

Notices of Intent

NOTICE OF INTENT

Department of Civil Service Civil Service Commission

Compensatory Leave and Prohibited Activities

The State Civil Service Commission will hold a public hearing on April 7, 1999 to consider the following rule proposals. The hearing will begin at 9:00 a.m. and will be held in the Department of Civil Service Second Floor Hearing Room, DOTD Annex Building, 1201 Capitol Access Road, Baton Rouge, Louisiana. Amendments to Rules 6.25 and 11.29 cannot become effective until approved by the Governor.

The following will be considered at the meeting:

Amend Rule 6.25(c) and Adopt Subsections (d) and (e) 6.25 Caps on Accumulation of Compensatory Leave and Payment for Exceeding Caps

(a) and (b) ...

(c) Compensatory leave earned hour for hour may be accrued in excess of 360 hours, but not more than a total of 360 such hours shall be carried forward from one calendar year to the next. However, an appointing authority may request an exception to this subsection to maintain essential services necessary to preserve the life, health or welfare of the public. This exception may ask that up to a total of 540 such hours be carried forward to the next calendar year. Such a request is subject to approval by the Commission.

(d) Payment shall be made no later than January 1 of each year for compensatory leave that exceeds 360 hours and was earned hour for hour at GS-12 and below in the General Schedule and MS-56 and below in the Medical Schedule. Such payment shall be at the employee's regular rate, excluding premium pay, shift differential and non-cash compensation. If an exception has been approved in accordance with subsection (c) of this rule, any compensatory leave over that approved maximum number of hours shall be paid no later than January 1 of each year.

(e) Payment for compensatory leave upon separation or transfer is covered in Rule 11.29.

Explanation

This amendment would insure payment no later than January 1 of each year, for hour for hour compensatory leave accumulated over 360 hours and earned at GS-12 and below and MS-56 and below. Currently, such leave may be canceled. An exception is provided for leave necessary to maintain essential services necessary to preserve the life, health or welfare of the public.

8.10.01 Temporary Staffing Services Employee

(a)

(1) ...

(2) ...

(3) ...

(4) ...

(b) and (c) ...

(d) REPEAL

(e) ...

Explanation

The repeal of subsection (d) is proposed. That subsection reads as follows: "A temporary staffing services employee who has worked for the state over 520 work hours in a twelve-month period, shall not be hired within that twelve-month period on a temporary classified appointment, other than a provisional appointment."

The pilot has revealed that this provision is unnecessarily burdensome and confusing as it provides for a second cap on hours in addition to the 680 work hour cap in a twelve-month period. Originally we were concerned that an individual could remain an unduly long time at an agency in temporary status - first on contract and then on a restricted or job appointment. However, it is not uncommon for a temporary need to exist longer than 680 work hours (17 regular 40-hour workweeks). Repealing this subsection would allow an agency to retain such a temp on a classified temporary appointment if there is a need. The pilot agencies have requested this.

Amend Rule 11.29 (e)

11.29 Compensatory Leave

(a) through (d) ...

(e) Upon separation or transfer from a department, the following shall apply to compensatory leave balances:

1. ...

2. Payment or Cancellation of Hour for Hour Compensatory Leave Upon Separation or Transfer

a. All unused compensatory leave earned hour for hour at GS-13 and above in the General Schedule and MS-57 and above in the Medical Schedule may be paid upon separation or transfer from the department in which he earned it at the final regular rate received by the employee, excluding premium pay, shift differential and non-cash compensation.

b. All unused compensatory leave earned hour for hour at GS-13 and above in the General Schedule and MS-57 and above in the Medical Schedule, if not paid to the employee upon separation or transfer, shall be canceled upon separation or transfer from the department in which he earned it. Such leave shall not be recredited to him upon his reemployment in that or any other department.

c. Upon separation or transfer, unused compensatory leave earned hour for hour at GS-12 and below in the General Schedule and MS-56 and below in the Medical Schedule shall be paid at the final regular rate received by the employee, excluding premium pay, shift differential and non-cash compensation in accordance with the following schedule. All additional such unused leave may be paid or canceled and shall not be recredited to him upon his reemployment in that or any other department.

90 hours must be paid after January 1, 2000

180 hours must be paid after January 1, 2001

270 hours must be paid after January 1, 2002

360 hours must be paid after January 1, 2003
450 hours must be paid after January 1, 2004
All hours must be paid after January 1, 2005
(f) through (j) ...

Explanation

This amendment would keep optional either payment for or cancellation of hour for hour compensatory leave for GS-13 and above and MS-57 and above upon separation or transfer; however, it would transition in over several years a schedule for mandatory payment for such leave for GS-12 and below and MS-56 and below.

Amend Rule 14.1(c)

14.1 Prohibited Activities

(a) and (b) ...

(c) No person shall, directly or indirectly, give, render, pay, offer, solicit or accept any money, service or other valuable consideration for or on account of any appointment, proposed appointment, promotion or proposed promotion to, or any advantage in a position in the classified service, except as services may be provided pursuant to a temporary staffing services contract with the State as approved by the Director pursuant to these rules.

(d) through (p) ...

Explanation

This proposed amendment would remove the last sentence of subsection (c) which applies only to the pilot period which began the use of the state contract for temporary staffing services employees. The sentence proposed for repeal reads as follows: "Only state agencies approved by the Director as pilot agencies shall enter into such a contract." Removal of this provision would coincide with the end of the pilot and would open up use of the contract to all state agencies.

Persons interested in making comments relative to these proposals may do so at the public hearing or by writing to the Director of State Civil Service at Post Office Box 94111, Baton Rouge, Louisiana 70804-9111.

If any accommodations are needed, please notify us prior to this meeting.

Allen H. Reynolds
Director

9903#034

NOTICE OF INTENT

**Department of Education
Board of Elementary and Secondary Education**

Bulletin 1179—Driver Education,
Traffic Safety/Administrative Guide

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., notice is hereby given that the State Board of Elementary and Secondary Education approved for advertisement revised Bulletin 1179. Bulletin 1179 is designed to provide administrative guidelines and curriculum

content to school administrators and Driver Education Teachers in Louisiana. The Bulletin was revised to modernize and update its contents.

Copies of Bulletin 1179: Driver Education, Traffic Safety/Administrative Guide may be seen in their entirety at the Office of the State Register, 1051 North Third Street, Baton Rouge, the State Department of Education, Office of School and Community Support, or the office of the State Board of Elementary and Secondary Education, 626 North Fourth Street, Room 104, Baton Rouge, LA.

Interested persons may submit written comments until 4:30 p.m., May 10, 1999 to Jeannie Stokes, State Board of Elementary and Secondary Education, P. O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Weegie Peabody
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Bulletin 1179—Driver Education,
Traffic Safety/Administrative Guide**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

We estimate this action will cost approximately \$1500 to print and distribute one hundred copies of Bulletin 1179. This estimate is based on the cost of fifteen dollars to print and mail each bulletin to school districts and governmental units. We do not foresee this action creating a cost (savings) to local governmental units.

BESE estimated cost for printing this policy change and first page of fiscal and economic impact statement in *Louisiana Register* is approximately \$800. Funds are available.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The sale of Bulletin 1179 will increase state revenues by approximately \$450. This will be attributed to the sale of approximately thirty bulletins at \$15 per copy. We do not foresee any effect on revenue collections by local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The Driver Education Teacher will be the person directly affected by this action. Bulletin 1179 provides the core curriculum necessary for the driver education teacher to perform his/her job. Students will also benefit by being presented a researched based and standardized curriculum. As such, the parents of these students will also benefit by being assured that their children are receiving qualified instruction.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The printing and distribution of this bulletin will not affect competition and employment.

Marlyn J. Langley
Deputy Superintendent
Management and Finance
9903#070

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Student Financial Assistance Commission
Office of Student Financial Assistance**

Commission Bylaws (LAC 28:V.113)

The Louisiana Student Financial Assistance Commission (LASFAC), the statutory body created by R.S. 17:3021 et seq., in compliance with §952 of the Administrative Procedure Act, hereby announces its intention to revise its governing bylaws, as follows.

**Title 28
EDUCATION**

**Part V. Student Financial Assistance—Higher
Education Loan Program
Chapter 1. Student Financial Assistance Commission
Bylaws**

**§113. Rights Duties and Responsibilities of the
Executive Staff of the Commission**

A. - B.6. ...

7. Annually, on or before September 30, an evaluation of the executive director’s job performance and compensation shall be conducted by the commission. These evaluations shall be conducted using a format adopted by the commission for these purposes. Changes to the compensation structure adopted by the commission shall be effective on July 1 of the year in which the evaluation is performed.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:321.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 22:810 (September 1996), amended LR 24:1265 (July 1998), LR 25:

Interested persons may submit written comments on the proposed changes until 4:30 p.m., April 20, 1999, to Jack L. Guinn, Executive Director, Office of Student Financial Assistance, Box 91202, Baton Rouge, LA 70821-9202.

Jack L. Guinn
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Commission Bylaws**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO
STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

The implementation cost associated with publishing the Bylaws in the *Louisiana Register* is approximately \$120. The rule moves the annual evaluation date for the executive director's job performance and compensation from July 1 to September 30 of each year so that year-end data will be available.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF
STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

No impact on revenue collections is anticipated to result from this rule change.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO
DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL
GROUPS (Summary)**

No impact on non-governmental groups is anticipated to result from this action.

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

No impact on competition and employment is anticipated to result from this rule.

Jack L. Guinn
Executive Director
9903#020

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Student Financial Assistance Commission
Office of Student Financial Assistance**

Tuition Opportunity Program for Students (TOPS)
Maintaining Eligibility (LAC 28:IV.705, 805, 907)

The Louisiana Student Financial Assistance Commission (LASFAC) advertises its intention to revise the provisions of the Tuition Opportunity Program for Students (TOPS), effective for TOPS recipients beginning with the spring semester, 1999.

**Title 28
EDUCATION**

**Part IV. Student Financial Assistance—Higher
Education Scholarship and Grant Programs
Chapter 7. Tuition Opportunity Program for Students
(TOPS) Opportunity; Performance and
Honors Award**

§705. Maintaining Eligibility

A.1. - A.5. ...

6. continue to enroll and accept the TOPS award as a full-time undergraduate student in an eligible postsecondary institution, as defined in §1901, and maintain an enrolled status throughout the academic term, unless granted an exception for cause by LASFAC; and

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1 and R.S. 17:3048.1.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 24:642 (April 1998), amended LR 24:1911 (October 1998), LR 25:

Chapter 8. TOPS-TECH Award

§805. Maintaining Eligibility

A.1. - A.5. ...

6. continue to enroll and accept the TECH award as a full-time student in an eligible postsecondary institution, as defined in §1901, and maintain an enrolled status throughout the school term, unless granted an exception for cause by LASFAC; and

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1 and R.S. 17:3048.1.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 24:642 (April 1998), amended LR 24:1911 (October 1998), LR 25:

Chapter 9. TOPS Teacher Award
§907. Maintaining Eligibility

A.1. - A.4. ...

5. continue to enroll each subsequent semester or quarter as a full-time student in a degree program or course of study leading to a degree in education or alternative program leading to regular certification as a teacher at the elementary or secondary level, and maintain an enrolled status throughout the academic term, unless granted an exception for cause by LASFAC; or

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1 and R.S. 17:3048.1.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 24:642 (April 1998), amended LR 24:1911 (October 1998), LR 25:

Jack L. Guinn
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Tuition Opportunity Program for Students
(TOPS) Maintaining Eligibility

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The implementation cost associated with publishing these rule revisions in the Louisiana Register as emergency, notice and rule is approximately \$100. Costs for Funding for TOPS awards is not anticipated to increase as a result of this rule clarification.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
No impact on revenue collections is anticipated to result from this rule change.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
No impact on non-governmental groups is anticipated to result from this action.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
No impact on competition and employment is anticipated to result from this rule.

Jack L. Guinn
Executive Director
9903#028

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Tuition Trust Authority
Office of Student Financial Assistance

Bylaws (LAC 28:VI.213)

The Louisiana Tuition Trust Authority (LATTA), the statutory body created by R.S. 17:3093 et seq., in compliance with the Administrative Procedure Act, R.S. 49:950 et seq., hereby announces its intention to revise its governing bylaws, as follows.

Title 28
EDUCATION

Part VI. Student Tuition Trust Authority
Chapter 2. Bylaws
§213. Rights, Duties and Responsibilities of Executive Staff of the Authority

A. - E. ...

F. Recording Secretary. The executive director shall appoint a recording secretary whose duties shall include giving or causing to be given notice of all meetings of the authority and its committees as required by the Administrative Procedure Act or these Bylaws, to record and prepare the minutes of all authority meetings and meetings of its committees and to maintain and provide for the safekeeping of all minutes and other official documents of the authority. The recording secretary shall have the authority to provide copies of the official records of the authority as required by the public records laws of the State of Louisiana or as otherwise directed by the authority or the executive director and to certify the authenticity of such records and the signatures of members of the authority, the executive directors or others acting in their official capacity on behalf of the authority.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3093 et seq.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 23:1657 (December 1997), amended LR 25:

Interested persons may submit written comments on the proposed changes until 4:30 p.m., April 20, 1999, to Jack L. Guinn, Executive Director, Office of Student Finance Assistance, Box 91202, Baton Rouge, LA 70821-9202.

Jack L. Guinn
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Bylaws**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The implementation cost associated with publishing the Bylaws in the *Louisiana Register* is approximately \$120. The rule provides for the formal appointment of a Recording Secretary, but does not require the hiring of additional staff nor adjustment of salaries for existing personnel.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

No impact on revenue collections is anticipated to result from this rule change.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

No impact on non-governmental groups is anticipated to result from this action.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No impact on competition and employment is anticipated to result from this rule.

Jack L. Guinn
Executive Director
9903#027

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

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

Comprehensive Toxic Air Pollutant Emission Control
Program (LAC 33:III.5112) (AQ181)

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 gives notice that rulemaking procedures have been initiated to amend the Air Quality Division regulations, LAC 33:III.5112 (Log Number AQ181).

This proposed rule updates the ambient air standards (AASs) of 12 toxic air pollutants (taps) listed in Table 51.2 in LAC 33:III.5112. This proposed rule decreases the AASs of the following taps: acetaldehyde, acetonitrile, biphenyl, carbon disulfide, chloroethane, cresol (all isomers), 1,4-dichlorobenzene, 2,4-dinitrotoluene, 2,6-dinitrotoluene, ethylene glycol, and manganese. These decreases will be effective January 1, 2002. The proposed rule increases the AAS of 1,1,1-trichloroethane. Also, the proposed rule corrects the Cas number of Glycol Ethers in Table 51.3. The basis and rationale for this proposed rule are to comply with LAC 33:III.5109.B.5, which requires the administrative authority to periodically, but no later than 12 months after December 20, 1991 and every 12 months thereafter, review and update the ambient air standards listed for each toxic air pollutant in Table 51.2. Changes in the data used to calculate ambient air standards indicate that 12 of the standards in Table 51.2 need to be updated to reflect more recently published values.

This proposed 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.

**Title 33
ENVIRONMENTAL QUALITY
Part III. Air**

**Chapter 51. Comprehensive Toxic Air Pollutant
Emission Control Program
Subchapter A. Applicability, Definitions, and General
Provisions**

§5112. Tables

* * *

[See Prior Text in Table 51.1 Minimum Emission Rates Toxic Air
Pollutants-EXPLANATORY NOTE 11]

Table 51.2 Louisiana Toxic Air Pollutant Ambient Air Standards				
Compounds	Cas Number	Class	Ambient Air Standard	
			(µg/m ³ *) (8 Hour Avg.)	(µg/m ³ ***) (Annual Avg.)
Acetaldehyde	75-07-0	II	4,290.00[13]	
Acetaldehyde	75-07-0	II		45.50[14]
Acetonitrile	75-05-8	II	940.00[13]	
Acetonitrile	75-05-8	II	810.00[14]	
* * *				
[See Prior Text in Acrolein-Beryllium [1]]				
Biphenyl	92-52-4	II	31.00[13]	
Biphenyl	92-52-4	II	23.80[14]	
* * *				
[See Prior Text in Bis (2-Chloroethyl) Ether-Cadmium (and compounds)[1]]				
Carbon Disulfide	75-15-0	II	86.00[13]	
Carbon Disulfide	75-15-0	II	71.40[14]	

*** [See Prior Text in Carbon Tetrachloride-Chlorobenzene]				
Chloroethane	75-00-3	II	62,900.00[13]	
Chloroethane	75-00-3	II	6,290.00[14]	
*** [See Prior Text in Chloroform-Copper (and compounds)[1]]				
Cresol [4]	1319-77-3	III	276.00[13]	
Cresol [4]	1319-77-3	III	238.00[14]	
*** [See Prior Text in Cumene-Dibutyl Phthalate]				
1,4-Dichlorobenzene	106-46-7	II	10,700.00[13]	
1,4-Dichlorobenzene	106-46-7	II	1,430.00[14]	
*** [See Prior Text in 1,2-Dichloroethane-1,3-Dichloropropylene]				
2,4-Dinitrotoluene [5]	121-14-2	II	35.70[13]	
2,4-Dinitrotoluene [5]	121-14-2	II	4.76[14]	
2,6-Dinitrotoluene [5]	606-20-2	II	35.70[13]	
2,6-Dinitrotoluene [5]	606-20-2	II	4.76[14]	
*** [See Prior Text in 1,4-Dioxane-Ethyl Benzene]				
Ethylene Glycol	107-21-1	III	3,020.00[13]	
Ethylene Glycol	107-21-1	III	2,380.00[14]	
*** [See Prior Text in Ethylene Oxide-Maleic Anhydride]				
Manganese (and compounds) [1]	7439-96-5	II	27.60[13]	
Manganese (and compounds) [1]	7439-96-5	II	4.76[14]	
*** [See Prior Text in Mercury (and compounds) [1]-Toulene-2,6-diisocyanate [8]]				
1,1,1-Trichloroethane	71-55-6	III	45,200.00	
*** [See Prior Text in 1,1,2-Trichloroethane-Zinc (and compounds)[1][10]]				

Explanatory Notes:

- ***
[See Prior Text in EXPLANATORY NOTES *- [12]]
- [13] Effective until January 1, 2002.
- [14] Effective starting date is January 1, 2002. Compliance with the revised ambient air standards is to be addressed in the permitting process after the effective date.

Table 51.3 Louisiana Toxic Air Pollutants Supplemental List*			
Compounds	Cas Number	Class	Synonyms
*** [See Prior Text in Acetamide-Fine Mineral Fibers [2]]			
Glycol Ethers [3]	112-35-6	II	
*** [See Prior Text in Heptachlor-Vinyl Bromide]			

[See Prior Text in EXPLANATORY NOTE *- [4]]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2060 and R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 21:1331 (December 1995), amended LR 22:278 (April 1996), LR 24:1277 (July 1998), LR 25:

A public hearing will be held on April 26, 1999, at 1:30 p.m. in the Maynard Ketcham Building, Room 326, 7290 Bluebonnet Boulevard, Baton Rouge, LA 70810. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Patsy Deaville at the address given below or at (225) 765-0399.

All interested persons are invited to submit written comments on the proposed regulations. Commentors should reference this proposed regulation by AQ181. Such comments must be received no later than May 3, 1999, at 4:30 p.m., and should be sent to Patsy Deaville, Investigations and Regulation Development Division, Box 82282, Baton Rouge, LA 70884 or to FAX (225) 765-0486. Copies of this proposed regulation can be purchased at the above referenced address. Contact the Investigations and Regulation Development Division at (225) 765-0399 for pricing information. Check or money order is required in advance for each copy of AQ181.

This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 7290 Bluebonnet Boulevard, Fourth Floor, Baton Rouge, LA 70810; 804 Thirty-first Street, Monroe, LA 71203; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 3519 Patrick Street, Lake Charles, LA 70605; 3501 Chateau Boulevard, West Wing, Kenner, LA 70065; 100 Asma Boulevard, Suite 151, Lafayette, LA 70508; 104 Lococo Drive, Raceland, LA 70394 or on the Internet at <http://www.deq.state.la.us/olaie/irdd/olaeregs.htm>.

Gus Von Bodungen, P.E.
Assistant Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Comprehensive Toxic Air Pollutant Emission
Control Program**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
No implementation costs (savings) on state or local government is anticipated from this proposed rule.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no effect on state or local governmental revenue collections from this rulemaking.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
The change in ambient air standards is predicated upon EPA and OSHA established risk assessments for air pollutant emissions. Facilities affected by this proposed rule will have to comply with 11 more stringent ambient air standards (AAS). This may result in an increase of control technology costs in order to reduce emissions released to the atmosphere. However, for the 11 proposed new AASs, modeling exercises were performed on 10 facilities with the highest emission rate, and the analysis showed compliance with the new standards.
Facilities may benefit by complying with a less stringent AAS for 1,1,1-trichloroethane.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no effect on competition and employment from this rulemaking.

Gus Von Bodungen
Assistant Secretary
9903#044

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office

NOTICE OF INTENT

**Office of the Governor
Division of Administration
Office of Data Base Commission**

Data Base Scope (LAC 4:XI.101-111)

Under the authority of R.S. 39:292 et seq., the Louisiana Data Base Commission proposes to promulgate a rule concerning the Louisiana Data Base. This rule defines the Louisiana Data Base and the associated procedures for identifying and incorporating information in the Louisiana Data Base.

**Title 4
ADMINISTRATION**

Part XI. Office of Data Base Commission

**Chapter 1. Definition of the Louisiana Data Base
§101. Policy**

A. The Louisiana Data Base consists of the official databases and related information services required to support the policy, planning, and administrative needs of the state. This includes needs of state government personnel, as well as needs for access to official state databases and services by local government, the business community, and private citizens. The Louisiana Data Base may incorporate databases outside state government that are determined to be sources of official information for state policy, planning, and administration.

B. The Louisiana Data Base is defined in an electronic catalog that contains information identifying each of its component databases and services. The electronic catalog is hosted on a Commission data server; however each component database and service identified in the catalog is hosted by, and remain the responsibility of, the provider of the database or service. The catalog will be available electronically to all users and will not include any information privileged or confidential under federal or state law or contain any constraints that otherwise restrict access to or dissemination of its contents.

C. The Louisiana Data Base is driven by the policy, planning, and administrative needs of its customers/clients. It incorporates both current and historical information. Its structure supports recurring, ongoing information needs as well as predictable and random ad hoc information requests. Its design is flexible to support dynamic, changing information needs. To ensure that the database remains a

viable resource for policy, planning and administration, the Commission will continuously evaluate customer/client needs through personal contact and surveys. The Louisiana Data Base will also permit customers/clients to electronically record their problems, comments, suggestions and satisfaction.

D. The specific databases identified to meet customer/client information needs are carefully reviewed before they are declared official information sources. Where legislation mandates information responsibility for specific areas, such as the Consensus Estimating Conferences, the Commission will coordinate the determination of official information and sources with those legislated entities.

E. Information services that increase usability are valuable components of the Louisiana Data Base. Value-added services such as geographic reference, format translation, and electronic commerce are evaluated, based on customer/client need, to determine if they are appropriate for inclusion in the Louisiana Data Base.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:292 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Louisiana Data Base Commission, LR 25:

§103. Purpose

To define the Louisiana Data Base, to specify criteria for its content and associated information services, and to define procedures for its establishment, operation, and maintenance.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:292 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Louisiana Data Base Commission, LR 25:

§105. Applicability

Applies to all agencies, organizations, entities, and individuals, either within or outside Louisiana state government, who are involved in the establishment, use, operation, or maintenance of the Louisiana Data Base.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:292 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Louisiana Data Base Commission, LR 25:

§107. Procedure

A. Establishment. The Louisiana Data Base is initially established by creating the central electronic catalog and implementing the capability to logically connect to databases and information services that reside at the provider locations. Thereafter, the database is populated incrementally with official databases and information services following a four-step process.

1. The first step is identification of candidate databases and services for incorporation in the Louisiana Data Base. This step is user-driven and is based on nominations from personal interviews, surveys, electronic feedback, legislation review, and ad-hoc inputs.

2. Next, nominations from the first step are analyzed to determine specific databases and services. The nominations are evaluated to determine if they qualify as official databases or services and to identify the potential provider. The final analysis activity is to develop a work plan to integrate the

nominations that qualify as official databases and services into the Louisiana Data Base.

3. The third step involves obtaining formal approval to proceed and commitment of resources from the provider and all other customers/clients. This approval and commitment is based on the contents of the work plan developed in the analysis step.

4. The approved work plan is then executed, integrating the databases and information services into the Louisiana Data Base.

B. Operation. The components of the Louisiana Data Base include the central electronic catalog and the individual databases and services distributed across the providers. The Commission is responsible for operation of the electronic catalog, and each provider agency is responsible for operation of its respective databases and services. Operations are performed under the provisions of Service Agreements executed between the Louisiana Data Base Commission and each provider.

C. Maintenance. Each database and service included in the Louisiana Data Base is maintained by the respective provider. The Commission maintains the electronic catalog; however, each provider is responsible for supplying the Commission catalog updates to reflect changes to its database or service in a timely manner.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:292 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Louisiana Data Base Commission, LR 25:

§109. Definitions

Catalog—An index that contains information that defines the databases and information services contained in the Louisiana Data Base.

Consensus Estimating Conferences—Six forecasting conferences established by the Louisiana Legislature under R.S. 39:2 and R.S. 39:21 to provide for official information to be universally used across state government for budget and planning purposes. The six conferences are Economic Estimating, Demographic Estimating, Education Estimating, Criminal Justice Estimating, Health and Social Services Estimating, and Transportation Estimating.

Current Data—Data that are updated to reflect the most recent actions or status.

Customer/Client—An individual, agency, organization, or entity that utilizes information or services provided by the Louisiana Data Base to perform policy, planning, or administration in a governmental/administrative, business or personal context.

Geospatial—The geographic location and extent of an individual, agency, organizational, or physical entity or event.

Official Data—A database that has been identified by the designated entity as the best possible source for information determined to qualify for incorporation in the Louisiana Data Base. To qualify for incorporation in the Louisiana Data Base, information must be determined to be key data for policy, planning, or administration.

Provider—An agency, organization or entity that owns a database or service that is incorporated in and made available to users of the Louisiana Data Base. The provider retains

ownership of and responsibility for hosting, maintaining, and providing access to the database or service.

User—Any individual who physically accesses the Louisiana Data Base on behalf of himself or another person, agency, organization, or entity.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:292 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Louisiana Data Base Commission, LR 25:

§111. Responsibility

A. The Louisiana Data Base Commission has overall responsibility for establishing and maintaining the Louisiana Data Base. The Commission achieves its objectives for the database through cooperative efforts with other entities who have a vested interest in the Louisiana Data Base or the benefits it provides. Following is the allocation of responsibilities for establishing and maintaining the Louisiana Data Base.

1. The Louisiana Data Base Commission is responsible for:

- a. determination of the data needs for state policy, planning and administration;
- b. selecting the contents to be included in the Louisiana Data Base;
- c. providing the electronic catalog and the capabilities to access the catalog to discover relevant databases and services;
- d. providing capabilities to link to specific provider databases and services using the electronic catalog
- e. determination of appropriate value-added services that improve use of the database or enhance the analytical tools available to users;
- f. providing specific direction for establishment, maintenance and use of the Louisiana Data Base;
- g. reporting database use information;
- h. collection of and response to customer/client feedback.

2. The Office of Data Base Commission is responsible for:

- a. providing technical and administrative support to the Louisiana Data Base Commission for performance of all Commission responsibilities;
- b. establishment, operation and maintenance of the electronic catalog on behalf of the Commission;
- c. providing technical support to providers as required for establishment and maintenance of their components of the Louisiana Data Base;
- d. providing technical support to users and customers/clients regarding use of the Louisiana Data Base

3. Data Providers are responsible for:

- a. providing access to their databases and information services that are determined to be official data and services for state policy, planning and administration;
- b. operating and maintaining the currency and accuracy of its-components of the Louisiana Data Base;

c. ensuring that the information regarding its databases and services contained in the electronic catalog is current and accurate.

4. Consensus Estimating Conferences and other officially designated entities are responsible for:

a. determination of the information needs and official databases for their respective areas of responsibility.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:292 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Louisiana Data Base Commission, LR 25:

A public hearing will be held on these rules on Wednesday, April 28, 1999 at 10:00 a.m. in Room B56, Capitol Annex Building, Baton Rouge, Louisiana. All interested parties will be afforded an opportunity to submit data, views or arguments orally at the hearing. Written comments may also be submitted prior to the hearing to Edwin M. Leachman, Director, Office of Data Base Commission, Box 94095, Baton Rouge, LA 70804-9095.

Jerry Guillot
Chairman

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Data Base Scope

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

This rule defines processes that have been established and implemented by the Louisiana Data Base Commission to conform to legislative mandate. The only anticipated cost will be approximately \$160.00 in state general fund for publication costs of the Notice of Intent and Rule. State and local governmental units will be informed of the proposed rule through the Louisiana Data Base Commission's Web Page, which is already a budgeted cost of the Division of Administration.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no effect on revenue collections of state or local governmental units resulting from this proposed rule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Because this rule defines processes already in place, there will be no costs or economic benefits to directly affected persons or nongovernmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No impact on competition and employment is anticipated as a result of the proposed rule because the processes contained in the rule have already been established and implemented by the Louisiana Data Base Commission.

