of the following categories except for category six which shall have two representatives:

1. - 7. ...
8. representatives of advocate agencies for the disabled;
9. colleges and universities; and
10. vocational-technical schools.

C. The advisory council shall perform the following:

1. Advise the state board and the department of unmet needs in the education of exceptional students, including needs identified through study and analysis of the findings and decisions of the hearings.

2. Review and comment publicly on the state Special Education State Plan annual program plan and rules or regulations proposed for issuance by the state regarding the education of exceptional students and the procedures for distribution of funds under IDEA-Part B.

3. ...

4. Consider items referred by the state board as well as items initiated by the council and approved by the board through its regular procedures.

5. Make recommendations regarding the disbursement of certain special education discretionary funds.

§271. Out-of-District Placement

The department shall approve or disapprove each request made by a school system to place an exceptional student outside the geographic boundaries of that school system unless the placement is in another school system by mutual agreement.

§303. Approval of Out-of-District Placement

The office shall approve or disapprove each request made by a school system to place an exceptional student outside the geographic boundaries of that school system unless the placement is in another school system by mutual agreement.

§340. Review and Approval of Annual Applications of School Systems

A. - B. ...

C. The OSES shall establish a submission cycle for application of federal and/or state funds. At a minimum the annual application must meet submission requirements established in §488.B.

§402. Definitions

A. - B.3. ...

Comment: ...

1. - 2. ...

C. *Eligible Students*

1. Free appropriate public education must be available to all exceptional students reaching the age of 3 years, regardless of when the birthday occurs during the school year. At the discretion of the LEA and with parental approval, FAPE may be provided to an eligible student before age 3 years if his or her third birthday occurs during the school year.

2. ...

§412. Responsibilities of Child Search Coordinator

Each school system shall designate an individual/child search coordinator who shall be responsible for:

1. ensuring that the progress of referrals and evaluation activities required by §§411, 413-414, and 430-436 for each student suspected of being exceptional is tracked;

2. - 3. ...

§413. Students in a Regular Education Program

A. - C. ...

D. Pre-evaluation activities as listed in Bulletin 1508 under "Initial Responsibilities" of the evaluation coordinator must be conducted within 10 operational days after receipt of the referral by the pupil appraisal office for an individual evaluation.

§415. Students Out of School and/or Former Special Education Students

Students out of school, including students ages birth through 5 years who are suspected of having a disability and former special education students who have left a public school without completing their public education by obtaining a state diploma or certificate of achievement shall be referred to the school system's child search coordinator, who shall locate and offer enrollment in the appropriate public school program and refer them for an individual evaluation, if needed. Students may be enrolled with the development of an interim IEP based on their individual need, following the enrollment process in §416 below. If the Louisiana evaluation is current, students may be enrolled with the development of a review IEP within five operational days.

§416. Students with a Documented Severe or Low-Incidence Impairment; Students from Out-of-State; or Infants and Toddlers with Disabilities

A. Students with a Documented Severe or Low-Incidence Impairment. Students who have a severe or low-incidence impairment, documented by a qualified professional, shall be initially enrolled in a special education program concurrent with the conduct of the evaluation according to the requirements of Bulletin 1508. This enrollment process, from the initial entry into the school system to placement, shall occur within 10 operational days and will include the following steps:

1. a review of all available evaluation information by pupil appraisal personnel;

2. approval by the school system's special education administrator;

3. the development of an interim IEP in accordance with §§440-445;

4. formal parental approval for the temporary placement.

The duration of the completion of the evaluation and the interim placement shall not exceed the evaluation time lines specified in §436, with the initial IEP/placement document developed within 30 calendar days from the date of dissemination of the written evaluation report to the school system's special education administrator.

B. Students Transferring from Out-of-State. Students who have been receiving special education services in another state

may be initially enrolled in a special education program, on an interim IEP, concurrent with the conduct of the evaluation according to the requirements of Bulletin 1508. The enrollment process is the same as in §416.A.

Comment: If no mutually agreeable placement can be determined the district is not obligated to adopt the former IEP, or provide the former services, and placement should be in regular education pending the resolution of the placement dispute in accordance with the "stay-put" provisions in 34 CFR300.513(b).

C. **Infants and Toddlers with Disabilities.** Any infant or toddler moving to Louisiana who has an Individualized Family Service Plan (IFSP) will be referred to the local school system that is responsible for assisting the family in identifying and accessing family service coordination. During the conduct of the evaluation, which shall include a review of the existing evaluation, an interim IFSP may be developed to prevent a disruption in services. The enrollment process shall occur within 10 operational days from receipt of referral.

§418. Formal Parental Approval

A. ...

Comment: For specific evaluation procedures and protection of parental rights refer to Bulletin 1508 (Pupil Appraisal Handbook) and Part 500 of this Bulletin.

B. ...

§433. Evaluation Coordination

A. ...

B.1. - 4. ...

5. opportunity for oral explanation of educational rights and evaluation procedures.

§434. Evaluation Process

A. - C.1. ...

2. Tests and other evaluation procedures and materials shall be administered by trained personnel in conformance with the instructions provided by their producer and are as follows:

a. tailored to assess specific areas of developmental/educational need;

b. - g. ...

§440. Initial IEP/Placement Responsibilities

A. - E. ...

F. The IEP shall be developed using a format approved by the department.

G. - H. ...

§441. IEP Meeting Participants

* * *

A. ...

B. the student's teacher

Comment: When a regular education teacher calls for a reconvening of the individualized education program committee for any exceptional child assigned to his/her classroom on a full-time basis in which the IEP requires an adjustment in the curriculum, instruction, or services to be provided by the regular education teacher, this teacher shall participate on the IEP committee and will participate continuously thereafter for as long as the child is assigned to his/her classroom.

C. - G. ...

Comment: ...

1. a. - c. ...

2. ...

§443. Parental Approval of IEP/Placement

(Editor's Note: Wording in the section heading is amended.)

A. - E. ...

§445. Least Restrictive Environment

A. For each educational placement, the school system shall ensure that:

1. it is determined at least annually by a group of persons (including persons knowledgeable about the student and the placement alternatives) who consider carefully broad-based, documented information about the student;

2. it is based on an IEP/placement document;

3. the special education program in which each educational placement is made, including day or residential nonpublic schools, meets the standards of the state board;

4. a continuum of alternative educational settings shall be available to the extent necessary to implement the IEP/placement document for each student with disabilities. At a minimum, this continuum shall include (in order of restrictiveness as it applies to each student):

a. instruction in regular classes, including:

(1). supplemental aides and services to the student, and/or

(2). special education instruction;

b. instruction in special classes, all or part of the day;

c. special school, all or part of the day;

d. homebound;

e. instruction in hospitals and institutions;

Comment: Instruction may take place in other settings such as the community and job sites.

5. special class, separate schooling, or other removal of exceptional students from the regular educational environment occurs only when the nature or intensity of individual's needs are such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily;

Comment: Reasons for selecting a more restrictive environment may not be based solely on category of disability, severity of disability, availability of educational or related service, administrative convenience or special equipment.

6. exceptional students are educated with students who are not exceptional including students in public and private institutions or other care facilities served with IDEA funds, to the maximum extent appropriate. In making this decision, the following four areas must be considered:

a. physical integration—the student will share the same facilities with nondisabled students;

b. social integration—the student will participate in co-curricular and extra-curricular activities with nondisabled students;

c. academic integration—the student will participate in regular classroom activities; and

d. community integration—the student will participate in activities out in the community;

7. to the maximum extent appropriate any alternative placement selected for the student outside the general educational setting must provide opportunities for the student to interact with nondisabled peers;

8. nonacademic and extracurricular services and activities (may include counseling, recreational athletics, intramural and interscholastic athletic, transportation, health services, special interest groups or clubs sponsored by the

school system, referrals to agencies that provide assistance to individuals with disabilities, and employment of students by the school system and assistance in making outside employment available) must be offered in a way that allows equal opportunity for each exceptional student to participate in services and activities;

Comment: In providing or arranging for the provision of nonacademic and extracurricular services and activities, including meals, recess periods and the services and activities listed above, each school system must ensure each student with a disability participates with nondisabled students in those services and activities to the maximum extent appropriate to the needs of the student.

9. physical education services, in accordance with the IEP/placement document, must be provided to students with disabilities in the regular physical education program or the adapted physical education program as specified in §904;

10. the least restrictive environment rules may not be waived by any party, including the parent(s).

B. If there is evidence that a school system or any participating agency makes placements that are not consistent with these regulations, the office shall:

1. review the school system's or participating agency's justification for its action; and

2. assist in developing and implementing the required corrective action.

C. Each completed IEP shall contain the following placement components:

1. an identification of the specific educational environment in which the student is to be placed. This placement must be the least restrictive educational environment, whether in existence or not, which can meet the student's individual educational needs, including necessary resources;

2. in making placement decisions, IEP committees must first consider the regular/general education class with the use of supplemental aids and services:

a. if a regular/general education class is not chosen as the least restrictive environment, IEP committees must examine each alternative setting (in order of restrictiveness) to determine appropriate placement;

b. if placement decision is not instruction in regular class/setting, the following must be provided:

(1) a description which includes evidence of specific constraints that prohibit accomplishment of IEP goals and objectives in the regular classroom;

(2) a description of educational benefits of the alternative setting; and

(3) a justification as to why less restrictive settings were rejected;

3. the following noted assurances must be provided when site determination decisions are made:

a. the placement is in the school which the student would attend if not exceptional unless the IEP of the student required some other arrangement. If the placement is not in the school the student would normally attend, the placement is as close as possible to the student's home;

b. the school and the class are chronologically age appropriate for the student. No student shall be placed in a setting which violates the maximal pupil/teacher ratio or the 3-year chronological age span;

c. the school/setting selected is accessible to the student for all school activities;

d. if the placement is other than regular/general education, the classroom is comparable to and integrated with regular classes.

Comment: Any deviation from these assurances must be documented and justified on the IEP. In selecting an alternative setting, the school system shall consider any potential harmful effect on the exceptional student or on the quality of services needed.

D. Various alternative placements shall be available to the extent necessary to implement the IEP/IFSP for each child with disabilities birth through age 5. The frequency and intensity of services are flexible and dependent upon the needs of the individual child and family.

1. instruction in the home;

2. instruction in a center/school;

a. regular preschool placements-Head Start, Title 1, kindergarten, child care center, 4-Year Old at Risk Program, Even Start, infant/toddler class;

b. self-contained-noncategorical preschool class, categorical preschool class, infant/toddler class;

3. instruction in a clinic/hospital;

4. combination - any combination of 1, 2, 3 above;

5. other (describe).

Comment: Children who are 3 - 5 years of age or are eligible for Part B services according to the LEA's policy on age of eligibility and who are identified with speech impairments only are entitled to be served in any of the above preschool settings. The setting for a child with speech impairments only must be determined by the needs of the child; the child may need communication intervention in settings with other children to meet his or her needs.

The school system must make available center school-based settings comparable in time to that of kindergarten age children if the child with a disability is kindergarten age. The pupil/teacher ratio established in Appendix I, Part B is used. The teacher providing the service must be certified in noncategorical preschool, early interventionist or in the area of exceptionality if the class is categorical. The frequency and intensity of services are flexible and dependent upon the needs of the individual child and family.

School systems that provide preschool programs for nondisabled preschool children must ensure that various alternative placements are available. School systems that do not operate programs for nondisabled preschool children are not required to initiate such programs solely to satisfy the requirements of LRE; however, for these school systems, some alternative methods for meeting the requirements of LRE include providing opportunities for the participation of preschool children with disabilities in other preschool programs operated by school systems, such as Head Start, placing children with disabilities in private school programs for nondisabled preschool children or private school preschool programs that integrate children with disabilities and nondisabled children, and locating classes for preschool children with disabilities in regular elementary schools. In each case, the school system must ensure that each child's placement is in the LRE in which the unique need of that child can be met, based on the child's IEP, and meets all IEP and LRE requirements.

Services to infants and toddlers with disabilities, to the maximum extent appropriate, are provided in natural environments, including the home, and community settings in which children without disabilities participate.

E. A continuum of alternative educational settings shall be available to the extent necessary to implement the IEP for each student who is gifted or talented. At a minimum, this continuum shall include (not in order of restrictiveness as it applies to each student):

1. regular classroom with supplemental aids/services;

2. resource with regular classroom;

3. self-contained; and
4. preschool.

F. The educational placement of deaf and (hard of hearing) students will be determined primarily by the provision of a free appropriate public education (FAPE) and the consideration of the least restrictive environment (LRE) will be of secondary consideration.

1. Full consideration of the unique needs of a deaf and hard of hearing student will ensure an appropriate education as required by the Individuals with Disabilities Education Act.

2. Factors that will be considered in developing an IEP for a deaf or hard of hearing student are:

- a. communication needs are the student's and family's preferred mode of communication;
- b. linguistic needs;
- c. severity of hearing loss and potential for using residual hearing;
- d. academic level;
- e. social, emotional and cultural needs including opportunities for peer interaction and communication;
- f. consideration of curriculum content and method of curriculum delivery.

G. A continuum of alternative educational settings shall be available to the extent necessary to the implementation of the IEP for each student who is deaf or hard of hearing. At a minimum, the continuum shall include (not in order of restrictiveness as it applies to each student):

1. homebound or hospital instruction;
2. special school, all or part of the day;
3. instruction in special classes, all or part of the day;
4. special education instruction in regular classes including:
 - a. service to or consultation with the regular classroom teacher; and/or
 - b. services to exceptional students within the regular classroom..

§446. Repealed/Reserved

§448. Hospital/Homebound Placement Rules

* * *

A. ...

B. Consistent with the requirements of these regulations, the student has been determined to be emotionally/behavior disordered or has serious behavior problems and either:

1. a psychologist or psychiatrist who is licensed to practice in Louisiana has certified in a signed written report that the student is admitted to a full-time inpatient program of care and treatment in a hospital certified or licensed by the state of Louisiana and that continued participation in the inpatient program is necessary to the proper care and treatment of the student; or

2. a certified school psychologist or a board-certified social worker or a psychologist or psychiatrist who is licensed to practice in Louisiana has verified in a signed written report submitted to the school system that the student's current educational placement is not appropriate and that there is a need for the student to be placed at home where he will be provided an appropriate educational program. Upon the receipt of this report:

a. - f. ...

C. - E. ...

§449. IEP/Placement Meeting(s) for Exceptional Students in Other School Systems or in Participating Nonpublic Schools

* * *

A. ...

1. Apply to the department for approval of placement out of the geographic attendance area of the school system or for a transfer of jurisdiction in accordance with §451.B. unless the placement is in another school system by mutual agreement.

2. - 3. ...

B. ...

§450. Direct Service Rules

School systems must provide service directly or through mutual agreements with other school systems in the alternative setting needed by an exceptional student if:

1. - 2. ...

§452. IEP/Placement Review Procedures

A. - 1. ...

2. The student's teacher

Comment: When a regular education teacher calls for a reconvening of the individualized education plan committee for any exceptional child assigned to his/her classroom on a full-time basis in which the IEP requires an adjustment to the curriculum, instruction or service to be provided by the regular education teacher, this teacher shall participate on the IEP committee and will participate continuously thereafter for as long as the child is assigned to his/her classroom.

3. - 4. ...

Comment: ...

5. Other individuals at the discretion of the parent(s) or school system as per §504.C.3.b.

6. ...

B. One IEP/placement review meeting must be conducted annually. More than one IEP/placement review meeting may be conducted at the discretion of the school system. If a parent makes a written request for an IEP/placement review meeting, the school system must respond in 10 calendar days in writing to that request and should reconvene the IEP committee if the request is reasonable. Other IEP/placement review meetings that must be conducted in addition to the required annual meetings are listed in Bulletin 1530.

C. - E. ...

§453. Change to Less Restrictive Environment

A. ...

B. Significant change in educational placement is defined as moving a student from one alternative setting to another which is more restrictive or which transfers jurisdiction: such a change requires a re-evaluation. A re-evaluation is not required to precede a placement change to a less restrictive environment occurring as a result of an IEP/placement document.

§459. Discipline Procedures

A. - B.5.a. ...

b. If a student brings a firearm (with an ability to fire a projectile) to school, the LEA may place the student in an interim alternative setting, in accordance with state law, for up to 45 calendar days. This can be done before determining

whether the behavior was a manifestation of the student's disability. However, the student's placement cannot be changed until the student's IEP team has been convened and determined the interim alternative placement to be appropriate. If a re-evaluation for a more restrictive placement is required, it must be conducted prior to or during the interim alternative placement. If the parent initiates a due process hearing, the student must remain in the alternative setting during the authorized review proceedings, unless the parent and the school system can agree on another placement.

Note: At each IEP meeting there must be a discussion of the social/behavioral needs of the student. This should include the following:

1. addressing any behavioral problem(s) of the student that are related to the disabling condition;
2. developing a structured program of behavior management (including goals and objectives) for dealing with the behavior; and
3. a review and determination of the effectiveness of any prior plan of behavior management.

§473. Functions

- A. - D. ...
- E. Repealed.

§488. Preparation of Application

A. In the preparation of an application required under IDEA-Part B, the first year of the submission cycle in accordance with §340.C the school system must complete the following:

1. - 10. ...
11. The school system shall provide a list of the organizations to which a distribution of the application is made upon submission of the application to the Office of Special Educational Services.

B. In preparation of the annual application in subsequent years the school system shall submit to the SDE the following assurances:

1. that 30 days prior to its submission the school system held at least one public hearing to provide opportunities for comments on the plan by the general public and;
2. adequate notice of the hearing was given stating the purpose, date, time, location, and provisions for receipt of written comments on the application

§491. Child Counting

A. Each school system shall use LANSER for the purpose of tracking students with disabilities. Data from this system shall be used to produce the annual child count, as of December 1, for the purpose of generating grant awards under IDEA-B and the Preschool Grants Program.

B. Each school system/state agency must determine the eligibility of each student for inclusion in the December 1 child count, which will generate funds under IDEA. It is the responsibility of the school system/state agency to verify that each eligible student is receiving the special education and related services stated on the Individualized Education Program or early intervention services, as stated on the Individualized Family Service Plan. Eligibility requirements for IDEA- Part B and H must be determined as specified in the SDE Monitoring Procedures, Bulletin 1922.

§492. Dissemination of Student and Parent Rights

* * *

Comment: Refer to §504.C.

§494. Repealed/Reserved

§496. Responsibilities for Placed Students

City/parish school systems shall enroll exceptional students currently enrolled in SSD Number 1 or state board special schools for provision of special education and related services in the least restrictive environment when the student is placed by SSD Number 1 or state board special schools. Such an exceptional student remains in the jurisdiction of SSD Number 1 or the state board special schools, which shall reimburse the city/parish school system for any costs for providing such services based on an interagency agreement. A city/parish system or SSD Number 1 which places students with severe or low-incidence disabilities in state board special schools must reimburse state board special schools for any costs for providing such services based on an interagency agreement. The school system which retains jurisdiction retains fiscal responsibility for funds not available to the other system from the state. A city/parish school system that disagrees with such a placement may, on an individual basis, apply to the state board for exemption from the state board from this obligation.

§503. Independent Educational Evaluation

* * *

Public Expense—the school system either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parent.

Comment: To avoid unreasonable charges for Independent Educational Evaluations (IEEs) a school system may establish maximum allowable charges for specific tests. The maximum must be established so that it allows parents to choose among the qualified professionals in the area and only eliminates unreasonably excessive fees. The district must allow parents the opportunity to demonstrate unique circumstances to justify an IEE that falls outside the district's criteria.

- A. - D.2. ...

§508. Hearing Officer Appointment and Hearing Procedures

- A. ...
- B. Hearing Procedures

1. Hearing Officer Designation
 - a. The local supervisor must notify the SDE of the need to assign a hearing officer within one day of receipt of a request for a hearing. The hearing officer will be assigned within two calendar days by the SDE on a rational basis from the State Department of Education's approved list. Consideration will be given to the location of the hearing when making the assignment.

- b. After a hearing officer has been assigned by the SDE, the local supervisor must, within five calendar days, give the parent(s) written notice of the name of the proposed hearing officer.

- c. The parent and the school system, upon receiving notice of the assigned hearing officer, may disqualify (available only once) the person assigned. The parent must notify the parish supervisor of such a decision within three calendar days after receiving notice. The school system must notify the SDE of their decision of the parents' decision to disqualify the hearing officer within three calendar days after receiving notice.

d. If the parent or school system has reasonable doubt regarding the impartiality of a hearing officer, they must submit written information to the SDE within three calendar days of receipt of the notice of the assigned hearing officer. The SDE shall review any written challenge and:

(1) provide a written decision and notice to the parent and parish supervisor within five calendar days after receipt of the written challenge.

(2) ...

e. ...

2. Conduct of Hearing

a. - b. ...

c. The final hearing decision must be reached and a copy of the decision mailed to each party and the department not later than 45 calendar days after the receipt of the request for the hearing.

d. A hearing officer may grant specific extensions of time beyond the prescribed time requirements at the request of either party. When an extension is granted, the hearing officer shall reach a decision and mail copies to the parties and the department not later than 10 calendar days from the termination of the hearing.

e. - f. ...

§509. Review of Hearing Decision

A. ...

B. A written request to review the hearing decisions must be sent by certified mail to the SDE within 15 calendar days of receipt of the hearing decision. The request must state the basis upon which the review is requested.

C. ...

§511. Conduct of Review

A. Upon receiving a formal written request for a review, the SDE shall within 10 calendar days notify the review panel to evaluate the hearing decisions, the hearing record, and other appropriate information.

B. - E. ...

§514. Student Status During Proceedings

A. During the pendency of any administrative hearing or judicial proceeding pursuant to Part 500 Procedural Safeguards, the student involved must remain in the present educational placement unless the parent and the school system agree otherwise. Refer to §459.B.5(b).

B. ...

§517. Confidentiality of Information

* * *

A. - B. ...

C. Access Rights

1. Each school system shall permit parents to inspect and review educational records relating to their students which are collected, maintained or used by the agency under this Part. The school system shall comply with the request without unnecessary delay and before any meeting regarding an individualized education program or hearing relating to the identification, evaluation, or placement of the student, and in no case shall the time exceed 45 calendar days after the request is made. The school system shall not destroy any educational records if there is an outstanding request to inspect and review the records.

2. - 3. ...

D. - O. ...

§630. General Responsibilities

A.1. - 4. ...

5. the adherence to all procedural safeguards of Part 500.

B.6. ...

§685. Repealed/Reserved

§690. Instruction for Child Count

A. Each school system shall use LANSER for the purpose of tracking students with disabilities. Data from this system shall be used to produce the annual child count, as of December 1, for the purpose of generating grant awards under IDEA-B and the Preschool Grants Program.

B. Each school system/state agency must determine the eligibility of each student for inclusion in the December 1 child count, which will generate funds under IDEA-B. It is the responsibility of the school system/state agency to verify that each eligible student is receiving the special education and related services stated on the Individualized Education Program or early intervention services, as stated on the Individualized Family Service Plan. Eligibility requirements for IDEA- Part B and H must be determined as specified in the SDE Monitoring Procedures, Bulletin 1922.

§707. Enrollment (Admission and Release)

A. - A.1. ...

2. Students with disabilities shall not be admitted to a state board special school unless such students with disabilities are referred by a city/parish school system in compliance with the provisions of §440 and §443.D or in compliance with the provision of §716.

B. Release

1. - 2. ...

3. Prior to the release of any student placed in a state board special school through out-of-district placement procedures the department must review and approve each release.

C. - E. ...

§710. Repealed/Reserved

§711. Instructions for Child Count

A. Each school system shall use LANSER for the purpose of tracking students with disabilities. Data from this system shall be used to produce the annual child count, as of December 1, for the purpose of generating grant awards under IDEA-B and the Preschool Grants Program.

B. Each school system/state agency must determine the eligibility of each student for inclusion in the December 1 child count, which will generate funds under IDEA-B. It is the responsibility of the school system/state agency to verify that each eligible student is receiving the special education and related services stated on the Individualized Education Program or early intervention services, as stated on the Individualized Family Service Plan. Eligibility requirements for IDEA- Part B and H must be determined as specified in the SDE Monitoring Procedures, Bulletin 1922.

§716. Louisiana School for the Deaf Alternative Placement

A. In compliance with R.S. 17:348 and R.S. 17:1946.B(2) the Louisiana School for the Deaf (LSD) shall:

1. determine, not later than the second Monday in September of each year, the number of additional students who may be admitted under this placement option;

2. base the determination on the availability of all necessary resources required to provide a free appropriate public education.

B. - E. ...

§801. General Statement

The BESE has authorized the SDE, Office of Special Educational Services under R.S. 17:1941-1958 et seq., to enter into any agreement developed with another public or private agency, or agencies, where such an agreement is consistent with the regulations; is essential to the achievement of full compliance with the regulations; is designed to achieve or accelerate the achievement of the full educational goal for all exceptional students; and is necessary to provide maximum benefits appropriate in service, quality, and cost to meet the full educational opportunity goal in the state. Each school system and the SDE shall enter into all interagency agreements specified in the regulations by following all the requirements in this Part.

* * *

§830. Types of Interagency Agreements

SDE and SSD Number 1 shall have agreements with the Department of Health and Hospitals (DHH), Social Services (DSS), and the Department of Public Safety and Corrections (DPS and C), and/or other state agencies and their sub-offices where appropriate. Local educational agencies shall have those agreements whenever necessary for the provision of a free appropriate public education. The State School for the Deaf, State School for the Visually Impaired and the State Special Education Center now under the auspices of SSD Number 1 shall have interagency agreements with:

- 1) the LEA in whose geographic area they are located;
- 2) each LEA that places a student in the day programs of that facility;
- 3) regional state agencies;
- 4) habilitation agencies with whom they share students.

§860. Resolving Interagency Disputes

* * *

A. ...

B. Interagency disputes at the local, regional, or state level which involve either program or financial responsibility will be referred to the Children's Cabinet in the Office of the Governor.

C. If a dispute continues beyond these interventions, either party of the dispute may seek resolution from a court of competent authority.

D. Repealed.

§902. Abbreviations/Acronyms used in these Regulations

(Editor's Note: Codification letters [A. - M.] are being removed in this Section, however all definitions remain in effect, except for one repeal and one newly adopted definition, as shown below.)

* * *

Chapter 1 S.O.P.—Repealed.

* * *

DSS—Department of Social Services.

* * *

§904. Definitions

(Editor's Note: Definitions found in §904 through §1000 are moved alphabetically to §904 and remain in effect, except those being adopted or amended as shown below.)

* * *

Alternative Setting—any educational setting within the preschool, elementary, and secondary structure of the state specially designed for providing for the needs of the exceptional student. Each setting should meet the standards of the state board and be approved by the department.

Alternative to Regular Placement Program—a program of study for exceptional students in which students will address an approved alternative curriculum rather than content and performance standards. These students will be pursuing a certificate of achievement and will not participate in The Louisiana Educational Assessment Program.

* * *

Autism—a developmental disability significantly affecting verbal and nonverbal communication and social interaction, generally evident before age 3 that adversely affects a child's educational performance. The essential features include:

1. disturbance of development rates and sequences: Normal coordination of the three developmental pathways (motor, social-adaptive, cognitive) is disrupted. Delays, arrests, and/or regressions occur among or within one or more of the pathways.

2. disturbances of responses to sensory stimuli. There may be generalized hyper-reactivity or hypo-reactivity, and/or alternation of these two states over periods ranging from hours to months.

3. disturbances of speech, language-cognitive, and nonverbal communication.

4. disturbance of the capacity to relate appropriately to people, events, or objects. There is failure to develop appropriate responses to people and to assign appropriate symbolic meaning to objects or events.

5. associated features. Associated features vary with age and include other disturbances of thought, mood, and behavior. Mood may be labile: crying may be unexplained or inconsolable: there may be giggling or laughing without identifiable stimuli. There may be a lack of appreciation of real dangers such as moving vehicles as well as inappropriate fears. Self-injurious behavior, such a hair pulling and hitting or biting parts of the body, may be present. Stereotypic and repetitive movements of limbs or the entire body are common.

* * *

Certificate of Achievement—

1. - 5. ...

6. The student has completed 70 percent of his annual goals while enrolled in an alternative to regular education program.

7. - 8. ...

Certified IEP Time Unit—Repealed.

Child Search Coordinator—the school system employee who is responsible for the child search and child identification activities including that of locating the student.

Combination Self-Contained and Resource Classroom—an alternative education setting in which the same teacher

provides special education instruction for students who receive instruction in various special education settings. These settings include self contained, resource, and regular class.

* * *

Educational Assessment Services—include:

1. - 6. ...

* * *

Emotional/Behavioral Disorder—a disability characterized by behavioral or emotional responses so different from appropriate age, cultural, or ethnic norms that they adversely affect performance. Performance includes academic, social, vocational or personal skills. Such a disability is more than a temporary, expected response to stressful events in the environment; is consistently exhibited in two different settings; and persists despite individualized intervention within general education and other settings. Emotional and behavioral disorders can co-exist with other disabilities.

Evaluation—Repealed.

* * *

Exclusion—for a student with disabilities an exclusion occurs when he is separated from educational services including those on the IEP.

* * *

Generic Class—an instructional setting (self contained/resource) in which:

1. - 3. ...

4. The generic class meets the other requirement of the categorical self-contained or resource class.

* * *

Hearing Impairment—an auditory sensitivity (as measured by conventional behavioral audiological techniques or physiological measures, e.g., Auditory Brain Stem Response, etc.) so deficient as to significantly interfere with educational performance. It includes students who are deaf or hard of hearing or who have unilateral hearing loss or high frequency hearing loss.

* * *

Individualized Family Service Plan (IFSP)—a written plan for providing early intervention services for ChildNet eligible children and their families. The determination of the most appropriate early intervention services, including any modifications in placement, service delivery, service providers or early intervention services is accomplished through the development of the IFSP. The IFSP must:

1. be developed jointly by the family and appropriate qualified personnel, including family service coordinators involved in the provision of early intervention services;

2. be based on the multi-disciplinary evaluation and assessment of the child and family;

3. include the services necessary to enhance the development of the child and the capacity of the family to meet the special needs of their child;

4. continue until the child transitions out of early intervention, either to other appropriate service providers at age 3, at such time that the family and multi-disciplinary professionals determine that services are no longer necessary or the family no longer desires early intervention services.

5. identify the location of the early intervention services to be provided in natural environments, including the home and community settings, in which children without special needs would participate.

If there is a dispute between agencies regarding the development or the implementation of the IFSP, the lead agency is responsible for taking the necessary actions to resolve the dispute or assign responsibility for developing or implementing the IFSP.

Individual Transition Plan (ITP)—a document to record a coordinated set of activities for a student, designed within an outcome-oriented process, which promotes movement from school to post-school activities, including post-secondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation. The IEP/ITP must be completed beginning no later than age 16, and at a younger age if determined appropriate.

* * *

Instruction in Regular Class—an alternative education setting for eligible exceptional students who receive special education and related services less than 21 percent of the school day outside the regular classroom.

* * *

Learning Disabilities—are severe and unique learning problems as a result of significant difficulties in the acquisition, organization, or expression of specific academic skills or concepts. These learning problems are typically manifested in school functioning as significantly poor performance in such areas as reading, writing, spelling, arithmetic reasoning or calculation, oral expression or comprehension, or the acquisition of basic concepts. The term includes such conditions as attention deficit disorder, perceptual handicaps or process disorders, minimal brain dysfunction, dyslexia, development aphasia, or sensorimotor dysfunction, when consistent with Bulletin 1508 criteria. The term does not include students who have learning problems which are primarily the result of visual, hearing, or motor impairments; of mental disabilities; of a behavior disorder; or of environmental, cultural, educational, or economic disadvantage.

* * *

Multi-Disciplinary Evaluation—an evaluation of a child, ages birth - 21 years, in all areas of suspected disability or exceptional ability through a systematic process of review, examination, interpretation, and analysis of screening data, developmental status, intervention efforts, interviews, observations, test results, as required, and other assessment information relative to the predetermined criteria. This evaluation is conducted by qualified examiners from two or more disciplines (e.g., educational diagnosticians, school psychologists, school social workers, speech pathologists). Additional assessment may be needed by service providers such as occupational therapists, physical therapists, and medical personnel, etc. The product of the evaluation is a professional interpretation of the child's abilities/performances, the nature and extent of the child's

impairment or exceptional ability, and the recommendations for types of services necessary to meet the needs of the child. Evaluation is not synonymous with testing. The ultimate goal of the individual process is to provide information to educators, service providers and families which will facilitate future developmental/educational programming for the child. The term means procedures used selectively with an individual student and does not include basic tests administered to or procedures used with all children in a school, grade, class or program.

