

CONTENTS

I. EXECUTIVE ORDERS

EWE 93-25—Bond allocation by the Parish of St. Charles for Shell Oil Company of Norco.....	1387
EWE 93-26—Bond allocation by the Parish of East Baton Rouge for Georgia-Pacific Corporation	1387
EWE 93-27—Bond allocation by the Parish of Beauregard for Boise Cascade Corporation	1388
EWE 93-28—Directs the Department of Transportation and Development to Issue Special Permit to Cotton Module Operators	1388
EWE 93-29—Creates the Office of Urban Affairs and Development	1389
EWE 93-30—Directs the Military Department, Office of Emergency Preparedness as the Lead Agency and Coordinator for all Emergency and Disaster Preparation, Response and Recovery.....	1390
EWE 93-31—Amends Section 2 of Executive Order No. EWE 93-7.....	1390
EWE 93-32—Creates the Louisiana Violent Crime and Homicide Task Force	1390
EWE 93-33—Amends Executive Order EWE 93-24	1391
EWE 93-34—Recreates the Louisiana Small Business Bonding Assistance Program within the Department of Economic Development.....	1391
EWE 93-35—Transfers the Office of Litter Reduction and Public Action.....	1394
EWE 93-36—Directs the Department of Transportation and Development to Issue a Special Harvest Season Permit to Sugarcane Vehicle Operators	1394

II. EMERGENCY RULES

Agriculture and Forestry:

Horticulture Commission—Exam Performance Levels (LAC 7:XXIX.1511)	1395
---	------

Education:

Board of Elementary and Secondary Education—Bulletin 1903 - Dyslexic Students	1395
Bulletin 1934 - Starting Points Preschool Regulations.....	1396
Child and Adult Care Food Program Participants	1396
Interim Policy for Hiring Full-Time/Part-Time Noncertified School Personnel.....	1396
Technical Institutes Refund Policy (LAC 28:I.Chapter 15).....	1397
Temporary Employment Permits (LAC 28:I.903)	1397
Temporary Teaching Assignments	1398

Environmental Quality:

Office of Air Quality and Radiation Protection—Air Quality Division - Control of Emissions through the Use of Emissions Reduction Credits Banking (LAC 33:III.Chapter 6) (AQ85E)	1399
Fugitive Emission Control for Ozone Nonattainment Areas (LAC 33:III.2122) (AQ84E)	1399
Mobile Sources (LAC 33:III.Chapter 19) (AQ78E)	1403
Use of Incidental VOC Reductions to Demonstrate Reasonable Further Progress (LAC 33:III.2120) (AQ86E)	1404
Office of the Secretary—Notification Requirements for Unauthorized Discharges with Groundwater Contamination Impact (LAC 33:I.3919, 3925) (OS17E).....	1405

Governor's Office:

Division of Administration, Office of Contractual Review—Retroactive Claims Recovery Services (LAC 34:V.103)	1405
--	------

Health and Hospitals:

Office of Management and Finance—Health Services Provider Fees	1406
Medicaid Pediatric Immunizations Provisions.....	1406

This public document was published at a total cost of \$4,050.00 1,050 copies of this document were published in this monthly printing at a cost of \$2,050.00. The total cost of all printings of this document including reprints is \$2,050.00. This document was published by Moran Printing, Inc., 5425 Florida Blvd., Baton Rouge, LA 70806, as a service to the state agencies in keeping them cognizant of the new rules and regulations under the authority of R.S. 49:950-971. This material was printed in accordance with standards for printing by state agencies established pursuant to R.S. 43:31. Printing of this material was purchased in accordance with the provisions of Title 43 of the Louisiana Revised Statutes.

The Office of the State Register provides auxiliary aids for the *Louisiana Register* for visually impaired individuals. By appointment, oral presentation of the *Register* is available at the Office of the State Register, or an audio cassette tape of requested sections of the *Register* can be provided for the cost incurred by the Office of the State Register in producing such a tape. For more information contact the Office of the State Register.

Office of the Secretary, Bureau of Health Services Financing—Facility Need Review - Solicitation of Offers	1407
Methodology for Disproportionate Share Adjustment.....	1408
Nurse Aide Registry	1410
Insurance:	
Commissioner of Insurance—Regulation 47 - Actuarial Memoranda.....	1410
Public Safety and Corrections:	
Office of Alcoholic Beverage Control—Beverage Sampling (LAC 55:VII.317)	1410
Office of State Police—Breath-Alcohol Ignition Interlock Devices (LAC 55:I.615)	1411
Riverboat Gaming Division—Operating Standards (LAC 42:XIII.Chapters 23-45).....	1412
Revenue and Taxation:	
Tax Commission—Ad Valorem Tax (LAC 61:V.Chapters 1-35).....	1412
Social Services:	
Office of Rehabilitation Services—Policy Manual (LAC 67:VII.101).....	1412
Transportation and Development:	
Office of General Counsel—Seasonal Agriculture Product Outdoor Advertising Devices (LAC 70:I.Chapter 1)	1413
Wildlife and Fisheries:	
Wildlife and Fisheries Commission—Calcasieu Oyster Season	1413
III. RULES	
Agriculture and Forestry:	
Office of Forestry—Forest Management Fees (LAC 7:XXXIX.20701)	1414
Economic Development:	
Office of Financial Institutions—Applications for New Financial Institution Charters (LAC 10:I.Chapter 7)	1414
Education:	
Board of Elementary and Secondary Education—Bulletin 741 - Handbook for School Administrators - Minimum Standards for Vocational Education.....	1416
Bulletin 746 - Standards for State Certification of School Personnel	1416
Bulletin 1508 - Pupil Appraisal Handbook.....	1416
Bulletin 1566 - Guidelines for Pupil Progression (LAC 28:I.907).....	1417
Bulletin 1822 - Competency Based Postsecondary Curriculum Guides	1417
Bulletin 1903 - Dyslexia Law (LAC 28:I.901).....	1417
Migrant Education State Plan, FY-94 (LAC 28:I.933).....	1417
Environmental Quality:	
Office of Air Quality and Radiation Protection, Air Quality Division—Emissions Control (LAC 33:III.919) (AQ74)	1418
Fee System for Air Quality Control Program (LAC 33:III.211 and 223) (AQ76) (Originally proposed as LAC 33:III.6511 and 6523).....	1419
Permitting Procedures (LAC 33:III.Chapter 5) (AQ70)	1420
Radiation Protection Division—Radiation Protection Regulations (LAC 33:XV.Chapters 1, 2, 6, 9, and 10) (NE03)	1421
Standards for Protection Against Radiation (LAC 33:XV.Chapter 4) (NE07)	1421
Office of Solid and Hazardous Waste, Solid Waste Division—Scope and Mandatory Provisions of the Program (LAC 33:VII.315) (SW07).....	1421
Governor's Office:	
Office of Elderly Affairs—Frail Elderly Program (LAC 4:VII.1243).....	1422
Long Term Care Assistance Program (LAC 4:VII.1237)	1423
Health and Hospitals:	
Board of Embalmers and Funeral Directors—Right of Care of Remains (LAC 46:XXXVII.113)	1422
Board of Examiners of Psychologists—Clinical Neuropsychology Specialty (LAC 46:LXIII.1707).....	1423
Board of Veterinary Medicine—Certified Animal Euthanasia Technician (LAC 46:LXXXV.Chapter 12).....	1423
Continuing Veterinary Education (LAC 46:LXXXV.Chapter 4)	1427
Fees (LAC 46:LXXXV.500, 505)	1429
Zoo Personnel (LAC 46:LXXXV.Chapter 13)	1429
Office of Public Health—Identification of Hearing Impairment in Infants (LAC 48:V.Chapter 22)	1430
Office of the Secretary, Bureau of Health Services Financing—Medicaid Days Pool	1432
Radiologic Technology Board of Examiners—Actions Before the Board (LAC 46:LXVI.Chapter 7)	1433
Social Services:	
Office of Family Support—Food Stamps-Educational Assistance Income Exclusions (LAC 67:III.1937)	1435
Office of Rehabilitation Services—Personal Care Attendant Policy (LAC 67:VII.1101-1125)	1436
Office of the Secretary—Child Care Assistance Program (LAC 67:I.Chapter 1).....	1440
Wildlife and Fisheries:	
Wildlife and Fisheries Commission—Commercial Snapper Limits (LAC 76:VII.335)	1442
Jewishfish Harvest Prohibition (LAC 76:VII.337)	1442
IV. NOTICES OF INTENT	
Agriculture and Forestry:	
Horticulture Commission—Minimum Examination Performance Levels (LAC 7:XXIX.15111).....	1443
Office of Forestry—Timber Stumpage Values (LAC 7:XXXIX.20101).....	1443

Culture, Recreation and Tourism:

Office of Cultural Development, Division of Archaeology—Archaeologists; Qualifications; Fees; LASFAC (LAC 25:I.Chapter 1).....1444

Education:

Board of Elementary and Secondary Education—Bulletin 741 - Handbook for School Administrators - Minimum Standards for Vocational Education1448
Bulletin 741 - Handbook for School Administrators - Minimum Standards for Vocational Education.....1449
Bulletin 1706 - Exceptional Children1449
Bulletin 1822 - Competency Based Postsecondary Curriculum Outlines.....1450
Revised Teacher Tuition Exemption Regulations1451
VTIE Certification Fee (LAC 28:I.903).....1451

Health and Hospitals:

Board of Embalmers and Funeral Directors—Removal of Bodies from State (LAC 46:XXXVII.1303).....1452
Office of the Secretary—Minimum Qualifications for Executive Director of Sickle Cell Anemia Clinic.....1452
Office of the Secretary, Bureau of Health Services Financing—Hospital Prospective Reimbursement Methodology1453
Pre-admission Certification for Inpatient Hospital Services.....1467
Protection of Nursing Facility Residents' Funds.....1468

Insurance:

Commissioner of Insurance—Regulation 47 - Actuarial Memoranda.....1469
Regulation 48 - Health Insurance Standardized Claim Forms1470
Regulation 50 - Miscellaneous Accreditation Standards1472

Public Safety and Corrections:

Office of Alcoholic Beverage Control—Fairs, Festivals, and Special Event Permits (LAC 55:VII.323)1473
Prohibited Acts (LAC 55:VII.701)1474

Revenue and Taxation:

Income Tax Division—Inheritance Tax; Waiver of Notice (LAC 61:I.1701)1474
Sales Tax Division—Sales Price, Transportation Charges, Sales of Services, Cleaning Services (LAC 61:I.4301)1475
Severance Tax Division—Oilfield Site Restoration Fee (LAC 61:I.5301)1477
Tax Commission—Ad Valorem Tax - Personal Property (LAC 61:V.Chapters 1-35).....1478
Timber Stumpage Values (LAC 7:XXXIX.20101).....1443

Social Services:

Office of Community Services—Central Registry - Child Abuse/Neglect Cases (LAC 67:V.1103)1479
Office of Family Support—JOBS Program Implementation (LAC 67:III.2902)1479
Office of the Secretary—Consolidation of Policy (LAC 67:I.Chapter 1).....1480

State:

Office of the Uniform Commercial Code—Central Registry Master List Program (LAC 10:XVII.321)1484

Transportation and Development:

Office of General Counsel—Seasonal Agriculture Product Outdoor Advertising Devices (LAC 70:I.Chapter 1)1485
Utility and Permit Section—Utility Operator Fee Schedule (LAC 70:III.Chapter 15)1486

Treasury:

Board of Trustees of the State Employees' Retirement System—Deferred Retirement Option Plan (DROP).....1487

Wildlife and Fisheries:

Wildlife and Fisheries Commission—Non-resident Fishing License Fees (LAC 76:VII.401).....1487

V. POTPOURRI

Agriculture and Forestry:

Horticulture Commission—Retail Floristry Examinations1488

Health and Hospitals:

Board of Veterinary Medicine—Board Member Nominations1488
Examination Dates1488
Office of Public Health—Bayou Bonfouca Health Assessment1488
Denham Springs Health Assessment.....1489
Office of the Secretary, HIV Program Office—HIV Plan Public Hearing1489

Natural Resources:

Office of the Secretary, Fishermen's Gear Compensation Fund—Claims (October)1489
Claims (September)1490

Social Services:

Office of Community Services—Low-Income Home Energy Assistance Program (LIHEAP), Family Crisis Assistance Program (FCAP)1490

EXECUTIVE ORDERS

EXECUTIVE ORDER EWE 93-25

WHEREAS: pursuant to the Tax Reform Act of 1986 (the "Act") and Act 51 of the 1986 Louisiana Legislative Session, Executive Order No. EWE 92-47 establishes (i) a method for the allocation of bonds subject to the private activity bond volume limits, including the method of allocation of bonds subject to the private activity bond volume limits for this calendar year 1993 (the "1993 Ceiling"), (ii) the procedure for obtaining an allocation of bonds under the 1993 Ceiling and (iii) a system of central record keeping for such allocations, and

WHEREAS: the Parish of St. Charles has requested an allocation from the 1993 Ceiling to be used in connection with the financing of the installation, upgrading, improvement and addition of certain effluent treatment facilities for handling and treatment of wastewater (the "Project") at the existing plant of Shell Oil Company located in St. Charles Parish, Louisiana; and

WHEREAS: the Governor has determined that the Project serves a crucial need and provides a benefit to the State of Louisiana and the Parish of St. Charles; and

WHEREAS: it is the intent of the Governor of the State of Louisiana that this executive order, to the extent inconsistent with the provisions of Executive Order No. EWE 92-47, supercedes and prevails over such provisions with respect to the allocation made herein;

NOW, THEREFORE, BE IT ORDERED BY EDWIN W. EDWARDS, Governor of the State of Louisiana, as follows:

SECTION 1: That the bond issue described in this Section is hereby granted an allocation from the 1993 Ceiling in the amount shown:

AMOUNT OF ALLOCATION	NAME OF ISSUER	NAME OF PROJECT
\$22,000,000	Parish of St. Charles	Shell Oil Co. Norco

SECTION 2: The allocation granted hereunder is to be used only for the bond issue described in Section 1 and for the general purpose set in the "Application for Allocation of a Portion of the State of Louisiana IDB Ceiling" submitted in connection with the bonds described in Section 1.

SECTION 3: The allocation granted hereby shall be valid and in full force and effect through November 1, 1993, provided that such bonds are delivered to the initial purchasers thereof on or before November 1, 1993.

SECTION 4: The undersigned certifies, under penalty of perjury, that the allocation granted hereby was not made in consideration of any bribe, gift, gratuity, or direct or indirect contribution to any political campaign.

SECTION 5: That this executive order, to the extent conflicting with the provisions of Executive Order No. EWE 92-47, supersedes and prevails over the provisions of such executive order.

SECTION 6: All references herein to the singular shall

include the plural and all plural references shall include the singular.

SECTION 7: This executive order shall be effective upon signature of the Governor.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, Louisiana, on this 15th day of September 1993.

Edwin Edwards
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State

EXECUTIVE ORDER EWE 93-26

WHEREAS: pursuant to the Tax Reform Act of 1986 (the "Act") and Act 51 of the 1986 Louisiana Legislative Session, Executive Order No. EWE 92-47 establishes (i) a method for the allocation of bonds subject to the private activity bond volume limits, including the method of allocation of bonds subject to the private activity bond volume limits for this calendar year 1993 (the "1993 Ceiling"), (ii) the procedure for obtaining an allocation of bonds under the 1993 Ceiling and (iii) a system of central record keeping for such allocations, and

WHEREAS: the Parish of East Baton Rouge has requested an allocation from the 1993 Ceiling to be used in connection with the financing of the acquisition or purchase of certain solid waste disposal facilities (the "Project") at the existing plant of Georgia-Pacific Corporation located in East Baton Rouge Parish, Louisiana; and

WHEREAS: the Governor has determined that the Project serves a crucial need and provides a benefit to the State of Louisiana and the Parish of East Baton Rouge; and

WHEREAS: it is the intent of the Governor of the State of Louisiana that this executive order, to the extent inconsistent with the provisions of Executive Order No. EWE 92-47, supercedes and prevails over such provisions with respect to the allocation made herein;

NOW, THEREFORE, BE IT ORDERED BY EDWIN W. EDWARDS, Governor of the State of Louisiana, as follows:

SECTION 1: That the bond issue described in this Section is hereby granted an allocation from the 1993 Ceiling in the amount shown:

AMOUNT OF ALLOCATION	NAME OF ISSUER	NAME OF PROJECT
\$7,500,000	Parish of East Baton Rouge	Georgia-Pacific Corporation

SECTION 2: The allocation granted hereunder is to be used only for the bond issue described in Section 1 and for the general purpose set in the "Application for Allocation of a

Portion of the State of Louisiana IDB Ceiling" submitted in connection with the bonds described in Section 1.

SECTION 3: The allocation granted hereby shall be valid and in full force and effect through November 1, 1993, provided that such bonds are delivered to the initial purchasers thereof on or before November 1, 1993.

SECTION 4: The undersigned certifies, under penalty of perjury, that the allocation granted hereby was not made in consideration of any bribe, gift, gratuity, or direct or indirect contribution to any political campaign.

SECTION 5: That this executive order, to the extent conflicting with the provisions of Executive Order No. EWE 92-47, supersedes and prevails over the provisions of such executive order.

SECTION 6: All references herein to the singular shall include the plural and all plural references shall include the singular.

SECTION 7: This executive order shall be effective upon signature of the Governor.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, Louisiana, on this 15th day of September, 1993.

Edwin Edwards
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State

EXECUTIVE ORDER EWE 93-27

WHEREAS: pursuant to the Tax Reform Act of 1986 (the "Act") and Act 51 of the 1986 Louisiana Legislative Session, Executive Order No. EWE 92-47 establishes (i) a method for the allocation of bonds subject to the private activity bond volume limits, including the method of allocation of bonds subject to the private activity bond volume limits for this calendar year 1993 (the "1993 Ceiling"), (ii) the procedure for obtaining an allocation of bonds under the 1993 Ceiling and (iii) a system of central record keeping for such allocations, and

WHEREAS: the Parish of Beauregard has requested an allocation from the 1993 Ceiling to be used in connection with the financing of the acquisition or purchase of certain solid waste disposal facilities (the "Project") at the existing pulp and paper mill of Boise Cascade Corporation located in Beauregard Parish, Louisiana; and

WHEREAS: the Governor has determined that the Project serves a crucial need and provides a benefit to the State of Louisiana and the Parish of Beauregard; and

WHEREAS: it is the intent of the Governor of the State of Louisiana that this executive order, to the extent inconsistent with the provisions of Executive Order No. EWE 92-47, supercedes and prevails over such provisions with respect to the allocation made herein;

NOW, THEREFORE, BE IT ORDERED BY EDWIN W. EDWARDS, Governor of the State of Louisiana, as follows:

SECTION 1: That the bond issue described in this Section is hereby granted an allocation from the 1993 Ceiling in the amount shown:

AMOUNT OF ALLOCATION	NAME OF ISSUER Parish of Beauregard	NAME OF PROJECT Boise Cascade Corporation
\$15,000,000		

SECTION 2: The allocation granted hereunder is to be used only for the bond issue described in Section 1 and for the general purpose set in the "Application for Allocation of a Portion of the State of Louisiana IDB Ceiling" submitted in connection with the bonds described in Section 1.

SECTION 3: The allocation granted hereby shall be valid and in full force and effect through November 1, 1993, provided that such bonds are delivered to the initial purchasers thereof on or before November 1, 1993.

SECTION 4: The undersigned certifies, under penalty of perjury, that the allocation granted hereby was not made in consideration of any bribe, gift, gratuity, or direct or indirect contribution to any political campaign.

SECTION 5: That this executive order, to the extent conflicting with the provisions of Executive Order No. EWE 92-47, supercedes and prevails over the provisions of such executive order.

SECTION 6: All references herein to the singular shall include the plural and all plural references shall include the singular.

SECTION 7: This executive order shall be effective upon signature of the Governor.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the city of Baton Rouge, Louisiana, on this day of September, 1993.

Edwin Edwards
Governor

ATTEST TO
THE GOVERNOR
Fox McKeithen
Secretary of State

EXECUTIVE ORDER EWE 93-28

WHEREAS: the health, welfare and prosperity of thousands of Louisiana's citizens depend upon the productivity of the Louisiana cotton farmer;

WHEREAS: the Louisiana cotton farmer has begun to utilize modern technology to increase his productivity;

WHEREAS: this technology includes the use of the cotton module to form bales of cotton in the field and transport same to the gin;

WHEREAS: these cotton modules are indivisible loads and the weight thereof cannot be shifted or redistributed, thereby creating overweight vehicles;

WHEREAS: an exceptional economic problem has been created by the weight restrictions on cotton modules, therefore requiring action to be taken; and

WHEREAS: it is the intent of the Governor of the State of Louisiana that this executive order shall supplement the provisions of Revised Statutes Title 32;

NOW THEREFORE I, EDWIN W. EDWARDS, Governor of the State of Louisiana, by virtue of the authority vested in me by the Constitution and laws of the State of Louisiana, do direct the Secretary of the Louisiana Department of Transportation and Development to issue a special permit to the operators of cotton modules as follows:

SECTION 1: A special overweight permit shall be issued to the operators of cotton modules with the following restrictions:

1. These permits shall only be valid if the vehicle is operating on the state highway system.

2. These permits shall allow total gross weight not to exceed 86,000 lbs. The vehicle may under no circumstances exceed its licensed gross weight.

3. These permits shall be issued at the Louisiana Department of Transportation and Development without cost to the applicant.

4. One permit shall be valid for 135 days, however each vehicle must carry a separate permit identifying same.

SECTION 2: A cotton module and transporter consists of a truck chassis fitted with a specialized bed which tilts to pick up and discharge its load. The bed contains conveyor chains which enable loading or unloading of a compressed cotton module. Only this configuration qualifies for the above specific permit.

SECTION 3: This executive order shall be effective upon signature.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana at the Capitol, in the City of Baton Rouge, on this 16th day of 1993, in the month of September.

Edwin W. Edwards
Governor

ATTEST BY
THE GOVERNOR
Fox Mckeithen
Secretary of State

EXECUTIVE ORDER EWE 93-29

WHEREAS: the people of Louisiana are in significant part composed of urban and disadvantaged residents; and

WHEREAS: the urban and disadvantaged residents of Louisiana have special concerns relative to their health, safety, social, and economic welfare; and

WHEREAS: the urban population of Louisiana includes

citizens of diverse ethnicity, socio-economic background, men and women, and the handicapped; and

WHEREAS: the provision for addressing the special concerns of Louisiana's urban and disadvantaged residents, is intended to improve and enhance the quality of life of said residents; and

WHEREAS: the efforts on behalf of the disadvantaged and urban residents may be most effectively coordinated, directed and monitored from an office established within the Executive Department, Office of the Governor;

NOW THEREFORE I, Edwin W. Edwards, Governor of the State of Louisiana, by virtue of the Constitution and laws of the State of Louisiana, do hereby create and establish an Office of Urban Affairs and Development within the Executive Department, Office of the Governor and do hereby order and direct as follows:

SECTION 1: The Office of Urban Affairs and Development is hereby created and established within the Executive Department, Office of the Governor.

SECTION 2: The duties and functions of the Office of Urban Affairs and Development shall include, but are not limited to coordinating, directing and monitoring the efforts to enhance the quality of life of the disadvantaged and urban residents of Louisiana; providing, promoting, and coordinating enabling legislative initiatives; providing, promoting and oversight of economic development programs and activities for urban and disadvantaged residents; providing and coordinating information to and among the various private and state agencies which serve to enhance the health, safety, social, and economic welfare of the urban and disadvantaged residents of Louisiana; advising the Governor on issues relative to urban and disadvantaged citizens' affairs; assisting the Office of the Governor in constituent services; and other duties and functions as requested by the Governor.

SECTION 3: The Office of Urban Affairs and Development shall be directed by an Executive Assistant to the Governor for Urban Affairs and Development. The Executive Assistant to the Governor for Urban Affairs and Development shall be appointed by and serve at the pleasure of the Governor, who shall also determine the Executive Assistant's salary.

SECTION 4: The Office of Urban Affairs and Development shall locate in and operate from the Office of the Governor.

SECTION 5: The Office of Urban Affairs and Development may procure necessary office staff, personnel, materials and equipment so as to effectively conduct its business, as approved by the Office of the Governor.

SECTION 6: All departments, commissions, boards, agencies and officers of the state or of any political subdivision thereof, are authorized and directed to cooperate with the Office of Urban Affairs and Development in implementing the provision of this executive order.

SECTION 7: This executive order shall be effective upon signature.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State

of Louisiana, at the capitol, in the city of Baton Rouge, on this 21st day of September, 1993.

Edwin Edwards
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State

EXECUTIVE ORDER EWE 93-30

WHEREAS: There exists the possibility of the occurrence of emergencies and disasters resulting from natural or man-made causes; and

WHEREAS: The Louisiana Emergency Assistance and Disaster Act of 1993, R.S. 29:721-735, places the responsibility for emergency preparedness for the State of Louisiana on the Military Department, Office of Emergency Preparedness; and

WHEREAS: Executive Order No. EWE 93-22 established the Military Department, Office of Emergency Preparedness as being responsible for the activation of the State Emergency Operations Plan which prescribes the duties and responsibilities of the various state agencies; and

WHEREAS: The emergency powers, duties and authorities of the Department of Environmental Quality are outlined in R.S. 30:2001; and

WHEREAS: The emergency powers, duties and authorities of the Department of Public Safety and Corrections, Office of State Police are outlined in R.S. 30:2376(B); and

WHEREAS: The emergency powers, duties and authorities of the Louisiana Oil Spill Coordinator are outlined in R.S. 30:2451;

NOW THEREFORE I, EDWIN W. EDWARDS, Governor of the State of Louisiana, by virtue of the authority vested in me by the Constitution and laws of the State of Louisiana, do hereby order and direct as follows:

SECTION 1: That the Military Department, Office of Emergency Preparedness will be the lead agency for the State of Louisiana for all emergency and disaster preparation, response and recovery and will coordinate the emergency and disaster function of all state agencies.

SECTION 2: Each state agency will continue to perform emergency functions as prescribed by law which are specific to their agency and will coordinate those functions with and through the Military Department, Office of Emergency Preparedness.

SECTION 3: The Military Department, Office of Emergency Preparedness will prepare and coordinate all natural, man-made and agriculture emergency and disaster declarations issued by the Governor of the State of Louisiana.

SECTION 4: The Military Department, Office of Emergency Preparedness will serve as the coordinating agency between the State of Louisiana and the Federal Emergency

Management Agency (FEMA) for all mitigation, preparedness, response and recovery programs administered by FEMA.

SECTION 5: The provisions of this executive order are effective upon signature and shall remain in effect until amended, modified by the Governor, or rescinded by operation of law.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this 11th day of October, 1993.

Edwin Edwards
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State

EXECUTIVE ORDER EWE 93-31

WHEREAS: Executive Order No. EWE 93-7 establishes the Governor's Task Force on Charitable Gaming within the Executive Department, Office of the Governor; and

WHEREAS: it is necessary to expand the Governor's Task Force on Charitable Gaming to include two additional members;

NOW THEREFORE I, EDWIN W. EDWARDS, Governor of the State of Louisiana, by virtue of the authority vested in me by the Constitution and laws of the State of Louisiana, do hereby amend Section 2 of Executive Order No. EWE 93-7 by adding two members, appointed by the Governor, to represent local regulatory agencies.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this 11th day of October, 1993.

Edwin Edwards
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State

EXECUTIVE ORDER EWE 93-32

WHEREAS: Louisiana citizens should be able to feel safe and comfortable, in pursuing their daily activities, throughout the State; and

WHEREAS: Louisiana, like many other areas of the country, has sustained numerous homicides and other violent crimes; and

WHEREAS: Louisiana stands to suffer increased incidents of homicide and other violent crime if all segments of society fail to ban together in solving this problem; and

EXECUTIVE ORDER EWE 93-33

WHEREAS: Louisiana is committed to curbing this proliferation of homicide and violent crime in the State; and

WHEREAS: Louisiana would significantly benefit from a task force, encompassing many segments of society, that will seek the causes of and propose solutions to the homicide and violent crime problem, resulting in a better quality of life for Louisiana's citizens.

NOW THEREFORE I, EDWIN W. EDWARDS, Governor of the State of Louisiana, by virtue of the authority vested in me by the Constitution and laws of the State of Louisiana, do hereby order and direct the following:

SECTION 1: The Louisiana Violent Crime and Homicide Task Force is hereby created within the Office of the Governor.

SECTION 2: The members of the Task Force shall be appointed by the Governor, serve at the pleasure of the Governor, and be from a cross-section of Louisiana society. Such a cross-section shall include, but shall not be limited to, members representing state and local government, private citizenry, social service groups, businesses, labor organizations, religious groups, and neighborhood organizations.

SECTION 3: The Governor shall designate a Chairperson. The Task Force may elect such other officers as it deems necessary.

SECTION 4: The members of the Task Force shall receive no per diem or other compensation for their services and shall receive no reimbursement for expenses incurred in the performance of his or her duties.

SECTION 5: The duties and functions of the Task Force shall include, but shall not be limited to, the following:

(a) Conducting a comprehensive review of the present homicide and violent crime situation in the State;

(b) Making recommendations on better coordinating those State entities and programs that are charged with regulating or that have an impact on homicide and violent crime;

(c) Making recommendations for legislation that would curb the present homicide and violent crime situation and prevent the proliferation of such crimes in the future;

(d) Any other duties and functions as required by the Governor.

SECTION 6: All departments, commissions, boards, agencies, and officers of the State, or any political subdivision thereof, are authorized and directed to cooperate with the Louisiana Violent Crime and Homicide Task Force in implementing the provisions of this Executive Order.

SECTION 7: The provisions of this Executive Order are effective upon signature and shall remain in effect until amended, modified, or rescinded by operation of law.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this 11th day of October, 1993.

Edwin Edwards
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State

WHEREAS: Executive Order No. EWE 93-24 establishes the Louisiana Medical Benefits Council to study the feasibility of creating a 24-hour medical coverage program through the State Employees Group Benefits Program; and

WHEREAS: it is necessary to expand the Louisiana Medical Benefits Council to include three additional at-large members;

NOW THEREFORE I, EDWIN W. EDWARDS, Governor of the State of Louisiana, by virtue of the authority vested in me by the Constitution and laws of the State of Louisiana, do hereby amend Section 2 of Executive Order No. EWE 93-24 by adding three at-large members to be appointed by the Governor.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this 12th day of October, 1993.

Edwin Edwards
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State

EXECUTIVE ORDER EWE 93-34

WHEREAS: the State of Louisiana is home to numerous minority-owned and women-owned contracting businesses; and

WHEREAS: many of these minority and women-owned contracting businesses find themselves at a competitive disadvantage in bidding for various public and private contracting jobs because they are limited by their lack of knowledge of management and financing techniques, standards, and procedures, and in particular by their inability to meet the managerial and financial standards set by surety companies; and

WHEREAS: if the skill, hard work, and enthusiasm of these small minority and women-owned contracting businesses is supplemented with sufficient professional and financial advice and assistance, then such businesses will be able to fairly compete for their first contracting jobs or increase their current bond limit and surety companies in Louisiana will be encouraged to assist such contractors; and

WHEREAS: Act No. 851 of the 1990 Regular Legislative Session created the Louisiana Small Business Bonding Assistance Program to provide such advice and assistance to small minority and women-owned contracting businesses and further provided that the Program terminates on June 30, 1993; and

WHEREAS: the State of Louisiana's small minority and women-owned contracting businesses will benefit if the Louisiana Small Business Bonding Assistance Program is allowed to continue its efforts in assisting these businesses.