Whitman J. Kling, Jr.
Deputy Undersecretary
9903#050

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health and Hospitals Board of Examiners of Psychologists

Acceptable Sponsorship, Offerings and Activities
(LAC 46:LXIII.805)

The Board of Examiners of Psychologists, pursuant to the authority vested in the board by R.S. 37:235 et seq., and in accordance with the applicable provision of the Administrative Procedure Act, intends to amend its continuing education rule as follows.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LXIII. Psychologists

Chapter 8. Continuing Education

§805. Acceptable Sponsorship, Offerings and Activities

A. - G. ...

H. Licensees can earn CE hours equal to six times the credit hours granted students for the preparation and teaching of a graduate level psychology course in an accredited institution of higher education. This CE credit may be claimed only once for a course. Subsequent teaching of the same course will not qualify for CE credit.

I. Licensees can earn CE hours equal to four times the CE hours given participants for the preparation and presentation of a workshop which has an acceptable sponsor and otherwise meets the criteria for acceptable continuing education. This CE credit may be claimed only once for the initial presentation of a workshop. Repeated presentations of the same or similar workshops will not qualify for CE credit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2354.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners of Psychologists, LR 16:770 (September 1990), amended LR 19:46 (January 1993), LR 22:1131 (November 1996), LR 25:

Interested persons may submit data, views, arguments, information or comments on the proposed rule, in writing, to the Board of Examiners of Psychologists, 11924 Justice Avenue, Suite A, Baton Rouge, LA 70816. Written comments must be submitted to and received by the Board within 30 days of the date of this notice. A request pursuant to R.S. 49:953(A)(2) for oral presentation, argument or public hearing must be made in writing and received by the Board within 20 days of the date of this notice.

C. Gary Pettigrew, Ph.D.
Chairman

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Acceptable Sponsorship, Offerings and Activities

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The only cost anticipated to state or local governmental units to implement this rule is the \$20 cost of publishing it in the

Louisiana Register. The LSBEP publishes a newsletter which is distributed to all Louisiana licensed psychologists. This new rule will be published in the next edition of that newsletter. No adjustment is necessary in the workload or printing of this rule in that publication.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

This proposed rule will have no financial effect upon state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

It is anticipated that the proposed rule will have no effect on costs and/or economic benefits to directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

It is anticipated that the proposed rule will have no effect on competition and employment in the public and/or private sectors.

C. Gary Pettigrew, Ph.D.

Chairman
9903#002

Robert E. Hosse

General Government Section Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health and Hospitals Board of Examiners of Psychologists

Use of Assistants in Psychological Practice
(LAC 46:LXIII.Chapter 11)

Notice is hereby given, in accordance with R.S. 49:950 et seq. that the Department of Health and Hospitals, Board of Examiners of Psychologists intends to repeal and promulgate the following.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LXIII. Psychologists

Chapter 11. Use of Assistants in Psychological Practice

§1101. Conditions for Utilization of Assistants

Repealed.

§1101. General Provisions

A. The Board recognizes as legitimate the appropriate, ethical use of certain unlicensed individuals (assistants) to assist the psychologist in carrying out direct patient care responsibilities and in delivering other psychological services.

B. Assistants who provide psychological services shall do so only upon the order or direction of the psychologist-employer or supervising agency psychologist who, in order to maintain the ultimate legal and professional responsibility for the safety and welfare of the patient or client, shall be vested with functional authority over all psychological services provided by assistants.

C. Outside of those exceptions defined in this rule, the use of assistants is permissible only when a professional relationship exists between the psychologist and the patient or client. Within this context, a professional relationship is

defined as and requires sufficient direct, face-to-face contact with the patient or client to allow the psychologist to:

1. establish the doctor-patient relationship,
2. develop the provisional or working diagnoses,
3. adequately plan, prescribe, direct and/or monitor any diagnostic or therapeutic services to be rendered by the assistant, and
4. to clarify for the patient or client the role of the assistant for any services provided.

D. Assistants may provide services permitted under this rule in the absence of a face-to-face contact between the psychologist and patient or client in the following exceptional circumstances:

1. If deemed appropriate by the supervising agency psychologist, limited symptom screening may be conducted as part of an agency routine to determine if referral for a psychological evaluation or other referral is indicated. Such screening procedures may be ordered as a standing protocol by the psychologist provided that the psychologist establishes the objective criteria by which persons so screened are identified as candidates for psychological evaluation or referral. Such screening procedures shall not be considered sufficient to render a diagnosis of mental, emotional, cognitive or neurobehavioral disorder nor sufficient for treatment planning purposes, or the suitability for employment. The psychologist is not required to establish a professional relationship with an individual so screened unless and until such time that the individual, by virtue of the results of such screening, is determined to be in need of psychological evaluation or other psychological services.

2. At the sole discretion of the psychologist-employer or supervising agency psychologist, an exemption can be made in those cases in which a referral is received for an established patient of another psychologist or physician who has assumed the ultimate responsibility for the psychological diagnosis and management of the patient or client and who is practicing in a health care facility licensed by the State of Louisiana in which the diagnosis and/or management of mental, emotional, cognitive or neurobehavioral disorders is routine.

E. The use of assistants will be conducted in such a manner as to insure both the welfare of the patient or client and the ethical and legal protection of the unlicensed individual. In so doing, the psychologist-employer or supervising agency psychologist shall establish and maintain a level and frequency of contact with the assistant which is consistent with the complexity of psychological service functions provided, the experience and competence level of the assistant and prevailing professional and ethical standards.

F. Reasonable provisions shall be made to insure that assistants have ready access to the psychologist in the case of an emergency.

G. All work assignments or duties shall be consistent with provisions of this rule and commensurate with the demonstrated skill level of assistants.

H. Public announcement of services and/or fees, as well as contact with the lay or professional public, shall not be offered in the name of assistants.

I. Billing for psychological services shall not be in the name of assistants.

J. Referrals or consults shall not be accepted or made in the name of assistants.

K. A psychologist may not be employed or contracted by an assistant.

L. Assistants shall not be given work assignments or duties which involve professional psychological judgment or functions. Such professional functions include, but are not necessarily limited to, the diagnosis of mental, emotional, cognitive or neurobehavioral disorders, the prescription and/or selection of diagnostic procedures for patient examination, the interpretation, integration and written preparation of psychological and/or neuropsychologic test results, consultation and the prescription and/or independent provision of therapeutic procedures, techniques or modalities for the treatment or management of mental, emotional, cognitive or neurobehavioral disorders.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2353

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners of Psychologists, LR 5:250 (August 1979), repealed and promulgated LR 25:

§1103. Responsibilities of Supervisors

Repealed.

§1103. Functions of Assistants

A. All functional work assignments or duties shall be consistent with provisions of this rule and commensurate with the demonstrated skill and experience level of the assistant. Two types of functions are delineated: assessment and intervention.

1. Assessment Functions

a. Upon the order or direction of the psychologist, assistants may instruct patients or clients in self-administered procedures and score those diagnostic test procedures, such as symptom checklists and objective personality inventories, which are objectively and clerically scored. Assistants performing these functions must have received appropriate in-service training, the documentation of which is maintained by the psychologist.

b. Appropriately trained assistants, upon the order or direction of the psychologist-employer or supervising agency psychologist, may administer and score other diagnostic psychological and/or neuropsychological test procedures for which they have received theoretical and technical education and/or instruction provided that the psychologist is able to document, in such form as may be required by the Board, that the assistant is qualified to administer and score such test procedures. Such documentation shall be based, at least in part, on a sufficient number of protocols or procedures which are determined to meet specified criteria for accuracy and conformity to accepted test standards, as determined by the psychologist.

c. At the direction of the psychologist-employer or supervising agency psychologist, assistants additionally may compile observations and actuarial test information into a preliminary written form for the psychologist. The psychologist, however, retains the responsibility for

performing those professional components of assessment functions which include, but are not necessarily limited to, the integration and interpretation of the psychological or neuropsychological test findings, the formulation of any diagnoses or diagnostic impressions and any recommendation for further examination, referral, consultation or therapeutic intervention which are incorporated into any written document or oral report.

d. The psychologist-employer or supervising agency psychologist shall maintain documentation of the assistant's education or instruction and qualification as it pertains to test administration and scoring.

e. The psychologist-employer or supervising agency psychologist shall also develop and maintain, in such form as may be required by the Board, a written quality control plan of the evaluation of the work product of the assistant. This plan shall minimally include a procedure by which, at least annually, randomly selected work samples are inspected and evaluated by the psychologist according to criteria for accuracy and conformity to accepted test standards, as specified by the psychologist. Assistants whose work products are determined to fall below the standards of performance established by the quality control plan subsequently shall have all work product reviewed by the psychologist until such time that minimal quality control standards are reestablished.

2. Intervention Functions

a. Upon the order or direction of the psychologist-employer or supervising agency psychologist, assistants may execute specific, objective and well-defined intervention protocols. Such intervention protocols may include, but are not necessarily limited to, relaxation procedures, prescribed behavioral intervention techniques, prescribed biofeedback intervention procedures and prescribed neuropsychological or cognitive rehabilitation strategies.

b. Assistants, upon the order or direction of the psychologist-employer or supervising agency psychologist, additionally may carry out limited, semi-structured psychological health procedures. Such procedures may include, but are not necessarily limited to, patient education, social skills training, orientation groups, parent effectiveness training, systematic desensitization or related behavioral procedures and assertion training. Assistants may also assist the psychologist within the context of psychotherapeutic interventions so long as the psychologist is physically present and the limited role of the assistant is made known to those to whom services are being rendered.

c. Those assistants directed to execute intervention functions or assist the psychologist in the delivery of therapeutic services as described above must have documented instruction, and/or training in such procedures or functions and must be proficient in such intervention activities by the psychologist based on documented observation and review of intervention procedures of each type undertaken by the assistant.

d. The psychologist-employer or supervising agency psychologist shall develop and maintain, in such form as may be required by the Board, a written quality control plan. Such plan shall include, at a minimum, an annual random inspection

or review of the assistant's work product as it pertains to intervention functions.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2353.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners of Psychologists, LR 5:250 (August 1979), repealed and promulgated LR 25:

§1105. Registration of Assistants

A. The psychologist-employer or supervising agency psychologist, upon hiring or otherwise accepting oversight / supervision responsibilities of an assistant, shall provide to the Board written notification in such form and manner as the Board might require.

B. Annually, at a time prescribed by the Board and in a form and manner as the Board might require, the psychologist-employer or supervising agency psychologist shall renew the registration of all assistants who provide psychological services under their direction.

C. The psychologist-employer or supervising agency psychologist, upon termination, reassignment of the assistant to another psychologist or substantive change in the duties or activities of the assistant, shall provide the Board with written notification of such change within a timely fashion not to exceed thirty (30) days.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2353.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners of Psychologists, LR 25:

§1109. Exemptions

A. Upon receipt of an affidavit by the psychologist-employer or supervising agency psychologist, that an assistant has been legally functioning under the direction and supervision of the psychologist for at least two years before June 1, 1999, the Board may authorize the affiant to continue the use and supervision of that assistant under Board rules in effect before June 1, 1999.

B. A matriculated graduate student whose activities constitute a plan of the course of study for a graduate degree in psychology at a school or college.

C. An individual pursuing post-doctoral training or experience in psychology, including persons seeking to fulfill the requirements for licensure under Title 37, Chapter 28, Psychologists (Supp. 1998).

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2353.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners of Psychologists, LR 25:

§1111. Failure to Comply

Any psychologist-employer or supervising agency psychologist who utilizes assistants in a manner which is in violation of these regulations shall be subject to disciplinary action by the Board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2353.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners of Psychologists, LR 25:

Interested persons may submit data, views, arguments, information or comments on the proposed rule, in writing, to the Board of Examiners of Psychologists, 11924 Justice Avenue, Suite A, Baton Rouge, LA 70816. Written comments must be submitted to and received by the Board within 30 days

of the date of this notice. A request pursuant to R.S. 49:953(A)(2) for oral presentation, argument or public hearing must be made in writing and received by the Board within 20 days of the date of this notice.

C. Gary Pettigrew, Ph.D.
Chairman

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

RULE TITLE: Use of Assistants in Psychological Practice

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The only cost anticipated to state or local governmental units to implement this rule is the \$240 cost of publishing it in the *Louisiana Register*. The LSBEP publishes a newsletter which is distributed to all Louisiana licensed psychologists. The new rule will be published in the next edition of that newsletter. No adjustment is necessary in the workload or printing of this rule in that publication.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
This proposed rule will have no financial effect upon state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
It is anticipated that the proposed rule will have no effect on costs and/or economic benefits to directly affected persons or non-governmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
It is anticipated that the proposed rule will have no effect on competition and employment in the public and/or sectors.

C. Gary Pettigrew, Ph.D. Robert E. Hosse
Chairman General Government Section Director
9903#003 Legislative Fiscal Office

NOTICE OF INTENT

**Department of Health and Hospitals
Board of Nursing and
Board of Medical Examiners**

Advanced Practice Registered Nurse
Demonstration Projects
(LAC 46:XLVII.4513)

Notice is hereby given, that the Louisiana State Board of Nursing (herein referred to as Board) and the Louisiana State Board of Medical Examiners, pursuant to the authority vested in the Board by R.S. 37:918(K), and 37:1031-1035 in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., intends to amend the Advanced Practice Registered Nurse Demonstration Projects, LAC 46:XLVII.4513.C and to adopt LAC 46:XLVII.4513.C, Limited Prescriptive and Distributing Authority for Advanced Practice Registered Nurses, and to standardize the process and requirements for application for prescriptive privileges as a

nurse practitioner, certified nurse midwife, and clinical nurse specialist in Louisiana. The proposed rules are set forth below.

**Title 46
PROFESSIONAL AND OCCUPATIONAL
STANDARDS
Part XLVII. Nurses**

Subpart 2. Registered Nurses

Chapter 45. Advanced Practice Registered Nurses

§4513. Authorized Practice

A. - B.8. ...

C. Limited Prescriptive and Distributing Authority. An Advanced Practice Registered Nurse (APRN) shall practice in a manner consistent with the definition of advanced practice set forth in R.S. 37:913(3) and the provisions of R.S. 37:1031-1035.

1. The 1997 Louisiana legislature authorized the creation of the Joint Administration Committee on Prescriptive Authority for Advanced Practice Registered Nurses, under the joint jurisdiction of the Board and the Louisiana State Board of Medical Examiners, to develop and promulgate rules and regulations governing the APRN's limited prescriptive authority.

2. The application requesting that an APRN be granted limited prescriptive authority to prescribe assessment studies, drugs, and therapeutic devices, and to distribute free drug samples and other gratuitous medications supplied by drug manufacturers may be made with initial APRN licensure application or by separate application as set forth in LAC 46:XLVII.3341.

3. Definitions as used in this Part:

Act—Acts 1997, Number 720, R.S. 37:1031-1034.

Assessment Studies—diagnostic studies including, but not limited to laboratory testing, radiologic studies, electrocardiograms, and pulmonary function tests.

Board—the Louisiana State Board of Nursing.

Contact Hour—a unit of measurement that describes 50 minutes of participation in an educational activity which meets the Board's continuing education criteria. Ten contact hours equal one continuing education unit (C.E.U.).

Collaborating Physician—a physician in active practice with whom the APRN has developed and signed a collaborative practice agreement for limited prescriptive and distributing authority and who holds a current, unencumbered, unrestricted and valid medical license issued or recognized by the Louisiana State Board of Medical Examiners with no pending disciplinary proceedings, and practices in accordance with rules of the Louisiana State Board of Medical Examiners.

Distribute, Distribution or Distributed— the issuing of free samples and other gratuitous medications supplied by drug manufacturers, as defined by clinical practice guidelines contained in a collaborative practice agreement for limited prescriptive authority.

Gratuitous Medications—the medications provided by the manufacturer to be distributed to indigent populations and/or HIV and STD patients free of charge.

Joint Administration Committee or Committee—the joint Committee comprised of three members designated by the Board and three members designated by the Louisiana

State Board of Medical Examiners, and two nonvoting members, one APRN appointed by the Louisiana State Nurses Association and one physician, appointed by the Louisiana State Medical Society.

Medical (Therapeutic) Device or Appliance—any piece of equipment used as an aid to living by a patient including, but not limited to, a wheelchair, crutches, or hospital bed. Medical device or appliance shall not be construed to mean any diagnostic tool or test or any item or equipment of a therapeutic or corrective nature which is outside the scope of practice of advanced nursing. Clinical practice guidelines will indicate appropriate medical devices or appliances to be prescribed by an APRN.

National Professional Accrediting Organization—an organization that provides accreditation for educational activity offered by a nursing, medical, or pharmacy association or other educational entities and is approved by the Board and Committee relative to pharmacotherapeutics.

Prescribe—to direct, order, or designate the preparation, use of or manner of using by spoken or written words.

Prescription—an order for a drug, chemical, or medicine, or combination thereof, either written or given orally to a registered pharmacist by a licensed physician, dentist, optometrist, advanced practice registered nurse, or veterinarian, to be filled, compounded, or dispensed by a registered pharmacist in a registered pharmacy, and to be preserved on file as required in R.S. 37:1198.

Samples—a unit of prescription drug which is not intended to be sold and is intended to promote the sale of the drug.

Under Physician Direction—the limited prescriptive authority as approved by the Joint Administration Committee and demonstrated in the collaborative practice agreement as provided for in R.S. 37:913(9). Physician direction of the APRN is essential and implies that there is informed concurrence of the limited prescriptive authority actions of the APRN, in accordance with written clinical practice guidelines in existence between the collaborating physician and the APRN. Although physician direction shall not be construed in every case to require the physical presence of the collaborating physician, he shall be within a reasonable distance to provide timely response to medical emergencies and he and the APRN must have the capability to be in contact with each other by telephone or other telecommunications devices.

4. The applicant shall:

- a. hold a current, unencumbered, unrestricted and valid registered nurse license in Louisiana with no pending disciplinary proceedings as stated in R.S. 37:921;
- b. hold a current, unencumbered, unrestricted and valid APRN license;
- c. submit a notarized application on a form provided by the Board with a non-refundable fee as set forth in LAC 46:XLVII.3341;
- d. provide evidence of:
 - i. 500 hours of clinical practice within the last six months in the clinical specialty for which the applicant was

educationally prepared as an APRN immediately prior to applying for limited prescriptive and distributing authority;

- ii. successful completion of a minimum of 36 contact hours of education in advanced pharmacotherapeutics obtained as a component of a formal educational program preparing registered nurses for advanced practice or continuing education programs for advanced practice, approved by the Board, within the four-year time period immediately prior to the date of initial application for prescriptive and distributing authority with at least 12 hours having been obtained within two years prior to application. The APRN shall submit the continuing education advanced pharmacotherapeutics curriculum to the Board for review and approval. The APRN shall obtain at least two-thirds of the required pharmacotherapeutic hours by attending continuing education programs and may obtain one-third of the required pharmacotherapeutic hours by non-lecture programs, such as computer assisted instruction and/or self-study accredited by a national professional accrediting organization approved by the Board. In order for the continuing education course to be approved by the Board, the course shall include:

- (a). content relevant to advanced practice nursing;
- (b). knowledge of pharmacotherapeutic principles and their clinical application;
- (c). the use of pharmacological agents in the prevention of illness, and the restoration and maintenance of health;

- iii. successful completion of a minimum of 12 contact hours in physiology/pathophysiology at an advanced practice level.

- iv. any deviation from 4.d.ii shall be submitted to the Board and Committee for review and approval.

- v. a collaborative practice agreement with one or more licensed collaborating physicians which shall acknowledge that the applicant for prescriptive authority shall only act as or engage in the prescriptive functions of an APRN under physician direction, and which shall include, but not be limited to:

- (a). a plan of accountability among the parties that:
 - (i). defines the limited prescriptive authority of the APRN and the responsibilities of the collaborating physician or physicians;
 - (ii). delineates a plan for possible hospital admissions and privileges;
 - (iii). delineates mechanisms and arrangements for diagnostic and laboratory requests for testing;
 - (iv). delineates a plan for documentation of medical records and the frequency of collaborating physician review of patient charts;
 - (v). delineates a plan to accommodate immediate consultation with the collaborating physician regarding complications or problems not addressed by clinical practice guidelines;
 - (vi). contains a disclosure statement regarding the status of professional liability insurance.

- (b). clinical practice guidelines as required by R.S. 37:913(9)(b) shall contain documentation of the types or categories or schedules of drugs available and generic

substitution for prescription that complements the APRN's licensed category and area of specialization as delineated in the collaborative practice agreement and be:

(i). mutually agreed upon by the APRN and collaborating physician;

(ii). specific to the practice setting;

(iii). maintained on site;

(iv). reviewed and signed at least annually by the APRN and physician to reflect current practice.

(c). documentation of the availability of the collaborating physician when the physician is not physically present in the practice setting. Availability shall be adequate if the collaborating physician:

(i). is available by telephone or direct telecommunications for consultation, assistance with medical emergencies, or patient referral;

(ii). visits the practice setting at least every week during regular clinic/office hours and provides consultation to include, but not be limited to:

(aa). reviewing with the APRN histories of patients with problems or complications encountered;

(bb). personally diagnosing or treating patients requiring physician follow-up;

(cc). verifying that treatment and acts of limited prescriptive authority are provided in accordance with agreed upon clinical practice guidelines;

(d). documentation shall be shown that patients are informed about how to access care when both the APRN and collaborating physicians are absent from the practice setting or otherwise unavailable.

(e). an acknowledgment of the mutual obligation and responsibility of the APRN and collaborating physician to insure that all acts of limited prescriptive authority of the APRN are properly documented in written form by the APRN and that each such entry is reviewed and countersigned by the collaborating physician within 24 hours with respect to inpatients in an acute care setting and patients in a hospital emergency department.

vi. the Committee shall develop guidelines extending or modifying the requirements of "under physician direction", as defined in §4513.C.3, as well as the requirements of §4513.C.4.d.v.(e), for an APRN who is employed by or who contracts with the Louisiana Department of Health and Hospitals' Office of Public Health to specifically provide family planning, Human Immunodeficiency Virus ("HIV") infection or sexually transmitted disease treatment or services and Rural Health Clinics.

vii. any written complaint regarding deviation from 4.d.v. shall be investigated by the Committee or its agents and referred to the Louisiana State Board of Medical Examiners, the Louisiana State Board of Nursing, or both boards, as appropriate, for review and action, if any, and either or both boards' action shall be reported to the Committee.

e. submit a copy of the current renewal card of the collaborating physician(s) issued by the Louisiana State Board of Medical Examiners.

5. Limited Prescriptive Authority

a. The Committee shall review the application, reapplication or renewal, the collaborative practice agreement for limited prescriptive authority and all related materials and shall approve, modify, or deny the application, reapplication or renewal for prescriptive authority. An APRN with limited prescriptive authority approved by the Committee may prescribe drugs and therapeutic devices as indicated by clinical practice guidelines and the parameters of the collaborative practice agreement.

b. Prior to granting an APRN limited prescriptive authority the collaborating physician or physicians shall be approved by the Louisiana State Board of Medical Examiners.

c. An APRN who is granted limited prescriptive authority shall not prescribe or distribute any controlled substance as defined, enumerated or included in federal or state statutes or regulations, 21 C.F.R. §1308.11-15, R.S. 40:964, or any substance which may hereafter be designated a controlled substance by amendment or supplementation of the cited regulations and statute. The Committee may develop guidelines specifically authorizing an APRN with limited prescriptive authority to prescribe or distribute controlled substances on an individual practice basis. An APRN who is so authorized shall provide their Drug Enforcement Administration registration number on all written prescriptions and be furnished on all oral prescriptions and shall comply with all scheduled drug prescription requirements in accordance with LAC 46:LVIII.3531, Schedule Drug Prescription Requirements.

d. An APRN granted limited prescriptive and distributing authority shall comply with all applicable federal and state laws and rules in prescribing, distributing and administering drugs. Each order for a prescription, whether oral or written, shall include the following information:

i. the name, office address and telephone number, RN designation and specialty area of the APRN and the identification number assigned to the APRN by the Board;

ii. the collaborating physician's name and primary office address;

iii. the date the prescription is ordered and the patient's name;

iv. shall indicate if generic substitution is acceptable to the APRN and physician. If this information is not provided, substitution, where legally allowable, may occur if the patient accepts the generic product.

e. Each year an APRN with limited prescriptive authority shall obtain six contact hours of continuing education in pharmacotherapeutics in their category and area of specialization. Documentation of completion of the continuing education contact hours required for prescriptive authority shall be submitted at the time of the APRN's license renewal. In order for the continuing education program to be approved by the Board, the program shall:

i. be provided by a Board approved national certifying organization;

ii. include content relevant to advanced practice nursing and the use of pharmacological agents in the prevention of illness, and the restoration and maintenance of health.

f. APRN limited prescriptive authority may be renewed after review and approval by the Board and Committee.

g. Prior to changes with the collaborating physician, or physicians or coverage physician, when applicable, or practice site, the APRN shall notify the Board in writing requesting approval of such changes.

h. The Board shall be responsible for maintaining a current up-to-date public list of APRNs who have limited authority to prescribe in the state. An updated list of APRNs with limited prescriptive authority shall be sent by the Board to the Louisiana State Board of Pharmacy. The Board shall notify the Louisiana State Board of Pharmacy when changes occur in the APRN's limited authority: modified, restricted, or loss.

i. The Board shall supply whatever data are needed by the Office of Narcotics and Dangerous Drugs of the Department of Health and Hospitals.

j. An APRN shall demonstrate compliance with the Board's rules relating to authorized practice, section LAC 46:XLVII.4513.C.2.

k. A physician may enter into collaborative practice agreements for the exercise of limited prescriptive authority with not more than two (2) APRNs, except as may otherwise expressly approved by the Joint Administration Committee in accordance with guidelines developed by the Committee. The Committee shall develop guidelines specifically authorizing a physician to enter into collaborative practice agreements for the exercise of limited prescriptive authority for more than two (2) APRNs. Until such guidelines are developed, the Committee may approve a physician's collaborative practice agreements with more than two (2) APRNs on a case by case basis.

6. Limited distribution of free drug samples and other gratuitous medications supplied by drug manufacturers:

a. Distribution of free drug samples and other gratuitous medications supplied by drug manufacturers, other than controlled substances, shall:

i. be consistent with, and not beyond the parameters of, the APRN scope of practice and collaborative practice agreement;

ii. be recorded in the patient record; and

iii. be in accordance with other state and federal statutes and regulations.

b. Free drug samples distributed by an APRN shall be in the manufacturers' original packaging.

7. Limitation

a. An APRN's limited prescriptive and distributing authority is personal to that individual APRN and is not delegable. An APRN shall not enter into any agreement, arrangement or contract with another health care provider, practitioner, person or individual which in any manner transfers any of the prescribing or distributing authority that the APRN derives as a result of approval by the Board and Committee pursuant to the provisions of Act 720 of 1997 and these rules.

b. Only registered practitioners of medicine, dentistry, or veterinary medicine are authorized to compound and dispense drugs in accord with R.S.37:1204.

8. Exclusion. Nothing herein shall require a CRNA to have prescriptive authority to provide anesthesia care, including the administration of drugs or medicine necessary for anesthesia care.

9. Exception. The Committee may make an exception to the said rules when reviewing the request of each individual APRN for limited prescriptive authority.

10. Continuance. Those APRNs who have previously been granted limited prescriptive and distributing authority by the Committee shall continue under these rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918(K), and R.S. 37:1031-1034.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Nursing, LR 22:283 (April 1996), amended by the Department of Health and Hospitals, Board of Nursing and Board of Medical Examiners, LR 22:981 (October 1996), LR 25:

A public hearing jointly conducted by the Louisiana State Board of Nursing and the Louisiana State Board of Medical Examiners will be held on 27th day of April, 1999 at the Radisson Inn New Orleans Airport, 2150 Veterans Blvd., Kenner, Louisiana. Interested persons are invited to attend and submit oral comments on the proposed rules.

All interested persons are invited to submit written comments on the proposed rules. Such comments must be submitted no later than April 23, 1999, at 4:30 p.m., to Barbara L. Morvant, Executive Director, Louisiana State Board of Nursing, 3510 North Causeway Boulevard, Suite 501, Metairie, Louisiana 70002.

Barbara Morvant, MN, RN
Executive Director, LSBN

Delmar Rorison
Executive Director, LSBME

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Advanced Practice Registered Nurse
Demonstration Projects**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Increased expenditures are expected due primarily to the anticipated number of advanced practice registered nurses applying for prescriptive authority and the consequential need for additional travel expenses of Board members and staff appointed to the Joint Administration Committee meetings. The funds necessary to implement these rules will be provided from the operating expenses from the Louisiana State Board of Nursing and Louisiana State Board of Medical Examiners.

Projected expenditures are based on five (5) meetings of the Joint Administration committee, as follows: 13,000.00, FY 98-99; 9,550.00, FY 99-00; 9,550.00, FY 00-01. The cost is estimated at a higher rate for FY 98-99 to provide for currently licensed advanced practice registered nurses to apply for prescriptive authority. Six (6) members and two (2) staff are anticipated for each meeting.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no effect on revenue collections of state or local governmental units over the next two (2) years.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

There are no anticipated cost increases to directly affected persons or nongovernmental groups over the next two (2) years. There may be a slight economic benefit to both the physicians in Louisiana, who would be collaborating with advanced practice registered nurses (APRNs) with prescriptive authority privileges; and the public who would be receiving health care and prescriptions from APRNs as a result of more efficient utilization of the APRNs services.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated effect on competition and employment, as the APRNs who apply for prescriptive authority are already employed by a collaborating physician in a clinical practice setting.