Multiple Disabilities—are concomitant impairments (such as mental disabilities-blindness, orthopedic impairment-deafness, autism-orthopedic impairments, or emotional/behavioral disorders-mental disabilities), the combination of which causes such severe educational problems that these pupils cannot be accommodated in special education programs solely for one of the impairments. The term does not include students with deaf-blindness nor may noncategorical preschool be used as one of the two impairments to classify for multiple disabilities.

* * *

Noncategorical Preschool—an exceptionality in which students 3 years through age 5, but not enrolled in a state approved kindergarten, are identified as having a disabling condition which is described, according to functional or developmental levels, as mild/moderate or severe/profound. Students with disabilities who will turn 3 during the school year may be also identified as Noncategorical Preschool.

Comment: Students who exhibit a severe sensorial impairment, severe physical impairment, speech impairment, severe language disorder, or who are suspected of having autism, or being gifted or talented shall be identified categorically.

* * *

Other Health Impairments—limited strength, vitality, or alertness, due to chronic or acute health problems such as a heart condition, tuberculosis, rheumatic fever, nephritis, asthma, sickle cell anemia, hemophilia, epilepsy, lead poisoning, leukemia, diabetes, ventilator assistance, or attention deficit disorder.

* * *

Para-Educator (teacher-aide)—a person who assists in the delivery of special educational services under the supervision of a special education teacher or other professional who has the responsibility for the delivery of special education services to exceptional students and who has all of the following qualifications:

- 1) is at least 20 years of age;
- 2) possesses a high school diploma or its equivalent; and
- 3) has taken a nationally validated achievement test and scored such as to demonstrate a level of achievement equivalent to the normal achievement level of a tenth grade student.

Para-Educator Training Unit—a setting that may be used for the self-help training (toilet training, dressing skills, grooming skills, feeding skills, and pre-academic readiness activities) students with severe or low incidence disabilities or preschool students. A school-aged unit may be made up of no more than six para-educators. A preschool unit may be made

up of no more than four para-educators. All units must be supervised directly by a certified special education teacher.

* * *

Resource Departmentalized Setting—an instructional setting in which students receive instruction from a special education teacher who teaches only a single content or subject matter area. The pupil teacher ratio shall be consistent with those listed in Part B of these regulations. Instruction is provided for not more than the maximum allowed for that exceptionality in a self contained class at any given period.

Resource Room—a type of alternative education setting for special education and related services designed or adapted as a location where exceptional students may receive all or a part of the special education required by their IEP, and in which all of the following exist:

1. - 2. ...
3. Instruction is provided for not more than 12 students whose exceptionalities are not severe or low incidence for any one hour of instructional time.
4. ...
5. Students receive special education and related services for at least 21 percent but no more than 60 percent of the school day outside the regular classroom.

School Building Level Committee—a committee of at least three school level staff members which may be identified as a SBLC, SAT, STAT, etc., at the discretion of the LEA. The committee must be comprised of at least the principal/designee, a classroom teacher, and the referring teacher. It is suggested that other persons be included, such as the guidance counselor, reading specialist, master teacher, nurse, parents, pupil appraisal personnel, etc. This committee is a problem-solving, decision-making group who meet on a scheduled basis to receive referrals from teachers, parents, or other professionals on individual students who are experiencing difficulty in school due to academic and/or behavior problems. In most instances, for enrolled students, it is only through the SBLC that a referral can be made to pupil appraisal for an individual evaluation.

School Health Services—services provided by a qualified school nurse or other qualified person. These services may include, but are not limited to, the following:

1. - 5. ...

* * *

Self-Contained Departmentalized—an instructional setting in which students receive instruction from more than one special education teacher. Pupil/teacher ratios shall be consistent with those listed in Part B of these regulations. Instruction is provided for not more than the maximum number allowed for that exceptionality in a self-contained class at any given period.

Self-Contained Special Education Class—a type of alternative education setting in which special education instruction and related services are provided outside the regular classroom more than 60 percent of the school day.

* * *

Specially Designed Regular Instruction Program—a program of study designed for exceptional students in which

students will address content and performance standards with significant variations allowed in time, methods and materials. These students will participate in the Louisiana Educational Assessment Program and will be working toward a high school diploma.

* * *

Speech Impairment—the basic communication system (whether oral, gestural, or graphic) evidences disorders or deviations in language, articulation, fluency or voice, which interfere with the student's educational performance or developmental functioning. Dialectal variations alone do not qualify a student to be classified with speech impairments.

* * *

Student Specific Aide—Repealed.

1. - 6. Repealed.

* * *

Supplemental Aids and Services—any modification to the regular educational program the IEP committee determines that the student needs to facilitate his/her placement in the regular educational environment.

Support Services—services provided to regular education students who are not suspected of being exceptional but who are experiencing difficulty in their educational performance. The purpose of support services is to investigate a student's instructional/behavioral needs based on classroom curricula demands. These services are not intended to include standardized assessment in which a student is compared to a national norm group. These services may be as follows:

1. *Direct Support Services*—services provided directly to a regular education student which may include but are not limited to, individualized interventions, curriculum-based assessment, and task analysis.

2. *Indirect Support Services*—services provided to the classroom teacher, a student's family, or to a whole class. These services could include, but are not limited to, home/school behavior modification program, discipline techniques, and teaching strategies.

* * *

§915. - §1000. Repealed. Reserved.

Part A. State Funding and Program Rules for Special Education

(Editor's Note: Part A. is being repealed in its entirety and repromulgated, using a new numbering system, I. - IV., as shown below.)

I. Cost of Determining a Minimum Foundation Program for Special Education. The Minimum Foundation Program (MFP) formula determines the cost of a minimum foundation program of education in all public elementary and secondary schools and helps to equitably allocate the funds to parish and city school systems. The MFP formula also recognizes increased costs for providing special education services by placing additional funding weights on special education students and transportation units. For specific fiscal and compliance issues refer to Bulletin 1947, Minimum Foundation Program Handbook.

II. Use of Special Education Personnel

A. Special education teachers, therapists, para-educators and special education supervisors shall be used to provide services only to those exceptional students needing special education and related services or in a program approved by the State Board of Elementary and Secondary Education.

B. Certified pupil appraisal personnel shall be used for the purpose of providing pupil assessment services provided in accordance with Part 400 of these regulations.

C. Each school system must be in compliance with the ratios described in Part B of these regulations.

III. Certification Requirements. Staff or school systems who provide special education and related services to exceptional students must currently meet all applicable Louisiana Standards for State Certification of School Personnel (Bulletin 746).

IV. Travel and Preparation Time

A. Each teacher providing instruction in an itinerant special education program shall be afforded adequate travel time and one instructional period per day for preparation and consultation with the student's regular teacher and other applicable school personnel.

B. Each teacher providing instruction in a resource room shall be afforded one instructional period per day for preparation and consultation with the student's regular teacher and other applicable school personnel.

Part B. Pupil/Teacher, Pupil/Speech/Language Pathologist, Pupil/Para-Educator and Pupil/Appraisal Ratios for Public Education

(Editor's Note: Part B.I. - IV. replaces the existing Part B, in its entirety.)

I. In providing services to all identified exceptional children, the number of students in each instructional setting shall not exceed the following numbers.

A.	Self-contained classroom	Pre-school	Elem.	Sec.
1.	Autism	4	4	4
2.	Emotional/Behavioral Disorders		8	8
3.	Blindness	7	9	9
4.	Deafness	7	9	9
	Deaf-Blindness	4	4	4
5.				
6.	Educationally Handicapped/Slow Learner		25	25
7.	Gifted		25	27
	a. Full day	19		
	b. Half day	23		
8.	Hard-of-Hearing	11	15	17
9.	Learning Disabilities		13	15
10.	Mental Disabilities			
	a. Mild		17	17
	b. Moderate		11	17
	c. Severe		9	9
	d. Profound		9	9
11.	Mild/Moderate (Generic)		16	16
12.	Multiple Disabilities	7	9	9

13.	Noncategorical Preschool			
	a. Mild/Moderate Functioning			
	1. Full day	11		
	2. Half day	16		
	b. Severe/Profound Functioning			
	1. Full day	7		
	2. Half day	14		
14.	Other Health Impairments		17	17
15.	Orthopedic Impairments	7	11	13
16.	Partial Seeing	11	15	17
17.	Severe Language Disorders	7	9	9
18.	Severe/Profound (Generic)		9	9
19.	Talented		25	27
20.	Traumatic Brain Injury	7	9	9

B. Para-educator Training Units. Preschool-Aged Students: One teacher and two para-educators for the initial six preschool students. For students functioning with the severe/profound range, there shall be one additional para-educator for any additional group of three not to exceed two additional groups of such students. For students functioning within the mild/moderate range, the additional para-educators shall be added for each additional group of four. The maximum number of students may not exceed 12.

School-Aged Students. One teacher and two para-educators for the initial six students with severe/profound or low incidence disabilities, provided that after the initial six there shall be one additional para-educator for any additional group of three, not to exceed four additional groups of such students. The maximum number of students may not exceed 18 per unit.

C. Resource Room (Generic or Categorical) and Itinerant Instruction Programs (per teacher)

1. Students with severe or low incidence impairments/disabilities 10
2. All other students with disabilities 27
3. Gifted or talented pupils 30

Comment: Because of the travel requirement of the program, this range may be reduced by the school system to 10-19 when instruction is provided to "all other students with disabilities" and "gifted or talented pupils" in at least two different schools.

D. Combination Classrooms

1. Students with severe/low incidence impairments/disabilities 12
2. All other students with disabilities 20
3. Gifted 22

E. Gifted or Talented Resource Center 55

F. Hospital/Homebound Instruction (per teacher)

1. Itinerant 10

2. One Site 17

G. Preschool Intervention Settings (parent/child training)

1. Intervention in the Home 15
2. Intervention in a School or Center 19

H. Adapted Physical Education Instruction (per teacher) 60

1. In caseloads exceeding 35 students, the total number of students identified as having a severe motor deficit shall not exceed 17.
2. Itinerant Instruction (two or more schools) 40

I. Instruction in Regular Classes

1. Students with severe or low incidence impairments/disabilities 9
2. All other students with disabilities 16

Comment: This ratio refers to the caseload of special education teachers who provide instruction for students with disabilities in general education settings.

J. Self Contained or Resource Departmentalized Setting

	Elem.	Sec.
--	-------	------

- | | | |
|---|----|----|
| 1. Autism | 15 | 15 |
| 2. Blindness | 33 | 33 |
| 3. Deafness | 33 | 33 |
| 4. Deaf-Blind | 15 | 15 |
| 5. Educationally Handicapped/Slow Learner | 93 | 93 |
| 6. Emotional/ Behavioral Disorders | 30 | 30 |
| 7. Gifted | 93 | 98 |
| 8. Hard of Hearing | 58 | 63 |
| 9. Learning Disabilities | 50 | 58 |
| 10. Mental Disabilities | | |
| a. Mild | 63 | 63 |
| b. Moderate | 43 | 63 |
| c. Severe | 33 | 33 |
| d. Profound | 33 | 33 |
| 11. Mild/Moderate Generic | 58 | 58 |
| 12. Multiple Disabilities | 33 | 33 |
| 13. Other Health Impairments | 63 | 63 |
| 14. Orthopedic Impairments | 43 | 45 |
| 15. Partial Seeing | 58 | 63 |
| 16. Severe Language Disorders | 33 | 33 |
| 17. Severe/Profound Generic | 33 | 33 |
| 18. Talented | 93 | 98 |
| 19. Traumatic Brain Injury | 33 | 33 |

II. Para-educators. Para-educators may be hired to meet the unique needs of students with exceptionalities.

III. Speech/language pathologists in school systems shall be employed at the rate of one for each 30 (or major fraction thereof) students receiving speech therapy. In determining the number of pupils, the following criteria specified in Bulletin 1508 shall be used.

1. Each student will receive speech therapy as specified in §984.

2. Each speech/language pathologist shall be assigned a minimum of one student in speech therapy and shall not be assigned more than 79 points.

3. Each hour per week of pupil appraisal assessment services and/or supervision of speech/language pathologists who hold restricted license and/or supervision of speech pathology assistants shall equal one point for the purpose of determining the caseload.

4. Assignment of these activities shall be made by the parish supervisor.

The caseload shall be determined according to the following:

Service Type	Number of Points Determining Caseload
Each hour of assessment	1
Each hour of supervision	1
Each hour of consultation	1
Each student receiving speech therapy	1

IV. Pupil appraisal members shall be employed by school systems at the following rate:

	Public School Ratios Based on Membership	NonPublic Ratios Based on Membership
Educational Diagnosticians	2,400 or major fraction thereof	1:3,500 or major fraction thereof
School Psychologists	2,400 or major fraction thereof	1:3,500 or major fraction thereof
Social Workers	3,200 or major function thereof	1:4,500 or major function thereof

Comment: School systems may substitute one pupil appraisal for another provided that all pupil appraisal services are provided in accordance with these regulations and Bulletin 1508.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941-1958.

HISTORICAL NOTE: Amended by the Board of Elementary and Secondary Education: LR 24:283 (February 1998).

Bulletin 1706 may be viewed in its entirety in the Office of the State Register, Capitol Annex, Room 512, 1051 North Third Street, Baton Rouge, LA; Office of Special Educational Services, Department of Education; or in the office of the Board of Elementary and Secondary Education, located on the first floor of the Education Building in Baton Rouge, LA.

Weegie Peabody
Executive Director

9802#070

RULE

Board of Elementary and Secondary Education

Bulletin 1934—Starting Points
Preschool Program (LAC 28:I.906)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education amended Bulletin 1934, Starting Points Preschool Program. The revision amends the Section under Eligibility Criteria and Eligibility Definitions. The qualifying rate for the Starting Points Preschool Program participants will increase from 75 percent to 85 percent of the state median income for families of the same size.

Title 28 EDUCATION

Part I. Board of Elementary and Secondary Education Chapter 9. Bulletins, Regulations, and State Plans §906. Early Childhood Programs

* * *

B. Bulletin 1934, Starting Points Preschool Regulations is adopted, revised April 1995.

* * *

(See Prior Text)

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 21:1221 (November 1995), amended LR 24:295 (February 1998).

Starting Points Preschool Program, Bulletin 1934

* * *

(See Prior Text)

Eligibility Criteria

In order to qualify for the Starting Points Preschool Program, participants must be:

1. ...

2. residing in a family whose mean income is no more than 85 percent of the state median income for a family of the same size;

* * *

(See Prior Text)

Eligibility Definitions

A. - E. ...

F. *Income*—basic income eligibility would be based on 85 percent of the state median income adjusted for family size. Earned income is used in determining eligibility.

* * *

(See Prior Text)

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 21:1221 (November 1995), amended LR 24:295 (February 1998).

Weegie Peabody
Executive Director

9802#067

RULE

Board of Elementary and Secondary Education

Minimum Foundation Program (MFP)
Student Membership (LAC 28:I.1709)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the State Board of Elementary and Secondary Education amended the Minimum Foundation Program (MFP) student membership definition.

**Title 28
EDUCATION**

**Part I. Board of Elementary and Secondary Education
Chapter 17. Finance and Property**

§1709. Budget

A. - H. ...

I. MFP: Equalization Grant

1. ...

2. Student Membership. For state reporting for public education for the purpose of establishing the base student count for state funding, each parish and city school system shall adhere to the following:

* * *

[See Prior Text 2.a-b.ii.(c)]

iii. Students who are in BESE and parish/city school system-approved alternative programs (schools), will be included in the base student count for membership.

* * *

[See Prior Text 2.b.iv- vi]

vii. Regular prekindergarten (4-year-old program) students will NOT be included in the base student count for membership.

viii. Private school students receiving services through the public school system will NOT be included in the base student membership.

*If October 1 falls on a Saturday, report membership on September 30. If October 1 falls on a Sunday, report membership on October 2.

3. Add-on Students/Units. For purposes of establishing the data sets used in determining the add-on students/units, the following will be adhered to:

a. At-Risk Student Count shall be determined by the number of students whose family income is at or below income eligibility guidelines or other guidelines, as provided by BESE. The current guidelines include those students who have approved applications to participate in the federal free and reduced price lunch program. The count is determined by the number of approved applications for the free and reduced price lunch program during the month of October, as reported in the Student Information System (SIS).

b. Vocational Education Unit Count shall be determined by the number of Secondary Vocational Education courses per student, as reported by the school districts through the Annual School Report for the prior year.

c. Special Education. Other Exceptionalities Student Count shall be determined by the number of special education students identified as having "other exceptionalities" in the LANSER database as of October 1 including:

i. infants and toddlers ages 0-2, who are currently receiving services; and

ii. both public and nonpublic special education students ages 3-21 identified as having a disability, as defined by R.S. 17:1943, who are receiving services from the local school district only (students serviced by SSD Number 1 and certain correctional facilities are excluded).

d. Special Education. Gifted and Talented Student Count shall be determined by the number of special education students identified in the LANSER database as of October 1, which includes both public and nonpublic special education students ages 3-21 identified as gifted and talented, as defined by R.S. 17:1943, who are receiving services from the local public school district only.

e. Economy of Scale Student Count shall be determined by the number of students in the base student count, as defined in LAC 28:I.1709.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7, R.S. 17:22, R.S. 17:2006, R.S. 39:41-62, R.S. 39:454, R.S. 39:461.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 1:398, 541 (September, December 1975), amended LR 3:404 (October 1977), LR 14:789, 790 (November 1988), LR 16:297 (April 1990), LR 24:296 (February 1998).

Weegie Peabody
Executive Director

9802#068

RULE

Board of Elementary and Secondary Education

State Content Standards
(LAC 28:I.930)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education adopted State Content Standards in the following areas: Bulletin 1955, Mathematics Framework; Bulletin 1962, Science Framework; Bulletin 1963, The Arts Contents Standards; Bulletin 1964, Social Studies Content Standards; Bulletin 1965, English Language Arts Content Standards; and Bulletin 1966, Foreign Language Content Standards.

The content standards will be referenced in the *Louisiana Administrative Code* as follows:

**Title 28
EDUCATION**

**Part I. Board of Elementary and Secondary Education
Chapter 9. Bulletins, Regulations, and State Plans**

Subchapter A. Bulletins and Regulations

§930. State Content Standards

A. Bulletin 1955—Mathematics Framework

1. Bulletin 1955, Standards for Mathematics Framework in Louisiana Schools is adopted.

2. This bulletin contains standards and benchmarks to be used by Local Agencies (LEAs) as a basis for curriculum

design. These standards and benchmarks define what Louisiana students should know and be able to do.

B. Bulletin 1962—Science Framework

1. Bulletin 1962, Standards for Science Framework in Louisiana Schools is adopted.

2. This bulletin contains standards and benchmarks to be used by Local Agencies (LEAs) as a basis for curriculum design. These standards and benchmarks define what Louisiana students should know and be able to do.

C. Bulletin 1963—Arts Content Standards

1. Bulletin 1963, Standards for Arts Content in Louisiana Schools is adopted.

2. This bulletin contains standards and benchmarks to be used by Local Agencies (LEAs) as a basis for curriculum design. These standards and benchmarks define what Louisiana students should know and be able to do.

D. Bulletin 1964—Social Studies Content Standards

1. Bulletin 1964, Standards for Social Studies in Louisiana Schools is adopted.

2. This bulletin contains standards and benchmarks to be used by Local Agencies (LEAs) as a basis for curriculum design. These standards and benchmarks define what Louisiana students should know and be able to do.

E. Bulletin 1965—English Language Arts Content Standards

1. Bulletin 1965, Standards for English Language Arts in Louisiana Schools is adopted.

2. This bulletin contains standards and benchmarks to be used by Local Agencies (LEAs) as a basis for curriculum design. These standards and benchmarks define what Louisiana students should know and be able to do.

F. Bulletin 1966—Foreign Language Content Standards

1. Bulletin 1966, Standards for Foreign Language in Louisiana Schools is adopted.

2. This bulletin contains standards and benchmarks to be used by Local Agencies (LEAs) as a basis for curriculum design. These standards and benchmarks define what Louisiana students should know and be able to do.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 24:296 (February 1998).

The content standards, in the areas of mathematics, science, arts, social studies, English language arts, and foreign language, were published and disseminated to all Louisiana public schools, regional service centers, and area school superintendents. A complete set of the content standards may be viewed in the Office of the State Register, 1051 North Third Street, Baton Rouge; the Office of the State Board of Elementary and Secondary Education; or the Bureau of Pupil Accountability, State Department of Education.

Weegie Peabody
Executive Director

9802#073

RULE

Board of Elementary and Secondary Education

Vo-Tech Attendance Policy (LAC 28:I.1523)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education amended the attendance policy for the technical colleges.

Title 28

EDUCATION

Part I. Board of Elementary and Secondary Education

Chapter 15. Vocational and Vocational-Technical Education

Subchapter B. Vocational-Technical Education

§1523. Students

A. ...

B. Attendance Policy. College enrollment assumes maturity, seriousness of purpose, and self-discipline for meeting the responsibilities associated with the courses for which a student registers. The primary mission of the Louisiana Technical College System is to prepare individuals for employment. Success in education and employment is dependent upon preparation and regular attendance. Recommendation to employers for job placement will depend on technical and academic preparation, as well as regular attendance. Students are expected to attend all classes. No class cuts are authorized. If an absence occurs, it is the responsibility of the student to make up all work missed. Students who do not officially drop or withdraw within the prescribed dates for this action or who discontinue attendance will receive an "F" in the course or courses. Under no circumstances will an absence, for any reason, excuse the student from completing all work assigned in a given course. After an absence, it is the student's responsibility to check with the instructor about the completion of missed assignments. Any student who accumulates excessive absences (10 percent of the total classes in a course within a term) which are unexcused, may be suspended from that class for the remainder of the term and result in a grade of "F" for the class. (Details of excused absences, etc. to be determined at the school level.) This policy shall be superseded by any more stringent attendance policy required by a regulatory or license body.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10)(11), R.S. 17:1997.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 3:404 (October 1977), amended LR 4:240 (July 1978); LR 6:650 (November 1980), LR 8:323 (July 1982), LR 9:209 (April 1983), LR 10:7, 200 (January, March 1984), LR 11:617, 1065, 1138 (June, November, December 1985), LR 12:14, 92, 667, 830 (January, February, October, December 1986), LR 13:84, 160 (February, March 1987), LR 14:11, 12, 409, 704, 790 (January, July, October, November 1988), LR 16:297 (April 1990), LR 24:297 (February 1998).

Weegie Peabody
Executive Director

9802#069

RULE

**Department of Environmental Quality
Office of Air Quality and Radiation Protection
Air Quality Division**

**Control of Emission of Organic Compounds
(LAC 33:III.2117)(AQ149)**

(Editor's Note: A portion of the following rule, which appeared on pages 20 through 26 of the January 20, 1998 Louisiana Register, is being republished to correct a typographical error.)

Title 33

ENVIRONMENTAL QUALITY

Part III. Air

Chapter 21. Control of Emission of Organic Compounds

Subchapter A. General

§2117. Exemptions

The following compounds are considered exempt from the control requirements of this Chapter: methane; ethane; 1, 1, 1 trichloroethane (methyl chloroform); methylene chloride (dichloromethane); trichlorofluoromethane (CFC-11); dichlorodifluoromethane (CFC-12); chlorodifluoromethane (HCFC-22); 1,1,2-trichloro 1,2,2-trifluoroethane (CFC-113); trifluoromethane (HFC-23); 1,2-dichloro 1,1,2,2-tetrafluoroethane (CFC-114); chloropentafluoroethane (CFC-115); 1,1,1-trifluoro 2,2-dichloroethane (HCFC-123); 1,1,1,2-tetrafluoroethane (HFC-134a); 1,1-dichloro 1-fluoroethane (HCFC-141b); 1-chloro 1,1-difluoroethane (HCFC-142b); 2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124); pentafluoroethane (HFC-125); 1,1,2,2-tetrafluoroethane (HFC-134); 1,1,1-trifluoroethane (HFC-143a); 1,1-difluoroethane (HFC-152a); acetone; parachlorobenzotrifluoride (PCBTF); perchloroethylene (tetrachloroethylene); cyclic, branched, or linear completely methylated siloxanes; 3,3-dichloro-1,1,1,2,2-pentafluoropropane (HCFC-225ca); 1,3-dichloro-1,1,2,2,3-pentafluoropropane (HCFC)-225cb); 1,1,1,2,3,4,4,5,5,5-decafluoropentane (HFC 43-10mee); difluoromethane (HFC-32); ethylfluoride (HFC-161); 1,1,1,3,3,3-hexafluoropropane (HFC-236fa); 1,1,2,2,3-pentafluoropropane (HFC-245ca); 1,1,2,3,3-pentafluoropropane (HFC-245ea); 1,1,1,2,3-pentafluoropropane (HFC-245eb); 1,1,1,3,3-pentafluoropropane (HFC-245fa); 1,1,1,2,3,3-hexafluoropropane (HFC-236ea); 1,1,1,3,3-pentafluorobutane (HFC-365mfc); chlorofluoromethane (HCFC-31); 1-chloro-1-fluoroethane (HCFC-151a); 1,2-dichloro-1,1,2-trifluoroethane (HCFC-123a); 1,1,1,2,2,3,3,4,4-nonafluoro-4-methoxy-butane (C₄F₉OCH₃); 2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane ((CF₃)₂CFCF₂OCH₃); 1-ethoxy-1,1,2,2,3,3,4,4-nonafluorobutane (C₄F₉OC₂H₅); and 2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane ((CF₃)₂CFCF₂OC₂H₅). The following classes of perfluorocarbons are also considered exempt from the control requirements of this Chapter: cyclic, branched, or linear, completely fluorinated alkanes; cyclic, branched, or linear, completely fluorinated ethers with no unsaturations; cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations; and sulfur containing perfluorocarbons with

no unsaturations and with sulfur bonds only to carbon and fluorine.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended LR 16:118 (February 1990), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:289 (March 1994), LR 21:681 (July 1995), LR 21:1330 (December 1995), repromulgated LR 22:14 (January 1996), amended LR 22:703 (August 1996), LR 23:1661 (December 1997), LR 24:22 (January 1998), LR 24:298 (February 1998).

Gus Von Bodungen
Assistant Secretary

9802#085

RULE

**Department of Environmental Quality
Office of Waste Services**

**RCRA Updates (LAC 33:V.Chapters 1,
5, 22, 38, 40, and 49) (HW060*)**

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary has amended the Hazardous Waste Division regulations, LAC 33:V.Chapters 1, 5, 22, 38, 40, and 49 (HW060*).

This rule is identical to federal law or regulation, 59 FR 38536-38545, 7/28/94; 59 FR 43496-43500, 8/24/94; 59 FR 47982-48110, 9/19/94; 60 FR 242-302, 1/3/95; 60 FR 17001-17004, 4/4/95; 60 FR 25492-25551, 5/11/95; and 60 FR 33912-33915, 6/29/95, which is applicable in Louisiana. For more information regarding the federal requirement, contact the Investigations and Regulation Development Division at the address or phone number given below. No fiscal or economic impact will result from the rule. Therefore, the rule is promulgated in accordance with R.S. 49:953(F)(3) and (4). This rule meets the exceptions listed in R.S. 30:2019(D)(3) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

This rule is an update of LAC 33:V.Chapters 1, 5, 22, 38, 40, and 49, to make these regulations equivalent to the federal regulations and complete the requirement needed to become authorized for RCRA V (Universal Waste Rules). The basis and rationale for this rule are to update existing regulations and to incorporate additional federal regulations concerning RCRA V authorization to make Louisiana's regulations equivalent to the federal regulations.

Title 33

ENVIRONMENTAL QUALITY

Part V. Hazardous Waste and Hazardous Materials

Subpart 1. Department of Environmental

Quality—Hazardous Waste

Chapter 1. General Provisions and Definitions

§105. Program Scope

These rules and regulations apply to owners and operators

of all facilities that generate, transport, treat, store, or dispose of hazardous waste, except as specifically provided otherwise herein. The procedures of these regulations also apply to denial of a permit for the active life of a hazardous waste management facility or TSD unit under LAC 33:V.706. Definitions appropriate to these rules and regulations, including "solid waste" and "hazardous waste," appear in LAC 33:V.109. Those wastes which are excluded from regulation are found in this Section.

* * *

[See Prior Text in A-D.33.b]

c. nonwastewater residues, such as slag, resulting from high-temperature metals recovery (HTMR) processing of K061, K062, or F006 waste, in units identified as (1) rotary kilns, (2) flame reactors, (3) electric furnaces, (4) plasma arc furnaces, (5) slag reactors, (6) rotary hearth furnace/electric furnace combinations, (7) industrial furnaces (as defined in LAC 33:V.109), that are disposed of in subtitle D units (as defined in 40 CFR parts 257 and 258), provided that these residues meet the generic exclusion levels identified in the tables in this Paragraph for all constituents and exhibit no characteristics of hazardous waste.

i. Testing requirements must be incorporated in a facility's waste analysis plan or a generator's self-implementing waste analysis plan; at a minimum, composite samples of residues must be collected and analyzed quarterly and/or when the process or operation generating the waste changes. Persons claiming this exclusion in an enforcement action will have the burden of proving, by clear and convincing evidence, that the residue meets all of the exclusion requirements.

Generic Exclusion Levels for F006 Nonwastewater HTMR Residues	
Antimony	0.10
Arsenic	0.050
Barium	7.6
Beryllium	0.010
Cadmium	0.050
Chromium (total)	0.33
Cyanide (total) (mg/kg)	1.8
Lead	0.15
Mercury	0.009
Nickel	1.0
Selenium	0.16
Silver	0.30
Thallium	0.020
Zinc	70

ii. A one-time notification and certification must be placed in the facility's files and sent to the administrative authority for K061, K062, or F006 HTMR residues that meet the generic exclusion levels for all constituents and do not exhibit any characteristics that are sent to subtitle D units. The notification and certification that is placed in the generators' or treaters' files must be updated if the process or operation generating the waste changes and/or if the subtitle D unit receiving the waste changes. However, the generator or treater needs only to notify the EPA region or an authorized state on an annual basis if such changes occur. Such notification and certification should be sent to the EPA region or authorized state by the end of the calendar year, but no later than December 31. The notification must include the following information:

- (a). the name and address of the subtitle D unit (as defined in 40 CFR parts 257 and 258) receiving the waste shipment;
- (b). the EPA hazardous waste number and treatability group at the initial point of generation;
- (c). the treatment standards applicable to the waste at the initial point of generation; and
- (d). the certification must be signed by an authorized representative and must state as follows: "I certify under penalty of law that the generic exclusion levels for all constituents have been met without impermissible dilution and that no characteristic of hazardous waste is exhibited. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment."

d. biological treatment sludge from the treatment of one of the following wastes listed in LAC 33:V.4901.C organic waste (including heavy ends, still bottoms, light ends, spent solvents, filtrates, and decantates) from the production of carbamates and carbamoyl oximes (EPA Hazardous Waste Number K156), and wastewaters from the production of

Constituent	Maximum for Any Single Composite Sample-TCLP (mg/l)
Generic Exclusion Levels for K061 and K062 Nonwastewater HTMR Residues	
Antimony	0.10
Arsenic	0.050
Barium	7.6
Beryllium	0.010
Cadmium	0.050
Chromium (total)	0.33
Lead	0.15
Mercury	0.009
Nickel	1.0
Selenium	0.16
Silver	0.30
Thallium	0.020
Zinc	70

carbamates and carbamoyl oximes (EPA Hazardous Waste Number K157).

* * *

[See Prior Text in D.34-G]

H. General Procedures to Petition the Administrative Authority. The procedure that must be followed to petition for rulemaking can be found in LAC 33:I.Chapter 9 and other applicable chapters in this Subpart.

* * *

[See Prior Text in I-M.10]

N. Petitions to Amend LAC 33:V.Chapter 38 to Include Additional Hazardous Wastes

1. Any person seeking to add a hazardous waste or a category of hazardous waste to the universal waste regulations of LAC 33:V.Chapter 38 may petition for a regulatory amendment under LAC 33:I.Chapter 9 and LAC 33:V.Chapter 38.

2. To be successful, the petitioner must demonstrate to the satisfaction of the administrative authority that regulation under the universal waste regulations of LAC 33:V.Chapter 38:

- a. is appropriate for the waste or category of waste;
- b. will improve management practices for the waste or category of waste; and
- c. will improve implementation of the hazardous waste program.

3. The petition must include the information required by LAC 33:I.Chapter 9. The petition should also address as many of the factors listed in LAC 33:V.3883 as are appropriate for the waste or category of waste addressed in the petition.

4. The administrative authority will grant or deny a petition using the factors listed in LAC 33:V.3883. The decision will be based on the weight of evidence showing that regulation under LAC 33:V.3883 is appropriate for the waste or category of waste, will improve management practices for the waste or category of waste, and will improve implementation of the hazardous waste program.