NOW THEREFORE, I, EDWIN W. EDWARDS, Governor of the State of Louisiana, by virtue of the authority vested in me by the Constitution and laws of the State of Louisiana, do hereby order and direct the following:

SECTION 1: The Louisiana Small Business Bonding Assistance Program is hereby recreated within the Department of Economic Development.

SECTION 2: The terms used herein shall have the meaning ascribed to them in La. R.S. 51:2303 unless the context clearly indicates a different meaning. However, the following terms shall have the following meanings:

A. "Approved surety company" means a surety company approved by the Secretary for participation in providing direct bonding assistance to qualified contractors.

B. "Bonds" means any bond or security required for bid, payment, or performance of contracts.

C. "Department" means the Department of Economic Development.

D. "Director" means the Director of the Louisiana Small Business Bonding Assistance Program, or a person duly authorized by the Director to act on his behalf.

E. "Program" means the Louisiana Small Business Bonding Assistance Program, as provided for herein.

F. "Qualified contractor" means a minority-owned or women-owned resident small business contractor which has obtained a certificate of accreditation from the Louisiana Contractor Accreditation Institute.

G. "Resident small business contractor" means a small business enterprise headquartered, operating, and domiciled in the state, which is a contractor licensed under the laws of this state.

H. "Subcenter" means any subcenter of the Louisiana Small Business Development Center.

SECTION 3: The Secretary of the Department of Economic Development, hereinafter referred to as Secretary, shall appoint the Director of the Louisiana Small Business Bonding Assistance Program. The Secretary shall also assign a Program Assistant. The Director and the Program Assistant shall devote all of their time to the development, implementation, and administration of the program.

SECTION 4: The Director, in implementing the Program, shall have the following powers, duties, and functions:

A. In General - The Director shall assist resident minority-owned and women-owned small contracting businesses, and other small contracting businesses, in acquiring the managerial and financial skills, standards, and assistance necessary to enable them to obtain bid, payment, and performance bonds from surety companies for either advertised or designated contracts;

B. Louisiana Contractor Accreditation Institute - The Director shall establish a Louisiana Contractor Accreditation Institute, with the advice and assistance of the office of the Louisiana Small Business Development Center, the department, surety companies, and other businesses and associations related to the contracting field;

The institute shall be a standard course of instruction given under the supervision and coordination of the Director by subcenters of the Louisiana Small Business Development Center to resident small business contractors. The instruction

shall be intensive; practical training courses in financing, bidding for contracts, managing, accounting, and recordkeeping for a contracting business, with an emphasis on federal, state, local, or private programs available to assist small contractors. The institute courses shall be given by professionals, chosen by the Director, who have practical knowledge and experience in those areas.

The institute shall be held by the subcenters in major cities throughout the state at times chosen by the Director, which are convenient for people in the contracting business. The course of instruction and the textbooks or workbooks to be utilized in such instruction shall be selected or developed by the Director with the advice and assistance of the subcenters in the state.

Any resident small business contractor or key management of such a contractor may attend any course of instruction offered by the institute at any place and at any time such instruction is offered by a subcenter. The subcenters shall keep records of the attendance by such contractors or their employees at the various courses. When the records reflect that a resident small business contractor or a key management employee of such a contractor has attended all of the courses of instruction offered by the institute, the contractor shall be awarded a certificate of accreditation acknowledging his successful completion of the course.

A certificate of accreditation may be awarded by a subcenter upon approval by the Director if a review of a contractor's education, experience, and business history indicates that the contractor, or a key management employee of such contractor, already possesses the knowledge and skills offered by the institute, or if the contractor or his employee successfully completes the test required of regular institute participants.

C. Technical and Support Assistance - Provided that the Louisiana Legislature establishes a Louisiana Small Business Bonding Assistance Fund, the Director may provide a grant to a subcenter of no more than \$7,500 on behalf of a qualified contractor for the acquisition of the professional services of certified public accountants, construction management companies, the subcenter itself, or any other technical, surety, financial, or managerial professionals. Such professionals may assess or audit the operations, finances, bookkeeping, and recordkeeping of the qualified contractor and may make recommendations, prepare statements and reports, and consult with and train contractor personnel regarding any of the contractor's procedures and practices in order to assist the contractor to obtain a bond for a particular contract and, in the long run, to enhance the long term competitiveness and self-sufficiency of the contractor. This assistance shall only be available to a small business contractor on a one-time basis.

D. Bonding Assistance - Provided that the Louisiana Legislature establishes a Louisiana Small Business Bonding Assistance Fund, if a qualified contractor makes an application for a bond to an approved surety company for a public or private contracting job, but fails to obtain the bond because he is unable to meet the requirements of the surety company on such bonding contracts, for reasons other than non-performance, the approved surety company may apply to the Director to have the bond confected and issued under the

Louisiana Small Business Bonding Assistance Program as provided herein.

Upon receipt of such an application from a surety company, the Director shall provide written notification of the application to the appropriate subcenter nearest the qualified contractor's principal place of business. The Director and the secretary of the department shall review the application in order to verify that the bond being sought by the applicant is needed by the applicant and that the contract is within the contractor's capability to perform and the contractor has not been denied a bond due to non-performance. The Director and the secretary of the department shall either approve or disapprove the application. If the application is approved, the surety company shall execute a contract with and issue a bond to the qualified contractor in the manner provided for herein.

The Director may use money in the fund, provided that the Legislature creates said fund, to guarantee the bonds issued by approved surety companies for qualified contractors who have applied to the Director on behalf of such qualified contractors for a bond to be issued under the program.

If the Director and the Secretary of the department approve the application of such an approved surety company, then the Director shall enter into an agreement with the surety company whereby the company shall enter into a contract with and issue the required bond to the qualified contractor at the standard fees and charges usually made by the surety for the type and amount of the bond issued to the qualified contractor. The bond issued by the surety company shall be guaranteed by money in the fund, provided it is created. In return, the surety company shall agree to promptly remit to the Director all fees or charges or other amounts collected by the company from the qualified contractor, except for the amounts of such fees and charges the Director agrees to provide to the surety company as compensation to the company for entering into the contract. The surety company shall also agree to make a reasonable, good faith effort to pursue and collect any claims it may have against a qualified contractor who defaults on such bonds, including but not limited to the institution of legal proceedings against the defaulting contractor, prior to collecting on the guarantee; again, in return for such compensation to which the Director and the surety company agree.

The money to be used to guarantee bonds and to pay defaulted bonds pursuant to this Section shall be all the money in the Louisiana Small Business Bonding Assistance Fund that is not otherwise expended, encumbered, or allocated for purposes provided for elsewhere in this executive order, provided said fund is created by the Legislature. However, the full faith and credit of the State of Louisiana shall not be pledged to secure the bonds, and the state's liability shall be limited to the money appropriated by the Legislature.

Provided that the Legislature creates said fund, the Director shall immediately deposit into the fund, all fees, charges, or other amounts collected by the Director from the issuance of bonds as provided for herein.

E. Qualification for Technical and Support Assistance - Provided that the Louisiana Legislature establishes the Louisiana Small Business Bonding Assistance Fund, any resident minority-owned or women-owned small business

contractor shall apply for the technical and support assistance provided herein at any subcenter in the state.

The subcenter, based upon standards established by the Director, shall perform an initial evaluation of the applicant to determine whether he is qualified to participate in the program and whether he has sufficient capability to benefit from the program, the level of such capability, and his corresponding needs for the types of assistance provided for herein. The subcenter shall forward such application and evaluation to the Director.

If the Director and the secretary of the department determine that the contractor is qualified, has a need for the professional services, and has a sufficient level of capability, the secretary and the applicant shall then agree that the applicant shall fully cooperate and comply with the advice and recommendations of the Director, the subcenter, and any professionals rendering services pursuant to the Program, and that he shall abide by any rules related to the program. The contractor shall agree that a failure to cooperate, comply, or abide by the rules shall result in loss of services or a demand for reimbursement by the Director.

Upon agreement to such conditions by the qualified contractor, the Director shall provide to the appropriate subcenter a grant in an amount deemed sufficient by the Director to meet the needs of the contractor, but in no case may any single contractor receive more than \$7,500 in grant-related services from this program.

The grant issued to assist the contractor shall be coordinated and administered by the subcenter under the supervision of the Director. However, nothing herein shall be construed to restrict the rendering of services to the contractor by the subcenter over and above the services provided by the grant. The Director and the subcenter shall monitor the performance of the contractor under the secured contract and shall provide such further assistance as is necessary to insure that all program requirements are met and that the contract is successfully completed.

F. Rules and Regulations - The Director shall promulgate rules and regulations to implement the programs, procedures, and purposes set forth herein. Such regulations shall include, but shall not be limited to, the following:

(1) The standards and procedures for determining the course content and other requirements of the Louisiana Contractor Accreditation Institute, including the standards to be used to determine whether a certificate of accreditation should be awarded pursuant to Section 4 (B).

(2) The standards to be used by the Director in determining whether a qualified contractor has the need and the level of capability, and whether he is otherwise eligible for professional assistance pursuant to the provisions of the Program.

(3) The standards to be used by the Director in determining whether a surety company and a qualified contractor shall be approved for participation in the direct bonding assistance.

(4) The standards to be used in determining the amount of compensation which may be deducted by an approved surety company from fees and charges and other amounts paid by a qualified contractor to the company pursuant to a bond

issued under the provisions of this executive order.

(5) The other terms and conditions by which the Director shall guarantee a bond issued by an approved surety company, including the actions and procedures which will be required of such company in the event of a default by the contractor.

G. Other - Any other duties and functions as required by the Governor.

SECTION 5: All departments, commissions, boards, agencies, and officers of the State, or any political subdivision thereof, and in particular, the Division of Administration, the Office of the Louisiana Small Business Development Center and each subcenter, the Department of Insurance, the Louisiana Public Finance Authority, and the Northeast Louisiana University, School of Construction, are authorized and directed to cooperate with the Louisiana Small Business Bonding Assistance Program in implementing the provisions of this Executive Order.

SECTION 6: The provisions of this Executive Order are effective upon signature and shall remain in effect until amended, modified, or rescinded by operation of law.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this 18th day of October, 1993.

Edwin Edwards
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State

EXECUTIVE ORDER EWE 93-35

WHEREAS: the work, responsibilities and personnel of the Office of Litter Reduction and Public Action has been moved from the Department of Culture, Recreation and Tourism into the Department of Environmental Quality to be funded for the immediate time, through available federal, state, and self-generated funds from that department; and

WHEREAS: the office is functioning along with all mandates, responsibilities and personnel; and

WHEREAS: the functions and duties of the Office of Litter Reduction and Public Action complement the functions and duties of the Solid Waste Division of the Department of Environmental Quality;

NOW THEREFORE I, EDWIN W. EDWARDS, Governor of the State of Louisiana, by virtue of the authority vested in me by the Constitution and laws of the State of Louisiana, do hereby order and direct as follows:

SECTION 1: That the Office of Litter Reduction and Public Action presently in the Department of Culture, Recreation and Tourism be moved to the Department of Environmental Quality. I hereby place the Office of Litter Reduction and Public Action along with the Louisiana Litter

Reduction and Public Action Commission (Litter Control and Recycling Commission) in the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division charging it to exercise and perform its powers, duties, functions, and responsibilities. This entity shall become a section within the Solid Waste Division and shall be known as the Litter Reduction and Public Action Section. It shall continue to advise and provide for the control and reduction of litter and to monitor efforts to achieve statewide beautification through collection and recycling of litter and solid waste.

SECTION 2: The Litter Reduction and Public Action Section shall function under the mandate received through Act 687 of 1989.

SECTION 3: I hereby authorize and charge that the Litter Reduction and Public Action Section along with the Director and staff, all books, papers, records, money, equipment, actions, automobile, and other property of every kind, movable and immovable, real and personal, heretofore possessed, controlled, or used by the previous Office of Litter Reduction and Public Action be moved to the Department of Environmental Quality.

SECTION 4: I further declare that the Litter Reduction and Public Action Section be moved and established in the Department of Environmental Quality effective July 1, 1993.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this 18th day of October, 1993.

Edwin Edwards
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State

EXECUTIVE ORDER EWE 93-36

WHEREAS: the health, welfare and prosperity of thousands of Louisiana's citizens depend upon the productivity of the Louisiana sugarcane farmer;

WHEREAS: the Louisiana sugarcane farmer is experiencing an unusually productive crop which contains consistently heavy stalks;

WHEREAS: this unusually heavy crop needs to be harvested urgently and is constituting overweight loads when the farm vehicles are fully loaded;

WHEREAS: an exceptional economic problem has been created by the weight restrictions on vehicles fully loaded with sugarcane; therefore requiring action to be taken; and

WHEREAS: it is the intent of the Governor of the State of Louisiana that this executive order shall supplement the provisions of Revised Statutes Title 32;

NOW THEREFORE I, EDWIN W. EDWARDS, Governor of the State of Louisiana, by virtue of the authority vested in me by the Constitution and Laws of the State of Louisiana, do

direct the Secretary of the Louisiana Department of Transportation and Development to issue a special harvest season permit to the operators of vehicles loaded with sugarcane as follows:

SECTION 1: A special harvest season permit shall be issued to the operators of vehicles loaded with sugarcane with the following restrictions:

1. These permits shall only be valid if the vehicle is properly registered and operating on the state highway system. These permits shall not apply to the interstate highway system.

2. These permits shall allow total gross weight not to exceed 86,600 lbs. plus fifteen percent.

3. These permits shall be issued at the Louisiana Department of Transportation and Development without cost to the applicant.

4. This special harvest season permit program shall be valid for 90 days from the date of this order, and each vehicle must carry a separate permit identifying same.

SECTION 2: This executive order shall be effective upon signature.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this 18th day of October, 1993.

Edwin W. Edwards
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State

EMERGENCY RULES

DECLARATION OF EMERGENCY

Department of Agriculture and Forestry
Horticulture Commission

Horticulture Exam Performance Levels
(LAC 7:XXIX.15111)

In accordance with R.S. 49:953(B), the Commissioner of Agriculture and Forestry is exercising the emergency provisions of the Administrative Procedure Act in connection with the examination of persons governed by the Horticulture Commission.

The purpose of the emergency rules is to avoid imminent peril to the welfare of the citizens of the state. This

declaration is needed in order for new standards to be in effect prior to the next examination period. These emergency rules are effective October 19, 1993 and remain in effect 120 days or until they are adopted as final rules through the normal promulgation process, whichever occurs first.

Title 7

AGRICULTURE AND ANIMALS

Part XXIX. Horticulture Commission

§15111. Minimum Examination Performance Levels Required

A. The minimum performance level for satisfactory completion of all examinations for licensure, except the examination for landscape architect, shall be 70 percent. The minimum performance level for satisfactory completion of the retail floristry exam shall be 70 percent for the written segment and 70 percent for the design segment of the examination.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3801 and R.S. 3:3807.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Horticulture Commission, LR 8:184 (April 1982), amended by the Department of Agriculture and Forestry, Horticulture Commission, LR 20:

Bob Odom
Commissioner

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

Bulletin 1903—Dyslexic Students

The Board of Elementary and Secondary Education has exercised those powers conferred by the Administrative Procedure Act, R.S. 49:953(B), and adopted as an emergency rule, a revision to Bulletin 1903, Guidelines for the Implementation of the Louisiana Law for the Education of Dyslexic Students to add "No child shall be screened if his parent or guardian (tutor) objects to such screening" under Step One of the Guidelines and as noted below.

This amendment is based on language which appears in R.S. 17:392.1(B) and is adopted as an emergency rule because the guidelines are being used in this current school year. Effective date of emergency rule is October 28, 1993, and it shall remain in effect for 120 days or until the final rule takes effect, whichever occurs first.

Step One. Data Gathering, Screening, and Review

I. Request for Assistance by the School Building Level Committee

A. A request may be made to the school building level committee for review of a student's educational progress if school personnel (principal, guidance counselor, teacher, school nurse) a parent/guardian, community agency personnel, or a student has reason to believe that the student is not making expected progress because of a suspected language

processing disorder. No child shall be screened if his parent or guardian (tutor) objects to such screening. This request begins the 60 day timeline. The committee membership may be modified in order that a group of knowledgeable persons may address an individual student's needs.

Carole Wallin
Executive Director

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

Bulletin 1934—Starting Points Preschool Regulations

The Board of Elementary and Secondary Education has exercised those powers conferred by the Administrative Procedure Act, R.S. 49:953(B), and readopted, as an emergency rule, Bulletin 1934, Starting Points Preschool Regulations. Bulletin 1934 was previously adopted as an emergency rule and printed in full on pages 989-991 of the August, 1993 issue of the *Louisiana Register*. Readoption as an emergency rule is necessary in order to continue the present emergency rule until it is finalized as a rule. Effective date of this emergency rule is November 23, 1993, for 120 days.

Carole Wallin
Executive Director

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

Child and Adult Care Food Program Participants

The Board of Elementary and Secondary Education has exercised those powers conferred by the Administrative Procedure Act, R.S. 49:953(B), and readopted as an emergency rule, the Child Care Regulations for Participants in the Child and Adult Care Food Program. These regulations were previously adopted as an emergency rule and printed in full on pages 991 and 992 of the August, 1993 issue of the *Louisiana Register*. Readoption as an emergency rule is necessary in order to continue the present emergency rule until it is finalized as a rule. Effective date of this emergency rule is November 23, 1993, for 120 days.

Carole Wallin
Executive Director

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

Interim Policy for Hiring Full-Time/Part-Time Noncertified School Personnel

The Board of Elementary and Secondary Education has exercised those powers conferred by the Administrative Procedure Act, R.S. 49:953(B), and adopted as an emergency rule, the following Interim Policy for Hiring Full-Time/Part-Time Noncertified School Personnel. These revisions are being adopted as an emergency rule in order to allow school systems to continue to employ noncertified personnel when certified teachers are not available, and supersedes the policy previously printed as an emergency rule in the July, 1993 and October, 1993 issues of the *Louisiana Register*. Effective date of this emergency rule is October 28, 1993.

Interim Emergency Policy for Hiring Full-Time/Part-Time Noncertified School Personnel

In an effort to assist local education agencies experiencing extreme difficulty in providing certified personnel for the classroom, the following Interim Emergency Policy is proposed:

Full-time/part-time noncertified school personnel, excluding speech, language, and hearing specialists, may be employed by parishes having difficulty in employing certified persons in certain positions, provided that the following documentation is submitted to the Department of Education:

1. a signed affidavit by the local superintendent that the position could not be filled by a certified teacher;
2. submission of names, educational background, subject matter and grade level being taught as an addendum to the Annual School Report; and

Documentation kept on file in the LEA's Superintendent's/Personnel Office shall include:

1. copies of transcripts showing the degree earned;
2. documentation that efforts for recruitment of certified teachers have been made (e.g., newspaper advertisements, letters, contacts with colleges, and so forth);
3. documentation that the teacher is eligible for admission to a teacher education program.

In addition:

1. It is required that these teachers take the NTE at the earliest date that it is offered in their geographical area; and
2. These individuals must have a minimum of a baccalaureate degree from a regionally accredited institution and be eligible for admission to a teacher education program;
3. To be re-employed under this policy, an individual must have earned at least six semester hours toward completion of a teacher education program or six semester hours appropriate to the area of the NTE (General Knowledge, Professional Knowledge, Communication Skills, Specialty Area) in which the score was not achieved;
4. Effective with the 1992-93 school year, the total number of years a person may be employed according to the provisions of this policy, inclusive of experience prior to 1992-93, is five years;

5. These individuals shall be employed at a salary that is based on the effective state salary schedule for a beginning teacher with a baccalaureate degree and a certificate with zero years of experience. Local salary supplements are optional;

6. Copies of transcripts showing the six semester hours and a copy of the NTE score card showing the NTE has been taken since the last employment under this policy shall be kept on file in the LEA's Superintendent's/Personnel Office;

7. To be eligible for re-employment under this policy, a teacher who has not met the requirement of earning six semester hours of college credit or who has not taken the NTE must meet one or more of the following conditions:

a. Medical excuse. When serious medical problems of the teacher or immediate family in the same household exist, a doctor's statement is required with a letter of assurance from the superintendent and teacher that the hours will be earned;

b. Required courses not available. A letter of verification from area universities is required stating that the required courses are not being offered;

c. Change of school, parish or school system. A justification letter from the superintendent is required. Reissuance is permitted only if the change is not part of a continuous pattern;

d. Change of certification areas. A letter of justification from the superintendent is required to explain the new job assignment with assurance that the requirements for continued employment under this policy will be met;

e. Courses not applicable toward certification. A letter of justification from the superintendent is required with assurance that the teacher will become enrolled in the proper program.

(These are the only conditions that may be used. Documentation which supports the above condition must be maintained in the teacher's personnel file.)

THIS INTERIM EMERGENCY POLICY WILL REMAIN IN EFFECT UNTIL JULY 1, 1995.

Carole Wallin
Executive Director

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

Technical Institutes Refund Policy (LAC 28:I.Chapter 15)

The Board of Elementary and Secondary Education has exercised those powers conferred by the Administrative Procedure Act, R.S. 49:953(B), and readopted as an emergency rule, an addition of the refund policy of the technical institutes. This amendment to the LAC 28:I.Chapter 15 was previously adopted as an emergency rule and printed in full on page 993 of the August, 1993 issue of the *Louisiana Register*. Readoption as an emergency rule is necessary in order to continue the present emergency rule until it is

finalized as a rule. Effective date of this emergency rule is November 23, 1993, for 120 days.

Carole Wallin
Executive Director

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

Temporary Employment Permits (LAC 28:I.903)

The Board of Elementary and Secondary Education has exercised those powers conferred by the Administrative Procedure Act, R.S. 49:953(B), and adopted, as an emergency rule, the following revised policy on Temporary Employment Permits for inclusion in Bulletin 746, Louisiana Standards for State Certification of School Personnel. The revisions incorporate the provisions of Act 914 of the 1993 Louisiana Legislature. Emergency adoption is necessary in order to replace a policy currently in effect and in order to not jeopardize persons affected by this legislation. Effective date of this emergency rule is October 28, 1993, for 120 days.

Temporary Employment Permits

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

When no area examination is required, a temporary employment permit will be granted to candidates who meet qualifying scores in two out of three modules of the Core Battery and whose aggregate score is equal to or above the total score on all three modules of the Core Battery required for certification. All other standard certification requirements must be met.

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

An individual can be reissued a permit three times under the board policy only if evidence is presented to the State Department of Education that the NTE has been retaken within one year from the date the permit was last issued. Beginning with the fifth year, to receive a Temporary Employment Permit, an individual must present the following:

1. evidence that the NTE has been taken within one year from the date the permit was last issued;
2. verification from the employing superintendent that the individual is applying for employment in a specific teaching position for which there is no regularly certified teacher available;
3. a recommendation from the employing superintendent;
4. verification of successful local evaluations for the previous four years.

Temporary employment permits will be issued at the request of individuals who meet all requirements for regular certification with the exception of the NTE scores. All application materials required for issuance of a regular certificate must be submitted to the Bureau of Higher Education and Teacher Certification with the application for issuance of a temporary employment permit.

This will also be an amendment to LAC 28:I.903 as noted below:

**Title 28
EDUCATION**

**Part I. Board of Elementary and Secondary Education
Chapter 9. Bulletins, Regulations, and State Plans
§903. Teacher Certification Standards and Regulations**

* * *

C. Temporary Employment Permits -- repealed

* * *

Carole Wallin
Executive Director

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

Temporary Teaching Assignments

The Board of Elementary and Secondary Education has exercised those powers conferred by the Administrative Procedure Act, R.S. 49:953(B), and adopted as an emergency rule, the following revisions to the Regulations, Policies, and Procedures for Granting Temporary Teaching Assignments for inclusion in Bulletin 746, Louisiana Standards for State Certification of School Personnel. Emergency adoption is necessary in order to allow local school systems to continue to employ noncertified teachers when certified teachers are not available. Effective date of this emergency rule is October 28, 1993 and it shall remain in effect for 120 days or until a final rule is promulgated, whichever occurs first.

Temporary Teaching Assignments

Local school systems and diocesan systems shall have the authority to grant Temporary Teaching Assignments. A Temporary Teaching Assignment, valid for one school session only and the summer immediately following the school year, and authorizing the employment of a specified teacher in a position for which he is not regularly certified, may be issued by the employing superintendent according to the following regulations:

1. For public schools, the local superintendent must sign the following statement on each Temporary Teaching Assignment:

"I hereby certify that there is no regularly certified, competent, and suitable person available for this position and that the applicant named above is the best qualified person available for employment in the position herein above described."

2. A Temporary Teaching Assignment may be made only for persons who have a baccalaureate degree.

3. Teachers in public schools, and special education teachers in nonpublic schools, who do not have a regular Louisiana teaching certificate must have the appropriate scores on the NTE and be eligible for admission to an approved teacher education program.

4. Renewals may be made on a yearly basis. To be eligible for reemployment on a Temporary Teaching Assignment, a minimum of six semester hours of resident or extension credit must be earned. The hours must be applicable toward certification in the area in which the Temporary Teaching Assignment was approved.

5. Temporary Teaching Assignments shall be made on forms prescribed by the State Department of Education.

6. The local school system and diocesan systems shall be responsible for maintaining files on all Temporary Teaching Assignments.

7. A Temporary Teaching Assignment may be reissued by a local school system or diocesan system to an applicant who has not met the requirement of earning six semester hours of college credit when one or more of the following conditions are met:

A. Medical excuse. When serious medical problems of the teacher or immediate family in the same household exist, a doctor's statement is required with a letter of assurance from the superintendent and teacher that the hours will be earned.

B. Required courses not available. A letter of verification from area universities is required stating that the required courses are not being offered.

C. Change of school, parish or school system. A justification letter from the superintendent is required. Reissuance is permitted only if the change is not part of a continuous pattern.

D. Change of certification areas. A letter of justification from the superintendent is required to explain the new job assignment with assurance that the requirements for the next Temporary Teaching Assignment will be met.

E. Courses not applicable toward certification. A letter of justification from the superintendent is required with assurance that the teacher will become enrolled in the proper program.

These are the only conditions that may be used. Documentation which supports the above condition must be maintained in the teacher's personnel file. (The Bureau of Higher Education and Teacher Certification will use the same criteria for issuing TTAs to teachers in private schools.)

8. The local school systems and diocesan systems shall be accountable for all aspects of this program.

9. The State Department of Education shall monitor the implementation of the regulations for Temporary Teaching Assignments.

NOTE: Private, nondiocesan schools must apply to the State Department of Education, Bureau of Higher Education and Teacher Certification for a Temporary Teaching Certificate. The regulations listed above which apply to nonpublic schools are also applicable for private, nondiocesan schools.

Carole Wallin
Executive Director

DECLARATION OF EMERGENCY

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

Control of Emissions through the Use of Emission
Reduction Credits Banking
(LAC 33.III.Chapter 6) (AQ85E)

In accordance with the emergency provisions of the Administrative Procedure Act, R.S. 49:953(B), and under the authority of R.S. 30:2011, the Secretary of the Department of Environmental Quality (DEQ) declares that an emergency action is necessary because of the requirements of the Clean Air Act Amendments (CAAA) of 1990 and the impact of the amendments upon the six-parish, ozone-nonattainment area around Baton Rouge. It is necessary for the DEQ to adopt this emergency rule, LAC 33.III.Chapter 6, to support the 15 percent Volatile Organic Compound (VOC) Reduction Reasonable Further Progress Plan in accordance with the 1990 CAAA.

The immediate impact of this rule is to support the Reasonable Further Progress Plan (RFP) which is to be submitted to the Environmental Protection Agency (EPA).

This emergency regulation is available for inspection at the following DEQ locations from 8 a.m. until 4:30 p.m.: 7290 Bluebonnet Boulevard, Fourth Floor, Baton Rouge, LA 70810; 804 31st Street, Monroe, LA 71203; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 3519 Patrick Street, Lake Charles, LA 70605; 3945 North I-10 Service Road West, Metairie, LA 70002; 100 Asma Boulevard, Suite 151, Lafayette, LA 70508; and from the Office of the State Register, 1051 North Third Street, Baton Rouge, LA 70802, phone (504) 342-5015.

This emergency rule is effective on November 15, 1993, and shall remain in effect for a maximum of 120 days or until a final rule is promulgated, whichever occurs first.

Kai David Midboe
Secretary

DECLARATION OF EMERGENCY

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

Fugitive Emission Control for Ozone Nonattainment Areas
(LAC 33:III.2122) (AQ84E)

In accordance with the emergency provisions of the Administrative Procedure Act, R.S. 49:953(B), and under the authority of R.S. 30:2011, the Secretary of the Department of Environmental Quality (DEQ) declares that an emergency action is necessary because of the requirements of the Clean Air Act Amendments (CAAA) of 1990 and the impact of the

amendments upon the six-parish, ozone-nonattainment area around Baton Rouge. It is necessary for the DEQ to adopt LAC 33:III.2122 to show compliance with the 15 percent Volatile Organic Compound (VOC) Reduction Reasonable Further Progress Plan in accordance with the 1990 CAAA.

The immediate impact of this edit to the existing rule is to support the Reasonable Further Progress Plan (RFP) which is to be submitted to the Environmental Protection Agency (EPA).

This emergency rule is effective on November 15, 1993, and shall remain in effect for a maximum of 120 days or until a final rule is promulgated, whichever occurs first.

Title 33

ENVIRONMENTAL QUALITY

Part III. Air

Chapter 21. Control of Emission of Organic Compounds Subchapter A. General

§2122. Fugitive Emission Control for Ozone Nonattainment Areas

A. Applicability

1. This regulation is applicable to each process unit at petroleum refineries, natural gas processing plants, the synthetic organic chemical manufacturing industry (SOCMI), the methyl tertiary butyl ether (MTBE) manufacturing industry, and the polymer manufacturing industry that contains any of the following components that are intended to operate in VOC service 300 hours or more during the calendar year: pumps, compressors, pressure relief devices, open-ended valves or lines, process drains, valves, agitators, and connectors.

2. Where the provisions of this Section are effective, process units to which this Section applies that are also subject to the provisions of LAC 33:III.2121 will not be required to comply with the provisions of LAC 33:III.2121. Process units that are currently being monitored under LAC 33:III.2121 for fugitives shall be subject to the requirements of that rule until January 1, 1995.

3. Components subject to LAC 33:III.5171, Subchapter V, and components that are subject to the Hazardous Organic NESHAP (HON) will not be subject to this Section.

4. The requirements of this Section shall be effective starting January 1, 1995.

5. This Section is applicable to sources in areas classified nonattainment for ozone and designated as moderate, severe, serious, or extreme as defined in the Clean Air Act Amendments of 1990 (Public Law 101-549).

B. Definitions. Terms in this Section are used as defined in LAC 33:III.111 with the exception of those terms specifically defined below as follows:

Connector—flanged, screwed, or other joined fittings used to connect two pipe lines or a pipe line and a piece of equipment. Welded connections are not connectors.

Good Performance Level—an operating level reached when no more than 2.0 percent of the components in VOC service in a process unit are leaking at the leak rate definition or greater as determined by Reference Method 21, "Determination of Volatile Organic Compound Leaks" (LAC 33:III.6077).

Heavy Liquid Service—equipment that is not in VOC

gas/vapor service or is not in VOC light liquid service.

Inaccessible Valve/Connector—a valve/connector that cannot be monitored without elevating the monitoring personnel more than two meters above a permanent support surface.

In Vacuum Service—equipment operating at an internal pressure that is at least 20 inches of water (38 mm of Hg) below ambient pressure.

Light Liquid—a fluid with a vapor pressure greater than 0.3 kPa (0.0435 psia) at 20°C (68°F).

Light Liquid Service—equipment in liquid service contacting a fluid greater than 10 percent by weight light liquid.