Barbara L. Morvant, M.N., R.N.
Executive Director
Delmar Rorison
Executive Director

H. Gordon Monk
Staff Director
Legislative Fiscal Office
9903#040

NOTICE OF INTENT

**Department of Health and Hospitals
Board of Medical Examiners**

**Cardiology Procedures
(LAC 48:I.2349)**

As authorized by R.S. 40:1299.40.E, as enacted by Act 1093 of 1990 and later amended by Act 962 of 1992 and Act 633 of 1993, the Department of Health and Hospitals, Office of the Secretary, in consultation with the Louisiana Medical Disclosure Panel, is proposing to amend rules which require which risks must be disclosed under the Doctrine of Informed Consent to patients undergoing medical treatments or procedures and the Consent Form to be signed by the patient and physician before undergoing any such treatment or procedure.

Title 48

PUBLIC HEALTH—GENERAL

Part I. General Administration

Chapter 23. Informed Consent

§2349. Cardiology Procedures

A. Arterial Line Insertion

1. Swelling, pain, tenderness or bleeding at blood vessel entrance by catheter or needle
2. Injury to artery or vein entered or studied
3. Decrease in blood flow to area supplied by the artery
4. Nerve damage
5. Loss or loss of function of an arm or leg supplied by the artery
6. Possible need for surgery due to complications

B. Cardiac Catheterization

1. Death
2. Myocardial infarction (cardiac arrest/heart attack)
3. Cerebrovascular complication (stroke)
4. Injury to artery or vein entered or studied
5. Local, vascular complication (groin or arm)

6. Bleeding, thrombosis, distal embolization, pseudoaneurysm, arteriovenous (AV) fistula (abnormal communication between an artery and a vein), hematomas, nerve damage, injury to the artery, delayed hemorrhage

7. Loss or loss of function of an arm or leg
8. Perforation of heart or great vessels
9. Vasovagal reaction (hypotension, slow heart rate)
10. Arrhythmias and conduction disturbances (irregular heart beat)

11. Kidney failure (partial or complete; may necessitate hemodialysis)

12. Contrast related anaphylactoid reactions (allergies)
13. Congestive heart failure
14. Pulmonary embolism
15. Bleeding requiring blood transfusion or surgery
16. Possible need for surgery due to complications
17. Scar formation at the site of entrance into the artery

C. General Angiography

1. Contrast related anaphylactoid reactions (allergies)
2. Injury to artery or vein entered or studied
3. Loss or loss of function of an arm or leg
4. Kidney failure (partial or complete; may necessitate hemodialysis)

D. Percutaneous Coronary Angioplasty / Stent Placement

1. Death
2. Brain Damage (stroke)
3. Quadriplegia
4. Paraplegia
5. Injury to artery or vein entered or studied
6. Loss or loss of function of an arm or leg
7. Disfigurement (Including scars)
8. Kidney failure (partial or complete; may necessitate hemodialysis)

9. Loss of bowel and/or bladder function

10. Myocardial infarction (cardiac arrest/heart attack)
11. Restenosis (subsequent recurrence of narrowing of blood vessel)
12. Possible need for surgery due to complications
13. Contrast related anaphylactoid reactions (allergies)
14. Hypotension (abnormally low blood pressure)
15. Arrhythmias and conduction disturbances (irregular heart beat)

16. Bleeding requiring blood transfusion or surgery

17. Pericardial tamponade (compression of the heart due to accumulation of blood or fluid in the sac around the heart)

18. Stent thrombosis
19. Displacement of stent or instrument requiring retrieval

E. Thrombolysis—Regional or Systemic

1. Death
2. Brain damage (stroke)
3. Injury to artery or vein entered or studied
4. Loss or loss of function of an arm or leg
5. Bleeding requiring blood transfusion or surgery
6. Hematoma
7. Arrhythmias and conduction disturbances (irregular heart beat)
8. Hypotension (abnormally low blood pressure)
9. Contrast related anaphylactoid reactions (allergies)

F. Coronary Intervention (Stents and Atherectomy)/Directional Coronary Arthrectomy (DCA), Transluminal Extraction Catheter Arthrectomy (TEC) and Rotational Atherectomy

1. Death
2. Brain Damage (stroke)
3. Quadriplegia
4. Paraplegia
5. Injury to artery or vein entered or studied
6. Loss or loss of function of an arm or leg
7. Disfigurement (including scars)
8. Kidney failure (partial or complete; may necessitate hemodialysis)
9. Loss of bowel and/or bladder function
10. Myocardial infarction (cardiac arrest/heart attack)
11. Restenosis (subsequent recurrence of narrowing of blood vessel)
12. Possible need for surgery due to complications
13. Contrast related anaphylactoid reactions (allergies)
14. Hypotension (abnormally low blood pressure)
15. Arrhythmias and conduction disturbances (irregular heart beat)
16. Bleeding requiring blood transfusion or surgery
17. Pericardial tamponade (compression of the heart due to accumulation of blood or fluid in the sac around the heart)
18. Side branch occlusion
19. Severe bradycardia (severe slowing of the heart)
20. Stent thrombosis
21. Displacement of stent or instrument requiring retrieval
22. Perforation of heart or great vessels
23. Coronary vasospasm related to the instrument used

G. Electrophysiologic Study Including Programmed Electrical Stimulation (EPS) (Stimulating the heart to search for abnormal heart beat)

1. Perforation of heart or great vessels
2. Pericardial tamponade (compression of the heart due to accumulation of blood or fluid in the sac around the heart)
3. Bleeding requiring blood transfusion or surgery
4. Injury to artery or vein entered or studied
5. Arrhythmia and conduction disturbances (irregular heart beat)
6. Pneumothorax (collapse of lung)
7. Death
8. Myocardial infarction (cardiac arrest/heart attack)
9. Bleeding, thrombosis, distal embolization, pseudoaneurysm, arteriovenous (AV) fistula (abnormal communication between an artery and a vein), hematomas, nerve damage, injury to the artery, delayed hemorrhage
10. Thrombophlebitis (inflammation of the vein)
11. Pulmonary embolism (blood clot from pelvis or legs that moves to lungs)
12. Brain damage (stroke)
13. Loss or loss of function of a leg or arm
14. Electrical burns to the chest

H. Radiofrequency Catheter Ablation

1. Perforation of heart or great vessels
2. Injury to artery or vein entered or studied

3. Pericardial tamponade (compression of the heart due to accumulation of blood or fluid in the sac around the heart)

4. Bleeding requiring blood transfusion or surgery
5. Pneumothorax (collapse of lung)
6. Death
7. Myocardial infarction (cardiac arrest/heart attack)
8. Arrhythmia and conduction disturbances (irregular heartbeat)
9. Bleeding, thrombosis, distal embolization, pseudoaneurysm, arteriovenous (AV) fistula (abnormal communication between an artery and a vein), hematomas, nerve damage, injury to the artery, delayed hemorrhage
10. Thrombophlebitis (inflammation of the vein)
11. Pulmonary embolism (blood clot from pelvis or legs that moves to lungs)
12. Brain damage (stroke)
13. Loss or loss of function of a leg or arm
14. Electrical burns to the chest
15. Possible need for surgery due to complications
16. Damage to heart valve
17. Interruption of the normal electrical conduction system of the heart, requiring permanent pacemaker placement
18. Recurrence of arrhythmia after initially successful ablation

I. Transesophageal Echocardiography

1. Arrhythmias and conduction disturbances (irregular heartbeat)
2. Myocardial infarction (cardiac arrest/heart attack)
3. Aspiration pneumonia
4. Respiratory failure which may require ventilation
5. Trauma to vocal cords which may result in temporary or permanent vocal cord injury that may require surgical repair
6. Injury to artery or vein entered or studied
7. Injury to teeth, gums, or throat, esophageal bleeding, laceration or perforation which may require surgical repair

J. Exercise Treadmill and Bicycle Stress Testing

1. Death
2. Myocardial infarction (cardiac arrest/heart attack)
3. Arrhythmias and conduction disturbances (irregular heartbeat)
4. Prolonged angina (chest pain)
5. Hypotension/Hypertension (abnormally low blood pressure/high blood pressure)
6. Brain damage (stroke)
7. Syncope (fainting)
8. Injury to artery or vein entered or studied
9. Musculoskeletal injuries (injuries to bones, muscles, and/or joints)

K. Dobutamine Stress Testing

1. Death
2. Myocardial infarction (cardiac arrest/heart attack)
3. Prolonged angina (chest pain)
4. Hypotension/Hypertension (abnormally low blood pressure/high blood pressure)
5. Brain damage (stroke)
6. Arrhythmias and conduction disturbances (irregular heartbeat)

7. Syncope (fainting)
8. Injury to artery or vein entered or studied
- L. Automatic Implantable Cardioverter Defibrillator Implantation (Permanent Pacemaker)
 1. Bleeding requiring blood transfusion or surgery
 2. Hemorrhage (bleeding) into the lungs, the pericardium (sac which surrounds the heart), and the chest cavity.
 3. Pericardial tamponade (compression of the heart due to accumulation of blood or fluid in the sac around the heart)
 4. Myocardial infarction (cardiac arrest/heart attack)
 5. Brain damage (stroke)
 6. Pneumothorax (collapse of lung)
 7. Perforation of heart or great vessels
 8. Injury to artery or vein entered or studied
 9. Possible need for surgery due to complications
 10. Arrhythmia and conduction disturbances (irregular heart beat)
 11. Damage to trachea (windpipe) and/or pharynx (throat)
 12. Trauma to vocal cords which may result in temporary or permanent vocal cord injury that may require surgical repair
- M. Pericardiocentesis
 1. Perforation of heart or great vessels
 2. Damage to coronary arteries including laceration
 3. Injury to artery or vein entered or studied
 4. Possible need for surgery due to complications
 5. Arrhythmia or conduction disturbances (irregular heart beat)
 6. Myocardial infarction (cardiac arrest/heart attack)
 7. Pneumothorax (collapse of lung)
 8. Death
 9. Pericardial tamponade (compression of the heart due to accumulation of blood or fluid in the sac around the heart)
- N. Electrical Cardioversion
 1. Electrical burns to the chest
 2. Myocardial infarction (cardiac arrest/heart attack)
 3. Embolic event to any portion of the body (e.g., brain, bowel, kidney, eyes, arm, leg) which may lead to loss of, or loss of function of, affected portion of body
 4. Injury to artery or vein entered or studied
 5. Death
 6. Brain damage (stroke)
 7. Arrhythmia and conduction disturbances (irregular heartbeat)
- O. Endomyocardial Biopsy
 1. Injury to artery or vein entered or studied
 2. Hemorrhage (bleeding) into the lungs, the pericardium sac which surrounds the heart and the chest cavity
 3. Pericardial tamponade (compression of the heart due to accumulation of blood in the sac around the heart)
 4. Myocardial infarction (cardiac arrest/heart attack)
 5. Arrhythmias and conduction disturbances (irregular heartbeat)
 6. Pneumothorax (collapse of lung)
 7. Peroration of heart or great vessels
 8. Possible need for surgery due to complications
9. Damage to trachea (windpipe) and/or pharynx (throat)
10. Trauma to vocal cords which may result in temporary or permanent vocal cord injury that may require surgical repair
11. Displacement of stent or instrument requiring retrieval
12. Brain damage (stroke)
13. Bleeding requiring blood transfusion or surgery
- P. Temporary Pacemaker Placement
 1. Injury to artery or vein entered or studied
 2. Hemorrhage (bleeding) into the lungs, the pericardium (sac which surrounds the heart), the chest cavity and elsewhere
 3. Pericardial tamponade (compression of the heart due to accumulation of blood or fluid in the sac around the heart)
 4. Brain damage (stroke)
 5. Myocardial infarction (cardiac arrest/heart attack)
 6. Pneumothorax (collapse of lung)
 7. Perforation of heart or great vessels
 8. Possible need for surgery due to complications
 9. Arrhythmia and conduction disturbances (irregular heartbeat)
 10. Trauma to vocal cords which may result in temporary or permanent vocal cord injury that may require surgical repair
 11. Displacement of stent or instrument requiring retrieval
- Q. Pulmonary Angiogram (Right heart catheterization)
 1. Injury to artery or vein entered or studied
 2. Hemorrhage (bleeding) into the lungs, the pericardium (sac which surrounds the heart) and the chest cavity
 3. Brain damage (stroke)
 4. Pneumothorax (collapse of lung)
 5. Myocardial infarction (cardiac arrest/heart attack)
 6. Perforation of heart or great vessels
 7. Possible need for surgery due to complications
 8. Arrhythmia and conduction disturbances (irregular heart beat)
 9. Shock
 10. Infusion of fluid into the chest cavity, lungs, and pericardium
 11. Contrast related anaphylactoid reactions (allergies)
 12. Death
 13. Aggravation of the condition that necessitated the procedure
 14. Bleeding requiring transfusion or surgery
 15. Kidney failure (partial or complete; may necessitate hemodialysis)
 16. Respiratory complications (including need for prolonged ventilator (mechanical) support)
 17. Loss or loss of function of an arm or leg
- R. Cardiac Rehabilitation
 1. Death
 2. Arrhythmias and conduction disturbances (irregular heartbeat)
 3. Myocardial infarction (cardiac arrest/heart attack)
 4. Prolonged angina (chest pain)

5. Hypotension/Hypertension (low blood pressure/high blood pressure)
6. Brain damage (stroke)
7. Syncope (fainting)
8. Musculoskeletal injuries (injuries to bones, muscles and/or joints)
9. Drowning (if involving water activities)
- S. Head up Tilt Test (Including vasoactive drugs)
 1. Syncope (fainting)
 2. Seizure (convulsions)
 3. Hypotension/Hypertension (low blood pressure/high blood pressure)
 4. Arrhythmia and conduction disturbances (irregular heartbeat)
 5. Myocardial infarction (cardiac arrest/heart attack)
 6. Brain damage (stroke)

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1299.40.E et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Medical Disclosure Panel, LR 18:1391 (April 1999), amended LR 25:

Interested persons may submit written comments to Donald J. Palmisano, M.D., J.D., Chairman of the Medical Disclosure Panel, P.O. Box 2870, Baton Rouge, LA 70821-2870. He is responsible for responding to inquiries regarding these proposed rules.

A public hearing on the proposed rules will be held at 10:30 a.m., Tuesday, April 27, 1999, at the Department of Transportation Auditorium, 1201 Capitol Access Road, Baton Rouge, LA 70802. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing, at said hearing.

David W. Hood
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Cardiology Procedures**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no implementation costs from the adoption of this rule except the costs of publishing the Notice of Intent and final Rule in the *Louisiana Register*. The projected publishing cost is \$640.00.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule will have no effect on revenue collections of state or local government.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

There will be no costs and/or economic benefits to directly affected persons or nongovernmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no effect projected on competition and employment from implementation of these rules.

David W. Hood
Secretary
9903#055

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office

NOTICE OF INTENT

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

Prescribing and Dispensing Drugs; Business Names
(LAC 46:LXXXV.705 and 1053)

The Board of Veterinary Medicine proposes to amend LAC 46:LXXXV.705 and 1053 in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and the Veterinary Practice Act, La. R.S. 37:1518 et seq. No preamble has been prepared.

**Title 46
PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part LXXXV. Veterinarians

Chapter 7. Veterinary Practice

§705. Prescribing and Dispensing Drugs

A. Prohibited Activities

1. - 2. ...

3. Any drug, medicine, chemical or controlled substance prescribed, dispensed, administered, delivered or ordered pursuant to this rule must be intended for the use of the patient and shall not be prescribed, dispensed, administered, delivered or ordered for the use of the client or any other human.

B. - G.4. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 6:71 (February 1980), amended LR 16:226 (March 1990), LR 19:1329 (October 1993), LR 20:1381 (December 1994), LR 23:1686 (December 1997), LR 24:1932 (October 1998) and LR 25:

Chapter 10. Rules of Professional Conduct

§1053. Business Names

A. Business names used by veterinary facilities and licensed veterinarians should provide the general public and other practitioners with a clear understanding of the kind and extent of veterinary services being offered. The following provisions shall govern the selection and use of business names in the veterinary profession:

1. The business name of a hospital or clinic as defined and classified in §§700 and 711 of this Part:

a. shall include a combination of words, "animal" or "veterinary," in connection with the words, "hospital" or "clinic;" or

b. if a business name of a hospital or clinic as defined and classified in §§700 and 711 of this Part does not comply with §1053.A.1.a, there shall be a legible sign at the business entrance clearly identifying the facility as either a veterinary or animal hospital or clinic. The designation chosen shall be based on the standards set forth in §711 of this Part.

2. The business name of a mobile clinic as defined and classified in §§700 and 711 of this Part:

a. shall include a combination of words, "animal" or "veterinary" in connection with the words, "mobile clinic;" or

b. if the business name does not comply with §1053.2.a, a legible sign shall be placed at the business entrance of the mobile clinic identifying it as a veterinary or animal mobile clinic.

3. Any other business name used by a licensed veterinarian who does not operate a veterinary or animal hospital, clinic, or mobile clinic as defined and classified in §§700 and 711 of this part must clearly indicate the kind and extent of veterinary medical services which are being offered to the public.

B. - D. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:231 (March 1990), amended LR 25:

Interested parties may submit written comments to Charles B. Mann, executive director, Louisiana Board of Veterinary Medicine, 263 Third Street, Suite 104, Baton Rouge, LA 70801. Comments will be accepted through the close of business on April 27, 1999. If it becomes necessary to convene a public hearing to receive comments in accordance with the Administrative Procedure Act, the hearing will be held on April 27, 1999, at 9:00 a.m. at the office of the Louisiana Board of Veterinary Medicine, 263 Third Street, Suite 104, Baton Rouge, LA 70801.

Charles B. Mann
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

**RULE TITLE: Prescribing and Dispensing Drugs;
Business Names**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no costs or savings to state or local governmental units, except for those associated with publishing the amendment (estimated \$120). The veterinary profession will be informed of this rule change via the board's regular newsletter or other direct mailings, which are already a budgeted cost of the board.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no effect on revenue collections of state or local governmental units. There will be no revenue impact as no increase in fees will result from the amendment.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

There are no significant anticipated costs and/or economic benefits to directly affected persons or non-governmental groups. Business names which are not in compliance with rule 1053 will be required to place a sign at the business entrance indicating whether the facility is either a veterinary or animal hospital or clinic. The cost of such a sign should be insignificant.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated effect on employment and competition.

Charles B. Mann
Executive Director
9903#018

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health and Hospitals Office of Public Health

Sanitary Code—Eating and Drinking Establishments
(Chapter XXIII)

Notice is hereby given, in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Health and Hospitals, Office of Public Health, pursuant to the authority in R.S. 40:4A(1) and R.S. 40:5, intends to amend Chapter XXIII of the Louisiana State Sanitary Code in reference to requiring the issuance of a food safety certificate to the owner or a designated employee of a food service establishment in accordance with Act 1206 of the 1997 Legislative Session.

Sanitary Code

Chapter XXIII. Eating and Drinking Establishments

23:002 Interpretation/Certification

23:002-1 Interpretation:

23:002-2 Food Safety Certification:

(1) It shall be required that the owner or a designated employee of a food service establishment hold a "food safety certificate" on behalf of the food service establishment.

(2) This shall not apply to establishments with food sales of less than one hundred and twenty-five thousand dollars annually.

(3) The Office of Public Health shall approve all training programs. These programs shall include but not be limited to the standards set forth in the Applied Food Service Sanitation Program established by the Education Foundation of the National Restaurant Association, or other programs recognized by the food service industry and the Office of Public Health. The Office of Public Health shall maintain a list of these training programs.

(4) Instructors/trainers shall meet the criteria established by the Educational Foundation of the National Restaurant Association or other instructor/trainer requirements

established by the food service industry and the Office of Public Health.

(5) The Office of Public Health shall approve training programs administered or approved by another state, political subdivision, or other jurisdiction with standards that meet or exceed those established in this Code.

(6) Testing: a person must pass a written exam approved by the Office of Public Health before qualifying for the certificate. This test will meet the standards as described in section three.

(7) Certificate: a food safety certificate shall be issued by the Office of Public Health to any individual who files an application with satisfactory evidence that he/she has completed an approved training program which includes passing a written examination.

(8) Fees: a fee of twenty-five dollars will be collected from each individual or food service establishment for each certificate.

(9) Certificate renewal: certificates from the Office of Public Health shall be required to be renewed every five years for a twenty-five dollar fee. A person shall pass another written exam as described in section six before the certificate is renewed.

(10) Display of certificate: a certificate issued by the Office of Public Health shall be displayed in each food service establishment where required.

(11) No parish or municipality in Louisiana shall enforce any ordinance or regulation requiring a food service establishment or any of its employees to complete a Food Safety training program or test.

(12) This section shall be enforced in accordance with Chapter 1 of this Code.

Interested persons may submit written comments to: Barry Blue, Sanitarian Program Administrator, Retail Food Program, 6867 Bluebonnet Blvd., Baton Rouge, La. 70810 by the close of business on March 15, 1998. He is responsible for responding to inquiries regarding this proposed Rule.

A public hearing on the proposed rule will be held on Wednesday, April 28, 1999 at 10:00 a.m. at 6867 Bluebonnet Road, Room 230, Baton Rouge, La.

All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing, at said hearing.

David Hood
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Sanitary Code—Eating and Drinking
Establishments**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO
STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

There are no estimated implementation costs (savings) to local units. The agency will however, incur implementation costs of approximately \$99,223 in FY 98-99 which includes a onetime cost of approximately \$120.00 in FY 98-99 for the publication of this Rule in the *Louisiana Register*. It is estimated that the agency will incur ongoing operational costs

of \$110,158 and \$114,253 for FY 99-2000 and FY 2000-2001 respectively as a result of the proposed rule.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF
STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

Act 1206 of 1997 authorizes a fee not to exceed (\$25.00) twenty-five dollars for a food safety certificate under section C(3) of that Act. During FY 98-99 the Agency projects that approximately 3,800 food service workers/applicants will apply for a food safety certificate as provided for by Act 1206. Estimated revenues collections during FY 98-99 are therefore projected at approximately \$95,000. Estimated revenues collections for FY 99-2000 and FY 2000-2001 are projected at approximately \$100,000 for each of those two years based upon certification of approximately 4,000 workers or applicants for food safety certification.

Estimates are based on establishment having multiple applicants for certification due to high turnover in the restaurant industry.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO
DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL
GROUPS (Summary)**

Each applicant for the food safety certification as authorized by Act 1206 will incur a cost of \$25.00 for their certification. This certification process/program should offer a positive economic benefit to both the food service industry and the general public by reducing the incidences of food borne illnesses as well as reducing costs associated with such incidences.

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

There is no effect on competition and employment.

Jimmy Guidry, M.D.
Assistant Secretary
9903#054

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

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

Adult Denture Program

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing proposes to adopt 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 proposed rule is adopted in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing previously allowed reimbursement for cast partial dentures and new dentures provided to recipients over the age of twenty-one once every five years prior to July 13, 1995. The Bureau subsequently revised the service coverage for adult dentures to require a minimum period of seven years before new dentures provided to Medicaid recipients may be reimbursed, and to eliminate coverage for cast partial dentures (*Louisiana Register*, Volume 22, Number 2, 1996). The provisions governing repairs and relines of dentures have been in operation, but have not been promulgated in accordance with

the Administrative Procedure Act. Therefore, the Bureau proposes to adopt the following rule governing the coverage of denture repairs and relines for recipients over 21 years of age under the Adult Denture Program.

Proposed Rule

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing proposes to adopt the following rule governing the provisions for repairs, relines and dentures not delivered in the Adult Denture Program.

Denture Construction and Repairs

Though reimbursement for the cast partial denture has been eliminated, reimbursement for an acrylic partial denture opposing a full denture is still provided if the need for the acrylic partial denture fulfills the minimum requirements of the program.

Immediate dentures not delivered must not be submitted for payment as a delivered denture. Providers must contact the BHSF or its designee for manual pricing. The fee for immediate dentures not delivered will be limited to a maximum of 50 percent of the fee established for that service.

The same provider or provider group shall be reimbursed for repairs of complete and partial dentures if more than one year has elapsed since insertion. The denture repair should make the denture fully serviceable and eliminate the need for a new denture unit. If a complete or partial denture for an arch is constructed within the first year after a repair is paid, then the reimbursement for the repair shall be deducted from the reimbursement for the new prosthesis. A total of \$125.00 in repair services per arch per recipient is allowed within a single one year period. A repair is allowed in conjunction with a reline as long as the repair makes the denture fully serviceable. The recipient must be completely edentulous in either the maxillary or mandibular arch to be eligible for the repair of an opposing partial. All denture repairs must specify whether it is an upper or lower denture that is repaired.

Denture Relines

Reimbursement for complete and partial denture relines are allowed only after one year has elapsed since the denture was constructed or last relined. Relines of existing dentures must be given priority over the construction of new dentures if it is judged that the existing dentures are serviceable for at least six years. Reline of existing dentures (complete or partial) is not payable if new dentures are to be constructed. Chair-side relines (cold cure acrylics) are not reimbursable. If the same provider or provider group requests a complete or partial denture for the same arch within the first year after a reline is paid, the reimbursement for the reline shall be deducted from the reimbursement for the new prosthesis. The recipient must be completely edentulous in either the maxillary or mandibular arch to be eligible for the reline of an opposing partial. A combination of two denture (complete or partial) relines or one complete or partial denture and one reline per arch is allowed in a seven-year period as prior authorized by Bureau of Health Service Financing (BHSF) or its designee.

Prior Authorization

Prior Authorization is required for all denture services under the Adult Denture Program with the following exceptions for repairs.

Authorization is not required for repairs under the following circumstances:

1. one year has elapsed since delivery of the original denture; or
2. the denture was not paid for by the Medicaid Program; or
3. a different provider or provider group is involved with the repair.

Interested persons may submit written comments to the following address: Thomas D. Collins, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, Louisiana 70821-9030. He is the person responsible for responding to inquiries regarding this proposed rule.

A public hearing on this proposed rule is scheduled for Tuesday, April 27, 1999 at 9:30 a.m. in the Department of Transportation and Development Auditorium, First Floor, 1201 Capitol Access Road, Baton Rouge, Louisiana. At that time all interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing. The deadline for the receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

David W. Hood
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Adult Denture Program

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There should be no additional costs or savings regarding the adoption of this proposed rule, as provisions governing the adult denture program are currently in place. Current costs to the state are approximately \$1,185,172 for SFY 98-99. Costs for additional state fiscal years are as follows: \$1,220,725 for SFY 1999-2000, \$1,255,572 for SFY 2000-01, and \$1,291,496 for SFY 2001-02. The additional fiscal years reflect a 3 percent inflationary increase. Also, a cost of \$80 is included in SFY 1999 for the state's administrative expense for promulgating this proposed rule and the final rule.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There should be no increased or decreased effect on revenue collections as provisions governing the adult denture program are currently in place. Current revenue collections are approximately \$2,803,855 for SFY 98-99. The estimated effect on revenue collections for additional state fiscal years are as follows: \$2,887,888 for SFY 1999-2000, \$2,976,217 for SFY 2000-01, and \$3,067,247 for SFY 2001-02. The additional fiscal years reflect a 3 percent inflationary increase. Also, a cost of \$80 is included in SFY 1999 for the federal share of promulgating this proposed rule and the final rule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

There should be no additional costs and/or economic benefits to directly affected persons or groups. Providers of adult

denture services shall continue to receive current reimbursements of approximately \$3,989,027 for SFY 1998-99, \$4,108,533 for SFY 1999-2000, \$4,231,789 for SFY 2000-01, and \$4,358,743 for SFY 2001-02. The additional fiscal years reflect a 3 percent inflationary increase. Also, adult Medicaid recipients over 21 years of age shall continue to receive denture services.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no known effect on competition and employment.

Thomas D. Collins
Director
9903#037

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

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

EPSDT Program—Dental Services

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing proposes to adopt 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 proposed rule is adopted in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health and Hospitals, Bureau of Health Services Financing provides coverage for dental services rendered to Medicaid recipients under the age of twenty-one (21) in the Early Periodic Screening, Diagnosis and Treatment (EPSDT) Program. The provisions governing the coverage of EPSDT dental services have been in operation, but have not been previously promulgated in accordance with the Administrative Procedure Act. Therefore, the Department proposes to adopt a rule delineating the provisions governing the coverage of dental services in the EPSDT Program.

Proposed Rule

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopts the following provisions governing the coverage of dental services rendered to Medicaid recipients under the age of twenty-one (21) in the Early Periodic Screening, Diagnosis and Treatment (EPSDT) Program.

Service Limitations

The following service limits shall be applicable for EPSDT dental services with a provision for extensions if additional services are determined to be medically necessary.

1. Periodic Oral Exams, Topical Fluoride Application, Emergency or Referral Examinations, Adult Prophylaxis, Child Prophylaxis and bitewing radiographs performed by the same provider shall be limited to one per year.

2. Restorative Services on a specific tooth shall be limited to one restorative procedure in a six month period by the same provider.

3. No restoration of any type shall be payable for deciduous centrals or laterals for recipients who have reached their fourth birthday.

4. Restoration of the primary incisors with buildups or crowns shall be limited to one for each incisor, even if the recipient has not reached the fourth birthday.

5. Apexification services shall be limited to a maximum of three treatments and the following conditions must be met:

a. Prior authorization must be obtained for each treatment.

b. A three month period must elapse between each treatment as well as the final endodontic fill in order to obtain optimal results from these services.

Denture Construction and Repair

A. Coverage of denture construction and repair shall be governed by the following provisions.

1. Reimbursement for immediate dentures not delivered must not be submitted for payment as a delivered denture. The providers must contact the Bureau of Health Service Financing (BHSF) or its designee for manual pricing. The fee for immediate dentures not delivered will be limited to a maximum of 50 percent of the fee established for that service.

2. Reimbursement for repairs to complete and partial dentures shall be allowed only if more than one year has elapsed since denture insertion by the same provider or provider group.