5. The administrative authority may request additional information needed to evaluate the merits of the petition.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 11:1139 (December 1985), LR 12:319 (May 1986), LR 13:84 (February 1987), LR 13:433 (August 1987), LR 13:651 (November 1987), LR 14:790 (November 1988), LR 15:181 (March 1989), LR 16:47 (January 1990), LR 16:217 (March 1990), LR 16:220 (March 1990), LR 16:398 (May 1990), LR 16:614 (July 1990), LR 17:362 (April 1991), LR 17:368 (April 1991), LR 17:478 (May 1991), LR 17:883 (September 1991), LR 18:723 (July 1992), LR 18:1256 (November 1992), LR 18:1375 (December 1992), amended by the Office of the Secretary, LR 19:1022 (August 1993), amended by the Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 20:1000 (September 1994), LR 21:266 (March 1995), LR 21:944 (September 1995), LR 22:813 (September 1996), LR 22:831 (September 1996), amended by the Office of the Secretary, LR 23:298 (March 1997), amended by the Office of Solid And Hazardous Waste, Hazardous Waste Division, LR 23:564 (May 1997), LR 23:567 (May 1997), LR 23:721 (June 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 23:952 (August 1997), LR 24:298 (February 1998).

Chapter 5. Permit Application Contents

Subchapter A. General Requirements for Permit Applications

§501. Permit Application

* * *

[See Prior Text in A-C.1.b]

2. The owner and operator of an existing hazardous waste management facility may be required to submit Part II of their permit application. The administrative authority may require submission of Part II. Any owner or operator shall be allowed at least 120 days from the date of request to submit Part II of the application. Any owner or operator of an existing hazardous waste management facility may voluntarily submit Part II of the application at any time. Notwithstanding the above, any owner or operator of an existing hazardous waste management facility must submit a Part II permit application in accordance with the dates specified in LAC 33:V.4305. Any owner or operator of a land disposal facility in existence on the effective date of statutory or regulatory amendments under the Act that render the facility subject to the requirement to have a RCRA permit must submit a Part II application in accordance with the dates specified in LAC 33:V.4305.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 16:220 (March 1990), LR 20:1000 (September 1994), LR 20:1109 (October 1994), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:300 (February 1998).

Chapter 22. Prohibitions on Land Disposal

Subchapter A. Land Disposal Restrictions

§2201. Purpose, Scope, and Applicability

* * *

[See Prior Text in A-G.4.b]

c. at the point of generation the injected wastes include D001 High TOC subcategory wastes or D012-D017 pesticide wastes that are prohibited under LAC 33:V.2269 and those wastes have been treated to meet the treatment standards of LAC 33:V.Chapter 22.Table 2 before injection.

* * *

[See Prior Text in H-I.5.c]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 15:378 (May 1989), amended LR 16:398 (May 1990), LR 16:1057 (December 1990), LR 17:658 (July 1991), LR 18:723 (July 1992), LR 21:266 (March 1995), LR 22:22 (January 1996), LR 23:568 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:300 (February 1998).

§2227. Treatment Standards Expressed as Specified Technologies: Procedures for Approval of Alternative Treatments

A. The wastes specified in Subsection A.1-3 of this Section and in Table 2 of this Chapter, for which standards are expressed as a treatment method rather than a concentration level, must be treated using the technology or technologies specified in Subsection A.1-3 of this Section and in Table 2 of this Chapter.

* * *

[See Prior Text in A.1-D]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste,

Hazardous Waste Division, LR 15:378 (May 1989), amended LR 16:1057 (December 1990), LR 17:658 (July 1991), LR 21:266 (March 1995), LR 22:22 (January 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:300 (February 1998).

Table 2 - TREATMENT STANDARDS FOR HAZARDOUS WASTES

Waste Code	Waste Description and Treatment/Regulatory Subcategory ¹	Regulated Hazardous Constituent		Wastewaters	Non-wastewaters
		Common Name	CAS ² Number	Concentration mg/l ³ ; or Technology Code ⁴	Concentration in mg/kg ⁵ unless noted as "mg/l TCLP" or Technology Code
* * *					
[See Prior Text in D001 - D043]					
F001 F002 F003 F004 F005	F001, F002, F003, F004 and/or F005 solvent wastes that contain any combination of one or more of the following spent solvents: acetone, benzene, n-butyl alcohol, carbon disulfide, carbon tetrachloride, chlorinated fluorocarbons, chlorobenzene, o-cresol, m-cresol, p-cresol, cyclohexanone, o-dichlorobenzene, 2-ethoxyethanol, ethyl acetate, ethyl benzene, ethyl ether, isobutyl alcohol, methanol, methylene chloride, methyl ethyl ketone, methyl isobutyl ketone, nitrobenzene, 2-nitropropane, pyridine, tetrachloroethylene, toluene, 1,1,1-trichloroethane, 1,1,2-trichloroethane, 1,1,2-trichloro-1,2,2-trifluoroethane, trichloroethylene, trichloromonofluoromethane, and/or xylenes (except as specifically noted in other subcategories). See further details of these listings in LAC 33:V.4901.B.Table 1.	Acetone	67-64-1	0.28	160
		Benzene	71-43-2	0.14	10
		n-Butyl alcohol	71-36-3	5.6	2.6
		Carbon disulfide	75-15-0	3.8	NA
		Carbon tetrachloride	56-23-5	0.057	6.0
		Chlorobenzene	108-90-7	0.057	6.0
		o-Cresol	95-48-7	0.11	5.6
		m-Cresol (difficult to distinguish from p-cresol)	108-39-4	0.77	5.6
		p-Cresol (difficult to distinguish from m-cresol)	106-44-5	0.77	5.6
			Cresol-mixed isomers (Cresylic acid) (sum of o-, m-, and p-cresol concentrations)	1319-77-3	0.88
	Cyclohexanone	108-94-1	0.36	NA	
	o-Dichlorobenzene	95-50-1	0.088	6.0	
	Ethyl acetate	141-78-6	0.34	33	
	Ethyl benzene	100-41-4	0.057	10	
	Ethyl ether	60-29-7	0.12	160	
	Isobutyl alcohol	78-83-1	5.6	170	
	Methanol	67-56-1	5.6	NA	
	Methylene chloride	75-9-2	0.089	30	
	Methyl ethyl ketone	78-93-3	0.28	36	
	Methyl isobutyl ketone	108-10-1	0.14	33	
	Nitrobenzene	98-95-3	0.068	14	

		Pyridine	110-86-1	0.014	16
		Tetrachloroethylene	127-18-4	0.056	6.0
		Toluene	108-88-3	0.080	10
		1,1,1-Trichloroethane	71-55-6	0.054	6.0
		1,1,2-Trichloroethane	79-00-5	0.054	6.0
		1,1,2-Trichloro-1,2,2-trifluoroethane	76-13-1	0.057	30
		Trichloroethylene	79-01-6	0.054	6.0
		Trichloromonofluoromethane	75-69-4	0.020	30
		Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
	F003 and/or F005 solvent wastes that contain any combination of one or more of the following three solvents as the only listed F001-5 solvents: carbon disulfide, cyclohexanone, and/or methanol (formerly LAC 33:V.2225.C).	Carbon disulfide	75-15-0	3.8	4.8 mg/l TCLP
		Cyclohexanone	108-94-1	0.36	0.75 mg/l TCLP
		Methanol	67-56-1	5.6	0.75 mg/l TCLP
	F005 solvent waste containing 2-Nitropropane as the only listed F001-5 solvent.	2-Nitropropane	79-46-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
	F005 solvent waste containing 2-Ethoxyethanol as the only listed F001-5 solvent.	2-Ethoxyethanol	110-80-5	BIODG; or CMBST	CMBST
* * *					
[See Prior Text in F006 - F028]					
F024	Process wastes, including but not limited to, distillation residues, heavy ends, tars, and reactor clean-out wastes, from the production of certain chlorinated aliphatic hydrocarbons by free radical catalyzed processes. These chlorinated aliphatic hydrocarbons are those having carbon chain lengths ranging from one to and including five, with varying amounts and positions of chlorine substitution. (This listing does not include wastewaters, wastewater treatment sludges, spent catalysts, and wastes listed in LAC 33.V.4901.C or LAC 33:V.4901.B.Table 1).	All F024 wastes	NA	CMBST	CMBST
		2-Chloro-1,3-butadiene	126-99-8	0.057	0.28
		3-Chloropropylene	107-05-1	0.036	30
		1,1-Dichloroethane	75-34-3	0.059	6.0
		1,2-Dichloroethane	107-06-2	0.21	6.0
		1,2-Dichloropropane	78-87-5	0.85	18
		cis-1,3-Dichloropropylene	10061-01-5	0.036	18
		trans-1,3-Dichloropropylene	10061-02-6	0.036	18
		bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28
		Hexachloroethane	67-72-1	0.055	30
		Chromium (Total)	7440-47-3	2.77	0.86 mg/l TCLP
		Nickel	7440-02-0	3.98	5.0 mg/l TCLP
* * *					
[See Prior Text in F025 - K024]					
K025	Distillation bottoms from the production of nitrobenzene by the nitration of benzene.	NA	NA	LLEXT fb SSTRP fb CARBN; or CMBST	CMBST
K026	Stripping still tails from the production of methyl ethyl pyridines.	NA	NA	CMBST	CMBST
K027	Centrifuge and distillation residues from toluene diisocyanate production.	NA	NA	CARBAN; or CMBST	CMBST
* * *					
[See Prior Text in K028 - K038]					

K039	Filter cake from the filtration of diethylphosphorodithioc acid in the production of phorate.	NA	NA	CARBN; or CMBST	CMBST
*** [See Prior Text in K040 - K106]					
K107	Column bottoms from product separation from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.	NA	NA	CMBST; or CHOXD fb CARBN; or BIODG fb CARBN	CMBST
K108	Condensed column overheads from product separation and condensed reactor vent gases from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.	NA	NA	CMBST; or CHOXD fb CARBN; or BIODG fb CARBN	CMBST
K109	Spent filter cartridges from product purification from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.	NA	NA	CMBST; or CHOXD fb CARBN; or BIODG fb CARBN	CMBST
K110	Condensed column overheads from intermediate separation from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.	NA	NA	CMBST; or CHOXD fb CARBN; or BIODG fb CARBN	CMBST
*** [See Prior Text in K111]					
K112	Reaction by-product water from the drying column in the production of toluenediamine via hydrogenation of dinitrotoluene.	NA	NA	CMBST; or CHOXD fb CARBN; or BIODG fb CARBN	CMBST
K113	Condensed liquid light ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.	NA	NA	CARBN; or CMBST	CMBST
K114	Vicinals from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.	NA	NA	CARBN; or CMBST	CMBST
K115	Heavy ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.	Nickel	7440-02-0	3.98	5.0 mg/l TCLP
		NA	NA	CARBN; or CMBST	CMBST
K116	Organic condensate from the solvent recovery column in the production of toluene diisocyanate via phosgenation of toluenediamine.	NA	NA	CARBN; or CMBST	CMBST
*** [See Prior Text in K117 - K118]					
K123	Process wastewater (including supernates, filtrates, and washwaters) from the production of ethylenebisdithiocarbamic acid and its salts.	NA	NA	CMBST; or CHOXD fb (BIODG or CARBN)	CMBST
K124	Reactor vent scrubber water from the production of ethylenebisdithiocarbamic acid and its salts.	NA	NA	CMBST; or CHOXD fb (BIODG or CARBN)	CMBST

K125	Filtration, evaporation, and centrifugation solids from the production of ethylenebisdithiocarbamic acid and its salts.	NA	NA	CMBST; or CHOXD fb (BIODG or CARBN)	CMBST
K126	Baghouse dust and floor sweepings in milling and packaging operations from the production or formulation of ethylenebisdithiocarbamic acid and its salts.	NA	NA	CMBST; or CHOXD fb (BIODG or CARBN)	CMBST
*** [See Prior Text in K131 -K151]					
P001	Warfarin, and salts, when present at concentrations greater than 0.3 percent	Warfarin	81-81-2	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P002	1-Acetyl-2-thiourea	1-Acetyl-2-thiourea	591-08-2	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
*** [See Prior Text in P003 - P004]					
P005	Allyl alcohol	Allyl alcohol	107-18-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P006	Aluminum phosphide	Aluminum phosphide	20859-73-8	CHOXD; CHRED; or CMBST	CHOXD; CHRED; or CMBST
P007	5-Aminomethyl 3-isoxazolol	5-Aminomethyl 3-isoxazolol	2763-96-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P008	4-Aminopyridine	4-Aminopyridine	504-24-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P009	Ammonium picrate	Ammonium picrate	131-74-8	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
*** [See Prior Text in P010 - P013]					
P014	Thiophenol (Benzene thiol)	Thiophenol (Benzene thiol)	108-98-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P015	Beryllium Dust	Beryllium	7440-41-7	RMETL; or RTHRM	RMETL; or RTHRM
P016	Dichloromethyl ether (Bis(chloromethyl)ether)	Dichloromethyl ether	542-88-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P017	Bromoacetone	Bromoacetone	598-31-2	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P018	Brucine	Brucine	357-57-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

*** [See Prior Text in P020 - P021]					
P022	Carbon disulfide	Carbon disulfide	75-15-0	3.8	CMBST
		Carbon disulfide; alternate ⁶ standard for nonwastewaters only	75-15-0	NA	4.8 mg/l TCLP
P023	Chloroacetaldehyde	Chloroacetaldehyde	107-20-0	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
*** [See Prior Text in P024]					
P026	1-(o-Chlorophenyl)thiourea	1-(o-Chlorophenyl) thiourea	5344-82-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P027	3-Chloropropionitrile	3-Chloropropionitrile	542-76-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P028	Benzyl chloride	Benzyl chloride	100-44-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
*** [See Prior Text in P029 - P030]					
P031	Cyanogen	Cyanogen	460-19-5	CHOXD; WETOX; or CMBST	CHOXD; WETOX; or CMBST
P033	Cyanogen chloride	Cyanogen chloride	506-77-4	CHOXD; WETOX; or CMBST	CHOXD; WETOX; or CMBST
P034	2-Cyclohexyl-4,6-dinitrophenol	2-Cyclohexyl-4,6-dinitrophenol	131-89-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
*** [See Prior Text in P036 - P039]					
P040	O,O-Diethyl O-pyrazinyl phosphorothioate	O,O-Diethyl O-pyrazinyl phosphorothioate	297-97-2	CARBN; or CMBST	CMBST
P041	Diethyl-p-nitrophenyl phosphate	Diethyl-p-nitrophenyl phosphate	311-45-5	CARBN; or CMBST	CMBST
P042	Epinephrine	Epinephrine	51-43-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P043	Diisopropylfluorophosphate (DFP)	Diisopropylfluorophosphate (DFP)	55-91-4	CARBN; or CMBST	CMBST
P044	Dimethoate	Dimethoate	60-51-5	CARBN; or CMBST	CMBST
P045	Thiofanox	Thiofanox	39196-18-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P046	alpha, alpha-Dimethylphenethylamine	alpha, alpha-Dimethylphenethyl-amine	122-09-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

P047	4,6-Dinitro-o-cresol	4,6-Dinitro-o-cresol	543-52-1	0.28	160
	4,6-Dinitro-o-cresol salts	NA	NA	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
*** [See Prior Text in P048]					
P049	Dithiobiuret	Dithiobiuret	541-53-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P050	Endosulfan	Endosulfan I	939-98-8	0.023	0.066
		Endosulfan II	33213-6-5	0.029	0.13
		Endosulfan sulfate	1031-07-8	0.029	0.13
*** [See Prior Text in P051]					
P054	Aziridine	Aziridine	151-56-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
*** [See Prior Text in P056]					
P057	Fluoroacetamide	Fluoroacetamide	640-19-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P058	Fluoroacetic acid, sodium salt	Fluoroacetic acid, sodium salt	62-74-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
*** [See Prior Text in P059 - P060]					
P062	Hexaethyl tetraphosphate	Hexaethyl tetraphosphate	757-58-4	CARBN; or CMBST	CMBST
*** [See Prior Text in P063]					
P064	Isocyanic acid, ethyl ester	Isocyanic acid, ethyl ester	624-83-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
*** [See Prior Text in P065]					
P066	Methomyl	Methomyl	16752-77-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P067	2-Methyl-aziridine	2-Methyl-aziridine	75-55-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P068	Methyl hydrazine	Methyl hydrazine	60-34-4	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED, or CMBST

P069	2-Methylactonitrile	2-Methylactonitrile	75-86-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P070	Aldicarb	Aldicarb	116-06-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
*** [See Prior Text in P071]					
P072	1-Naphthyl-2-thiourea	1-Naphthyl-2-thiourea	86-88-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
*** [See Prior Text in P073 - P074]					
P075	Nicotine and salts	Nicotine and salts	54-11-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
*** [See Prior Text in P076 - P078]					
P081	Nitroglycerin	Nitroglycerin	55-63-0	CHOXD; CHRED; CARBN; BIODG or CMBST	CHOXD; CHRED; or CMBST
*** [See Prior Text in P082]					
P084	N-Nitrosomethylvinylamine	N-Nitrosomethyl-vinylamine	4549-40-0	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P085	Octamethylpyrophosphoramidate	Octamethylpyrophosphoramidate	152-16-9	CARBN; or CMBST	CMBST
*** [See Prior Text in P087]					
P088	Endothall	Endothall	145-73-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
*** [See Prior Text in P089 - P092]					
P093	Phenylthiourea	Phenylthiourea	103-85-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
*** [See Prior Text in P094]					
P095	Phosgene	Phosgene	75-44-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P096	Phosphine	Phosphine	7803-51-2	CHOXD; CHRED; or CMBST	CHOXD; CHRED; or CMBST
*** [See Prior Text in P097 - P101]					

P102	Propargyl alcohol	Propargyl alcohol	107-19-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
*** [See Prior Text in P103 - P104]					
P105	Sodium azide	Sodium azide	26628-22-8	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
*** [See Prior Text in P106]					
P108	Strychnine and salts	Strychnine and salts	57-24-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P109	Tetraethyldithiopyrophosphate	Tetraethyldithiopyrophosphate	3689-24-5	CARBN; or CMBST	CMBST
*** [See Prior Text in P110]					
P111	Tetraethylpyrophosphate	Tetraethylpyrophosphate	107-49-3	CARBN; or CMBST	CMBST
P112	Tetranitromethane	Tetranitromethane	509-14-8	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
*** [See Prior Text in P113 - P115]					
P116	Thiosemicarbazide	Thiosemicarbazide	79-19-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P118	Trichloromethanethiol	Trichloromethane-thiol	75-70-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
*** [See Prior Text in P119 - P121]					
P122	Zinc phosphide Zn ₃ P ₂ , when present at concentrations greater than 10 percent	Zinc Phosphide	1314-84-7	CHOXD; CHRED; or CMBST	CHOXD; CHRED; or CMBST
*** [See Prior Text in P123]					
U001	Acetaldehyde	Acetaldehyde	75-07-0	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
*** [See Prior Text in U002]					
U003	Acetonitrile	Acetonitrile	75-05-8	5.6	CMBST
		Acetonitrile; alternate ⁶ standard for nonwastewaters only	75-05-8	NA	38
*** [See Prior Text in U004 - U005]					

U006	Acetyl chloride	Acetyl Chloride	75-36-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U007	Acrylamide	Acrylamide	79-06-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U008	Acrylic acid	Acrylic acid	79-10-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
*** [See Prior Text in U009]					
U010	Mitomycin C	Mitomycin C	50-07-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U011	Amitrole	Amitrole	61-82-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
*** [See Prior Text in U012]					
U014	Auramine	Auramine	492-80-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U015	Azaserine	Azaserine	115-02-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U016	Benz(c)acridine	Benz(c)acridine	225-51-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U017	Benzal chloride	Benzal chloride	98-87-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
*** [See Prior Text in U018 - U019]					
U020	Benzenesulfonyl chloride	Benzenesulfonyl chloride	98-09-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U021	Benzidine	Benzidine	92-87-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
*** [See Prior Text in U022]					
U023	Benzotrichloride	Benzotrichloride	98-07-7	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
*** [See Prior Text in U024 - U025]					

U026	Chlornaphazine	Chlornaphazine	494-03-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U027	bis(2-Chloroisopropyl)ether	bis(2-Chloroisopropyl)ether	39638-32-9	0.055	7.2
*** [See Prior Text in U028 - U032]					
U033	Carbon oxyfluoride	Carbon oxyfluoride	353-50-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U034	Trichloroacetaldehyde (Chloral)	Trichloroacetaldehyde (Chloral)	75-87-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U035	Chlorambucil	Chlorambucil	305-03-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
*** [See Prior Text in U036 - U037]					
U038	Chlorobenzilate	Chlorobenzilate	510-15-6	0.10	CMBST
*** [See Prior Text in U039]					
U041	Epichlorohydrin (1-Chloro-2,3-epoxypropane)	Epichlorohydrin (1-Chloro-2,3-epoxypropane)	106-89-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U042	2-Chloroethyl vinyl ether	2-Chloroethyl vinyl ether	110-75-8	0.062	CMBST
*** [See Prior Text in U043 - U045]					
U046	Chloromethyl methyl ether	Chloromethyl methyl ether	107-30-2	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
*** [See Prior Text in U047 - U048]					
U049	4-Chloro-o-toluidine hydrochloride	4-Chloro-o-toluidine hydrochloride	3165-93-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
*** [See Prior Text in U050 - U052]					
U053	Crotonaldehyde	Crotonaldehyde	4170-30-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U055	Cumene	Cumene	98-82-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U056	Cyclohexane	Cyclohexane	110-82-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
*** [See Prior Text in U057]					
U058	Cyclophosphamide	Cyclophosphamide	50-18-0	CARBN; or CMBST	CMBST

U059	Daunomycin	Daunomycin	20830-81-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
*** [See Prior Text in U060 - U061]					
U062	Diallate	Diallate	2303-16-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
*** [See Prior Text in U063]					
U064	Dibenz(a,i)pyrene	Dibenz(a,i)pyrene	189-55-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
*** [See Prior Text in U066 - U072]					
U073	3,3'-Dichlorobenzidine	3,3'-Dichloro-benzidine	91-94-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U074	1,4-Dichloro-2-butene	cis-1,4-Dichloro-2-butene	1476-11-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
		trans-1,4-Dichloro-2-butene	764-41-0	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
*** [See Prior Text in U075 - U084]					
U085	1,2:3,4-Diepoxybutane	1,2:3,4-Diepoxybutane	1464-53-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U086	N,N'-Diethylhydrazine	N,N'-Diethylhydrazine	1615-80-1	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
U087	O,O-Diethyl S-methyldithiophosphate	O,O-Diethyl S-methyldithiophosphate	3288-58-2	CARBN; or CMBST	CMBST
*** [See Prior Text in U088]					
U089	Diethyl stilbestrol	Diethyl stilbestrol	56-53-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U090	Dihydrosafrole	Dihydrosafrole	94-58-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U091	3,3'-Dimethoxybenzidine	3,3'-Dimethoxy-benzidine	119-90-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U092	Dimethylamine	Dimethylamine	124-40-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U093	p-Dimethylaminoazobenzene	p-Dimethylamino-azobenzene	60-11-7	0.13	CMBST
U094	7,12-Dimethylbenz(a)anthracene	7,12-Dimethylbenz(a)anthracene	57-97-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U095	3,3'-Dimethylbenzidine	3,3'-Dimethyl-benzidine	119-93-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U096	alpha, alpha-Dimethyl benzyl hydroperoxide	alpha, alpha-Dimethyl benzyl hydroperoxide	80-15-9	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
U097	Dimethylcarbamoyl chloride	Dimethylcarbamoyl chloride	79-44-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U098	1,1-Dimethylhydrazine	1,1-Dimethyl-hydrazine	57-14-7	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
U099	1,2-Dimethylhydrazine	1,2-Dimethylhydra-zine	540-73-8	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
*** [See Prior Text in U101 - U102]					
U103	Dimethyl sulfate	Dimethyl sulfate	77-78-1	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
*** [See Prior Text in U105 - U107]					
U108	1,4-Dioxane	1,4-Dioxane	123-91-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
		1,4-Dioxane; alternate ⁶ standard for nonwastewaters only	123-91-1	NA	170
U109	1,2-Diphenylhydrazine	1,2-Diphenylhydrazine	122-66-7	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
		1,2-Diphenylhydrazine; alternate ⁶ standard for wastewaters only	122-66-7	0.087	NA
U110	Dipropylamine	Dipropylamine	142-84-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
*** [See Prior Text in U111 - U112]					
U113	Ethyl acrylate	Ethyl acrylate	140-88-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U114	Ethylenebisdithiocarbamic acid salts and esters	Ethylenebisdithio-carbamic acid	111-54-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U115	Ethylene oxide	Ethylene oxide	75-21-8	(WETOX or CHOXD) fb CARBN; or CMBST	CHOXD; or CMBST
		Ethylene oxide; alternate ⁶ standard for wastewaters only	75-21-8	0.12	NA
U116	Ethylene thiourea	Ethylene thiourea	96-45-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
*** [See Prior Text in U117 - U118]					
U119	Ethyl methane sulfonate	Ethyl methane sulfonate	62-50-0	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
*** [See Prior Text in U120 - U121]					
U122	Formaldehyde	Formaldehyde	50-00-0	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U123	Formic acid	Formic acid	64-18-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U124	Furan	Furan	110-00-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U125	Furfural	Furfural	98-01-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U126	Glycidylaldehyde	Glycidylaldehyde	765-34-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
*** [See Prior Text in U127 - U131]					
U132	Hexachlorophene	Hexachlorophene	70-30-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U133	Hydrazine	Hydrazine	302-01-2	CHOXD; CHRED; CARBN; DIODG; or CMBST	CHOXD; CHRED; or CMBST
*** [See Prior Text in U134]					
U135	Hydrogen Sulfide	Hydrogen Sulfide	7783-06-4	CHOXD; CHRED; or CMBST	CHOXD; CHRED; or CMBST
*** [See Prior Text in U136 - U142]					

U143	Lasiocarpine	Lasiocarpine	303-34-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
*** [See Prior Text in U144 - U146]					
U147	Maleic anhydride	Maleic anhydride	108-31-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U148	Maleic hydrazide	Maleic hydrazide	123-33-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U149	Malononitrile	Malononitrile	109-77-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U150	Melphalan	Melphalan	148-82-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
*** [See Prior Text in U151 - U152]					
U153	Methanethiol	Methanethiol	74-93-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U154	Methanol	Methanol	67-56-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
		Methanol; alternate ⁶ set of standards for both wastewaters and nonwastewaters	67-56-1	5.6	0.75 mg/l TCLP
*** [See Prior Text in U155]					
U156	Methyl chlorocarbonate	Methyl chlorocarbonate	79-22-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
*** [See Prior Text in U157 - U159]					
U160	Methyl ethyl ketone peroxide	Methyl ethyl ketone peroxide	1338-23-4	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
*** [See Prior Text in U161 - U162]					
U163	N-Methyl N'-nitro N-nitrosoguanidine	N-Methyl N'-nitro N-nitrosoguanidine	70-25-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U164	Methylthiouracil	Methylthiouracil	56-04-2	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
*** [See Prior Text in U165]					

U166	1,4-Naphthoquinone	1,4-Naphthoquinone	130-15-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U167	1-Naphthylamine	1-Naphthylamine	134-32-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U168	2-Naphthylamine	2-Naphthylamine	91-59-8	0.52	CMBST
*** [See Prior Text in U169 - U170]					
U171	2-Nitropropane	2-Nitropropane	79-46-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
*** [See Prior Text in U172]					
U173	N-Nitrosodiethanolamine	N-Nitrosodiethanol-amine	1116-54-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
*** [See Prior Text in U174]					
U176	N-Nitroso-N-ethylurea	N-Nitroso-N-ethylurea	759-73-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U177	N-Nitroso-N-methylurea	N-Nitroso-N-methylurea	684-93-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U178	N-Nitroso-N-methylurethane	N-Nitroso-N-methylurethane	615-53-2	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
*** [See Prior Text in U179 - U181]					
U182	Paraldehyde	Paraldehyde	123-63-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
*** [See Prior Text in U183]					
U184	Pentachloroethane	Pentachloroethane	76-01-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
		Pentachloroethane; alternate ⁶ standards for both wastewaters and nonwastewaters	76-01-7	0.055	6.0
*** [See Prior Text in U185]					
U186	1,3-Pentadiene	1,3-Pentadiene	504-60-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
*** [See Prior Text in U187 - U188]					

U189	Phosphorus sulfide	Phosphorus sulfide	1314-80-3	CHOXD; CHRED; or CMBST	CHOXD; CHRED; or CMBST
U190	Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	100-21-0	0.055	28
		Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	85-44-9	0.055	28
U191	2-Picoline	2-Picoline	109-06-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
*** [See Prior Text in U192]					
U193	1,3-Propane sultone	1,3-Propane sultone	1120-71-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U194	n-Propylamine	n-Propylamine	107-10-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
*** [See Prior Text in U196]					
U197	p-Benzoquinone	p-Benzoquinone	106-51-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U200	Reserpine	Reserpine	50-55-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U201	Resorcinol	Resorcinol	108-46-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U202	Saccharin and salts	Saccharin	81-07-2	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
*** [See Prior Text in U203 - U205]					
U206	Streptozotocin	Streptozotocin	18883-66-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
*** [See Prior Text in U207 - U211]					
U213	Tetrahydrofuran	Tetrahydrofuran	109-99-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
*** [See Prior Text in U214 - U217]					
U218	Thioacetamide	Thioacetamide	62-55-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U219	Thiourea	Thiourea	62-56-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
*** [See Prior Text in U220]					
U221	Toluenediamine	Toluenediamine	25376-45-8	CARBN; or CMBST	CMBST
U222	o-Toluidine hydrochloride	o-Toluidine hydrochloride	636-21-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U223	Toluene diisocyanate	Toluene diisocyanate	26471-62-5	CARBN; or CMBST	CMBST
*** [See Prior Text in U225 - U228]					
U234	1,3,5-Trinitrobenzene	1,3,5-Trinitrobenzene	99-35-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
*** [See Prior Text in U235]					
U236	Trypan Blue	Trypan Blue	72-57-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U237	Uracil mustard	Uracil mustard	66-75-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U238	Urethane (Ethyl carbamate)	Urethane (Ethyl carbamate)	51-79-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
*** [See Prior Text in U239]					
U240	2,4-D (2,4-Dichlorophenoxyacetic acid)	2,4-D (2,4-Dichlorophenoxyacetic acid)	94-75-7	0.72	10
	2,4-D (2,4-Dichlorophenoxyacetic acid) salts and esters		NA	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
*** [See Prior Text in U243]					
U244	Thiram	Thiram	137-26-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U246	Cyanogen bromide	Cyanogen bromide	506-68-3	CHOXD; WETOX; or CMBST	CHOXD; WETOX; or CMBST
*** [See Prior Text in U247]					
U248	Warfarin, and salts, when present at concentrations of 0.3 percent or less	Warfarin	81-81-2	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U249	Zinc phosphide, Zn ₃ P ₂ , when present at concentrations of 10 percent or less	Zinc Phosphide	1314-84-7	CHOXD; CHRED; or CMBST	CHOXD; CHRED; or CMBST

U328	o-Toluidine	o-Toluidine	95-53-4	CMBST; or CHOXD fb (BIODG or CARBN); or BIODG fb CARBN	CMBST
U353	p-Toluidine	p-Toluidine	106-49-0	CMBST; or CHOXD fb (BIODG or CARBN); or BIODG fb CARBN	CMBST
U359	2-Ethoxyethanol	2-Ethoxyethanol	110-80-5	CMBST; or CHOXD fb (BIODG or CARBN); or BIODG fb CARBN	CMBST

[See Prior Text in Footnotes 1-7]

Note: NA means not applicable.