Liquid Service—equipment which processes, transfers, or contains a VOC or mixture of VOC in the liquid phase.

Process Unit—a process unit that can operate independently if supplied with sufficient feed or raw materials and sufficient storage facilities for the product.

Process Unit Shutdown—a work practice or operational procedure that stops production from a process unit or part of a process unit during which it is technically feasible to clear process material from a process unit or part of a process unit consistent with safety constraints and during which repairs can be effected. An unscheduled work practice or operational procedure that stops production from a process unit or part of a process unit for less than 24 hours is not a process unit shutdown. An unscheduled work practice or operational procedure that would stop production from a process unit or part of a process unit for a shorter period of time than would be required to clear the process unit or part of the process unit of materials and start-up the unit, and would result in greater emissions than delay of repair of leaking components until the next scheduled process unit shutdown, is not a process unit shutdown. The use of spare equipment and technically feasible bypassing of equipment without stopping production are not process unit shutdowns.

Unrepairable Component—unrepairable components are those designated as requiring a process unit shutdown to repair. The first time an unrepairable component is monitored and detected as leaking it shall be included in the percent leaker calculation. All subsequent calculations of percent leakers shall exclude those unrepairable components which were included in the previous calculation.

C. Fugitive Emission Control Requirements

1. No component shall be allowed to leak volatile organic compounds exceeding an instrument reading of 2,500 ppmv or greater for valves, connectors, pressure relief devices, process drains, and open-ended valves and lines; 5,000 ppmv for pumps and compressors; or 10,000 ppmv for agitators as outlined in Subsection D of this Section, when tested by LAC 33:III.6077. Any regulated component observed leaking by sight, sound, or smell must be repaired according to Subsection C.3 of this Section, regardless of the leak's concentration. This includes flange and connection leaks found per Subsection D.3.b of this Section, pump and compressor seal leaks found during the weekly visual inspections, and any other regulated component found leaking.

2. No valve, except safety pressure relief valves, valves

on sample lines, valves on drain lines, and valves that can be removed and replaced without a process unit shutdown, shall be located at the end of a pipe or line containing volatile organic compounds unless the end of such line is sealed with a second valve, a blind flange, a plug, or a cap. Such sealing devices may be removed only when the line is in use, for example, when a sample is being taken. When the line has been used and is subsequently resealed, the upstream valve shall be closed first, followed by the sealing device. When a double block and bleed system is being used for safety reasons, such as burner management practices, the bleed valve or line may remain open-ended during operations that may require venting the line between the block valves.

3. The operator shall make every reasonable effort to repair a leaking component, as described in this Subsection, within 15 days. If the component cannot be isolated or bypassed so as to significantly reduce or eliminate leakage, or if the repair of a component would require a unit shutdown, and if the shutdown would create more emissions than the repair would eliminate, the repair may be delayed to the next scheduled shutdown. The delay of repair shall not be any later than the next scheduled process unit shutdown. An early unit shutdown may be ordered if leaking component losses become excessive.

4. Percent leaking components at a process unit shall be determined as follows:

$$\% C_l = C_l / C_t * 100$$

where:

% C_l = percent of leaking components, where the components are valves or connectors.

C_l = number of components found leaking during the monitoring period minus the number of components which are designated as unrepairable.

C_t = total number of components monitored during the period.

D. Monitoring Requirements. The monitoring of the affected components shall be performed by the following schedule using the method described in Subsection C of this Section or one of the alternate monitoring programs in Subsection E of this Section.

1. Petroleum Refineries, SOCOMI, MTBE, and Polymer Manufacturing Industry

a. Monitor with a leak detection device one time per year (annually) the following items:

- i. process drains;
- ii. connectors in gas or light liquid service; and
- iii. open-ended valves and lines.

b. Monitor with a leak detection device four times per year (quarterly) the following items:

- i. compressor seals;
- ii. pressure relief valves in gas service;
- iii. valves in light liquid service;
- iv. pumps in light liquid service; and
- v. valves in gas service.

c. Monitor pump seals visually 52 times a year (weekly).

2. Natural Gas Processing Plants

a. Monitor pump seals and compressor seals visually 52 times a year (weekly).

b. Monitor with a leak detection device four times a year (quarterly) the following items:

- i. pumps, pump and compressor seals;
- ii. valves; and
- iii. pressure relief valves in gas service.

3. Facilities listed in Subsection D.1 and 2 of this Section

a. Monitor with a leak detection device any pressure relief valve within 24 hours after it has vented to the atmosphere. (For natural gas processing plants an immediate visual evaluation will be made.)

b. Monitor immediately with a leak detection device any component that appears to be leaking on the basis of sight, smell, or sound. In lieu of monitoring, the operator may elect to implement actions as specified in Subsection C of this Section.

c. Inaccessible valves and connectors, valves and connectors that are unsafe to monitor, and check valves (including similar devices not externally actuated). Inaccessible valves should be monitored on an annual basis at a minimum. Unsafe-to-monitor valves should be monitored when conditions would allow these valves to be monitored safely, e.g., during shutdown.

4. Exemptions. Monitoring is not required on the following:

a. components subject to Subsection D.1 of this Section (petroleum refineries, SOCOMI, MTBE, and polymer manufacturing industry) which contact a process fluid that contains less than 10 percent VOC by volume or components subject to Subsection D.2 of this Section (natural gas processing plants) which contact a process fluid that contains less than 1.0 percent VOC by weight;

b. components in the petroleum refineries, SOCOMI, MTBE, and polymer manufacturing industry that contact only a process liquid containing a VOC having a true vapor pressure equal to or less than 0.3 kPa (0.0435 psia) at 20°C (68°F);

c. pressure relief valves in liquid service at SOCOMI and polymer manufacturing industry, except after venting;

d. pressure relief devices, pump seals or packing, and compressor seals or packing that are tied to either a flare header or vapor recovery device;

e. equipment operating under vacuum;

f. natural gas processing plants with less than 40 million cubic feet per day (mmcf/d) capacity that do not fractionate natural gas liquids;

g. components contacting organic compounds exempted under LAC 33:III.2117 or mixtures of same with water;

h. pumps and compressors with double mechanical seal;

i. research and development pilot facilities and small facilities with less than 100 valves in gas or liquid service;

j. components that are less than 3/4 inch in diameter;

k. insulated components;

l. any affected facility that has the design capacity to produce less than 1,000 Mg/yr of product;

m. components that have been placed on a shutdown

list for repairs are exempt from further monitoring until a repair has been attempted;

n. any reciprocating compressor in a process unit if recasting the distance piece or replacing the compressor are the only options available to bring the compressor into compliance with the provisions under Subsection C of this Section.

5. Alternate Monitoring Program. Any facility that already has in place a fugitive emission monitoring program which controls to a higher degree than required under this Section shall be exempted from this Section upon submittal of a description of the program to the administrative authority and approval thereof.

E. Alternate Control Techniques. The monitoring schedule in Subsection D of this Section may be modified as follows:

1. Alternate Standards for Valves and Pumps subject to Subsection D.1.b of this Section - Skip Period Leak Detection and Repair

a. An owner or operator may elect to comply with one of the alternative work practices specified in Subsection E.1.b, c, or g of this Section. However, the administrative authority must be notified in writing before implementing one of the alternative work practices.

b. After two consecutive quarterly leak detection periods with the percent of components leaking equal to or less than 2.0, an owner or operator may begin to skip one of the quarterly leak detection periods for the valves in gas/vapor and light liquid service and pumps in light liquid service.

c. After five consecutive quarterly leak detection periods with the percent of components leaking equal to or less than 2.0, an owner or operator may begin to skip three of the quarterly leak detection periods for the valves in gas/vapor and light liquid service and pumps in light liquid service.

d. If the percent of components leaking is greater than 2.0, the owner or operator shall comply with the requirements as described in Subsection D of this Section but subsequently can again elect to use this Subsection when the requirements are met.

e. The percent of components leaking shall be determined by dividing the sum of components found leaking during current monitoring and components for which repair has been delayed (except for those which have been designated as unrepairable) by the total number of components subject to the requirements of Subsection D of this Section.

f. An owner or operator must keep a record of the percent of valves and pumps found leaking during each leak detection period.

g. Equipment that has been monitored under LAC 33:III.2121 or a New Source Performance Standard for fugitives at the leak definition of 10,000 ppmv can elect to use this alternate standard if the unit has data to indicate the process has met a less than or equal to 2.0 percent leak rate at 2,500 ppmv for the required time period.

2. Alternative Standards for Valves and Pumps - Increased Monitoring Frequency. If there is an excessive number of leaks (greater than the good performance level), then an increase in the frequency of monitoring may be required by the administrative authority.

3. Alternate Standard for Valves - Random 200 Valve Check

a. For process units that have achieved a leak rate of less than or equal to 2.0 percent at 2,500 ppmv for eight consecutive quarters (or two annual periods) a random 200 valve check can be performed. This check shall randomly select 200 valves (or 10 percent, whichever is smaller) in the process unit for checking annually. As long as the percent leak rate for the 200 valves checked is less than or equal to 2.0 percent, the process unit may remain on this reduced monitoring program. If the percent leakers for the 200 valves is greater than 2.0 percent, the unit must comply with the requirements in Subsection D of this Section but subsequently can again elect to use this Subsection when the requirements are met.

b. Equipment that has been monitored under LAC 33:III.2121 or a New Source Performance Standard for fugitives at the leak definition of 10,000 ppmv can elect to use this alternate standard if the unit has data to indicate the process has met a less than or equal to 2.0 percent leak rate at 2,500 ppmv for the required time period.

4. Alternate Standard for Connectors - Skip Periods

a. An owner or operator may elect to comply with one of the alternative work practices specified in Subsection E.4.b, c, or d of this Section. However, the administrative authority must be notified in writing before implementing one of the alternative work practices.

b. After one annual leak detection period with the percent of components leaking equal to or less than 2.0, an owner or operator may begin to skip one of the annual leak detection periods for the connectors in gas/vapor and light liquid service.

c. After two consecutive annual leak detection periods with the percent of components leaking equal to or less than 2.0, an owner or operator may begin to skip three of the annual leak detection periods for the connectors in gas/vapor and light liquid service.

d. Process units may elect to monitor one-fourth of the connectors in a process unit each year instead of all connectors each year. If this option is used, four consecutive annual periods must be completed with the percent of connectors leaking equal to or less than 2.0 to begin the alternate practice in Subsection E.4.b of this Section and eight consecutive annual periods must be completed with the percent of connectors leaking equal to or less than 2.0 to begin the alternate practice in Subsection E.4.c of this Section.

e. If the percent of components leaking is greater than 2.0, the owner or operator shall comply with the requirements as described in Subsection D of this Section but subsequently can again elect to use this Subsection when the requirements are met.

f. The percent of components leaking shall be determined by dividing the sum of components found leaking during current monitoring and components for which repair has been delayed (except for those which have been designated as unrepairable) by the total number of components subject to the requirements of Subsection D of this Section.

g. An owner or operator must keep a record of the

percent of connectors found leaking during each leak detection period.

5. Alternative Standards for Connectors - Increased Monitoring Frequency. If there is an excessive number of leaks (greater than the good performance level), then an increase in the frequency of monitoring may be required by the administrative authority.

6. Alternate Standard for Connectors - Random 200 Connector Check. Process units may elect to perform a random 200 connector leak check. This check shall randomly select 200 connectors (or 10 percent, whichever is smaller) in the process unit for checking annually. As long as the percent leak rate for the 200 connectors checked is less than or equal to 2.0 percent, the process unit may remain on this reduced monitoring program. If the percent leakers for the 200 connectors is greater than 2.0 percent, the unit must comply with the requirements in Subsection D or E.4.d of this Section but subsequently can again elect to use this Subsection if the leak rate is less than or equal to 2.0 percent.

7. Alternate Standard for Batch Processes. As an alternate to complying with the requirements in Subsection D of this Section an owner or operator of a batch process in VOC service may elect to comply with one of the following alternative work practices. The batch product-process equipment shall be tested with a gas using the procedures specified in Subsection E.7.a of this Section or with a liquid as specified in Subsection E.7.b of this Section.

a. The following procedures shall be used to pressure test batch product-process equipment using a gas (e.g., air or nitrogen) to demonstrate compliance.

i. The batch product-process equipment train shall be pressurized with a gas to the operating pressure of the equipment. The equipment shall not be tested at a pressure greater than the pressure setting of the lowest relief valve setting.

ii. Once the test pressure is obtained, the gas source shall be shut off.

iii. The test shall continue for not less than 15 minutes unless it can be determined in a shorter period of time that the allowable rate of pressure drop was exceeded. The pressure in the batch product-process equipment shall be measured after the gas source is shut off and at the end of the test period. The rate of change in pressure in the batch product-process equipment shall be calculated using the following equation:

$$\frac{P}{t} = \frac{(P_f - P_i)}{(t_f - t_i)}$$

where:

P/t = change in pressure, psia/hr.

P_f = final pressure, psia.

P_i = initial pressure, psia.

t_f - t_i = elapsed time, hours.

iv. The pressure shall be measured using a pressure measurement device (gauge, manometer, or equivalent) which has a precision of ± 2.5 millimeters (±0.05 psig) of mercury

in the range of test pressure and is capable of measuring pressures up to the relief set pressure of the pressure relief device.

v. A leak is detected if the rate of change in pressure is greater than 6.9 kilopascals (1 psig) in one hour or if there is visible, audible, or olfactory evidence of fluid loss.

b. The following procedures shall be used to pressure test batch product-process equipment using a liquid to demonstrate compliance.

i. The batch product-process equipment train, or section of the train, shall be filled with the test liquid (e.g., water, alcohol). Once the equipment is filled, the liquid source shall be shut off.

ii. The test shall be conducted for a period of at least 60 minutes, unless it can be determined in a shorter period of time that the test is a failure.

iii. Each seal in the equipment being tested shall be inspected for indications of liquid dripping or other indications of fluid loss. If there are any indications of liquids dripping or of fluid loss, a leak is detected.

iv. If a leak is detected, it shall be repaired and the batch product-process equipment shall be retested before VOC's are fed to the equipment.

v. If the batch product-process equipment fails the retest or the second of two consecutive pressure tests, it shall be repaired as soon as practicable, but not later than 30 calendar days after the equipment is placed in VOC service.

F. Recordkeeping

1. When a leak that cannot be repaired on-line and in-place, as described in Subsection C of this Section, is located, a weatherproof and readily visible tag bearing an identification number and the date the leak is located shall be affixed to the leaking component. After the leak is repaired the tag is removed.

2. A survey log shall be maintained by the operator and shall include the following:

- a. the name of the process unit where the leaking component is located;
- b. the name of the leaking component;
- c. the stream identification at the leak;
- d. the identification number from the tag required by Subsection F.1 of this Section;
- e. the date the leak was located;
- f. the date maintenance was performed;
- g. the date(s) the component was rechecked after maintenance, as well as the instrument reading(s) upon recheck (For natural gas processing plants the soap bubble test commonly performed in the industry is satisfactory.);
- h. a record of leak detection device calibration;
- i. a list of leaks not repaired until turnaround;
- j. a list of total number of items checked versus the total found leaking.

3. The operator shall retain the survey log for two years after the latter date specified in Subsection F.2 of this Section and make said log available to the administrative authority upon request.

G. Reporting Requirements. The operator of the affected facility shall, after each quarterly monitoring has been performed, submit a report listing all leaks that were located

but not repaired within the 15-day limit along with a demonstration of achieving good performance level. These reports are due by the last day of January, April, July, and October. For units complying with the alternate control techniques a report shall be submitted by the last day of the month following the quarter that monitoring was performed. Such reports shall include the following:

1. the name of the unit where the leaking component is located and the date of last unit shutdown;
2. the name of the leaking component;
3. the stream identification at the leak;
4. the date the leak was located;
5. the date maintenance was attempted;
6. the date the leak will be repaired if the component is awaiting a shutdown;
7. the reason repairs failed or were postponed;
8. the list of items awaiting turnaround for repair;
9. the number of items checked versus the number found leaking;

10. a signed statement attesting to the fact that all other monitoring has been performed as required by the regulations.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:

Kai D. Midboe
Secretary

DECLARATION OF EMERGENCY

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

Mobile Sources (LAC 33:III.Chapter 19) (AQ78E)

In accordance with the emergency provisions of the Administrative Procedure Act, R.S. 49:953(B), and under the authority of R.S. 30:2011, the Secretary of the Department of Environmental Quality (DEQ) declares that an emergency action is necessary because of the requirements of the Clean Air Act Amendments (CAAA) of 1990 and the impact of the amendments upon the six-parish, ozone-nonattainment area around Baton Rouge. It is necessary for the DEQ to adopt this emergency rule, LAC 33:III.Chapter 19, Subchapter A, Control of Emissions from Motor Vehicles to fulfill requirements of the State Implementation Plan (SIP) which is due November 15, 1993 and to support the 15 percent Volatile Organic Compound (VOC) Reduction Reasonable Further Progress Plan in accordance with the 1990 CAAA.

The immediate impact of this emergency rule is to fulfill SIP requirements in the 1990 Clean Air Act Amendments and to support the Reasonable Further Progress Plan (RFP) which is to be submitted to the Environmental Protection Agency (EPA).

This emergency regulation is available for inspection at the

following DEQ locations from 8 a.m. until 4:30 p.m.: 7290 Bluebonnet Boulevard, Fourth Floor, Baton Rouge, LA 70810; 804 31st Street, Monroe, LA 71203; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 3519 Patrick Street, Lake Charles, LA 70605; 3945 North I-10 Service Road West, Metairie, LA 70002; 100 Asma Boulevard, Suite 151, Lafayette, LA 70508; and at the Office of the State Register, 1051 North Third Street, Baton Rouge, LA 70802, phone (504) 342-5015.

This emergency rule is effective on November 15, 1993, and shall remain in effect for a maximum of 120 days or until a final rule is promulgated, whichever is shortest.

Kai David Midboe
Secretary

DECLARATION OF EMERGENCY

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

Use of Incidental VOC Reductions to Demonstrate Reasonable Further Progress (LAC 33:III.2120) (AQ86E)

In accordance with the emergency provisions of the Administrative Procedure Act, R.S. 49:953(B), and under the authority of R.S. 30:2011, the Secretary of the Department of Environmental Quality (DEQ) declares that an emergency action is necessary because of the requirements of the Clean Air Act Amendments (CAAA) of 1990 and the impact of the amendments upon the six-parish, ozone-nonattainment area around Baton Rouge. It is necessary for the DEQ to adopt LAC 33:III.2120 to show compliance with the 15 percent Volatile Organic Compound (VOC) Reduction Reasonable Further Progress Plan in accordance with the 1990 CAAA.

The immediate impact of this edit to the existing rule is to support the Reasonable Further Progress Plan (RFP) which is to be submitted to the Environmental Protection Agency (EPA).

This emergency rule is effective on November 15, 1993, and shall remain in effect for a maximum of 120 days or until a final rule is promulgated, whichever occurs first.

Title 33

ENVIRONMENTAL QUALITY

Part III. Air

Chapter 21. Control of Emission of Organic Compounds Subchapter A. General

§2120. Use of Incidental VOC Reductions to

Demonstrate Reasonable Further Progress

A. Applicability. The provisions of this Section apply to sources designated pursuant to LAC 33:III.5101 and located in the ozone nonattainment area that includes the parishes of Ascension, East Baton Rouge, Iberville, Livingston, Pointe Coupee and West Baton Rouge.

B. Emission reductions of VOCs achieved after November 15, 1990, through compliance with air toxic maximum achievable control technology (MACT) standards and ambient air standards (AAS) pursuant to LAC 33:III.Chapter 51 may be utilized by the Air Quality Division where necessary to demonstrate reasonable further progress (RFP) in accordance with section 182(b)(1) of the Clean Air Act Amendments (CAAA) of 1990. Emission reductions available for use shall be identified by source and tonnage in the 15 percent VOC Reduction State Implementation Plan prepared pursuant to section 182 of the CAAA.

C. The owner or operator of each source so identified in the State Implementation Plan (SIP) shall submit a permit application to incorporate VOC emission reduction measures into the permit no later than February 15, 1995. The permit application shall contain all information required by LAC 33:III.517, including all information relative to the VOC emission reductions to be obtained through compliance with MACT and AAS. The permit application shall also include a compliance schedule for obtaining VOC emission reductions by November 15, 1996, as set forth by the SIP through the application of MACT (or compliance with AAS) as determined by the department pursuant to LAC 33:III.Chapter 51, and shall include compliance provisions specific to the source, including requirements and deadlines for compliance certification, testing, monitoring, reporting, and recordkeeping, which will meet the criteria specified in 40 CFR 70.6(a)(3) and LAC 33:III.507.H and which will assure that the reductions are maintained. The compliance schedule will have the force of a regulation pending issuance of a permit. Failure to comply with the provisions of the compliance schedule once approved by the department may result in enforcement action by EPA or by DEQ pursuant to R.S. 30:2025.

D. Permit limits, terms, and conditions reflecting the emission reductions and corresponding compliance schedules and compliance measures shall be incorporated in a federally enforceable permit issued by the department in accordance with LAC 33:III.Chapter 5 no later than February 15, 1997.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:

Kai D. Midboe
Secretary

DECLARATION OF EMERGENCY

Department of Environmental Quality Office of the Secretary

Notification Requirements for Unauthorized Discharges with Groundwater Contamination Impact (LAC 33:I.3919,3925) (OS17E)

In accordance with the emergency provisions of the Administrative Procedure Act, R.S. 49:953(B), and under the authority of R.S. 30:2011, the Secretary of the Department of Environmental Quality declares that an emergency action is necessary due to the repeal of existing regulations requiring notification for unauthorized discharges to the groundwaters of the state. It is necessary for the department to adopt this emergency rule to reinstate the requirements for notification of unauthorized discharges to groundwater. The following emergency rule is hereby adopted to carry out the intent of the Legislature which is to insure that the environment and the health of the citizens of this state are not endangered by impact to groundwater as a result of such unauthorized discharges. The immediate effect of this rule is twofold: 1) to reinstate the regulatory requirements for notification of unauthorized discharges to the groundwaters of the state which were inadvertently repealed; and 2) to insure that the state's groundwaters are adequately protected.

This emergency rule is effective on October 20, 1993, and shall remain in effect for the maximum of 120 days or until a final rule is promulgated, whichever occurs first.

Title 33

ENVIRONMENTAL QUALITY

Part I. Office of the Secretary

Subpart 2. Notification Regulations

Chapter 39. Notification Regulations and Procedures for Unauthorized Discharges

Subchapter C. Requirements for Prompt Notification

§3919. Notification Requirements for Unauthorized Discharges With Groundwater Contamination Impact

In the event that any unauthorized discharge results in the contamination of the groundwaters of the state, the discharger shall notify the appropriate division(s) in the department, in writing, in accordance with LAC 33:I.3925 within seven calendar days after obtaining knowledge of the discharge.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2025(J), R.S. 30:2076(D), 30:2183(I), and 30:2204(A).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 11:770 (August 1985), repealed LR 19:1022 (August 1993), repromulgated and amended LR 20:

§3925. Written Notification Procedures For The Department Of Environmental Quality

A. Written reports for any unauthorized discharge that requires verbal notification under LAC 33:I.3915.A, or 3917, or that requires written notification under LAC 33:I.3919, will be submitted by the discharger to the department in accordance with this Section within seven calendar days after the telephone notification required by LAC 33:I.3915.A, or 3917, or within seven calendar days after obtaining knowledge of the

groundwater discharge as required by LAC 33:I.3919, unless otherwise provided in a valid permit or other division regulations.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2025(J), 30:2060(H), 30:2076(D), 30:2183(I), 30:2194(C) and 30:2204(A).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 11:770 (August 1985), amended LR 19:1022 (August 1993), LR 20:

Kai David Midboe
Secretary

DECLARATION OF EMERGENCY

Office of the Governor Division of Administration Office of Contractual Review

Retroactive Claims Recovery Services (LAC 34:V.103)

In accordance with R.S. 49:953(B) of the Administrative Procedure Act, and R.S. 39:1490(B), the Office of the Governor, Division of Administration, Office of Contractual Review is adopting an emergency amendment to LAC 34:V.103, affecting the procurement of consulting services contracts, effective November 1, 1993, for 120 days, or until it takes affect through the normal promulgation process, whichever is shortest.

The purpose of the emergency declaration is to provide for the procurement of Retroactive Claims Recovery Services through a request for proposal, in accordance with R.S. 39:1503, to comply with federal requirements for the collection of third-party liability claims for medical services performed by the Department of Health and Hospitals and the Louisiana Health Care Authority. The current contractual services terminate December 31, 1993, and conflicts existing as to the appropriate procedure will not allow the contracts to be in place by this time to avoid possible budget deficits, or sanctions or penalties by the United States if these agencies do not have contracts to collect these monies.

Title 34

GOVERNMENT CONTRACTS, PROCUREMENT AND PROPERTY CONTROL

Part V. Procurement of Professional, Personal, Consulting and Social Services

Chapter 1. Procurement of Professional, Personal, Consulting and Social Services

Subchapter A. General Provisions

§103. Definitions and Classes of Contractual Services

The following services shall be contracted out in accordance with these regulations:

* * *

C. *Consulting Service*—work, other than professional, personal or social service, rendered by an independent contractor who possesses specialized knowledge, experience, and expertise to investigate assigned problems or projects and

to provide counsel, review, design, development, analysis, or advice in formulating or implementing programs or services or improvements in programs or services, including, but not limited to, such areas as management, data processing, advertising and public relations.

1. *Retroactive Claims Recovery Services*—where third party coverage identification and verification represents the primary services, and any operations type activities such as data processing and/or claims submission are merely incidental to the total work tasks to be performed, and where such services will result in revenue enhancement to the state through a contingency fee arrangement shall be considered a consulting service. The RFP process for this type of consulting service shall require that at least 50 percent of total weighted criteria for evaluation be allocated to cost.

2. *Consulting Services*—includes the procurement of supplies and services by a contractor without the necessity of complying with provisions of the Louisiana Procurement Code when such supplies and services are merely ancillary to the provisions of consulting services under a contingency fee arrangement, even though the procurement of supplies or services directly by a governmental body would require compliance with the Louisiana Procurement Code. Supplies or services ancillary to the provision of consulting services are those supplies or services which assist the contractor in fulfilling the objective of his contract where the cost for such supplies and services, as determined by the using agency. No contract for consulting services as defined in this Paragraph shall be entered into unless it has been approved in advance by the Joint Legislative Committee on the Budget.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1490(B).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Contractual Review, LR 10:455 (June 1984), amended LR 17:264 (March 1991), LR 20:

Susan H. Smith
Director

DECLARATION OF EMERGENCY

Department of Health and Hospitals
Office of Management and Finance

Health Services Provider Fees

The Department of Health and Hospitals, Office of Management and Finance, is adopting the following emergency rule in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B) et seq. In March, 1993 the Department of Health and Hospitals adopted the rule (*Louisiana Register*, Vol. 19, No. 3, pages 347-348), implementing R.S. 46:2601 through 2605, which imposed a fee on the providers of certain health care services as authorized under P.L. 102-234.

The Health Care Financing Administration (HCFA) published Interim Final Regulations on health care-related fees

in the *Federal Register* on November 24, Volume 57 pages 55118 through 55146 which limits the amount of certain taxes, fees and assessments to six percent of the provider revenues to meet HCFA's initial testing for a permissible tax under P.L. 102-234. In order to comply with these HCFA limitations on provider fee collections and to insure federal financial participation, the Department of Health and Hospitals adopted these regulations through emergency rulemaking which were published in the July 20, 1993 issue of the *Louisiana Register* (Volume 19, No. 7, page 850). A Notice of Intent on this issue was published in the September 20, 1993 (Volume 19, No. 9, page 1357) issue of the *Louisiana Register*.

The Health Care Financing Administration published the Final Rule in the *Federal Register* on August 13, 1993, Volume 58, pages 43156 through 43183 which retained the criteria of the Interim Final Rule. The department's above-cited emergency rule expired on October 28, 1993. Therefore, the department is readopting this emergency rule revising provider fees for nursing facility and intermediate care facility services for the mentally retarded and developmentally disabled, effective October 29, 1993 and it shall remain in effect for the maximum of 120 days. This emergency rule is necessary to avoid federal sanctions under Title XIX of the Social Security Act.

EMERGENCY RULE

Provider fees for nursing facility services and Intermediate Care Facility services for the mentally retarded (ICF-MR) shall not exceed six percent of the average revenues received by providers of each class of services. The fee amounts shall be calculated annually in conjunction with updating provider reimbursement rates under the Medical Assistance Program. Notice to providers subject to fees shall be given in conjunction with the annual rate setting notification by the Bureau of Health Services Financing.

Rose V. Forrest
Secretary

DECLARATION OF EMERGENCY

Department of Health and Hospitals
Office of Management and Finance

Medicaid Pediatric Immunizations Provisions

The Department of Health and Hospitals, Office of the Secretary has adopted the following emergency rule as authorized by R.S. 46:153 and pursuant to Title XIX of the Social Security Act. This emergency rule is in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B).

The Bureau of Health Services Financing reimburses pediatric immunizations for Medicaid eligible children in accordance with the regulations governing these services under the Medicaid Program. The Omnibus Budget Reconciliation Act of 1993 (Public Law 103-66), Section 13631 includes a

specific prohibition on pediatric immunizations which prohibits the Medicaid payment of a single antigen and its administration if a combined antigen was medically appropriate. This law further stipulates that combined-antigen vaccines must be approved by the Secretary of the U.S. Department of Health and Human Services. These provisions are effective October 1, 1993. At this time the only combined antigen which the U.S. Department of Health and Human Services has approved is the measles, mumps and rubella (MMR) combined-antigen vaccine. In order to comply with the Public Law 103-66 and to avoid federal sanctions and penalties, the Bureau of Health Services Financing is hereby adopting the following emergency rule, effective November 9, 1993, for 120 days. The emergency rule previously adopted on October 1, 1993 and published in the *Louisiana Register*, Volume 19, Number 10, page 1288, is being repealed in its entirety.

EMERGENCY RULE

Effective November 9, 1993, the Bureau of Health Services Financing hereby repeals the October 1, 1993 emergency rule (*Louisiana Register*, Volume 19, Number 10, page 1288) on Medicaid pediatric immunizations and adopts the following emergency rule. The Bureau of Health Services Financing does not reimburse providers for a single-antigen vaccine and its administration if a combined-antigen vaccine is medically appropriate and the combined-antigen vaccine is approved by the Secretary of the United States Department of Health and Human Services.

Interested persons may submit written comments to Thomas D. Collins, Office of the Secretary, Bureau of Health Services Financing, Box 91030, Baton Rouge, LA. He is the person responsible for responding to inquiries regarding this emergency rule and all other Medicaid rules and regulations are available at Parish Medicaid Offices for review by interested parties.

Rose V. Forrest
Secretary

DECLARATION OF EMERGENCY

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

Facility Need Review - Solicitation of Offers

The department is adopting the following rule in accordance with the emergency provision of the Administrative Procedure Act, R.S. 49:953(B)(1), and pursuant to R.S. 40:2116. The rules governing the Facility Need Review Process, as originally published in the January 20, 1991 issue of the *Louisiana Register* (Vol. 17, No. 1, pages 61-67) and in subsequent volumes as required by amendments thereto, are being amended. This emergency rule will be effective November 1, 1993 and will remain effective through the

maximum period allowed under the Administrative Procedure Act, R. S. 49:953(B)(1).