3. Authorization is not required for denture repairs under the following circumstances:

a. one year has elapsed since delivery of the original denture; or

b. the denture was not paid for by the Medicaid Program; or

c. a different provider or provider group is involved with the repair.

4. If the same provider or provider group requests authorization for a complete or partial denture within the first year after payment is made for a repair, then the reimbursement for the repair of that arch will be deducted from the reimbursement for a new prosthesis.

5. A repair shall be allowed in conjunction with a reline for the same recipient as long as the repair makes the denture fully serviceable.

6. A maximum reimbursement of \$125.00 for repair services per arch for the same recipient shall be allowed per provider or provider group during a single one year period.

7. All denture repairs must specify whether it is an upper or lower repair.

8. The denture repair should make the denture fully serviceable and eliminate the need for a new denture unit.

Denture Relines

A. Coverage of denture relines shall be governed by the following provisions.

1. Reimbursement for complete and partial denture relines shall be allowed only after one year has elapsed since the denture was constructed or last relined.

2. If the same provider or provider group requests authorization for a complete or partial denture for the same

arch within the first year after payment is made for a reline, the reimbursement for the reline will be deducted from the reimbursement for the new prosthesis.

3. A combination of two denture relines (complete or partial) or one complete or partial denture and one reline per arch shall be allowed in a five-year period.

4. Relines of existing dentures shall be given priority over the construction of new dentures if it is judged that the existing dentures are serviceable for at least five years.

5. Relines of existing complete or partial dentures shall not be payable if new dentures are to be constructed.

6. Chair-side relines (cold cure acrylics) are not a covered dental service under the EPSDT Program.

Dental Sedation

A. The following provisions shall govern the coverage of dental sedation services.

1. Nitrous Oxide Analgesia, I.V. Sedation and Conscious Sedation shall only be approved for those doctors who possess a valid permit from the Louisiana Board of Dentistry for these services. A copy of this permit must be submitted to the Medicaid Dental Consultant at the LSU School of Dentistry.

2. Nitrous Oxide Analgesia shall only be reimbursed in conjunction with the performance of a restorative or surgical service. Nitrous Oxide Analgesia cannot be billed in conjunction with any diagnostic or preventive services and shall not be reimbursed if performed on the same date of service as Intravenous (I.V.) Sedation or Conscious Sedation.

3. If Intravenous (I.V.) Sedation or Conscious Sedation is billed for a date of service on which a fee for Nitrous Oxide Analgesia has already been reimbursed, the fee paid for Nitrous Oxide shall be deducted from the reimbursement for I.V. Sedation or Conscious Sedation.

4. Patient Management shall only be paid in conjunction with the performance of a restorative or surgical service. The fee for Patient Management shall not be reimbursed in excess of the fee paid for the restorative services rendered on the same date of service.

Outpatient Dental Services

A. The following provisions shall govern the reimbursement of the dentist for outpatient dental services.

1. Reimbursement for hospital visits shall be limited to two per day for any attending provider.

2. The denial of prior authorization for more than the two hospital visits per day limit shall not prevent the patient's admission to the hospital, nor shall it prevent the facility from receiving reimbursement for covered services.

3. The denial of prior authorization for the hospital visit shall not prevent the provider from being reimbursed for any authorized services and for those services that do not require prior authorization.

4. No additional reimbursement exceeding the two hospital visits per day shall be given to the provider as compensation for time away from the office.

Occlusal Adjustments

A. Occlusal adjustments are not generally authorized. A

request for this procedure should be accompanied by a detailed diagnosis including the patient's complaint, examination findings, and a determination as to whether the condition is acute or chronic. For those requiring a TMJ therapy or occlusal splint, a TMJ summary form must be completed by the provider and submitted with documentation referenced above to the Bureau of Health Service Financing (BHSF) or its designee.

Interested persons may submit written comments to the following address: Thomas D. Collins, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, Louisiana 70821-9030. He is the person responsible for responding to inquiries regarding this proposed rule. A public hearing on this proposed rule is scheduled for Tuesday, April 27, 1999 at 9:30 a.m. in the Department of Transportation and Development Auditorium, First Floor, 1201 Capitol Access Road, Baton Rouge, Louisiana. At that time all interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing. The deadline for the receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

David W. Hood
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: EPSDT Program—Dental Services

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that implementation of this proposed rule will result in a savings of approximately (\$10,814) for SFY 1999, (\$11,288) for SFY 2000, and (\$11,610) for SFY 2001. A cost of \$160 is included in SFY 1999 for the state's administrative expense of promulgating this proposed rule and the final rule.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The estimated effect on revenue collections is a reduction of approximately (\$25,802) for SFY 1999, (\$26,756) for SFY 2000, and (\$27,575) for SFY 2001. A cost of \$160 is included in SFY 1999 for the federal share of promulgating this proposed rule and the final rule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Providers of EPSDT dental services shall receive a reduction in reimbursements for services covered by the Medicaid Program of approximately (\$36,610) for SFY 1999, (\$38,044) for SFY 2000, and (\$39,185) for SFY 2001. Also, recipients of the EPSDT dental program shall continue to receive EPSDT dental services as provided by the Medicaid Program.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no known effect on competition and employment.

Thomas D. Collins
Director
9903#053

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

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

Licensing Standards for Rural Health Clinics
(LAC 48:I.Chapter 75)

The Department of Health and Hospitals, Bureau of Health Services Financing proposes to adopt the following rule governing the licensing and regulation of Rural Health Clinics as authorized by R.S. 40:2197 and in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

Act 1333 of the 1997 Louisiana Legislative Regular Session enacted R.S. 40:2197 relative to rural health clinics to:

- 1) authorize the Department of Health and Hospitals to license rural health clinics;
- 2) prohibit operation of a rural health clinic without a license;
- 3) require the department to prescribe and publish minimum standards, rules, and regulations as necessary;
- 4) provide that licenses issued for rural health clinics are not transferrable or assignable between persons, rural health clinics, or both;
- 5) define rural health clinic and mid-level practitioner; and
- 6) provide for related matters.

Proposed Rule

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing proposes to adopt the following regulations which will govern the licensing of rural health clinics.

Title 48

PUBLIC HEALTH—GENERAL

Part I. General Administration

Subpart 3. Licensing and Certification

Chapter 75. Licensing of Rural Health Clinics

Subchapter A. General Provisions

§7501. Definitions and Acronyms

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

CLIA—Clinical Laboratories Improvement Act—Requires a waiver or certificate to assure quality of laboratory testing.

DHH—Louisiana Department of Health and Hospitals
Division of Research and Development—Office of Primary and Rural Health Care Unit in DHH.

HCFA—Health Care Financing Administration—federal regulatory agency for Medicaid, Medicare, and Child Health Insurance programs.

HSS—Health Standards Section in the Bureau of Health Services Financing of DHH.

Midlevel Practitioner—a certified nurse midwife, licensed nurse practitioner, or licensed physician assistant.

OMB—Office of Management and Budget of the Executive Office of the President of the United States.

OPH—Office of Public Health in the Department of Health and Hospitals.

OSFM—Louisiana Office of State Fire Marshal.

Primary Care—services normally provided in a physician's office to diagnose, treat, or prevent illness or injury; and includes professional services provided by licensed professionals such as assessment, examination, approved laboratory services, and treatment services listed in §7517.

Professional Services—documented, face-to-face visit on the RHC premises for the purpose of providing professional level skilled services. Professional services include physical assessment, any of the clinical laboratory tests listed in §7517 of this document, and treatment/education for the illness diagnosed when provided by a qualified professional as defined below.

Qualified Professionals—one of the following professionals qualified to provide services:

- a. *Physician*—Doctor of Medicine;
- b. *Advanced Practice Registered Nurse*—APRN;
- c. *Licensed Physician's Assistant*—PA;
- d. *Licensed Social Worker*— Board Certified Social Worker (BCSW);
- e. *Licensed Clinical Psychologist*—LP.

Rural Area—a non-metropolitan statistical area, as defined by the federal Office of Management and Budget and the Census Bureau/Population and Housing Unit Counts, which has a shortage of physicians and other health care providers as determined by the Department of Health and Hospitals.

Rural Health Clinic (RHC)—an outpatient primary care clinic seeking or possessing certification by the Health Care Financing Administration (HCFA) as a rural health clinic, which provides diagnosis and treatment to the public by a qualified mid-level practitioner and a licensed physician.

Standards of Practice—standards developed and issued by Louisiana professional practices boards that govern health care and allied health professions. Duties and delegation of duties by licensed/certified personnel shall be performed within the bounds of ethical and legal standards of practice. All patient care services must be provided in accordance with the orders of licensed and certified practitioners. Standards of practice pertinent to rural health clinic practice are listed in §7521 of this document.

Waiver or Variance—Written permission granted by the HSS or DHH Secretary or his designee to a facility to operate out of compliance with a specific portion of the standards when it is determined that the health and safety of the patients will not be jeopardized.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2197.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 25:

§7503. Licensing

- A. General Provisions. Rural Health Clinics shall:

1. operate in accordance with rules, regulations and standards contained in this document;
2. meet and maintain compliance with all current HCFA conditions of participation and DHH Minimum Licensing Standards;
3. maintain a sufficient number of qualified professional personnel to provide services appropriate to level of care and the number of patients served; and
4. maintain at least \$500,000 of general liability insurance and \$500,000 of professional liability insurance and provide to DHH proof of insurance upon request.

B. Initial Licensing

1. Policies

- a. All applications shall be original documents submitted to HSS in accordance with current procedures.
- b. Incomplete applications will be closed and discarded 90 days from date of original submission of data. An application is not considered pending until the day a complete application has been received and approved.
- c. Any misrepresentation or falsification of documentation will nullify the application and automatically restrict the applicant from participation in any programs licensed by HSS for at least one year.
- d. Fees or payments for charges submitted to HSS shall be in the form of a company check, certified check or money order made payable to DHH and are non-refundable and non-transferable.

2. Procedures

- a. Obtain a packet from HSS (packet is informational and current for approximately 90 days from date of purchase).
 - b. Complete an application form. Submit an original and one copy.
 - c. Submit the appropriate licensing fee.
 - d. Submit the following documentation:
 - i. all documentation pertinent to the proposed location from the Division of Research and Development, Office of Primary and Rural Health Care Unit and dated within 30 days prior to application;
 - ii. written approval of site/building plans by DHH planning review section;
 - iii. required jurisdictional approvals—local, state, and federal such as zoning, Fire Marshal, and sanitation;
 - iv. letter of intent which shall include:
 - (a). proposed operational hours;
 - (b). proposed target population including clinic location, service area, and pertinent demographics;
 - (c). copy of site plan and sketch of the floor plan of the building;
 - (d). proposed date to begin operation;
 - (e). services to be provided;
 - (f). relationships and/or agreements with other entities (hospitals, emergency transportation, etc.);
 - (g). other licenses, contracts with state, such as Community Care, Kid Med, managed care, etc.;
 - v. appropriate CLIA approval prior to any initial survey.
3. Survey. Prior to issuing an initial license, DHH/HSS will make a comprehensive on-site assessment to determine the capability of the facility to provide primary care services.

A facility shall be operational prior to survey and must have seen at least five patients at the time of survey.

C. Types of License

1. Full, Unrestricted. This license type indicates that the facility is in full compliance with licensing standards, and is valid for one year unless revoked or denied. The license is non-transferrable.
2. Provisional. This license type is issued for a specific length of time in order to designate that the facility is not in full compliance with licensing standards. A provisional license may be issued for the following reasons:
 - a. any repeat violation;
 - b. serious violation during any survey or on-site visit;
 - c. isolated incidence of non-compliance that has the potential for serious harm if not corrected immediately; or
 - d. determination that the facility has potential for serious violation or potential harm due to personnel turnovers, ownership changes, management changes, etc.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2197.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 25:

§7505. Denial, Revocation, or Non-Renewal of License

A. DHH reserves the right to suspend, deny (initial or renewal) or revoke any license at the discretion of the Secretary or his designee. Facilities, facility owners and staff shall be reported to the proper authorities such as state Licensing boards or state or federal enforcement agencies, when there is suspicion of illegal or unethical behavior.

B. Any involuntary termination, failure to renew, or voluntary termination of the facility’s license to avoid adverse action will automatically prevent the facility and the facility owners, professional staff, administrative staff, family members and others as appropriate from applying for an RHC license, or from owning or working with a rural health clinic, for at least one year. Persons who own 5 percent of facility are considered owners.

C. Initial License Denial. DHH shall not accept an application for a second facility associated with owners, managers, or staff until the original facility has been operational for one year without interruption. After the original facility has been operational for one year, DHH shall not accept an application for a second facility if the first facility is under investigation by DHH or any other agency.

D. Adverse Actions. A license or renewal may be revoked, suspended, or denied for any of the following reasons:

1. cruelty or indifference to the welfare of the patients;
2. misappropriation or conversion of the property of the patients;
3. violation of any provision of this section or of the minimum standards, rules, and regulations or orders of the agency promulgated hereunder, including but not limited to, the following:
 - a. failure to employ and utilize a sufficient number of appropriately qualified professionals;
 - b. repeated failure to maintain adherence to any standard;

c. serious violation of RHC standards or current professional standards of practice by licensed/certified personnel;

d. failure to timely submit a corrective action plan for identified violations;

e. reasonable cause to suspect that patient health/safety is jeopardized;

f. reliable evidence that facility has:

i. falsified information on legal documents;

ii. failed to provide optimum therapy in accordance with current standards of practice;

iii. bribed, solicited or harassed any person to use the services of any particular facility; and

iv. failed to assure that only qualified professionals provided care and services;

g. failure to submit required fees in a timely manner;

h. failure to cooperate with survey/investigation by DHH/authorized agencies;

4. conviction or plea of *nolo contendere* by the applicant for a felony. If the applicant is an agency, the head of that agency must be free of such conviction. If a subordinate employee is convicted of a felony, the matter must be handled administratively to the satisfaction of DHH/HSS.

5. documented information of past or present conduct or practices of facility which are detrimental to the welfare of the patients;

6. failure to remain operational and/or cessation of business as defined in §7513.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2197.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 25:

§7507. Changes/Reporting

A. Data Submission. Information requests will be sent to the clinic by various offices of DHH or its contractors. All requests must be answered promptly and must be current at time of renewal or license will not be issued.

1. Each facility shall notify DHH/HSS if facility contracts to provide services under another program such as Community Care, Kid Med, managed care, etc.

2. Failure to return requested information shall result in adverse action including, but not limited to, sanctions, and/or revocation of license.

B. Notifications. The rural health clinic must notify HSS at least fifteen days prior to any operational changes. A license is non-transferable; therefore, invalid for any other location or owner except as originally issued. Any break in the operation of the facility will invalidate the license.

1. Change of Ownership. The following information must be submitted:

a. certified copy of bill of sale;

b. application reflecting changes; and

c. letter of intent, narrative explanation of changes.

2. Change of Address(Location). Submit the following information:

a. same zip code:

i. letter for approval by DHH/HSS;

ii. Fire Marshal's approval;

iii. fee to re-issue license; and

iv. copy of current license;

b. different zip code-site approval letter in addition to above requirements.

3. Change in Services. The following information must be submitted:

a. letter to file listing current services; additional/deleted services;

b. copy of license;

c. staffing changes; and

d. use of contract mid-level practitioner instead of the employee for any period of time greater than 30 days or more than twice during the calendar year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2197.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 25:

§7509. Annual Licensing Renewal

A. DHH Responsibilities. It is the responsibility of the Department of Health and Hospitals (DHH) to:

1. send a letter of notification of license renewal to the facility approximately forty-five (45) days prior to expiration of license;

2. survey annually to assure facility provides quality care, and adheres to licensing requirements;

3. assure that all legal requirements are met (e.g. cost reports, fire marshal reports, etc.); and

4. make a determination and take appropriate action regarding licensing.

B. RHC Responsibilities. It is the responsibility of the Rural Health Clinic to:

1. notify DHH if the renewal letter is not received in a timely manner;

2. complete the application and obtain and submit other required data; and

3. submit the appropriate fee for license.

C. Survey. DHH shall make an annual on-site survey. If DHH does not make an on-site survey prior to renewal of the license, then the facility shall be issued an extension of a valid license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2197.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 25:

§7511. Notice and Appeal Procedures

A. Notification. DHH will give 30 days notice prior to revocation, suspension or denial. However, DHH will not give notice of denial of renewal, suspension, or revocation if DHH determines that the health and safety of the patients is in jeopardy.

B. Appeal Requests. Facilities may appeal denial of initial or renewal license, revocation, or suspension. Appeals resulting from adverse action are suspensive unless DHH determines that the patient's health/safety is in jeopardy. However, when the patient's health and safety is in jeopardy, appeal rights may be exercised only after the facility is closed.

1. Informal Dispute Resolution. Request must be submitted in writing to DHH-HSS within 10 (ten) days of receipt of the notice of adverse action.

2. Administrative Appeal. Request must be submitted in writing to DHH—Office of the Secretary within 30 (thirty) days of receipt of the notice of adverse action. Requests for informal disputes resolution does not affect the time frame for requesting an administrative appeal.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2197.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 25:

§7513. Complaint Procedures

A. All complaints will be investigated by the HSS in accordance with Louisiana R.S. 40:2009.13 et. seq.

B. Deficiencies or violations noted during complaint investigations may result in adverse actions, sanctions, terminations, and/or require immediate or routine corrective action as determined by DHH.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2197.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 25:

§7515. Voluntary Cessation of Business

A. Cessation of Business. If at any time the facility ceases to operate (regardless of length of time), the license shall be deemed invalid and shall be returned to DHH/HSS within five working days.

1. The agency owner is responsible for notifying DHH of the location of all records required to be maintained by the facility.

2. If the facility fails to surrender its license, the facility may be prohibited from operating for at least one year.

B. Expiration of License. Up to 30 days after the expiration date, failure to renew a license shall result in late fees. Thirty-one days or more after the expiration date, the facility shall be required to pay any fines or fees before applying for an initial license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2197.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 25:

§7517. Personnel Qualifications/Responsibilities

A. Responsibility. The administration is responsible for assuring that:

1. all staff members are aware of their job responsibilities and are capable of performing assigned tasks;

2. a facility's staffing is adequate to produce the desired treatment outcomes and must reflect the volume of the patients, patient acuity, and number of services provided;

3. a facility develop and utilize a specific process to determine appropriate staffing levels.

B. Qualification. All personnel shall be licensed in accordance with their respective professions and be either board certified or board eligible as required by their respective certifying organizations. In addition, a facility shall be responsible for verifying and monitoring that professional certified personnel maintain continuous license/certification.

1. Physician Services. The physician shall provide on-site supervision of the mid-level practitioner(s) as required by the payment source and professional boards or at least every other week. All rural health clinic records and care provided by a mid-level practitioner(s) shall be assessed by the physician on a periodic basis or as the situation dictates to assure proper treatment and progress toward positive patient outcomes.

a. Medical Director. The medical director shall be credentialed to provide primary care. He/she provides on-site supervision and direction to the mid-level practitioner, treat the patients whose condition is out of the scope of practice of the mid-level practitioner(s), and treats rural health clinic patients.

b. Other. Licensed physician credentialed to provide services provided as part of the rural health clinic services. The physician who is on-site to supervise the physician assistant(s) must be credentialed in primary care.

2. Mid-level Practitioner. The Mid-level Practitioner shall be appropriately licensed and credentialed as either an Advanced Practice Registered Nurse (Family Nurse Practitioner) or Physician's Assistant. The mid-level practitioner(s) shall be required to maintain ALS(ACLS and ATLS) certification to assure his/her proficiency in accepted standards of emergency care. If a facility has a written, current agreement with an advanced life support provider, who can provide care within ten minutes, then the mid-level practitioner and/or physician are exempt from this required certification.

a. Waivers will not be accepted for a mid-level practitioner.

b. Mid-level practitioners may be contracted to fulfill staffing requirements for 90 days each calendar year (January 1—December 31) with no accrual of days from year to year.

3. Support Staff. The facility should be adequately staffed to provide necessary support to the professionals. Additional staff may include pharmacists, administrators, managers, and clerical and medical records personnel.

C. Governing Body. All owners of a Rural Health Clinic shall be disclosed. Ownership of five percent or more constitutes ownership. In the case of a corporation, members of the board of directors must be identified and minutes of the board meetings shall be made available to DHH/HSS. The board shall meet at least once a year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2197.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 25:

§7519. Services

A. Preventive Services

1. Health. Community-wide immunization efforts; wellness/fitness programs; physical examinations for local school athletes; educational programs; and health screening shall be provided.

2. Dental. Educational information and a current list of local dental providers shall be available.

B. Diagnostic Services. The clinic must have the capacity to evaluate and make initial diagnoses in order to refer to the appropriate facility for treatment and/or more definitive

diagnoses. Facility shall meet the CLIA requirements for all laboratory tests. The following diagnostic examinations are required to be available in every rural health clinic.

1. Dipstick or tablet reagent urinalysis (non-automated) for:

- a. bilirubin;
 - b. glucose;
 - c. hemoglobin;
 - d. ketone;
 - e. nitrite;
 - f. leukocytes;
 - g. protein;
 - h. pH;
 - i. urobilinogen;
 - j. specific gravity.
2. Fecal occult blood.
 3. Urine pregnancy test-visual color comparison tests.
 4. Erythrocyte sedimentation rate (non-automated).
 5. Hemoglobin.
 6. Blood glucose.
 7. Spun hematocrit.
 8. Blood cholesterol test.
 9. Streptococcus A screen.
 10. Nitrozone paper.
 11. Helicobacter pylori screen.

C. Treatment Services

1. Primary Care. The clinic shall provide primary care services, as defined in §7501 to all citizens of the community. Required primary care components include:

- a. prevention of illness, education in wellness and preventive measures;
- b. assessment and physical examination; and
- c. diagnosis and treatment.

2. Emergency Care. The clinic shall maintain emergency equipment, medications and personnel to provide pre-hospital advanced cardiac life support and advanced trauma life support until emergency transportation can arrive and assume care of those in need of services.

a. Facilities within 10 (ten) minutes of Advanced Life Support (ALS) services may opt to have written agreement with a provider to provide services in lieu of certain equipment such as defibrillators and monitors, but must have equipment required for Basic Life Support.

b. All facilities shall have written agreement with emergency transportation provider to transport to the nearest hospital.

3. Contracted Treatment Services. Written agreements with full-service hospitals and credentialed practitioner(s) for specialty care must be current, clearly written, and reviewed annually. The facility retains responsibility for all medical care provided until the patient is referred to or admitted into another facility.

D. Miscellaneous Services

1. Family Services. The Rural Health Clinic shall maintain a current list of local/nearest support organizations and assist (whenever necessary) with accessing those entities. Examples of services that may be listed by the clinic shall include such organizations as the Public Health Unit, Office of Family Support, school clinics, hospices agencies, home health

agencies, American Cancer Society, and services for substance abuse and mental illness.

2. Coordination of services for complex cases is the responsibility of the RHC professional staff.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2197.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 25:

§7521. Agency Operations

A. Municipals. A facility should function as a community resource for all citizens of the service area and should promote improvement of the health of the entire community by providing educational opportunities where feasible, resource lists for referrals, assistance with accessing other resources, wellness programs, and participation in community efforts to promote health and safety. A facility must demonstrate the following.

1. Telemedicine Capacity/Resource. Computer access is recommended.

2. Emergency Preparedness. A facility shall:
- a. maintain a disaster plan appropriate to region and community;
 - b. have facility protocols for medical and non-medical emergencies;
 - c. maintain emergency supplies to provide basic emergency care in the case of a disaster in the community; and
 - d. participate in the development of local community disaster plan.

B. Agreements. Written agreements shall be clearly worded, dated, reviewed and signed by all parties at least annually. All agreements shall be updated as needed to reflect any changes in relationships, provision of services, or other pertinent information.

C. Operation Hours. A facility shall provide:

1. primary care services at least 36 hours per week; three (3) hours a week must be outside of the hours of 8:00 a.m. to 5:00 p.m. Monday through Friday. Priority access and mobile units may be exempt from this requirement if a written variance is approved by DHH-HSS;

2. on-call qualified professional assistance for 24 hours per day, seven days per week;

3. appropriately qualified professional staff on duty during all hours of operation. Failure to do so will result in immediate adverse action.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2197.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 25:

§7523. Procedural Standards

A. The following processes are required for rural health clinics in Louisiana.

1. Access to Care. Rural Health Clinics shall:
- a. not be located within facilities also housing other health care providers in accordance with Louisiana R.S. 40:2007;
 - b. be located away from metropolitan areas;

c. provide services to all citizens of the community across all life cycles;

d. provide service delivery to accommodate the majority of residents of the community; and

e. provide professional coverage as required by §7515 and §7519.C.

2. Patient Assessment. Documentation of an assessment shall include:

a. comprehensive scope of information with updates as indicated by changes in the patient's status;

b. physical examination and medical history, that identifies the patient's condition and care needs, and an estimate of his/her continuing care needs;

c. indicators that identify the need for further assessment/treatment such as the signs/symptoms of substance abuse, which requires a substance abuse assessment be included as part of the mental status evaluation; and

d. pertinent and comprehensive information relative to the reason for the encounter.

3. Care Planning. The plan of care shall be based upon the needs documented in the assessment and may be generic if original assessment and physical examination indicates the patient is generally healthy. The plan of care shall be modified to reflect any changes in the patient's condition.

4. Continuity of Care. The clinic staff shall:

a. provide orderly and efficient transition between levels of care without duplication or disruption of services;

b. provide post-hospitalization care based on the hospital's discharge assessment, possibly a Uniform Needs Assessment Instrument (UNAI), but includes at least a description of the patient's functional status, nursing and/or other care requirements, and the availability of family/care givers;

c. update comprehensive care plan as indicated and provide clinic services as indicated in the plan of care;

d. coordinate care and treatment interventions by all relevant disciplines;

e. evaluate progress and adjust actual care as needed to achieve progress.

5. Infection Control. A facility shall maintain an effective infection control program that protects the patients and staff from infections and communicable diseases.

6. Information Management. A facility shall maintain a record keeping system to communicate and measure clinic performance to assure that patient needs are documented and met. This system shall include accurate documentation of a patient visit for quality assessment and performance improvement purposes. The facility shall ensure the integrity, effectiveness, confidentiality, and security of the facility's data system.

7. Clinical Protocols. Written clinical protocols shall be established between mid-level practitioner(s) and the physician and the treatment(s) of choice shall be easy to identify.

8. The facility must have a grievance process and must indicate who the patient can contact to express a grievance. Records of all grievances, steps taken to investigate, and results of interventions must be available to surveyors upon request.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2197.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 25:

§7525. Record Keeping

A. Medical Records

1. Identifying Information. The patient identification information such as name or ID number must appear on each page.

2. Entry Identification. Entries must be dated, signed, and credentials identified (MD, RN, etc.).

3. Contents. Each patient record must contain the following:

a. personal/biographical data including full name, age, sex, address, employer, home and work telephone numbers, and marital status;

b. next of kin or contact person;

c. pertinent medical history/information.

4. Storage. All medical records shall be protected from theft, fire, and unauthorized use. Open shelving may be utilized only when the patients/visitors do not have access to the storage area. Closed records must be maintained by the facility or its designee in accordance with the following:

a. a minimum of seven years from the date of last entry. After two years, records may be maintained electronically;

b. until the age of majority, plus seven years in the case of children or adolescents.

B. Facility Records. A facility must maintain records of credentials and other evidence that facility is in compliance with current standards of practice and licensing standards as listed below:

1. personnel records;

2. advisory board meeting minutes;

3. policies/procedures with annual approvals;

4. governing board meeting minutes; and

5. proof of hours worked for professional employees.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2197.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 25:

§7529. Quality Assurance

A. Definitions

Scope of Care/Services—a facility shall delineate their scope of practice to include:

a. the range of services provided, including conditions prevented, managed, or treated;

b. treatments and/or procedures provided;

c. patient populations served;

d. hours when care or services are provided; and,

e. types of professional disciplines and/or specialists providing services.

Evaluation—the review and assessment of the quality and appropriateness is an important aspect of care. The review and assessment is designed to identify problems and develop procedures to prevent and resolve the problems.

Important Aspects of Care—clinical activities that involve a high volume of patients, that entail a high degree of

risk for patients, or that tend to produce problems for staff or the patients are deemed most important for purposes of monitoring and evaluation.

Monitoring—a process of surveillance, and/or auditing to identify systemic or localized problem area(s) where improvement may be indicated.

Performance Indicators—the measurement tool used to monitor and evaluate the facility's quality of management, clinical services, and support functions.

Pursuit of Opportunity to Further Improve Care—applies pro-active efforts to identify and implement improvements.

Quality Improvement—a management led and patient focused systematic method of improving systems and processes. Its basis is a statistical process control.

Quality of Patient Care—the degree to which patient care services increase the probability of desired patient outcomes and reduce the probability of undesired outcomes.

B. Process

1. Utilization Review. At least 10 percent of all encounters shall be reviewed quarterly by the medical director and/or physician member of the advisory board.

2. Internal Evaluation. Facility shall develop and conduct an annual internal evaluation process to provide necessary data to formulate a plan for continuous quality improvement/quality assurance.

3. Quality Assurance/continuous Quality Improvement. The facility shall have ongoing programs to assure that the overall function of the clinic is in compliance with federal, state, and local laws, and is meeting the needs of the citizens of the area, as well as attaining the goals and objectives developed from the mission statement established by the facility.