Table 3. Technology Codes and Description of Technology-Based Standards	
Technology Code	Description of Technology-Based Standard
	*** [See Prior Text in ADGAS - CHRED]
CMBST	High temperature organic destruction technologies, such as combustion in incinerators, boilers, or industrial furnaces operated in accordance with the applicable requirements of LAC 33:V.Chapter 30 or 31 or 41, and in other units operated in accordance with applicable technical operating requirements; and certain noncombustive technologies, such as the Catalytic Extraction Process.
	*** [See Prior Text in DEACT -WTRRX]

[See Prior Text in Note 1-Certification Statement G]

Chapter 31. Incinerators

§3105. Applicability

[See Prior Text in A-E]

Table 1. Hazardous Constituents			
Common Name	Chemical Abstracts Name	Chemical Abstracts Number	Hazardous Waste Number
A2213	Ethanimidothioic acid,2-(dimethylamino)-N-hydroxy-2-oxo-, methyl ester	30558-43-1	U394
	*** [See Prior Text in Acetonitrile - Aldicarb]		
Aldicarb sulfone	Propanal, 2-methyl-2-(methylsulfonyl)-, O-[(methylamino) carbonyl] oxime	1646-88-4	P203

[See Prior Text in Aldrin - Azaserine]

Barban	Carbamic acid, (3-chlorophenyl)-, 4-chloro-2-butynyl ester	101-27-9	U280
Bendiocarb	1,3-Benzodioxol-4-ol, 2,2-dimethyl-, methyl carbamate	22781-23-3	U278
Benomyl	Carbamic acid, [1-[(butylamino) carbonyl]-1H-benzimidazol-2-yl] -, methyl ester	17804-35-2	U271
	*** [See Prior Text in Benz(c)acridine - Calcium cyanide]		
Carbaryl	1-Naphthalenol, methylcarbamate	63-25-2	U279
Carbendazim	Carbamic acid, 1H-benzimidazol-2-yl, methyl ester	10605-21-7	U372
Carbofuran	7-Benzofuranol, 2,3-dihydro-2,2-dimethyl-, methylcarbamate	1563-66-2	P127
Carbofuran phenol	7-Benzofuranol, 2,3-dihydro-2,2-dimethyl-	1563-38-8	U367
	*** [See Prior Text in Carbon disulfide - Carbon tetrachloride]		
Carbosulfan	Carbamic acid, [(dibutylamino) thio] methyl-, 2,3-dihydro-2,2-dimethyl-7-benzofuranyl ester	55285-14-8	P189
	*** [See Prior Text in Chloral - Crotonaldehyde]		
m-Cumenyl methylcarbamate	Phenol, 3-(methylethyl)-, methyl carbamate	64-00-6	P202

[See Prior Text in Cyanides (soluble salts and complexes), N.O.S. ¹ - Diethylarsine]			
Diethylene glycol, dicarbamate	Ethanol, 2,2'-oxybis-, dicarbamate	5952-26-1	U395

[See Prior Text in 1,4-Diethyleneoxide - Dimethyl sulfate]			
Dimetilan	Carbamic acid, dimethyl-, 1-[(dimethylamino) carbonyl]-5-methyl-1H-pyrazol-3-yl ester	644-64-4	P191

[See Prior Text in Dinitrobenzene, N.O.S. ¹ - Formaldehyde]			
Formetanate hydrchloride	Methanimidamide N,N-dimethyl-N'-[3-[(methylamino) carbonyl]oxy] phenyl]-, monohydrochloride	23422-53-9	P198

[See Prior Text in Formic acid]			
Formparanate	Methanimidamide N,N-dimethyl-N'-[2-methyl-4-[(methylamino) carbonyl]oxy] phenyl]-	17702-57-7	P197

[See Prior Text in Glycidylaldehyde - Isodrin]			
Isolan	Carbamic acid, dimethyl-, 3-methyl-1-(1-methylethyl)-1H-pyrazol-5-yl ester	119-38-0	P192

[See Prior Text in Isosafrole-Malononitrile]			
Manganese dimethyldithiocarbamate	Manganese, bis(dimethyl-carbamodithioato-S,S')	15339-36-3	P196

[See Prior Text in Melphalan - Methapyrilene]			
Methiocarb	Phenol, (3,5-dimethyl-4-(methylthio)-, methylcarbamate	2032-65-7	P199

[See Prior Text in Methomyl - Methylthiouracil]			
Metolcarb	Carbamic acid, methyl-, 3-methylphenyl ester	1129-41-5	P190

Mexacarbate	Phenol, 4-(dimethylamino)-3,5-dimethyl-, methylcarbamate (ester)	315-18-4	P128

[See Prior Text in Mitomycin C - Osmium tetroxide]			
Oxamyl	Ethanimidothioic acid, 2-(dimethylamino)-N-[(methylamino) carbonyl]oxy]-2-oxo-, methyl ester	23135-22-0	P194

[See Prior Text in Paraldehyde - Phthalic anhydride]			
Physostigmine	Pyrrolo[2,3-b]indol-5-01, 1,2,3,3a,8,8a-hexahydro-1,3a,8-trimethyl-, methylcarbamate (ester), (3aS-cis)-	57-47-6	P204
Physostigmine salicylate	Benzoic acid, 2-hydroxy-, compd. with (3aS-cis) -1, 2,3,3a,8,8a-hexahydro-1,3a,8-trimethylpyrrolo [2,3-b]indol-5-yl methylcarbamate ester (1:1)	57-64-7	P188

[See Prior Text in 2-Picoline - Potassium silver cyanide]			
Promecarb	Phenol, 3-methyl-5-(1-methylethyl)-, methyl carbamate	2631-37-0	P201

[See Prior Text in Pronamide - Propargyl alcohol]			
Propham	Carbamic acid, phenyl-, 1-methylethyl ester	122-42-9	U373
Propoxur	Phenol, 2-(1-methylethoxy)-, methylcarbamate	114-26-1	U411

[See Prior Text in Propylene dichloride - Propylthiouracil]			
Prosulfocarb	Carbamothioic acid, dipropyl-, S-(phenylmethyl) ester	52888-80-9	U387

[See Prior Text in Pyridine - Thioacetamide]			
Thiodicarb	Ethanimidothioic acid, N,N'-[thiobis [(methylimino) carbonyloxy]] bis-, dimethyl ester	59669-26-0	U410

* * *			
[See Prior Text in Thiofanox - Thiomethanol]			
Thiophanate-methyl	Carbamic acid,[1, 2-phenylenebis (imino-carbonothioyl)] bis-, dimethyl ester	23564-05-8	U409
* * *			
[See Prior Text in Thiophenol - Thiram]			
Tirpate	1,3-Dithiolane-2-carboxaldehyde, 2,4-dimethyl-, O-[(methylamino) carbonyl] oxime	26419-73-8	P185
* * *			
[See Prior Text in Toluene -Toxaphene]			
Triallate	Carbamothioic acid, bis (1-methylethyl)-, S-(2,3,3-trichloro-2-propenyl) ester	2303-17-5	U389
* * *			
[See Prior Text in 1,2,4-Trichlorobenzene - 1,2,3-Trichloropropane]			
Triethylamine	Ethanamine, N,N-diethyl-	121-44-8	U404
* * *			
[See Prior Text in O,O,O-Triethyl phosphorothioate - Zinc phosphide]			
Ziram	Zinc, bis(dimethyl-carbamodithioato-S, S')-, (T-4)-	137-30-4	P205

¹The abbreviation N.O.S. (not otherwise specified) signifies those members of the general class not specifically listed by name in this table.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 11:1139 (December 1985), LR 13:433 (August 1987), LR 14:424 (July 1988), LR 15:737 (September 1989), LR 16:399 (May 1990), LR 18:1256 (November 1992), LR 18:1375 (December 1992), LR 20:1000 (September 1994), LR 21:944 (September 1995), LR 22:835 (September 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:318 (February 1998).

Chapter 38. Universal Wastes

Subchapter G. Petitions to Include Other Wastes Under This Chapter

§3881. General

A. Any person seeking to add a hazardous waste or a category of hazardous waste to this Chapter may petition for a regulatory amendment under this Subpart and LAC 33:I.Chapter 9.

B. To be successful, the petitioner must demonstrate to the satisfaction of the administrative authority that regulation under the universal waste regulations in this Chapter:

1. is appropriate for the waste or category of waste;
2. will improve management practices for the waste or category of waste; and

3. will improve implementation of the hazardous waste program.

C. The petition must include the information required by LAC 33:I.Chapter 9. The petition should also address as many of the factors listed in LAC 33:V.3883 as are appropriate for the waste or waste category addressed in the petition.

D. The administrative authority will evaluate and grant or deny petitions using the factors listed in LAC 33:V.3883. The decision will be based on the weight of evidence showing that regulation under this Chapter is appropriate for the waste or category of waste, will improve management practices for the waste or category of waste, and will improve implementation of the hazardous waste program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Waste Services, Hazardous Waste Division, LR 24:320 (February 1998).

§3883. Factors for Petitions to Include Other Wastes Under This Chapter

Factors for petitions to include other waste under this Chapter include:

1. the waste or category of waste, as generated by a wide variety of generators, is listed in LAC 33:V.4901 or (if not listed) a proportion of the waste stream exhibits one or more characteristics of hazardous waste identified in LAC 33:V.4903. When a characteristic waste is added to the universal waste regulations of this Chapter by using a generic name to identify the waste category (e.g., batteries), the definition of universal waste in LAC 33:V.3813 will be amended to include only the hazardous waste portion of the waste category (e.g., hazardous waste batteries). Thus, only the portion of the waste stream that does exhibit one or more characteristics (i.e., is hazardous waste) is subject to the universal waste regulations of this Chapter;

2. the waste or category of waste is not exclusive to a specific industry or group of industries and is commonly generated by a wide variety of types of establishments including, for example, households, retail and commercial businesses, office complexes, conditionally exempt small quantity generators, small businesses, and government organizations, as well as large industrial facilities;

3. the waste or category of waste is generated by a large number of generators (e.g., more than 1,000 nationally) and is frequently generated in relatively small quantities by each generator;

4. systems to be used for collecting the waste or category of waste (including packaging, marking, and labeling practices) would ensure close stewardship of the waste;

5. the risk posed by the waste or category of waste during accumulation and transport is relatively low compared to other hazardous wastes, and specific management standards proposed or referenced by the petitioner (e.g., waste management requirements appropriate to be added to LAC 33:V.3821, 3843, and 3863 and/or applicable Department of Transportation requirements) would be protective of human health and the environment during accumulation and transport;

6. regulation of the waste or category of waste under this Chapter will increase the likelihood that the waste will be

diverted from nonhazardous waste management systems (e.g., the municipal waste stream, nonhazardous industrial or commercial waste stream, municipal sewer, or stormwater systems) to recycling, treatment, or disposal in compliance with subtitle C of RCRA;

7. regulation of the waste or category of waste under this Chapter will improve implementation of and compliance with the hazardous waste regulatory program; and/or

8. such other factors as may be appropriate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Waste Services, Hazardous Waste Division, LR 24:320 (February 1998).

Chapter 49. Lists of Hazardous Wastes

§4901. Category I Hazardous Wastes

[See Prior Text in A-B.3.b.iv]

C. Hazardous wastes from specific sources are listed in Table 2.

Table 2. Hazardous Wastes from Specific Sources		
Industry and EPA Hazardous Waste Number	Hazard Code	Hazardous Waste
*** [See Prior Text]		
K151	(T)	Wastewater treatment sludges, excluding neutralization and biological sludges, generated during the treatment of wastewaters from the production of alpha- (or methyl-) chlorinated toluenes, ring chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups.
K156	(T)	Organic waste (including heavy ends, still bottoms, light ends, spent solvents, filtrates, and decantates) from the production of carbamates and carbamoyl oximes. (This listing does not apply to wastes generated from the manufacture of 3-iodo-2-propynyl n-butylcarbamate.)
K157	(T)	Wastewaters (including scrubber waters, condenser waters, washwaters, and separation waters) from the production of carbamates and carbamoyl oximes. (This listing does not apply to wastes generated from the manufacture of 3-iodo-2-propynyl n-butylcarbamate.)
K158	(T)	Bag house dusts and filter/separation solids from the production of carbamates and carbamoyl oximes. (This listing does not apply to wastes generated from the manufacture of 3-iodo-2-propynyl n-butylcarbamate.)
K159	(T)	Organics from the treatment of thiocarbamate wastes.
K161	(R,T)	Purification solids (including filtration, evaporation, and centrifugation solids), bag house dust, and floor sweepings from the production of dithiocarbamate acids and their salts. (This listing does not include K125-K126.)

Inorganic Chemicals		
K071	(T)	Brine purification muds from the mercury cell process in chlorine production, where separately prepurified brine is not used
*** [See Prior Text]		

[See Prior Text in D-E.Comment]

Table 3. Acute Hazardous Wastes		
EPA Hazardous Waste Number	Chemical Abstract Number	Hazardous Waste
*** [See Prior Text]		
P070	116-06-3	Aldicarb
P203	1646-88-4	Aldicarb sulfone
P004	309-00-2	Aldrin
*** [See Prior Text]		
P014	108-98-5	Benzenethiol
P127	1563-66-2	7-Benzofuranol, 2,3-dihydro-2,2-dimethyl-, methylcarbamate
P188	57-64-7	Benzoic acid, 2-hydroxy-, compd. with (3aS-cis)-1,2,3,3a,8,8a-hexahydro-1,3a,8-trimethylpyrrolo[2,3-b]indol-5-yl methylcarbamate ester (1:1)
P001	'81-81-2	2H-1-Benzopyran-2-one, 4-hydroxy-3-(3-oxo-1-phenylbutyl)-, and salts, when present at concentrations greater than 0.3 percent
*** [See Prior Text]		
P021	592-01-8	Calcium cyanide Ca(CN) ₂
P189	55285-14-8	Carbamic acid, [(dibutylamino)-thio]methyl-, 2,3-dihydro-2,2-dimethyl-7-benzofuranyl ester
P191	644-64-4	Carbamic acid, dimethyl-, 1-[(dimethyl-amino)carbonyl]-5-methyl-1H-pyrazol-3-yl ester
P192	119-38-0	Carbamic acid, dimethyl-, 3-methyl-1-(1-methylethyl)-1H-pyrazol-5-yl ester
P190	1129-41-5	Carbamic acid, methyl-, 3-methylphenyl ester
P127	1563-66-2	Carbofuran
P022	75-15-0	Carbon disulfide
P095	75-44-5	Carbonic dichloride
P189	55285-14-8	Carbosulfan
P023	107-20-0	Chloroacetaldehyde

* * *		
[See Prior Text]		
P029	544-92-3	Copper cyanide Cu(CN)
P202	64-00-6	m-Cumenyl methylcarbamate
P030		Cyanides (soluble cyanide salts), not otherwise specified
* * *		
[See Prior Text]		
P046	122-09-8	alpha, alpha-Dimethylphenethylamine
P191	644-64-4	Dimetilan
P047	1534-52-1	4,6-Dinitro-o-cresol, and salts
* * *		
[See Prior Text]		
P049	541-53-7	Dithiobiuret
P185	26419-73-8	1,3-Dithiolane-2-carboxaldehyde, 2, 4-dimethyl-, O-[(methylamino)-carbonyl]oxime
P050	115-29-7	Endosulfan
* * *		
[See Prior Text]		
P031	460-19-5	Ethanedinitrile
P194	23135-22-0	Ethanimidothioic acid, 2-(dimethylamino)-N-[[[(methylamino) carbonyl]oxy]-2-oxo-, methyl ester
P066	16752-77-5	Ethanimidothioic acid, N-[[[(methylamino)carbonyl]oxy]-, methyl ester
* * *		
[See Prior Text]		
P058	62-74-8	Fluoroacetic acid, sodium salt
P198	23422-53-9	Formetanate hydrochloride
P197	17702-57-7	Formparanate
P065	628-86-4	Fulminic acid, mercury (2+) salt (R,T)
* * *		
[See Prior Text]		
P060	465-73-6	Isodrin
P192	119-38-0	Isolan
P202	64-00-6	3-Isopropylphenyl N-methylcarbamate
P007	2763-96-4	3 (2H)-Isoxazolone, 5-(aminomethyl)-
P196	15339-36-3	Manganese, bis(dimethylcarbamodithioato-S,S')-
P196	15339-36-3	Manganese, dimethyldithiocarbamate
P092	62-38-4	Mercury, (acetato-O)phenyl-
* * *		
[See Prior Text]		

P118	75-70-7	Methanethiol, trichloro-
P198	23422-53-9	Methanimidamide, N,N-dimethyl-N'-[3-[[[(methylamino)-cabonyl]oxy]pehnyl]-monohydrochloride
P197	17702-57-7	Methanimidamide, N,N-dimethyl-N'-[2-methyl-4-[[[(methylamino)cabonyl]oxy]pehnyl]-
P050	115-29-7	6, 9-Methano-2,4, 3-benzo-dioxathiepin, 6,7,8,9,10,10-hexachloro-1, 5,5a,6,9,9a- hexahydro-,3-oxide
P059	76-44-8	4,7-Methano-1H-indene, 1,4,5,6,7, 8,8-heptachloro-3a, 4,7,7a-tetrahydro-
P199	2032-65-7	Methiocarb
P066	16752-77-5	Methomyl
* * *		
[See Prior Text]		
P071	298-00-0	Methyl parathion
P190	1129-41-5	Metolcarb
P128	315-8-4	Mexacarbate
P072	86-88-4	alpha-Naphthylthiourea
* * *		
[See Prior Text]		
P088	145-73-3	7-Oxabicyclo[2.2.1]heptane-2, 3-dicarboxylic acid
P194	23135-22-0	Oxamyl
P089	56-38-2	Parathion
P034	131-89-5	Phenol, 2-cyclohexyl-4,6-dinitro-
P199	2032-65-7	Phenol, (3,5-dimethyl-4-(methylthio)-, methylcarbamate
P128	315-18-4	Phenol, 4-(dimethylamino)-3,5-dimethyl-, methylcarbamate (ester)
P048	51-28-5	Phenol, 2,4-dinitro-
P047	1534-52-1	Phenol, 2-methyl-4,6-dinitro-, and salts
P201	2631-37-0	Phenol, 3-methyl-5-(1-methylethyl)-, methyl carbamate
P202	64-00-6	Phenol, 3-(1-methylethyl)-, methyl carbamate
P020	88-85-7	Phenol, 2-(1-methylpropyl)-4,6-dinitro-
* * *		
[See Prior Text]		
P071	298-00-0	Phosphorothioic acid, O,O,-dimethyl O-(4-nitrophenyl) ester
P204	57-47-6	Physostigmine
P188	57-64-7	Physostigmine salicylate
P110	78-00-2	Plumbane, tetraethyl-

*** [See Prior Text]		
P099	506-61-6	Potassium silver cyanide
P201	2631-37-0	Promecarb
P203	1646-88-4	Propanal, 2-methyl-2-(methyl-sulfonyl)-, O-[(methylamino)carbonyl] oxime
P070	116-06-3	Propanal,2-methyl-2-(methylthio)-, O-[(methylamino)carbonyl]oxime
*** [See Prior Text]		
P075	¹ 54-11-5	Pyridine, 3-(1-methyl-2-pyrrolidinyl)-,(s)- and salts
P204	57-47-6	Pyrrolo[2,3-b]indol-5-ol, 1,2,3,3a,8,8a-hexahydro-1,3a,8-trimethyl-,methylcarbamate (ester), (3aS-cis)-
P114	12039-52-0	Selenious acid, dithallium(1+) salt
*** [See Prior Text]		
P093	103-85-5	Thiourea, phenyl-
P185	26419-73-8	Tirpate
P123	8001-35-2	Toxaphene
*** [See Prior Text]		
P001	¹ 81-81-2	Warfarin, and salts, when present at concentrations greater than 0.3 percent
P205	137-30-4	Zinc,bis(dimethyl-carbamodithioato-S,S')-
P121	557-21-1	Zinc cyanide
P121	557-21-1	Zinc cyanide Zn(CN) ₂
P122	1314-84-7	Zinc phosphide Zn ₃ P ₂ , when present at concentrations greater than 10 percent (R,T)
P205	137-30-4	Ziram

¹CAS Number given for parent compound only.

F. Commercial chemical products or manufacturing chemical intermediates or off-specification commercial chemical products referred to in LAC 33:V.4901.D.1-4 are identified as toxic wastes (T) unless otherwise designated and are subject to the small quantity generator exclusion defined in LAC 33:V.3903, 3913, and 3915.A and C. These wastes and their corresponding EPA Hazardous Waste Numbers are listed in Table 4.

[Comment: For the convenience of the regulated community, the primary hazardous properties of these materials have been indicated by the letters T (Toxicity), R (Reactivity), I (Ignitability), and C (Corrosivity). Absence of a letter indicates that the compound is listed only for toxicity.]

Table 4. Toxic Wastes		
EPA Hazardous Waste Number	Chemical Abstract Number	Hazardous Waste
U394	30558-43-1	A2213
U001	75-07-0	Acetaldehyde (I)
*** [See Prior Text]		
U010	50-07-7	Azirino [2',3':3,4]pyrrolo[1,2-a]indole-4,7-dione,6-amino-8-[[[(aminocarbonyl)oxy]methyl]-1,1a,2,8,8a,8b,-hexahydro-8a-methoxy-5-methyl-, [1aS-(1aalpha,8beta,8aalpha,8balpha)]-
U280	101-27-9	Barban
U278	22781-23-3	Bendiocarb
U364	22961-82-6	Bendiocarb phenol
U271	17804-35-2	Benomyl
U157	56-49-5	Benz [j] aceanthrylene, 1,2-dihydro-3-methyl-
*** [See Prior Text]		
U202	¹ 81-07-2	1,2-Benzisothiazol-3 (2H)-one,1,1,-dioxide, and salts
U364	22961-82-6	1,3-Benzodioxol-4-ol, 2,2-dimethyl-
U278	22781-23-3	1,3-Benzodioxol-4-ol, 2,2-dimethyl-, methyl carbamate
U203	94-59-7	1,3-Benzodioxole, 5-(2-propenyl)-
U141	120-58-1	1,3-Benzodioxole, 5-(1-propenyl)-
U090	94-58-6	1,3-Benzodioxole, 5-propyl-
U367	1563-38-8	7-Benzofuranol, 2,3-dihydro-2,2-dimethyl-
U064	189-55-9	Benzo[<i>rst</i>]pentaphene
*** [See Prior Text]		
U032	13765-19-0	Calcium chromate
U372	10605-21-7	Carbamic acid, 1H-benzimidazol-2-yl, methyl ester
U271	17804-35-2	Carbamic acid, [1-[(butylamino)carbonyl]-1H-benzimidazol-2-yl]-, methyl ester
U280	101-27-9	Carbamic acid, (3-chlorophenyl)-, 4-chloro-2-butynyl ester
U238	51-79-6	Carbamic acid, ethyl ester
U178	615-53-2	Carbamic acid, methylnitroso-,ethyl ester

U373	122-42-9	Carbamic acid, phenyl-, 1-methylethyl ester
U409	23564-05-8	Carbamic acid, [1,2-phenylenebis(iminocarbonothioyl)]bis-, dimethyl ester
U097	79-44-7	Carbamic chloride, dimethyl-
*** [See Prior Text]		
U062	2303-16-4	Carbamothioic acid, bis(1-methylethyl)-S-(2,3-dichloro-2-propenyl)ester
U389	2303-17-5	Carbamothioic acid, bis(1-methylethyl)-, S-(2,3,3-trichloro-2-propenyl) ester
U387	52888-80-9	Carbamothioic acid, dipropyl-, S-(phenylmethyl) ester
U279	63-25-2	Carbaryl
U372	10605-21-7	Carbendazim
U367	1563-38-8	Carbofuran phenol
U215	6533-73-9	Carbonic acid, dithallium (1+) salt
*** [See Prior Text]		
U085	1464-53-5	1,2:3,4-Diepoxybutane (I,T)
U395	5952-26-1	Diethylene glycol, dicarbamate
U108	123-91-1	1,4-Diethyleneoxide
*** [See Prior Text]		
U001	75-07-0	Ethanal (I)
U404	121-44-8	Ethanamine, N,N-diethyl-
U174	55-18-5	Ethanamine, N-ethyl-N-nitroso-
*** [See Prior Text]		
U227	79-00-5	Ethane, 1,1,2-trichloro-
U394	30558-43-1	Ethanimidothioic acid, 2-(dimethylamino)-N-hydroxy-2-oxo-, methyl ester
U410	59669-26-0	Ethanimidothioic acid, N,N'-[thiobis(methylimino) carbonyloxy]]bis-, dimethyl ester
U359	110-80-5	Ethanol,2-ethoxy-
U173	1116-54-7	Ethanol,2,2'-(nitrosoimino)bis-
U395	5952-26-1	Ethanol, 2,2'-oxybis-, dicarbamate
U004	98-86-2	Ethanone, 1-phenyl-
*** [See Prior Text]		

U236	72-57-1	2,7-Naphthalenedisulfonic acid,3,3'-[(3,3'-dimethyl-[1,1'-biphenyl]-4,4'-diyl) bis(azo)bis[5-amino-4-hydroxy]-, tetrasodium salt
U279	63-25-2	1-Naphthalenol, methylcarbamate
U166	130-15-4	1,4-Naphthoquinone
*** [See Prior Text]		
U132	70-30-4	Phenol, 2,2'-methylenebis[3,4,6-trichloro-
U411	114-26-1	Phenol, 2-(1-methylethoxy)-, methylcarbamate
U170	100-02-7	Phenol, 4-nitro-
*** [See Prior Text]		
U162	80-62-6	2-Propenoic acid, 2-methyl-, methyl ester (I,T)
U373	122-42-9	Propham
U411	114-26-1	Propoxur
U194	107-10-8	n-Propylamine (I,T)
U083	78-87-5	Propylene dichloride
U387	52888-80-9	Prosulfocarb
U148	123-33-1	3,6-Pyridazinedione,1,2-dihydro-
*** [See Prior Text]		
U218	62-55-5	Thioacetamide
U410	59669-26-0	Thiodicarb
U153	74-93-1	Thiomethanol (I,T)
U244	137-26-8	Thioperoxydicarbonic diamide [(H ₂ N)C(S)] ₂ S ₂ , tetramethyl-
U409	23564-05-8	Thiophanate-methyl
U219	62-56-6	Thiourea
*** [See Prior Text]		
U222	636-21-5	o-Toluidine hydrochloride
U389	2303-17-5	Triallate
U011	61-82-5	1H-1,2,4-Triazol-3-amine
*** [See Prior Text]		
See F027	88-06-2	2,4,6-Trichlorophenol
U404	121-44-8	Triethylamine
U234	99-35-4	1,3,5-Trinitrobenzene (R,T)
*** [See Prior Text]		

CAS Number given for parent compound only.

G. Constituents that Serve as a Basis for Listing Hazardous Waste. Table 6 lists constituents that serve as a basis for listing hazardous waste.

Table 6. Table of Constituents that Serve as a Basis for Listing Hazardous Waste

* * * [See Prior Text in EPA Hazardous Waste Number F001-K151.tetrachloroethylene]
EPA Hazardous Waste Number K156 benomyl carbaryl carbendazim carbofuran carbosulfan formaldehyde methylene chloride triethylamine
EPA Hazardous Waste Number K157 Carbon tetrachloride formaldehyde methyl chloride methylene chloride pyridine triethylamine
EPA Hazardous Waste Number K158 benomyl carbendazim carbofuran carbosulfan chloroform methylene chloride
EPA Hazardous Waste Number K159 benzene butylate epc molinat pebulate vernotate
EPA Hazardous Waste Number K161 antimony arsenic metam-sodium ziram

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 11:1139 (December 1985), LR 12:320 (May 1986), LR 13:84 (February 1987), LR 13:433 (August 1987), LR 14:426 (July 1988), LR 14:790 (November 1988), LR 15:182 (March 1989), LR 16:47 (January 1990), LR 16:220 (March 1990), LR 16:614 (July 1990), LR 16:1057 (December 1990), LR 17:369 (April 1991), LR 17:478 (May 1991), LR 17:658 (July 1991), LR 18:723 (July 1992), LR 18:1256 (November 1992), LR 18:1375 (December 1992), LR 20:1000 (September 1994), LR 21:266 (March 1995), LR 21:944 (September 1995), LR 22: 829 (September 1996), LR 22:840 (September 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:321 (February 1998).

§4905. Exclusions for Wastewaters

* * *

[See Prior Text in A.1-3]

4. a discarded commercial chemical product or chemical intermediate listed in LAC 33:V.4901.D and E arising from de minimis losses of these materials from manufacturing operations in which these materials are used as raw materials

or are produced in the manufacturing process. For purposes of this Paragraph, "de minimis" losses include those from normal material handling operations (e.g., spills from the unloading or transfer of materials from bins or other containers or leaks from pipes, valves, or other devices used to transfer materials); minor leaks of process equipment, storage tanks, or containers; leaks from well-maintained pump packings and seals; sample purgings; relief device discharges; discharges from safety showers and rinsing and cleaning of personal safety equipment; and rinsate from empty containers or from containers rendered empty by that rinsing; or

5. wastewater resulting from laboratory operations containing toxic (T) wastes listed in LAC 33:V.4901 provided that the annualized average flow of laboratory wastewater does not exceed 1 percent of total wastewater flow into the headworks of the facility's wastewater treatment or pre-treatment system, or provided the wastes, combined annualized average concentration does not exceed one part per million in the headworks of the facility's wastewater treatment or pre-treatment facility. Toxic (T) wastes used in laboratories that are demonstrated not to be discharged to wastewater are not to be included in this calculation; or

6. one or more of the following wastes listed in LAC 33:V.4901.C, wastewaters from the production of carbamates and carbamoyl oximes (EPA Hazardous Waste Number K157), provided that the maximum weekly usage of formaldehyde, methyl chloride, methylene chloride, and triethylamine (including all amounts that cannot be demonstrated to be reacted in the process, destroyed through treatment, or recovered, i.e., what is discharged or volatilized) divided by the average weekly flow of process wastewater prior to any dilutions into the headworks of the facility's wastewater treatment system does not exceed a total of five parts per million by weight; or

7. wastewaters derived from the treatment of one or more of the following wastes listed in LAC 33:V.4901.C, organic waste (including heavy ends, still bottoms, light ends, spent solvents, filtrates, and decantates) from the production of carbamates and carbamoyl oximes (EPA Hazardous Waste Number K156), provided that the maximum concentration of formaldehyde, methyl chloride, methylene chloride, and triethylamine prior to any dilutions into the headworks of the facility's wastewater treatment system does not exceed a total of five milligrams per liter.

* * *

[See Prior Text in B-B.2]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), amended LR 14:791 (November 1988), LR 15:182 (March 1989), LR 18:723 (July 1992), amended by Office of Waste Services, Hazardous Waste Division, LR 24:325 (February 1998).

H.M. Strong
Assistant Secretary

9802#025

RULE

**Department of Environmental Quality
Office of Water Resources**

Water Pollution Control Fee System
(LAC 33:IX.1303, 1307, 1309,
1311, and 1315)(WP026)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary has amended the Water Pollution Control Division and Water Quality Management Division regulations, LAC 33:IX.1303, 1307, 1309, 1311, and 1315 (WP026).

The rule amends the Louisiana Water Pollution Control Fee System regulations to provide additional revenues that are needed to meet state and federal mandates to develop, implement, and assess Total Maximum Daily Loads (TMDL). A TMDL is a tool for determining allowable pollutant loadings for a waterbody and providing for the establishment of water quality-based controls necessary for that waterbody to meet water quality standards. Louisiana Water Pollution Control Fee System fees are applicable to all water discharge permits and are assessed for the purpose of funding the operation and activities of the Office of Water Resources in accordance with R.S. 30:2001 et seq. Annual fee amounts are calculated by multiplying the rating points, computed using the Annual Fee Rating Worksheet, times a rate factor, currently \$97.50 for municipal facilities and \$179.16 for all other facilities. This rule amends the Louisiana Water Pollution Control Fee System regulations to incorporate an overall 15 percent increase of the current fee to be implemented in two 7.5 percent increases in July 1998 and July 1999. The rule amends the fee currently assessed to facilities permitted under the Louisiana Water Pollution Control Fee System as follows:

- 1) the municipal rate factor (from \$97.50 to \$104.81, then to \$112.12);
- 2) the rate factor for all other facilities (from \$179.16 to \$192.60, then to \$206.03);
- 3) the maximum annual fee (from \$94,500 to \$101,587.50, then to \$108,675); and
- 4) the minimum annual fee (from \$227.50 to \$244.56, then to \$261.63).

The basis and rationale for this rule are to implement R.S. 30:2089, which states that in order to provide for the development of TMDLs and as otherwise may be necessary to protect the waters of the state of Louisiana, it is necessary for the department to increase the fees assessed by the Office of Water Resources.

The department has submitted a report to the Legislative Fiscal Office and the Joint Legislative Committee on the Budget demonstrating that the environmental and public health benefits outweigh the social and economic costs reasonably expected to result from the rule. This report is published in the potpourri section of this issue of the *Louisiana Register*.

Title 33

ENVIRONMENTAL QUALITY

Part IX. Water Quality

**Chapter 13. Louisiana Water Pollution Control Fee
System Regulation**

§1303. Authority

These regulations provide fees as required by R.S. 30:2014(B) and 2089.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2014(B).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 11:534 (May 1985), amended LR 24:326 (February 1998).

§1307. Definitions

All terms used in these regulations, unless the context otherwise requires or unless specifically defined in the Louisiana Environmental Quality Act, or in substantive regulations promulgated by the secretary of the Department of Environmental Quality, shall have their usual meaning. In addition, for purposes of these regulations, the following definitions apply:

* * *

[See Prior Text]

Facility—for the purposes of the Louisiana Water Pollution Control Fee System, a pollution source, or any public or private property or site and all contiguous land and structures, other appurtenances and improvements, where an activity is conducted that discharges or may result in the discharge of pollutants into waters of the state.