The department continues to strive toward providing an array of residential living options designed to prevent, remediate, or reduce the effects of developmental delays and disabilities. To enhance this array of services, a mechanism is needed for requesting and evaluating proposals to develop beds made available by downsizing large state-owned residential facilities. Currently some Medicaid eligible individuals with special needs have to wait for placements in community homes until these beds become available. The lack of appropriate residential living options, particularly for individuals with special needs resulting from compounding functional limitations, creates a risk of harm to the health and well being of these individuals. Therefore, the Bureau of Health Services Financing seeks to avoid denial of community home placement to these individuals by adoption of this emergency rule. This rule changes the Facility Need Review Process to allow for the issuance of solicitations of offers, as well as the evaluation of proposal offerings for these community and group home beds.

EMERGENCY RULE

Effective November 1, 1993, the bureau hereby repeals Section 12502., Subsection A., Number 6 and adopts the following as Section 12502., Subsection A., Number 6:

Exception for Beds Approved from Downsizing Large Residential ICF/MRs (16 or more beds)

a. A facility with 16 or more beds which voluntarily downsizes its enrolled bed capacity in order to establish a group or community home will be exempt from the Facility Need Review application process and from the bed need criteria. Beds in group and community homes which are approved under this exception are not included in the bed-to-population ratio or occupancy data for group and community homes approved under the Facility Need Review Program.

b. Any enrolled beds in the large facility will be disenrolled from the Title XIX Program upon enrollment of the same number of group or community home beds.

c. Prior approval of all Medicaid recipients for admission to facilities in beds approved to meet a specific disability need identified in a solicitation of offers issued by the department is required from the Office of Citizens with Developmental Disabilities before admission.

d. State Owned Facility Beds Downsized to Develop Community or Group Home Beds Not Owned by the State

i. When the department intends to downsize the enrolled bed capacity of a state-owned facility with 16 or more beds in order to develop one or more group or community home beds not to be owned by the state, a Solicitation of Offers (SOO) will be issued. The SOO will indicate the parish or region in need of beds, the number of beds needed, the date by which the beds are needed to be available to the target population (enrolled in Medicaid), and the factors which the department considers relevant in determining the need for these beds.

ii. The SOO will be issued through the press (nearest major metropolitan newspaper), and will specify the dates during which the department will accept applications.

iii. No applications will be accepted under these

provisions unless the department declares a need and issues a solicitation. Applications will be accepted for expansion of existing facilities and/or for the development of new facilities.

iv. Once submitted, an application cannot be changed; additional information will not be accepted.

v. The department will review the proposals and independently evaluate and assign points to each of the following 10 items on the application for the quality and adequacy of the response to meet the need of the project:

- Work plan for Medicaid certification;
- Availability of the site for the proposal;
- Relationship or cooperative agreements with other health care providers;
- Accessibility to other health care providers;
- Availability of funds; financial viability;
- Experience and availability of key personnel;
- Range of services, organization of services and program design;
- Methods to achieve community integration;
- Methods to enhance and assure quality of life;
- Plan to ensure client rights, maximize client choice and family involvement.

vi. A score of 0-4 will be given to the applicant's response to each item using the following guideline:

- 0=inadequate response
- 1=marginal response
- 2=satisfactory response
- 3=above average response
- 4=outstanding response

vii. If there is a tie for highest score for a specific facility/beds for which the department has solicited offers, a comparative review of the top scoring proposals will be conducted. This comparative review will include prior compliance history. In the case of a tie, the department will make a decision to approve one of the top scoring applications based on comparative review of the proposals.

viii. If no proposals are received which adequately respond to the need, the department may opt not to approve an application.

ix. At the end of the 90-day review period, each applicant will be notified of the department's decision to approve or disapprove the application. However, the department may extend the evaluation period for up to 60 days. Applicants will be given 30 days from the date of receipt of notification by the department in which to file an appeal. (Refer to Section 12505 c., Appeal Procedures.)

x. The issuance of the approval for the proposal with the highest number of points shall be suspended during the 30-day period for filing appeals and during the pendency of any administrative appeal. All administrative appeals shall be consolidated for purposes of the hearing.

xi. Proposals approved under these provisions are bound to the description in the application with regard to type of beds and/or services proposed as well as to the location as defined in the solicitation made by the department. Approval for Medicaid shall be revoked if these aspects of the proposal are altered. Beds to meet a specific disability need approved through this exception must be used to meet the need identified.

e. Private Facility Beds Downsized to Privately-Owned Group or Community Homes and State-Owned Facility Beds Downsized to State-Owned Group or Community Homes

i. Facilities to whom these provisions apply should contact the regional Office of Citizens with Developmental Disabilities in the region where the large ICF/MR facility is located. The regional office will review and evaluate the proposals, and recommend approval or disapproval to the Facility Need Review Program.

ii. The Office of Citizens with Developmental Disabilities will send a copy of the application with recommendations and comments to the Facility Need Review Program; the Facility Need Review Program will review the proposal, consider the recommendations, and issue notification to the applicant of approval or disapproval. A copy of the notification will be sent to the Provider Enrollment office in the Health Standards Section. The beds will not be enrolled in Medicaid without the approval of the Facility Need Review Program.

Rose V. Forest
Secretary

DECLARATION OF EMERGENCY

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

Methodology for Disproportionate Share Adjustment

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, has exercised the provisions of the Administrative Procedure Act, R.S. 49:953(B), to adopt the following emergency rule, for 120 days in the Medicaid Program.

Medicaid implemented, via emergency rulemaking published in the January 20, 1993, *Louisiana Register*, (Vol. 19, No. 1, pages 7-8) a change in the methodology for calculating disproportionate share adjustment payments to teaching and non-teaching hospitals as well as distinct part psychiatric units of acute care general hospitals. A similar rule placing a cap on reimbursement to freestanding psychiatric hospitals, including disproportionate share payments was also published in the January 20, 1993 *Louisiana Register* (Vol. 19, No. 1, pages 19-20). These rules were intended to modify the methodology for calculating disproportionate share payments to ensure compliance with the cap on disproportionate share adjustment payments as a result of Public Law 102-234. Further evaluation of the issue has indicated that the January 1, 1993 changes will not ensure that the cap is not exceeded in federal fiscal year 1993 (FFY 93). Restructuring of the methodology is necessary to ensure compliance with the cap established under P.L. 102-234 and federal regulations published November 24, 1992 (*Federal Register*, Vol. 57, No. 227, pages 55118-55265). Therefore, the above-referenced rules published effective January 1, 1993 are rescinded and

superceded by the following rules, subject to review and approval by HCFA. If federal approval is not received, the above-referenced rules published effective January 1, 1993 shall remain in effect. This action is necessary to reduce the projected DSH payments to a level that will remain under the cap and results in a reduction of \$265,553,357 in FY 93-94. This emergency rule will ensure that other services for health care to the needy of the state would result if the cap is exceeded and the state must bear the full burden of DSH payments in excess of the cap. An emergency rule was adopted on this issue on March 1, 1993 and was published in the March 20, 1993 issue of the *Louisiana Register*, Vol. 19, No. 3 and a clarifying emergency rule was adopted April 1, 1993 and was published in the April 20, 1993 issue of the *Louisiana Register*, Vol. 19, No. 4.

EMERGENCY RULE

Effective November 14, 1993, the Department of Health and Hospitals, Bureau of Health Services Financing is amending the methodology for calculating the amount of disproportionate share payments for inpatient hospital services by acute care general hospitals, distinct part psychiatric units of acute care general hospitals and free-standing psychiatric hospitals. Below are the revised methodologies as modified in the State Plan.

Attachment 4.19A, Items 1, 14 and 16:

Methodology for Disproportionate Share Adjustment

Effective for dates of service March 1, 1993 and after, qualification for and calculation of disproportionate share payments shall be based on the latest filed fiscal year end cost report as of March 31 of each year. Hospitals which meet the qualification criteria outlined in Item 1, D. 1. a-d, based on the latest filed fiscal year end cost report as of March 31 of each year, shall be included in one of the three following pools for calculation of disproportionate share adjustment payments. A one time provision for transition to the new methodology for disproportionate share payments shall provide that hospitals filing a minimum of a three month interim cost report and which meet all qualification criteria shall be "grandfathered" into the pools. Qualifying hospitals with cost reports which do not reflect a full year shall have days annualized for purposes of the pools.

Qualifying disproportionate share hospitals with Medicaid utilization rate percentages equal to the Medicaid utilization criteria's qualifying threshold (the mean plus one standard deviation of the Medicaid utilization for all such hospitals in the state participating in Medicaid) plus 25 percent shall be recognized as "Medicaid dependent hospitals." Medicaid dependent hospitals shall have days in the pool weighted by applying a factor of up to 1.25 to actual days in the pool. In determining pool payments, days for Medicaid dependent hospitals shall be increased by the factor noted above. Disproportionate share payments for each pool shall be calculated based on the product of the ratio of each qualifying hospital's total Medicaid inpatient days for the applicable cost report as adjusted for annualization and Medicaid dependent status, divided by the total Medicaid inpatient days provided by all such hospitals in the state qualifying as disproportionate share hospitals in their respective pools, multiplied by an amount of funds for each

respective pool to be determined by the Director of the Bureau of Health Services Financing. Disproportionate share payments cumulative for all payments shall not exceed the federal disproportionate share cap for each federal fiscal year. Notice of the actual pool amounts shall be published prior to the issuance of the first payment each year. The total disproportionate share payment amount for each qualifying hospital shall be calculated after March 31 of each year and payments shall be issued via at least three payments throughout the year for services in the immediately preceding months. Monthly payments may be issued for a transition period from April through September 1993 to allow hospitals to adjust to cash flow changes in disproportionate share payments.

The three pools are as follows:

1. *Teaching Hospitals*—acute care general hospitals (exclusive of distinct part psychiatric units) recognized as approved teaching hospitals under Medicare principles for the latest filed fiscal year end cost report as of March 31 of each year.

2. *Non-teaching Hospitals*—acute care general hospitals (exclusive of distinct part psychiatric units) not recognized as approved teaching hospitals under Medicare principles for the latest filed fiscal year end cost report as of March 31 of each year.

3. *Distinct Part Psychiatric Units/Freestanding Psychiatric Hospitals*—distinct part psychiatric units of acute care general hospitals meeting the Medicare criteria for PPS exempt psychiatric units and enrolled under a separate Medicaid provider, and free-standing psychiatric hospitals recognized as such for the latest filed fiscal year end cost report as of March 31 of each year.

If at audit or final settlement of the pool base(s) cost reports, the above qualifying criteria are not met, or the number of Medicaid inpatient days are reduced from those originally reported or annualized, appropriate action shall be taken to recover such overpayments. No additional payments shall be made if an increase in days is determined. No redistribution of the "pool" shall occur because of changes resulting from adjustments at audit/settlement or subsequent amending of cost reports.

Disapproval of this change by HCFA will automatically cancel the provisions of this emergency rule and former policy will remain in effect.

Interested persons may submit written comments to Thomas D. Collins, Office of the Secretary, Bureau of Health Services Financing, Box 91030, Baton Rouge, LA 70821-9030. He is the person responsible for responding to inquiries regarding this emergency rule. Copies of this rule and all other Medicaid rules and regulations are available in the Medicaid parish offices for review by interested parties.

Rose V. Forrest
Secretary

DECLARATION OF EMERGENCY

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

Nurse Aide Registry

The Department of Health and Hospitals, Office of the Secretary is adopting the following emergency rule in the Medical Assistance Program in accordance with the emergency provision of the Administrative Procedure Act, R.S. 49:953(B).

The department issued a rule on August 20, 1991 on the Nurse Aide Training and the Competency Evaluation Program. Included in this rule was the provision to establish the Nurse Aide Registry which maintains the certification information of nursing aides completing this program working in nursing facilities. In addition, this rule provides for the registry to maintain documentation of any final findings on investigations of abuse, neglect, and misappropriation of residents' property by nurse aides.

Subsequently, on June 20, 1993 the Department of Health and Hospitals adopted the rule to incorporate allegations of, or pending action concerning abuse, neglect or misappropriation of property of nursing facility residents by nursing aides into the records of the Nurse Aide Registry. In addition, this rule provided that nursing aides would be decertified if convicted of such acts. This rule was published in the June 20, 1993 issue of the *Louisiana Register*, Vol 19, No. 6, page 753. Subsequently, the department found it necessary to discontinue this rule in its entirety and therefore issued an emergency rule repealing this rule effective July 23, 1993. This subsequent emergency rule was promulgated in the August 20, 1993 issue of the *Louisiana Register* and a Notice of Intent was published on this matter in the *Louisiana Register* on September 20, 1993. The emergency rule herein adopted will continue in force for a maximum for 120 days or until adoption of the rule, whichever occurs first. The provisions of the earlier, August 20, 1991 rule will continue to govern the Nurse Aide Registry and the Nurse Aide Training and Competency Evaluation Program.

EMERGENCY RULE

Effective November 19, 1993, the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing hereby repeals the June 20, 1993 Nurse Aide Decertification rule by the Nurse Aide Registry in its entirety.

Rose V. Forrest
Secretary

DECLARATION OF EMERGENCY

Department of Insurance
Commissioner of Insurance

Regulation 47—Actuarial Memoranda

In accordance with the provisions of R.S. 49:953(B) of the Administrative Procedure Act, the Department of Insurance, Commissioner of Insurance has adopted emergency Regulation 47 in order to implement, without delay, changes recommended by the National Association of Insurance Commissioners.

Emergency rulemaking is necessary to immediately implement suggested changes made by the National Association of Insurance Commissioners following a preliminary review of the Department of Insurance relating to the National Association of Insurance Commissioners Financial Regulation Standards and Accreditation Program.

This emergency regulation is effective November 20, 1993, for 120 days.

Emergency Regulation 47

Actuarial Opinion and Memorandum Regulation

Table of Contents

- Section 1. Purpose
- Section 2. Authority
- Section 3. Scope
- Section 4. Definitions
- Section 5. General Requirements
- Section 6. Required Opinions
- Section 7. Statement of Actuarial Opinion Not Including an Asset Adequacy Analysis
- Section 8. Statement of Actuarial Opinion Based On Asset Adequacy Analysis
- Section 9. Description of Actuarial Memorandum Including an Asset Adequacy Analysis
- Section 10. Additional Considerations for Analysis

The full text of this emergency rule may be obtained from the Department of Insurance, Office of the Commissioner, Box 94214, Baton Rouge, LA 70804-9214, (504) 342-5272 or through the Office of the State Register, 1051 North Third Street, Baton Rouge, LA 70802.

James H. "Jim" Brown
Commissioner

DECLARATION OF EMERGENCY

Department of Public Safety and Corrections
Office of Alcoholic Beverage Control

Beverage Sampling (LAC 55:VII.317)

Under the authority of the Alcoholic Beverage Control Law, particularly R.S. 26:287 and R.S. 26:150(AA), and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B), the Department of Public

Safety, Commissioner of the Office of Alcoholic Beverage Control adopts an emergency rule amending the Liquor Credit Regulations, LAC 55:VII.317.D.6.

Emergency rulemaking is necessary since current regulations do not adequately regulate alcoholic beverage sampling on the premises of a licensed retailer.

This emergency rule is effective November 8, 1993 and shall remain in effect for 120 days or until the final rule takes effect through the normal promulgation process, whichever is shortest. This supersedes the emergency rule promulgated in the September 20, 1993 issue of the *Louisiana Register*, page 1115.

TITLE 55

Part VII. Alcoholic Beverage Control

Chapter 3. Liquor Credit Regulations

§317. Regulation Number IX. Prohibition of Certain Unfair Business Practices in Malt Beverage Industry

* * *

D. Exceptions

* * *

6. Trade Calls

a. Bar spending during trade calls, wherein the beer or wine purchased by a manufacturer or wholesaler for a consumer is consumed on retail licensed premises in the presence of the giver, shall be lawful so long as the state's laws regulating retail establishments such as the legal drinking age, etc., are observed and not more than \$150 is expended during the trade call. No such trade calls may occur on college campuses. Manufacturers and wholesalers may be accompanied by entertainers, sports figures and other personalities during trade calls. The trade calls may be pre-announced to consumers in the retail account through table tents, posters and other inside signs. No outside advertising of such events through signs or any media is allowed.

b. The gift of beer or wine as a purely social courtesy to unlicensed friends and associates of a manufacturer or wholesaler shall be lawful.

c. Beer or wine sampling for the purpose of determining consumer taste preferences may be conducted on premises holding a regular Class A or B permit, if the permittee grosses at least 75 percent of its average monthly revenue from the sale of alcoholic beverages.

i. No wholesaler or manufacturer shall furnish, give or lend any equipment, fixtures, signs, supplies, money, services or other thing of value, directly or indirectly, for such alcoholic beverage sampling.

ii. No sampling of product in a greater quantity than two ounces per bottle for each type of alcoholic beverage shall be offered or provided any one individual at any one sampling.

iii. All samplings shall be limited in duration to one day.

iv. No more than two samplings shall be conducted on the same licensed premises in each month.

v. Written notification shall be provided the Office of Alcoholic Beverage Control at least one week prior to the date of the sampling.

AUTHORITY NOTE: Promulgated in accordance with R.S. 26:287 and R.S. 26:150(A).

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of Alcoholic Beverage Control, LR 4:463 (November 1978), amended LR 5:11 (January 1979), amended by the Department of Public Safety and Corrections, Office of Alcoholic Beverage Control, LR 17:607 (June 1991), LR 20:

Raymond E. Holloway
Assistant Secretary

DECLARATION OF EMERGENCY

Department of Public Safety and Corrections Office of State Police

Breath-Alcohol Ignition Interlock Devices Installation and Inspection (LAC 55:I.615)

The Department of Public Safety and Corrections, Office of State Police, has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953(B), to adopt the following emergency rule effective November 20, 1993. This emergency regulation amends the Breath-Alcohol Ignition Interlock Device regulations, LAC 55:I.615, promulgated June 20, 1993, by increasing the permissible installation and inspection fee for an interlock device from a sum not to exceed \$30 each to a sum not to exceed \$75 each. This change is needed to protect the public's safety and welfare since the originally proposed fee is insufficient to ensure the availability of the interlock devices in Louisiana. In order for the Breath-Alcohol Ignition Interlock Device regulation to be fully implemented and available for use by the courts and public, there must be a sufficient number of manufactures of such devices who which to do business in this state. This emergency rule is to be effective for 120 days or until the final rule is promulgated, whichever occurs first.

Title 55

PUBLIC SAFETY

Part I. State Police

Chapter 6. Ignition Interlock Device

§615. Installation and Inspection

Pursuant to the requirements of R.S. 32:378.2(H) and R.S. 15:306(C), all approved ignition interlock devices installed shall be inspected and calibrated at least each 60 days, or at such other intervals required by the court. Each installation and inspection shall be at the cost of the probationary driver, which shall not exceed the sum of \$75 each. The manufacturer, or his designated representative installer, shall furnish to the sentencing court a copy of each inspection or calibration performed on each approved ignition interlock device within 14 days of the monitoring.

AUTHORITY NOTE: Promulgated in accordance with 57 CFR, No. 67, 49 CFR 48854, R.S. 32:378.2, R.S. 15:306, and R.S. 15:307.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, Office of State Police, LR 19:783 (June 1993), amended LR 20:

Col. Paul W. Fontenot
Deputy Secretary

DECLARATION OF EMERGENCY

**Department of Public Safety and Corrections
Office of State Police
Riverboat Gaming Division**

**Riverboat Gaming Operating Standards
(LAC 42:XIII.Chapters 23-45)**

In accordance with R.S. 49:953(B), the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Division, is exercising the provisions of the Administrative Procedure Act to adopt an emergency rule pertaining to the operating standards of riverboat gaming. This emergency rule becomes effective October 24, 1993 and shall remain in effect for 120 days.

The state of Louisiana is experiencing a serious projected budgetary deficit and is in need of generating new revenue and enlarging its economic development base. The Louisiana Riverboat Economic Development and Gaming Control Act was passed in an effort to realize a new source of revenue without raising taxes on the general citizenry of Louisiana.

Currently, millions of dollars are leaving the state of Louisiana and are being spent on the Mississippi gulf coast in that state's riverboat gaming casinos. Additional riverboat casinos are beginning operations along the Mississippi gulf coast at the rate of one per month. A total of approximately 15 riverboat casinos are currently planned for the Mississippi gulf coast approximately 60 miles from New Orleans. As a result, the state of Mississippi is experiencing tremendous economic growth and is collecting gaming revenues and fees that should be staying in Louisiana. In addition, thousands of out-of-state tourists are opting to make areas outside of Louisiana their travel destination because of the availability of legalized gaming in those jurisdictions.

The division further determines that unless immediate rule action is taken by the division, those companies which are presently willing to invest millions of dollars in Louisiana and provide thousands of jobs to Louisiana residents will decide to invest their resources in other jurisdictions which presently offer riverboat gaming or will have authorized riverboat gaming in the near future.

The division also finds that many state programs which would be or could be providing critical medical, health, social, and educational services to the citizens of Louisiana could be funded by revenues received by the state from implementation of riverboat gaming operations. Until riverboats are licensed and gaming activity has commenced, no revenue from this source can be realized.

Any unnecessary delay in the promulgation of Riverboat Gaming Division enforcement rules will seriously delay the commencement of riverboat gaming operations, thereby postponing the collection of revenue for the state.

As a result of the above findings, the Riverboat Gaming Division hereby adopts an emergency rule, copies of which may be obtained from the Riverboat Gaming Division of the Office of State Police, Box 66614, Baton Rouge, LA 70896-

6614 or through the Office of the State Register, 1051 North Third Street, Baton Rouge, LA 70802.

Paul W. Fontenot
Deputy Secretary

DECLARATION OF EMERGENCY

**Department of Revenue and Taxation
Tax Commission**

Ad Valorem Tax (LAC 61:V.Chapters 1-35)

The Tax Commission, at its meeting of November 9, 1993, exercised the emergency provisions of the Administrative Procedure Act, R.S. 49:953(B), and pursuant to its authority under R.S. 47:1837, amended the Real/Personal Property rules and regulations (LAC 61:V.Chapters 1 - 35)).

This emergency rule is necessary in order for ad valorem tax assessment tables to be disseminated to property owners and local tax assessors no later than the statutory valuation date of record of January 1, 1994. Cost indices required to finalize these assessment tables are not available to this office until late October, 1993. The effective date of this emergency rule is January 1, 1994 for 90 days or until the final rule takes effect through the promulgation process, whichever occurs first.

The entire text of this emergency rule may be viewed in its entirety at the Office of the State Register, 1051 North Third Street, Baton Rouge, LA 70802, phone (504) 342-5015.

Malcolm B. Price, Jr.
Chairman

DECLARATION OF EMERGENCY

**Department of Social Services
Office of Rehabilitation Services**

**Rehabilitation Services Policy Manual
(LAC 67:VII.101)**

In accordance with R.S. 49:953(B) of the Administrative Procedure Act, the Department of Social Services, Office of Rehabilitation Services is adopting revisions to its policy manual through the emergency rule provisions.

The purpose of this declaration of emergency, effective November 1, 1993, for 120 days, is to provide federally mandated revisions to the rules governing the policy used by the Office of Rehabilitation Services in implementing its various programs in a timely manner so as to avoid the loss of federal funding.

This emergency rule supersedes all rules previously promulgated related to the Rehabilitation Services' policy manual.

Copies of the entire text of the proposed policy manual can be obtained at the Office of Rehabilitation Services headquarters, 8225 Florida Boulevard, Baton Rouge, LA, at each of its nine regional offices, and at the Office of the State Register, 1051 North Third Street, Baton Rouge, LA.

Gloria Bryant-Banks
Secretary

DECLARATION OF EMERGENCY

Department of Transportation and Development Office of General Counsel

Seasonal Agriculture Product Outdoor Advertising Devices (LAC 70:I.Chapter 1)

The Department of Transportation and Development, Office of the General Counsel, has exercised the emergency provisions of the Administrative Procedure Act, R.S. 49:953(B), to adopt the following emergency rule effective November 20, 1993 for 120 days, to provide for procedures for seasonal agriculture product outdoor advertising devices.

Emergency rulemaking is necessary to comply with the provisions of Act 467 of 1993.

Title 70

TRANSPORTATION

Part I. Office of the General Counsel

Chapter 1. Outdoor Advertisement

Subchapter E. Seasonal Agriculture Product Outdoor Advertising Devices

§151. Definitions

Federal Aid Primary System—that portion of connected main highways, as officially designated, or as may hereafter be so designated, by the Department of Transportation and Development, and approved pursuant to the provisions of Title 23, United States Code.

In Season—that period of time that an agricultural product produced in this state is commonly harvested and sold here.

Right-of-Way—that area dedicated for use as a highway.

Seasonal Agricultural Signs—outdoor signs of a temporary nature, erected for the purpose of notifying the public of the sale of agricultural products which are in season at the time the sign is displayed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:461.2(A)(7).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of General Counsel, LR 20: §153. General Requirements

A. This Subchapter pertains only to signs placed within 660 feet of the nearest edge of the right-of-way of federal aid primary system highways. To qualify under the provisions of this Subchapter, signs shall meet the following requirements:

1. signs shall not be larger than 32 square feet in surface area;
2. signs shall advertise only the sale of seasonal agricultural products by the person who erects them;

3. persons erecting signs under this Subchapter shall be responsible for maintaining and removing them;

4. seasonal agricultural products advertised on the signs shall be offered for sale at the location where they are grown;

5. signs shall be erected only during the period of time that the products advertised are in season and shall be removed by the owner of the sign within seven days of the end of that time;

6. signs shall be placed on private property only with the permission of the landowner and shall not be placed in the highway right-of-way;

7. signs shall not be placed closer than 500 feet to an intersection; and

8. no more than one sign in each direction shall be placed within 500 feet of the interchange leading from the highway to the place where the products advertised are to be sold.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:461.2(A)(7).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of General Counsel, LR 20: §155. Removal of Unlawful Advertising

If the owner of any sign erected in violation of this Subchapter fails to comply with the provisions listed herein within 30 days of receipt of notice issued by Louisiana Department of Transportation and Development, as provided in R.S. 48:461.7, that sign shall be removed at the expense of the owner.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:461.2(A)(7) and R.S. 48:461.7.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of General Counsel, LR 20:

Jude W. P. Patin
Secretary

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Calcasieu Oyster Season

In accordance with the emergency provisions of the Administrative Procedure Act, R.S. 49:953(B) and 967, and under the authority of R.S. 56:6(25)(a) and R.S. 56:435.1, notice is hereby given that the Wildlife and Fisheries Commission finds that imminent peril to the public welfare exists and hereby adopts the following emergency rule:

There will be an increase in the oyster fishing take and possession regulation from 10 daily sacks to 15 sacks allowed daily for Calcasieu Lake for the remainder of the 1993-94 oyster season.

Bert H. Jones
Chairman

RULES

RULE

Department of Agriculture and Forestry Office of Forestry

Forest Management Fees (LAC 7:XXXIX.20701)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Department of Agriculture and Forestry, Office of Forestry, has amended the following management services fee schedule.

Title 7

AGRICULTURE AND ANIMALS

Part XXXIX. Forestry

Chapter 207. Forest Landowner Assistance

§20701. Management Service Fees

The Department of Agriculture and Forestry, Office of Forestry, shall, under the direction of the state forester, provide private landowners with assistance in the management of their forestlands.

A. Direct Services

- | | |
|---|---------------|
| 1. Prescribed Burning
(brush control & fuel reduction) | \$ 7 per acre |
| 2. Prescribed Burning
(site preparation, cutovers) | \$10 per acre |
| 3. Fireline Plowing Only | \$50 per hour |
| 4. Timber Marking | \$15 per acre |
| 5. Approved Tractor Work | \$50 per hour |

B. Indirect Services*

- | | |
|-------------------|---------------|
| 1. Tree Planting | \$38 per acre |
| 2. Direct Seeding | \$ 5 per acre |
| 3. TSI (Light) | \$22 per acre |
| 4. TSI (Heavy) | \$25 per day |

*Labor and material only; seedlings, seed and herbicide not included.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1476 [renumbered R.S. 3:4276] and R.S. 3:4274.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Forestry, Forestry Commission, LR 8:419 (August 1982), amended by the Department of Agriculture and Forestry, Office of Forestry, Forestry Commission LR 11:1178 (December, 1985), LR 19: (November 1993).

Bob Odom
Commissioner

RULE

Department of Economic Development Office of Financial Institutions

Application for New Financial Institution Charters (LAC 10:I.Chapter 7)

Under the authority of the Administrative Procedure Act, R.S. 49:950 et seq., and in accordance with R.S. 6:121B.(1), the commissioner hereby adopts the following rule to provide for the making of an application for a certificate of authority to establish a new state-chartered financial institution; a branch office of an existing state-chartered financial institution; or to relocate the main office or a branch office of an existing state-chartered financial institution. Unless indicated to the contrary the provisions of this rule apply to all applications for a certificate of authority.

Title 10

FINANCIAL INSTITUTIONS, CONSUMER CREDIT, INVESTMENT SECURITIES AND UCC

Part I. Banks

Chapter 7. Applications

Subchapter A. Certificate of Authority for New Financial Institutions; Branches; or Relocation of Main Office or Branch Office

§701. Definitions

Applicant—one or more natural persons or a state-chartered financial institution seeking a certificate of authority from the commissioner to transact business as a financial institution, or a branch thereof, as defined below.

Application—shall consist of forms provided by the commissioner, submitted in a form acceptable to the commissioner, along with all supporting documents, requesting that a certificate of authority be granted.

Branch—any additional location for receiving deposits, or paying checks, or lending money apart from the chartered premises. Includes off-site electronic financial terminals which are owned or leased by the financial institution.

Branch Office—any additional office for receiving deposits, or paying checks, or lending money apart from the chartered premises. (Does not include off-site electronic financial terminals or loan production offices.)

Commissioner—the commissioner of Financial Institutions.

Electronic Financial Terminal (EFT)—an electronic information processing device, other than a telephone, which is established to do either or both of the following:

1. capture the data necessary to initiate financial transactions; or
2. through its attendant support system, store or initiate the transmission of the information necessary to consummate a financial transaction.

The term includes, without limitation, point of sale terminals, merchant-operated terminals, script or cash-dispensing machines, and automated teller machines.

Financial Institution—any bank, savings bank, homestead association, building and loan association, or savings and loan association chartered by the commissioner.

Investigation—the commissioner or any examiner or examiners designated by the commissioner shall make such investigations as deemed necessary to assist in the determination of matters pending before the commissioner. The investigation shall include an examination of each of the six factors detailed in §703.(C) of this rule.

Loan Production Office—a location, other than the financial institution's main office, branch office or subsidiary corporation, with the authority to lend money, where the employees of a financial institution or its subsidiary conduct the solicitation and origination of applications for loans, provided that the loans are approved and made at the main office, branch office or subsidiary corporation.

"Phantom" Financial Institution—a corporation organized as a state, non-deposit taking financial institution, for the purpose of facilitating the organization of a holding company.

Relocation of a Branch Office—a movement within the same neighborhood that does not substantially affect the nature of business or customers served.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:121B.(1)

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Financial Institutions LR 19: (November 1993).

§703. Application for Certificate of Authority

A. Scope. This rule applies to applications for a certificate of authority under R.S. 6:101 et seq.

B. Application Filing and Notice. Applications shall be in such form and contain such information as the commissioner may from time to time prescribe. Application forms may be obtained from the office of the commissioner. The application shall contain a public section and a confidential section. The public section shall include comments and information submitted by interested persons in favor of or in opposition to such application.

The original and one copy of the application must be submitted in completed form to the commissioner. Applicants seeking a certificate of authority to operate as a savings bank must also submit a business plan as required by R.S. 6:1125. Any application not substantially complete will not be accepted for filing and will be returned to the applicant resulting in processing delay.

Within 30 days prior to receipt of application by the commissioner, applicant must publish a one-time notice in a newspaper of general circulation in the community in which the institution/branch is to be located. The published notice will contain such information as deemed necessary by the commissioner. A sample notice will be provided together with the application forms.