4. Quality Improvement Program. The facility shall have a written quality improvement program that addresses at least the following elements:

- a. facility philosophy/mission/goals/objectives/scope of care/services;
- b. personnel roles/responsibilities/physician supervision/nurse practitioner, credentialing/re-credentialing policy/procedures/annual review/evaluation and drug policy and procedures;
- c. important aspects of care/quality of care studies;
- d. performance indicators relative to, but not limited to, identified problem areas of the clinic or healthy outcomes;
- e. monitoring and evaluation procedures/documentation of findings;
- f. patients' rights, responsibilities, grievance and appeal policies/procedures;
- g. utilization review/medical records audit; and
- h. patient satisfaction surveys.

5. Systemic Quality Improvements. A facility shall:
- a. participate in a continuous effort to improve its performance;
 - b. focus on improving patient outcomes and patient satisfaction;
 - c. have objective measures to allow tracking of performance over time to ensure that improvements are sustained;
 - d. develop/adopt quality indicators that are predictive

of desired outcomes or are outcomes that can be measured, analyzed and tracked;

e. identify its own measure of performance for the activities it identifies as priorities in quality assessment and performance improvement strategy;

f. conduct distinct successful improvement activities proportionately to the scope and complexity of the clinic operations;

g. immediately correct problems that are identified through its quality assessment and improvement program that actually or potentially affect the health and safety of the patients;

h. make an aggressive and continuous effort to improve overall performance of clinic and personnel; and

i. use the process of improvement (identification of patient care and service components; application of performance measures; and continuous use of a method of data collection and evaluation) to identify or trigger further opportunities for improvement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2197.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 25:

§7529. Patient's Rights and Responsibilities

A. The facility shall provide education to personnel regarding patient rights during orientation at least annually, and post a copy of the patient's rights in a conspicuous place.

1. Patients of Rural Health Clinics shall have the right to:

- a. be treated equally and receive care without regard to age, sex, religion, race or creed;
- b. receive care that is not determined by patient's ability to pay for service;
- c. confidentiality of his/her clinical records;
- d. be informed of all costs and expected payment from other resources;
- e. be treated with respect for the individual patient's comfort, dignity and privacy;
- f. be informed of his/her rights in advance of care being provided;
- g. access information contained in his/her clinical records within a reasonable time frame;
- h. make decisions regarding his/her care;
- i. formulate advance directives and have staff/practitioners to comply with those directives;
- j. maintain personal privacy and receive care in a safe setting; and
- k. be free from verbal or physical abuse or harassment from staff.

2. Patients of Rural Health Clinics are responsible for:

- a. providing, to the extent possible, information needed by professional staff in caring for the patient;
- b. following instructions and guidelines given by those providing health care services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2197.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 25:

§7531. Advisory Committee

A. All members of the advisory committee shall be designated in writing and approved by the governing board. The advisory committee shall be composed of two medical professionals, and at least one consumer of services; none may be employed by the facility. However, facility staff should attend meetings.

1. Qualifications

a. Medical professionals may be any Louisiana licensed health care professional, including but not limited to, medical doctor, registered nurse, board certified social worker, pharmacist, or physical therapist.

b. Consumers must be members of the local community, over 21 years of age, and not affiliated by employment, family, finance or contract with the facility.

2. Responsibilities. The Advisory Committee shall:

a. meet annually to review the facility's mission/philosophy, operations, finances, policies and planned activities to assure that the facility is improving access and health care to the community; and

b. provide suggestions regarding facility changes based upon community needs, growth, and support.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2197.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 25:

§7533. Physical Environment

A. Occupancy. The facility shall have written approval from the appropriate agency to verify compliance with Office of the State Fire Marshal.

B. Safety. The following are fundamental to the effective management of a facility:

1. preventing, reporting and correcting threatening situations, equipment failures, and actual incidents that involve injury or damage to property;

2. proper safety management;

3. emergency preparedness;

4. proper storage and disposal of trash and medical waste;

5. proper temperature control, light and ventilation;

6. proper storage of drugs and cleaning material; and

7. clean and free of hazards;

a. bathrooms shall be vented to outside and have adequate soap, hand towels and hot water to promote infection control;

b. general appearance of facility shall be neat and clean;

8. exits shall not be obstructed and facility shall have:

a. a minimum of two exits spaced as widely apart as possible;

b. exit doors that are at least 34 inches wide but less than 48 inches;

c. exit corridors that are at least 44 inches wide and do not pass through a storage room, mechanical room, or kitchen;

d. clearly marked exits and exit pathways with exit signs and arrows;

e. adequate light at all times. If the facility is occupied at night, all exit signs must be internally lighted and corridors must have emergency light units;

f. doors which can be opened from inside the room or area without a key or special knowledge; and

g. exit signs over each exit door and also at every corridor junction. At least one exit sign must be visible from any location in the building;

9. locks:

a. no door equipped with a self closure device (except entry/exit doors) may ever be blocked open;

b. every lock must be operable from inside the room or area;

10. miscellaneous:

a. the facility shall have one fire extinguisher (minimum size 2A) for each 1500 square feet. It must be inspected and tagged annually; and, the gauge must show in the white, green, or "overcharged" areas. It may be Type A or Type ABC;

b. Any storage room over 50 square feet must have an automatic door closure device. No flammable liquids (such as gasoline, diesel, etc.) may be stored inside the facility. However, alcohol and cleaning supplies are allowed in reasonable quantities;

c. any compressed gas cylinder, regardless of type and/or amount of contents, must be on a rack or chained to avoid tipping;

d. at a minimum a fire wall rated for one hour must separate the facility from any other occupied area. Criteria for the wall include:

i. one layer of 5/8 inch fire code sheetrock or other limited or non-combustible material on each side;

ii. separation wall must extend completely to the roof deck with no unsealed penetrations or holes;

iii. one and 3/4 inch doors (if doors are present) must be solid core with automatic self-closure device.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2197.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 25:

Interested persons may submit written comments to the following address: Thomas D. Collins, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. He is the person responsible for responding to all inquiries regarding this proposed rule. A public hearing on this proposed rule is scheduled for Tuesday, April 27, 1999 at 9:30 a.m. in the Department of Transportation and Development Auditorium, First Floor, 1201 Capitol Access Road, Baton Rouge, Louisiana. At that time all interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing. The deadline for the receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

David W. Hood
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

RULE TITLE: Licensing Standards for Rural Health Clinics

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Implementation of this proposed rule will increase state costs by approximately \$928 for SFY 1999-00, \$4,985 for SFY 2000-01, and \$4,978 for SFY 2001-02. Included in SFY 1999 is \$720 for the administrative expense of promulgating this proposed rule and the final rule.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The estimated effect on revenue collections are approximately \$1,212 for SFY 1999-00, \$11,815 for SFY 2000-01, and \$11,822 for SFY 2001-02. Included in SFY 1999 is \$720 for the federal share of promulgating this proposed rule and the final rule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

It is anticipated that implementation of this proposed rule will increase costs by approximately \$2,140 for SFY 1999-00, \$16,800 for SFY 2000-01, and \$16,800 for SFY 2001-02. Adoption of these standards will assure the quality of care provided by rural health clinics and clients should benefit from this effort.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed licensing standards may cause some providers to choose to discontinue providing rural health clinic services, resulting in a reduction in the number of current operating providers. However, it is anticipated that new rural health clinics may be licensed, thereby increasing employment opportunities for Louisiana residents as the agencies hire qualified staff.

Thomas D. Collins
Director
9903#030

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

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

**Standards for Payment for Adult Day Health Care (ADHC)
Services (LAC 50:II.10905)**

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

The Department of Health and Hospitals is responsible for licensing adult day health care centers as authorized by Public Act 705 of the 1984 Louisiana Legislative Session. Current licensing standards for providers of Adult Day Health Care Centers require: 1) enrolled Title XIX Adult Day Health Care Centers shall be licensed by the Department of Health and

Hospitals, Division of Licensing and Certification; 2) a provider agreement must be executed wherein the applicant agrees to comply with the Standards for Payment for Adult Day Health Care Centers; and 3) an applicant for enrollment shall have completed two years as a Louisiana licensed health care provider. Copies of applicable licenses must be provided to the Division of Medical Assistance (*Louisiana Register*, Vol. 14, Number 11).

The Department has determined that it is necessary to amend the standards for participation for Adult Day Health Care Centers by deleting the requirement for the completion of two years as a Louisiana licensed healthcare provider as a condition for licensure. In addition, the Department has created the Division of Home and Community Based Services Waivers (DHCBSW) to be responsible for the operation and management of the Home and Community Based Services Waiver as well as Case Management Services Programs. The DHCBSW shall be included in the list of definitions applicable to adult day health care centers. The department adopted an emergency rule effective February 21, 1999 establishing the above provisions in force (*Louisiana Register*, Vol. 25, Number 2).

Proposed Rule

The Department of Health and Hospitals, Bureau of Health Services Financing amends §10905 entitled Definitions and §10907 entitled Licensure as follows.

Title 50

PUBLIC HEALTH - MEDICAL ASSISTANCE

Part II. Medical Assistance Program

Subpart 3. Standards for Payment

**Chapter 109. Standards for Payment—Adult Day
Health Care Services**

§10905. Definitions

* * *

DHCBSW—Division of Home and Community-Based Services Waivers of the Bureau of Health Services Financing.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:153 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Family Security, LR 11:623 (June 1985), repromulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 23:1149 (September 1997), amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 25:

§10907. Licensure

A. Enrolled Title XIX Adult Day Health Care Centers shall be licensed by the Department of Health and Hospitals.

B. A Provider Agreement must be executed wherein the applicant agrees to comply with the Standards for Payment for Adult Day Health Care Centers.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:153 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Family Security, LR 11:623 (June 1985), amended by the Department of Health and Hospitals, Office of the Secretary LR 14:793 (November 1988), repromulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 23:1150 (September 1997),

amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 25:

Interested persons may submit written comments to the following address: Thomas D. Collins, Bureau of Health Services Financing, P. O. Box 91030, Baton Rouge, Louisiana 70821-9030. He is the person responsible for responding to inquiries regarding this proposed rule.

A public hearing on this proposed rule is scheduled for Tuesday, April 27, 1999 at 9:30 a.m. in the Department of Transportation and Development Auditorium, First Floor, 1201 Capitol Access Road, Baton Rouge, Louisiana. At that time all interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing. The deadline for the receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

David W. Hood
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Adult Day Health Care
Services Standards for Payment**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no estimated fiscal impact to the state as a result of implementation of this proposed rule. However, \$80 will be incurred in SFY 1999 for the state's administrative expense of promulgating this proposed rule as well as the final rule.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The state will collect \$80 in SFY 1999 for the federal share of promulgating this proposed rule as well as the final rule. In addition, revenue collection will increase in the form of collection of initial license fees and renewal fees for Adult Day Health Care Facilities. However, the department cannot estimate the number of providers who will apply for Adult Day Health Care Facility licenses.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Prospective providers will be able to obtain a license without having completed the two years as a licensed health care provider as required by current regulations.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is insufficient data to project a fiscal impact on competition and employment.

Thomas D. Collins
Director
9903#036

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Insurance
Office of the Commissioner**

**Medicare Supplement Insurance Minimum Standards
(LAC 33:XIII.Chapter 5)**

In accordance with the provisions of LSA-R.S. 49:953 et seq. and LSA-R.S. 22:224 the Department of Insurance hereby gives notice of its intent to adopt Regulation 33. The purpose of this regulation is to implement the specific requirements of the Social Security Act, mandated by the Balanced Budget Act of 1997, which established a new Medicare+Choice (M+C) program that significantly expands the health care options available to Medicare beneficiaries. Further, Congress has mandated that each state amend its laws to conform to the federal standards by April 29, 1999. The provisions of this regulation are consistent with the newly enacted provisions of the federal Medicare statute, as set forth with the newly enacted provisions of the federal Medicare statute, as set forth in 42 CFR Parts 400, 403, 410, 417 and 422 effective July 27, 1998.

This regulation repeals all prior and existing rules with respect to Chapter 5. Regulation 33: Medicare Supplement Insurance Minimum Standards.

The text of this proposed rule may be obtained in its entirety at the Office of the State Register, 1051 North Third Street, Baton Rouge, and the Department of Insurance, 950 North Fifth Street, Baton Rouge, Louisiana.

A public hearing on the proposed regulation will be held on April 26, 1999 in the Plaza Hearing room of the Louisiana Department of Insurance located at 950 North Fifth Street, Baton Rouge, LA, at 9:00 a.m. All interested persons will be afforded an opportunity to make comments.

Interested persons may submit oral or written comments to Emma Fontenot, Office of Health, Department of Insurance, P.O. Box 94214, Baton Rouge, LA 70804-9214, telephone (225) 219-4775. Comments will be accepted through the close of business at 4:30 p.m., April 26, 1999.

James H. "Jim" Brown
Commissioner

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Medicare Supplement Insurance
Minimum Standards**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is not anticipated that the Department of Insurance will incur any costs or savings as a result of implementing this regulation; no new duties are imposed upon DOI by the regulation.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Adoption of this regulation revision will not have any effect on revenue collections by local governmental units. No provision in the regulation calls for fines or other fees; therefore, there would be no additional revenue generated for the state.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Data available are insufficient to determine the effect this regulation would have on insurers and/or insureds.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

It is not anticipated that this regulation would have any effect on employment or competition.

Craig S. Johnson
Deputy Commissioner
9903#004

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Justice
Office of the Attorney General**

**Ombudsman Certification and Training
(LAC 48:IX.1301-1311)**

The Office of the Attorney General proposes to adopt rules and regulations for the certification and training program of ombudsman.

La. R.S. 28:395 established the ombudsman program in the office of the attorney general for the purpose of monitoring care received by persons with mental retardation or developmental disabilities residing in state-licensed facilities for persons with developmental disabilities funded through the Department of Health and Hospitals excluding state-operated residential care facilities.

The Louisiana Attorney General's office shall adopt rules and regulations governing the certification and training program for the establishment of the ombudsman program as follows:

Title 48

PUBLIC HEALTH

**Part IX. Mental Retardation Services and
Developmental Disability Services**

Chapter 13. Ombudsman Certification and Training

§1301. Minimum Ombudsman Qualifications

- A. a high school diploma or GED; and
- B. one of the following:
 - 1. two years of college with a human services major and at least one year work experience; or
 - 2. three years of work experience paid or unpaid in a human services area;
- C. an ability to communicate and work with a diverse group of people;
- D. an ability to read and write the English language;

E. no financial interest in or family members who are residents in a community living facility that will be served by the ombudsman;

F. no felony convictions, or history of abuse or violent behavior; Ombudsman candidates shall permit the Community Living Ombudsman program to conduct background checks with all necessary federal and state law enforcement organizations

G. an ability to travel to and from the assigned facilities.

AUTHORITY NOTE: Promulgated in accordance with La. R.S. 28:395.

HISTORICAL NOTE: Promulgated by the Department of Justice, Office of the Attorney General, LR 25:

§1303. Certification Training

A. In order to be certified, the Ombudsman shall complete a training program consisting of the following:

1. a training course consisting of 30 hours.

B. The training course for ombudsman certification shall consist of the following:

1. the history of the treatment of the developmentally disabled;

2. effective communication techniques with the developmentally disabled;

3. techniques for working families of the developmentally disabled;

4. the components of the service system, particularly the regulations governing the Department of Health and Hospitals, Office of Citizens with Developmental Disabilities and agency interaction with private service agencies;

5. knowledge of assistive technology;

6. health standards and safety standards;

7. negotiation strategies and creative problem solving.

AUTHORITY NOTE: Promulgated in accordance with La. R.S. 28:395.

HISTORICAL NOTE: Promulgated by the Department of Justice, Office of the Attorney General, LR 25:

§1305. Written Exam; Role Playing

Upon completion of the training program, the program director shall administer a written exam and a role playing exercise.

AUTHORITY NOTE: Promulgated in accordance with La. R.S. 28:395.

HISTORICAL NOTE: Promulgated by the Department of Justice, Office of the Attorney General, LR 25:

§1307. Certification

The program director shall forward the names of the successful candidates to the Department of Justice, consumer protection section for certification. The Department shall maintain a record of the certified ombudsman.

AUTHORITY NOTE: Promulgated in accordance with La. R.S. 28:395.

HISTORICAL NOTE: Promulgated by the Department of Justice, Office of the Attorney General, LR 25:

§1309. Renewal of Certification

Ombudsman certification may be renewed after one year if the ombudsman demonstrates satisfactory performance and participates in required in service training.

AUTHORITY NOTE: Promulgated in accordance with La. R.S. 28:395.

HISTORICAL NOTE: Promulgated by the Department of Justice, Office of the Attorney General, LR 25:

§1311. Revocation of Certification

The program director may recommend withdrawal of an ombudsman's certification for the following reasons:

1. a conflict of interest develops or becomes known;
2. unsatisfactory job performance; or
3. unethical conduct related in any way to an ombudsman's work.

AUTHORITY NOTE: Promulgated in accordance with La. R.S. 28:395.

HISTORICAL NOTE: Promulgated by the Department of Justice, Office of the Attorney General, LR 25:

Interested persons may submit written comments to the following address: Jennifer Cluck, Ombudsman Coordinator, Office of the Attorney General, 301 Main Street, Suite 1250, Baton Rouge, LA 70801. All interested persons will be afforded an opportunity to present their views in writing.

Richard P. Ieyoub
Attorney General

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Ombudsman Certification and Training**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is a \$275,000 general appropriation for the entire program. No other funds are expended. There is estimated to be no additional implementation costs or savings to state or local governmental units.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is estimated that there will be no effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The mentally retarded and developmentally disabled living in community assisted living facilities will benefit from the implementation of the proposed rule. The mentally retarded and developmentally disabled persons living in community assisted living facilities are visited by a trained and certified ombudsman who addresses problems and mediates for a resolution.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

It is estimated that there will be no effect on competition and employment for this rule. The ombudsmen are volunteers.

Isabel Wingerter
Chief
Consumer Protection
9903#033

Robert Hosse
Director
General Government Section
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Social Services
Office of Community Services**

Reimbursement Rates for Residential Facilities
(LAC 67:V.3503)

The Department of Social Services, Office of Community Services, proposes to amend the rule entitled "Reimbursement Rates for Residential Facilities." The current rate setting methodology has been changed.

Title 67

SOCIAL SERVICES

Part V. Office of Community Services

Subpart 5. Foster Care

Chapter 35. Payments, Reimbursables and Expenditures

§3503. Reimbursement Rates for Residential Facilities

A.1. The rate setting methodology for residential facilities reimbursed by the Department of Social Services/Office of Community Services consists of four components:

- a. administration;
- b. basic care;
- c. supervision; and
- d. intervention.

2. Costs will be reimbursed through cost models with the models based on historical costs, reasonable costs and the level of services the Department wishes to purchase. Administrative costs will be reimbursed through models of reasonable administrative structures which are based on facility size and agency complexity. The costs of basic care will be based on the cost of raising a child as estimated by the United States Department of Agriculture. The model for the supervision component is based on the level of staffing needed to care for the level of care required for the children in the facility. Costs associated with supervision will continue to reflect the cost for direct care workers, and their immediate supervisors, when the supervisors are not included in the administration component. Costs associated with intervention will continue to reflect the cost of professional social workers, psychologists and psychiatrists and related costs. The salary levels in the Administrative, Intervention and Supervision cost models are based on the salaries for equivalent state workers. The rate will be the sum of the four components appropriate to the care being delivered to the client.

B. Facilities receiving reimbursement under this rate methodology will be required to submit audited cost reports to the Office of Community Services every second year, starting with the first year of implementation. The audit must be conducted by a certified public accountant, must determine whether the cost report conforms to the requirements of the

Department of Social Services, Rate Setting for Residential Services Manual, and must contain the opinion of a certified public accountant that the costs shown in the cost report are accurate and allowable. Facilities which submit costs reports after the date specified by the Office of Community Services are subject to progressive penalties including fiscal sanctions, suspension of eligibility for OCS placements and termination of the placement agreement with OCS.

C. Each year the Department will implement a percentage of the calculated rates as the approved budget allows.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:1084.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Community Services, LR 14:542 (August 1988), amended LR 20:898 (August 1994), LR 25:

A public hearing on the proposed rule will be held at 10:00 a.m. on April 27, 1999 in the Sixth Floor Training Room, 333 Laurel Street, Baton Rouge, LA 70808. All interested persons will be afforded the opportunity to submit data, views, or arguments, orally or in writing, at said hearing.

Interested persons may submit written comments within 30 days to Shirley Goodwin, Assistant Secretary, Office of Community Services, Box 3318, Baton Rouge, LA 70821.

Madlyn Bagneris
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

RULE TITLE: Residential Rates for Residential Facilities

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is estimated that the cost to publish this rule will be \$80 which will be paid out of current year funds in the Office of Community Services (OCS).

The proposed implementation date for the new rate setting system is July 1, 1999 negating any additional cost for FY 98-99. The agency requested in its FY 99-00 budget request a total of \$1,501,889 to partially implement the actual calculated rates derived from the new system. This amount was not approved by the Division of Administration and is not included in the Executive Budget for FY 99-00. As a result, there will be no increased cost as a result of implementation of the new system as the agency is required to remain within its existing budget of \$25,500,000 for residential services. The Department will request additional funding for full implementation of the calculated rates for SFY 2000-01. The proposed rule enables the Department to implement a percentage of the calculated rate in the absence of adequate funding.

Changing the requirement of audited cost reports from an annual to biannual basis should result in an estimated cost savings to the state agency of \$118,000 annually in the year in which audited cost reports are not required as a result of not funding this audit expenditure.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

If the agency's budget for residential care remains unchanged, there will be no impact on revenue collections. However, if the agency is successful in increasing its budget authority in this area, the agency will be able to draw down an additional amount of Title IV-E funding for eligible children/services. This amount is undeterminable at this time, but eligible services in the

assistance category will enjoy a federal participation rate of roughly 70%.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Residential facilities reimbursed under the new rate methodology will experience a rate which more closely relates to their expended cost in a particular area, i.e., administration, basic care, supervision, and intervention, and the determined rate will bear relationship to external objective indicators, e.g., United States Department of Agriculture data on the costs for caring for children. As new rates are determined, individual providers may experience an upward or downward adjustment in their rate based on the new criteria. This rule allows the Department to contain aggregate reimbursements to residential providers at current year level of funding while redistributing available appropriations among providers to more equitably relate to their current costs of care.

Changing the requirement of audited cost reports from an annual to biannual basis should result in an administrative cost savings to the provider due to reduced record keeping in the year in which audited cost reports are not required.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No impact on competition or employment is expected from these regulations.

Robert J. Hand
Director
9903#043

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Social Services
Office of the Secretary**

**Drug Testing of Employees
(LAC 67.I.101-121)**

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and in accordance with Executive Order MJF 98-38 and R.S. 49:1001 et seq., notice is hereby given that the Department of Social Services, Office of the Secretary intends to promulgate rules regarding the implementation of a drug testing program for new and existing employees within the department.

Title 67

SOCIAL SERVICES

Part I. Office of the Secretary

Subpart 1. General Administration

Chapter 1. Drug Testing

§101. Introduction and Purpose

A. The employees of the State of Louisiana are among the state's most valuable resources, and the physical and mental well-being of these employees is necessary for them to properly carry out their responsibilities. Substance abuse causes serious adverse consequences to users, impacting on their productivity, health and safety, dependents and co-workers, as well as the general public. Substance abuse on the job can cause undue risk of harm to the public in general and the children and other clients directly served by and

dependent on the services of the Department of Social Services (DSS).

B. The State of Louisiana has a long-standing commitment to working toward a drug-free workplace. In order to curb the use of illegal drugs by employees of the State of Louisiana, the Louisiana Legislature enacted laws which provide for the creation and implementation of drug testing programs for state employees. Further, the Governor of the State of Louisiana issued Executive Order Number MJF 98-38 providing for the promulgation by executive agencies of written policies mandating drug testing of employees, appointees, prospective employees and prospective appointees, pursuant to R.S. 49:1001, et seq.

C. The Department of Social Services fully supports these efforts and is committed to a drug-free workplace.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:1001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary, LR 25:

§103. Applicability

This policy shall apply to all employees of DSS including appointees and all other persons having any employment relationship with this agency.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:1001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary, LR 25:

§105. Definitions

Controlled Substance—a drug, chemical substance or immediate precursor in Schedules I through V of R.S. 40:964 or Section 202 of the Controlled Substances Act (21 U.S.C. 812).

Designer (Synthetic) Drugs—those chemical substances that are made in clandestine laboratories where the molecular structure of both legal and illegal drugs is altered to create a drug that is not explicitly banned by federal law.

Employee—unclassified, classified, and student employees, student interns, both paid and unpaid, and any other person having any employment relationship with the agency, regardless of the appointment type (e.g. full-time, part-time, temporary, etc.).

Illegal Drug—any drug which is not legally obtainable or which has not been legally obtained, to include prescribed drugs not legally obtained and prescribed drugs not being used for prescribed purposes or being used by one other than the person for whom prescribed.

Public Vehicle—any motor vehicle, water craft, air craft or rail vehicle owned or controlled by the state.

Reasonable Suspicion—belief based upon reliable, objective and articulable facts derived from direct observation of specific physical, behavioral, odorous presence, or performance indicators and being of sufficient import and quantity to lead a prudent person to suspect that an employee is in violation of this policy.

Safety-Sensitive or Security-Sensitive—a position determined by the appointing authority to contain duties of such nature that the compelling state interest to keep the incumbent drug-free outweighs the employees' privacy interests. Executive Order Number MJF 98-38 sets forth the

following non-exclusive list of examples of safety-sensitive and/or security-sensitive positions in state government:

1. positions with duties that may require or authorize the safety inspection of a structure;
2. positions with duties that may require or authorize access to a prison or an incarcerated individual;
3. positions with duties that may require or authorize carrying a firearm;
4. positions with duties that may allow access to controlled substances (drugs);
5. positions with duties that may require or authorized inspecting, handling, or transporting hazardous waste as defined in R.S. 30:2173(2) or hazardous materials as defined in R.S. 32:1502(5);
6. positions with duties that may require or authorize any responsibility over power plant equipment;
7. positions with duties that may require instructing or supervising any person to operate or maintain, or that may require or authorize the operating or maintaining, any heavy equipment or machinery;
8. positions with duties that may require or authorize the operation or maintenance of a public vehicle, or the supervision of such an employee.

Under the Influence—for the purposes of this policy, a drug, chemical substance, or the combination of a drug, chemical substance that affects an employee in any detectable manner. The symptoms or influence are not confined to that consistent with misbehavior, nor to obvious impairment of physical or mental ability, such as slurred speech or difficulty in maintaining balance. A determination of influence can be established by a professional opinion or a scientifically valid test.

Workplace—any location on agency property including all property, offices, facilities, vehicles and equipment, whether owned, leased or otherwise used by the agency or by an employee on behalf of the agency in the conduct of its business, in addition to any location from which an individual conducts agency business while such business is being conducted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:1001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary, LR 25:

§107. DSS Drug-free Workplace Policy

A. It shall be the policy of DSS to maintain a drug-free workplace and a workforce free of substance abuse (see DSS Policy 8050-89). Employees are prohibited from reporting for work, performing work, or otherwise being on any duty status for DSS with the presence in their bodies of illegal drugs, controlled substances, or designer (synthetic) drugs at or above the initial testing levels and confirmatory testing levels as established in the contract between the State of Louisiana and the official provider of drug testing services. Employees are further prohibited from illegal use, possession, dispensation, distribution, manufacture, or sale of controlled substances, designer (synthetic) drugs, and illegal drugs at the work site and while on official state business, on duty or on call for duty.

B. To assure maintenance of a drug-free workforce, it shall be the policy of DSS to implement a program of drug testing in accordance with Executive Order Number MJF 98-38, R.S. 49:1001, et seq., and all other applicable federal and state laws, as set forth below.

C. DSS will begin drug testing after the Division of Administration (DOA) awards the request for proposal to a drug testing service and provides procedures to the department regarding the use of the drug testing service.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:1001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary, LR 25:

§109. Conditions Requiring Drug Tests

A. DSS shall require drug testing under the following conditions.

1. Reasonable Suspicion. Any employee shall be required to submit to a drug test if there is a reasonable suspicion (as defined in this policy) that the employee is using illegal drugs. At least two supervisors/managers must concur there is reasonable suspicion before an employee is required to submit to a drug test.

2. Post-Accident. Each employee involved in an accident that occurs during the course and scope of employment shall be required to submit to a drug test if the accident:

- a. involves circumstances leading to a reasonable suspicion of the employee's drug use;
- b. results in a fatality; or
- c. results in or causes the release of hazardous waste as defined in R.S. 30:2173(2) or hazardous materials as defined in R.S. 32:1502(5).

3. Rehabilitation Monitoring. Any employee who is participating in a substance abuse after-treatment program or who has a rehabilitation agreement with the agency shall be required to submit to random drug testing.

4. Pre-Employment. Each prospective employee shall be required to submit to drug screening at the time and place designated by the appointing authority or designee following a job offer contingent upon a negative drug-testing result. Pursuant to R.S. 49:1008, a prospective employee who tests positive for the presence of drugs in the initial screening or who fails to cooperate in the testing shall be eliminated from consideration for employment.

5. Safety-Sensitive and Security-Sensitive Positions—Appointments and Promotions. Each employee who is offered a safety-sensitive or security sensitive position (as defined in this policy) shall be required to pass a drug test before being placed in such position, whether through appointment or promotion. (See §119 listing of these positions.)