* * *

[See Prior Text]

Major Facility—for the purposes of the Louisiana Water Pollution Control Fee System, any facility classified as such by the administrative authority.

* * *

[See Prior Text]

Permit or License—for the purposes of the Louisiana Water Pollution Control Fee System, written authorization issued by the administrative authority to discharge, emit, or dispose of liquid, gaseous, semi-solid or solid waste or reusable materials, or radioactive material from or at a site or facility, including all conditions set forth therein.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2014(B).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 11:534 (May 1985), amended LR 18:731 (July 1992), amended by the Office of Management and Finance, Fiscal Services Division, LR 22:19 (January 1996), amended by the Office of Water Resources, LR 24:326 (February 1998).

§1309. Fee System

A. Applicability. Fees established by these regulations shall be applicable to all facilities subject to regulation under the Louisiana Water Control Law, R.S. 30:2071 et seq., including those with no discharge and/or closed system permits.

* * *

[See Prior Text in B - B.2]

3. The rate factor shall be applied per rating point as follows:

- a. for municipal facilities:
 - i. \$97.50 per rating point through June 30, 1998;
 - ii. \$104.81 per rating point from July 1, 1998, through June 30, 1999; and
 - iii. \$112.12 per rating point as of July 1, 1999; and
- b. for all other facilities:
 - i. \$179.16 per rating point through June 30, 1998;
 - ii. \$192.60 per rating point from July 1, 1998, through June 30, 1999; and
 - iii. \$206.03 per rating point as of July 1, 1999.

* * *

[See Prior Text in B.4 - C.2]

3. This fee shall be 20 percent of the calculated annual fee but not less than the minimum annual fee, as defined in Subsection E.1 of this Section.

* * *

[See Prior Text in D - D.2]

3. This fee shall be 20 percent of the calculated annual fee but not less than the minimum annual fee, as defined in Subsection E.1 of this Section, for permit actions requiring implementation of the public notice procedure.

4. For all other permit actions, this fee shall be 10 percent of the calculated annual fee but not less than the minimum annual fee, as defined in Subsection E.1 of this Section.

E. Minimum and Maximum Annual Fee

- 1. The minimum annual fee shall be:
 - a. \$227.50 through June 30, 1998;
 - b. \$244.56 from July 1, 1998, through June 30, 1999;
- and
- c. \$261.63 as of July 1, 1999.
- 2. The maximum annual fee shall be:
 - a. \$94,500 through June 30, 1998;
 - b. \$101,587.50 from July 1, 1998, through June 30, 1999; and
 - c. \$108,675 as of July 1, 1999.

* * *

[See Prior Text in F - M]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2014(B).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 11:534 (May 1985), amended LR 14:626 (September 1988), LR 18:731 (July 1992), LR 21:798 (August 1995), amended by the Office of Management and Finance, Fiscal Services Division, LR 22:19 (January 1996), amended by the Office of Water Resources, LR 24:326 (February 1998).

§1311. Instructions for Completing Municipal Facility Annual Fee Rating Worksheet

* * *

[See Prior Text in A - A.2]

3. Check the applicable complexity designation and record the associated points in the complexity points blank.

Note: Any industrial category not listed in LAC 33:IX.1319 is automatically assigned a Complexity Designation I except under the circumstances noted in LAC 33:IX.1309.L.2.

* * *

[See Prior Text in A.4 - G]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2014(B).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 11:534 (May 1985), amended LR 14:627 (September 1988), LR 18:732 (July 1992), LR 24:327 (February 1998).

§1315. Instructions for Completing Industrial Facility Annual Fee Rating Worksheet

* * *

[See Prior Text in A - A.2]

3. Check the applicable complexity designation and record the associated points in the complexity points blank.

Note: Any industrial category not listed in LAC 33:IX.1319 is automatically assigned a Complexity Designation I except under the circumstances noted in LAC 33:IX.1309.L.2.

* * *

[See Prior Text in A.4 - G]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2014(B).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 18:733 (July 1992), amended LR 24:327 (February 1998).

Linda Korn Levy
Assistant Secretary

9802#024

RULE

**Office of the Governor
Crime Victims Reparations Board**

Definitions and Award Payments/Limits
(LAC 22:XIII.103, 501, and 503)

In accordance with the provisions of R.S. 46:1801 et seq., the Crime Victims Reparations Act, and R.S. 49:950 et seq., the Administrative Procedure Act, the Crime Victims Reparation Board hereby amends rules relative to the awarding of compensation to applicants.

Title 22

**CORRECTIONS, CRIMINAL JUSTICE AND LAW
ENFORCEMENT**

Part XIII. Crime Victims Reparations Board

Chapter 1. Authority and Definitions

§103. Definitions

* * *

Intervenor—a person who goes to the aid of another and is killed or injured in the good faith effort to prevent a crime covered by Chapter 1, to apprehend a person reasonably suspected of having engaged in such a crime, or to aid a peace officer. "Peace officer" shall include commissioned police officers, sheriffs, deputy sheriffs, marshals, deputy marshals, correctional officers, constables, wildlife enforcement agents, and probation and parole officers.

Pecuniary Loss—amount of expenses reasonably and necessarily incurred by reason of personal injury, as a consequence of death, or a catastrophic property loss, and includes:

- a.i. - iii. ...

- b. as a consequence of death:
 - i. - iii. ...
 - iv. counseling or therapy for any surviving family member of the victim or any person in close relationship to such victim;
 - v. *pecuniary loss* does not include loss attributable to pain and suffering.
- c. - d. ...

* * *

Victim—

- a. any person who suffers personal injury, death, or catastrophic property loss as a result of a crime committed in this state and covered by Chapter 1; or
- b. - c. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1801 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Crime Victims Reparations Board, LR 20:538 (May 1994), amended LR 22:709 (August 1996), LR 23:861 (July 1997), LR 24:327 (February 1998).

Chapter 5. Awards

§501. Payment of Awards

- A. ...
- B. Verification of Claimed Expenses
 - 1. Each type of claim form used by the board should identify the documents that must be submitted by the victim/claimant to support and verify a claimed expense.
 - 2. When applications lack documentation necessary for a decision or award in total or in part, and adequate effort has been made to acquire that information, the application will be placed on an agenda and the decision and award will be based on that information available. Should the formerly sought information become available, a supplemental application can be filed.

- C. - F.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1801 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Crime Victims Reparations Board, LR 20:539 (May 1994), repromulgated LR 22:710 (August 1996), LR 24:328 (February 1998).

§503. Limits on Awards

- A. - B.3. ...
- C. Funeral Expenses
 - 1. A maximum of \$3,000 for all services. This is to cover the costs of the funeral.
 - 2. - 3. ...
 - 4.a. - c. Repealed.
- D. Lost Wages/ Earnings
 - 1. - 3.b. ...
 - 4. The board may reimburse loss wages/earnings with a maximum of \$10,000.
 - a. The board will award up to \$320 per week based on net, after-tax or take home pay.
 - b. If only gross income is provided, the board will award at 80 percent of gross up to the \$400 per week cap.
 - 5. - 8. ...
 - 9.a. - d. Repealed.
 - 10. - 11. ...
 - 12. Repealed.

- E.1. - 3.b. ...
- F. Ambulance
 - 1. A maximum of \$300 for regular ambulance transport. A maximum of \$500 exists for air medical transport.
 - 2. - 4. ...
- G. Medical Expenses
 - 1. - 2. ...
 - 3. The board will pay 70 percent of all outstanding charges after any third-party payment sources up to the statutory limits.
 - 4. - 5. ...
 - 6. Psychiatric Inpatient Hospitalization. It is the opinion of the board that any psychiatric inpatient hospitalization required by a crime victim would be very acute and crisis management in scope. Compensation for such care will require a peer review as described in §503.I.3.
 - a. The board will not reimburse for more than seven days of psychiatric inpatient hospitalization at a cost of no more than \$500 per day. This is intended for an acute hospitalization with the goals of emotional stabilization and placement in outpatient treatment.
 - b. The board will not reimburse more than one psychological evaluation (as defined in §503.I.5).
 - i. - iii.(c). ...
 - c. Therapeutic groups outside the per diem charge of the hospital will not be reimbursed.
 - d. All therapist charges that are outside the per diem charge of the hospital will be limited to no more than one session per day at a rate described in §503.I.8.
 - e. - f. Repealed.
 - 7. - 11. ...
 - 12.a. - c. Repealed.
 - H. Travel Expenses. Transportation costs other than the initial ambulance services are reimbursable only when required medical care is not locally available. Certification is required by the physician of record that local medical care is unavailable. Allowable private vehicle mileage for out-of-town travel is reimbursed at the rate published in the current state travel regulations.
 - I. Mental Health Counseling
 - 1. It is the board's opinion that the majority of those directly victimized by violent crime (e.g., *Primary Victims*) can obtain significant improvement within the first six months of qualified counseling. The board recognizes that short-term crisis management counseling may also be needed for *Secondary Victims* (defined as primary family members or cohabitators of the victim).
 - 2. Reimbursement of mental health services is limited to six months from the date of the first visit or after the first 26 qualified sessions/groups (whichever comes first).
 - 3. Cases which extend beyond the allowable time limit will be subject to a peer review by a psychiatrist or psychologist, licensed by the state of Louisiana, consulting with the board. Peer review will involve an examination of the following:
 - a. complete progress notes for crime-related conditions(s) being treated;
 - b. any psychological evaluations/testing pertaining to the crime-related condition;

- c. description of prior conditions or treatments;
 - d. current treatment and treatment response to date;
- and
- e. updated treatment plan.

4. For the life of each case, reimbursable charges may not exceed \$5,000 for Primary Victims and \$2,500 for Secondary Victims. These limits include the cost of all treatment services and psychological evaluations/testing as described in §503.I.8.

5. Psychological evaluation/testing may not exceed \$300. Any evaluation/testing must be conducted by a licensed psychologist and should include the following:

- a. description of any structured interview used;
- b. description and results of testing administered; and
- c. case formulation and DSM-IV diagnoses.

6. Treatment plans completed by the therapist of record (or primary therapist) are required for consideration of mental health expenses. The therapist must show that the psychological condition being treated is a direct result of the crime. Treatment plans must be fully documented in a "problem" and "intervention" format. Detail must be provided for both symptom and intervention. Single word descriptors such as "nightmares" or "supporting counseling" will not suffice. Insufficient treatment plans will be returned to the therapist and the case may be deferred or denied until revised.

7. All payments for services are subject to review and audit by the board.

8. Only physicians, psychiatrists, state-certified or state-licensed psychologists, licensed professional counselors, or board-certified social workers are eligible for reimbursement. The rates for reimbursement shall be:

a. M.D./Psychiatrists	\$75/hour
b. Ph.D. or Psy.D. Licensed Psychologists	\$75/hour
c. Licensed Professional Counselors	\$60/hour
d. Board-Certified Social Worker	\$60/hour
e. Group Therapy Rates (90 minute minimum sessions)	\$25/session

9. It is the board's assessment that psychiatric inpatient hospitalization of crime victims is rarely required. If under unusual circumstances such treatment is required, compensation will be subject to a peer review as previously described. Reimbursement for such treatment is limited in amounts and procedures listed under "medical" services.

10. Any claim for injuries sustained may be denied if prescribed or preempted as a matter of law.

11. Repealed.

J. Catastrophic Property Loss

1. - 3. ...

4. Repealed.

K. Vehicular Incidents

1. - 2. ...

3.a. - b. Repealed.

L. Child Care Expenses

1. - 3. ...

4.a. - d. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1801 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Crime Victims Reparations Board, LR 20:539 (May 1994), amended LR 22:710 (August 1996), LR 24:328 (February 1998).

Lamarr Davis
Chairman

9802#004

RULE

Office of the Governor Division of Administration Architects Selection Board

Regular Meeting Dates; Application Form;
and Voting Procedure (LAC 4:VII.Chapter 1)

The Architects Selection Board hereby amends a rule on the procedure by which the board procures the services of architects licensed to practice in the state of Louisiana. This rule is amended in the following ways:

1. It revises the dates of regular meetings. Experience has shown the specified dates of the regular meetings to be difficult to meet.

2. It changes the designation of the application form. The designation of the application form in use was not accurately stated in the rules.

3. It changes the voting procedure used to select applicants to be interviewed in the interview process. The current procedure limits the number of firms that can be interviewed.

Title 4

ADMINISTRATION

Part VII. Governor's Office

Chapter 1. Architects Selection Board

§101. Name

The name of this board is the "Louisiana Architects Selection Board," hereinafter referred to as "board," and its domicile shall be in Baton Rouge, Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:2311(1).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Architects Selection Board, LR 1:180 (April 1975), amended LR 4:494 (December 1978), repromulgated LR 10:453 (June 1984), LR 24:329 (February 1998).

§103. Authority

The Louisiana Architects Selection Board shall be organized in accordance with the provisions of R.S. 38:2310 et seq.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:2311(1).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Architects Selection Board, LR 1:180 (April 1975), amended LR 4:494 (December 1978), repromulgated LR 10:453 (June 1984), amended LR 15:262 (April 1989), LR 24:329 (February 1998).

§105. Objective

The objective of this board is to provide a system for the procurement of services rendered by architects, licensed to practice in the state of Louisiana, that is impartial, equitable and in the best public interest of the citizens of Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:2311.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Architects Selection Board, LR 1:180 (April 1975), amended LR 4:494 (December 1978), repromulgated LR 10:453 (June 1984), LR 24:330 (February 1998).

§107. Members

A. The board shall be composed of members, serving terms in accordance with the provisions of the authority set forth in §103.

B. Any member desiring to resign from the board shall submit his resignation, in writing by registered mail, to the governor of Louisiana and the president of the Board of Architectural Examiners, with copies addressed to the chairman of the board. The effective date of resignation shall be the date of registered mailing to the Governor's Office.

C. The filling of a board vacancy for the unexpired term due to resignation, or death, or removal from office by just cause, shall be made in accordance with the provisions of the authority stated in §103.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:2311.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Architects Selection Board, LR 1:180 (April 1975), amended LR 4:494 (December 1978), repromulgated LR 10:453 (June 1984), amended LR 15:262 (April 1989), LR 24:330 (February 1998).

§109. Officers

A. The officers of this board shall be a chairman and a vice chairman elected by the board at the first regular meeting following each January 1 and July 1. The board member who serves as chairman and the board member who serves as vice chairman shall be from different, overlapping terms of service to the board. In the event, for whatever reason, the offices of both chairman and vice chairman of the board become vacant, a special board meeting shall be called within 30 days of the second vacancy to fill both vacancies for the remainder of the unexpired term of each respective office.

B. The duties of the chairman shall be as follows:

1. be the presiding officer at meetings of the board;
2. call meetings of the board;
3. coordinate the activities of the board;
4. appoint all committees and serve as an ex-officio member thereof;
5. be responsible for implementing all orders and resolutions of the board; and
6. have the authority to issue the official advertisement of the intent of an agency to contract for design services.

C. The duties of the vice chairman shall be as follows:

1. in the event of absence or incapacity of the chairman, assume his duties as outlined above;
2. authenticate by his signature, when necessary, all acts, orders, and proceedings of the board, including the minutes; and

3. tabulate and record the results of all balloting at the meetings.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:2311.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Architects Selection Board, LR 1:180 (April 1975), amended LR 4:494 (December 1978), repromulgated LR 10:454 (June 1984), amended LR 15:262 (April 1989), repromulgated LR 24:330 (February 1998).

§111. Meetings

A. A regular meeting of the board shall be held between January 1 and June 30 and between July 1 and December 31 of each year, unless such meeting is waived by the chairman as unnecessary.

B. Special meetings may be called by the chairman or shall be called upon the written request of a simple majority of the total membership of the board. Except in cases of emergency, at least three days' notice shall be given for special meetings.

C. A simple majority of all members of the board shall constitute a quorum.

D. All meetings shall be held in public except as provided in §128.A.6.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:2311.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Architects Selection Board, LR 1:180 (April 1975) amended LR 4:494 (December 1978), repromulgated LR 10:454 (June 1984), amended LR 15:262 (April 1989), LR 17:1206 (December 1991), LR 24:330 (February 1998).

§113. Committees

Committees, standing or special, shall be appointed by the chairman of the board as he shall deem necessary to carry on the work of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:2311.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Architects Selection Board, LR 4:494 (December 1978), repromulgated LR 10:454 (June 1984), LR 24:330 (February 1998).

§115. Parliamentary Authority

The rules contained in the current edition of *Robert's Rules of Order Newly Revised* shall govern the board except as modified herein or as provided for in §119.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:2311.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Architects Selection Board, LR 1:180 (April 1975), amended LR 4:494 (December 1978), repromulgated LR 10:454 (June 1984), amended LR 24:330 (February 1998).

§117. Voting

Only the votes of members present at the meeting shall be counted in the board's official actions. Proxy votes are not allowed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:2311.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Architects Selection Board, LR 1:180 (April 1975), amended LR 4:494 (December 1978), repromulgated LR 10:454 (June 1984), LR 24:330 (February 1998).

§119. Amendments to Rules

These rules may be amended in accordance with the Administrative Procedure Act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:2311.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Architects Selection Board, amended LR 4:494 (December 1978), repromulgated LR 10:454 (June 1984), LR 24:331 (February 1998).

§125. Application

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

B.1. The Louisiana Architects Selection Board adopts the use of the LASB-1 form as the format for submitting a firm's experiences to the board.

2. The board will accept only those applications submitted on the current edition of the LASB-1 form, with no more than two attached additional 8½" x 11" sheets of paper. Any submittal not following this format will be discarded.

3. In this LASB-1 form, *principal* shall be defined as a licensed architect who has the right and authority to exercise control over the project; who shares in profits, losses, and responsibility for incurred liabilities.

4. The board has the right to require proof of compliance with the above definition.

C. Consultants may be listed at the option of the applicant.

D. All applications to be considered shall be received by the board at the Office of Facility Planning and Control during the time prescribed in the advertisement.

E. 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.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:2312.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Architects Selection Board, LR 1:180 (April 1975), amended LR 4:494 (December 1978), repromulgated LR 10:454 (June 1984), amended LR 15:262 (April 1989), LR 20:29 (January 1994), LR 24:331 (February 1998).

§127. Selection

A. After the deadline for applications, the Office of Facility Planning and Control shall forward copies of the applications together with any available description of the job to the board members.

B. The selection procedure shall be as follows:

1. user agency shall give scope of project and make recommendations, with supporting data, of a firm or firms for the project under consideration;

2. discussion of applications and recommendation by the board members;

3. the board shall then take a vote. Each board member present shall, by written ballot, vote for three applicants. This is a weighted vote:

- a. first choice—three points;
- b. second choice—two points;
- c. third choice—one point.

Each board member shall vote for the first, second, and third choice of applicants for each project, except where fewer than six applicants have applied, in which case board members shall vote for only two applicants. In cases where there are three or fewer applicants, board members may vote for only one applicant. In all cases, board members may abstain from voting entirely;

4. the secretary shall tabulate these ballots aloud and report to the board the results of the balloting;

5. in the event that during the selection of a designer for a particular project the first ballot is unanimous for the first place choice, the selection shall be awarded to that firm, and a second ballot will not be required;

6. the two applicants receiving the most votes shall be considered nominated, then be voted on by written ballot, each board member having one vote;

7. the results of this balloting shall be announced by the secretary. The applicant selected must receive a majority vote;

8. in case of a tie for nomination, there shall be a runoff election to reduce the nominees to two in accordance with procedures prescribed in §127.B.3;

9. in case no applicant receives a majority vote for selection, a discussion will be held, and new balloting for selection shall take place;

10. the selection of an architect by the board shall be final unless formal charges of having submitted false information required by R.S. 38:2313 are made against the selected architect by the Office of Facility Planning and Control, in writing, with proper accompanying documentation, to the board members and the selected architect within seven days of the selection. When a formal charge is made, the board shall, within 10 calendar days, hold a hearing at which time the evidence of false information shall be presented and the selected architect shall be given opportunity to present rebuttal. If the board determines that the charges of false information are not sufficiently documented, the selection shall become final. If the board determines that the information was false, the application will be rejected and the project readvertised. The applicant shall be allowed to reapply.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:2313.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Architects Selection Board, LR 1:181 (April 1975), amended LR 4:495 (December 1978), repromulgated LR 10:454 (June 1984), amended LR 15:263 (April 1989), LR 24:331 (February 1998).

§128. Interview Procedures

The interview procedures of the board are as follows:

1. The user agency notifies the Division of Administration, or the Division of Administration may

determine on its own that the proposed project is of a special nature and should be considered under the interview procedure.

2. The user agency, the Division of Administration, and the chairman of the board (vice chairman in the absence of a chairman) shall decide if the nature of the project warrants utilizing the interview procedure. This may be done in a meeting or by teleconference.

3. The chairman of the board authorizes the Division of Administration to advertise the project under these procedures. The advertisement will contain:

- a. the deadline for applications;
- b. the date of the meeting;
- c. the proposed interview meeting date.

4. The selection procedure (§127) will be followed from §127.A and B.1, 2, 3, 4, and 6. However, if an applicant is not selected unanimously on the first ballot, the following procedure will be implemented:

a. After the results of the weighted ballot are reported, the board secretary will list all applicants receiving one or more points. They will be listed in order, ranked by number of points from highest to lowest.

b. After the list is prepared, there will be a roll call vote on each applicant starting with the first applicant on the list. Voting for each applicant will take place in the order that he is listed. Each applicant on the list will receive a "yes" or "no" vote from each board member. Each applicant that receives a majority of "yes" votes will be invited to be interviewed.

c. Voting will end when there are five applicants to be invited to be interviewed or the end of the list is reached, whichever comes first.

d. In the event that the end of the list is reached before there are at least three applicants to be interviewed, the board may begin voting again by the method of their choice.

e. All applicants selected by the foregoing process will be invited to be interviewed at an interview meeting.

5. The interview meeting will be held in accordance with criteria that the board sets forth in a letter to the applicants that have been selected to be interviewed.

6. At the interview meeting, the board will begin in an open meeting and vote to go into executive session to conduct the interviews in accordance with the criteria set forth in §128.A.5 and pursuant to R.S. 42:6 and 42:6.1.

7. After all the interviews have been conducted, the board will return to a public meeting.

8. At this time, the selection procedure will resume according to procedures outlined in §127.B.5, 7, 8, and 9.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:2310 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Architects Selection Board, LR 17:1206 (December 1991), amended LR 24:331 (February 1998).

§129. Emergency Procedures

The emergency procedures of the board are as follows:

1. notification of emergency to the Division of Administration by the user agency is received;

2. chairman of the board is notified by the Division of Administration that an emergency does exist;

3. the chairman of the board then:

a. authorizes the advertisement; and

b. sets date for meeting for selection within 72 hours after advertisement is printed, not including Saturdays, Sundays and holidays;

4. meeting will convene at 10 a.m. on the day designated pursuant to §129.3.b to receive applications;

5. applications will be distributed as the first order of business;

6. meeting will then adjourn and reconvene one hour later (11 a.m.) after review of applications; and then selections shall be made.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:2313.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Architects Selection Board, LR 7:408 (August 1981), amended LR 10:455 (June 1984), LR 24:332 (February 1998).

§131. 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.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:2311.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Architects Selection Board, LR 10:454 (June 1984), repromulgated LR 24:332 (February 1998).

§133. 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, Division of Administration, Box 94095, Capitol Station, Baton Rouge, LA 70804. Requests for information may be made verbally or in writing. There may be a nominal fee charged to defray the cost of information furnished. Said fee shall be set by the Office of Facility Planning and Control, with the approval of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:2312.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Architects Selection Board, LR 4:495 (December 1978), repromulgated LR 10:455 (June 1984), amended LR 15:263 (April 1989), repromulgated LR 24:332 (February 1998).

§139. Severability

If any provision or item 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 invalidated provisions, items, or applications and, to this end, the provisions of these rules are hereby declared severable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:2311.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Architects Selection Board, LR 4:495 (December 1978), repromulgated LR 10:455 (June 1984), LR 24:332 (February 1998).

§141. Previous Rules Repealed

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:2311.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Architects Selection Board, LR 10:455 (June 1984), repealed LR 24:333 (February 1998).

Roger Magendie
Director

9802#018

RULE

**Office of the Governor
Division of Administration
Office of Facility Planning and Control**

Public Contracts—Closed Specifications
for Certain Products (LAC 34:III.901)

The Office of Facility Planning and Control hereby adopts the following rule governing the closing of specifications for products necessary to expand or extend existing systems but for which a person or group of persons possesses the right to exclusive distribution. This rule is being adopted in direct compliance with Act 678 of the 1997 Regular Session, and R.S. 49:950 et seq., the Administrative Procedure Act.

Under current purchasing procedures, products for the systems listed in the rule must be purchased separately from the construction contract and turned over to the contractor for installation. This causes a risk of improper installation and reduces the contractor's responsibility for the proper functioning of the system. The rule makes it possible to include the products in the construction contract and improve the quality of installation and obtain a single source of responsibility.

Title 34

**GOVERNMENT CONTRACTS,
PROCUREMENT AND PROPERTY CONTROL**

Part III. Facility Planning and Control

Chapter 9. Public Contracts

§901. Closed Specifications for Certain Products

A. This rule applies to the closing of specifications to products that are necessary to expand or match products in existing systems but for which a person or group of persons possesses the right to exclusive distribution.

B. A closed specification may be submitted and authorized where a person or group of persons possesses the right to exclusive distribution of the specified product when that product is required to expand or extend an existing system at a facility or site if that product is one of the systems listed in §901.B.1-11, or a component of one of them, and the approving authority has determined that all products other than the one specified would detract from the utility of the system; and all other applicable requirements of R.S. 38:2290-2296 have been met:

- 1. energy management systems;
- 2. chillers when necessary for refrigerant conversion;
- 3. fire alarm systems;

- 4. electronic security systems;
- 5. elevators;
- 6. nurse call systems;
- 7. medical gas systems;
- 8. stage lighting systems;
- 9. sound systems;
- 10. clock systems;
- 11. brick and stone.

C. It is the responsibility of the approving authority to verify that the product for which the specification is closed is the only acceptable product and to comply with all applicable requirements of R.S. 38:2290-2296.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:2290(B).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Facility Planning and Control, LR 24:333 (February 1998).

Roger Magendie
Director

9802#017

RULE

**Office of the Governor
Patient's Compensation Fund Oversight Board**

Financial Responsibility:
Insurance (LAC 37:III.505)

Under the authority of R.S. 40:1299.44(D)(3), and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Patient's Compensation Fund Oversight Board has amended LAC 37:III.505 as follows, which will incorporate existing practice by clarifying the definition of deductible within the meaning of the rules.

Title 37

INSURANCE

Part III. Patient's Compensation Fund Oversight Board

Chapter 5. Enrollment with the Fund

§505. Financial Responsibility: Insurance

A. ...
B. To be acceptable as evidence of financial responsibility pursuant to §505, an insurance policy:

- 1. - 3. ...
- 4. shall be nonassessable;
- 5. shall not be subject to a retention or deductible payable by the insured health care provider, with respect to liability, costs of defense or claim adjustment expenses, in excess of \$25,000, provided that an insurance policy provision which requires reimbursement of the insurer by the insured of indemnification and/or expenses and which provides that the insurer remains directly and primarily responsible to the patient for the amount thereof shall not be considered a retention or deductible and shall, in that regard, be deemed to satisfy the financial responsibility requirements of §505; and
- 6. must, by provision or endorsement, obligate the insurer to give immediate notice to the executive director of

cancellation, termination, or lapse of the policy, or of modification of the scope or limits of its coverage by endorsement or otherwise.

C. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1299.44(D)(3).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Patient's Compensation Fund Oversight Board, LR 18:170 (February 1992), amended LR 21:394 (April 1995), LR 23:68 (January 1997), LR 24:333 (February 1998).

Michael A. Walsh
Executive Director

9802#045

RULE

Department of Health and Hospitals Board of Veterinary Medicine

Consulting and Providing Legend and Certain
Controlled Substances (Telazol) (LAC 46:LXXXV.704)

The Board of Veterinary Medicine hereby amends LAC 46:LXXXV.704 in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and the Veterinary Practice Act, R.S. 37:1518 et seq.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LXXXV. Veterinarians

Chapter 7. Veterinary Practice

§704. Consulting and Providing Legend and Certain Controlled Substances

A. Legend Drugs

1. When an animal control agency which is operated by a state or local governmental agency or which is operated by any duly incorporated humane society which has a contract with a local governmental agency to perform animal control services on behalf of the local governmental agency seeks to administer legend drugs to an animal for the sole purpose of animal capture and/or animal restraint, the animal control agency must have a staff or consulting veterinarian who is licensed to practice veterinary medicine by the Board of Veterinary Medicine and who obtains the legend drugs.

2. Said legend drugs must be stored and administered under the general supervision of the licensed veterinarian. General supervision means that the licensed veterinarian must provide the employee(s) of the animal control agency with written instructions and follow-up assistance on the proper storage, use and administration of the drug(s) being provided.

3. The licensed veterinarian may submit to the board, for review and/or approval, a written protocol of his supervision of the animal control agency's employees.

4. The licensed veterinarian shall also require the animal control agency's employees to maintain record keeping logs which shall include, but would not be limited to, the following:

- a. date of each use of a legend drug;
- b. species of animal;
- c. estimated weight of animal;
- d. dose administered;
- e. name of animal control officer administering the

drug.

5. Said records should be reviewed by the supervising veterinarian on at least a quarterly basis.

B. Telazol (Tiletamine HCL and Zolazepam HCL)

1. When an animal control agency which is operated by a state or local governmental agency or which is operated by any duly incorporated humane society which has a contract with a local government agency to perform animal control services on behalf of the local governmental agency seeks to administer the drug Telazol (tiletamine HCL and zolazepam HCL), a class III scheduled drug, to an animal for the sole purpose of animal capture and/or animal restraint, the animal control agency must have a staff or consulting veterinarian who is licensed to practice veterinary medicine by the Board of Veterinary Medicine and who is registered with the Drug Enforcement Administration (DEA) at the shelter location where the drugs will be stored and administered, who obtains, and who is responsible for, the Telazol (tiletamine HCL and zolazepam HCL) used.

2. A storage and use plan for Telazol (tiletamine HCL and zolazepam HCL) which meets or exceeds the requirements of all federal drug enforcement agencies, which include the requirement for storage in a securely locked, substantially constructed cabinet, and the standards of record keeping found in Chapter 7 of these rules shall be submitted to the Board of Veterinary Medicine for approval.

a. This usage plan shall include a requirement that each use of Telazol (tiletamine HCL and zolazepam HCL) shall be documented for review by the licensed veterinarian responsible for the purchase and inventory of that drug.

b. This usage plan shall include a requirement that this documentation include, but not be limited to:

- i. date of each use of the drug;
- ii. species of animal;
- iii. estimated weight of animal;
- iv. dose administered;
- v. name of animal control officer administering the

drug;

vi. a constant (running) inventory of the drug present at the facility.

c. This usage plan shall include a requirement that a review of each use of Telazol (tiletamine HCL and zolazepam HCL) shall be made by the responsible veterinarian and that said veterinarian shall initial the usage log entries to indicate this review. A review of the usage plan shall be made at least quarterly and the quantities of drug used and on hand shall be tallied and authenticated. Any variance shall be noted in the log and steps should be taken and documented to correct the problem.

d. This usage plan shall include a requirement that any removal of Telazol from the securely locked, substantially constructed cabinet shall be in minimal amounts, shall be maintained in a locked container when not in use, and shall be

- documented in a manner to include, but not be limited to:
- i. a signed log indicating the person removing the drug;
 - ii. the date on which the drug was removed;
 - iii. an accounting for all drug used and the amount returned;
 - iv. the date on which the remaining drug was returned and the signature of the person returning it.

C. A licensed veterinarian who chooses to assist an animal control shelter in the methods prescribed in §704 shall be solely responsible for which drugs he or she is willing to provide and in what quantities.

D. Section 704 does not pertain to any drug(s) listed in any DEA classification schedule (also known as controlled drugs), except Telazol (tiletamine HCL and zolazepam HCL). Section 704 specifically does not apply to sodium pentobarbital which is regulated for animal control agency use in R.S. 37:1551-1558.

E. The definitions found in §700 shall apply to all terms used in §704.

F. Failure of a licensed veterinarian to comply with any and all provisions of §704 shall be considered a violation of the rules of professional conduct. Said veterinarian may be subject to disciplinary action as provided for in R.S. 37:1518 and 1526.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 20:666 (June 1994), amended LR 24:334 (February 1998).

Charles B. Mann
Executive Director

9802#028

RULE

**Department of Health and Hospitals
Board of Veterinary Medicine**

Specialty List (LAC 46:LXXXV.1063)

The Board of Veterinary Medicine hereby amends LAC 46:LXXXV.1063 in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and the Veterinary Practice Act, R.S. 37:1518 et seq.