Proof of publication must be submitted to the commissioner before processing of the application can be completed. In the case of an acquisition of a failed or failing financial institution, requirement for publishing a notice will be waived.

Upon acceptance of the application for filing, notice in writing will be given to financial institutions in the community in which the institution/branch office is to be located. This notice will allow for a reasonable comment period, normally 14 calendar days.

Upon acceptance of the application for filing, the commissioner or any examiner or examiners designated by the commissioner will conduct an investigation. Information not included in the application, which is necessary to determine the six factors described below, will be requested from the applicant. Processing of an application will not be completed until the satisfactory conclusion of the investigation.

C. Factors to be Considered. Six factors within the application are to be considered:

1. Financial History and Condition
2. Distribution and Adequacy of Capital
3. Future Earnings Prospects
4. Management
5. Convenience and Needs of the Community
6. Corporate Powers

D. Acquisition of a Failed or Failing Financial Institution. The commissioner may waive any provision of this rule which is not required by statute.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:121B.(1)

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Financial Institutions, LR 19: (November 1993).

§705. Application to Relocate a Main Office or Branch Office

A financial institution desiring to relocate its main office or an existing branch office must make application to the commissioner. Five of the above factors to be considered for a new branch office will also be considered for a relocation. Convenience and needs of the community will not be considered for a branch office relocation since a relocation does not substantially affect the nature of business or customers served. An application to relocate a main office must address the convenience and needs of the community unless the relocation does not substantially affect the nature of business or customers served.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:121B.(1)

HISTORICAL NOTE: Promulgated by Department of Economic Development, Office of Financial Institutions LR 19: (November 1993).

§707. Application for Electronic Financial Terminal (EFT)

A. General. A financial institution desiring to operate an EFT at a location separate from its main office or an existing branch office must make application to the commissioner for a certificate of authority. Applications shall be in such form and contain such information as the commissioner may from time to time prescribe.

B. Authorized Functions

1. Stationary EFT—Financial transactions which may be performed by a stationary EFT shall be limited to those allowed by law or regulation at a branch office.

2. Mobile EFT—Financial transactions which may be performed by a mobile EFT shall be limited to those allowed by federal law or regulation.

C. Cease Operations. Financial institutions shall give 30 days prior written notice to the commissioner and post a notice to the customers at the EFT location, 14 days prior to ceasing operations of an EFT at a location separate from the main office or an existing branch office. The commissioner may

waive this requirement upon written request demonstrating just cause.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:121B.(1).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Financial Institutions, LR 19: (November 1993).

The above and foregoing rule is intended to repeal, in their entirety, the rules published in the following editions of the *Louisiana Register*:

1. LR 6:8 (August 20, 1980)
Savings and loans - instructions for new charter
Savings and loans - instructions for branch application
Banks - instructions for new charter and branch application
2. LR 7:8 (August 20, 1981)
Banks - amending instructions for new charter.
Originally published August 20, 1980)
3. LR 9:2 (February 20, 1983)
Banks - sharing of electronic funds transfer remote facilities
Banks - amending financial statements for a new state-chartered bank (originally published August 20, 1980)

Larry L. Murray
Commissioner

RULE

Board of Elementary and Secondary Education

Bulletin 741—Handbook for School Administrators Minimum Standards for Vocational Education

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education amended Bulletin 741 - Nonpublic, Standard 6.099.01 to delete the requirement for computer literacy for all students.

The present policy requires that a student must earn 1/2 unit of credit in Computer Literacy in order to meet graduation requirements. This rule change eliminates Computer Literacy as a graduation requirement, but still allows it to remain as an elective.

Carole Wallin
Executive Director

RULE

Board of Elementary and Secondary Education

Bulletin 746—Standards for Certification of School Personnel

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education, amended the certification requirements for elementary and secondary school principals as stated below. This is an amendment to Bulletin 746, Louisiana Standards for State Certification of School Personnel and is a deletion of the five-year renewal provision.

Elementary School Principal (page 63)

* * *

F. Persons who have met the requirements of Items A through E-2 above are eligible for a provisional elementary school principal endorsement. Upon employment as a principal or assistant principal, an individual with a provisional principal endorsement must enroll in the two-year Principal Internship Program under the auspices of the Administrative Leadership Academy.

G. An elementary school principal endorsement will be added to the standard Type A certificate upon satisfactory completion of the two-year Principal Internship Program.

Secondary School Principal (page 65)

* * *

F. Persons who have met the requirements of Items A through E-2 above are eligible for a provisional secondary school principal endorsement. Upon employment as a principal or assistant principal, an individual with a provisional principal endorsement must enroll in the two-year Principal Internship Program under the auspices of the Administrative Leadership Academy.

G. A secondary school principal endorsement will be added to the standard Type A certificate upon satisfactory completion of the two-year Principal Internship Program.

Carole Wallin
Executive Director

RULE

Board of Elementary and Secondary Education

Bulletin 1508—Pupil Appraisal Handbook

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education adopted revised Bulletin 1508, Pupil Appraisal Handbook.

Bulletin 1508 is a guide for the conduct of pupil appraisal services. It includes procedures, standards, and criteria for identifying children eligible for special education and/or related services.

Bulletin 1508 may be viewed in its entirety at the Office of the State Register, 1051 North Third Street, Room 512, Baton Rouge, LA 70802.

Carole Wallin
Executive Director

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 19: (November 1993).

Carole Wallin
Executive Director

RULE

Board of Elementary and Secondary Education

**Bulletin 1566—Guidelines for Pupil Progression
(LAC 28:I.907)**

In accordance with R.S. 49:950 seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education adopted revised Bulletin 1566, Guidelines for Pupil Progression (1993).

Bulletin 1566 is referenced in the Louisiana Administrative Code, Title 28 as stated below:

**Title 28
EDUCATION**

**Part I. Board of Elementary and Secondary Education
Chapter 9. Bulletins, Regulations, and State Plans
§907. Pupil Progression and Remedial Education**

A. Bulletin 1566

1. Bulletin 1566 (1993), Guidelines for Pupil Progression, which includes regulations for the implementation of state-funded education remedial programs, is adopted, as revised.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 19: (November 1993).

Carole Wallin
Executive Director

RULE

Board of Elementary and Secondary Education

**Bulletin 1822—Competency Based Postsecondary
Curriculum Guides**

In accordance with the R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education adopted the title and length of a new curriculum offered by the technical institutes and printed in Bulletin 1822, Competency Based Postsecondary Curriculum Guides:

New Curriculum

**Title - Practical Nursing Articulation Instructor Guide
Length - 1666 hours, 15 months, 5 quarters**

AUTHORITY NOTE: Promulgated in accordance with R.S. 1993.

RULE

Board of Elementary and Secondary Education

Bulletin 1903—Dyslexia Law (LAC 28:I.901)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education, approved for advertisement, revised Bulletin 1903, Regulations for the Implementation of R. S. 17:7(11), the Louisiana Dyslexia Law, (exclusive of page 4 of Bulletin 1903, which is being published as an emergency rule in this issue of the *Louisiana Register*).

This bulletin is referenced in the Administrative Code, Title 28 as noted below.

**Title 28
EDUCATION**

**Part I. Board of Elementary and Secondary Education
Chapter 9. Bulletins, Regulations, and State Plans
§901. School Approval Standards and Regulations**

* * *

J. Dyslexia Regulations

1. Revised Bulletin 1903, Regulations for the Implementation of R. S. 17:7(11), the Louisiana Dyslexia Law is adopted (exclusive of page 4 of Bulletin 1903). It includes regulations for implementing the five-step process for evaluation and determination of program eligibility.

* * *

AUTHORITY NOTE: Promulgated in accordance with R. S. 17:7(11).

HISTORICAL NOTE: Amended by the Board of Elementary and Secondary Education, LR 19: (November 1993).

Carole Wallin
Executive Director

RULE

Board of Elementary and Secondary Education

Migrant Education State Plan, FY-94 (LAC 28:I.933)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education adopted the ESEA, Chapter 1 FY-94 Migrant Education State Plan.

This Plan is referenced in the Administrative Code as noted below:

**Title 28
EDUCATION**

**Part I. Board of Elementary and
Secondary Education**

Chapter 9. Bulletins, Regulations, and State Plans

§933. Migrant Education State Plan

A. The Migrant Education State Plan, FY-94 is adopted.

* * *

AUTHORITY NOTE: P. L. 100-297, R. S. 17:3(3)

HISTORICAL NOTE: Amended by the Board of Elementary and
Secondary Education, LR 19: (November 1993).

Carole Wallin
Executive Director

RULE

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

Emissions Control (LAC 33:III.919) (AQ74)

Under the authority of the Louisiana Environmental Quality Act, particularly R.S. 30:2060 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary has amended the Air Quality Division Regulations, LAC 33:III.919, (AQ74).

The rule requires the submittal of emission inventories and the certification of the submittal. The rule defines applicability, minimal data requirements and the requirements for the certification statement. The technical amendments are to clarify the requirements of the rule.

Title 33

ENVIRONMENTAL QUALITY

Part III. Air

**Chapter 9. General Regulations on Control of Emissions
and Emission Standards**

§919. Emission Inventory

* * *

A. Applicability. The owner or operator of the following facilities in the State of Louisiana shall submit emissions inventories to the Louisiana Department of Environmental Quality.

1. Any facility in an attainment area or unclassified area that emits or has the potential to emit 100 tons per year (TPY) or more of any contaminant [including volatile organic compounds (VOC)] for which a National Ambient Air Quality Standard (NAAQS) has been issued or any facility in a marginal, moderate, or serious ozone nonattainment areas that emits or has the potential to emit 10 tons per year (TPY) volatile organic compounds (VOC), 25 TPY nitrogen oxides (NO_x), or 100 TPY carbon monoxide (CO), or any facility that emits or has the potential to emit 50 TPY or more of VOC in an area designated as an ozone adjoining area to a listed marginal, moderate, or serious ozone nonattainment area. (Potential to emit refers to the "allowables" or permitted

emission limits in a facility's permit.) The designated ozone nonattainment and adjoining parishes are listed in Table 1. If any pollutant meets the criteria above, then all other air pollutants for which a NAAQS has been issued must be included in the report regardless of level of emissions.

* * *

B. Types of Inventories

1. Annual Emissions Statement (AES). Stationary sources as identified in Subsection A of this Section, shall submit an Annual Emissions Statement (AES) for all criteria pollutants including VOC and hazardous air pollutants. The AES shall consist of an inventory of actual emissions and the allowable (permitted) emission limits of VOC, NO_x, CO, sulfur dioxide (SO₂), lead (Pb), and particulate matter of less than 10 microns in diameter (PM₁₀) from stationary sources and emissions of all hazardous air pollutants identified in Section 112(b) of the FCAA, and the certifying statement. Methane, ethane, and CFCs are not included in VOCs and are not reportable. The emission inventory may be an initial emission inventory (IEI) for facilities submitting their first emission inventory or an annual emission inventory update (AEIU) for facilities which have previously submitted an emission inventory. For purposes of this Section, the term "actual emission" is the actual rate of emissions (annually and hourly) of a pollutant from an emission point for the calendar year or other period of time if requested by the department. Actual emission estimates shall also include fugitive emissions (e.g., wastewater treatment; treatment, storage and disposal facilities; etc.) excess emissions occurring during maintenance, start-ups, shutdowns, upsets, and downtime to parallel the documentation of these events in the emission inventory and must follow emission calculations as identified in Subsection C of this Section. Excess emission is defined as an emission quantity greater than normal operations. Where there is an enforceable document, such as a permit, establishing allowable levels, the AES shall include the allowable emission level as identified in the permit Maximum Allowable Emission Rate Table and the allowable tons per year.

2. Statewide Annual Emission Inventory Update. Facilities as identified in Subsection A of this Section shall submit an Annual Emission Inventory Update (AEIU) which consists of actual and allowable emissions from the facility identified in Subsection A.1 of this Section, if any of the following criteria are met:

* * *

b. any change in the values currently in the emission reporting system for operating conditions including start-ups, shutdowns, or process changes at the source that results in a 5.0 percent or greater increase or reduction in total annual emissions of individual pollutant: VOC, NO_x, CO, SO₂, Pb, or PM₁₀. VOCs that are also hazardous air pollutants are to be viewed as total VOC for the purpose of determining significant change.

* * *

3. Ozone Nonattainment Area Statement. Stationary sources in marginal, moderate, and serious ozone nonattainment areas that emit or have the potential to emit 10 TPY of VOC, 25 TPY of NO_x, or 100 TPY of CO shall

RULE

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

**Fee System for Air Quality Control Program
(LAC 33:III.211 and 223) (AQ76)
(Originally Proposed as §6511 and §6523)**

submit an annual statement. The statement shall consist of actual, annual emissions and typical weekday emissions that occur during the three-month period of greatest or most frequent ozone exceedances. "Typical weekday" emissions are defined as an "average" daily emission rate that is calculated for each month of the three-month period of greatest or most frequent ozone exceedances. The department will indicate in the annual instructions for completing and submitting emissions inventory, which three-month period has the greatest or most frequent ozone exceedances in each ozone nonattainment area as well as which month's typical weekday emissions rate facilities shall submit with their annual emissions statement.

4. Special Inventories. Upon request by the administrative authority, any facility subject to any rule of the Air Quality Division shall file additional emissions data with the department. The request shall specify a reasonable time for response, which shall not be less than 60 days from receipt of the request.

5. Minimum Data Requirements. The minimum data requirements are listed below. Operating and process rate information are for the purposes of information gathering only, and do not constitute permit limits. Subsection A.1 of this Section states that submittal of a report of increased emissions above allowable limits under this regulation does not replace the need for compliance with LAC 33:III.505.A which requires a permit request to initiate or increase emissions. Format and submittal requirements will be published annually by the department. Any new or modified data requirements will be included in the annual requests for updates. Any substantive changes will be established in accordance with the Administrative Procedure Act. The minimum data requirements apply to initial submittals only. Data requirements for updates require that only those data elements which have changed be submitted:

* * *

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), repealed and repromulgated by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 19:184 (February 1993), amended LR 19: (November 1993).

James B. Thompson, III
Assistant Secretary

Editor's Note: Chapter 65 was officially renumbered as Chapter 2; see October, 1993 *Louisiana Register*, page 1373.

Under the authority of the Louisiana Environmental Quality Act, particularly R.S. 30:2014 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary has amended the Air Quality Division regulations, LAC 33:III.211 and 223, (AQ76).

The rule will generate approximately \$1,000,000 in order to allow the Air Program to provide additional funds for 14 positions and necessary support facilities and equipment. These additional positions will provide the necessary resources to comply with the Federal Clean Air Act Amendments of 1990 which require the development of the operating permit program.

**Title 33
ENVIRONMENTAL QUALITY**

Part III. Air

**Chapter 2. Rules and Regulations for the Fee System of
the Air Quality Control Programs
(Originally Proposed as Chapter 65)**

§211. Methodology

* * *

B. Fee Methodology

* * *

7. Annually, the Air Quality Division (AQD) shall reevaluate the permit fee schedule based upon the previous fiscal year's reasonable costs involved in the operation of the permit system and submit such revised schedule to the secretary for approval.

8. A permit fee exempt list shall be presented to the administrative authority annually for approval. The permit fee exempt list shall be in the offices of the Air Quality Division and shall be available for public inspection. Any person may request permit fee exemption for a source class by application to the administrative authority. Sources listed in the permit fee exempt list shall be exempt from the permit fee (Fee Schedule) and from having to obtain a permit. The administrative authority may grant initial approval and denial of the class exemption pending consideration by the administrative authority. No Part 70 source shall be exempt under this Chapter except any affected unit under 40 CFR 70.9(b)(4).

* * *

16. For permits issued under LAC 33:III.507 the following applies:

a. no application fee shall be charged for the initial permit provided no modifications are being made at the facility; and

b. no application fee shall be charged for renewals of permits issued provided no modifications are being made at the facility.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended LR 14:611 (September 1988), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:1205 (December 1991), LR 18:706 (July 1992), LR 19: (November 1993).

§223. Fee Schedule Listing

* * *

ADDITIONAL PERMIT FEES AND ADVF FEES		
Fee Number	Fee Description	Amount
	* * *	
2300 *NOTE 14*	Criteria Pollutant Annual Fee Per Ton Emitted on an Annual Basis: Nitrogen oxides (NO _x) Sulfur dioxide (SO ₂) Non-toxic organic (VOC) Particulate (PM ₁₀)	9.00/ton
	* * *	

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended LR 14:613 (September 1988), LR 15:735 (September 1989), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:1205 (December, 1991), repromulgated LR 18:31 (January 1992), amended LR 18:706 (July 1992), LR 18:1256 (November 1992), LR 19: (November 1993).

Gus Von Bodungen
Assistant Secretary

RULE

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

Permitting Procedures (LAC 33:III.Chapter 5) (AQ70)

Under the authority of the Louisiana Environmental Quality Act, particularly R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary has amended the Air Quality Division regulations, LAC 33:III.Chapter 5.

The amendment to LAC 33:III.Chapter 5 updates the state's permitting procedures to meet the requirements mandated by Title V of the Clean Air Act Amendments of 1990. Title V provides for a national air quality permitting system. Under Title V, the governor of each state must submit to the United

States Environmental Protection Agency (EPA), no later than November 15, 1993, a state permitting program. EPA has promulgated federal regulations, 40 CFR Part 70, establishing the criteria which each state program must meet. The state submittal must include finalized state permitting regulations. Under the new system, all emissions of regulated air pollutants and all federal standards and requirements which apply to a source must be documented in an operating permit. The permit helps to ensure compliance with all standards, and provides information regarding the types and quantities of pollutants being released and what steps the owner or operator is taking to minimize emissions. The operating permit also sets forth requirements for the monitoring and reporting of emissions and for annual certification by the owner or operator that all terms and conditions of the permit are being met. The requirements of the federal program apply to all major stationary sources in the state, and may also apply to specified minor sources designated by EPA.

DEQ has amended the state air quality permitting program which will incorporate the required permit review and issuance procedures for Part 70 operating permits into the existing state preconstruction permit review and issuance procedures. Part 70 sources would submit a permit application prior to construction, just as they are currently required to do under the existing state program. The permit application has been enhanced to ensure that it addresses all information required by Part 70. DEQ will review the application and will generally issue the permit prior to construction or modification, as is currently the case. The review and issuance procedures have been redefined, by this regulation revision, to ensure that all public notice, affected state, and EPA review requirements are met and that all timeframes for issuance required by Part 70 are achieved. Thus the preconstruction permit issued by DEQ will also serve as the Part 70 operating permit.

Integration of the federal Part 70 operating permit program requirements with the existing state permitting program requirements has required this rewrite of LAC 33:III.Chapter 5. The rule provides for a state permitting program which incorporates the Title V permitting requirements as well as permitting requirements for federal preconstruction programs and requirements that apply at the state level. The rule is available along with other background information, including a table which correlates specific Chapter 5 provisions with the previous Chapter 5 provisions and with required federal Part 70 provisions.

In accordance with the requirements of Title V of the Federal Clear Air Act amendments of 1990 and of 40 CFR Part 70, the Louisiana Department of Environmental Quality, Air Quality Division, has submitted to the United States Environmental Protection Agency (USEPA) an operating permits program. The USEPA must review and approve or disapprove the Louisiana program by November 15, 1994. The program submittal includes a narrative description of the program, newly revised and adopted air quality permitting procedure regulations, the fee schedule which will fund the program, a workload/resource analysis and description of air quality division operations by section, and an opinion by the

state's attorney general describing the legislative authorities on which the program is based.

The full text of this rule is available for inspection at the Office of the State Register, 1051 North Third Street, Baton Rouge, LA 70804-9095. Please refer to AQ70 when inquiring about this rule. Copies of the program are available for review at the following DEQ locations from 8 a.m. until 4:30 p.m.: 7290 Bluebonnet Boulevard, Second Floor, Baton Rouge, LA 70810; 804 31st Street, Monroe, LA 71203; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 3519 Patrick Street, Lake Charles, LA 70605; 3945 North I-10 Service Road West, Metairie, LA 70002; 100 Asma Boulevard, Suite 151, Lafayette, LA 70508.

Gus Von Bodungen
Assistant Secretary

RULE

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

Radiation Protection Regulations
(LAC 33:XV.Chapters 1, 2, 6, 9, and 10) (NE03)

Under the authority of the Louisiana Environmental Quality Act, particularly R.S. 30:2101 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary has amended the Radiation Protection Division regulations, LAC 33:XV.Chapters 1, 2, 6, 9, 10 (NE03).

This rule amends the Radiation Protection Division's regulations concerning medical and dental x-ray units, (Chapter 6). This rule also modifies standards for protection against radiation, and involves a different methodology for calculating doses to the public and radiation workers (Chapters 1, 2, 6 and 10). With this rule change, the state regulations are updated to be in compliance with federal regulations published on May 21, 1991, Vol. 56/No. 98, page 23391.

The full text of this rule can be obtained from the Office of the State Register, 1051 North Third Street, Baton Rouge, LA 70802. Please refer to NE03 when inquiring about this rule.

James B. Thompson, III
Assistant Secretary

RULE

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

Standards for Protection Against Radiation
(LAC 33:XV.Chapter 4) (NE07)

Under the authority of the Louisiana Environmental Quality Act, particularly R.S. 30:2101 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary has amended the Radiation Protection Division regulations, LAC 33:XV.Chapter 4, (NE07).

This rule amends standards for protection against radiation, and involves a different methodology for calculating doses to the public and radiation workers. With this rule change, the state regulations are updated to be in compliance with federal regulations published on May 21, 1991, Vol. 56/No. 98, page 23391.

The full text of this rule is available for inspection at the Office of the State Register, 1051 North Third Street, Room 512, Baton Rouge, LA 70802. Please refer to NE07 when inquiring about this rule.

James B. Thompson, III
Assistant Secretary

RULE

Department of Environmental Quality Office of Solid and Hazardous Waste Solid Waste Division

Scope and Mandatory Provisions of the Program
(LAC 33:VII.315) (SW07)

(Editor's Note: Portions of the following rule which appeared on page 1315 of the October 20, 1993, *Louisiana Register* is being reprinted in order to correct typographical errors.)

Title 33

ENVIRONMENTAL QUALITY Part VII. Solid Waste

Subpart 1. Solid Waste Regulations

Chapter 3. Scope and Mandatory Provisions of the Program

§315. Mandatory Provisions

All persons conducting activities regulated under these regulations shall comply with the following provisions:

* * *

[See Prior Text in A - G.2.c.ii]

iii. Units of Type II landfills which are less than one mile from a drinking water intake must be upgraded to comply with LAC 33:VII.709.E (regarding groundwater monitoring) no later than October 9, 1994.

iv. - vii. ...

viii. For the purposes of Subsection G.2.c.vi and vii, a qualified Type II landfill is one which:

(a). received no more than 100 tons per day of solid waste between October 9, 1991 and October 9, 1992, based on a calendar daily average; and

(b). will receive no more than 100 tons per day of solid waste based on a daily average computed each month between October 9, 1993 and April 9, 1994.

* * *

[See Prior Text in G.3 - R.2]

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:197 (February 1993), amended LR 19:1315 (October 1993), repromulgated LR 19: (November 1993).

James B. Thompson, III
Assistant Secretary

RULE

Office of the Governor Office of Elderly Affairs

Frail Elderly Program (LAC 4:VII.1243)

The Office of the Governor, Office of Elderly Affairs, has adopted the following rule, effective November 20, 1993.

Title 4

ADMINISTRATION

Part VII. Governor's Office of Elderly Affairs

Chapter 11. Elderly Affairs

§1243. Frail Elderly Program

A. Intent

1. The Frail Elderly Program (hereafter referred to as "the program") is designed to provide home and community services to persons 60 years of age or older who have some degree of functional impairment. Such impairment shall be determined by the comprehensive assessment conducted in accordance with Subsection D of this Section.

2. In areas served by a voluntary council on aging which agrees to participate, the program shall be administered by the council, subject to the rules and regulations promulgated by the Office of Elderly Affairs (hereafter referred to as "the office").

3. Participating councils on aging shall aggressively market these services to the community and expand their service capabilities to meet the need of frail older people.

B. Objectives. The program has three objectives:

1. to provide services to eligible participants who are in need and are willing to pay for such services;

2. to ensure that eligible participants who are able to pay for all or a portion of the cost of a service are allowed to do so; and

3. in the process of implementing the above two objectives, to utilize additional resources to expand services and reduce the number of people on waiting lists.

C. Eligibility. Eligibility for the program shall be determined on the basis of the assessment conducted using the intake/assessment instrument developed by the office. No person shall receive services under this program without such services being authorized on the basis of the comprehensive assessment results.

D. Funding

1. Funding for the program shall be provided by that portion of appropriations from the state general fund to the parish voluntary councils on aging not needed to match the federal Older Americans Act or other matching fund programs.

2. The office shall establish fees for each service provided under the program. Persons eligible for the program shall be assessed an appropriate fee on a sliding scale based upon the person's ability to pay. Clients not required to pay shall be informed of service costs, and shall be allowed to voluntarily contribute to the cost.

3. In this program, it shall be considered that state funds are expended first. While participating councils on aging will be allowed to keep a "reserve" fund, the amount of such fund shall be limited. Maintaining a large cash surplus would be inconsistent with the intent. Therefore, a high percentage of collected fees shall be utilized to provide additional services. Funds remaining unexpended at year end will be considered as fee revenue.

4. All fee revenue generated by the program shall be utilized only for the purpose of increasing the provision of any of the services allowed under this program to eligible persons.

E. Service Definitions. Uniform definitions of services in the Frail Elderly Program shall be developed by the office and employed by all participating councils on aging as provided in LAC 4:VII.1217.

F. Reporting

1. Participating councils on aging shall submit reports to the office as required.

2. The office shall report annually to the legislature on the implementation of the Frail Elderly Program as required by R.S. 46:937.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:937.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 19: (November 1993).

James R. Fontenot
Director

RULE

**Office of the Governor
Office of Elderly Affairs**

Long Term Care Assistance Program (LAC 4:VII.1237)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Governor's Office of Elderly Affairs (GOEA) has adopted the following rule change effective November 20, 1993.

Title 4

ADMINISTRATION

Part VII. Governor's Office of Elderly Affairs

Chapter 11. Elderly Affairs

Subchapter E. Uniform Service Requirements

§1237. Long Term Care Assistance Program

* * *

E. Program Benefits

1. The benefits under the Long Term Care Assistance Program shall be up to \$350 per month, as established by the commissioner of administration, with oversight by the Senate and House Committees on Health and Welfare.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2802(D).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 18:1257 (November 1992), amended LR 19:627 (May 1993), LR 19: (November 1993).

James R. Fontenot
Director

RULE

**Department of Health and Hospitals
Board of Embalmers and Funeral Directors**

Right of Care of Remains (LAC 46:XXXVII.113)

Notice is hereby given, in accordance with R.S. 49:950 et seq., the Administrative Procedure Act, that the Board of Embalmers and Funeral Directors (board), pursuant to the authority vested in the board by R.S. 37:840, is adopting a rule to alleviate possible disputes which can arise between families and funeral homes in regard to who has the legal right to arrange for the care of remains by a funeral establishment through final disposition.

Title 46

**PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part XXXVII. Embalmers and Funeral Directors

Chapter 1. General Provisions

§113. Right of Care of Remains

Should any dispute between the family and a funeral home arise as to the care of the remains by a funeral establishment through final disposition, the licensed funeral establishment

shall look to the provisions of R.S. 8:655 as a guide line to determine the order of preference in dealing with representatives of the deceased.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:840.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Embalmers and Funeral Directors, LR 19: (November 1993).

Dawn P. Scardino
Executive Director

RULE

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

Clinical Neuropsychology Specialty (LAC 46:LXIII.1707)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Health and Hospitals, Board of Examiners of Psychologists hereby adopts the following rule:

Title 46

**PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part LXIII. Psychologists

Chapter 17. Specialty Titles

§1707. List of Specialties

A. ...

B. Those specialties which are currently recognized by the board are: clinical, clinical neuropsychology, counseling, school, educational, developmental, experimental, industrial-organization, and social.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:2353.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Examiners of Psychologists, LR 6:602 (October 1980), amended by the Department of Health and Hospitals, Board of Examiners of Psychologists, LR 19: (November 1993).

Ronald A. Goebel, Ph.D.
Chairman

RULE

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

**Certified Animal Euthanasia Technician
(LAC 46:LXXXV.Chapter 12)**

In accordance with the applicable provisions of the

Administrative Procedure Act, R.S. 49:950 et seq., and the Louisiana Veterinary Practice Act, R.S. 37:1518 et seq., notice is hereby given that the Board of Veterinary Medicine adopted LAC 46:LXXXV.Chapter 12.

Chapter 12 codifies policies adopted by the board for the regulation of Certified Animal Euthanasia Technicians as required by R.S. 37:1551-1558.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LXXXV. Veterinarians

Chapter 12. Certified Animal Euthanasia Technicians

§1200. Definitions

All definitions used in this Chapter shall have the meaning assigned to them in R.S. 37:1552. In addition, the following definitions shall be applied.

Board—the Louisiana Board of Veterinary Medicine.

CAET—Certified Animal Euthanasia Technician.

Full Certification—a certificate of approval granted to an applicant who has fulfilled all requirements of this Chapter. Such certificates shall expire annually.

Temporary Certification—a certificate of approval granted to an applicant who has not taken an examination for full certification. Such certificates shall expire upon publication of the scores from the next available CAET course offered by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1558.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 19: (November 1993).

§1201. Applications for Certificates of Approval

A. Applicants will be required to submit an approved application form provided by the board which shall require that all provisions of R.S. 37:1553 have been met.

B. In addition to the application form, the board may require that the applicant furnish all of the following:

1. a current passport type photograph of the applicant;
2. an official copy of a birth certificate or a notarized copy of a current driver's license as proof of age;
3. an official transcript of the applicant's high school records or photocopy of the applicant's high school diploma or GED or an official transcript indicating attendance at an institution of higher learning;
4. certified scores on any previous examinations in animal euthanasia and/or proof of successful completion of a board-approved course in animal euthanasia;
5. certification by the applicant that he has never been convicted, pled guilty or pled nolo contendere to either a felony or misdemeanor, other than a minor traffic violation. In the event that the applicant is unable to so certify, the board may require the applicant to explain in full and/or provide further documentation;
6. certification that the applicant has never had certification as a certified animal euthanasia technician revoked, suspended, or denied. In the event that the applicant is unable to so certify, the board may require the applicant to explain in full and/or provide further documentation;

7. a list of all certificates or licenses that the applicant currently holds and/or has held;

8. two letters of reference on board-approved forms from licensed veterinarians or other professional persons who can attest to the applicant's professional capabilities and ethical standards;

9. a release waiver form to authorize a background check regarding the applicant's history with dangerous and/or controlled substances to be performed by the Drug Enforcement Agency or other law enforcement agency at the board's request. A photostatic copy of the applicant's authorization is accepted with the same authorization as the original.

C. The board may require such application to be sworn to by the applicant, notarized, and/or attested to by the applicant under penalty of perjury.

D. The board may reject any applications which do not contain full and complete answers and/or information as requested and may reject any application if any information furnished in the application is fabricated, false, misleading, or incorrect.

E. The board shall reject the application of an applicant who has practiced veterinary medicine, veterinary technology, or euthanasia technology with sodium pentobarbital in this state without a license, temporary permit, exception, or certificate of approval during the two-year period immediately prior to the date of application.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1558.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 19: (November 1993).

§1203. Examinations

A. The board may formulate, administer and grade an examination (herein defined as such written examination, oral interviews, and/or practical demonstrations as the board may request or require) or may select an agency whose qualifications for performing any or all of these functions are recognized by the board and charge said agency with the formulation, administration and/or grading of the examination.