6. Safety-Sensitive and Security-Sensitive Positions—Random Testing. Every employee in a safety-sensitive or security-sensitive position shall be required to submit to drug testing as required by the appointing authority, who shall periodically call for a sample of such employees, selected at random by a computer-generated random selection process, and require them to report for testing. All such testing shall, if practicable, occur during the selected employee's work schedule.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:1001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary, LR 25:

§111. Procedure

A. Drug testing pursuant to this policy shall be conducted for the presence of any illegal drugs including, but not limited to, cannabinoids (marijuana metabolites), cocaine metabolites, opiate metabolites, phencyclidine, and amphetamines in accordance with the provisions of R.S. 49:1001, et seq. DSS reserves the right to test employees for the presence of any other illegal drugs or controlled substance when there is a reasonable suspicion to do so.

B. The human resource director of each Office shall be involved in any determination that one of the above-named conditions requiring drug-testing exists. Upon such determination, the appointing authority or designee for each Office shall notify the supervisor of the employee to be tested, who shall immediately notify the employee where and when to report for the testing.

C. Testing services shall be performed by a provider chosen by the Office of State Purchasing, Division of Administration, pursuant to applicable bid laws. At a minimum, the testing service shall assure the following.

1. All specimen collections will be performed in accordance with applicable federal and state regulations and guidelines to ensure the integrity of the specimens and the privacy of the donors. The appointing authority or designee for each Office shall review and concur in advance with any decision by a collection site person to obtain a specimen under direct observation. All direct observation shall be conducted by a collection site person of the same gender.

2. Chain of custody forms must be provided to ensure the integrity of each urine specimen by tracking its handling and storage from point of collection to final disposition.

3. Testing shall be performed by a SAMSHA-certified (Substance Abuse Mental Services Health Administration) laboratory.

4. The laboratory shall use a cut-off of 50 ng/ml for a positive finding in testing for cannabinoids.

5. All positives reported by the laboratory must be confirmed by gas/chromatography/mass spectrometry.

6. All initial positive results of drug-testing shall be reported by the laboratory to a qualified medical review officer.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:1001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary, LR 25:

§113. Confidentiality

All information, interviews, reports, statements, memoranda, and/or test results received by DSS through its drug testing program are confidential communications, pursuant to R.S. 49:1012, and may not be used or received in evidence, obtained in discovery, or disclosed in any public or private proceedings, except in an administrative or disciplinary proceeding or hearing, or civil litigation where drug use by the tested individual is relevant. These records will be kept in a locked confidential file just as any other medical records are retained.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:1001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary, LR 25:

§115. Responsibilities

A. The Secretary of DSS is responsible for the overall compliance with this policy and shall submit to the Office of the Governor, through the Commissioner of Administration, a report on this policy and drug testing program; describing the process, the number of employees affected, the categories of testing being conducted, the associated costs of testing, and the effectiveness of the program by November 1 of each year.

B. The appointing authority or designee is responsible for administering the drug testing program; determining when drug testing is appropriate; receiving, acting on, and holding confidential all information received from the testing services provider and from the medical review officer; and collecting appropriate information necessary to agency defense in the event of legal challenge.

C. All supervisory personnel are responsible for assuring that each employee under their supervision receives a copy of this policy, signs a receipt form, and understands or is given the opportunity to understand and have questions answered about its contents.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:1001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary, LR 25:

§117. Violation of the Policy

A. Positive Test Result. Any employee reported with a confirmed positive test will be subject to the following disciplinary action, up to and including termination at the Secretary's discretion. Post-accident or return to duty tests which are positive will result in the employee's termination. At a minimum the following actions will be taken in the instance of a first positive test.

1. The safety-sensitive employee will be suspended without pay for a period of time determined by the appointing authority but not less than one week.

2. The employee must meet with an approved chemical abuse counselor for a substance abuse evaluation. The employee must release the substance abuse evaluation prior to returning to duty. The evaluation will become part of the follow-up plan for that employee to continue employment with the department.

3. The employee shall be screened on a random basis for not less than 12 months nor more than 60 months. Follow-up testing, return to duty testing, counseling and any other recommended treatment will be at the cost of the employee and not the department.

B. Refusal to Test. Any employee refusing to submit to a drug test will be subject to the consequences of a positive test. A refusal is defined as a verbal refusal, abusive language to the supervisor or personnel performing the test, or tampering of any sample, container, equipment or documentation of the sampling process. If a test is determined to be invalid, it is not considered a refusal and no disciplinary action will be taken. Inability to perform the testing procedures must be documented by a medical physician and recorded in the employee's personnel file.

C. Challenging Test Results. All initial screening tests must be confirmed by a second more accurate test with the results reviewed by a medical review officer. If a current or prospective employee receives a confirmed positive test result, he/she may challenge the test results within 72 hours of actual notification, with the understanding that he/she might be placed on suspension pending investigation, until the challenge is resolved. A written explanation of the reason for the positive test result may be submitted to the medical review officer. Employees who are on legally prescribed and obtained medication for a documented illness, injury or ailment will be eligible for continued employment upon receiving clearance from the medical review officer.

D. Other Violations. Each violation and alleged violation of this policy will be handled on an individual basis, taking into account all data, including the risk to self, fellow employees, clients, and the general public.

E. Failure to comply with provision of the policy, including but not limited to, the following, will be grounds for disciplinary action:

1. possession of controlled substances without a prescription or sale of controlled substances will be cause for immediate discharge;

2. refusal or failure to report to an approved counseling or rehabilitation program after voluntarily requesting help for drug addiction;

3. refusal or failure to report to an approved counseling or rehabilitation program, if advised by the department to do so, after a confirmed positive test for any substance prohibited by this policy;

4. leaving a treatment program prior to completion and not being properly released to return to work.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:1001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary, LR 25:

§119. Attachment A—Safety-Sensitive and Security-Sensitive Positions Within DSS

A candidate for one of the following positions will be required to pass a drug test before being placed in such a position, whether through appointment or promotion:

Louisiana Rehabilitation Services	Registered Nurse Licensed Practical Nurse Psychiatric Aide Supervisor Psychiatric Aide Rehabilitation Facility Supervisor Rehabilitation Aide Maintenance Repairer Maintenance Repairer Master Administrative Specialist 3 (position 060871)
Office of Family Support	Support Enforcement Specialist I Support Enforcement Regional Administrator Support Enforcement District Manager Support Enforcement Specialist II Support Enforcement Supervisor

Office of Community Services	Social Service Counselor I Social Service Counselor II Social Service Counselor Supervisor Social Service Counselor/Adoption Social Service Specialist Intern Social Service Specialist I Social Service Specialist II Social Service Specialist III Social Service Supervisor Client Service Worker
Office of the Secretary/Office of Management and Finance	Licensing Specialist External Auditor Mailroom Courier

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:1001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary, LR 25:

§121. Attachment B—Procedures for Scheduling Drug Testing

A. On a yearly basis a percentage of all DSS employees in safety-sensitive or security-sensitive positions will be randomly drug-tested. One-twelfth of that number will be scheduled each month.

1. Information services will set up a computerized system which will randomly select a designated number of employees by social security numbers.

2. Each month the appropriate managers will be notified by human resources of the names of employees in their office location randomly selected to be drug-tested. The names of employees to be tested must be kept confidential at all times.

3. Based on each individual employee's schedule, at the earliest possible date within the designated month, the appropriate manager will notify the employee in writing first thing in the morning that they must report to a designated lab for testing. Human resources must be notified if an employee is on extended leave.

4. Each employee must go to the designated lab within 24 hours of being notified.

5. The office human resources personnel will be notified of the results of the tests. All test results must be kept confidential and retained in a locked file cabinet.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:1001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary, LR 25:

All interested persons may submit written comments within 30 days to: Paula M. Roddy, Undersecretary, Department of Social Services, P.O. Box 3776, Baton Rouge, LA 70821.

Madlyn B. Bagneris
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

RULE TITLE: Drug Testing of Employees

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Implementation of this rule will result in additional costs associated with testing for drug use. The costs are based on testing for 784 new hires per year and 151 (10% per year) of the employees in safety sensitive and security sensitive positions within the department. The testing cost is \$23.50 per test. This covers collecting the samples, conducting the drug test, retesting of positive samples, and reporting the results to the department. There will also be the customary charges for publishing the rule.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no anticipated effect on revenue collections.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The persons affected by this rule will be prospective employees and current employees of the department who test positive for the tested drugs. The impact would be the possible loss of employment opportunity for prospective employees and possible disciplinary actions up to and including termination of current employees.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated impact on competition and employment in the public and private sectors.

Paul M. Roddy
Undersecretary
9903#045

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Transportation and Development
Highways/Engineering**

Fiber Optic Permits
(LAC 70:III.Chapter 25)

In accordance with the applicable provisions of the Administrative Procedures Act, R.S. 49:950 et seq., notice is hereby given that the Department of Transportation and Development intends to promulgate a rule entitled "DOTD Fiber Optic Permit Rules," in accordance with R.S. 48:381.2.

Title 70

TRANSPORTATION

Part III. Highways/Engineering

Chapter 25. Fiber Optic Permit Rules

§2501. General Permit Conditions and Standards

A. The rights and privileges granted to applicant shall be non-exclusive and shall not be construed to be any broader

than those expressly set forth in Louisiana law. Any facilities placed on the highway right-of-way shall be placed in accordance with existing laws and the standards of the Department.

B. All facilities, after having been erected, shall at all times be subject to inspection. The Department reserves the right to require such changes, additions, repairs, relocations and removal as may at any time be considered necessary to permit the relocation, reconstruction, widening and maintaining of the highway, to provide proper and safe protection of life and property on or adjacent to the highway, or to insure the safety of traffic on the highway. The cost of making such changes, additions, repairs and relocations shall be borne by the applicant, and all of the cost of the work to be accomplished under the permit shall be borne by the applicant.

C. The proposed facilities, their operation and maintenance shall not unreasonably interfere with the facilities or the operation or maintenance of the facilities of other persons, firms or corporations previously issued permits of use and occupancy. The proposed facilities shall not be dangerous to persons or property using or occupying the highway or using facilities constructed under previously granted permits of use and occupancy. Departmental records of prior permits are available for inspection. It is the duty of the applicant to determine the existence and location of all facilities within the highway right-of-way.

D. Installations within the highway right-of-way shall be established in accordance with applicable provisions contained in the following:

1. AASHTO Guide for Accommodating Utilities within Highway Right of Way;
2. Code of Federal Regulations, 23 CFR 23;
3. National Electrical Safety Code (C2); and
4. 1996 Federal Telecommunications Act.

E. Those facilities not included in the above mentioned documents shall be established in accordance with accepted practice. Where standards of the Department exceed those of the above cited codes, the standards of the Department shall apply. The Department reserves the right to modify its policies, as may be required, if conditions warrant.

F. Data relative to the proposed location, relocation and design of fixtures or appurtenances, as may be required by the Department, shall be furnished to the Department by the applicant free of cost. The applicant shall make any and all changes or additions necessary in order to receive Departmental approval.

G. Cutting and trimming of trees, shrubs, etc., shall be in accordance with the Department's EDSM (Engineering Directives and Standards Manual) IV.2.1.6 and Vegetation Manual, as revised.

H. The applicant must agree to defend, indemnify, and hold harmless the Department and its duly appointed agents and employees from and against any and all claims, suits, liabilities, losses, damages, costs or expenses, including attorneys' fees sustained by reason of the exercise of the permit, whether or not the same may have been caused by the negligence of the Department, its agents or employees, provided, however, the provisions of this last clause (whether

or not the same may have been caused by the negligence of the Department, its agents or employees) shall not apply to any personal injury or property damage caused by the sole negligence of the Department, its agents or employees, unless such sole negligence consists or shall have consisted entirely and only of negligence in the granting of a project permit or project permits.

I. The applicant is the owner of the facility for which a permit is requested, and is responsible for maintenance of the facility. Any permit granted by the Department is granted only insofar as the Department had the power and right to grant the permit. Permits shall not be assigned to another company without the express written consent of the Department.

J. Any permit granted by the Department is subject to revocation at any time.

K. Signing for warning and protection of traffic in instances where workmen, equipment or materials are in close proximity to the roadway surface, shall be in accordance with requirements contained in the Manual on Uniform Traffic Control Devices. No vehicles, equipment and/or materials shall operate from, or be parked, stored or stockpiled on any highway or in an area extending from the outer edge of the shoulder of the highway on one side to the outer edge of the shoulder of the highway on the opposite side, including the median of any divided highway.

L. All provisions and standards contained in the permit relative to the installation of utilities shall apply to future operation, service and maintenance of utilities.

M. Drainage in highway side and cross ditches must be maintained at all times. The entire highway right-of-way affected by work under a permit must be restored to the satisfaction of the Department.

N. Any non-metallic or non-conductive underground facility must be installed with a non-corrosive metallic wire or tape placed directly over and on the center of the facility for its entire length within highway right-of-way. Wire or tape must be connected to all facilities.

O. Prior to performing any excavations, the applicant is required to call Louisiana One-Call. If installing any underground facilities such as cable or conduits, the applicant must be a member of Louisiana One-Call.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:381.2.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Highways/Engineering, LR 25:

§2503. Specific Standards for Installation of Fiber-Optic Cable

A. All materials and workmanship shall conform to the requirements of the applicable industry code and to Department specifications.

B. All safety precautions for the protection of the traveling public must be observed. Undue delay to traffic will not be tolerated.

C. All excavations within the limits of the right-of-way shall be backfilled and tamped in six inch layers to the density of the adjacent undisturbed soil. Where sod is removed or destroyed, it shall be replaced within one week of the original disturbance. Where existing spoil material is, at the discretion of the Department, unsuitable for backfill, select material shall

be furnished in lieu thereof, and the existing material shall be disposed of by approved methods.

D. Any clearing and grubbing which may be required by the applicant shall be represented by a plan covering any such actions. Such plans shall also be submitted for erosion control measures which may be required to vegetate the area under such clearing and grubbing. The applicant is authorized to retain all cleared timber. The applicant shall follow up with an erosion control, seeding plan approved by the Department.

E. Access to the permitted installation shall be made in the following order of priority:

1. first from the land side;
2. second from the interchange (longitudinally); and
3. third from the highway.

F. Each occasion of access shall be pre-approved by the appropriate DOTD District Permit Office.

G. Repairs beneath the roadway shall not be allowed if such repairs necessitate open cutting (open trenches) the highway. If a problem occurs with a line crossing, the utility company must install a new crossing. The utility company must bear the total cost.

H. The DOTD District Permit Office shall be contacted and notified and shall give Departmental approval whenever the installation must be accessed, including access for routine maintenance. For routine maintenance, three (3) days' notice shall be given. In emergency situations, as much notice as possible must be given.

I. Repeater boxes shall be placed outside of the right-of-way, unless otherwise approved by the Department.

J. Parallel installations shall be located on a uniform alignment to the right-of-way line and within six (6) inches of the approved alignment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:381.2.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Highways/Engineering, LR 25:

§2505. Cables Installed Parallel to the Highway

A. In addition to the requirements enumerated above, the following requirements shall apply to cables installed parallel to the highway:

1. Installations shall occupy available space within the back ten (10) feet of the right-of-way (located on the side most distant from the traveled roadway, except where, upon showing of actual necessity, a permit is issued for another location);
2. Installations shall have a minimum earth cover of thirty-six (36) inches;
3. Installations shall have a minimum clearance of twenty-four (24) inches below existing or proposed drainage structures, unless otherwise approved by the Department.
4. There shall be no installation of cable within the median.

B. In general, installation of cable shall be as close to the right-of-way line as possible. The order of preferred locations for installing cable shall be:

1. between the control-of-access and the right-of-way;
2. between control-of-access right-of-way and shoulder if environmental conditions allow;
3. on longitudinal elevated structure.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:381.2.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Highways/Engineering, LR 25:

§2507. Cables Crossing the Highway

A. Crossings shall have at least five (5) feet of cover below the roadway and twenty-four (24) inches of cover below ditches or drainage structures.

B. Crossings shall be made at as nearly right angles to the highway as possible. No existing drainage structure under the highway may be used for this purpose.

C. Construction methods used shall be in accordance with the following requirements:

1. Cutting the surface or tunneling under it is specifically prohibited.

2. Installation shall be made either by boring or jacking under the highway from ditch bottom to ditch bottom. In the absence of ditches, or along sections of highway with curb or gutter, boring or jacking shall extend beyond the outside edge of the traveled way to a point at least equal to three (3) times the vertical difference between the elevation of the roadway surfacing and the elevation of the top of the cable. Where width of right-of-way is insufficient to enable compliance with this requirement or where it is necessary to make a connection to an existing parallel facility which precludes compliance, the distance shall be computed to the right-of-way line or to the parallel facility. Any voids or overbreaks resulting from this task shall be backfilled with grout consisting of a cement mortar or a slurry of fine sand or clay, as conditions require. Excavating an open ditch to the edge of the pavement and boring and jacking the remainder of the distance is prohibited. Jacking and boring shall be done in accordance with Section 728 of the Louisiana Standard Specifications for Roads and Bridges, latest edition.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:381.2.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Highways/Engineering, LR 25:

§2509. Fees

A. A flat fee of \$140,000.00 per mile shall apply to fiber optic telecommunications installations placed within state controlled access highway rights-of-way.

B. The Department may reduce fees in exchange for shared resources.

C. The Department may reduce fees for its agents, i.e. those applicants who erect facilities on behalf of the Department in order to conduct Departmental work.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:381.2.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Highways/Engineering, LR 25:

All interested persons so desiring shall submit oral or written data, views, comments, or arguments no later than 30 days from the date of publication of this notice of intent to John Collins, Headquarters Utilities Permits Engineer, P. O. Box 94245, Baton Rouge, Louisiana 70804-9245, phone (504) 379-1509.

Kam K. Movassaghi, Ph.D., P.E.
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Fiber Optic Permit Rules**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no implementation costs for the Louisiana Department of Transportation and Development or for local governmental units. The Louisiana Department of Transportation and Development has administered a program supervising the installation of utilities in highway rights-of-way (other than control of access) for many decades and this rule does not significantly change the process.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated, based upon current interest in installation of fiber optic cable in state rights-of-way not previously utilized (control of access), that the Louisiana Department of Transportation and Development will receive a one-time flat fee of \$140,000.00 per cable per mile. It is estimated that approximately ten miles per year will be utilized for an indefinite number of years, totaling revenues of \$1,400,000.00 annually beginning in the Fiscal Year 1999-2000. Funds collected from fees shall be deposited in the Right-of-Way Permit Processing Fund to defray the expenses of the Right-of-Way Permit Office.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The telecommunications industry, which will install and utilize the fiber optic cable being laid within the highway rights-of-way, will pay the State a flat fee of \$140,000.00 per cable per mile, as needed. Those companies will benefit from the availability of this right-of-way because they will not be forced to seek contiguous parcels from private landowners for various prices. It is assumed that their businesses will benefit financially because of the expansion of services to their customers. It is also assumed that their customers will bear all or some of the cost.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Competition and employment among the telecommunications companies should increase because this expanded opportunity for use of highway right-of-way should enhance their business opportunities. (This opportunity is being made available on a non-exclusive basis.)

Kam K. Movassaghi, Ph.D., P.E.
Secretary
9903#041

Robert E. Hosse
Director
General Government Section
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Transportation and Development
Office of the General Counsel**

**Specific Services (LOGO) Signing
(LAC 70:I.105 and 107)**

In accordance with the applicable provisions of the Administrative Procedures Act, L.R.S. 49:950, et. seq., notice is hereby given that the Louisiana Department of Transportation and Development intends to promulgate a rule

which amends Subchapter A of Chapter 1 of Title 70 entitled "Outdoor Advertisement". This rule deals specifically with "Specific Services (LOGO) Signing". It is promulgated in accordance with the provisions of R.S. 48:461.

Title 70

TRANSPORTATION

Part I. Office of the General Counsel

Chapter 1. Outdoor Advertisement

Subchapter A. Outdoor Advertising Signs

§105. Location

A. - F. ...

G. Number of Signs Permitted. There shall be no more than one specific information sign for each type of service along an approach to an interchange or intersection. There shall be no more than nine business signs displayed on a specific information sign.

H. - I.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:461.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of the General Counsel, LR 11:782 (August 1985), amended LR 18:785 (July 1992), LR 19:352 (March 1993), LR 22:224 (March 1996), LR 25:

§107. Criteria for Specific Information Permitted

A. - C.4. ...

D. Specific Criteria for "FOOD"

1. Indoor seating for at least 16 persons.
2. Clean modern restroom facilities for each sex.
3. Year-round operation at least six (6) days per week and operating at least 12 continuous hours per day.

E. Specific Criteria for "LODGING"

1. Adequate sleeping accommodations consisting of a minimum of 20 units with private baths.
2. Off-street vehicle parking spaces for each lodging room for rent.
3. Year-round operation.
4. Bed and Breakfast facilities may be placed on the "Lodging" services sign provided that they meet the following criteria:

- a. adequate off-street vehicle parking;
- b. year-round operation at least five (5) continuous days per week;
- c. adequate sleeping accommodations consisting of a minimum of three (3) units with private baths;
- d. complementary breakfast provided and included in the rate of the room;
- e. member of the Louisiana Bed and Breakfast Association or in compliance with additional specific criteria established by the Department of Transportation and Development in lieu thereof.

F. ...

G. Specific Criteria for "ATTRACTIONS"

1. Fall under one of the following categories:
 - a. Arena/Stadium;*
 - b. Cultural Center;*
 - c. Historical Society;*
 - d. Historic District;
 - e. Historic Structure/Museum;*
 - f. Industrial Facility;*
 - g. Museum/Art Gallery;

- h. Scenic/Natural Attraction (forest, garden, nature preserve, park, etc.);
- i. Tour Boat;
- j. Winery/Brewery;*
- k. Zoo/Aquarium.

*providing visitor tours

- 2. Adequate off-street vehicle parking.
- 3. Clean modern restroom facilities for each sex and drinking water suitable for public use.
- 4. Year-round operation at least five continuous days per week.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:461.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of the General Counsel, LR 11:782 (August 1985), amended LR 18:785 (July 1992), LR 19:353 (March 1993), LR 22:225 (March 1996), LR 25:

All interested persons so desiring shall submit oral or written data, views, comments, or arguments no later than 30 days from the date of publication of this Notice of Intent to Mitchell Lopez, Traffic Planning Supervisor, Department of Transportation and Development, P. O. Box 94245, Baton Rouge, LA 70804-9245, telephone (225)935-0128.

Kam K. Movassaghi, Ph.D, P.E.
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Specific Services (LOGO) Signing**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

As certain logo sign background boards need replacement, boards which will accommodate nine logos rather than six logos will be installed. Each new board will cost approximately \$500.00, but each new board (with three new logos) will generate \$1800.00 more annually. It is anticipated that four boards will be replaced annually. Businesses serving food which are open six rather than seven days per week will be eligible for the program; however this should increase revenues only minimally. There will be no impact on revenues for bed and breakfast establishments to advertise on the "Lodging" sign rather than the "Attractions" sign.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The State will erect larger background sign boards as the existing sign boards need replacement. Presently, a sign board containing six logos generates \$3600.00 annually, which funds are deposited in the Logo Signs Processing Fund in the State General Fund. (\$600 per logo.) A sign board containing nine logos will generate \$5400.00 annually. There are presently 264 (six logo) sign boards statewide. Approximately four signs will be replaced each year. It will cost approximately \$500.00 each. The state will generate a minimum amount of revenue, if any, from businesses which do not presently qualify for the logo program because they are open six days a week rather than seven. This provision specifically accommodates Chick-Fil-A Restaurants pursuant to Federal mandate. The provision which changes the appropriate board for Bed and Breakfast Establishments will have no effect on revenue collections of state government. Local governmental units may be indirectly

affected because more of their businesses will eventually be able to advertise and theoretically generate more revenue and sales taxes.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Business advertising on the logo signs will have more opportunity to advertise if the sign boards are expanded from six logo spaces to nine logo spaces. The price of each logo will not change. The businesses operating six days per week rather than seven will have another advertising avenue previously closed to them. Representatives of Bed and Breakfast establishments feel that they will be more appropriately represented on the "Lodging" sign, and therefore, theoretically, could generate more business.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

To the extent that these rule changes enhance advertising opportunities and increase business for the companies advertised, competition and employment should increase.

Kam K. Movassaghi, Ph.D., P.E.
Secretary
9903#049

Robert E. Hosse
Director
General Government Section
Legislative Fiscal Office

NOTICE OF INTENT

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

Hunting Seasons, Wildlife Management,
and Game and Fish Preserves
(LAC 76:XIX.111 and III.311-314 and 327)

The Wildlife and Fisheries Commission does hereby give notice of its intent to promulgate rules and regulations governing the hunting of resident game birds and game quadrupeds.

Title 76

WILDLIFE AND FISHERIES

Part XIX. Hunting and WMA Regulations

Chapter 1. Resident Game Hunting Seasons

§111. General and Wildlife Management Area Hunting Rules and Regulations

A. Hunting Seasons and Wildlife Management Area Regulations

1. The rules and regulations contained within this digest have been officially approved and adopted by the Wildlife and Fisheries Commission under authority vested by Sections 115 and 116 of Title 56 of the Louisiana Revised Statutes of 1950 and are in full force and effect in conjunction with all applicable statutory laws. The Secretary of the Department of Wildlife and Fisheries has the authority to close or alter seasons in emergency situations in order to protect fish and wildlife resources.

2. Pursuant to Section 40.1 of Title 56 of the Louisiana Revised Statutes of 1950, the Wildlife and Fisheries Commission has adopted monetary values which are assigned to all illegally taken, possessed, injured or destroyed fish, wild

birds, wild quadrupeds and other wildlife and aquatic life. Anyone taking, possessing, injuring or destroying fish, wild birds, wild quadrupeds and other wildlife and aquatic life shall be required to reimburse the Department of Wildlife and Fisheries a sum of money equal to the value of the wildlife illegally taken, possessed, injured or destroyed. This monetary reimbursement shall be in addition to any and all criminal penalties imposed for the illegal act.

B. Resident Game Birds and Animals

1. Shooting hours: one-half hour before sunrise to one-half hour after sunset.

C. Other Season Dates

1. Turkey. Please refer to separate pamphlet.

2. Raccoon and Opossum. No closed season. Raccoon and opossum can be taken at night by one or more licensed hunters with one or more dogs and one .22 rimfire firearm. A licensed hunter may take raccoon or opossum with .22 rimfire, muzzleloader rifle .36 caliber or smaller or shotgun during daylight hours during the open rabbit season. Hunting from boats or motor vehicles is prohibited. No bag limit for nighttime or daytime raccoon or opossum hunting during the open trapping season except on certain WMAs as listed. The remainder of the year, the raccoon and opossum bag limit for daytime or nighttime is one per person per day or night. No one who hunts raccoons or opossums as prescribed above shall pelt during the closed trapping season nor sell skins or carcasses of raccoons and opossums taken during the open trapping season unless he is the holder of a valid trapping license which shall be required in addition to his basic hunting license. Pelting or selling carcasses is illegal during closed trapping season.

3. Blackbirds and crows. All blackbirds, cowbirds, grackles and crows are considered crop depredators in Louisiana and may therefore be taken year round during legal shooting hours with no limit. Shooting hours are 30 minutes before sunrise to sunset.

4. Pheasant

a. Bag limit - 2 (males only). Possession limit - 4.

b. Pheasant season restricted to the following portion of Calcasieu and Cameron parishes: That portion west of Choupique Bayou south of Hwy. 90 and La. 27, west of La. 27 to north boundary of Sabine NWR, north of Sabine NWR north boundary to Sabine River, east of Sabine River to Intracoastal waterway, south of Intracoastal waterway to Gum Cove, east of Gum Cove Road to La. 108, north and east of La. 108 from Gum Cove Road to Hwy. 90, and south of Hwy. 90 from Vinton to Choupique Bayou.

5. Falconry. Special permit required. Resident and migratory game species except turkeys may be taken. Seasons and bag limits are the same as for statewide and WMA regulations *except* squirrels may be taken by licensed falconers until the last day of February. Refer to LAC 76:V.301 for specific Falconry Rules.

6. Licensed Hunting Preserve. October 1 - April 30. Pen-raised birds only. No limit entire season. Refer to LAC 76:V.305 for specific Hunting Preserve Rules.

7. Deer Management Assistance Program (DMAP). Land enrolled in the voluntary program will be assessed a \$25 registration fee and 5¢/acre fee. Deer management assistance

tags must be attached and locked to antlerless deer (including those taken on either-sex days and those taken with bow and muzzleloader) through the hock in a manner that it cannot be removed before the deer is moved from the site of the kill. Failure to do so is a violation of R.S. 56:115. Failing to follow DMAP rules and regulations may result in immediate cancellation of the program on those lands involved. Refer to LAC 76:V.111 for specific DMAP Rules.

8. Farm Raised White-tailed Deer and Exotics on Licensed Supplemented Shooting Preserves

a. Definitions

Exotics—or purposes of this rule means any animal of the family Bovidae (except the Tribe Bovini [cattle]) or Cervidae which is not indigenous to Louisiana and which is confined on a Supplemented Hunting Preserve. Exotics shall include, but are not limited to, fallow deer, red deer, elk, sika deer, axis deer, and black buck antelope.

Hunting—in its different tenses and for purposes of this rule means to take or attempt to take, in accordance with R.S. 56:8.

Same as Outside—for purposes of this rule means hunting on a Supplemented Hunting Preserve must conform to applicable statutes and rules governing hunting and deer hunting, as provided for in Title 56 of the Louisiana Revised Statutes and as established annually by the Wildlife and Fisheries Commission (LWFC).

Supplemented Hunting Preserve—for purposes of this rule means any enclosure for which a current Farm-Raising License has been issued by the Department of Agriculture and Forestry (LDAF) with concurrence of the Department of Wildlife and Fisheries (LDWF) and is authorized in writing by the LDAF and LDWF to permit hunting.