Title 46

**PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part LXXXV. Veterinarians

Chapter 10. Professional Conduct

§1063. Specialty List

A. ...

B. A veterinarian may not use the term *specialist* for an area of practice for which there is not AVMA recognized certification, nor may a veterinarian state or imply that he is

a certified or recognized specialist unless he is board certified in such specialty.

C. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR: 16:232 (March 1990), amended LR 23:968 (August 1997), LR 24:335 (February 1998).

Charles B. Mann
Executive Director

9802#029

RULE

**Department of Health and Hospitals
Office for Citizens with Developmental Disabilities**

Admission to State-Operated
Developmental Centers (LAC 48:IX.511)

The Department of Health and Hospitals, Office for Citizens with Developmental Disabilities has adopted LAC 48:IX.511, State Residential Facilities as follows.

Title 48

PUBLIC HEALTH—GENERAL

**Part IX. Mental Retardation/Developmental Services
Chapter 5. State Residential Facilities**

**§511. DHH Policy on Admission to State Residential
Facilities**

Effective February 20, 1998, an individual whose eligibility for participation in the MR/DD Services System has been established and whose generic service plan indicates a need for a residential living option may be voluntarily admitted to a public residential facility at which there is an available funded bed. The public facility must determine that the individual's needs, as specified in the generic service plan, can be met. The individual is formally admitted when the public facility accepts the individual as a recipient. In the process of selecting a generic living option, the team, which includes the individual and/or family, is required to consider what meets the individual's needs, and no more, and the most natural living option available, consistent with an individual's community peers. Involuntary admission is governed by R.S. 28:404.

AUTHORITY NOTE: Promulgated in accordance with R.S. 28:380 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 24:335 (February 1998).

Bobby P. Jindal
Secretary

9802#055

RULE

**Department of Health and Hospitals
Office of the Secretary
Bureau of Health Services Financing**

Ambulatory Surgical Centers (LAC 48:I.4561)

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing amends the licensing regulations for ambulatory surgical centers as established by R.S. 40:2131-2141. This rule is in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

Title 48

PUBLIC HEALTH—GENERAL

Part I. General Administration

Subpart 3. Licensing and Certification

Chapter 45. Ambulatory Surgical Center

§4561. Housekeeping

A. - H. ...

I. Repeal.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2131-2143.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Health and Hospitals, Office of the Secretary, LR 24:336 (February 1998).

Bobby P. Jindal
Secretary

9802#048

RULE

**Department of Health and Hospitals
Office of the Secretary
Bureau of Health Services Financing**

Early Periodic Screening, Diagnosis,
and Treatment (EPSDT) Program
Reimbursement for Rehabilitative Services

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopts the following rule in the Medical Assistance Program, as authorized by R.S. 46:153 and pursuant to Title XIX of the Social Security Act. This rule shall be adopted in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

Rule

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing revises the

reimbursement rates for rehabilitation services provided under the Early Periodic Screening Diagnosis and Treatment (EPSDT) Program for the following procedure codes:

Procedure Code	Description	New Rate
X0411	OT Evaluation, Re-Evaluation	\$51.00
97504	OT Orthotics Training, each 15 min.	\$8.00
97530	Therapeutic Activity, 15 min.	\$8.00
97750	OT Phys. Performance Test, 15 min.	\$8.00
X0404	Physical Therapy Evaluation	\$54.00
97110	PT Therapeutic Procedure, 15 min.	\$10.00
97112	PT Neuromuscular Re-Educ., 15 min.	\$10.00
97116	PT Gait Training, 30 min.	\$20.00
97124	PT Physical Med., 30 min.	\$10.00
Y7200	Combo. of Phy. Med., Init., 30 min.	\$20.00
Y7201	Physical Therapy + 15 min.	\$30.00
97032	Application of Modality, 15 min.	\$10.00
X0412	Speech/Language Evaluation/Re-Eval	\$45.00
Y2615	Individual Speech Therapy-60 min.	\$30.00
X0423	Individual Speech Therapy-30 min.	\$15.00
Y2611	Individual Speech Therapy-20 min.	\$10.00
X0424	Individual Speech Therapy-15 min.	\$7.50
Y2512	Group Speech Therapy-60 min.	\$30.00
Y2509	Group Speech Therapy-30 min.	\$15.00
Y2510	Group Speech Therapy-20 min.	\$10.00
Y2511	Group Speech Therapy-15 min.	\$7.50

All school boards that participate in Medicaid as EPSDT health services providers must submit a signed school system certification of understanding (PE-50 EPSDT provider supplement agreement "C") in order to receive the new reimbursement rates for these services. The new reimbursement rates will not be activated until a completed PE-50 EPSDT provider supplement agreement "C" form has been received from all of the school boards enrolled as EPSDT health services providers.

Bobby P. Jindal
Secretary

9802#050

RULE

Department of Health and Hospitals Office of the Secretary Bureau of Health Services Financing

Mental Health Rehabilitation

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopts the following rule in the Medicaid Program, as authorized by R.S. 46:153 and pursuant to Title XIX of the Social Security Act. This rule is in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

Rule

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopts the following revisions in staff qualifications, function, and frequency of reimbursement under the Mental Health Rehabilitation Program:

I. - II. D. ...

III. Administrative Requirements

A. - B.1. ...

2. The clinical manager must provide clinical management of at least 12 hours for children and five hours for adults per quarter for high- and moderate-level-of-need consumers. The clinical management hours for low-level-of-need consumer must be three hours for adults and six hours for children per quarter.

3. - 8.c. ...

9. Mental Health Rehabilitation clinical managers must attend all mandated meetings conducted by the Office of Mental Health and/or the Bureau of Health Services Financing.

C. Staffing Definitions

All experience requirements indicated below are related to paid experience in an agency. Volunteer work, college work/study, or internship related to completion of a degree cannot be counted as work experience. If experience is in a part-time position, the staff person must be able to verify the amount of time worked each week. Experience obtained while working in a position for which the individual is not qualified may not be counted as experience.

An agency may appeal a decision on staff qualifications by submitting a request to the Bureau of Health Services Financing. The appeal will be heard on an individual basis by the assistant secretary of the Office of Mental Health and the director of the Bureau of Health Services Financing or their designees. Examples of appeals include lack of available staff in a rural area; and employment of staff with extraordinary training and/or experience.

C.1 - 5.c. ...

d. a nurse who is licensed as a registered nurse in the State of Louisiana by the Board of Nursing and:

(1) is a graduate of an accredited master's-level program in psychiatric mental health nursing with two years of post-master's supervised experience in the delivery of mental health services; or

(2) has a master's degree in nursing or a mental health related field with two years of supervised post master's experience in the delivery of mental health services.

e. a licensed professional counselor who is licensed as such under the provision of R.S. 37:1101-1115; and

(1) whose initial date of licensure is on or after August 15, 1996; or

(2) who is endorsed by the Licensed Professional Counselor Board of Examiners as meeting all licensure conditions required on August 15, 1996.

f. *Mental Health Professional (MHP)*—an individual who is supervised by an LMHP and meets the following criteria:

(1) has a Master of Social Work degree; or has a Master of Arts degree in a mental health related field; a Master of Science degree in a mental health related field; or a Master of Education degree in a mental health related field; and

(2) has a minimum of 15 hours of graduate-level course work and/or practicum in applied intervention strategies/methods designed to address behavioral, emotional, and/or mental problems. These hours may have been obtained as a part of, or in addition to, the master's degree.

g. *Mental Health Specialist (MHS)*—an individual who is supervised by an LMHP or MHP and meets one or more of the following four criteria:

(1) has a Bachelor of Arts degree in a mental health related field; or

(2) has a Bachelor of Science degree in a mental health related field; or

(3) has a bachelor's degree and is a college student pursuing a graduate degree in a mental health related field and has completed at least two courses in that identified field; or

(4) has a high school degree or a GED; or

(a) has four years experience providing direct services in a mental health, physical health, social services, education or correctional setting; or

(b) has two years experience as a mental health assistant in a mental health rehabilitation setting.

h. *Mental Health Assistant (MHA)*—an individual who is supervised by an LMHP or a MHP under the supervision of an LMHP and meets one or more of the following three criteria:

(1) has a high school degree or GED; and

(2) has one year documented history of serious mental illness or emotional/behavioral disorder as determined by the Office of Mental Health; or

(3) has two years documented history as the parent of a child diagnosed as emotionally/behaviorally disordered or seriously mentally ill.

i. Supervision. Each MHR agency must implement a plan for supervision according to the guidelines established by the Office of Mental Health.

D. Training

All agency staff, including volunteers and students, must undergo 16 hours of orientation; and nonLMHP staff must undergo an additional 16 hours of on-the-job training.

Orientation of at least 16 hours must be provided within one week of the date of employment by the Mental Health Rehabilitation Agency.

Eight hours of orientation must include the following content areas:

1. confidentiality;
2. rights protection and reporting of violations;
3. abuse and neglect policies and procedures;
4. emergency and safety procedures;
5. infection control;
6. agency policies and procedures;
7. ethics, including advertising and solicitation.

Eight hours of orientation must relate directly to serving persons with serious mental illness or emotional /behavioral disorder. Consumers and/or family members should be used as instructors for at least two hours of training.

Training is provided by persons with documented knowledge of the training topic and of the serious mental illness and/or emotional/behavioral disorder populations. On-the-job training of at least 16 hours must be provided to nonLMHP staff prior to the delivery of services for which a claim will be submitted. Training may involve observing and assisting a trained staff member in the delivery of Mental Health Rehabilitation services. Training must be provided within 45 days of employment for all direct care staff including, at a minimum:

- a. basic information about mental illness including, various rehabilitative approaches to services;
- b. training in prevention and management of aggressive behavior, using a nationally-recognized curriculum;
- c. cultural competency training designed to achieve respectfulness of differences and cultural proficiency related to the populations served by the Mental Health Rehabilitation Agency;
- d. first aid, Cardiopulmonary Resuscitation (CPR), and seizure assessment;

Note: Licensed physicians are exempt from first aid and seizure assessment training.

- e. implementation of a behavior management plan.

An additional 10 hours of training must be provided within 60 days of employment for all staff that provide psychosocial skills training. Training content, minimally, includes the philosophy, goals, and techniques of psychosocial skills training.

In addition to training specified above, each staff member must annually receive training that is specifically related to his or her job duties, including refresher courses:

- (1) each full-time professional staff must receive at least 20 hours training per year;
- (2) each full-time paraprofessional staff must receive at least 40 hours training per year;
- (3) each part-time professional staff must receive at least 16 hours training per year;
- (4) each part-time paraprofessional staff must receive at least 20 hours training per year.

IV. - V. ...

VI. Service Package

A. The individualized mix of services for any individual is specified on the 90-day action strategy of the MHR service agreement. The MHR service agreement is derived from the MHR assessment:

1. clinical management;
2. individual intervention;
3. supportive counseling;
4. parent/family intervention;
5. group counseling;
6. medication management;
7. behavior intervention plan development;
8. individual psycho social skills training;
9. group psycho social skills training;
10. service integration.

B. Staff Function/Qualifications

All staff qualified, eligible and employed prior to February 20, 1998, may continue to provide Mental Health Rehabilitation services with the agency employing them. If any individual on staff changes agencies, the new staff requirements must be met. Minimum qualifications for staff performing Mental Health Rehabilitation functions are as follows:

Staff Function	Qualifications
Agency Administration/Direction	Acceptance by Provider Enrollment
Mental Health Rehabilitation Program Direction	(a) LMHP; or (b) an individual with six years experience in the mental health field.
Psychiatric Director	Board-certified or board-eligible psychiatrist.
Clinical Management	LMHP
Individual Intervention Supportive Counseling Parent/Family Intervention Group Counseling Behavior Intervention Development Medication Monitoring Medication Education	LMHP or MHP under the supervision of a LMHP
Medication Administration	(a) Physician, preferably psychiatrist; or (b) Licensed nurse; or (c) Legally-approved person under supervision of a physician, preferably a psychiatrist
Psychosocial Skills trainer	LMHP or MHP or Mental Health Specialist under the supervision of a MHP or LMHP
Service Integration	Mental Health Assistant under the supervision of a LMHP or MHP

Supervisor	<p>LMHP and three years post graduate experience working with persons who are seriously mentally ill, at least one year of which was supervisory, management, or administrative experience.</p> <p>Supervisors of staff serving children have at least two years experience working with children with emotional/behavioral disorders.</p> <p>Supervisors of staff serving adults have at least two years experience working with adults with serious mental illness.</p>
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VII. Reimbursement

The fee for the initial assessment will be a single payment. The initial assessment fee includes all components of the MHR assessment, as well as services needed during the assessment period. The assessment includes a minimum of 10 hours of contact time with the consumer, family, significant others, and key informants. The reassessment is completed in the format outlined by the Office of Mental Health and is included in the monthly rate.

Adult assessment/service agreement \$ 700

Child/youth assessment/service agreement \$ 800

Reimbursement is made by a prospective, negotiated, and noncapitated rate based on the delivery of services as specified in the service agreement and the service package, as required for the adult and child/youth populations. Services are reimbursed based on services specified in the 90-day action strategy plan and are paid monthly, contingent upon the delivery of at least 80 percent of the prorated services approved in the 90-day MHR service agreement. Agencies must always strive to provide 100 percent of the services as agreed to in the service agreement. As Medicaid recipients progress in their rehabilitation services and the level of need decreases, services will transition from the high to medium and/or low level of need. Reimbursement will be made in the amounts specified below for the medium and low levels of need, as determined by the bureau or its designee:

	Adult		Child/Youth
High Need	\$1300	High Need	\$1375
Medium Need	\$ 550	Medium Need	\$ 800
Low Need	\$ 250	Low Need	\$ 250

VIII. ...

Bobby P. Jindal
Secretary

9802#054

RULE

**Department of Labor
Plumbing Board**

Medical Gas Piping Installers (LAC 46:LV.304)

The Plumbing Board hereby amends LAC 46:LV.304 to lessen the regulation of a defined group of medical gas piping installers who are not required as a condition of employment to perform brazing duties.

**Title 46
PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part LV. Plumbers

Chapter 3. Licenses

§304. Medical Gas Piping Installer License

A. - I. ...

J. A medical gas piping installer shall, as a condition of licensing under these regulations, maintain his brazer performance qualification in accordance with NFPA 99 standard on *Gas and Vacuum Systems*, latest edition. However, any licensed medical gas piping installer who annually certifies, on a form supplied by the board, that he is engaged in a managerial, supervisory or maintenance and repair employment position and is not required as a condition of employment to conduct brazing, shall be relieved of the brazer performance qualification. Any material misrepresentation made on such form by an eligible medical gas installer may be a condition for revocation or suspension of that medical gas piping installer license.

K. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1366(D) and R.S. 37:1368(G).

HISTORICAL NOTE: Promulgated by the Department of Labor, Plumbing Board, LR 21:1348 (December 1995), amended LR 24:339 (February 1998).

Don Traylor
Executive Director

9802#002

RULE

**Department of Natural Resources
Office of Conservation**

Underwater Obstructions Removal
Program (LAC 43:XI.301 and 315-331)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., the Office of Conservation hereby amends the Underwater Obstructions regulations.

Title 43

NATURAL RESOURCES

Part XI. Office of Conservation—Pipeline Division

Subpart 2. Underwater Obstructions

Chapter 3. Underwater Obstructions

§301. Definitions

* * *

Assistant Secretary—the assistant secretary of the Office of Conservation within the Department of Natural Resources or his authorized representatives.

* * *

Conservation—the Office of Conservation within the Department of Natural Resources.

Department—the Department of Natural Resources.

* * *

Fund—the Underwater Obstruction Removal Fund.

* * *

Program—the Underwater Obstruction Removal Program.

* * *

Secretary—the secretary of the Department of Natural Resources or his authorized representative.

* * *

Underwater Obstruction—any obstacle, whether natural or manmade, which impedes normal navigation and commercial fishing on the navigable waters of the state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:4(D) - 4(H) and 30:101.4.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 11:702 (July 1985), amended LR 24:340 (February 1998).

§315. Memorandum of Understanding

The secretary and the assistant secretary for the Office of Conservation have been delegated certain authority for the administration of this Part by Act 666 of the 1997 Regular Session of the Louisiana Legislature. A memorandum of understanding shall be prepared and signed by both entities for the purpose of delineating and agreeing on the authority and function to be served by each of them for the administration of this Part.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:4(D) - 4(H) and 30:101.4.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 24:340 (February 1998).

§317. Office of the Secretary

A. The secretary shall perform all duties and functions authorized by the provisions of Act 666 of 1997 Regular Session of the Louisiana Legislature.

B. The Office of the Secretary is authorized to expend a sum, not to exceed \$200,000 per annum, for the department's administration of this Part.

C. The secretary shall administer general oversight of expenditures or commitments to make expenditures from the fund for identification, inventory and removal of underwater obstructions as he deems necessary and appropriate.

D. The secretary shall maintain all supervisory and fiscal responsibilities for this Part which are not specifically conferred upon the assistant secretary.

E. The secretary shall perform such other specific functions as may be enumerated or envisioned by this Part.

F. The powers provided in this Part shall be in addition to and shall not limit the powers conferred on the secretary in other provisions of this Title or by any other provisions of any state or federal law or regulation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:4(D) - 4(H) and 30:101.4.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 24:340 (February 1998).

§319. Office of Conservation—Assistant Secretary

A. The powers of the assistant secretary shall include, without limitation, the power to do the following:

1. negotiate and execute contracts, upon such terms as he may agree upon for underwater obstruction identification, inventory, and removal, and other services necessary to meet the purpose of this Part;

2. publish an annual list of underwater obstruction sites, to include an inventory of the type, size and depth of the obstruction, and any other relevant information which would aid navigation and commercial fishing in the vicinity of the obstruction;

3. prepare, evaluate and approve an annual priority list for underwater obstruction removal;

4. prepare, evaluate and approve a list of contractors acceptable to conduct obstruction removal;

5. administer and manage the Underwater Obstruction Removal Program for identification, inventory, and removal of underwater obstructions in the navigable coastal waters of the state;

6. administer and manage the Underwater Obstruction Removal Fund;

7. perform any function authorized or enumerated by this Part or which is consistent with its purpose.

B. The aforementioned powers shall be in addition to and shall not limit the powers conferred on the assistant secretary in other provisions of this Title or by any other pertinent provision of any state or federal law or regulation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:4(D) - 4(H) and 30:101.4.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 24:340 (February 1998).

§321. Establishment of the Fund

A. There is hereby established a fund in the custody of the state treasurer to be known as the Underwater Obstruction Removal Fund into which the state treasurer shall, each fiscal year, deposit the revenues received from the collection of the monies enumerated in §321.C, after those revenues have been deposited in the Bond Security and Redemption Fund. Out of the funds remaining in the Bond Security and Redemption Fund, after a sufficient amount is allocated from that fund to pay all the obligations secured by the full faith and credit of the state that become due and payable within each fiscal year, the treasurer shall pay into the Underwater Obstruction Removal Trust Fund an amount equal to the revenues generated as provided for in §321.C. Such funds shall constitute a special custodial trust fund which shall be administered by the secretary who shall make disbursements from the fund solely in accordance with the purposes and uses authorized by this Part.

B. The funds received shall be placed in the special trust fund in the custody of the state treasurer to be used only in

accordance with this Part and shall not be placed in the general fund. The funds shall only be used for the purposes set forth in this Part and for no other governmental purposes, nor shall any portion hereof ever be available to borrow from by any branch of government. It is the intent of the legislature that this fund shall remain intact and inviolate. Any interest or earnings of the fund shall be credited only to the fund.

C. The following monies shall be placed into the Underwater Obstructions Removal Fund:

1. private contributions;
2. interest earned on the funds deposited in the fund;
3. any grants, donations, and sums allocated from any source, public or private, for the purposes of this Part.

D. The monies in the fund may be disbursed and expended pursuant to the authority and direction of the assistant secretary for the following purposes and uses:

1. any underwater obstruction identification, inventory, or removal conducted by the Office of Conservation pursuant to this Part;
2. the administration of this Part by the Office of Conservation in an amount not to exceed \$200,000 in any fiscal year;
3. the payment of fees and costs associated with the administration of the fund and any contract with a private legal entity pursuant to §321;
4. any other expenditures deemed necessary by the secretary to meet the purposes of this Part.

E. The secretary may enter into one or more agreements with a private legal entity to receive and administer the Underwater Obstruction Removal Fund, which shall be an interest bearing trust fund.

F. The funds shall be a special custodial trust fund in the custody of the state treasurer which shall be administered by the secretary (or assistant secretary).

G. The monies in the fund shall be used solely for the purposes of this Part.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:4(D) - 4(H) and 30:101.4.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 24:340 (February 1998).

§323. Use of the Fund

In addition to the administrative cost provided for herein, the monies in the fund may be disbursed and expended as directed by the secretary (or assistant secretary) for the following purposes:

1. any underwater obstruction identification, inventory, assessment or removal conducted by the department pursuant to this Part;
2. any costs and fees associated with the administration of the fund and any contract with a private legal entity pursuant to R.S. 30:101.7;
3. any costs and fees associated with the recovery of underwater obstruction removal costs;
4. any other expenditures deemed necessary by the secretary to meet the purposes of this Part.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:4(D) - 4(H) and 30:101.4.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 24:341 (February 1998).

§325. Office of Conservation; Underwater Obstruction Assessments or Removal

A. A contract for obstruction removal shall require a cash bond, performance bond, or other equivalent surety instrument approved by the assistant secretary, and shall require a formal bid process. A project which the assistant secretary has declared, in writing, to be an emergency may employ a written and thoroughly documented informal bidding procedure in which bids are received from at least three bidders. All such contracts shall be reviewed prior to execution by the secretary and at least all informally bid contracts shall be reviewed by the commissioner of the Division of Administration.

B. No party contracting with the department under the provisions of this Part shall be deemed to be a public employee or an employee otherwise subject to the provisions of Chapter 15 of Parts I through IV of Title 42 of the Revised Statutes of 1950.

C. The assistant secretary may enter into contracts for the purposes of underwater obstruction identification, assessments or removal to carry out the provisions of this Part, under the following circumstances:

1. when the assistant secretary has declared an emergency, in writing, he may employ a written and thoroughly documented informal bidding procedure and take informal, detailed written bids from at least three contractors without the necessity of meeting the requirements of the state public bid law. Before execution of a contract, under emergency declaration, a performance bond shall be furnished by the contractor;

2. where no emergency exists, all contracts shall be made pursuant to the state public bid law;

3. all such contracts shall be reviewed prior to execution by the secretary and all informally bid contracts shall be reviewed by the commissioner of the Division of Administration.

D. An underwater obstruction removal assessment shall be performed by a contractor chosen from the list of contractors approved by the assistant secretary or a contractor who submits his credentials to the assistant secretary for approval and is subsequently added to the list.

E. An obstruction removal assessment shall specifically detail site restoration needs and shall provide a description of the obstruction and an estimate of the cost to remove the obstruction and restore the site, in accordance with the standards set forth in LAC 43:XIX.101 et seq.

F. No party contracting with the department under the provisions of this Part shall be deemed to be a public employee or an employee otherwise subject to the provisions of Chapter 15 of Parts I through IV of Title 42 of the Revised Statutes of 1950.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:4(D) - 4(H) and 30:101.4.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 24:341 (February 1998).

§327. Underwater Obstruction Sites

A. If the assistant secretary has been unable to identify the owner of an obstruction prior to removal of the obstruction,

the secretary (or assistant secretary) may expend monies from the fund to remove the obstruction and fully restore the site.

B. The secretary shall be authorized to recover the removal and restoration costs from the owner of the underwater obstruction.

C. The state shall be exempt from the provisions of this Part.

D. The secretary, the assistant secretary, and their agents shall not be liable for any damages arising from an act or omission if the act or omission is part of a good faith effort to carry out the purpose of this Part.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:4(D) - 4(H) and 30:101.4.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 24:341 (February 1998).

§329. Liability

The secretary or assistant secretary shall not be liable for any damages arising from an act or omission if the act or omission is part of a good faith effort to carry out the purpose of this Part.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:4(D) - 4(H) and 30:101.4.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 24:342 (February 1998).

§331. Annual Report

A. The assistant secretary shall submit to the Senate and House of Representatives Committees on Natural Resources, before March 1, an annual report that reviews the extent to which the program has enabled the assistant secretary to better protect the navigable waters and commercial fishing of the state and enhance the income of the fund.

B. The assistant secretary's annual reports shall include:

1. the number and location of underwater obstructions which have been identified and inventoried, and a list of those obstructions which have been successfully removed during the preceding year, to include the cost of removal of each;

2. the overall status of implementation of the provisions of this Part relating to the identification, inventory, and removal of underwater obstructions.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:4(D) - 4(H) and 30:101.4.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 24:342 (February 1998).

Warren A. Fleet
Commissioner

9802#011

RULE

Department of Public Safety and Corrections Corrections Services

Death Penalty (LAC 22:I.103)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., and in order to implement R.S. 15:567-571, the Department of Public Safety and Corrections, Corrections Services hereby adopts the following regulations dealing with the death penalty.

Title 22 CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT Part I. Corrections

Chapter 1. Secretary's Office

§103. Death Penalty

A. Purpose. To set forth procedures to be followed for the lethal injection of those individuals sentenced to death.

B. Responsibility. Assistant secretary/Office of Adult Services and the wardens of the Louisiana State Penitentiary and the Louisiana Correctional Institute for Women.

C. Incarceration Prior to Execution. Male inmates sentenced to death shall be incarcerated at the Louisiana State Penitentiary at Angola, Louisiana. Female inmates sentenced to death shall be incarcerated at the Louisiana Correctional Institute for Women at St. Gabriel, Louisiana. Until the time for execution, the warden shall incarcerate the inmate in a manner affording maximum protection to the general public, the employees of the department, and the security of the institution. Female inmates shall be transported to the Louisiana State Penitentiary on the day immediately prior to the execution date.

D. Visits

1. During the final 72 hours before the scheduled execution, the warden may approve special visits for the condemned inmate.

2. All visits will terminate by noon on the day of the execution except visits with a priest, minister, religious advisor, or attorney, which will terminate at the direction of the warden or his designee.

E. Media Access

1. Reporters with the proper credentials may contact the warden's office to request interviews. If the warden, inmate, and attorney (if represented by counsel) consent, the interview shall be scheduled for a time convenient to the institution.

2. Should the demand for interviews be great, the warden may set a day and time for all interviews to be conducted and may specify whether interviews will be done individually or in "press conference" fashion.

F. Pre-Execution Activities

1. The warden shall select appropriate areas to serve as a press room and for any mobile press units.

2. The execution room shall be off limits to unauthorized inmates and employees from 8 a.m. on the day preceding the execution until such time after the execution as the warden deems appropriate. The execution room shall also be off limits to the public and press five days before the execution until such time after the execution as the warden deems appropriate.

3. All persons selected as witnesses will sign copies of the witness agreement prior to being transported to the execution room.

G. Execution Time and Place. The execution shall take place at the Louisiana State Penitentiary between the hours of 6 p.m. and 11:59 p.m. [R.S. 15:570(B)].

H. Witnesses

1. The execution shall take place in the presence of the following witnesses:

- a. the warden of the Louisiana State Penitentiary or designee;
- b. the coroner of West Feliciana Parish or deputy;
- c. a physician chosen by the warden;
- d. a competent person selected by the warden to administer the lethal injection; and
- e. a priest, minister, or religious advisor, *if the inmate so requests*.

2. Not less than five, nor more than seven other witnesses are required by law to be present [R.S. 15:570(A)]. These witnesses will be selected as follows:

- a. three witnesses will be members of the news media;
 - i. a representative from the Associated Press;
 - ii. a representative, selected from the media persons requesting to be present, from the parish where the crime was committed; and
 - iii. one representative selected from all other media persons requesting to be present;
 - iv. these witnesses must agree to act as pool reporters for the remainder of the media present and meet with all media representatives immediately following the execution;
- b. the remaining witnesses will be selected by the secretary from persons whom he feels have a legitimate interest in being present;
- c. victim relationship witnesses are authorized to attend the execution [R.S. 15:570(B)];
 - i. the number of victim relationship witnesses may be limited to two. If more than two victim relationship witnesses desire to attend the execution, the secretary is authorized to select from the interested parties the two victim-relationship witnesses who will be authorized to attend;
 - ii. at least 10 days prior to the execution, the secretary shall give written notice of the date and time of execution to the victim's parents, or guardian, spouse, and any adult children who have indicated to the secretary that they desire such notice. The named parties shall be given the option of attending the execution and shall, within three days of their receipt of the notification, notify, either verbally or in writing, the secretary's office of their intention to attend;
 - d. all witnesses must be residents of the state of Louisiana and over 18 years of age; and all must agree to sign the report of the execution [R.S. 15:570-571];
 - e. no cameras or recording devices, either audio or video, will be permitted in the execution room.

I. Procedures

1. The witnesses will enter the witness room where they will receive a copy of the inmate's written last statement, if a written statement is issued.

2. The inmate will then be taken to the lethal injection room by the escorting officers. Once in the room, the inmate will be afforded the opportunity to make a last verbal statement, if he so desires. He will then be assisted onto the lethal injection table and properly secured to the table by the officers. Once the officers exit the room, the warden will close the curtain to the witness room and signal the I.V. technician to enter. The I.V. technician will appropriately prepare the

inmate for execution and exit the room. The warden will reopen the witness room curtain.

3. The person designated by the warden and at the warden's direction, will then administer, by intravenous injection, a substance or substances, in a lethal quantity, into the body of the inmate until he is deceased.

4. At the conclusion of the execution, the coroner or his deputy shall pronounce the inmate dead. The deceased shall then be immediately taken to an awaiting ambulance for transportation to a place designated by the next of kin, or in accordance with other arrangements made prior to the execution.

5. The warden will make a written report reciting the manner and date of the execution which he and all of the witnesses will sign. The report shall be filed with the clerk of court in the parish where the sentence was originally imposed [R.S. 15:571].

6. No employee, including employee witnesses to the execution, except the secretary or the warden or their designee, shall communicate with the press regarding any aspect of the execution, except as required by law.

AGREEMENT BY WITNESS TO EXECUTION

I, _____, a person of full age and majority, and a citizen of the state of Louisiana, hereby agree to the following conditions precedent to being a witness to the execution of a sentence of death at Louisiana State Penitentiary, Angola, LA:

- 1. I agree that my presence at the execution is voluntary.
- 2. I agree to sign the report of the execution, as required by law.
- 3. I agree to comply with all rules and regulations of the Department of Public Safety and Corrections and the Louisiana State Penitentiary during the course of the proceedings leading up to, during, and after the completion of the execution.
- 4. I agree that I will not electronically record or photograph any activities while I am present in the lethal injection room.
- 5. I agree to submit to a search of my person before and after the execution, if requested to do so by the warden of the Louisiana State Penitentiary.
- 6. If I am a member of the press selected as a witness to the execution, I agree to act as a pool reporter for the media representatives not present at the execution, and I agree to meet with all media representatives present at the penitentiary immediately after the execution.
- 7. If I am an employee of the Department of Public Safety and Corrections, I agree that I will make no public statements about the execution without prior approval of the warden of the Louisiana State Penitentiary.

I have read the above agreement, understand it, and have signed it in the presence of the listed witnesses on this date _____
(Day, Month, Year)

WITNESSES TO SIGNATURE: _____

Selected Witness to Execution

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:567-15:571.

HISTORICAL NOTE: Promulgated by the Department of Corrections, Office of the Secretary, LR 6:10 (January 1980), amended LR 7:177 (April 1981), amended by the Department of Public Safety and Corrections, Corrections Services, LR 17:202 (February 1991), LR 18:77 (January 1992), LR 24:342 (February 1998).

Richard L. Stalder
Secretary

9802#003

RULE

**Department of Public Safety and Corrections
Gaming Control Board**

Riverboat Gaming—Definitions (LAC 42:XIII.1701);
Licenses and Permits (LAC 42:XIII.2133, 2141, and 2169)

The Gaming Control Board hereby amends LAC 42:XIII.1701, 2133, 2141, and 2169, in accordance with R.S. 27:1 et seq., and the Administrative Procedure Act, R.S. 49:950 et seq.

Title 42

LOUISIANA GAMING

Part XIII. Riverboat Gaming

Chapter 17. General Provisions

§1701. Definitions

* * *

Designated Gaming Area—those portions of a riverboat in which gaming activities may be conducted, which shall be determined by measuring the area (in square feet) inside the interior walls of the riverboats, excluding any space therein in which gaming activities may not be conducted, such as bathrooms, stairwells, cage and beverage area, and emergency evacuation routes. Such designated gaming area shall not exceed 60 percent of the total square footage of the passenger access area of the vessel or 30,000 square feet, whichever is lesser, and plans, therefore, shall be submitted to and approved by the board.