B. All applicants for full certification must take and pass the examination(s) adopted by the board.

C. The administration of the examination(s) shall be in accordance with rules, practices, policies, or procedures prescribed by the board or by the designees of the board or by any person or person with whom the board may have contracted to administer said exam. The exam may be administered by members of the board or any of the agents, employees, or designees of the board.

D. The examination may be prepared, administered and graded by the members of the board or may be prepared, administered and/or graded, in whole or in part, by any person, firm, corporation or other entity selected, requested or designated to do so by the board.

E. The course shall consist of presentations in the areas of legal concerns (Veterinary Practice Act), record-keeping requirements (Veterinary Practice Act and DEA), human safety, and a general knowledge of sodium pentobarbital and proper euthanasia techniques.

F. The administration of the course shall be in accordance with rules, practices, policies, or procedures prescribed by the board or its designees. Instruction may be provided by the members of the board or any agent, employee, or designee of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1558.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 19: (November 1993).

§1204. Passing Scores

A. A passing score on any written and/or oral portions of the examination shall be deemed to be the correct answering of 70 percent of the questions contained on that portion of the examination.

B. A passing grade on the practical portion of the examination will be determined by the successful completion of a series of hands-on demonstrations which indicate that the applicant has been properly trained in procedures which will enable him to safely and effectively perform humane euthanasia with sodium pentobarbital.

C. Applicants who fail to achieve a passing score on any portion of the examination, either written or practical, will not be eligible for a certificate of approval nor may they apply for a temporary certificate of approval.

D. Appeals concerning the examination must be made in writing to the board within 30 days of the administration of the examination. All such formal appeals will be reviewed at the next available meeting of the board. The board may call witnesses and/or hold public hearings as it deems necessary although it is not required to do so unless otherwise specified by statute. The decision of the board regarding such appeals is final.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1558.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 19: (November 1993).

§1205. Certificates without Examination

The board shall not issue full certificates of approval without examination under any circumstances, except as provided in this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1558.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 19: (November 1993).

§1207. Temporary Certificate of Approval

A. The board may issue a temporary certificate of approval when an applicant meets all of the following requirements:

1. applicant has submitted proof of training by a licensed veterinarian on forms approved and/or provided by the board, and

2. applicant has submitted a complete application package as required by this Chapter, and

3. applicant has submitted a release waiver form and successfully passed a background check by the Drug Enforcement Agency or other law enforcement agency as selected by the board;

4. applicant or applicant's employer has paid the fee for temporary certification as assessed by the board.

B. Applicants will not qualify for a temporary certificate if they fail to comply with any requirement listed in this rule or if any of the following conditions apply:

1. applicant has previously failed a board approved course in animal euthanasia in the state of Louisiana or in any other state, district, or territory of the United States;

2. applicant does not have or is not actively and continuously working towards completion of a high school diploma or its equivalent. The board may require periodic progress reports of applicants pursuing a high school diploma while holding temporary certification. Failure to continuously work towards completion of the diploma program may result in immediate revocation of the temporary certificate;

3. applicant has defaulted on a student loan obligation;

4. applicant has falsified any information provided to the board for the purposes of obtaining certification.

C. Temporary certificates will be issued with a number which indicates year issued. All such certificates will expire 30 days after the next available course in animal euthanasia offered by the board unless otherwise extended by the board.

D. Applicants who hold certification in another state, territory, or district of the United States may be granted a temporary certificate which shall expire 30 days after the next available course in animal euthanasia offered by the board unless otherwise extended by the board.

E. A temporary certificate may be summarily revoked by a majority vote of the board without a hearing.

F. No person shall be issued more than one temporary certificate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1558.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 19: (November 1993).

§1209. Fees

A. The board hereby adopts and established the following fees for CAET program:

Annual renewal of certificate	\$ 25
Examination fee - not to exceed	\$100
Late renewal fee	\$ 25
Original fee - full certification	\$ 50
Temporary certification fee	\$ 25

B. Holders of temporary certificates who successfully pass the next available board approved examination in animal euthanasia shall be credited with payment of one-half of the fee for full certification and shall be charged an original certification fee of \$25.

C. Renewals received after the expiration date as provided in R.S. 37:1546, shall be charged a late renewal fee.

D. The board may direct that examination fees be assigned or remitted directly to the agency selected to prepare, administer, and score the examination in animal euthanasia. Said agency may not assess fees in addition to those set by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1558.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 19: (November 1993).

§1211. Renewal of Certificates

A. All certificates of approval shall expire annually at midnight on June 30. Certificates shall be renewed by completing a re-registration form which shall be provided by the board and by payment of the annual renewal fee established by the board.

B. Each year, 90 days prior to the expiration date of the license, the board shall mail a notice to each certified animal euthanasia technician stating the date his certificate will expire and providing a form for re-registration.

C. The certificate of approval will be renewed for any person who complies with the requirements of this chapter.

D. Re-registration forms for renewal of certificates of approval, complete with payment of fee and any other documents required by this Chapter, shall be postmarked no later than the expiration date of the license each year. Re-registration forms postmarked after midnight of the expiration date will be subject to a late renewal fee as established by the board. This fee is in addition to the regular fee for annual renewal.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1558.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 19: (November 1993).

§1213. Revoked Certificate

A. A certified animal euthanasia technician whose certificate has been revoked under the provisions of R.S. 37:1554 may be reinstated by the board after proof that the failure to renew was not a willful or evasive act and upon payment of all accrued renewal and/or late fees for each year in which the certificate was revoked.

B. The board may impose an additional penalty, not to exceed twice the amount of the delinquent fees, to reinstate a revoked certificate of approval.

C. Any certificate which was revoked under the provisions of R.S. 37:1554 shall require approval of the board before reinstatement.

D. The identifying number of a revoked certificate of approval shall not be issued to any person other than the original holder of that number.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1558.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 19: (November 1993)

§1215. Appeals and Review

A. Any applicant for a certificate of approval desiring to review his examination and/or the master answer sheet and/or the examination questions shall make arrangements with the board, its agent, designee or any other person, firm, corporation or entity charged with the preparation, grading and/or administration of the course for such review.

B. Any certified animal euthanasia technician aggrieved by a decision of the board, other than a holder of a certificate of approval against whom disciplinary proceedings have been brought pursuant to R.S. 37:1551 et seq. may, within 30 days of notification of the board's action or decision, petition the board for a review of the board's actions.

C. A petition shall be in the form of a letter, signed by the

person aggrieved, and mailed to the board at its principal office.

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

E. Any CAET against whom disciplinary proceedings have been instituted and against whom disciplinary action has been taken by the board pursuant to R.S. 37:1551 et seq, shall have rights of review and/or rehearing and/or appeal in accordance with the terms and provisions of the Administrative Procedure Act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1558.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 19: (November 1993).

§1217. Storage of Sodium Pentobarbital

All sodium pentobarbital shall be stored either in a securely locked cabinet which is of substantial construction or in a safe or in a locked metal cabinet. The cabinet, safe or locker shall be locked at all times. The CAET(s) shall have the responsibility for the safekeeping of the keys and/or combination to the cabinet, safe, or locker.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1558.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 19: (November 1993).

§1219. Usage Log

A. A usage log shall be maintained to account for the use of each cubic centimeter (cc) or parts thereof of sodium pentobarbital. The log shall include:

1. the date of usage,
2. the lot number and bottle number used,
3. the amount (in cc's) of usage,
4. the tag number or other identification number for the animal,
5. the name of the person who drew the sodium pentobarbital,
6. any amount of drug wasted, spilled, or lost, and
7. the name of a witness to the waste, spillage, or the lost of sodium pentobarbital.

B. The usage log shall be maintained on a standardized form provided by the board or its designated agent. Copies of the log so provided may be made by the shelter.

C. Usage logs shall be made available to any official of the Drug Enforcement Administration without prior notification.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1558.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 19: (November 1993).

§1221. Inventory

A. An inventory of all sodium pentobarbital shall be done every three months or more frequently if required by the Drug Enforcement Administration.

Title 46
PROFESSIONAL AND OCCUPATIONAL
STANDARDS

Part LXXXV. Veterinarians

Chapter 4. Continuing Veterinary Education

§400. Definitions

American Veterinary Medical Association (AVMA)—the recognized organization for veterinary education standards.

Contact Participation—consists of physical attendance at seminars, lectures, conferences, or workshops.

Continuing Veterinary Education—approved, accredited experience obtained from participation in postgraduate veterinary studies, institutes, seminars, lectures, conferences, workshops, and other authorized forms of educational experiences so as to maintain and improve professional competencies for the health, welfare, and safety of the citizens of the State of Louisiana.

Continuing Veterinary Education Units—units of measure adopted by the American Veterinary Medical Association and approved by the Louisiana Board of Veterinary Medicine for the purpose of accreditation of various continuing veterinary education activities. One continuing veterinary education unit is equivalent to one hour of activity.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 19: (November 1993).

§401. Purpose

The Louisiana Board of Veterinary Medicine, recognizing that a veterinarian's competency is a safeguard for public health and the safety and welfare of the citizens of the state of Louisiana, hereby adopts the following continuing veterinary education requirements as a prerequisite for the annual veterinary re-registration of a license to practice in Louisiana. All such educational programs shall be designed to keep the members of the profession abreast with current learning and scholarship.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:224 (March, 1990), amended LR 19: (November 1993).

§403. Continuing Veterinary Education Requirements

A. A minimum of 1.6 continuing veterinary education units (16 actual hours) is required each fiscal year (July 1 through June 30) as a prerequisite for licensure. A maximum of four hours of credit may be achieved in approved video-tape, self-test program(s), and/or self-help instruction.

B. Proof of attendance, which shall include the name of the course, date(s) of attendance and units or hours obtained, shall be attached to the annual re-registration form.

C. All hours shall be obtained in the 12 months preceding the renewal period of the license.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:224 (March, 1990), amended LR 19: (November 1993).

B. The inventory shall indicate the amount of sodium pentobarbital ordered, the amount presently on hand, the amount used for euthanasia, the amount lost due to spillage or waste, the amount lost due to the drug's expiration, and the time of day the inventory was taken.

C. The inventory shall be made and signed by the certified animal euthanasia technician(s) or licensed veterinarian who is the registrant of the Drug Enforcement Administration.

D. Upon written request from either the Louisiana Board of Veterinary Medicine or the Department of Health and Hospitals, the certified animal euthanasia technician shall provide a copy of the inventory records.

E. Inventory logs shall be made available to any official of the Drug Enforcement Administration without prior notification.

F. The inventory log shall be maintained on a standardized form provided by the board or its designee. Copies of the form so provided may be made by the shelter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1558.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 19: (November 1993).

Vikki L. Riggle
Executive Director

RULE

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

**Continuing Veterinary Education
(LAC 46:LXXXV.Chapter 4)**

In accordance with the provisions of R.S. 49:950 et seq., 37:1518 and 37:1523 et seq., the Board of Veterinary Medicine amended Chapter 4 in its entirety.

The proposed changes to this chapter substantially alter the method by which licensees are required to obtain approval for and the reporting mechanism of continuing education hours. In particular, the board has determined that it is necessary to require proof of attendance to be submitted annually as a prerequisite to re-registration of the license to practice veterinary medicine. The board has also added a requirement that all submissions be from programs which the board has pre-approved and has provided a mechanism for obtaining such approvals. Eliminated is a grace period for new licensees during which no continuing education is required. Added are circumstances under which the board will consider the granting of extensions and/or exemptions and the procedure to be followed by the licensee to request special considerations for hardship circumstances.

§405. Exceptions and Exemptions

A. A licensee who has failed to obtain a minimum of 16 hours within the prescribed 12-month period will not meet the requirements for re-registration of his license. Said licensee shall have his license suspended until such time as the requirements have been met and documented to the satisfaction of the board. Any late fees and/or fines assessed by the board must be paid before the suspension will be lifted.

B. The board may grant extensions of time for extenuating circumstances. The licensee requesting the extension must petition the board at least 30 days prior to the expiration date of the license. The board may require whatever documentation it deems necessary to verify the circumstances necessitating the extension. The board may also assess a late fee and/or fine as a result of granting the extension of time.

C. Exemptions from these requirements may be made for persons in the following categories.

1. Physically disabled licensees for whom participation in a program represents undue hardship. A request for a physical disability exemption must be documented by submitting a physician's statement which shall include the nature and length of time of the disability. The documentation must be submitted annually with the re-registration form.

2. Licensees who have returned a notarized affidavit of retirement as provided by the board for this purpose. An affidavit must be executed and submitted annually with the re-registration form.

3. Licensees on active military duty in a foreign country where no continuing education programs are available. An affidavit or other sworn document from the licensee's commanding officer must accompany the annual re-registration form. No such exemption shall be granted for more than two consecutive renewal years.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 19: (November 1993).

§407. Expired License Renewals

Persons who have not renewed their license and wish to do so pursuant to R.S. 37:1525, may be required to submit proof of continuing education for each year for which the license was not renewed. Where insufficient hours have been acquired, the board may require additional hours to be obtained as a condition of licensure and/or as a condition of renewal for the next fiscal year.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 19: (November 1993).

§409. Approved Continuing Education Programs

It shall be the duty of the Louisiana Board of Veterinary Medicine to approve all continuing veterinary education programs for which credit shall be given to Louisiana licensed veterinarians as follows:

1. all units or hours from contact participation programs accredited by the American Veterinary Medical Association, the Louisiana Veterinary Medical Association and/or sponsored by organizations listed on the pre-approved list of

the Louisiana Board of Veterinary Medicine shall be accepted;

2. the list of organizations for whom automatic pre-approval has been granted will be updated as needed and published annually by the Louisiana Board of Veterinary Medicine;

3. additions to the list of pre-approved programs may be requested by writing to the board office and submitting documentation as required by the office. All programs not on the pre-approved list must be submitted for pre-approval at least 14 days prior to the date of the program for the units or hours to be credited. Pre-approval may be obtained by writing or calling the board office during regular business hours.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:224 (March 1990), amended LR 19: (November 1993).

§411. Fees

Each license holder must fulfill his annual education requirements at his own expense. Any registration fee(s) for his annual continuing veterinary education requirements are not included in the annual license fee.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:224 (March 1990), amended LR 19: (November 1993).

§413. Non-Compliance

A. Complete compliance with these rules (Chapter 4) is a prerequisite for renewal of a veterinarian's license on and after July 1, 1989.

B. Non-compliance with these rules shall be considered to be a violation of R.S. 37:1526(14).

C. Failure to submit records of continuing veterinary education pursuant to §405.C or falsifying certification shall be considered a violation of R.S. 37:1526(14) and/or (15).

D. Failure to obtain the required number of hours in the specified time period shall be considered a violation of the rules of professional conduct. A grace period of no more than 90 days may be granted by petitioning the board for an extension. A late fee of \$25 and a fine of up to \$50 may be levied.

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

HISTORICAL NOTE: Promulgated as by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:224 (March 1990), amended LR 19: (November 1993).

Vikki Riggle
Executive Director

RULE

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

Fees (LAC 46:LXXXV.500, 505)

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and the Louisiana Veterinary Practice Act, R.S. 37:1518 et seq., notice is hereby given that the Board of Veterinary Medicine amended LAC 46:LXXXV.505 and adopted LAC 46:LXXXV.500.

Section 500 establishes a definitions section for this chapter. LAC 46:LXXXV.505 is amended to replace the date reference for late fees with a reference to the governing statute.

Title 46

**PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part LXXXV. Veterinarians

Chapter 5. Fees

§500. Definitions

Active Status—fees charged to persons who wish to practice veterinary medicine in the state of Louisiana.

Duplicate License Fee—a charge assessed for the replacement of a certificate.

Inactive Status—fees charged to persons who wish to retain a Louisiana license but who will not practice in the state of Louisiana during the fiscal year. Inactive status licenses may be upgraded to active status by written request and by payment of the difference between the two fees.

Original License Fee—the fee charged for the first issuance of a Louisiana license includes the cost of preparation of the licensee's certificate. The original license may be issued in any month but shall expire on the next renewal date as specified in R.S. 37:1524 except where the license is issued in May or June. Licenses issued in these months will be valid for the next immediate fiscal year.

Temporary License Fee—the fee charged for the issuance of a temporary license according to the rules found in Chapter 3. The temporary license is valid for a maximum of 12 months. At the time of regular licensure, an original licensing fee shall be assessed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 19: (November 1993).

§505. License Renewal Late Charge

Any license renewed after the published expiration date stated in R.S. 37:1524 shall be subject to an additional charge of \$25 as a late fee.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Veterinary Medicine, LR 10:208 (March 1984), amended by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 19: (November 1993).

Vikki L. Riggle
Executive Director

RULE

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

Zoo Personnel (LAC 46:LXXXV.Chapter 13)

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and the Louisiana Veterinary Practice Act, R.S. 37:1518 et seq., notice is hereby given that the Board of Veterinary Medicine adopted Chapter 13.

This Chapter is being established to promulgate rules governing the use of dangerous, controlled substances by employees of licensees of the Board of Veterinary Medicine to ensure that the use of such drugs is properly supervised, recorded, and regulated in keeping with the board's responsibility to protect the public health and welfare.

Title 46

**PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part LXXXV. Veterinarians

Chapter 13. Zoo Personnel

§1300. Definitions

Chemical Restraint Drugs—legend or scheduled (controlled) drugs used in the capture and/or restraint of dangerous animals.

Dangerous Animal—a zoo animal which poses a threat or risk of harm to a human being, to itself, to another animal, to zoo property, or to private property.

Licensed Veterinarian or Veterinarian—a veterinarian licensed to practice veterinary medicine in the state of Louisiana as provided in R.S. 37:1513(6).

Storage and Use Plan—a written protocol stating the storage, inventory, and record keeping requirements for the use of chemical restraint drugs used in the capture of dangerous animals.

Trained Layperson—an employee of a zoo who has been trained by a licensed veterinarian according to the requirements of §1303 of this Chapter.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 19: (November 1993).

§1301. Administration of Chemical Restraint Drugs

A trained layperson may administer chemical restraint drugs to a dangerous animal when said animal has escaped from its usual area of confinement in a zoo.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 19: (November 1993).

§1303. Training Requirements for Zoo Personnel

A. Laypersons who are employed by a zoo and who will administer chemical restraint drugs must be trained by a veterinarian.

B. Trained by a veterinarian means:

- 1. that the veterinarian has provided the employee with:

- a. a list of each species of animal which may require capture by the use of chemical restraint drugs;
- b. the specific drug to be used on a particular species; and
- c. the specific amount, listed in cc's, of said drug for each species with an appropriate dosage range to account for the varying weights for the particular animal which necessitates capture by chemical restraint drugs.

2. that the veterinarian has demonstrated to the employee the safe and proper use of capture equipment.

C. A certificate offering proof of training for each employee shall be filed with the board by the licensed veterinarian.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 19: (November 1993).

§1305. Protocols and Plans

A. An escape and capture protocol to be used by the veterinarian in the training of zoo employees shall be submitted to the board for approval.

B. A storage and use plan for capture drugs which meets or exceeds the requirements of all federal drug enforcement agencies and the standards for record keeping found in Chapter 7 of these rules shall be submitted to the board for the board's approval.

1. Use plans shall include a requirement that each use of a controlled substance shall be documented for review by the licensed veterinarian responsible for the purchase and inventory of that drug.

2. Review of each use shall be indicated on the usage log by providing a place for the responsible veterinarian to enter his or her initials.

C. An inventory protocol for all capture drugs which meets or exceeds the requirements of all federal drug enforcement agencies and the standards for prescribing and dispensing drugs found in Chapter 7 of these rules shall be submitted to the board for the board's approval.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 19: (November 1993).

§1307. Penalties

Failure of a licensed veterinarian to comply with any or all provisions of this Chapter shall be considered a violation of the Rules of Professional Conduct. Said veterinarian may be subject to disciplinary action as provided for in R.S. 37:1518 and 1526.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 19: (November 1993).

Vikki L. Riggle
Executive Director

RULE

Department of Health and Hospitals Office of Public Health

Identification of Hearing Impairment in Infants (LAC 48:V.Chapter 22)

In accordance with the applicable provision of the Administrative Procedure Act, R.S. 49:950 et seq. and the Identification of Hearing Impairment in Infants R.S. 46:2261 et seq., notice is hereby given that the Department of Health and Hospitals, Office of Public Health is adopting procedures for the screening of infants to identify hearing impairment, testing of infants at risk for hearing loss, referral of hearing impaired infants for appropriate follow-up services and ensure proper information distribution to parents, primary care physicians and interested groups.

Title 48

PUBLIC HEALTH-GENERAL

Part V. Preventive Health Services

Subpart 7. Maternal and Child Health Services

Chapter 22. Identification of Hearing Impairment in Infants

§2201. Definitions

Advisory Council—the 14-member council created pursuant to R.S. 46:2265.

Audiologist—an individual licensed to practice audiology by the Louisiana Board of Examiners for Speech Pathology and Audiology.

Auditory Brainstem Response (ABR)—the synchronous electrical response elicited from the auditory nervous system within 20 msec after stimulation and its measurement as used for the detection of hearing loss.

Department—the Department of Health and Hospitals.

Discharge—release from the premises of a medical care facility.

Evoked Otoacoustics Emissions (EOAE)—acoustic echoes, evoked in response to acoustic stimuli, produced by the inner ear and measured by a microphone in the ear canal for the detection of hearing loss.

Hearing Screening—using procedures approved by the office to identify infants in need of diagnostic audiological assessment.

Infants at Risk—those infants who are at risk for hearing loss because they have one or more risk factors as indicated in R.S. 46:2263.

Office—the Office of Public Health within the department.

Other Birthing Site—any site of birth other than a hospital.

Other Risk Factors—any other condition(s) in addition to the factors cited in R.S. 46:2263 added by the office upon recommendation of the advisory council.

Other Screening Device—a device preapproved in writing by the office, comparable to or better than auditory brainstem response testing.

Program—the Communicative Disorders Program within the office.

Risk Registry—will be the data base kept by the office of all infants identified as high risk for hearing loss.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2261-2267.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 19: (November 1993).

§2203. Program for Identification of Hearing Loss in Infants

A. The program will include the following:

1. The office will develop a newborn hearing screening report form to be used by the hospitals to report risk status and hearing screening results to the risk registry. This form will include written material regarding hearing loss and a toll-free hotline phone number (V/TDD).

2. The office will maintain a risk registry to include information reported on the newborn hearing screening report.

3. The office will notify parents of infants at risk of available follow-up services.

4. The risk registry will include periodic notification to parents of recommended procedures for infants and children at risk for progressive hearing loss.

5. The risk registry will include information on infants diagnosed with hearing loss.

6. The office will provide for a toll-free hotline service for parents and professionals to utilize to obtain information about the program and related services. This hotline will be accessible by voice or TDD.

B. Implementation

1. All birthing sites in Louisiana must be in compliance with this act by January 1, 1994.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2261-2267.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 19: (November 1993).

§2205. Procedures for Hospitals

A. Hospitals shall complete the newborn hearing screening report, using the at risk criteria provided by the office on all live births.

B. Hospitals shall conduct hearing screening on all infants identified as at risk by the newborn hearing screening report before discharge.

C. Hospitals shall record the results of the hearing screening on the newborn hearing screening report.

D. Hospitals shall disseminate copies of the newborn hearing screening report to the parent, the office (within 14 calendar days of discharge), and the infant's primary health care provider.

E. If an infant is born in one hospital and transferred to one or more hospital(s), the last hospital to which the infant is transferred before being discharged into the care of a parent, or guardian for purposes other than transport, must complete the newborn infant hearing report and perform the hearing screening if the infant is at risk.

F. If an infant is to be placed for adoption and is to be transferred to another hospital for adoption, the hospital at which the infant is born is to complete the newborn hearing screening report and perform the hearing screening if the infant is at risk (unless §2205.E above applies). The parent copy of the newborn hearing screening report shall be sent to the guardian.

G. Referrals for infants failing the hospital screening process must be made within seven days of discharge to the infant's primary health care provider and a licensed audiologist.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2261-2267.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 19: (November 1993).

§2207. Procedures for Other (Alternative) Birthing Sites

A. When the infant is born outside the hospital, the person filling out the birth certificate shall complete the newborn hearing screening report.

B. If the infant is determined to be at risk, hearing screening shall be performed at the alternative birthing site before discharge. The results of the screening shall be recorded on the newborn hearing screening report.

C. The person completing the newborn hearing screening report shall disseminate the copies to the parent, primary health care provider, and the office (within 14 calendar days).

D. Referrals for infants failing the alternative birthing site screening process must be made within seven days of discharge to the infant's primary health care provider and a licensed audiologist.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2261-2267.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 19: (November 1993).

§2209. Hearing Screening Procedures

A. Personnel. Hearing screening will only be performed by:

1. board eligible or board certified physicians with special training in auditory brainstem response testing and/or otoacoustic emissions and in infant hearing testing.

2. audiologists licensed by the Louisiana Board of Examiners for Speech Pathology and Audiology with special training in auditory brainstem response testing and/or otoacoustic emissions testing and in infant hearing testing.

3. persons trained and supervised by personnel meeting requirements for §2209.A.1 or 2 above.

a. A board-certified or board-eligible physician or licensed audiologist who is supervising another individual performing hearing screening must at least be accessible by telephone while the screenings are being performed, review a percentage of the screening documentation and copies of the newborn hearing screening report and perform periodic direct observation of each individual at least once per month as they perform hearing screenings. After an individual supervised by an audiologist or physician has performed hearing screening under the above supervision for one year, direct observation every three months is required.

Note: To minimize liability it is recommended that the standard for special training be by an accredited medical or educational institution and include sufficient practicum for proficiency. Any deviation from this recommended standard may increase liability.

B. Test Procedures. The following test procedures are the only acceptable methods for use in infant hearing screening:

1. Auditory Brainstem Response (ABR) either automated or non-automated.

a. A screening level of 35dBnHL click stimuli is required.

b. Referral criteria is the absence of Wave V within 10 msec at the required screening level for either ear.

2. Evoked Otoacoustic Emissions (EOAE)

a. A screening target level of 80dB spl click stimuli is required.

b. Referral criteria is an emission of less than 3dB signal to noise ratio across all of the test frequency bands from 1 to 4 KHz.

C. Test Environment. The facility providing the hearing screening tests shall make all efforts possible to insure testing is conducted in a quiet environment.

D. Calibration of Equipment. Hearing screening equipment shall be calibrated annually and documentation maintained at the screening site.

E. Exemptions. Any requests for exemptions from hospitals or other birthing sites unable to perform hearing screening on all at-risk patients before discharge must be made in writing to the office. Exemptions will be considered on a site-by-site basis considering birth population, financial status, availability of services and other factors. Birthing sites requesting exemptions will be required to have an alternative testing site available for referral of at risk infants needing hearing screening within seven calendar days of discharge.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2261-2267.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 19: (November 1993).

§2211. Confidentiality of Information

All information on the newborn hearing screening report is considered confidential and cannot be released by the office, the hospital or the primary health care facility without the parent or guardian's written informed consent.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2261-2267.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 19: (November 1993).

§2213. Risk Registry and Tracking

A. The office will maintain a risk registry to include information on all live births and infants identified as at risk for hearing loss.

B. The office will track at risk infants who fail or do not receive hearing screening prior to hospital discharge. Assistance will be provided for service referrals when necessary.

C. The office will track and notify parents of infants and children at risk for progressive hearing loss of appropriate procedures for follow-up testing and monitoring of their child's hearing until age five.

D. The office will develop a voluntary system for reporting diagnosis of hearing loss by primary health care providers, audiologists and parents for children up to age five.

E. The office will disseminate statistical reports regarding the number of infants tested and the number with diagnosed hearing loss to the Louisiana Commission for the Deaf, the Louisiana School for the Deaf, the Department of Education and other interested parties on an annual basis.

F. Infants and children with diagnosed hearing loss shall be referred to appropriate agencies for rehabilitation and

education services with parental/caregiver consent. For infants and toddlers up to age three with diagnosed hearing loss, referral to Childnet shall be made for early intervention services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2261-2267.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 19: (November 1993).

Rose V. Forrest
Secretary

RULE

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

Medicaid Days Pool

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, has exercised the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., to adopt the following rule in the Medicaid Program.

RULE

The Department of Health and Hospitals, Bureau of Health Services Financing hereby amends the methodology for calculating the amount of disproportionate share payments for inpatient hospital services by acute care general hospitals, distinct part psychiatric units of acute care general hospitals and free-standing psychiatric hospitals. Below are the revised methodologies as modified in the State Plan.

Attachment 4.19A, Items 1, 14 and 16

Methodology for Disproportionate Share Adjustment

Effective for dates of service March 1, 1993 and after, qualification for and calculation of disproportionate share payments shall be based on the latest filed fiscal year end cost report as of March 31 of each year. Hospitals which meet the qualification criteria outlined in Item 1, D. 1. a-d, based on the latest filed fiscal year end cost report as of March 31 of each year, shall be included in one of the three following pools for calculation of disproportionate share adjustment payments. A one time provision for transition to the new methodology for disproportionate share payments shall provide that hospitals filing a minimum of a three month interim cost report and which meet all qualification criteria shall be "grandfathered" into the pools. Qualifying hospitals with cost reports which do not reflect a full year shall have days annualized for purposes of the pools.

Qualifying disproportionate share hospitals with Medicaid utilization rate percentages equal to the Medicaid utilization's qualifying threshold (the mean plus one standard deviation of the Medicaid utilization for all such hospitals in the state participating in Medicaid) plus 25 percent shall be recognized as "Medicaid dependent hospitals". Medicaid dependent hospitals shall have days in the pool weighted by applying a

RULE

Department of Health and Hospitals Radiologic Technology Board of Examiners

Actions Before the Board (LAC 46:LXVI.Chapter 7)

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950 et seq., notice is hereby given that the Department of Health and Hospitals, Radiologic Technology Board of Examiners (board), pursuant to the authority vested in the board by R.S. 37:3207, is amending LAC 46:LXVI.Chapter 7, regarding procedures for processing complaints, informal proceedings/consent orders and conduct of a formal hearing.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LXVI. Radiologic Technologists

Chapter 7. Actions Before the Board

§703. Procedures for Processing Complaints

A. A complaint may be initiated by any person, corporation, association, public officer, or by the board on its own initiative.

1. Anonymous sources of complaint against individuals or institutions shall not be recognized as the sole basis for the issuance by the board of a full notice as provided for under §707.A(3). However, the executive director and his/her designee or staff may informally investigate anonymous allegations or complaints received by the board.

2. If the information provided to the board by the complainant is insufficient, the board may request further information by either written correspondence or through an informal proceeding.

B. All complaints received shall be assigned a sequentially ordered complaint code number which shall be utilized in all official references.

C. The board shall act upon all complaints received without unreasonable delay.

D. The board shall take one of the following actions on a complaint:

1. no action;
2. informal proceeding/consent order;
3. formal hearing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3207(6)

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Radiologic Technology Board of Examiners, LR:11:869 (September 1985), amended by the Department of Health and Hospitals, Radiologic Technology Board of Examiners, LR 19: (November 1993).