White-Tailed Deer—For purposes of this rule means any animal of the species *Odocoileus virginianus* which is confined on a Supplemented Hunting Preserve.

b. Seasons

i. Farm-Raised White-tailed Deer: Consult the regulations pamphlet

ii. Exotics: year round.

c. Methods of Take

i. White-tailed Deer: Same as outside

ii. Exotics: Exotics may be taken with longbow (including compound bow) and arrow; shotguns not larger than 10 gauge, loaded with buckshot or rifled slug; handguns and rifles no smaller than .22 caliber centerfire; or muzzleloading rifles or pistols, .44 caliber minimum, or shotguns 10 gauge or smaller, all of which must load exclusively from the muzzle or cap and ball cylinder, using black powder or an approved substitute only, and using ball or bullet projectile, including sabot bullets only.

d. Shooting Hours

i. White-tailed Deer: Same as outside.

ii. Exotics: one-half hour before sunrise to one-half hour after sunset.

e. Bag Limit

i. Farm-Raised White-tailed Deer: Same as outside.

ii. Exotics: No limit.

f. Hunting Licenses

- i. White-tailed Deer: Same as outside.
- ii. Exotics: No person shall hunt any exotic without possessing a valid basic and big game hunting license.
- g. Tagging. White-tailed Deer and Exotics: Each animal shall be tagged in the left ear or left antler immediately upon being killed and before being moved from the site of the kill with a tag provided by the LDAF. The tag shall remain with the carcass at all times.

D. Hunting-General Provisions

1. A basic resident or non-resident license is required of all persons to hunt, take, possess or cause to be transported by any other person any wild bird or quadruped. See information below for exceptions.

2. No person born on or after September 1, 1969 shall hunt with a firearm unless that person has first been issued a certificate of satisfactory completion of a firearm and hunter education course taught or approved by the Department of Wildlife and Fisheries. However, a person younger than 16 years of age may hunt without such certificate if he is accompanied by and is under the direct and immediate supervision of a person 18 years of age or older.

3. A big game license is required in addition to the basic hunting license to hunt, take, possess or cause to be transported any deer or turkey. A separate wild turkey stamp is required in addition to the basic hunting license and the big game license to hunt, take, possess or cause to be transported any turkey.

4. Taking game quadrupeds or birds from aircraft or participating in the taking of deer with the aid of aircraft or from automobiles or other moving land vehicles is prohibited.

5. Methods of taking resident game birds and quadrupeds

a. Use of a longbow (including compound bow) and arrow or a shotgun not larger than a 10 gauge fired from the shoulder without a rest shall be legal for taking all resident game birds and quadrupeds. Also, the use of a handgun, rifle and falconry (special permit required) shall be legal for taking all game species except turkey and migratory game birds. It shall be illegal to hunt or take squirrels or rabbits at any time with a breech-loaded rifle larger than a .22 caliber rimfire or a muzzleloader rifle larger than .36 caliber. During closed deer gun season, it shall be illegal to possess shotgun shells loaded with slugs or shot larger than BB lead or F steel shot while small game hunting.

b. Still hunting is defined as stalking or stationary stand hunting without the use of dog(s). Pursuing, driving or hunting deer with dogs is prohibited when or where a still hunting season or area is designated, and will be strictly enforced. Shotguns larger than 10 gauge or capable of holding more than three shells shall be prohibited. Plugs used in shotguns must be incapable of being removed without disassembly. Refer to game schedules contained within these regulations for specific restrictions on the use of firearms and other devices.

6. Nuisance animals. Landowners or their designees may remove beaver and nutria causing damage to their property without a special permit. Water set traps and firearms may be used to remove beaver; nutria may be removed by any means *except* that nutria and beaver cannot be taken by the use of

headlight and gun between the hours of sunset and sunrise. Any nuisance beaver or nutria trapped or shot outside open trapping season cannot be pelted or sold. A trapping license is required during open trapping season to sell or pelt nuisance beavers or nutria taken.

7. Threatened and endangered species - Louisiana black bear, Louisiana pearl shell (mussel), sea turtles, gopher tortoise, ringed sawback turtle, brown pelican, bald eagle, peregrine falcon, whooping crane, Eskimo curlew, piping plover, interior least tern, ivory-billed woodpecker, red-cockaded woodpecker, Bachman's warbler, West Indian manatee, Florida panther, pallid sturgeon, Gulf sturgeon, Attwater's greater prairie chicken, whales and red wolf. Taking or harassment of any of these species is a violation of state and federal laws.

8. Unregulated quadrupeds. Holders of a legal hunting license may take coyotes and armadillos year round during legal daylight shooting hours. The running of coyotes with dogs is prohibited in all turkey hunting areas during the open turkey season. Coyote hunting is restricted to "chase only" during still hunting segments of the firearm and archery only season for deer. Foxes and bobcats are protected quadrupeds and may be taken only by licensed trappers during the trapping season. Remainder of the year "chase only" permitted by licensed hunters.

9. Hunting and/or discharging firearms on public roads. Hunting, standing, loitering or shooting game quadrupeds or game birds with a gun during open season while on a public highway or public road right of way is prohibited. Hunting or the discharge of firearms on roads or highways located on public levees or within 100 feet from the centerline of such levee roads or highways is prohibited. Spot lighting or shining from public roads is prohibited by state law. Hunting from all public roads and rights of way is prohibited and these provisions will be strictly enforced.

10. Tags. Any part of the deer or wild turkey divided shall have affixed thereto the name, date, address and big game license number of the person killing the deer or wild turkey and the sex of that animal. This information shall be legibly written in pen or pencil, on any piece of paper or cardboard or any material, which is attached or secured to or enclosing the part or parts. On lands enrolled in DMAP, deer management assistance tags must be attached and locked through the hock of antlerless deer, (including those taken with bow and muzzleloader and those antlerless deer taken on either-sex days) in a manner that it cannot be removed, before the deer is moved from the site of the kill.

11. Sex identification. Positive evidence of sex identification, including the head, shall remain on any deer taken or on all turkeys taken on any special gobbler season (unless properly divided and tagged), so long as such deer or turkey is kept in camp or field, or is en route to the domicile of its possessor, or until such deer or turkey has been stored at the domicile of its possessor or divided at a cold storage facility and has become identifiable as food rather than as wild game.

E. General Deer Hunting Regulations

1. One antlered and one antlerless (when legal) deer per day *except* on Wildlife Management Areas, Federal Refuges

and National Forest Lands where the daily limit shall be one deer per day. Six per season (all segments included) by all methods of take.

2. A legal buck is a deer with visible antler of hardened bony material, broken naturally through the skin. Killing bucks without at least one visible antler as described above and killing does is prohibited except where specifically permitted.

3. Deer hunting restricted to legal bucks only, except where otherwise permitted.

4. Either-sex deer is defined as male or female deer. Taking or possessing spotted fawns is prohibited.

5. It is illegal to hunt or shoot deer with firearms smaller than .22 caliber centerfire or a shotgun loaded with anything other than buckshot or rifled slug. Handguns may be used for hunting.

6. Taking game quadrupeds or birds from aircraft, participating in the taking of deer with the aid of aircraft or from automobiles or other moving land vehicles is prohibited.

7. Still hunting is defined as stalking or stationary stand hunting without the use of dog(s). Pursuing, driving or hunting deer with dogs or moving vehicles, including ATVs, when or where a still hunting season or area is designated, is prohibited and will be strictly enforced. The training of deer dogs is prohibited in all still hunting areas during the gun still hunting and archery only season. Deer hunting with dogs is permitted in all other areas having open deer seasons that are not specifically designated as still hunting only. Use of dogs to trail wounded deer is expressly prohibited in still hunting areas.

8. Areas not specifically designated as open are closed.

9. Muzzleloader Segment: (Special license and muzzleloader firearms specifications apply only to the special state, WMA, National Forest and Preserves, and Federal Refuge seasons.) Still hunt only. Specific WMAs will also be open, check WMA schedule for specific details. Muzzleloader license required for hunters between the ages of 16 and 59 inclusive. Either sex deer may be taken in all deer hunting areas *except* Area 5 and as specified on Public Areas. It is unlawful to carry a gun, including those powered by air or other means, while hunting during the special muzzleloader segment. Except, it is lawful to carry a .22 caliber rimfire pistol loaded with #12 shot (ratshot only).

a. Legal Muzzleloader Firearms For Special Season: Rifles or pistols, .44 caliber minimum, or shotguns 10 gauge or smaller, all of which must load exclusively from the muzzle or cap and ball cylinder, use black powder or approved substitute only, take ball or bullet projectile only, including sabot bullets and be fitted only with iron sights or non-magnifying scopes. This includes those muzzleloaders known as "inline" muzzleloaders.

10. Archery Segment: Consult regulations pamphlet. WMA seasons are the same as outside except as noted below. Archery license required for bow hunters between the ages of 16 and 59 inclusive. Persons 60 years of age and older may use a crossbow without a special permit or license. Either sex deer may be taken in all areas open for deer hunting EXCEPT when a bucks only season is in progress for gun hunting, archer's must conform to the bucks only regulations. Either

sex deer may be taken on WMAs at anytime during archery season *except* when bucks only seasons are in progress on the respective WMA. Also, archery season restricted on Atchafalaya Delta, Salvador, Pass-a-Loutre and Point-au-Chien WMAs (See schedule).

a. Bow and arrow regulations: Hunting arrows for deer must have well-sharpened metal broadhead blades not less than 7/8 inch in width. Bow and arrow fishermen must have a sport fishing license and not carry any arrows with broadhead points unless a big game season is in progress.

i. It is unlawful:

(a). to carry a gun, including those powered by air or other means, while hunting with bow and arrow during the special bow and arrow deer season *except* it is lawful to carry a .22 caliber rimfire pistol loaded with #12 shot (ratshot) only.

(b). to have in possession or use any poisoned or drugged arrow, arrows with explosive tips, or any bow drawn, held or released by mechanical means except that hand held releases are lawful.

(c). to hunt deer with a bow having a pull less than 30 pounds.

11. Hunter orange. Any person hunting deer shall display on his head, chest and/or back a total of not less than 400 square inches of "hunter orange" during the open deer gun season including muzzleloader season. Persons hunting on privately owned, legally posted land may wear a cap or a hat that is completely covered with hunter orange material in lieu of the 400 square inches. These provisions shall not apply to persons hunting deer from elevated stands on property that is privately owned and legally posted or to archery deer hunters hunting on legally posted lands where firearm hunting is not permitted by agreement of the landowner or lessee. WARNING: DEER HUNTERS ARE CAUTIONED TO WATCH FOR PERSONS HUNTING OTHER GAME OR ENGAGED IN ACTIVITIES NOT REQUIRING "HUNTER ORANGE".

12. Special Handicapped either-sex deer season on private land. See regulations pamphlet for dates. Restricted to individuals with Physically Challenged Hunter Permit.

F. Description of Areas

1. Area 1

a. All of the following parishes are open: Catahoula, East Feliciana, St. Helena, Concordia, Franklin, Tensas, East Baton Rouge, Madison, Washington.

b. Portions of the following parishes are also open:

i. Avoyelles - North of La. 1.

ii. Caldwell - East of U.S. 165.

iii. Grant - East of U.S. 165 and south of La. 8.

iv. LaSalle - Portion south of La. 8 from Little River eastward to La. 127 in Jena, east of La. 127 from Jena northward to U.S. 165, east of U.S. 165 from La. 127 northward to Caldwell Parish line.

v. Livingston - North of I-12.

vi. Rapides - East of U.S. 165 and north of Red River.

vii. St. Tammany - All *except* that portion south of I-12, west of Hwy. 1077 to La. 22, south of La. 22 to Tchefuncte River, west of Tchefuncte River southward to Lake Pontchartrain.

viii. Tangipahoa - North of I-12.

ix. West Feliciana - All *except* that portion known as Raccourci and Turnbull Island.

c. Still hunting only in all or portions of the following parishes:

i. Avoyelles - That portion surrounding Pomme de Terre WMA, bounded on the north, east, and south by La. 451 and on the west by the Big Bend Levee from its junction at the Bayou des Glaise structure east of Bordelonville, southward to its juncture with La. 451.

ii. Catahoula - South of Deer Creek to Boeuf River, east of Boeuf and Ouachita Rivers to La. 8 at Harrisonburg, west of La. 8 to La. 913, west of La. 913 and La. 15 to Deer Creek.

iii. East Feliciana and East Baton Rouge - East of Thompson Creek from the Mississippi line to La. 10. North of La. 10 from Thompson Creek to La. 67 at Clinton, west of La. 67 from Clinton to Mississippi line. South of Mississippi line from La. 67 to Thompson Creek. Also that portion of East Baton Rouge Parish east of La. 67 from La. 64 north to Parish Line, south of Parish Line from La. 64 eastward to Amite River. West of Amite River southward to La. 64, north of La. 64 to La. 37 at Magnolia, east of La. 37 northward to La. 64 at Indian Mound, north of La. 64 from Indian Mound to La. 67. Also, that portion of East Feliciana Parish east of La. 67 from parish line north to La. 959, south of La. 959 east to La. 63, west of La. 63 to Amite River, west of Amite River, southward to parish line, north of parish line westward to La. 67.

iv. Franklin - All

v. St. Helena - North of La. 16 from Tickfaw River at Montpelier westward to La. 449, east and south of La. 449 from La. 16 at Pine Grove northward to La. 1045, south of La. 1045 from its junction with La. 449 eastward to the Tickfaw River, west of the Tickfaw River from La. 1045 southward to La. 16 at Montpelier.

vi. Tangipahoa - That portion of Tangipahoa Parish north of La. 10 from the Tchefuncte River to La. 1061 at Wilmer, east of La. 1061 to La. 440 at Bolivar, south of La. 440 to the Tchefuncte River, west of the Tchefuncte River from La. 440 southward to La. 10.

vii. Washington and St. Tammany - East of La. 21 from the Mississippi line southward to the Bogue Chitto River, north of the Bogue Chitto River from La. 21 eastward to the Pearl River Navigation Canal, east of the Pearl River Navigation Canal southward to the West Pearl River, north of the West Pearl River from the Pearl River Navigation Canal to Holmes Bayou, west of Holmes Bayou from the West Pearl River northward to the Pearl River, west of the Pearl River from Holmes Bayou northward to the Mississippi line, south of the Mississippi line from the Pearl River westward to La. 21. Also that portion of St. Tammany Parish north of La. 22 from U.S. 190 to La. 1077, east of La. 1077 northward to junction with U.S. 190, south and west of U.S. 190 from La. 1077 to junction with La. 22. Also, that portion of Washington Parish south of La. 10 from the Tchefuncte River, eastward to the Bogue Chitto River, west of the Bogue Chitto River from La. 10 southward to St. Tammany Parish. Also that portion of Washington Parish west of La. 25 from the Mississippi state

line southward to La. 38, then west to the Tangipahoa parish line, north along the parish line to the Mississippi state line then east to La. 25.

viii. West Feliciana - West of Thompson Creek to Illinois-Central Railroad, north of Illinois-Central Railroad to Parish Road #7, east of Parish Road #7 to the junction of U.S. 61 and La. 966, east of La. 966 from U.S. 61 to Chaney Creek, south of Chaney Creek to Thompson Creek.

2. Area 2

a. All of the following parishes are open:

i. Bienville, Jackson, Union, Bossier, Lincoln, Webster, Caddo, Natchitoches, Winn, Claiborne, Red River, DeSoto, Sabine.

ii. Except: Kisatchie National Forest which has special regulations. Caney, Corney, Middlefork tracts of Kisatchie have the same regulations as Area 2, EXCEPT still hunting only for deer and *except* National Forest Land within the Evangeline Unit, Calcasieu Ranger District described in Area 2 description shall be still hunting only.

b. Portions of the following parishes are also open:

i. Allen - North of U.S. 190 east of Reeves and east of La. 113.

ii. Avoyelles - That portion west of I-49.

iii. Beauregard - East of La. 113. Also, west of La. 27 north to DeRidder and south and east of U.S. 190 west of DeRidder to Texas line.

iv. Calcasieu - West of La. 27 north of Sulphur and north of U.S. 90 from Sulphur to Texas line.

v. Caldwell - West of U.S. 165.

vi. Evangeline - All *except* the following portions: east of I-49 to junction of La. 29, east of La. 29 south of I-49 to Ville Platte, and north of U.S. 167 east of Ville Platte.

vii. Grant - All *except* that portion south of La. 8 and east of U.S. 165.

viii. Jefferson Davis - North of U.S. 190.

ix. LaSalle - All *except* south of La. 8 from Little River eastward to La. 127 in Jena, east of La. 127 from Jena northward to U.S. 165, east of U.S. 165 from La. 127 northward to Caldwell Parish line.

x. Morehouse - West of U.S. 165 (from Arkansas line) to Bonita, north and west of La. 140 to junction of La. 830-4 (Cooper Lake Road), west of La. 830-4 to Bastrop, west of La. 139 to junction of La. 593, west and south of La. 593 to Collinston, west of La. 138 to junction of La. 134 and north of La. 134 to Ouachita line.

xi. Ouachita - All *except* south of U.S. 80 and east of Ouachita River, east of La. 139 from Sicard to junction of La. 134, south of La. 134 to Morehouse line.

xii. Rapides - All *except* north of Red River and east of U.S. 165. South of La. 465 to junction of La. 121, west of La. 121 and La. 113 to Union Hill, and north of La. 113 from Union Hill to Vernon Parish line, and that portion south of Alexandria between Red River and U.S. 167 to junction of U.S. 167 with I-49 at Turkey Creek exit, east of I-49 southward to parish line.

xiii. Vernon - East and south of La. 113, north and east of La. 465, west of La. 117 from Kurthwood to Leesville, and north of La. 8 from Leesville to Texas line.

- c. Still hunting only in all or portions of the following parishes
 - i. Claiborne and Webster - Caney, Corney and Middlefork tracts of Kisatchie National Forest. (See Kisatchie National Forest Regulations).
 - ii. Ouachita - East of Ouachita River.
 - iii. Rapides - West of U.S. 167 from Alexandria southward to I-49 at Turkey Creek Exit, west of I-49 southward to Parish Line, north of Parish Line westward to U.S. 165, east of U.S. 165 northward to U.S. 167 at Alexandria. North of La. 465 from Vernon Parish line to La. 121, west of La. 121 to I-49, west of I-49 to La. 8, south and east of La. 8 to La. 118 (Mora Road), south and west of La. 118 to Natchitoches Parish line.
 - iv. Vernon - East of Mora-Hutton Road from Natchitoches Parish line to Hillman Loop Road, south and east of Hillman Loop Road to Comrade Road, south of Comrade Road to La. 465, east and north of La. 465 to Rapides Parish line.
- 3. Area 3
 - a. All of Acadia, Cameron and Vermilion Parishes are open.
 - b. Portions of the following parishes are also open:
 - i. Allen - South of U.S. 190 and west of La. 113.
 - ii. Beauregard - West of La. 113. ALSO east of La. 27 north to DeRidder and north and west of U.S. 190 west of DeRidder to Texas line.
 - iii. Calcasieu - East of La. 27 north of Sulphur and south of U.S. 90 from Sulphur to Texas line.
 - iv. Iberia - West of U.S. 90 and north of La. 14.
 - v. Jefferson Davis - All *except* north of U.S. 190.
 - vi. Lafayette - West of I-49 and U.S. 90.
 - vii. Rapides - South of La. 465 to junction of La. 121, west of La. 121 and La. 112 to Union Hill and north of La. 113 from Union Hill to Vernon Parish line.
 - viii. St. Landry - West of U.S. 167.
 - ix. Vernon - West and north of La. 113, south of La. 465, east of La. 117 from Kurthwood to Leesville, and south of La. 8 from Leesville to Texas line.
- 4. Area 4
 - a. All of East Carroll and Richland parishes are open.
 - b. Portions of the following parishes are open:
 - i. Morehouse - East of U.S. 165 (from Arkansas line) to Bonita, south and east of La. 140 to junction of La. 830-4 (Cooper Lake Road), east of La. 830-4 to Bastrop, east of La. 139 to junction of La. 593, east and north of La. 593 to Collinston, east of La. 138 to junction of La. 134 and south of La. 134 to Ouachita line.
 - ii. Ouachita - South of U.S. 80 and east of Ouachita River, east of La. 139 from Sicard to junction of La. 134, south of La. 134 to Morehouse line.
- 5. Area 5
 - a. All of West Carroll Parish is open.
 - i. All deer hunting is for bucks only including muzzleloader season.
- 6. Area 6
 - a. All of Orleans Parish is closed to all forms of deer hunting.
- b. All of the following parishes are open: Ascension, Plaquemines, St. John, Assumption, Pointe Coupee, St. Martin, Iberville, St. Bernard, Jefferson, St. Charles, Lafourche, St. James, West Baton Rouge.
 - c. Portions of the following parishes are also open:
 - i. Avoyelles - South of La. 1 and also that portion east of I-49.
 - ii. Evangeline - That portion east of I-49 to junction of La. 29, east of La. 29 south of I-49 to Ville Platte and north of U.S. 167 east of Ville Platte.
 - iii. Iberia - East of U.S. 90.
 - iv. Lafayette - East of I-49 and U.S. 90.
 - v. Livingston - South of I-12.
 - vi. Rapides - South of Alexandria between Red River and U.S. 167 to the junction of U.S. 167 with I-49 at Turkey Creek Exit, east of I-49 southward to parish line.
 - vii. St. Landry - East of U.S. 167.
 - viii. St. Mary - North of U.S. 90.
 - ix. St. Tammany - That portion south of I-12, west of Hwy. 1077 to La. 22, south of La. 22 to Tchefuncte River, west of Tchefuncte River southward to Lake Pontchartrain.
 - x. Tangipahoa - South of I-12.
 - xi. West Feliciana - West of Mississippi River, known as Raccourci and Turnbull Islands.
 - d. Still hunting only in all of the following parishes
 - i. Plaquemines - East of the Mississippi River.
 - ii. Rapides - South of Alexandria between Red River and U.S. 167 to the junction of U.S. 167 with I-49 at Turkey Creek Exit, east of I-49 southward to parish line.
 - iii. St. Bernard - All of the parish shall be still hunting only *except* that portion of St. Bernard known as the spoil area between the MRGO on the east and Access Canal on the west, south of Bayou Bienvenue and north of Bayou la Loutre.
 - iv. St. John - South of Pass Manchac from Lake Pontchartrain to U.S. 51, east of U.S. 51 from Pass Manchac to La. 638 (Frenier Beach Road). North of La. 638 from U.S. 51 to Lake Pontchartrain. West of Lake Pontchartrain from La. 638 to Pass Manchac.
 - v. St. Landry - Those lands surrounding Thistlethwaite WMA bounded north and east by La. 359, west by La. 10, and south by La. 103.
- 7. Area 7
 - a. The following parish is open: Terrebonne.
 - b. Portions of the following parishes are open: Iberia and St. Mary Parishes - South of La. 14 and west U.S. Hwy. 90.
- G. Wildlife Management Area Regulations
 - 1. General
 - a. The following rules and regulations concerning the management, protection and harvest of wildlife have been officially approved and adopted by the Wildlife and Fisheries Commission in accordance with the authority provided in Louisiana Revised Statutes of 1950, Section 109 of Title 56. Failure to comply with these regulations will subject individual to citation and/or expulsion from the management area.

b. Citizens are cautioned that by entering upon a WMA managed by the LDWF they may be subjecting themselves and/or their vehicles to game and/or license checks, inspections and searches.

c. Wildlife management area seasons may be altered or closed anytime by the Department Secretary in emergency situations (floods, fire or other critical circumstances).

d. Hunters may enter the WMA no earlier than two hours before legal shooting time unless otherwise specified. Hunters must exit the WMA no later than two hours after sunset unless otherwise specified.

e. Lands within WMA boundaries will have the same seasons and regulations as the management area with which they are associated *except* as specified by state law.

f. Dumping garbage or trash on WMAs except in designated locations is prohibited.

g. Disorderly conduct or hunting under influence of alcoholic beverages, chemicals and other similar substances is prohibited.

h. Commercial activities prohibited without prior approval or unless otherwise specified.

i. Damage to or removal of trees, shrubs, hard mast (acorn, pecans, etc.) and wild plants is prohibited without prior approval. Gathering and/or removal of soft fruits and berries shall be limited to five gallons per person per day. Persons engaged in commercial activities must obtain a permit from the Region Office.

j. Burning of marshes is prohibited.

k. Nature trails. Access to trails shall be limited to pedestrians only. No vehicles, ATVs, horses, mules, etc. allowed. Removal of vegetation (standing or down) or other natural material prohibited.

l. Deer seasons are for legal buck deer unless otherwise specified.

m. Small game, when listed under the WMA regulations, includes both resident game animals and game birds as well as migratory species of birds.

n. Oysters may not be harvested from any WMA, *except* that oysters may be harvested from private oyster leases and State Seed Grounds located within a WMA, when authorized by the Wildlife and Fisheries Commission and upon approval by the Department of Health and Hospitals.

2. Permits

a. Daily. Daily permits when required shall be obtained at permit stations on or near each WMA. Hunters must retain permit in possession while hunting. Hunters may enter the area no earlier than two hours before legal shooting time unless otherwise specified. Hunters must checkout daily and exit the area not later than two hours after sunset unless otherwise specified.

b. Self Clearing Permits. On WMAs where Self Clearing Permits are required, all hunters must obtain a WMA Self Clearing Permit from an Information Station. The Check In portion *must* be completed and put in a permit box *before* each day's hunt on the day of the hunt. The Check Out portion must be carried by each hunter while hunting and *must* be completed and put in a permit box *after* each day's hunt on the day of the hunt unless otherwise specified. A vehicle tag

will also be associated with the Self Clearing Permit and must be displayed in the vehicle while on the WMA.

c. Wild Louisiana Stamp. Persons using WMAs or other department administered lands for purposes other than hunting and fishing, such as camping, shooting on rifle ranges, berry picking, hiking, photography, bird-watching and the like, shall be required to possess one of the following: a Wild Louisiana stamp, a valid Louisiana fishing license, or a valid Louisiana hunting license. Persons younger than 16 or older than 60 years of age are exempt from this requirement.

3. Special Seasons

a. Youth Deer Hunt. Only youths younger than 16 years of age may hunt. All other seasons are closed *except* Handicapped Seasons. Youths must possess a hunter safety certification or proof of successful completion of a hunter safety course. Each youth must be accompanied by one adult 18 years of age or older. Adults may not possess a firearm. Youths may possess only one firearm while hunting. Legal firearms are the same as described for deer hunting. The supervising adult shall maintain visual and voice contact with the youth at all times. An adult may supervise only one youth during this special hunt. Contact the appropriate district office for special check station locations when daily permits are required and maps of specific hunting areas. Either-sex deer may be taken on WMAs with youth hunts. Consult the regulations pamphlet for WMAs offering youth hunts.

b. Handicapped Season. For physically challenged permitted hunters only. Participants must possess a physically challenged hunter program permit. Contact district office for permit application and map of specific hunting area. Consult the regulations pamphlet for WMAs offering Handicapped Seasons.

c. Deer Lottery Hunts. Hunt restricted to those persons selected as a result of the pre-application lottery. Consult the regulations pamphlet for deadlines. A non-refundable application fee must be sent with application. Contact district offices for applications. Consult regulations pamphlet for WMAs offering lottery hunts.

d. Turkey Lottery Hunts. Hunts restricted to those persons selected by lottery. Consult the regulations pamphlet for deadlines. All turkeys must be reported at Self Clearing station. Contact District Offices for more details. Consult separate Turkey Hunting Regulations pamphlet for WMAs offering lottery hunts.

e. Trapping. Permits to take fur bearers from WMAs may be obtained at district offices when required. Consult Annual Trapping Regulations for specific dates. All traps must be run daily. Traps with teeth are illegal. On WMAs where permits are required, each trapper must submit an annual trapping report to the District Office where his permit was obtained. Non-compliance will result in forfeiture of trapping privileges on the WMAs. Permits may be obtained only between hours of 8 a.m. to 4:30 p.m. on normal working days at district offices. Hunter orange required when a deer gun season is in progress. A permit is required to carry a firearm outside of the normal hunting season and is available at the Region Office.

f. Raccoon Hunting. A licensed hunter may take raccoon or opossum, one per person per day, during daylight

hours only, during the open rabbit season on WMAS. Nighttime Experimental - Season dates for specific WMAS are for nighttime raccoon hunting and permits may be required. There will be no bag limit for raccoons at night unless specified in the annual regulations pamphlet. Raccoon hunters with dogs must submit an annual report of their kill to the district office for WMAs where permits are required. Non-compliance will result in forfeiture of hunting privileges on WMAs. Permits, when required, may be obtained at district offices only between hours of 8 a.m. to 4:30 p.m. on normal working days.

g. Commercial Fishing. Permits are required of all commercial fishermen using Grassy Lake, Pomme de Terre and Spring Bayou WMAs. Drag seines (except minnow and bait seines) are prohibited EXCEPT experimental bait seines permitted on Dewey Wills WMA north of La. 28 in Diversion Canal. Commercial fishing is prohibited during regular waterfowl seasons on Grand Bay, Silver Lake and Lower Sunk Lake on Three Rivers WMA. Commercial fishing is prohibited on Salvador/Timken, Ouachita and Pointe-Au-Chien WMAs *except* shrimping allowed on Pointe-Au-Chien in Wonder Lake during daytime only. Non-compliance with permit regulations will result in revocation of commercial fishing privileges. Commercial and recreational crawfishing on Sherburne WMA, South Farms, is by permit only. Permits available from the Opelousas Office or Sherburne WMA Headquarters. Commercial fishing is allowed on Pass-a-Loutre and Atchafalaya Delta WMAs. See Pass-a-Loutre for additional commercial fishing regulations on mullet.

h. Sport Fishing. Sport fishing, crawfishing and frogging are permitted on WMAs when in compliance with current laws and regulations *except* nighttime frogging prohibited on Salvador/Timken and Pointe-Au-Chien.

i. Additional Department Lands. The Department manages additional lands that are included in the WMA system and available for public recreation. Small tracts are located in Rapides, Vernon, Evangeline and St. Helena parishes. These small tracts have been acquired from the Farmers Home Administration or other sources for conservation purposes. Contact the appropriate Wildlife and Fisheries District Office for specific information and any additional season dates.