* * *

Emergency Evacuation Route—those areas within the designated gaming area of a riverboat which are clearly defined and identified by the licensee as necessary and approved by the United States Coast Guard for the evacuation of passengers and crew from the riverboat, and from which and in which no gaming activity may be conducted.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 19:1176 (September 1993), amended LR 21:702 (July 1995), amended by the Department of Public Safety and Corrections, Gaming Control Board, LR 24:344 (February 1998).

Chapter 21. Licenses and Permits

§2133. License Term and Filing of Application

A. Initial licenses to conduct riverboat gaming operations shall expire five years from the date the license was granted.

B. Each application, including renewal applications, shall be deemed filed with the division when the application form has been received by the division, as evidenced by a signed receipt.

C. Renewal applications for licenses to conduct riverboat gaming operations shall be submitted to the division no later than 120 days prior to the expiration of the license.

D. All renewal applications for permits shall be submitted to the division no later than 60 days prior to the expiration of the permit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 19:1176 (September 1993), amended LR 21:702 (July 1995), amended by the Department of Public Safety and Corrections, Gaming Control Board, LR 24:344 (February 1998).

§2141. Renewal Applications

A. Applications for renewal of a riverboat gaming license or any permit authorized by the Act shall be made by way of forms prescribed by the division and shall contain all information requested by the division. Prescribed forms shall contain a statement made, under oath, by the applicant, each officer or director of the applicant, and each person with a 5 percent or greater economic interest in the applicant that any and all changes in the history and financial information provided in the previous application have been disclosed.

B. Renewal applications shall further contain:

1. a list of all civil lawsuits to which the applicant is a party instituted since the previous application;
2. a current list of all stockholders of the applicant, if the applicant is a corporation, or list of all partners or persons with a 5 percent or greater economic interest in the applicant;
3. a list of all administrative actions instituted or pending in any other jurisdiction against or involving the applicant or parent corporation of the applicant, if applicable;
4. prior year's corporate or company tax return of the applicant;
5. a list of all charitable and political contributions made by the applicant during the last three years, indicating the recipient and amount contributed.

C. The board or division may require an applicant to provide all other such documentation or information as is necessary to determine suitability of the applicant or to discharge their duties under the Act and rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 19:1176 (September 1993), amended LR 21:702 (July 1995), amended by the Department of Public Safety and Corrections, Gaming Control Board, LR 24:344 (February 1998).

§2169. Fees for Issuance of Licenses and Permits

As prescribed pursuant to the Act, R.S. 27:91, the scheduled fees for licenses and permits shall include:

1. the annual fees for gaming employee, manufacturer, supplier, and other permits issued under the provisions of this Chapter shall be as follows:

manufacturer of slot machines	\$5,000
manufacturer of gaming devices or equipment, or equipment other than slot machines	\$2,500
supplier of gaming devices or equipment	\$1,500
supplier of goods or services other than gaming devices or equipment	\$ 250
gaming employee or other permit	\$ 100
permit to conduct racehorse wagering	\$1,000

2. the license fee to conduct gaming activities on a riverboat shall be the total of the following:

- a. \$50,000 for each riverboat for the first year of operation and \$100,000 per year per riverboat thereafter;
- b. an amount equal to 3½ percent of net gaming proceeds.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 19:1176 (September 1993), amended LR 21:702 (July 1995), amended by the Department of Public Safety and Corrections, Gaming Control Board, LR 24:344 (February 1998).

Hillary J. Crain
Chairman

9802#001

RULE

Department of Public Safety and Corrections Office of Motor Vehicles

Auto Title Companies
(LAC 55:III.1501-1521)

The Department of Public Safety and Corrections, Public Safety Services, Office of Motor Vehicles hereby adopts rules pertaining to the implementation of the law authorizing the appointment of auto title companies who are authorized to process transactions involving the transfer by sale or lease of motor vehicles.

Title 55

PUBLIC SAFETY

Part III. Motor Vehicles

Chapter 15. Auto Title Companies

§1501. Definitions

Assistant Secretary—assistant secretary of the Office of Motor Vehicles.

Auto Title Company—any person, firm, association, or corporation which is engaged primarily in the transfer and recordation of sales, leases, or mortgages of vehicles including, but not limited to, mobile homes, trailers, and motor vehicles. The term *auto title company* also means any person, firm, association, or corporation which has been licensed in accordance with the provisions of R.S. 32:735 et seq. An auto title company shall not mean an insurance company transferring titles to wrecked vehicles, or a licensed motor vehicle dealer, lending institution, financial institution regulated by state or federal authorities, or a notary, attorney, or individual applicant unless he or it is doing business as an auto title company.

Department—Department of Public Safety and Corrections, Office of Motor Vehicles.

Doing Business as an Auto Title Company—any act by which a person, firm, association, or corporation holds himself or itself out to the public as being engaged in the business of handling transactions involving the transfer and recordation of sales, leases, or mortgages of vehicles including, but not limited to, mobile homes, trailers, and motor vehicles, but does

not include an attorney, notary, financial institution, lending institution, or insurance company, unless these entities or persons issue temporary registrations.

Person—includes person, corporation, partnership, limited liability company, firm, association, or other legal entity formed to conduct business.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:735(B).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 24:345 (February 1998).

§1503. Requirement of License

A. Any person who is engaged primarily in the transfer and recordation of sales, leases, or mortgages of vehicles including, but not limited to, mobile homes, trailers, and motor vehicles shall be licensed by the Department of Public Safety and Corrections, Office of Motor Vehicles prior to conducting any business as an auto title company.

B. A person shall not be required to obtain a license as an auto title company if the person is an insurance company transferring titles to wrecked vehicles, a licensed motor vehicle dealer, a lending institution, or a financial institution regulated by state or federal authorities. Additionally, a notary, attorney, or individual shall not be required to obtain a license as an auto title company unless the person is doing business as an auto title company.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:735(B).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 24:345 (February 1998).

§1505. Application Requirements

The application for an auto title company shall be on a form approved by the department, and shall require the applicant to provide the following information:

1. the full legal name of the applicant, including any trade names or aliases;
2. the complete physical and mailing addresses for the applicant's principal place of business, as well as for any location from which the applicant intends to conduct business as an auto title company;
3. the telephone number, including area code, for each place of business or location listed on the application;
4. if the applicant is not a natural person, the full name, complete physical and mailing addresses, and telephone number of a contact person;
5. if the applicant is not a natural person, the full name, complete physical and mailing addresses, and telephone number of all officers, directors, and managers of the applicant;
6. a signed and dated statement by each natural person listed in the application, stating that they are submitting themselves for review by the department to determine if they are persons of good moral character, and that they authorize the department to check their criminal history; and
7. such other information or documentation that the department may require in order to determine the eligibility of the applicant.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:735(B).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 24:345 (February 1998).

§1507. Application Fee

The applicant shall pay an annual license fee of \$200 for one business location. An annual fee of \$50 will be required for each additional business location. The license fee shall be paid by cash, money order, or check, made payable to the Department of Public Safety and Corrections. If payment is made with a check, the check must be written on an account in the same name as the business name.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:735(B).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 24:346 (February 1998).

§1509. Renewal Application

Every license issued shall expire on the first day of June following the year in which such license was issued. The license shall be renewed annually at least 60 days in advance of the expiration date of the license by submitting to the Office of Motor Vehicles an application for renewal, together with the license renewal fee and the surety bond continuation certificate for the renewal period.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:735(B).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 24:346 (February 1998).

§1511. Change of Location or Information

In the event a licensed auto title company changes its business location, or any information provided on the original application or subsequent renewal application changes, the company shall submit an updated application (DPSMV 1968), an original bond change rider, and the current original auto title company license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:735(B).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 24:346 (February 1998).

§1513. Change of Ownership

A. As part of its application for a license, an auto title company shall agree, in writing, to the updating requirements of §1513.

B. In the event there is a change in the ownership of an applicant or a licensed auto title company, the applicant or licensee, as the case may be, shall submit an updated application (DPSMV 1968), an original bond change rider, and the current original auto title company license, if issued. If the surety will not issue a bond rider, then a new bond shall be submitted with the application. If a new bond is required, the old bond shall not be canceled until the department approves the ownership change and the new bond. In the event that the old bond is canceled, the surety on the old bond shall remain liable for any claim against the old bond for any transaction handled by the licensee during the effective dates of the old bond. The bonding requirements of §1513 may be

altered by the department if the department is satisfied that the state and its citizens are adequately protected from any losses resulting from the acts or omissions attributable to the licensee during the effective dates of the bond.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:735(B).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 24:346 (February 1998).

§1515. Inspections and Audits

A. As part of its application for a license, an auto title company shall agree, in writing, to the audit and inspection requirements of §1515.

B. During the normal working hours of the department, or at any other time the licensee is open for business, employees or agents of the department or of the Department of Revenue shall have the right to inspect and audit any and all records or reports of the auto title company. The records and reports shall be made available immediately on request, unless the records or reports are currently in use, but no later than by the close of business following the day the request for the records was made. In lieu of submitting the original records and reports, the auto title company may submit copies to the person requesting the records and reports, at the auto title company's cost, if the person requesting the records and reports is satisfied with the accuracy of the copies.

C. During the normal working hours of the department, or at any other time the licensee is open for business, employees or agents of the department or of the Department of Revenue shall have the right to inspect the premises of any office of the licensee where auto title business is conducted or where the records and reports of the auto title company are kept.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:735(B).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 24:346 (February 1998).

§1517. License Suspension, Revocation, Cancellation, Nonissuance, or Restrictions

The following actions by a licensee or applicant may subject the licensee or applicant to suspension, revocation, or cancellation of the license by the department. Additionally, the department may impose license restriction as a result of any of the following actions by a licensee or applicant, or the department may deny an application and refuse to issue a license:

1. failure to remit taxes and fees collected from applicants for title transfers;
2. repeated late filings;
3. operating as an auto title company without a license for each location, with an expired license, or without a valid surety bond on file with the Office of Motor Vehicles;
4. issuance of more than one temporary registration (T-marker) to a title applicant, or issuing a T-marker without first collecting all taxes and fees;
5. operating from an unlicensed location;
6. changing the ownership of the auto title company and not reporting, in writing, to the Office of Motor Vehicles within 30 days from the date of such change;

7. changing the officers or directors of the auto title company and not reporting, in writing, to the Office of Motor Vehicles within 30 days from the date of such change;

8. being a principal or accessory to the alteration of documents relevant to a registration or titling transaction that results in material injury to the public records or a shortfall in the collection of taxes owed;

9. the forwarding to the Office of Motor Vehicles by an auto title company of a document relevant to a registration or titling transaction that results in a material injury to the public records, or a shortfall in the collection of taxes owed when the auto title company had knowledge of facts causing such injury or shortfall, and failed to disclose the same to the Office of Motor Vehicles;

10. conviction of, or an entry plea of guilty or nolo contendere to any felony; or conviction of, or an entry plea of guilty or nolo contendere to any criminal charge, an element of which is fraud;

11. fraud, deceit, or perjury in obtaining any license issued under this Chapter;

12. failure to maintain, at all times during the existence of the license, all qualifications required for issuance or renewal of a license;

13. any material misstatement of fact, or omission of fact, in any application for the issuance or renewal of a license for an auto title company;

14. the repeated submission of checks which have been dishonored by the bank on which the check was drawn.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:735(B).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 24:346 (February 1998).

§1519. Declaratory Orders and Rulings

A. Any person desiring a ruling on the applicability of any statute, or the applicability or validity of any rule to the regulation of auto title companies shall submit a written petition to the assistant secretary. The written petition shall cite all constitutional provisions, statutes, ordinances, cases, and rules which are relevant to the issue presented or which the person wishes the assistant secretary to consider prior to rendering an order or ruling in connection with the petition. The petition shall be typed, printed, or written legibly and signed by the person seeking the ruling or order. The petition shall also contain the person's full printed name, the complete physical and mailing address of the person, and a daytime telephone number.

B. The assistant secretary may request the submission of legal memoranda to be considered in rendering any order or ruling. The assistant secretary or his designee shall base the order or ruling on the documents submitted, including the petition and legal memoranda. If the assistant secretary or his designee determines that the submission of evidence is necessary for a ruling, the matter may be referred to a hearing officer prior to the rendering of the order or ruling for the taking of such evidence.

C. Notice of the order or ruling shall be sent to the person submitting the petition, as well as the persons receiving notice of the petition, at the mailing addresses provided in connection with the petition.

D. The assistant secretary may decline to render an order or ruling if the person submitting the petition has failed to comply with any requirement in §1519.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:735(B) and R.S. 49:962.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 24:347 (February 1998).

§1521. Insufficient Funds Checks

Any auto title company which has submitted three or more checks to the department which have been returned because of insufficient funds in the account within a three-month period shall be required to use a cashier's check, certified check, or money order to pay taxes and fees when submitting any transaction to the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:735(B) and R.S. 49:962.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 24:347 (February 1998).

§1523. Administrative Hearings

Any request for an administrative hearing must be submitted in writing to the Department of Public Safety and Corrections, Office of Motor Vehicles, Hearing Request, at Box 64886, Baton Rouge, LA 70896-4886, or hand delivered to the Office of Motor Vehicle Headquarters in Baton Rouge, LA. Any request for an administrative hearing must be received by the Department within 30 days of the date the notice of suspension, revocation, cancellation, denial, or other action, was mailed, or hand delivered, as the case may be.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:375(B).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 24:347 (February 1998).

§1525. Third Party Checks Prohibited

The Department will not accept a check by a third party on behalf of an applicant for title and/or registration unless the check is submitted by an attorney, notary, motor vehicle dealer, insurance company transferring title to a wrecked vehicle, lending institution, financial institution regulated by state or federal authorities, or a duly licensed auto title company.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:375(B).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 24:347 (February 1998).

Thomas H. Normile
Undersecretary

9802#023

RULE

Department of Social Services Office of Family Support

Family Independence Temporary Assistance Program (FITAP)—Alien Eligibility (LAC 67:III.1141 and 1143)

The Department of Social Services, Office of Family Support has amended LAC 67:III.1141 and 1143, pertaining to the Family Independence Temporary Assistance Program (FITAP).

Pursuant to provisions of Public Law 104-208, the United States' Omnibus Consolidated Appropriations Act and Public Law 105-33, the Balanced Budget Act of 1997, changes in FITAP regulations concerning the eligibility of certain noncitizens were required.

Title 67

SOCIAL SERVICES

Part III. Office of Family Support

Subpart 2. Family Independence Temporary Assistance Program (FITAP)

Chapter 11. Application, Eligibility, and Furnishing Assistance

Subchapter A. Application, Determination of Eligibility, and Furnishing Assistance

§1141. Eligibility Requirements for Aliens

A.1. - 4. ...

5. an alien whose deportation is withheld under §243(h) of such Act (as in effect immediately before the effective date of §307 of Division C of Public Law 104-208) or §241(b)(3) of such Act (as amended by §305(a) of Division C of Public Law 104-208);

6. an alien who is granted conditional entry pursuant to §203(a)(7) of such Act, as in effect prior to April 1, 1980; or

7. an alien who is a *Cuban* or *Haitian* entrant, as defined in §501(e) of the Refugee Education Assistance Act of 1980;

8. an alien who has been battered or subjected to extreme cruelty in the United States by a spouse or parent or by a member of the spouse's or parent's family residing in the same household as the alien if the spouse or parent consented to, or acquiesced in, such battery or cruelty. The individual who has been battered or subjected to extreme cruelty must no longer reside in the same household with the individual who committed the battery or cruelty. The agency must also determine that a substantial connection exists between such battery or cruelty and the need for the benefits to be provided. The alien must have been approved or have a petition pending which contains evidence sufficient to establish:

a. the status as a spouse or child of a United States citizen pursuant to clause (ii), (iii), or (iv) of §204(a)(1)(A) of the Immigration and Nationality Act (INA); or

b. the classification pursuant to clause (ii) or (iii) of §204(a)(1)(B) of the INA; or

c. the suspension of deportation and adjustment of status pursuant to §244(a)(3) of the INA; or

d. the status as a spouse or child of a United States citizen pursuant to clause (i) of §204(a)(1)(A) of the INA, or

classification pursuant to clause (i) of §204(a)(1)(B) of the INA;

9. an alien child or the alien parent of a battered alien as described in §1141.A.8.

B.1. - 2. ...

3. the alien's deportation is withheld under §243(h) of such Act (as in effect immediately before the effective date of §307 of Division C of Public Law 104-208) or §241(b)(3) of such Act (as amended by §305(a) of Division C of Public Law 104-208);

4. the alien is a *Cuban* or *Haitian* entrant, as defined in §501(e) of the Refugee Education Assistance Act of 1980;

5. the alien is an *Amerasian* immigrant admitted pursuant to §584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 1988;

6. the alien is lawfully residing in the United States and is a *veteran* (as defined in §§101, 1101, or 1301, or as described in §107 of Title 38, *United States Code*) who is honorably discharged for reasons other than alienage and who fulfills the minimum active-duty service requirements of §5303A(d) of Title 38, *United States Code*; his spouse or the unremarried surviving spouse if the marriage fulfills the requirements of §1304 of Title 38, *United States Code*; and unmarried dependent children; or

7. the alien is lawfully residing in the United States and is on active duty (other than for training) in the Armed Forces and his spouse or the unremarried surviving spouse, if the marriage fulfills the requirements of §1304 of Title 38, *United States Code*, and unmarried dependent children.

C. ...

AUTHORITY NOTE: Promulgated in accordance with F.R. 52:48687 et seq., P.L. 104-193, P.L. 104-208, and P.L. 105-33.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Eligibility Determinations, LR 14:280 (May 1988), LR 14:438 (July 1988), amended by the Department of Social Services, Office of Family Support, LR 23:448 (April 1997), LR 24:348 (February 1998).

§1143. Income and Resources of Alien Sponsors

In determining eligibility and benefit amount for an alien other than those identified in §1141.A.8 and 9, the income and resources of his/her sponsor and the sponsor's spouse must be considered. The income and resources of an alien sponsor and the sponsor's spouse shall not apply to benefits during a 12-month period for those aliens identified in §1141.A.8 and 9. After a 12-month period, only the income and resources of the batterer shall not apply if the alien demonstrates that such battery or cruelty has been recognized in an order of a judge or administrative law judge or a prior determination of the INS, and the agency determines that such battery or cruelty has a substantial connection to the need for benefits. A *sponsor* is defined as any person who executed an affidavit of support pursuant to §213A of the Immigration and Nationality Act on behalf of the alien. The income and resources of the sponsor and the sponsor's spouse shall apply until the alien:

1. achieves United States citizenship through naturalization; or

2. has worked 40 qualifying SSA quarters of coverage, or can be credited with such qualifying quarters, and in the case of any such qualifying quarter creditable for any period

beginning after December 31, 1996, did not receive any federal means-tested public benefit during any such period. In determining the number of qualifying quarters of coverage an alien shall be credited with:

a. all of the qualifying quarters of coverage worked by a parent of such alien while the alien was under age 18; and

b. all of the qualifying quarters worked by a spouse of such alien during their marriage, and the alien remains married to such spouse or such spouse is deceased.

c. No such qualifying quarter of coverage that is creditable under Title II of the Social Security Act for any period beginning after December 31, 1996, may be credited to an alien under §1143.A.2.a or b if the parent or spouse of such alien received any federal means-tested public benefit (as provided under §403) during the period for which such qualifying quarter of coverage is so credited. Notwithstanding §6103 of the *Internal Revenue Code* of 1986, the commissioner of Social Security is authorized to disclose quarters of coverage information concerning an alien and an alien's spouse or parents to a government agency for the purposes of this title.

AUTHORITY NOTE: Promulgated in accordance with P.L. 97-35, P.L. 100-485 (§402) and 45 CFR 205-206,233-234, P.L. 104-193, P. L. 104-208, and P.L. 105-33.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Family Security, LR 8:8 (January 1982), amended by the Department of Social Services, Office of Family Support, LR 23:448 (April 1997), LR 24:348 (February 1998).

Madlyn B. Bagneris
Secretary

9802#055

RULE

Department of Social Services Office of Family Support

Family Independence Temporary Assistance Program (FITAP), FIND Work Program and Refugee Cash Assistance—Eligibility Conditions (LAC 67:III.Chapter 11, and §§1503, 2909, 3701-3710)

The Department of Social Services, Office of Family Support has amended the *Louisiana Administrative Code*, Title 67, Part III, Subparts 2, 5 and 7.

Public Law 104-193, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, empowered the state to establish a cash assistance program for the expenditure of federal funds for the Temporary Assistance to Needy Families Block Grant. In order to meet the increasing demands of welfare reform, the agency recognizes that technical eligibility determination activities must be reduced in order to facilitate staff's ability to concentrate on employment related activities. These new and revised regulations represent a move toward simplification by the agency.

This rule also strengthens the process of sanctioning for failure to comply with participation requirements in the Family Independence Work Program (FIND Work). Additionally, changes in FITAP regulations necessitate revisions in the Refugee Cash Assistance Program.

Title 67

SOCIAL SERVICES

Part III. Office of Family Support

Subpart 2. Family Independence Temporary Assistance Program (FITAP)

Chapter 11. Application, Eligibility, and Furnishing Assistance

Subchapter A. Application, Determination of Eligibility, and Furnishing Assistance

§1101. Application Date

All individuals applying for FITAP shall be considered applicants for assistance and shall file a written and signed application form. The date the application form is received in the parish office shall be considered their date of application. If determined eligible, benefits shall be prorated from the date of application.

AUTHORITY NOTE: Promulgated in accordance with P.L. 104-193.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Family Security, LR 10:8 (January 1984), amended by the Department of Social Services, Office of Family Support, LR 24:349 (February 1998).

§1103. Application Time Limit

The time within which the worker shall dispose of the application is limited to within 30 days from the date on which the signed application is received in the local office. The applicant shall have benefits available through Electronic Benefits Transfer (EBT), be mailed his first payment or notified that he has been found ineligible for a grant by the thirtieth day, unless an unavoidable delay has occurred.

AUTHORITY NOTE: Promulgated in accordance with P.L. 104-193.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Family Security, LR 10:342 (April 1984), amended by the Department of Social Services, Office of Family Support, LR 24:349 (February 1998).

§1105. Certification Period and Reapplication

A. Certification periods of a set duration will be assigned. In order to continue to receive benefits, the household must timely reapply and be determined eligible. If the payee fails, without good cause, to keep a scheduled appointment, the case will be closed without further notification. Also, if during the application process, a change is reported which results in a determination of ineligibility or a reduction in benefits, this change will be made effective the following month.

B. The Office of Family Support will require an official reapplication for benefits and prorate benefits from the date of application following a period of ineligibility.

AUTHORITY NOTE: Promulgated in accordance with P.L. 104-193.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Family Security, LR 11:864 (September 1985), amended by the Department of Social Services, Office of Family Support, LR 24:349 (February 1998).

§1107. Effective Payment Date for AFDC and RCA

Repealed.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR 206.10, P.L. 104-193.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Family Security, LR 11:753 (August 1985), amended LR 11:1078 (November 1985), repealed by the Department of Social Services, Office of Family Support, LR 24:350 (February 1998).

§1111. Protective Payments

Repealed.

AUTHORITY NOTE: Promulgated in accordance with P.L. 98-369 and F.R. 49:35586 et seq., P.L. 104-193.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Family Security, LR 10:1030 (December 1984), repealed by the Department of Social Services, Office of Family Support, LR 24:350 (February 1998).

Subchapter B. Conditions of Eligibility

§1115. Resources

Resources are assets or possessions which a household can convert to cash to meet needs. The maximum resource allowable for an assistance unit is \$2,000. All resources are considered except:

1. home property, covered by homestead exemption;
2. burial insurance, prepaid funeral plans or prepaid funeral agreements;
3. one burial plot for each member of the assistance unit;
4. personal property;
5. inaccessible resources;
6. life insurance;
7. livestock used for home produce;
8. trust funds if all of the following conditions are met:
 - a. the trust arrangement is unlikely to end during the certification period and no household member can revoke the trust agreement or change the name of the beneficiary during the certification period;
 - b. the trustee of the fund is either a court, institution, corporation, or organization not under the direction or ownership of a household member, or a court-appointed individual who has court-imposed limitations placed on the use of the funds;
 - c. the trust investments do not directly involve or help any business or corporation under the control, direction, or influence of a household member. Exempt trusts established from the household's own funds if the trustee uses the funds only to make investments on behalf of the trust or to pay the education or medical expenses of the beneficiary;
9. disaster payments;
10. energy assistance payments;
11. Agent Orange Settlement Payments income;
12. Housing and Urban Development (HUD) payments and subsidies including HUD community development block grant funds;
13. Indian and Native Claims and Lands Payments received under Public Laws 92-254, 93-134, 94-540, Section 6 of Public Law 94-114 (89 Stat. 577, 25 U.S.C. 459e), tax-exempt portions made pursuant to Public Law 92-203, the Alaska Native Claims Settlement Act, and Public Law 98-123 or Public Law 98-124;

14. Women, Infants and Children (WIC) Program benefits;

15. relocation assistance;

16. Supplemental Security nonrecurring lump sum retroactive payments in the month paid or the following month;

17. Wartime Relocation of Civilians Payments;

18. payments to victims of Nazi persecution;

19. real property which the family is making a good faith effort to sell;

20. \$10,000 equity value in one vehicle for each assistance unit;

21. an Individual Development Account (IDA) which is a special account established in a financial institution for the purposes of work-related education or training. Only one IDA per assistance unit is allowed. The amount of the deposits cannot exceed \$6,000, excluding interest, and the balance of the account cannot exceed \$6,000, including interest, at any time. Deposits to the account may be made by the recipient, by a nonprofit organization, or by an individual contributor. The Office of Family Support is not responsible for enforcing stipulations placed on the use of the money by a nonprofit organization or by an individual contributor. Individual Development Account funds may be used only for the following purposes:

a. educational expenses incurred at an accredited institution of higher education;

b. training costs incurred for a training program approved by the agency; and

c. payments for work-related expenses such as clothing, tools or equipment approved by the agency.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:443, R.S. 46:460.4 and P.L. 104-193.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Family Security, LR 8:8 (January 1982), amended by the Department of Social Services, Office of Family Support, LR 19:1340 (October 1993), LR 24:350 (February 1998).

§1119. Dependent Child Age Limit

A. Under 16 years of age.

B. Sixteen to 19 years of age either in school and working toward a high school diploma, GED, or special education certificate or participating in the FIND Work Program.

AUTHORITY NOTE: Promulgated in accordance with P.L. 104-193.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Family Security, LR 8:8 (January 1982), amended by the Department of Social Services, Office of Family Support, LR 24:350 (February 1998).

§1127. Extension of Medicaid Coverage and Work Transition Status

Repealed.

AUTHORITY NOTE: Promulgated in accordance with P.L. 98-369, F.R. 49:35586 et seq., and P.L. 104-193.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Family Security, LR 10:1030 (December 1984), repealed by the Department of Social Services, Office of Family Support, LR 24:350 (February 1998).

§1131. Ineligibility Based on Lump Sum Income

Repealed.

AUTHORITY NOTE: Promulgated in accordance with P.L. 98-369, F.R. 49:35586 et seq., and P.L. 104-193.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Family Security, LR 10:1030 (December 1984), repealed by the Department of Social Services, Office of Family Support, LR 24:350 (February 1998).

§1133. Standard Filing Unit

The mandatory filing unit is being redefined to include the child, the child's siblings (including half and step siblings) and the parents (including legal stepparents) of any of these children. In the case of the child of a minor parent, the filing unit shall include the child, the minor parent, the minor parent's siblings (including half and step) and the parents of any of these children. Supplemental Security Income recipients are excluded from this requirement.

AUTHORITY NOTE: Promulgated in accordance with P.L. 104-193.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Family Security, LR 10:1030 (December 1984), amended by the Department of Social Services, Office of Family Support, LR 23:79 (January 1997), LR 24:351 (February 1998).

§1135. Natural, Nonlegal, Incapacitated Fathers

Repealed.

AUTHORITY NOTE: Promulgated on accordance with 45 CFR 233.10, and P.L. 104-193.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Family Security, LR 9:551 (August 1983), repealed by the Department of Social Services, Office of Family Support, LR 24:351 (February 1998).

§1137. Minor Parents

Repealed.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR 233.20 (a)(3)(xviii) and P.L. 104-193.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Family Security, LR 12:678 (October 1986), amended by the Department of Social Services, Office of Family Support, LR 22:1233 (December 1996), repealed LR 24:351 (February 1998).

§1139. Alien Sponsors

Repealed.

AUTHORITY NOTE: Promulgated in accordance with P.L. 98-369, F.R. 49:35586 et seq., and P.L. 104-193.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Family Security, LR 10:1030 (December 1984), repealed by the Department of Social Services, Office of Family Support, LR 24:351 (February 1998).

Subchapter C. Need and Amount of Assistance

§1147. Allowance for Cost of Divorce

Repealed.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR 205.52 and P.L. 104-193.

HISTORICAL NOTE: Promulgated by the Louisiana Health and Human Resources Administration, Division of Family Services, LR 1:494 (November 1975), repealed by the Department of Social Services, Office of Family Support, LR 24:351 (February 1998).

§1150. Income

Income is any gain or benefit to a household that has monetary value and is not considered a resource. Count all income in determining eligibility and payment amounts except income from:

1. adoption assistance;
2. earned income of a child, including a minor unmarried

parent, who is in school and working toward a high school diploma, GED, or special education certificate;

3. disaster payments;
4. Domestic Volunteer Service Act;
5. Earned Income Credits (EIC);
6. education assistance;
7. energy assistance;
8. foster care payments;
9. monetary gifts up to \$30 per calendar quarter;
10. Agent Orange Settlement payments;
11. HUD payments or subsidies other than those paid as wages or stipends under the HUD Family Investment Centers Program;
12. income in-kind;
13. Indian and Native Claims and Lands;
14. irregular and unpredictable;
15. lump sum payments;
16. nutrition programs;
17. job training income that is not earned;
18. relocation assistance;
19. a bona fide loan which is considered bona fide if the client is legally obligated or intends to repay the loan;
20. Supplemental Security Income;
21. Wartime Relocation of Civilians Payments;
22. Developmental Disability Payments;
23. Delta Service Corps post service benefits paid to participants upon completion of the term of service if the benefits are used as intended for higher education, repayment of a student loan, or for closing costs or down payment on a home;
24. Americorps VISTA payments to participants (unless the value of all such payments, adjusted to reflect the number of hours such volunteers are serving, is equivalent to or greater than the minimum wage);
25. Radiation Exposure Compensation Payments;
26. payment to victims of Nazi persecution; or
27. restricted income received for a person not in the assistance unit or not in the income unit. Restricted income is income which is designated specifically for a person's use by federal statute or court order and may include RSDI, VA benefits and court ordered support payments.

AUTHORITY NOTE: Promulgated in accordance with P.L. 104-93.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 24:351 (February 1998).

§1151. Lump Sum Payments

Repealed.

AUTHORITY NOTE: Promulgated in accordance with P.L. 97-35, P.L. 100-485 (Section 402), 45 CFR 205-206, 233-234 and P.L. 104-193.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Family Security, LR 8:8 (January 1982), repealed by the Department of Social Services, Office of Family Support, LR 24:351 (February 1998).

§1153. Earned Income Tax Credit

Repealed.

AUTHORITY NOTE: Promulgated in accordance with P.L. 97-35, P.L. 100-485 (Section 402), 45 CFR 205-206, 233-234, and P.L. 104-193.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Family Security, LR 8:8 (January

1982), LR 10:1030 (December 1984), amended by the Department of Social Services, Office of Eligibility Determinations, LR 15:629 (August 1989), repealed by the Office of Family Support, LR 24:351 (February 1998).

§1155. Earned Income of Full-Time Students

Repealed.

AUTHORITY NOTE: Promulgated in accordance with P.L. 98-369, F.R. 49:35586 et seq., and P.L. 104-193.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Family Security, LR 10:1030 (December 1984), repealed by the Department of Social Services, Office of Family Support, LR 24:352 (February 1998).

§1159. Foster Care Payments

Repealed.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR 233.20 (a)(3)(vii) and P.L. 104-193.

HISTORICAL NOTE: Promulgated by the Health and Human Resources Administration, Division of Family Services, LR 2:111 (April 1976), repealed by the Department of Social Services, Office of Family Support, LR 24:352 (February 1998).

§1161. Training Allowance

Repealed.

AUTHORITY NOTE: Promulgated in accordance with P.L. 97-35, P.L. 100-485 (Section 402), 45 CFR 205-206, 233-234, and P.L. 104-193.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Family Security, LR 8:8 (January 1982), repealed by the Department of Social Services, Office of Family Support, LR 24:352 (February 1998).