§705. Informal Proceeding/Consent Order

A. Informal proceeding

1. The allegation(s) against a licensee may be concluded through informal proceedings without the necessity of a formal hearing if the executive director does not deem the allegation(s) to be sufficiently serious to necessitate the convening of a formal hearing. The informal resolution of the allegation(s) may be accomplished through correspondence between the executive director and the licensee; by conference

factor of up to 1.25 to actual days in the pool. In determining pool payments, days for Medicaid dependent hospitals shall be increased by the factor noted above. Disproportionate share payments for each pool shall be calculated based on the product of the ratio of each qualifying hospital's total Medicaid inpatient days for the applicable cost report as adjusted for annualization and Medicaid dependent status, divided by the total Medicaid inpatient days provided by all such hospitals in the state qualifying as disproportionate share hospitals in their respective pools, multiplied by an amount of funds for each respective pool to be determined by the director of the Bureau of Health Services Financing. Disproportionate share payments cumulative for all payments shall not exceed the federal disproportionate share cap for each federal fiscal year. Notice of the actual pool amounts shall be published prior to the issuance of the first payment each year. The total disproportionate share payment amount for each qualifying hospital shall be calculated after March 31 of each year and payments shall be issued via at least three payments throughout the year for services in the immediately preceding months. Monthly payments may be issued for a transition period from April through September 1993 to allow hospitals to adjust to cash flow changes in disproportionate share payments. The three pools are as follows:

1. *Teaching Hospitals*—acute care general hospitals (exclusive of distinct part psychiatric units) recognized as approved teaching hospitals under Medicare principles for the latest filed fiscal year end cost report as of March 31 of each year.

2. *Non-teaching Hospitals*—acute care general hospitals (exclusive of distinct part psychiatric units) not recognized as approved teaching hospitals under Medicare principles for the latest filed fiscal year end cost report as of March 31 of each year.

3. *Distinct Part Psychiatric Units/Freestanding Psychiatric Hospitals*—distinct part psychiatric units of acute care general hospitals meeting the Medicare criteria for PPS exempt psychiatric units and enrolled under a separate Medicaid provider, and free-standing psychiatric hospitals recognized as such for the latest filed fiscal year end cost report as of March 31 of each year.

If at audit or final settlement of the pool base(s) cost reports, the above qualifying criteria are not met, or the number of Medicaid inpatient days are reduced from those originally reported or annualized, appropriate action shall be taken to recover such overpayments. No additional payments shall be made if an increase in days is determined. No redistribution of the "pool" shall occur because of changes resulting from adjustments at audit/settlement or subsequent amending of cost reports.

Rose V. Forrest
Secretary

of the executive director and the licensee; or by consent order between the licensee and the board.

2. The executive director shall be authorized by the board to propose a recommended consent order to the licensee which would outline the details of disciplinary action between the parties as a consequence of the allegations.

B. When such allegation(s) are concluded by this informal procedure/or proposed consent order, these recommendations shall be submitted by the executive director to the board at its next regularly scheduled meeting for ratification.

C. The proposed consent order offered by the board through its executive director shall not be deemed as absolute and final until such time as the board ratifies the provisions of the said order.

D. A consent order between the board and the licensee or prospective licensee shall describe the disciplinary action which will be taken. The consent order shall be signed by the licensee or prospective licensee, the chairman and the vice-chairman of the board.

E. If a matter is not concluded by informal proceedings and a formal hearing is deemed necessary by the executive director, a formal hearing shall be initiated pursuant to the provisions of LAC 46:LXVI.707.A, et seq.

F. If, at any point during investigation or during informal/formal proceedings as described herein, the board finds that public health, safety, or welfare imperatively requires emergency actions, the board is hereby authorized to immediately suspend the license of the licensee during the course of the proceedings. If the board decides to institute a formal hearing, the hearing shall be instituted and conducted at the board's next regularly scheduled board meeting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3207(6)

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Radiologic Technology Board of Examiners, LR:11:869 (September 1985), amended by the Department of Health and Hospitals, Radiologic Technology Board of Examiners, LR 19: (November 1993).

§707. Conduct of a Formal Hearing

A. Initiating the Process

1. The board initiates a formal hearing by issuing full notice of the hearing. A formal hearing may be the result of a complaint made by any manner specified in §§703 and 705 of this Chapter.

2. Once full notice of the formal hearing has been served, no board member or officially designated hearing officer may communicate with any party to a formal hearing or to that party representative concerning any issue of fact or law involved in that formal hearing unless all parties or their representatives are present.

3. Full Notice. The written notice shall recite specific acts which the licensee is alleged to have committed and shall assert that those acts violate a statute or rule of the board.

a. The notice shall include:

i. a statement of the date, time, place, and nature of the hearing;

ii. a statement of the legal authority and jurisdiction under which the hearing is to be held;

iii. a reference to the particular sections of the statutes, rules or ethical standards involved.

iv. a short and plain statement of the matters asserted which shall be the subject of the hearing;

v. a statement of the rights of the parties.

b. Notice shall be given to all parties 30 days in advance of the proceedings to allow a reasonable opportunity for preparation.

c. The notice shall be delivered by registered or certified mail, return receipt requested. If the licensee cannot be found by this or other reasonable methods, the board may hold a hearing in the licensee's absence.

d. The content of the notice limits the scope of the hearing and of the evidence which may be introduced.

e. If the agency or other party is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved. Therefore, upon application, a more definite and detailed statement shall be furnished.

4. The chairperson of the board shall appoint a hearing officer who may be a member of the board whose primary role shall be to hear evidence and arguments and make recommendations to the board.

a. Any hearing officer appointed who because of bias or interest, is unable to assure a fair hearing, shall be recused from that particular proceeding on his own notice or motion of any member of the board, or motion of any party, if the majority of the board determines the recusal is warranted.

b. At the hearing, the charge shall be prosecuted by the board's personnel who conducted the investigation, and by the board's attorney, who shall present evidence that disciplinary action should be taken against the licensee.

c. Upon motion filed before hearing served on all parties to the proceeding, the hearing officer may, in his discretion, permit any interested person to intervene in the proceedings if the panel determines that such person's interest would be substantially affected by the proceedings and is not adequately represented by another party to the proceedings, and that intervention would not cause serious delay, disruption or otherwise burden the hearing process.

B. Prehearing Procedure

1. Discovery

a. Depositions and interrogatories of witnesses may be taken and shall be admissible in the proceedings.

b. Evidence which was not made available to both parties at least five days in advance may be barred from introduction.

c. Evidence not within the scope of the notice may be excluded.

d. When the interests of the parties will not be prejudiced substantially, any part of the evidence may be received in written form.

e. Documentary evidence in possession of the board may be received in the form of copies of excerpts, or by incorporation by reference.

f. Official notice may be taken of generally recognized technical or scientific facts. However, parties shall be afforded an opportunity to contest the material so noticed.

2. Subpoenas. The board is empowered by statute to issue subpoenas when requested in writing by any party in a contested case.

a. The board, or its designated hearing officer, may sign and issue subpoenas when requested in writing by any party to a contested case. The cost of issuance of the subpoena(s) shall be assessed to the requesting party.

b. The information called for by a subpoena shall be reasonable, shall relate to the matter under consideration, and shall not be privileged.

c. If the person fails to comply with a subpoena, the board may apply to the judge of the appropriate district court for rule to show cause why the person should not be requested to comply.

3. Motions

a. A request to the board or the hearing officer by a party for particular action should be made in the form of a motion.

b. A motion may be made before, during or after a hearing.

c. All motions must be made at an appropriate time, according to the nature of the request.

d. Motions are directed to the hearing officer who shall dispose of them appropriately.

e. Motions made before or after the hearing shall be in writing. A motion made during the course of a hearing may be made orally.

f. The hearing officer may refer a motion to the board.

C. Hearing Procedure

1. Conduct of the Hearing

a. The hearing officer may refer a motion to the board.

b. The hearing will be conducted in accordance with the Administrative Procedure Act, R.S. 49:955-966.

i. Opportunity shall be afforded all parties to respond and present evidence on all issues of fact involved and argument on all issues of law and policy involved and to conduct such cross-examination as may be required for a full and true disclosure of the facts.

ii. Objections to evidentiary offers may be made and shall be noted in the record.

c. The hearing will be open to the public.

2. Order of Proceedings

a. The hearing officer calls the session to order, identifies the case, subject of the case and cites the authority for holding the hearing.

b. The hearing officer asks the parties to identify themselves and their counsel.

c. All testimony be given under oath, such oath to be administered by the hearing officer.

d. Customary order of the proceedings shall be followed at the discretion of the hearing officer.

3. Evidence

a. In determining the admissibility of evidence, the hearing officer must follow the rules governing administrative hearings in Louisiana.

b. Constitutional guarantees of due process give the licensee a right to a decision based on evidence presented at the hearing. The hearing officer preparing the recommended decision shall only consider evidence presented at the hearing or officially noted in the record.

4. Records of Hearing

a. all papers filed and served in the proceedings;

b. all documents and other materials accepted as evidence at the hearing;

c. statements of matters officially noticed;

d. notices required by the statutes or rules, including notice of the hearing;

e. affidavits of service or receipts for mailing of process or other evidence of service;

f. stipulations, settlement agreements or consent orders, if any;

g. records of matters agreed upon at a pre-hearing conference;

h. reports filed by the hearing officer;

i. orders of the board and its final decision;

j. actions taken subsequent to the decision, including requests for reconsideration and rehearing;

k. a transcript of the proceedings, if one has been made, or a tape or stenographic record.

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

6. Cost for reproduction of the records of the hearing or any part thereof shall be assessed to the requesting party as prescribed by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3207(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Radiologic Technology Board of Examiners, LR:11:870 (September 1985), amended by the Department of Health and Hospitals, Radiologic Technology Board of Examiners, LR 19: (November 1993).

Richard S. Whitehorn, L.R.T.
Executive Director

RULE

Department of Social Services Office of Family Support

Food Stamps-Educational Assistance Income Exclusions (LAC 67:III.1937)

The Department of Social Services, Office of Family Support, has amended the Louisiana Administrative Code, Title 67, Part III, Subpart 3, the Food Stamp Program.

Food Stamp Policy Memorandum SOE 93-69 dated June 24, 1993, directed that, effective July 1, 1993, certain exclusions from educational assistance income have been revised. This action was mandated by Public Law 102-325. Revisions have also necessitated corrections in codification of Subsections A through D, with no language changes made in A through C.

The Department of Social Services, Office of Family Support, proposes to amend the Louisiana Administrative Code, Title 67, Part III, Subpart 3, Food Stamps.

Title 67
SOCIAL SERVICES
Part III. Office of Family Support
Subpart 3. Food Stamps

Chapter 19. Certification of Eligible Households
Subchapter E, Students
§1937. Student Related Provisions

A. The term institution of higher education has been changed to institution of post secondary education. The definition has also been expanded to include any public or private educational institutions which admit persons who are age 16 or older provided that the institution is legally authorized or recognized by the state to provide an educational program beyond secondary education or provides a program of training to prepare students for gainful employment.

B. Educational loans on which payment is deferred, grants, scholarships, fellowships, veterans' educational benefits, and the like that are provided to a third party on behalf of the household for living expenses such as rent or mortgage, personal clothing or food eaten at home shall be treated as money payable directly to the household and not excluded as a vendor payment.

C. Origination fees and insurance premiums on student loans are excludable charges. Only the amount of the loan after these charges have been excluded is to be considered income.

D. Exclusions from Education Assistance

1. The entire amount of the following types of educational assistance are excluded without regard to earmarking or verification of actual school expenses:

a. Title IV, Higher Education Act, for school period beginning on or after July 1, 1993.

b. Title IV, College Work Study, Federal, for school period beginning on or after July 1, 1993. Not all Federal College Work Study come under Title IV; these are handled the same as State College Work Study funds.

c. Title IV, Bureau of Indian Affairs, for school period beginning on or after July 1, 1993.

d. Job Training Partnership Act (JTPA). Earnings from on the job training under Section 204(5) Title II for household members over 18 years of age are considered earned income, subject to the 20 percent earned income deduction.

e. Title XIII, Indian Higher Education Programs, effective October 1, 1992.

2. All other educational assistance will be excluded in the same manner regardless of the source of the assistance, i.e., an exclusion from educational income shall be granted based on amounts either earmarked by the institution, school program, or other grantor or verified by the student as made available for the specific costs of tuition, mandatory fees, books, supplies, transportation, and miscellaneous personal expenses (other than living expenses).

3. The definition of mandatory fees includes the rental or purchase of any equipment, materials, and supplies related to the pursuit of the course of study involved.

4. The maximum age level of students attending institutions of higher education who are prohibited from receiving food stamp assistance is 50 years of age.

5. Eligible student status shall be granted to students participating in a state or federally financed work study program during the regular school year and the work incentive program under Title IV of the Social Security Act or its successor programs.

6. The funds from PASS (Plan for Achieving Self-Support) accounts will be excluded as income for the food stamp program.

AUTHORITY NOTE: Promulgated in accordance with 7 CFR 271.2, 273, and 278, F.R. 51:30045 et seq. and P.L. 102-325.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Family Security LR 12:756 (November 1986), amended LR 13:91 (February 1987), amended by the Department of Social Services, Office of Family Support, LR 18:142 (February 1992), LR 18:686 (July 1992), LR 18:1267 (November 1992), LR 19:885 (July 1993), LR 19: (November 1993).

Gloria Bryant-Banks
Secretary

RULE

Department of Social Services
Office of Rehabilitation Services

Personal Care Attendant Policy (LAC 67:VII.1101-1125)

In accordance with the provisions of R.S. 49:953 (B) of the Administrative Procedure Act, the Department of Social Services, Rehabilitation Services has adopted revisions to the rules governing its Personal Care Attendant Program, LAC 67:VII.1101 through 1125.

This rule is necessary to correct information concerning participation in the Personal Care Attendant Program.

Title 67

SOCIAL SERVICES

Part VII. Louisiana Rehabilitation Services

Chapter 11. Personal Care Attendant Policy

§1101. Mission

A. General Statement. The Legislature of Louisiana recognizes the right of people with severe physical disabilities to lead independent and productive lives. With this in mind, this same legislature created the Personal Care Assistance (PCA) Program in order that required PCA services to assist in the tasks of daily living be provided. The mission of the PCA Program is to provide for an orderly sequence of services related to the PCA needs of those persons with severe disabilities who are determined eligible for the program.

B. Program Administration. The Department of Social Services, through the Louisiana Rehabilitation Services (LRS) Office, is responsible for the administration of the PCA Program.

C. The Manual's Function. This manual sets forth the policies of the LRS in carrying out this mission.

D. Exceptions. The secretary or secretary's designee shall have the sole responsibility for any exceptions to this policy manual.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:664.6 and R.S. 36:477.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Rehabilitation Services, LR 17:611 (June 1991), amended LR 19: (November 1993).

§1103. Enabling Legislation

Act 653, Chapter 27-A of Title 46 of the Louisiana Revised Statutes of 1950, comprising R.S. 46:2116 through 2116.5 relative to PCA services for individuals with severe disabilities.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:664.6 and R.S. 36:477.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Rehabilitation Services, LR 17:611 (June 1991), amended LR 19: (November 1993).

§1105. Definitions

The following terms shall have the meaning ascribed to them in Act 653, unless the context clearly requires otherwise:

CIL—a Center for Independent Living is an agency designated and funded by LRS to provide independent living services to individuals with severe disabilities according to the Title VII Part B guidelines.

Department—the Department of Social Services.

Evaluation Team—the individuals who determine the eligibility of individuals with severe disabilities for PCA services pursuant to Act 653 and shall be composed of the following three individuals:

a. a representative from LRS with experience in providing services to individuals with severe physical disabilities;

b. an occupational therapist with experience in providing services to individuals with severe physical disabilities;

c. a representative from the Office of Eligibility Determinations, Long Term Care Program.

Individuals with Severe Disabilities—an individual with loss of sensory or motor functions interfering with activities of daily living to the extent that the person requires assistance with nonmedical personal care needs, domestic or cleaning needs, dressing and undressing, moving into and out of bed, ambulation, related services including but not limited to meal preparation, laundry, and grocery shopping, and other similar activities of daily living.

Personal Care Assistance Services—services which are required by individuals with severe disabilities between 18 and 55 years of age to achieve greater independence and which include but are not limited to services related to:

a. routine bodily functions, such as bowel or bladder care;

b. dressing;

c. preparation and consumption of food;

d. housecleaning and laundry;

e. moving in and out of bed;

f. routine bathing;

g. ambulation;

h. any other similar activity of daily living.

Qualified Provider—must be a Center for Independent Living as defined by the Rehabilitation Act of 1973, as amended in 1978 and 1992.

Secretary—the secretary of the Department of Social Services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:664.6 and R.S. 36:477.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Rehabilitation Services, LR 17:611 (June 1991), amended LR 19: (November 1993).

§1107. General Requirements

A. Non-Discrimination

1. All programs administered by and all services provided by the agency shall be rendered on a non-discrimination basis without regard to race, creed, color, sex, religion, age national origin, or status with regard to public assistance in compliance with all appropriate state and federal laws and regulations.

2. Discrimination Prohibited. Title VI of the Civil Rights Act of 1964 states: "No person in the United States shall, on the grounds of race, color or national origin, be excluded from participation, be denied the benefits of, or be subject to discrimination under any program or activity receiving federal financial assistance."

B. Compliance with state laws, federal laws and regulations, and departmental policies and procedures. Staff involved in the PCA Program shall comply with all state and federal laws, including Department of Social Services, LRS policies and procedures and Civil Service rules and regulations as applicable.

C. Cost-Effective Service Provision. PCA services shall be provided in a cost effective manner without supplanting any existing services for attendant care.

D. Case File Documentation. All providers of PCA services must maintain a case file for each PCA applicant/client. The case file shall contain documentation to support the decision to provide, deny, or amend services. Documentation of the amounts and dates of each service provided to support all claims for reimbursement must also be included in the case file.

E. Expedient Service Delivery. All referrals, applications and provision of services will be handled expeditiously and equitably.

F. Civil Rights and Equal Employment Opportunities with Regard to Employees of Affected Programs. Title VI of the Civil Rights Act of 1964, as amended, prohibits job discrimination because of age, race, color, sex or national origin, and Title V of the Rehabilitation Act of 1973, prohibits job discrimination because of a handicapping condition. The provisions of these Acts apply to services and programs administered by the Louisiana Rehabilitation Services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:664.6 and R.S. 36:477.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Rehabilitation Services, LR 17:611 (June 1991), amended LR 19: (November 1993).

§1109. Confidentiality

A. General Statement. All personal information in the possession of the agency/provider shall be used only for purposes directly connected with the administration of the program.

B. Notification to Clients. Individuals asked to supply information for the agency/provider shall be informed of the

agency/provider's need to collect confidential information and the policies governing its use, release, and access including:

1. the confidentiality of information provided in the case file must contain documentation that the individual has been advised of the confidentiality of information pertinent to his case;
2. the principal purpose for which the agency/provider intends to use or release the requested data;
3. whether they may refuse or are legally required to supply the requested data;
4. any known consequence arising from not providing requested information;
5. the identity of other agencies to which information is routinely released.

C. Release of Confidential Information. The case file must contain documentation concerning any information released with the individual's written consent where needed. Informed written consent is not needed for the release of personal records in the following conditions. The client must be advised of these conditions:

1. public assistance agencies or programs from which the client has requested services or to which he is being referred for services under the circumstances for which his consent may be presumed;
2. doctors, hospitals, clinics, rehabilitation centers and independent living centers providing services to clients as authorized by the agency/provider;
3. confidential information will be released to an organization or an individual engaged in research, audit, or evaluation only for purposes directly connected with the administration of the state program (including research for the development of new knowledge or techniques which would be useful in the administration of the program) and if the organization or individual furnishes satisfactory assurance that the information will be used only for the purpose for which it is provided; that it will not be released to persons not connected with the study under consideration; and that the final product of the research will not reveal any information that may serve to identify any person about whom information has been obtained through the state agency without written consent of such person and the state agency. Information for research, audit, or evaluation will be issued only on the approval of the secretary or secretary's designee.

D. Client Access to Data. When requested in writing by the client or his representative, clients or applicants have the right to see and obtain in a timely manner copies of any information that the agency/provider maintains on them, including information in their case files, except:

1. medical and/or psychological information, when the service provider states in writing that disclosure to the individual would be detrimental to the client's physical or mental health;
2. medical, psychological, or other information which may be harmful to the client. NOTE: Such information may not be released directly to the individual, but must be released, with the individual's informed consent, to the client's representative, or a physician or a licensed or certified psychologist;

3. when personal information has been obtained from another agency or organization, it may be released only by or under the conditions established by the other agency or organization.

E. Informed Consent. Informed consent means that the client has signed an authorization to release information, which:

1. is in language that the individual understands;
2. is dated;
3. is specific as to the nature of the information which may be released;
4. specifically designates the parties to whom the information may be released;
5. is specific as to the purpose(s) for which the released information may be used;
6. is specific as to the expiration date of the informed consent, which must not exceed one year.

F. Court Orders, Warrants and Subpoenas. Subpoenaed case records and depositions are to be handled in the following manner:

1. with the written informed consent of the client, after compliance with the waiver requirements (signed informed consent of client or guardian), the court will be given full cooperation.
2. without the written informed consent of the client, when an employee is subpoenaed for a deposition or receives any other request for information regarding a client, he should:
 - a. honor the subpoena;
 - b. take subpoenaed case record or case material to the place of the hearing at the time and date specified on the subpoena;
 - c. if called upon to testify or to present the case record information, inform the court of the following:
 - i. that the case record information or testimony is confidential information;
 - ii. the subpoenaed case record information is in agency/provider's possession;
 - iii. agency/provider personnel will testify and/or release the case record information only if ordered to do so by the court.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:664.6 and R.S. 36:477.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Rehabilitation Services, LR 17:611 (June 1991), amended LR 19: (November 1993).

§1111. Applicant and Client Appeal Rights

A. Any individual who is aggrieved by a decision of the Louisiana Rehabilitation Services Agency with regard to a request for provision of PCA services may appeal said decision within 10 days from the date of the letter informing them of the denial decision taken on the PCA application or reduction in services by requesting an informal administrative review. This request must be made in writing to the director of Louisiana Rehabilitation Services, Post Office Box 94371, Baton Rouge, LA 70804-9371. The request can be prepared personally or with any other person of the individual's choice. The findings of the informal administrative review must be determined within 45 working days from receipt of the request.

B. If the client is dissatisfied with the finding of this informal administrative review, within 10 days from the date of the informal administrative review decision, the request for a fair hearing must be made in writing to the director of Louisiana Rehabilitation Services, P.O. Box 94371, Baton Rouge, LA 70804-9371. The request can be prepared personally or with aid of any other person of the individual's choice. The fair hearing must be held within 45 working days of receipt of the request.

C. The impartial hearing officer will make a decision based on the provisions of the Louisiana Rehabilitation Services PCA Policy Manual and the law and provide to the applicant or client, or if appropriate, the representative, and to the director of LRS a full written report of the findings and grounds for the decision within 30 working days of the completion of the hearing.

D. PCA benefits shall remain unchanged during the appeal process until the final decision is reached.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:664.6 and R.S. 36:477.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Rehabilitation Services, LR 17:611 (June 1991), amended LR 19: (November 1993).

§1113. Eligibility and Ineligibility Decisions

A. **Non-Discrimination and Non-Exclusion.** The evaluation team must apply eligibility requirements without regard to sex, race, creed, color or national origin of the individual applying for service.

B. **Eligibility Criteria set forth in Louisiana R.S. 46:2116.2 and as stated below are:**

1. is an individual with severe disabilities;
2. is between the ages of 18 and 55. An individual who begins to receive services between the ages of 18 and 55 shall continue to receive services after age 55, provided that all other eligibility requirements are met;

3. has applied for Title XIX;

4. needs not less than 14 nor more than 35 hours a week of personal assistance services from this program or needs an attendant at night which services are necessary to prevent or remove the client from inappropriate placement in an institutional setting or enhance the client's employability;

5. written documentation from the treating physician must clearly state that the client is medically stable and is capable of directing the activities of a PCA attendant;

6. must have received Skilled Nursing Facility (SNF) or Intermediate Care Facility (ICF) services for at least 90 days during the 12 months prior to receiving PCA services. If the client has not received the required SNF or ICF services he/she must show evidence of needing Personal Care Assistant Services as listed in §1105, Definitions, on a permanent basis in order to achieve activities of daily living.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:664.6 and R.S. 36:477.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Rehabilitation Services, LR 17:611 (June 1991), amended LR 19: (November 1993).

§1117. Care Plan for PCA Services

A. A care plan is to be developed to determine the level of care needed. A care plan shall be initiated and updated every

six months or more often, if indicated. The care plan and all updated plans shall be contained in the client's case record. The initial plan should be included with the application sent to the PCA evaluation team.

B. **Client Participation.** The client is to participate fully in the development of the care plan, including all changes and amendments. Client's signature is required for the care plan and any amendments.

C. **Minimum content of the care plan:**

1. identification of specific services to be delivered;
2. the frequency of service(s);
3. the beginning date and service review dates;
4. total number of hours per week per service.

D. **Amendment of the Care Plan.** When the client or provider identifies a need for a change to the original care plan, the client and the provider shall amend the plan to address the client's need(s). The amended plan shall be submitted to the PCA evaluation team if such changes are markedly different from the original plan.

E. **Bi-Annual Care Plan Review.** Every six months a review of the care plan is mandatory and shall be reflected on the amended plan. A review can be done before six months, if indicated. In all cases, the client shall be involved in any review and/or changes to his/her care plan.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:664.6 and R.S. 36:477.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Rehabilitation Services, LR 17:611 (June 1991), amended LR 19: (November 1993).

§1119. Financial

A. **Prior Authorization.** If an emergency situation exists where PCA services need to begin prior to the provider's receipt of written acceptance of client's application for PCA services, documentation in the client's case record must be given confirming verification of the emergency and the authorization received from the LRS program manager that PCA services can begin. The program manager must also follow up such authorization in writing within five days to the appropriate provider following such verbal authorization.

B. The recipient of PCA services will invoice provider bi-monthly in arrears for PCA services purchased and include copies of time sheets as verification of the services being provided. The invoice shall contain the following:

1. dates of services;
2. number of hours of PCA services per day;
3. rate of pay;
4. signature of PCA;
5. signature of PCA client.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:664.6 and R.S. 36:477.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Rehabilitation Services, LR 17:611 (June 1991), amended LR 19: (November 1993).

§1121. Qualified Provider Responsibilities

A. Shall maintain a registry of persons interested in providing PCA services.

B. Shall maintain a waiting list of individuals wanting to apply for PCA services.

C. Shall take a pre-application on clients maintained on the

waiting list in order to determine priority order as funds become available for serving additional clients. The provider shall utilize the pre-application form to determine the priority order to serve individuals on the waiting list.

D. When funds are available, the provider shall send the pre-application and application on the prioritized individual to the LRS program manager for determination or redetermination of eligibility.

E. Shall maintain a case record on each recipient or a pre-application. The case record must include, as a minimum, the pre-application form and, if applicable, a copy of the ineligibility letter, care plan and all amendments to this plan, documentation from medical and/or other appropriate sources, and any other additional material which is a necessary part of the application and/or reconsideration for PCA services.

F. A reconsideration is required to be completed bi-annually on all PCA recipients. If there is a change in circumstances, a revised care plan must also accompany the reconsideration which are to be sent to the LRS program manager.

G. Shall make available personal care management training to all individuals receiving services under this program.

H. Shall advise the applicant/client of the evaluation team's decision within five working days from receipt of the team's decision if found eligible for PCA services.

I. Shall maintain copies of the time sheets on the attendants in order to document the number of days and hours worked. Payments for the time worked shall be paid within a reasonable period of time after the invoice is received by the provider.

J. Shall investigate information brought to the provider's attention which causes question of continued eligibility. This could include such items as falsification of time sheets, misuse of PCA funds, and any other violation of the policy stated herein. This information shall be provided to the LRS program manager for disposition. If the information provided is substantiated, this shall be reason for denial of services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:664.6 and R.S. 36:477.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Rehabilitation Services, LR 17:611 (June 1991), amended LR 19: (November 1993).

§1123. Evaluation Team Responsibilities

A. Shall determine the eligibility of the person with a severe disability for PCA services, and

B. Re-evaluate the PCA recipient through bi-annual reviews of the reconsideration and care plan if applicable to determine the continued need for PCA services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:664.6 and R.S. 36:477.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Rehabilitation Services, LR 17:611 (June 1991), amended LR 19: (November 1993).

§1125. Responsibilities of the Agency in the Eligibility Decision

A. The agency shall follow the recommendations of the evaluation team; or

B. Shall give notice to the person within 20 days of receipt of the recommendations of the evaluation team of its reasons for not following the team's recommendations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:664.6 and R.S. 36:477.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Rehabilitation Services, LR 17:611 (June 1991), amended LR 19: (November 1993).

Gloria Bryant-Banks
Secretary

RULE

Department of Social Services Office of the Secretary

Child Care Assistance Program (LAC 67:I.Chapter 1)

The Department of Social Services, Office of the Secretary has adopted the following rule in the Child Care Assistance Program effective January 1, 1994.

Title 67

SOCIAL SERVICES

Part I. Office of the Secretary

Chapter 1. Child Care Assistance Program

§101. Eligibility Requirements

A. Child Care and Development Block Grant

1. Household income does not exceed 75 percent of the state median income for a household of the same size.

a. Income is defined as gross earnings from all sources of employment. Earnings must be verified, using a minimum of four check stubs from the most recent four pay periods, or the standard verification form from the employer.

b. Medical expenses are deducted from the household's total earned income to determine income eligibility if they are:

- i. verified by the applicant;
- ii. regular and incurred at least once each month;
- iii. non-reimbursable by insurance or other sources;
- iv. not covered by Medicaid;
- v. \$35 or more each month.

Verification can consist of receipts from a drugstore or a doctor's office, etc., but must be sufficient to satisfy the criteria listed above. Deductions shown on check stubs for hospitalization or dental insurance are deducted as medical expenses;

* * *

2. The family includes a child in need of child care services who is under age 13, or age 13 to age 18 and physically or mentally incapable of caring for himself or herself, as verified by a physician or certified psychologist, or under court supervision. If the child is not already placed with a child care provider, care must be scheduled to begin no later than 12 weeks following the date of application.

3. The child customarily resides fulltime with a parent(s) or guardian(s) who is applying for child care services.

4. The parent(s) or guardian(s), regardless of age, as well as all household members 18 years of age and older, is:
a. employed at least 20 hours per week (parent(s) or

guardian(s) must also be earning gross wages equivalent to the federal minimum wage multiplied times 20 hours per week); or

b. attending a job training or educational program that is legally authorized by the state for at least 20 hours per week (attendance at a job training or educational program must be verified, including the date of completion); or

c. some combination of employment and training or education as defined in §101.A.4.b., above, that equals at least 20 hours per week, or the child is in need of or receiving protective services, in which case the parent(s) or guardian(s) and all adult members of the household are not required to be employed or attending a job training or educational program. Protective services status must be verified by the Office of Community Services.

5. The child for whom application is being made is not eligible for or receiving child care benefits through the Aid to Families with Dependent Children (AFDC) program (including AFDC Child Care Assistance, Project Independence child care, Transitional Child Care, etc.). A parent or guardian can apply for Child Care Assistance 12 weeks prior to the termination of the child's eligibility for Transitional Child Care (TCC); if otherwise eligible, the applicant's name is placed on the waiting list until TCC eligibility is exhausted.

* * *

7. Eligible cases are assigned a certification period of three to six months, beginning with the first month in which the eligibility determination is made. The parent or guardian of a child is required to report any changes that could affect eligibility or benefit amount within 10 days of knowledge of the change. Specifically, parents or guardians must report:

- a. address changes;
- b. household composition changes;
- c. employment or earned income changes;
- d. changes in attendance at training or educational programs;
- e. changes in regular medical expenses;
- f. changes in child care providers;
- g. receipt of Aid to Families with Dependent Children (AFDC);
- h. absences from child care of five or more consecutive working days;
- i. changes in the number of days or hours that a child is attending.