4. Firearms

a. Firearms having live ammunition in the chamber, magazine, cylinder or clip when attached to firearms are not allowed in or on vehicles, boats under power, motorcycles, ATVs, ATCs or in camping areas on WMAS. Firearms may not be carried on any area before or after permitted hours except in authorized camping areas.

b. Firearms and bows and arrows are not permitted on WMAs during closed hunting seasons *except* on designated shooting ranges or as permitted for trapping. Bows and broadhead arrows are not permitted on WMAs *except* during regular archery season, turkey season or *except* as permitted for bowfishing.

c. Encased or broken down firearms and any game harvested may be transported through the areas by the most direct route provided that no other route exists *except* as specified under Wildlife Management Area listing.

d. Loaded firearms are not permitted near WMA check stations.

e. Centerfire rifles and handguns, arms larger than .22 caliber rimfire, shotgun slugs or shot larger than BB lead or F steel shot cannot be carried onto any WMA *except* during deer season.

f. Target shooting and other forms of practice shooting are prohibited on WMAs *except* as otherwise specified.

g. Discharging of firearms on or hunting from designated roads and trails or their rights-of-way is prohibited during the modern firearm and muzzleloader deer season.

5. Methods of Taking Game

a. Moving deer or hogs on a WMA with organized Drivers and standers, Drivers or making use of noises or noise-making devices is prohibited.

b. On Wildlife Management Areas, Federal Refuges and National Forest Lands where the daily limit shall be one deer per day, six per season (all segments included) by all methods of take.

c. Baiting or hunting over bait is prohibited on all WMAs (hogs included). Unmarked hogs may be taken on some WMAs by properly licensed hunters and only with guns or bow and arrow legal for specified seasons in progress. Consult the specific WMA for additional information. Proper licenses and permits are required for hunting.

d. Hunters who kill deer on WMAs that require daily permits must have deer checked at the check station on same day of kill.

e. Deer hunting on WMAs is restricted to still hunting only. No WMA will be open for deer during early still hunt season unless specified in the regulation pamphlet.

f. Construction of and/or hunting from permanent tree stands or permanent blinds on WMAs is prohibited. Any permanent stand or permanent blind will be removed and destroyed.

g. On Wildlife Management Areas and Refuges, all deer stands must be removed from the area no later than two hours after sunset each day.

h. A permanent blind is any blind using non-natural materials or having a frame which is not dismantled within two hours after sunset. Blinds with frames of wood, plastic, metal, poles, wire, mesh, webbing or any materials may be used but must be removed from the WMA within two hours after sunset. Blinds made solely of natural vegetation may be left in place but cannot be used to reserve hunting locations. All decoys must be removed from the WMA daily.

i. It is illegal to save or reserve hunting locations using permanent stands or blinds. Stands or blinds attached to trees with screws, nails, spikes, etc. are illegal.

j. Tree climbing spurs, spikes or screw-in steps are also prohibited.

k. Unattended decoys will be confiscated and forfeited to the Department of Wildlife and Fisheries and disposed of by the Department. This action is necessary to prevent preemption of hunting space.

l. Hunters shall not hunt, take or pursue birds or animals from moving vehicles on any WMA. No person shall take birds or animals from or by any motor boat or sail boat

unless the motor has been completely shut off and/or the sail furled and its progress therefrom has ceased.

m. Spot lighting (shining) from vehicles is prohibited on all WMAS.

n. The use of horses and mules is prohibited for hunting or trapping on WMAs *except* for quail hunting or *except* as otherwise specified. Horses and mules are specifically prohibited during gun seasons for deer and turkey and *except* as permitted for bird dog field trials on Sandy Hollow WMA.

o. All hunters *except* waterfowl hunters (including archers and small game hunters) on WMAs must display 400 square inches of "Hunter Orange" and wear a "Hunter Orange" cap during open gun season for deer. Quail and woodcock hunters as well as hunters participating during special dog seasons for rabbit and squirrel are required to wear a minimum of a "Hunter Orange" cap. Also all non-hunters afield during hunting seasons are encouraged to display "Hunter Orange".

p. Archery season for deer. The archery season on WMAs is the same as outside and is open to either sex deer *except* as otherwise specified on individual WMAs. Archery season restricted or closed on certain WMAs when special seasons for youth or handicapped hunters are in progress. Consult regulations pamphlet for specific seasons.

q. Either sex deer may be taken on WMAs at any time during archery season *except* when bucks only seasons are in progress on the respective WMAs. Archers must abide by bucks only regulations and other restrictions when such seasons are in progress.

r. Muzzleloader Season for Deer. See WMA deer schedule.

6. Camping

a. Camping on WMAs, including trailers, houseboats, recreational vehicles and tents, is permitted only in designated areas and for a period not to exceed sixteen (16) consecutive days, regardless if the camp is attended or unattended. Houseboats shall not impede navigation. At the end of the 16 day period, camps must be removed from the area for at least 48 hours. Camping area use limited exclusively to outdoor recreational activities.

b. Houseboats are prohibited from overnight mooring within WMAs *except* on stream banks adjacent to Department-owned designated camping areas. Overnight mooring of vessels that provide lodging for hire are prohibited on WMAs. On Atchafalaya Delta WMA and Pass-a-Loutre, houseboats may be moored in specially designated areas throughout the hunting season. At all other times of the year, mooring period is limited to a period not to exceed sixteen (16) consecutive days. Permits are required for camping and overnight mooring of houseboats on Pass-a-Loutre. Houseboat mooring permits are required for Atchafalaya Delta Wildlife Management Area. Permits may be obtained from headquarters on respective WMAs or from the New Iberia office (318) 373-0032 for Atchafalaya Delta WMA.

c. Anyone camping on WMAs is required to have an operational waste disposal system attached to the camper, trailer or other unit or a portable waste disposal unit to remove all human waste upon leaving the WMA camping area.

Discharge of human waste on a WMA is prohibited. Additionally it is against both Federal and State law to discharge human waste into the waterways of Louisiana.

d. No refuse or garbage may be dumped from these boats.

e. Firearms may not be kept loaded or discharged in a camping area.

f. Campsites must be cleaned by occupants prior to leaving and all refuse placed in designated locations when provided or carried off by campers.

g. Non-compliance with camping regulations will subject occupant to immediate expulsion and/or citation, including restitution for damages.

h. Swimming prohibited within 100 yards of boat launching ramps.

7. Restricted Areas

a. All oil and gas production facilities (wells, pumping stations and storage facilities) are off limits.

b. No unauthorized entry or hunting in restricted areas or refuges.

8. Dogs. All use of dogs on WMAs, *except* for bird hunting and duck hunting, is *experimental* as required by law. *except* for nighttime experimental raccoon hunting, squirrel hunting, rabbit hunting and bird dog training when allowed, having or using dogs on any WMA is prohibited. Dogs running at large are prohibited on WMAS. The owner or handler of said dogs shall be held liable. Only recognizable breeds of bird dogs and retrievers are permitted for quail and migratory bird hunting. Only beagle hounds which do not exceed 15 inches at the front shoulders and which have recognizable characteristics of the breed may be used on WMAs having experimental rabbit seasons.

9. Vehicles

a. Vehicles having wheels with a wheel-tire combination having a radius of 17 inches or more from the center of the hub (measured horizontal to ground) are prohibited.

b. The testing, racing, speeding or unusual maneuvering of any type of vehicle is prohibited within wildlife management areas due to property damages resulting in high maintenance costs, disturbance of wildlife and destruction of forest reproduction.

c. Tractor implement tires with farm tread designs R1, R2 and R4 known commonly as spade or lug grip types are prohibited on all vehicles. ATV tires are restricted to those with maximum allowable tire pressure of 5 psi, as indicated on the tire by the manufacturer.

d. Airboats, aircraft, personal water craft and hover craft are prohibited on all WMAs and Refuges. Personal water craft are defined as a vessel which uses an inboard motor powering a water jet pump as its primary source of propulsion and is designed to be operated by a person sitting, standing or kneeling on the vessel rather than in the conventional manner of sitting or standing inside the vessel. Personal water craft allowed on designated areas of Alexandria State Forest WMA.

e. No internal combustion engines permitted in certain Greentree reservoir.

f. Driving or parking vehicles on food or cover plots and strips is prohibited.

g. Blocking the entrance to roads and trails is prohibited.

h. Motorized vehicles, including ATVs, ATCs and motorcycles, are restricted entirely to designated roads and ATV trails as indicated on WMA maps, except on Atchafalaya Delta WMA where ATVs, ATCs and motorcycles are prohibited. WMA maps available at all district offices. This restriction does not apply to bicycles.

i. Use of special ATV trails for handicapped persons restricted to special ATV handicapped permittees. Handicapped ATV permittees restricted to handicapped ATV trails or other ATV trails only as indicated on WMA maps. Persons 70 years of age and older, with proof of age, are also permitted to use special handicapped trails and need not obtain a permit. However, these persons must abide by all rules in place for these trails. Handicapped persons should make application for a Physically Challenged Hunter Program Permit with the Department.

j. Entrances to ATV trails will be marked with peach colored paint. Entrances to handicapped-only ATV trails will be marked with blue colored paint. Routes of all trails are as indicated on WMA maps. Deviation from the trails indicated on the map constitutes a violation of WMA rules and regulations.

k. Roads and trails may be closed due to poor condition or construction.

l. ATVs, ATCs and motorcycles cannot be left overnight on WMAs *except* on designated camping areas. All roads including trails and roads designated as ATV Only shall be closed to ATVs from March 1 through September 15 and from two hours after sunset to two hours before legal shooting hours unless otherwise specified. ATV off-road travel is prohibited.

m. Caution: Many Department-maintained roadways on WMAs are unimproved and substandard. A maximum 20 mph speed limit is recommended for all land vehicles using these roads.

10. Wildlife Management Areas Basic Season Structure. For season dates, bag limits, shooting hours, special seasons and other information consult the annual regulations pamphlet for specific details.

11. Resident Small Game (squirrel, rabbit and quail). Consult regulations pamphlet.

12. Waterfowl (ducks, geese and coots). Consult regulations pamphlet.

13. Migratory Birds (dove, woodcock, snipe, rail and gallinule). Consult regulations pamphlet.

14. Archery. Consult regulations pamphlet.

15. Hogs. Consult regulations pamphlet.

16. Outlaw Quadrupeds and Birds. Consult regulations pamphlet.

17. Wildlife Management Areas Hunting Schedule and Regulations

a. Alexander State Forest. Vehicles restricted to paved and graveled roads. No parking on or fishing or swimming from bridges. No open fires EXCEPT in recreation areas.

b. Atchafalaya Delta. Water control structures are not to be tampered with or altered by anyone other than employees

of the Department of Wildlife and Fisheries at any time. ATVs, ATCs and motorcycles prohibited.

c. Attakapas. Free-ranging livestock prohibited.

d. Bayou Macon. All night activities prohibited except as otherwise provided.

e. Bayou Pierre. No ATVs or ATCs allowed on the area. Motorized vehicles are allowed only on parish roads and roads marked on WMA map.

f. Bens Creek. All motorized vehicles restricted to designated roads. Refer to WMA map for location of designated roads. No hunting in restricted areas. (See WMA Map). Horses and mules are specifically prohibited during gun seasons for deer and during the spring turkey season.

g. Big Colewa Bayou. All vehicles, including ATVs prohibited. All nighttime activities prohibited.

h. Big Lake. Free-ranging livestock prohibited.

i. Biloxi

j. Bodcau

k. Boeuf. Free-ranging livestock prohibited.

l. Boise-Vernon. Road travel and hunting restrictions: All motorized vehicles restricted to designated roads. Refer to WMA map for location of designated roads. Hunting prohibited on roads designated for motorized vehicle travel.

m. Buckhorn. Free-ranging livestock prohibited.

n. Camp Beauregard. Daily military clearance required for all recreational users. Registration for use of Self Clearing permit required once per year. Free-ranging livestock prohibited. All game harvested must be reported.

o. Dewey W. Wills. Crawfish: 100 pounds per person per day. Roads may be closed during wet weather conditions.

p. Elm Hall. No ATVs allowed.

q. Fort Polk. Daily military clearance required to hunt or trap. Registration for use of Self Clearing Permit required once per year. Special regulations apply to ATV users.

r. Georgia-Pacific. Except as otherwise provided, all nighttime activities prohibited.

s. Grassy Lake. Commercial Fishing: Permitted *except* on Smith Bay, Red River Bay and Grassy Lake proper on Saturday and Sunday and during waterfowl season. Permits available from area supervisor Spring Bayou headquarters or Opelousas District Office. Free-ranging livestock prohibited. No hunting in restricted area.

t. Jackson-Bienville. ATVs are allowed on non-public maintained gravel roads and timber management roads and trails. However, all ATVs/ATCs prohibited March 1 through September 15.

u. Joyce. Swamp Walk: Adhere to all WMA rules and regulations. No firearms or hunting allowed within 100 yards of walkways. Check hunting schedule and use walkway at your own risk.

v. Lake Boeuf

w. Lake Ramsay. Foot traffic only - all vehicles restricted to Parish Roads.

x. Little River. Roads may be closed during wet conditions.

y. Loggy Bayou

z. Manchac. Crabs: No crab traps allowed. Attended lift nets are allowed.

aa. Ouachita Waterfowl Refuge: North of La. Hwy. 15 closed to all hunting, fishing and trapping during waterfowl season. Crawfish: 100 pounds per person per day limit. Night crawfishing prohibited. No traps or nets left overnight. Commercial Fishing: Closed. All nighttime activities prohibited except as otherwise provided.

ab. Pass-a-Loutre. Commercial Fishing: Same as outside. Commercial mullet fishing open only in: South Pass, Pass-a-Loutre, North Pass, Southeast Pass, Northeast Pass, Dennis Pass, Johnson Pass, Loomis Pass, Cadro Pass, Wright Pass, Viveats Pass, Cognevich Pass, Blind Bay, Redfish Bay, Garden Island Bay and Northshore Bay oil and gas canals as described on the Department Pass-a-Loutre WMA map.

ac. Pearl River. All roads closed 8 p.m. to 4:30 a.m. to all vehicles. Old Hwy. 11 will be closed when river gauge at Pearl River, Louisiana, reaches 16.5 feet. All hunting will be closed when the river stage at Pearl River reaches 16.5 feet except waterfowl hunting below Hwy. 90. No hunting in the vicinity of Nature Trail. Observe "No Hunting" signs. Rifle range open noon until 4 p.m. Friday, and 8 a.m. to 4:30 p.m. Saturday and Sunday with a fee.

ad. Peason Ridge. Daily military clearance required to hunt or trap. Registration for use of Self Clearing Permit required once per year. Special federal regulations apply to ATV users.

ae. Pointe-au-Chien. Hunting until 12 noon on *all game*, *except* for *dove* hunting as specified below. Point Farm: Gate will be open during opening weekend of the second split of dove season and all weekends during month of February. No motorized vessels allowed in the drainage ditches. Recreational Fishing: Shrimp may be taken by the use of cast nets only. During the inside open shrimp season, 25 pounds per boat per day (heads on) shall be permitted. Size count to conform with open season requirements. During the inside closed season, 10 pounds per boat per day (heads on) may be taken for bait. Fish may be taken by rod and reel or hand lines for recreational purposes only. Crabs may be taken through the use of hand lines or nets; however, none are to remain set overnight. Twelve dozen crabs are allowed per boat or vehicle per day. Crawfish may be harvested in unrestricted portions of the wildlife management area and shall be limited to 100 pounds per boat or group. Fishing gear used to catch crawfish shall not remain set overnight. The harvest of all fish, shrimp, crabs and crawfish are for recreational purposes only and any commercial use is prohibited. Mudboats or vessels with engines larger than 25 h.p. prohibited in the Montegue and Grand Bayou marsh management units. Vehicles prohibited on Point Farm properties unless authorized by the department.

af. Pomme de Terre. Commercial Fishing: Permitted Monday through Friday, *except* closed during duck season. Commercial Fishing permits available from area supervisor, Opelousas District Office or Spring Bayou headquarters. Sport Fishing: Same as outside *except* permitted after 2 p.m. only during waterfowl season. Crawfish: April 1 - July 31, 100 lbs. per person per day limit. No traps or nets left overnight. Free-ranging livestock prohibited.

ag. Red River. Free-ranging livestock prohibited. Crawfishing prohibited on Wetland Restoration Areas.

ah. Russell Sage. Transporting trash or garbage on WMA roads is prohibited. All nighttime activities prohibited except as otherwise provided. Note: All season dates on Chauvin Tract (U.S. 165 North) same as outside, *except* still hunt only and *except* deer hunting restricted to archery only. Waterfowl hunting after 2 p.m. prohibited. All vehicles including ATVs prohibited.

ai. Sabine

aj. Sabine Island. Sabine Island boundaries are Sabine River on the west, Cut-Off Bayou on the north, and Old River and Big Bayou on the south and east.

ak. Salvador/Timken. Hunting until 12 noon only for all game. All nighttime activities prohibited, including frogging. Recreational Fishing: Shrimp may be taken by the use of cast nets only. During the inside open shrimp season, 25 pounds per boat per day (heads on) shall be permitted. Size count to conform with open season requirements. During the inside closed season, 10 pounds per boat per day (heads on) may be taken for bait. Fish may be taken by rod and reel or hand lines for recreational purposes only. Crabs may be taken through the use of hand lines or nets; however, none of the lines are to remain set overnight. Twelve dozen crabs are allowed per boat or vehicle per day. Crawfish may be harvested in unrestricted portions of the game management area and shall be limited to 100 pounds per boat or group. Fishing gear used to catch crawfish shall not remain set overnight. The harvest of all fish, shrimp, crabs and crawfish are for recreational purposes only and any commercial use is prohibited. Boats powered by internal combustion engines having horsepower ratings above 25 H.P. are permitted only in oil company access canals, Louisiana Cypress Canal, the Netherlands Pond including the West Canal, Lakes - "Baie Des Chactas" and Baie du Cabanage" and the Rathborne Access ditch. Operation of the above described internal combustion engines in interior ditches is prohibited. Pulling boats over levees, dams or water control structures or any other activities which cause detriment to the integrity of levees, dams and water control structures is prohibited. Special Use Permits may be issued for persons interested in clearing existing ditches (trenasses). Permits will be considered on a case-by-case basis. Contact New Orleans District Office-Fur and Refuge Division.

al. Sandy Hollow. Bird Dog Training: Consult regulation pamphlet. Wild birds only (use of pen-raised birds prohibited). Bird Dog Field Trials: Permit required from Baton Rouge District Office. Horseback Riding: Organized trail rides prohibited. Horses and mules are specifically prohibited during turkey and gun season for deer *except* as permitted for bird dog field trials. No horses and mules on green planted areas. No motorized vehicles allowed off designated roads. Free-ranging livestock prohibited.

am. Sherburne. Crawfishing: permits required, for South Farms from Area Headquarters. Free-ranging livestock prohibited. Vehicular traffic prohibited on east Atchafalaya River Basin levee road within Sherburne WMA boundaries. Rifle and Pistol Range open daily. Skeet ranges open by appointment only, contact Hunter Education Office. No trespassing in restricted area behind ranges. Note: Atchafalaya

National Wildlife Refuge, and U.S. Army Corps of Engineers land holdings adjacent to the Sherburne Wildlife Management Area will have the same rules and regulations as Sherburne WMA. No hunting or trapping in restricted area. No commercial activity on ANWR, except trapping.

an. Sicily Island Hills. Firearms and any game harvested cannot be transported through the area except during the corresponding open season on area. Free-ranging livestock prohibited.

ao. Soda Lake. Entire area is walk-in only - no motorized vehicles allowed. Access into the area is allowed only from south end of the area off of Hwy. 173 at Twelve Mile Bayou. All trapping and hunting prohibited EXCEPT archery hunting for deer. All activities prohibited from two hours after sunset until two hours before sunrise.

ap. Spring Bayou. Commercial Fishing: Permitted Monday through Friday *except* slat traps and hoop nets permitted any day. Permits available from area supervisor or Opelousas District Office. Closed until after 2 p.m. during waterfowl season. Sport Fishing: Same as outside *except* permitted only after 2 p.m. during waterfowl season. Crawfish: 100 lbs. per person per day limit. Permit required from area supervisor. No hunting allowed in headquarters area. Only overnight campers allowed in the improved Boggy Bayou Camping area. Rules and regulations posted at camp site. A fee is assessed for use of this camp site. Water skiing permitted only in Old River and Grand Lac.

aq. Thistlethwaite. No hunting or trapping in restricted area (See WMA Map). All motorized vehicles restricted to improved roads only. All users must enter and leave through main gate only. No entry into restricted areas.

ar. Three Rivers. Free-ranging livestock prohibited in area.

as. Tunica Hills. All vehicles restricted to Parish roads. ATV's restricted to designated trails. Driving on food plots prohibited. Access to restricted areas is unauthorized. Refer to WMA map. Camping prohibited on area.

at. Union. All nighttime activities prohibited except as otherwise provided.

au. West Bay. Road Travel and Hunting Restrictions: All motorized vehicles restricted to designated roads. Refer to WMA map for location of designated roads. Hunting prohibited on roads designated for motorized vehicular travel.

av. Wisner

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115 and R.S. 56:116.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 25:

Part III. State Game and Fish Preserves and Sanctuaries

Chapter 3. Particular Game and Fish Preserves and Commissions

§311. Repealed.

§312. Repealed.

§313. Repealed.

§314. Repealed.

§327. Repealed.

Public hearings will be held at regularly scheduled Wildlife and Fisheries Commission Meetings from April through July. Additionally, interested persons may submit written comments

relative to the proposed rule until May 21, 1999 to Administrator, Wildlife Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000.

Bill A. Busbice, Jr.
Chairman

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Hunting Seasons, Wildlife Management, and Game and Fish Preserves

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

This rule establishes permanent rules and regulations for the state at large as well as Wildlife Management Areas. Establishment of hunting regulations is an annual process. The cost of implementing the proposed rules, aside from staff time, is the production of the regulation pamphlet. Cost of printing the 1999-2000 state hunting pamphlet was \$12,850 and no major increase in expenditures is anticipated. Local governmental units will not be impacted.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Projected hunting license fee collections are between 4.0-5.0 million dollars, annually. Additionally hunting and related activities generates approximately \$25 million in state sales tax and \$5.6 million in state income tax (Southwick and Assoc., 1997). Based upon the Southwick and Associates survey and a statewide weighted local sales tax rate of 3.6%, these activities would generate approximately \$22.5 million in local sales tax revenue. Failure to adopt rule changes would result in no hunting season being established and a potential loss of some of these revenues.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Hunting in Louisiana generates in excess of \$596,000,000 annually through the sale of outdoor equipment, associated items and other economic benefits. Figures are based on the National surveys by Southwick and Associates for the IAFWA.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Hunting in Louisiana provides 15,271 jobs (Southwick and Assoc., 1997). Not establishing hunting seasons might have a negative and direct impact on these jobs.

James L. Patton
Undersecretary
9903#039

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Resident Game Hunting Season—1999-2000
(LAC 76:XIX.101 and 103)

The Wildlife and Fisheries Commission does hereby give notice of its intent to promulgate rules and regulations governing the hunting of resident game birds and game quadrupeds.

Title 76

WILDLIFE AND FISHERIES

Part XIX. Hunting and WMA Regulations

Chapter 1. Resident Game Hunting Season

§101. General

The Resident Game Hunting Season, 1999-2000 regulations are hereby adopted by the Wildlife and Fisheries Commission. A complete copy of the Regulation Pamphlet may be obtained from the Department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 21:707 (July 1995), amended LR 22:585 (July 1996), LR 23:871 (July 1997), LR 24:1324 (July 1998), LR 25:

§103. Resident Game Birds and Animals 1999-2000

A. Shooting hours. One-half hour before sunrise to one-half hour after sunset.

B. Consult Regulation Pamphlet for seasons or specific regulations on Wildlife Management Areas or specific localities.

Species	Season Dates	Daily Bag Limit	Possession Limit
Quail	Nov. 13-Feb. 29	10	20
Rabbit	Oct. 2-Feb. 29	8	16
Squirrel	Oct. 2-Feb. 13	8	16
Pheasant	Nov. 13-Jan. 31	2 (Cock Only)	4
Deer	See Schedule	1 Antlered and 1 Antlerless (When Legal)	6

C. Deer Hunting Schedule

Area	Archery	Muzzleloader (All Either Sex)	Still Hunt	With or Without Dogs
1	Oct. 1-Jan. 31	Nov. 13-Nov. 19 Jan. 24-Jan.30	Nov.20-Dec. 5 Jan.10-Jan.23	Dec.11-Jan.9
2	Oct. 1-Jan. 31	Oct. 30-Nov. 5 Jan. 15-Jan. 21	Nov. 6-Dec.10	Dec.11-Jan.14
3	Sept.18-Jan. 18	Oct. 9-Oct. 15 Dec. 13-Dec. 17	Oct.16-Dec.12 Dec.18-Jan. 2	
4	Oct. 1-Jan. 31	Nov. 13-Nov. 19 Jan. 15-Jan. 21	Nov. 20-Jan. 14	
5	Oct. 1-Jan. 31	Nov. 13-Nov. 19 Jan. 15-Jan. 21 (Bucks Only)	Nov.20-Nov. 28	
6	Oct. 1-Jan. 31	Nov. 13-Nov. 19 Jan. 24-Jan. 30	Nov. 20-Dec.5	Dec.11-Jan. 23
7	Oct. 1-Jan. 31	Oct. 9-Oct. 15 Jan. 17-Jan. 23	Oct. 16-Oct. 31 Nov. 20-Dec. 5	Dec. 11-Jan. 16

D. Modern Firearm Schedule (Either Sex Seasons)

Area	Basic Season Dates	Total Days	Exceptions (Those portions of the following parishes)
1	Nov. 20-21, 26-28 Dec. 4-5, 11-12, 18-19	11	Nov. 20-21, 26-28 (Franklin, Catahoula, LaSalle, Caldwell) Nov. 20-21, 26-28, Dec. 11-12 (Avoyelles, Grant, Rapides)
2	Nov. 6-7, 13-14, 20-21, 26-28, Dec. 4-5, 11-12	13	Nov. 6-7, 26-28 (Caldwell, LaSalle) Nov. 6-7, 26-28, Dec. 11-12 (Avoyelles)
3	Oct. 16-17, 23-24, Oct. 30-31, Nov. 6-7, 20-21, 26-28	13	Oct. 16-17, Nov. 20-21, 26-28 (St. Landry)
4	Nov. 20-21, 26-28 (except East Carroll)	5	Nov. 20-21, 26-28, Dec. 4-5, 11-12 (East Carroll)—That portion between the Mississippi River Levee and the Mississippi River)
5	None		
6	Nov. 20-21, 26-28, Dec. 4-5, 11-12, 18-19	11	Nov. 20-21, 26-28, Dec. 11-12 (Avoyelles, Rapides, St. Landry)
7	Oct. 16-17, Nov. 20-21, 26-28, Dec. 11-12, 18-19	11	

E. Farm Raised White-tailed Deer on Supplemented Shooting Preserves

Archery	Modern Firearm	Either Sex	Muzzleloader
Oct. 1-Jan. 31 (Either Sex)	Nov. 1-Dec. 6 Dec. 21-23 Dec. 26-Jan.31	Nov. 1-3 Dec. 21-23 Dec. 26-30	Dec. 7-20 (Either Sex)

F. Exotics on Supplemented Shooting Preserves: Either Sex, no closed season.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 21:707 (July 1995), amended LR 22:585 (July 1996), LR 23:871 (July 1997), LR 24:1324 (July 1998), LR 25:

Public hearings will be held at regularly scheduled Louisiana Wildlife and Fisheries Commission meetings from April through July. Additionally, interested persons may submit written comments relative to the proposed rule until May 21, 1999 to Administrator, Wildlife Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898.

Bill A. Busbice, Jr.
Chairman

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

RULE TITLE: Resident Game Hunting Season—1999-2000

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

This rule establishes season dates for hunting of resident game species and other rules that change annually. Establishment of hunting regulations is an annual process. The cost of implementing the proposed rules, aside from staff time, is the production of the regulation pamphlet. Cost of printing the 1999-2000 state hunting pamphlet was \$12,850 and no major increase in expenditures is anticipated. Local governmental units will not be impacted.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Projected hunting license fee collections are between 4.0-5.0 million dollars, annually. Additionally hunting and related activities generates approximately \$25 million in state sales tax and \$5.6 million in state income tax (Southwick and Assoc., 1997). Based upon the Southwick and Associates survey and a

statewide weighted local sales tax rate of 3.6%, these activities would generate approximately \$22.5 million in local sales tax revenue. Failure to adopt rule changes would result in no hunting season being established and a potential loss of some of these revenues.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Hunting in Louisiana generates in excess of \$596,000,000 annually through the sale of outdoor related equipment, associated items and other economic benefits. Figures are based on the National surveys by Southwick and Associates for the IAFWA.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Hunting in Louisiana provides 15,271 jobs (Southwick and Assoc., 1997). Not establishing hunting seasons might have a negative and direct impact on these jobs.

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