§1165. Gifts

Repealed.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR 233.20 (a)(3)(iv)(F) and P.L. 104-193.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Eligibility Determinations, LR 15:279 (April 1989), repealed by the Office of Family Support, LR 24:352 (February 1998).

§1167. Bona Fide Loans

Repealed.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR 233.20 (a)(3)(iv)(B) and P.L. 104-193.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Eligibility Determinations, LR 15:393 (May 1989), repealed by the Office of Family Support, LR 24:352 (February 1998).

§1169. Restricted Income

Repealed.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR 233.20 (a)(3)(ii)(C) and P.L. 104-193.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Family Security, LR 9:321 (May 1983), repealed by the Department of Social Services, Office of Family Support, LR 24:352 (February 1998).

§1171. Need Pretest

Repealed.

AUTHORITY NOTE: Promulgated in accordance with P.L. 97-35, P.L. 100-485 (Section 402), 45 CFR 205-206, 233-234 and P.L. 104-193.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Family Security, LR 8:8 (January 1982), repealed by the Department of Social Services, Office of Family Support, LR 24:352 (February 1998).

§1174. Flat Grant Amounts

Number of Persons	Flat Grant Amount
1	\$ 72
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
18+	See Note 1

Note 1: To determine the amount for households exceeding 18 persons, the flat grant amount for the number in excess of 18 is added to the flat grant amount for 18 persons.

AUTHORITY NOTE: Promulgated in accordance with P.L. 104-193.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 24:352 (February 1998).

§1175. Payment Amount

The budgetary deficit is the amount remaining after subtracting applicable income from the total assistance needs (flat grant amount). Round down to the next lower dollar of the budgetary deficit to determine the payment amount. Prorate the initial assistance payment from the date of application if otherwise eligible.

AUTHORITY NOTE: Promulgated in accordance with P.L. 97-248, F.R. 47:41108 et seq., and P.L. 104-193.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Family Security, LR 8:648 (December 1982), amended by the Department of Social Services, Office of Family Support, LR 24:352 (February 1998).

§1177. Failure to Report Change in Earned Income

Repealed.

AUTHORITY NOTE: Promulgated in accordance with P.L. 97-35, P.L. 100-485 (Section 402), 45 CFR 205-206, 233-234, and P.L. 104-193.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Family Security, LR 8:8 (January 1982), repealed by the Department of Social Services, Office of Family Support, LR 24:352 (February 1998).

Subchapter D. Dependent Children of Unemployed Parents

§1179. AFDC-UP Program

Repealed.

AUTHORITY NOTE: Promulgated in accordance with P.L. 100-485, R.S. 46:238(C) and P.L. 104-193.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 16:772 (September 1990), repealed by the Office of Family Support, LR 24:353 (February 1998).

Subchapter F. Assignments of Rights to Support and Cooperation in Establishing Paternity and Securing Support

§1184. Failure to Cooperate with IV-D

A. Failure to cooperate includes, but is not limited to, the following instances where good reason for failing to cooperate has not been established by the IV-D office:

1. failure to keep two consecutive appointments;
2. failure or refusal to cooperate at an interview;
3. failure to appear for, or cooperate during, a court date or genetic testing.

B. The recipient who has failed to cooperate will be notified in writing of the sanctioning. The recipient's desire or intention to cooperate will not preclude case closure.

AUTHORITY NOTE: Promulgated in accordance with P.L. 104-193.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 19:1177 (September 1993), amended by the Office of Family Support, LR 24:353 (February 1998).

Subchapter G. Work Programs

§1186. Failure to Cooperate with FIND Work

Failure to participate in the FIND Work program, without good cause, will result in the removal of the individual's needs from FITAP benefits for a period of three months. At the end of the three-month sanctioning period, if the individual has not complied with FIND Work participation requirements, the FITAP case shall be closed for a minimum of one month, or, until the individual agrees to comply. A second or subsequent failure to cooperate will result in immediate closure for at least one month or until the individual agrees to comply.

AUTHORITY NOTE: Promulgated in accordance with P.L. 104-193.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 24:353 (February 1998).

§1187. Work/Win Participation

Repealed.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR 224:51, P.L. 104-193.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Family Security, LR 9:464 (July 1983), repealed by the Department of Social Services, Office of Family Support, LR 24:353 (February 1998).

Chapter 15. General Program Administration

Subchapter B. Recovery

§1503. Recovery of Overpayments

All over issuances must be reported to the Fraud and Recovery Section except:

1. an inadvertent household error claim when the claim is \$250 or less;

2. an administrative error claim when the claim is \$250 or less.

AUTHORITY NOTE: Promulgated in accordance with P.L. 104-193.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Family Security, LR 10:1030 (December 1984), amended by the Department of Social Services, Office of Family Support, LR 24:353 (February 1998).

Subpart 5. Family Independence Work Program (FIND Work)

Chapter 29. Organization

Subchapter B. Participation

§2909. Failure to Participate

Failure to participate in the FIND Work program, without good cause, will result in the removal of the individual's needs from FITAP benefits for a period of three months. At the end of the three-month sanctioning period, if the individual has not complied with FIND Work participation requirements, the FITAP case shall be closed for a minimum of one month or until the individual agrees to comply. A second or subsequent failure to cooperate will result in immediate closure for at least one month or until the individual agrees to comply.

AUTHORITY NOTE: Promulgated in accordance with P.L. 104-193.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Eligibility Determinations, LR 16:626 (July 1990), amended by the Office of Family Support, LR 18:870 (August 1992), LR 19:504 (April 1993), LR 23:451 (April 1997), LR 24:353 (February 1998).

Subpart 7. Refugee Cash Assistance (RCA)

Chapter 37. Application, Eligibility and Furnishing Assistance

Subchapter A. Coverage and Conditions of Eligibility

§3701. Eligibility Determination

Eligibility for Refugee Cash Assistance is generally the same as for the Family Independence Temporary Assistance Program unless otherwise noted. Significant exceptions include the requirements for school attendance, immunizations, and parenting skills, relationship, cooperation with Support Enforcement Services, participation in FIND Work, and the Earned Income Deduction.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR 400(E), 36:474.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 24:353 (February 1998).

§3704. Application Time Limit and Initial Payment

The time within which the worker shall dispose of the application is limited to within 30 days from the date on which the signed application is received in the local office. In order to assure payment is mailed by the thirtieth day, the initial payment shall be issued by the local office on all certifications which pend over 28 days.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:474.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 24:353 (February 1998).

§3705. Coverage and Conditions

Repealed.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR 400.62(3).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Family Security, LR 10:401 (May 1984), repealed by the Department of Social Services, Office of Family Support, LR 24:353 (February 1998).

§3707. Resources

All resources are countable for an RCA household according to LAC 67:III.1115 with the following additional exceptions:

1. \$1,000 per assistance unit;
2. equity value up to \$1,500 in one power driven land conveyance;
3. an RCA household is not allowed an Individual Development Account.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR 400.61.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 24:354 (February 1998).

§3708. Income

Income is counted for an RCA household according to LAC 67:III.1150 except that lump sum payments are countable.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR 400.61.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 24:354 (February 1998).

§3709. Ineligibility Based on Lump Sum Income

The period of ineligibility based on lump sum income may be recalculated when one or more of the following applies:

1. as a result of yearly increases in the Need Standard, action to adjust the period of ineligibility as a result of Need Standard increases is required only if the former recipient reapplies for assistance during the period of ineligibility;
2. life threatening circumstances arise prior to its expiration which require the assistance unit to expend all or part of the lump sum income in meeting the expenses related to such circumstances;
3. the lump sum or a portion of the lump sum becomes unavailable as a result of circumstances beyond the client's control, such as verified loss or theft, or the person who received the lump sum leaves the home and makes the money unavailable to the remaining assistance unit.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR 400.61.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 24:354 (February 1998).

§3710. Earned Income Deductions

Each individual in the assistance unit who has earned income is entitled to a standard deduction of \$90.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR 400.61 and 233.20(a)(11).

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 24:354 (February 1998).

Madlyn B. Bagneris
Secretary

9802#052

RULE

Department of Social Services Office of Family Support

Food Stamps—Alien Eligibility (LAC 67:III.1994 and 1995)

The Department of Social Services, Office of Family Support hereby amends LAC 67:III.1994 and 1995 pertaining to food stamps.

Pursuant to provisions of Public Law 104-208, the United States' Omnibus Consolidated Appropriations Act of 1996 and Public Law 105-33, the Balanced Budget Act of 1997, a change in food stamp policy concerning the eligibility of certain aliens is required. This rule is necessary to effect these mandated regulations.

Title 67

SOCIAL SERVICES

Part III. Office of Family Support

Subpart 3. Food Stamps

Chapter 19. Certification of Eligible Households

Subchapter K. Action on Households with Special

Circumstances

§1994. Alien Eligibility

A.1. - 2. ...

3. an alien whose deportation is withheld under §243(h) of such ACT (as in effect immediately before effective date of §307 of division C of P.L. 104-208) or §241(b)(3) of such Act (as amended by §305(a) of division C of P.L. 104-208);

4. *Cuban* and *Haitian* entrants, as defined in §501(e) of the Refugee Education Assistance Act of 1980;

5. *Amerasian* immigrants admitted pursuant to §584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 1988.

B. ...

1. veterans who have met the minimum active duty service requirements of §5303 A(d) of Title 38, *United States Code*, who were honorably discharged for reasons other than alienage and their spouses or unremarried surviving spouses, if the marriage fulfills the requirements of §1304 of Title 38, *United States Code*, and unmarried dependent children;

2. active duty personnel (other than active duty for training) and their spouses or unremarried surviving spouses, if the marriage fulfills the requirements of §1304 of Title 38, *United States Code*, and unmarried dependent children;

3. ...

C. An alien and/or child of an alien or the alien parent of a child who has been battered or subjected to extreme cruelty in the United States by a spouse or parent, or by a member of the spouse's or parent's family residing in the same household as the alien, and the spouse or parent consented to, or acquiesced in, such battery or cruelty is eligible if the agency providing the benefits determines there is a substantial connection between such battery or cruelty and the need for benefits to be provided. The individual who has been battered

or subjected to extreme cruelty must no longer reside in the same household with the individual who committed the battery or cruelty. Additionally, the alien must have been approved or have a petition pending which contains evidence sufficient to establish:

1. the status as a spouse or child of a United States citizen pursuant to clause (ii), (iii), or (iv) of §204(a)(1)(A) of the INA; or
2. the classification pursuant to clause (ii) or (iii) of §204(a)(1)(B) of the INA; or
3. the suspension of deportation and adjustment of status pursuant to §244(a)(3) of the INA; or
4. the status as a spouse or child of a United States citizen pursuant to clause (i) of §204(a)(1)(A) of the INA, or classification pursuant to clause (i) of section 204(a)(1)(B) of the INA.

AUTHORITY NOTE: Promulgated in accordance with P.L. 104-193, P.L. 104-208, and P.L. 105-33.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 23:83 (January 1997), LR 24:354 (February 1998).

§1995. Sponsored Aliens

The full amount of income and resources of an alien's sponsor and the sponsor's spouse are counted in determining the eligibility and allotment level of a sponsored alien until the alien becomes a citizen or has worked 40 qualifying quarters of Social Security coverage. These provisions do not apply to battered aliens, their children, or the alien parent of a battered child.

AUTHORITY NOTE: Promulgated in accordance with F.R. 47:55463 et seq. and 47:55903 et seq., 7 CFR 273.11, P.L. 104-193, P.L. 104-208, and P.L. 105-33.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Family Security, LR 9:130 (March 1983), amended by the Department of Social Services, Office of Family Support, LR 23:83 (January 1997), amended LR 24:355 (February 1998).

Madlyn B. Bagneris
Secretary

9802#053

RULE

Department of Social Services Office of the Secretary and Office of Family Support

Child Care Assistance Program (LAC 67:I.101-107)
(LAC 67:III.1181, 2913 and 5101-5109)

The Department of Social Services, Offices of the Secretary and Family Support hereby repeals LAC 67:I.101-107, and LAC 67:III.1181; amends LAC 67:III.2913; and adopts LAC III.5101-5109, the Child Care Assistance Program.

Public Law 104-193, as part of the Child Care Block Grant, empowered the state to consolidate all the various child care programs administered by the Department of Social Services

into a single child care program. The program will be administered entirely through the Office of Family Support. This rule consolidates the current Child Care Assistance Program administered through the Office of the Secretary with other existing child care regulations in the Family Independence Temporary Assistance Program, Transitional Child Care, and the Family Independence Work Program.

Title 67

SOCIAL SERVICES

Part I. Office of the Secretary

Chapter 1. Reserved. (Previously Child Care Assistance Program)

§101. Eligibility Requirements

Repealed effective October 1, 1997.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Parts 98 and 99, Parts 255 and 257, and P.L. 104-193.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary, LR 18:288 (March 1992), amended LR 18:1133 (October 1992), LR 18:1415 (December 1992), LR 19:1440 (November 1993), LR 20:459 (April 1994), LR 20:794 (July 1994), LR 20:899 (August 1994), LR 21:589 (June 1995), LR 23:527 (May 1997), repealed by the Office of the Secretary and Office of Family Support, LR 24:355 (February 1998).

§103. Funding Availability and Waiting Lists

Repealed effective October 1, 1997.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Parts 98 and 99, and Parts 255 and 257.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary, LR 18:288 (March 1992), amended LR 18:1269 (November 1992), LR 19:1441 (November 1993), LR 20:460 (March 1994), LR 20:900 (August 1994), LR 21:839 (August 1995), repealed by the Office of the Secretary and Office of Family Support, LR 24:355 (February 1998).

§105. Child Care Providers

Repealed effective October 1, 1997.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Parts 98 and 99.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary, LR 18:288 (March 1992), amended LR 18:1269 (November 1992), LR 19:659 (May 1993), LR 19:784 (June 1993), LR 19:1034 (August 1993), LR 19:695 (November 1993), LR 20:459 (April 1994), LR 21:839 (August 1995), repealed by the Office of the Secretary and Office of Family Support, LR 24:355 (February 1998).

§107. Payment

Repealed effective October 1, 1997.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Parts 98 and 99.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary, LR 18:1269 (November 1992), amended LR 19:695 (November 1993), LR 20:459 (April 1994), LR 21:839 (August 1995), repealed by the Office of the Secretary and Office of Family Support, LR 24:355 (February 1998).

Part III. Office of Family Support

Subpart 2. Family Independence Temporary Assistance Program

Chapter 11. Application, Eligibility, and Furnishing Assistance

Subchapter E. Transitional Child Care Assistance

§1181. Eligibility, Fees, and Payments

Repealed effective October 1, 1997.

AUTHORITY NOTE: Promulgated in accordance with F.R. 54:42146 et seq. and 45 CFR Parts 255 and 257.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Eligibility Determinations, LR 16:238 (March 1990), amended by the Department of Social Services, Office of Family Support, LR 18:244 (March 1992), LR 18:687 (July 1992), LR 18:1268 (November 1992), repealed by the Office of the Secretary and Office of Family Support, LR 24:355 (February 1998).

Subpart 5. Family Independence Work Program

Chapter 29. Organization

Subchapter C. Activities and Services

§2913. Support Services

Support services include child care, transportation, and other employment-related expenses designed to eliminate or moderate the most common barriers to employment.

1. Effective October 1, 1997, child care support services and payments are administered through the Child Care Assistance Program, LAC 67:III. Subpart 12.

2 - 3. ...

AUTHORITY NOTE: Promulgated in accordance with F.R. 54:42146 et seq., 45 CFR Parts 250, 255, R.S. 46:456 and 457, and P.L. 104-193.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 17:309 (March 1991), amended LR 17:388 (April 1991), LR 18:244 (March 1992), LR 18:687 (July 1992), LR 18:748 (July 1992), LR 18:1268 (November 1992), LR 19:504 (April 1993), LR 20:793 (July 1994), LR 23:451 (April 1997), amended by the Office of the Secretary and Office of Family Support, LR 24:356 (February 1998).

Subpart 12. Child Care Assistance

Chapter 51. Child Care Assistance Program

§5101. Authority

The Child Care Assistance Program is established effective October 1, 1997 and administered under the authority of state and federal laws.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Parts 98 and 99, P.L. 104-193, and R.S. 36:474.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary and Office of Family Support, LR 24:356 (February 1998).

§5103. Conditions of Eligibility

A. Family Independence Temporary Assistance Program (FITAP) recipients who are satisfactorily participating in the Family Independence Work Program, as determined by the case manager, are eligible.

B. Low-income families not receiving FITAP cash assistance, including former FITAP recipients who are given priority consideration and guaranteed entry into the child care system for 24 months from termination of the cash payment, must meet the following eligibility criteria:

1. A household consists of a case head, that person's spouse, all children under the age of 18 who are dependent on the case head and/or spouse, and the parent(s) of dependent children if the parent(s) lives in the home. The household must reside in Louisiana to be eligible for child care assistance.

2. The household includes a child in need of child care services who is under age 13, or age 13 to age 18 and physically or mentally incapable of caring for himself or herself, as verified by a physician or certified psychologist, or under court supervision.

3. The child must customarily reside at least one-half of the time with the person who is applying for child care services

and who is employed or attending a job training or educational program that is legally authorized by the state. The case head, that person's spouse, and any parents of dependent children, if the parent(s) lives in the household, must be employed or in training, unless disabled as established by receipt of SSA, SSI, worker's compensation, or other disability benefits.

4. Household income does not exceed 85 percent of the state median income for a household of the same size. *Income* is defined as the gross earnings of the case head, that person's spouse, and any parents of dependent children, if the parent(s) lives in the household, from all sources of employment, and the following types of unearned income: Social Security benefits, veterans' benefits, retirement benefits, disability benefits, child support and/or alimony, unemployment compensation benefits, worker's compensation, and Supplemental Security Income of all household members.

5. Noncitizens who are *qualified aliens*, as defined in LAC 67:III.1141 and 1143, may be eligible.

6. The family requests child care services, provides the information necessary for determining eligibility and benefit amount, and meets appropriate application requirements established by the state.

7. Applicants must provide verification to establish eligibility. Verification shall include Social Security cards for all household members, birth certificates for all children, proof of all household income, and proof of the hours of employment or training for which child care services are required.

C. Eligible cases are assigned a certification period of up to 12 months. The household is required to report any changes that could affect eligibility or benefit amount within 10 days of knowledge of the change. Failure to report a change that affects eligibility or benefit amount can result in action to recover ineligible benefits.

D. Recipients will be disqualified in all cases in which the recipient has received child care benefits for which he is ineligible; the unrecovered amount of such benefits is at least \$200; and the recovery account was established after September 30, 1994. The disqualification shall be for a period of months equal to the unrecovered amount divided by the total estimated monthly benefit amount for which the household would otherwise be eligible. If the recipient is currently receiving benefits, the case shall be closed and the recipient may not reapply during the disqualification period. If the recipient is not receiving benefits and subsequently reapplies and is found eligible, the application is denied. The recipient may not be certified during the disqualification period.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Parts 98 and 99 and P.L. 104-193.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary and Office of Family Support, LR 24:356 (February 1998).

§5105. Funding Availability

Louisiana's share of the national total of available funds for child care programs is based on factors determined by federal law and regulation. Funds are appropriated by Congress and allocated on an annual basis. The number of children who can

be served by the Child Care Assistance Program is limited by the amount of funding available.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Parts 98 and 99 and P.L. 104-193.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary and Office of Family Support, LR 24:356 (February 1998).

§5107. Child Care Providers

A. The parent or guardian is assured freedom of choice in selecting from a variety of child care providers, including center-based child care, family day care homes, in-home child care, and public and nonpublic BESE-regulated schools which operate kindergarten, prekindergarten, and/or before and after school care programs. The parent or guardian will be afforded the freedom to select the child care provider of his choice.

B. Family day care home providers must verify that they are at least 18 years of age, provide verification of Social Security number and residence, and meet all registration requirements to be eligible for participation. Family day care home providers who provide child care only to children related to them need only apply for registration as family day care homes, but must meet registration requirements within one year.

C. In-home child care providers must verify that they are at least 18 years of age and provide verification of their Social Security number and residence to be eligible for participation.

D. Under no circumstances can the following be considered eligible child care providers:

1. members of the child's household; or
2. the child's parent or guardian, regardless of whether that individual lives with the child; or
3. Class B child care centers; or
4. persons who have been convicted of a felony or of an offense involving a juvenile victim or who reside with a person who has been convicted of such an offense.

E. Providers may be disqualified from further participation in the program if the department determines that a condition exists which threatens the physical or emotional health or safety of any child in care, as, for example, where a complaint of child abuse or neglect against a provider or other person with access to children in care has been validated by authorities.

Providers shall certify that neither they, nor any person employed by or residing with them, has been the subject of a validated complaint of child abuse or neglect; nor have they, or any person employed by or residing with them, been convicted of a felony or of any offense involving a juvenile victim. They shall further certify that they have requested a criminal background check from the Louisiana Office of State Police to verify this information, with respect to the provider and employees, and shall submit proof of having done so before being certified as an eligible provider.

F. A quality incentive will be paid to each child care provider who achieves and maintains National Association for the Education of Young Children (NAEYC) accreditation. The incentive will be paid once each calendar quarter, and will be equal to 10 percent of all payments received by that provider from the certificate portion of the Child Care and Development Block Grant for services provided during the prior calendar quarter.

G. Funds in the form of scholarships will be granted to those child care providers who demonstrate an intention to attain appropriate training in Early Childhood Development.

H. The Child Care Assistance Program will provide cash assistance to child care providers to pay for repairs and improvements that are necessary to comply with DSS licensing or registration requirements.

1. The program will pay for one-half of the cost of such a repair or improvement, up to the following maximums, which are based on the capacity of the child care provider:

Number of Children	Maximum Grant
Up to 20	\$ 500
21-40	\$1,000
41-60	\$1,500
61-80	\$2,000
81-100	\$2,500
101-120	\$3,000
Over 120	\$3,500

2. A provider can receive no more than one such grant in any state fiscal year. To apply, the provider must submit an application form, along with verification that the repair or improvement is needed to meet DSS licensing or registration requirements and two written estimates of the cost of the repair or improvement.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Parts 98 and 99 and P.L. 104-193.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary and Office of Family Support, LR 24:357 (February 1998).

§5109. Payment

A. Each non-FITAP household shall contribute toward the payment of child care costs based on the size of the household and household income. The sliding fee scale is as follows:

SLIDING FEE SCALE FOR CHILD CARE ASSISTANCE RECIPIENTS

Number in Household	2	3	4	DSS Percent	Client Percent
Monthly Household Income	0-884	0-1110	0-1337	100%	0%
	885-1162	1111-1448	1338-1736	90%	10%
	1163-1440	1449-1787	1737-2136	70%	30%
	1441-1718	1788-2126	2137-2535	50%	50%
	1719-1996	2127-2465	2536-2935	30%	70%
	Above 1996	Above 2465	Above 2935	0%	100%

Number in Household	5	6	7	DSS Percent	Client Percent
Monthly Household Income	0-1564	0-1790	0-2017	100%	0%
	1565-2024	1791-2311	2018-2503	90%	10%
	2025-2484	2312-2832	2504-2989	70%	30%
	2485-2944	2833-3353	2990-3475	50%	50%
	2945-3405	3354-3874	3476-3962	30%	70%
	Above 3405	Above 3874	Above 3962	0%	100%

Number in Household	8	9	10	DSS Percent	Client Percent
Monthly Household Income	0-2244	0-2470	0-2697	100%	0%
	2245-2695	2471-2887	2698-3079	90%	10%
	2696-3147	2888-3304	3080-3462	70%	30%
	3148-3598	3305-3721	3463-3844	50%	50%
	3599-4050	3722-4139	3845-4227	30%	70%
	Above 4050	Above 4139	Above 4227	0%	100%

Number in Household	11	DSS Percent	Client Percent
Monthly Household Income	0-2924	100%	0%
	2925-3271	90%	10%
	3272-3619	70%	30%
	3620-3967	50%	50%
	3968-4315	30%	70%
	Above 4315	0%	100%

B. The number of hours authorized is based on the lesser of the number of hours the child is actually in care; or the number of hours the case head, that person's spouse or parent with the least number of hours of work, training, or school needs child care in order to work or attend a job training or educational program; plus allowable commuting time.

C. Payments are based on the number of hours, as determined in §5109.B, paid according to the provider's actual charges, up to the following Standard Maximum Rate Schedule:

CENTER-BASED CARE

	Regular Care	Special Needs Care
Full Day	\$13.00	\$16.25
Half Day	\$6.50	\$8.13
Quarter Day	\$3.25	\$4.06

**ALL OTHER CATEGORIES OF CARE
UNDER AGE 1**

	Regular Care	Special Needs Care
Full Day	\$11.00	\$13.75
Half Day	\$5.50	\$6.88
Quarter Day	\$2.75	\$3.44

AGE 1 AND OLDER

	Regular Care	Special Needs Care
Full Day	\$10.00	\$12.50
Half Day	\$5.00	\$6.25
Quarter Day	\$2.50	\$3.13

D. The payment amount for each month is a percentage, as shown in §5109.A, multiplied by the number of authorized hours and the standard rate, as determined in §5109.B and C.

E. Payment, as calculated in §5109.D, is made on a monthly basis, following the month in which services are provided, to the eligible child care provider selected by the parent as defined in §5107.

F. Payment will not be made for more than 10 days of absence by a child in a month. Payment will not be made for an extended closure by a provider of more than five consecutive days in any calendar month.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Parts 98 and 99 and P.L. 104-193.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary and Office of Family Support, LR 24:357 (February 1998).

Madlyn B. Bagneris
Secretary

9802#057

RULE

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

Mullet Harvest—Proof of
Income (LAC 76:VII.343)

The Wildlife and Fisheries Commission hereby amends LAC 76:VII.343 relative to proof of income for the harvest of mullet in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 3. Saltwater Sport and Commercial Fishery

§343. Harvest of Mullet

* * *

E. Permits

* * *

2. No person shall be issued a license or permit for the commercial taking of mullet unless that person meets all of the following requirements:

a. the person shall provide proof that he purchased a valid Louisiana commercial saltwater gill net license in any two of the years 1995, 1994, and 1993;

b. the person shall show that he derived more than 50 percent of his earned income from the legal capture and sale of seafood species in any two of the years 1995, 1994, and 1993. Proof of such income shall be provided by the applicant, using any of the methods listed below:

i. Method 1. Applicant shall submit to the Department of Wildlife and Fisheries (Licensing Section) a copy of his federal income tax return, including all attachments (e.g., Schedule C of Federal Form 1040, Form W-2, etc.), which has been certified by the Internal Revenue Service (IRS);

ii. Method 2. Applicant shall submit to the Department of Wildlife and Fisheries (Licensing Section) a copy of his federal income tax return, including all attachments (e.g., Schedule C of Federal Form 1040, Form W-2, etc.), which has been filed and stamped "received" at a local IRS office, accompanied by a signed cover letter acknowledging receipt by the IRS;

iii. Method 3. Applicant shall submit to the Department of Wildlife and Fisheries (Licensing Section) a signed copy of his federal tax return, including all attachments (e.g., Schedule C of Federal Form 1040, Form W-2, etc.) along with an IRS-stamped transcript and IRS-signed cover letter. Transcripts are available at local IRS offices;

c. the Socioeconomic Section of the Department of Wildlife and Fisheries, Office of Management and Finance will review the submitted tax return information and determine applicant's eligibility as defined by R.S. 56:333(D)(1)(b);

d. the person shall not have applied for or received any assistance pursuant to R.S. 56:13.1(C).

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6(25)(a), 56:325.1 and R.S. 56:333.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 18:1420 (December 1992), amended LR 21:37 (January 1995), LR 22:236 (March 1996), LR 24:359 (February 1998).

Thomas M. Gattle, Jr.
Chairman

9802#034

RULE

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

Saltwater Commercial Rod and Reel
License—Proof of Income (LAC 76:VII.405)

The Department of Wildlife and Fisheries, Wildlife and Fisheries Commission hereby amends LAC 76:VII.405 relative to proof of income for the saltwater commercial rod and reel license, in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fishing and Other Aquatic Life

Chapter 4. License and License Fees

**§405. Saltwater Commercial Rod and Reel License;
Proof of Income**

A. Each applicant shall have derived more than 50 percent of his earned income from the legal capture and sale of seafood species in at least two of the three years, 1995, 1994, and 1993.

B. Proof of such income for at least two of the three years 1995, 1994, and 1993 shall be provided by the applicant, using any of the methods listed below:

1. Method 1. Applicant shall submit to the Department of Wildlife and Fisheries (Licensing Section) a copy of his federal income tax return, including all attachments (e.g., Schedule C of Federal Form 1040, Form W-2, etc.), which has been certified by the Internal Revenue Service (IRS) and a copy of his state tax return, provided applicant was required to file.

2. Method 2. Applicant shall submit to the Department of Wildlife and Fisheries (Licensing Section) a copy of his federal income tax return, including all attachments (e.g., Schedule C of Federal Form 1040, Form W-2, etc.), which has been filed and stamped "Received" at a local IRS office, accompanied by a signed cover letter acknowledging receipt by the IRS and a copy of his state tax return, provided applicant was required to file.

3. Method 3. Applicant shall submit to the Department of Wildlife and Fisheries (Licensing Section) a signed copy of his federal tax return including all attachments (e.g., Schedule C of Federal Form 1040, Form W-2, etc.) along with an IRS-stamped transcript and IRS-signed cover letter and a copy of his state tax return, provided applicant was required to file. Transcripts are available at local IRS offices.

C. The Socioeconomic Section of the Department of Wildlife and Fisheries, Office of Management and Finance, will review the submitted tax return information and determine applicant's eligibility, as defined by R.S. 56:305(B)(14)(b).

D. If the applicant was not required to file a state tax return, the applicant shall provide a notarized affidavit certifying that he was not required to file a state tax return.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:13.1.D.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 22:237 (March 1996), amended LR 24:359 (February 1998).

Thomas M. Gattle, Jr.
Chairman

9802#033

RULE

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

**Spotted Seatrout Management Measures
Proof of Income (LAC 76:VII.341)**

The Wildlife and Fisheries Commission hereby amends the rule for proof of income for spotted seatrout.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 3. Saltwater Sport and Commercial Fishery

§341. Spotted Seatrout Management Measures

A. Commercial Season; Quota; Permits

* * *

4. Permits

* * *

b. No person shall be issued a license or permit for the commercial taking of spotted seatrout unless that person meets all of the following requirements:

i. the person shall provide proof that he purchased a valid Louisiana commercial saltwater gill net license in any two of the years 1995, 1994, and 1993;

ii. the person shall show that he derived more than 50 percent of his earned income from the legal capture and sale of seafood species in any two of the years 1995, 1994, and 1993. Proof of such income shall be provided by the applicant using any of the methods listed below:

(a). Method 1. Applicant shall submit to the Department of Wildlife and Fisheries (Licensing Section) a

copy of his federal income tax return, including all attachments (e.g., Schedule C of Federal Form 1040, Form W-2, etc.), which has been certified by the Internal Revenue Service (IRS);

(b). Method 2. Applicant shall submit to the Department of Wildlife and Fisheries (Licensing Section) a copy of his federal income tax return including all attachments (e.g., Schedule C of Federal Form 1040, Form W-2, etc.), which has been filed and stamped "Received" at a local IRS office accompanied by a signed cover letter acknowledging receipt by the IRS;

(c). Method 3. Applicant shall submit to the Department of Wildlife and Fisheries (Licensing Section) a signed copy of his federal tax return including all attachments (e.g., Schedule C of Federal Form 1040, Form W-2, etc.) along with an IRS stamped transcript and IRS signed cover letter. Transcripts are available at local IRS offices;

iii. the Socioeconomic Section of the Department of Wildlife and Fisheries, Office of Management and Finance, will review the submitted tax return information and determine applicant's eligibility as defined by R.S. 56:325.3 D(1)(b);

iv. the person shall not have applied for or received any assistance pursuant to R.S. 56:13.1(C);

v. the applicant shall not have been convicted of any fishery-related violations that constitute a class three or greater violation.

c. No person shall receive more than one permit or license to commercially take spotted seatrout.

d. Any person convicted of any offense involving fisheries laws or regulations shall forfeit any permit or license issued to commercially take spotted seatrout and shall be forever barred from receiving any permit or license to commercially take spotted seatrout.

5. Each spotted seatrout permit holder shall, on or before the tenth of each month of the open season, submit an information return to the department on forms provided or approved for this purpose, including the pounds of spotted seatrout taken commercially during the preceding month and the commercial dealers to whom these were sold, if sold. Monthly reports shall be filed even if catch or effort is zero.

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AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6(25)(a); 56:325.3; and 56:326.3.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 18:199 (February 1992), amended LR 22:238 (March 1996), LR 24:360 (February 1998).

Thomas M. Gattle, Jr.
Chairman

9802#036