Failure to report a change that affects eligibility or benefit amount can result in action to recover ineligible benefits.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Part 98, 45 CFR Part 99, 45 CFR Part 255 and 45 CFR Part 257.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary, LR 18:288 (March 1992), amended LR 18:1133 (October 1992), LR 18:1415 (December 1992), LR 19: (November 1993).

§102. Waiting Lists

A. ...

B. When all the funds for the current year have been obligated, no payments can be made for any additional children determined eligible. Instead, a waiting list is maintained for each parish. Eligibles on the waiting lists are assigned a priority code according to the following criteria:

1. children in need of protective services;
2. special needs children;
3. all other children.

* * *

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Part 98, 45 CFR Part 99, 45 CFR Part 255 and 45 CFR Part 257.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary, LR 18:1269 (November 1992), amended LR 19: (November 1993).

§103. Child Care Providers

A. - C. ...

D. Family child day care home providers and in-home child care providers must be at least 18 years of age to be eligible for participation. Under the Child Care and Development Block Grant, relatives providing child care to only grandchildren, nieces, and/or nephews must apply for registration as a Family Child Day Care Home, and must meet registration requirements within one year. The use of funds for sectarian worship or instruction, or the purchase of land or buildings, is prohibited.

* * *

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Part 98, 45 CFR Part 99, 45 CFR Part 255 and 45 CFR Part 257.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary, LR 18:288 (March 1992), amended LR 18:1269 (November 1992), LR 19:659 (May 1993), LR 19:784 (June 1993), LR 19: (November 1993).

§104. Payments

A. - D. ...

E. Payments will be authorized at the following rates, for the following number of hours:

1. Payment rate shall be the lesser of:
 - a. the standard state maximum hourly rate, or
 - b. the actual hourly rate charged, determined by dividing the provider's actual weekly charges by the child's actual number of weekly hours of attendance.
2. The number of hours authorized for payment:
 - a. for a child attending school and in child care more than 20 hours per week shall be the lesser of:
 - i. the total number of hours per week the parent(s) or guardian(s) is working or in school or training, minus the number of hours the child is in school while the parent is working or in school or training, plus one hour for each day the parent(s) or guardian(s) is working or in school or training, or
 - ii. the number of hours the child is actually in care.
 - b. for all other situations shall be the lesser of:
 - i. the total number of hours per week the parent(s) or guardian(s) is working or in school or training, plus one hour for each day the parent(s) or guardian(s) is working or in school or training, or
 - ii. the number of hours the child is actually in care

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Part 98, 45 CFR Part 99, 45 CFR Part 255 and 45 CFR Part 257.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary, LR 18:288 (March 1992), amended LR 18:1269 (November 1992), LR 19:784 (June 1993), LR 19: (November 1993).

Gloria Bryant-Banks
Secretary

RULE

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

Commercial Snapper Limits (LAC 76:VII.335)

The secretary of the Department of Wildlife and Fisheries hereby promulgates a rule establishing possession limits for commercial harvest of red snapper, as part of the existing rule for daily take, possession, and size limits for reef fishes set by the commission. Authority for adoption of this rule is included in R.S. 56:6(25)(a) and 56:326.3.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 3. Saltwater Sport and Commercial Fishery

§335. Daily Take, Possession and Size Limits Set by Commission, Reef Fish

A. The Louisiana Wildlife and Fisheries Commission does hereby adopt the following rules and regulations regarding the harvest of snapper, grouper, sea basses, jewfish, and amberjack within and without Louisiana's territorial waters:

Species	Recreational Bag Limits
1. Red Snapper	7 fish per person per day 10 fish per person per day (in aggregate)
2. Queen, mutton, schoolmaster, blackfin, cubera, gray, dog, mahogany, silk, yellowtail snappers, and wenchman	5 fish per person per day (in aggregate)
3. All groupers	3 fish per person per day
4. Greater amberjack	

B. All persons who do not possess a permit issued by the National Marine Fisheries Service under the Federal Fishery Management Plan for the Gulf of Mexico Reef Fish resources are limited to the recreational bag limit.

C. A person subject to a bag limit may not possess during a single day, regardless of the number of trips or the duration of a trip, any reef fish in excess of the bag limits.

D. For charter vessels and headboats as defined in Federal Regulations 50 CFR Part 641 as amended by FR Vol. 55, No. 14, there will be an allowance for up to two daily bag limits on multi-day trips provided the vessel has two licensed operators aboard as required by the U.S Coast Guard for trips of over 12 hours, and each passenger is issued and has in possession a receipt issued on behalf of the vessel that verifies the length of the trip.

E. Those persons possessing a permit issued by the National Marine Fisheries Service under the Federal Fishery Management Plan for the Gulf of Mexico Reef Fish resources, who do not possess a red snapper endorsement on that permit are limited to a daily take and possession limit of 200 pounds per vessel.

F. Those persons possessing a permit issued by the National Marine Fisheries Service under the Federal Fishery Management Plan for the Gulf of Mexico Reef Fish resources, who do possess a red snapper endorsement on that permit are limited to a daily take and possession limit of 2000 pounds per vessel.

G. Species	Minimum Size Limits
1. Red Snapper	13 inches total length
2. Gray, mutton and yellowtail snapper	12 inches total length
3. Lane and vermilion snapper	8 inches total length
4. Red, gag, black, yellowfin and nassau grouper	20 inches total length
5. Jewfish	50 inches total length
6. Greater amberjack	28 inches fork length (recreational) 36 inches fork length (commercial)
7. Black seabass	8 inches total length

H. Federal regulations 50 CFR Part 641 as amended by FR Vol. 55, No. 14, defines charter vessels and headboats as follows:

1. *Charter Vessel*—a vessel whose operator is licensed by the U.S. Coast Guard to carry six or fewer paying passengers and whose passengers fish for a fee. A charter vessel with a permit to fish on a commercial quota for reef fish is under charter when it carries a passenger who fishes for a fee, or when there are more than three persons aboard including operator and crew.

2. *Headboat*—vessel whose operator is licensed by the U.S. Coast Guard to carry seven or more paying passengers and whose passengers fish for a fee. A headboat with a permit to fish on a commercial quota for reef fish is operating as a headboat when it carries a passenger who fishes for a fee, or when there are more than three persons aboard including operator and crew.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6(25)(a), 56:326.1 and 326.3.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 16:539 (June 1990), amended LR 19: (November 1993).

Bert H. Jones
Chairman

RULE

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

Jewfish Harvest Prohibition (LAC 76:VII.337)

The Louisiana Wildlife and Fisheries Commission hereby adopts rules and regulations to prohibit the harvest and possession of jewfish (*Epinephelus itajara*) within or without Louisiana's territorial waters. The measures are to be consistent with federal regulations which were designed to restore the declining jewfish resource.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 3. Saltwater Sport and Commercial Fishing

§337. Taking and Possession of Jewfish Prohibited

The Louisiana Wildlife and Fisheries Commission hereby prohibits the taking and possession of jewfish (*Epinephelus itajara*) from within or without Louisiana waters.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:325.1 and 56:326.3.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 16:1070 (December 1990), amended LR 19: (November 1993).

Bert H. Jones
Chairman

NOTICES OF INTENT

NOTICE OF INTENT

Department of Agriculture and Forestry
Horticulture Commission

Minimum Examination Performance Levels
(LAC 7:XXIX.15111)

In accordance with provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Agriculture and Forestry, Horticulture Commission, proposes to adopt rules and regulations regarding the minimum examination performance levels required of persons performing horticulture work. These rules comply with and are enabled by R.S. 3:3801 et seq. No preamble regarding these rules is available.

Title 7

AGRICULTURE AND ANIMALS

Part XXIX. Horticulture Commission

§15111. Minimum Examination Performance Levels Required

A. The minimum performance level for satisfactory completion of all examinations for licensure, except the examination for landscape architect, shall be 70 percent. The minimum performance level for satisfactory completion of the retail floristry exam shall be 70 percent for the written segment and 70 percent for the design segment of the examination.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3801 and R.S. 3:3807.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Horticulture Commission, LR 8:184 (April 1982), amended by the Department of Agriculture and Forestry, Horticulture Commission, LR 20:

Interested persons should submit written comments on the proposed rule to Craig Roussel, Director, Horticulture

Division, Box 3118, Baton Rouge, LA 70821-3118, prior to December 30, 1993.

Bob Odom
Commissioner

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Minimum Examination Performance Levels

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
No costs or savings to state or local governmental units are anticipated to result from implementation of the proposed rule changes.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
No effect on revenue collections to state or local governmental units is anticipated to result from implementation of the proposed rule changes.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
No costs or economic benefits to directly affected persons or non-governmental groups are anticipated to result from the proposed rule changes.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
No effect on competition or employment is anticipated.

Richard Allen
Assistant Commissioner

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

Department of Agriculture and Forestry
Office of Forestry
Department of Revenue and Taxation
Tax Commission

Timber Stumpage Values (LAC 7:XXXIX.20101)

The Department of Agriculture and Forestry, Office of Forestry and the Department of Revenue and Taxation, Tax Commission, in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., hereby gives notice of intent to amend LAC 7:XXXIX.20101 as follows:

Title 7

AGRICULTURE AND ANIMALS

Part XXXIX. Forestry

Chapter 201. Timber Values

§20101. Stumpage Values

In accordance with R.S. 3:4343, the Forestry Commission and the Tax Commission are directed to establish the stumpage values for timber each year. These commissions have adopted the following timber stumpage values, based on current average stumpage market values, to be used for severance tax compilations for 1994:

1. Pine trees and timber	\$248.83/MBF	\$31.10/ton
2. Hardwood trees and timber	\$125.66/MBF	\$13.23/ton
3. Pine pulpwood	\$ 27.02/cord	\$10.01/ton
4. Hardwood pulpwood	\$ 10.22/cord	\$ 3.59/ton

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1543.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Forestry, Forestry Commission, LR 4:9 (January 1978), amended LR 5:7 (January 1979), LR 6:728 (December 1980), LR 7:627 (December 1981), LR 8:651 (December 1982), LR 9:848 (December 1983), LR 10:1038 (December 1984), LR 11:1178 (December 1985), amended by the Department of Agriculture and Forestry, Office of Forestry, Forestry Commission, LR 12:819 (December 1986), LR 13:432 (August 1987), LR 14:9 (January 1988), LR 15:5 (January 1989), LR 16:16 (January 1990), LR 17:476 (May 1991), LR 18:6 (January 1992), LR 19:611 (May 1993), LR 20:

Interested persons may submit written comments to Don Feduccia, Office of Forestry, Box 1628, Baton Rouge, LA 70821-1628. Written comments will be accepted through the close of business on December 20, 1993.

Bob Odom, Commissioner
Department of Agriculture and Forestry

Paul D. Frey, State Forester
Office of Forestry

Malcolm B. Price, Chairman
Tax Commission

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

**RULE TITLE: Timber Stumpage Values
(LAC 7:XXXIX.20101)**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no additional implementation costs or savings to state or local governments required by the implementation of this action.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Since this action adjusts the average stumpage value upward for timber harvested, the severance tax revenue received by state and local governments will increase if 1994 timber production levels equal the five-year average. State revenue would increase by \$165,000 and local government revenues would increase by \$495,000.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
Although the tax paid by timber sellers and reported and remitted by wood-using industries will increase as a result of this action, the prevailing severance tax rate for timber harvesting remains constant by statute. No increases in paperwork or procedures will result from this action.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This action is taken on an annual basis and should have negligible effect on competition or employment. The increased tax revenue that will result from the increase in average stumpage prices set by this action may have a positive effect on parish and state government.

Richard Allen
Assistant Commissioner

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

**Department of Culture, Recreation and Tourism
Office of Cultural Development
Division of Archaeology**

**Archaeologist Qualifications; Fees; LASFAC
(LAC 25:I.Chapter 1)**

As per authority of Archaeological Resources Act, R.S. 41:1604, the Department of Culture, Recreation, and Tourism intends to propose, amend, and repeal rules relative to LAC Title 25. The purposes of the changes are: 1) to establish minimum qualifications for archaeologists working on state properties; 2) establish fees for printed and photocopied material and for the curation of artifacts; and 3) to define the purpose, the duties of officers, and schedule of meetings for the Louisiana Archaeological Survey and Antiquities Commission.

**Title 25
CULTURAL RESOURCES**

Part I. Office of Cultural Development

Chapter 1. Division of Archaeology

Subchapter A. Regulations

§101. Definitions

Burial furniture—movable property or artifacts found in association with interments at Indian burial sites. Examples of burial furniture include but are not limited to clothing, beads, pottery, knives, muskets, weapons, plates, bowls, and other containers, utensils, and ornaments made of ceramic materials, glass, copper, iron, brass, or shell.

Commission—the Louisiana Archaeological Survey and Antiquities Commission created by and acting pursuant to the provisions of R.S. 41:1601 through 41:1613 inclusive and amended by R.S. 41:1601 through 41:1614 inclusive.

Contract or Contract for Survey and Salvage—a written agreement entered into by the secretary under the authority of R.S. 41:1607 for the study, conservation, and salvage of historic and prehistoric resources within a designated state archaeological landmark or on state-owned lands.

Contractor—a party that has entered into a contract for survey and salvage with the secretary under the provisions of the regulations.

Division—the Division of Archaeology created by and acting pursuant to the provisions of R.S. 41:1601-1614 inclusive.

Excluded Public Lands—public lands title to which is vested in or under the control and management of the public entities

described in *State-Owned Lands or Lands Belonging to the State of Louisiana* below.

Historical and Prehistoric Resources—the entire range of archaeological sites and remains and includes but is not limited to:

1. prehistoric Native American or American Indian campsites, dwelling, habitation sites, burial grounds, mounds and all sites of every character;

2. historical sites of all ethnic groups and in both rural and urban areas of the state including house sites, plantations, camps, and industrial sites, as well as the buildings and the objects from these sites;

3. all sunken or abandoned ships and wrecks of the sea or rivers, or any part of the content thereof;

4. all archaeological material such as artifacts embedded in the earth or underwater; and

5. all maps, records, documents, books, artifacts, and implements of culture which relate to such archaeological remains.

Indian Burial Site—any location used by historical or prehistoric Indians for the interment of deceased Indians as determined by archaeological research. Burial sites include cemeteries, graveyards, burial grounds, and other configurations.

Investigation—the study of a state archaeological landmark through testing, excavation, removal of artifacts and material, or any other process which alters the landmark or its associated physical remains and characteristics.

Private Lands—lands which are not public lands nor owned by the United States of America, the state of Louisiana, or any department, agency, or instrumentality thereof.

Professional Archaeologist—a person who meets the minimum qualifications listed in §102 below.

Reference Series—publications which are basic source material needed in the study, management, or presentation of archaeological information. Publications in the reference series include but are not limited to "Louisiana's Comprehensive Archaeological Plan" and the "Annotated Bibliography of Cultural Resource Survey Reports."

Regulations—the rules and regulations provided for in hereof, and as this instrument may be amended hereafter.

Secretary—the secretary of the Department of Culture, Recreation and Tourism.

State Archaeological Landmark or Landmark—a geographic area situated on state-owned lands, excluded public lands, private lands, or a combination thereof, which is accepted and approved for inclusion by the commission in the *Registry of State Archaeological Landmarks*.

State-Owned Lands or Lands Belonging to the State of Louisiana—all public lands within the limits of the state, including tidelands, submerged lands, and the bed of the sea within the jurisdiction of the state of Louisiana, other than lands title to which is vested in:

1. the United States of America or any of its agencies, departments, or instrumentalities;

2. local political subdivisions of the state of Louisiana including, but not limited to, municipalities, parishes, and special taxing districts; and

3. the three management boards for higher education created pursuant to Article VIII, Sections 6 and 7 of the 1974 Constitution.

AUTHORITY NOTE: Promulgated in accordance with R.S. 41:1601-1614.

HISTORICAL NOTE: Promulgated by the Louisiana Archaeological Survey and Antiquities Commission, LR 1:375 (September 1975), amended by the Department of Culture, Recreation and Tourism, Division of Archaeology, LR 20:

§102. Minimum Qualifications for Professional Archaeologists

A. The following information outlines the basic educational and training requirements that a person must have to direct archaeological investigations on state property. In addition to basic educational requirements, the person must demonstrate expertise in historic archaeology if the project is mainly historical in nature or in prehistoric archaeology if the resources are primarily prehistoric. If the resources are underwater, the person must demonstrate expertise in underwater archaeology. These minimal qualifications parallel in large part those included in the "Archeology and Historic Preservation: Secretary of the Interior's Standards and Guidelines" (Federal Register, Vol. 48, No. 190 September 29, 1983) and in the *Guide to the Society of Professional Archaeologists*, "Requirements for Membership and Certification" (1993). A person who wishes to conduct archaeological investigations on state property must document that s/he has the education, training, and appropriate expertise listed below.

1. Basic Educational Requirements. To meet the basic educational requirements, a person must have designed and executed an archaeological study as evidenced by a thesis or dissertation, and must have been awarded an advanced degree, such as an M.A., M.S., Ph.D. or D.Sc., from an accredited institution in archaeology, historical archaeology, anthropology with a specialization in archaeology, or history with a specialization in archaeology. If the thesis or dissertation is not based primarily on field research in archaeology, the person must have designed and executed an archaeological study or report based on field research equivalent in scope and quality to an M.A. or M.S. thesis or Ph.D. or D.Sc. dissertation.

2. Basic Training Requirements for Each Area of Expertise

a. Historical Archaeology. Historical archaeology is defined as the application of archaeological techniques to sites relating either directly or indirectly to a literate tradition. Historical archaeology is most often devoted to the study of sites that date to the expansion of literate populations since the 15th century. To qualify as a historical archaeologist, a person must:

i. document a minimum of one year of field and laboratory experience with sites and artifacts of the historic period, including 24 weeks of fieldwork, of which no more than 12 can be survey, and eight weeks of laboratory work under the supervision of a professional archaeologist, and an additional 20 weeks in a supervisory or equally responsible capacity;

ii. document a historical archaeological report on

field research, prepared wholly or in the majority by the person requesting recognition as a professional historical archaeologist;

iii. demonstrate experience or training in primary archival research under the supervision of a competent specialist as documented by a report, a course transcript, or a letter of reference;

iv. show the design and execution of a historical archaeological study as evidenced by an M.A. or M.S. thesis, Ph.D. or D.Sc. dissertation, or a report equivalent in scope and quality; and

v. be knowledgeable about the recovery and interpretation of both archaeological and archival data, and be familiar with the material remains including artifactual components and with their conservation and preservation.

b. Prehistoric Archaeology. Prehistoric archaeology is defined as the application of archaeological techniques to sites relating to preliterate or non-literate Native American traditions. Prehistoric archaeology is most often devoted to the study of Native American sites of the time before Europeans arrived, but it may also relate to Native American archaeology of the contact period. To qualify as a prehistoric archaeologist, a person must:

i. document a minimum of one year of field and laboratory experience with sites and artifacts of the prehistoric periods, including 24 weeks of fieldwork, of which no more than 12 can be survey, and eight weeks of laboratory work under the supervision of a professional archaeologist, and an additional 20 weeks in a supervisory or equally responsible capacity;

ii. document a prehistoric archaeological report on field research, prepared wholly or in the majority by the person requesting recognition as a professional prehistoric archaeologist;

iii. show the design and execution of a prehistoric archaeological study as evidenced by an M.A. or M.S. thesis, Ph.D. or D.Sc. dissertation, or a report equivalent in scope and quality; and

iv. be knowledgeable about the recovery and interpretation of archaeological data and be familiar with the material remains including artifactual components and with their conservation and preservation.

c. Underwater Archaeology. The term underwater archaeology is used to mean archaeological investigations in situations where scuba or surface supplied air equipment is required. Generally, this will apply to sites that are totally submerged in the Gulf of Mexico or in lakes, rivers, or bayous. Underwater archaeology can be divided into prehistoric sites, historical sites, and nautical sites (ships and their related harbor structures). To qualify as an underwater archaeologist, a person must:

i. document a minimum of one year of field and laboratory experience with underwater sites and related artifacts, including two weeks of field experience and training in underwater survey techniques and demonstrate familiarity with the general theory and application of varied remote-sensing technology;

ii. document both 24 weeks of supervised underwater fieldwork and 20 weeks of supervisory underwater

archaeological fieldwork;

iii. show experience or training in the recovery and interpretation of both archaeological and archival data and, for nautical archaeology, familiarity with the history and technology of navigation and shipbuilding;

iv. document the design and execution of an underwater archaeological study as evidenced by an M.A. or M.S. thesis, or Ph.D. or D.Sc. dissertation, or a report equivalent in scope and quality; and

v. be knowledgeable in dealing with water-saturated artifacts and preservation and conservation methods.

vi. for persons specializing in underwater prehistoric sites, experience and training comparable to that specified in the section entitled Prehistoric Archaeology should be documented. For persons specializing in underwater historical sites, experience and training comparable to that specified in the section entitled Historical Archaeology should be documented. Persons specializing in nautical archaeology must be knowledgeable about both archaeological and archival data pertaining to ships.

AUTHORITY NOTE: Promulgated in accordance with R.S. 41:1601-1614.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Division of Archaeology, LR 20:

§122. Fees

A. Printed Material. A fee shall be charged for each publication in the reference series and for posters developed by the division. Fees shall be computed based on the estimated cost of developing, printing, mailing, and handling of each publication or poster.

B. Photocopying. A fee of 10 cents per copy shall be charged for photocopying information including site forms and reports maintained by the division.

C. Curation of Archaeological Collections. A one-time fee of \$200 shall be charged for processing and long-term curation of a standard box of artifacts deposited with the division. A standard box measures 12 inches by 10 inches by 15 inches and the contents can weigh no more than 30 pounds (13.6 kg). Oversize artifacts shall be assessed at the rate of \$200 per cubic foot. The fee must be paid within 30 days of billing.

D. Fee Waivers. Fees may be waived as described in the division's "Archaeological Code of Louisiana."

E. Fee Adjustments. Fees may be periodically readjusted to reflect changes in product costs and services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 41:1601-1614.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Division of Archaeology, LR 20:

Subchapter B. Louisiana Archaeological Survey and Antiquities Commission

§123. Purpose

The purpose of the Louisiana Archaeological Survey and Antiquities Commission is to promote the goals and objectives of the Department of Culture, Recreation and Tourism and to act in an advisory capacity to that department and its secretary in their administration of the Archaeological Resources Act (R.S. 41:1602).

AUTHORITY NOTE: Promulgated in accordance with R.S.41:1601-1614.

HISTORICAL NOTE: Promulgated by the Louisiana Archaeological Survey and Antiquities Commission, LR 1:10 (September 1975), amended by the Department of Culture, Recreation and Tourism, Division of Archaeology, LR 20:

§124. Bylaws

The bylaws govern the conduct of business by the Louisiana Archaeological Survey and Antiquities Commission.

1. A chairperson shall be selected annually at the fall meeting of the commission and shall preside over meetings of the commission.

2. The commission shall meet at least four times a year and on other occasions, if necessary, at the discretion of the chairperson. Notice of all meetings shall be mailed to each member prior to the meeting. All meetings shall be open to the public and shall be held in accordance with all appropriate state laws. *Robert's Rules of Order* shall be the final authority on matters of parliamentary procedure. Minutes of the meetings shall be reduced to writing and retained by the Division of Archaeology.

3. Action of the commission shall be by the affirmative vote of a majority of the members of the commission attending a meeting, provided that a quorum of six or more such members is present. Proxy votes authorized by the written consent of an absent commission member are permissible.

4. There shall be an executive committee composed of the chairperson, vice-chairperson, and state archaeologist. The executive committee is authorized to exercise the powers of the commission when the calling of an emergency meeting of the commission is impossible or not warranted. All actions adopted by the executive committee shall be submitted to the commission members for their consideration and ratification at the next regular meeting of the commission.

5. Commission members shall be paid a per diem and reasonable and necessary expenses incurred according to the authorization established in R.S. 41:1602, if funding permits.

6. Members shall comply with all state laws relating to ethics and conflicts of interest.

AUTHORITY NOTE: Promulgated in accordance with R.S. 41:1601-1614.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Division of Archaeology, LR 20:

§125. Quorum

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 41:1601-1614.

HISTORICAL NOTE: Promulgated by the Louisiana Archaeological Survey and Antiquities Commission, LR 1:375 (September 1975), repealed by the Department of Culture, Recreation and Tourism, Division of Archaeology, LR 20:

§127. Public Meetings, Notices, Emergency Meetings

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 41:1601-1614.

HISTORICAL NOTE: Promulgated by the Louisiana Archaeological Survey and Antiquities Commission, LR 1:375 (September 1975), repealed by the Department of Culture, Recreation and Tourism, Division of Archaeology, LR 20:

§129. Officers

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 41:1601-1614.

HISTORICAL NOTE: Promulgated by the Louisiana Archaeological Survey and Antiquities Commission, LR 1:375 (September 1975), repealed by the Department of Culture, Recreation and Tourism, Division of Archaeology, LR 20:

§131. Cash Management

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 41:1601-1614.

HISTORICAL NOTE: Promulgated by the Louisiana Archaeological Survey and Antiquities Commission, LR 1:375 (September 1975), repealed by the Department of Culture, Recreation and Tourism, Division of Archaeology, LR 20:

§133. Budget

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 41:1601-1614.

HISTORICAL NOTE: Promulgated by the Louisiana Archaeological Survey and Antiquities Commission, LR 1:375 (September 1975), repealed by the Department of Culture, Recreation and Tourism, Division of Archaeology, LR 20:

§135. State Archaeologist

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 41:1601-1614.

HISTORICAL NOTE: Promulgated by the Louisiana Archaeological Survey and Antiquities Commission, LR 1:375 (September 1975), repealed by the Department of Culture, Recreation and Tourism, Division of Archaeology, LR 20:

§137. Executive Committee

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 41:1601-1614.

HISTORICAL NOTE: Promulgated by the Louisiana Archaeological Survey and Antiquities Commission, LR 1:375 (September 1975), repealed by the Department of Culture, Recreation and Tourism, Division of Archaeology, LR 20:

§139. Annual Report

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 41:1601-1614.

HISTORICAL NOTE: Promulgated by the Louisiana Archaeological Survey and Antiquities Commission, LR 1:375 (September 1975), repealed by the Department of Culture, Recreation and Tourism, Division of Archaeology, LR 20:

Interested parties may submit written comments on the proposed changes to Gerri Hobdy, Assistant Secretary, Office of Cultural Development, Box 44247, Baton Rouge, LA 70804.

Gerri Hobdy
Assistant Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Archaeologist Qualifications; Fees; LASFAC**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Minimal costs for paper and photocopying are anticipated for implementation of the proposed rule.

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

It is expected that the proposed action will allow the Office of Cultural Development to generate \$13,500 in fiscal 93-94, \$14,000 in 94-95, and \$14,500 in 95-96 from the collection of fees designed to cover costs of artifact curation and storage, photocopying, and the production of archaeological publications.

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

As a result of the rule, archaeologists working on state properties will need to meet minimum qualifications. A fee of 10 cents per copy will be charged for photocopying. A fee of \$10 per copy will be charged for the volume "Classroom Archaeology." Person wishing to obtain other publications as they become available will be charged a fee commensurate with the costs of producing and mailing the volume. Persons wishing to curate archaeological collections with the Division of Archaeology will be charged \$200 per cubic foot.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed action will have no impact on employment other than limiting archaeological work on state lands to professional archaeologists, a policy currently being practiced and herein codified by the proposed rule.

Gerri Hobdy
Assistant Secretary

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 741—Handbook for School Administrators
Minimum Standards for Vocational Education

In accordance with the R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement, an amendment to Bulletin 741 (Nonpublic); Louisiana Handbook for School Administrators, Standard 6.016.14 as stated below. This amendment supersedes the amendment to Standard 6.016.14 of Bulletin 741 which appeared as a notice of intent on page 799 of the June 1993 issue of the *Louisiana Register*, and includes a sentence which was inadvertently omitted from the existing policy.

Revised Standard 6.016.14

A nonpublic school principal, assistant principal, or headmaster must hold a master's degree in an area from an accredited institution or have principalship on his Louisiana teaching certificate. The principal is to be a full-time, on-site employee. (The principal and/or assistant principal may be a teacher as well as the educational administrator of the school.)

Add as a Procedural Block:

Assistant principals, who do not meet minimum qualifications, may be retained in a school provided they were employed in that school during the 1992-93 school year as an assistant principal.

Add as a Procedural Block:

A list of these assistant principals is to be maintained in the State Department of Education. Upon retirement or replacement, these assistant principals must be replaced with properly qualified personnel under the nonpublic school standards. These individuals may not be transferred or employed by another school unless they meet the requirements stated in the above standard.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 20:

Interested persons may submit comments on the proposed rule until 4:30 p.m., January 8, 1994 to: Eileen Bickham, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Carole Wallin
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES

RULE TITLE: Bulletin 741—Handbook for School Administrators, Minimum Standards for Vocational Education

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

After analyzing the Nonpublic Annual School Reports for 1992-1993 school year, it was discovered that assistant principals were not being cited if they did not have a master's degree. This new change will be reflected in Bulletin 741 - Non-public Standards. The cost to the state for implementation is \$100 for printing.

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

There is no effect on revenue collections at the state or local level.

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

Assistant principals currently employed who do not meet the new requirement will have to remain in their present school or obtain a master's degree if they wish to move to another school.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There should be no impact on competition and employment.

Marlyn Langley
Deputy Superintendent
for Management and Finance

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 741—Handbook for School Administrators Minimum Standards for Vocational Education

In accordance with R.S. 49:950 seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement an amendment to Standard 6.099.01 of Bulletin 741 to delete the parenthetical language, (Effective Beginning 1992-93 for Incoming Freshmen and Thereafter), since it is obsolete.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 20:

Interested persons may submit comments on the proposed rule until 4:30 p.m., January 8, 1994 to: Eileen Bickham, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Carole Wallin
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Handbook for School Administrators, Minimum Standards for Vocational Education

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

The only implementation costs to state or local governmental units is \$100 to print and disseminate the rule changes to Bulletin 741.

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

There is no estimated effect on revenue collections to state or local governmental units.

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

There are no estimated costs or economic benefits to directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated effect on competition and employment.

Marlyn Langley
Deputy Superintendent
for Management and Finance

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 1706—Exceptional Children

In accordance with the R.S. 49:950 seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement an amendment to Bulletin 1706, Regulations for Implementation of the Exceptional Children's Act (R.S. 17:1941), page 119, Part B to add the pupil/teacher ratio for hospital classes 8-17, and the addition of 1 Itinerant as noted below:

Part B.

* * *

F. Hospital/Homebound Instruction (per teacher)

- | | |
|--------------|------|
| 1. Itinerant | 5-10 |
| 2. One Site | 8-17 |

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 20:

Interested persons may submit comments on the proposed rule until 4:30 p.m., January 8, 1994 to: Eileen Bickham, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

This amendment was also adopted as an emergency rule and printed in the October, 1993 issue of the *Louisiana Register*.

Carole Wallin
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Bulletin 1706—Exceptional Children

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

This proposed rule change in Bulletin 1706, *The Regulations for Implementation of the Exceptional Children's Act* adds a pupil/teacher ratio for a group of students being served at one hospital site by one teacher. This will be a savings to state and local government units by reducing the number of teachers employed.

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

There will be no effect on revenue collections.

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

No direct costs or economic benefits are estimated from this proposed change. By one teacher serving more students that teacher would have an adjusted workload and additional paperwork but travel time would be eliminated due to being housed at one site.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

By increasing the number of students that a teacher could serve, fewer teachers may be employed from this proposed rule change.

Marlyn Langley
Deputy Superintendent
for Management and Finance

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 1822—Competency Based Postsecondary Curriculum Outlines

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement the following amendments to Bulletin 1822, Competency Based Postsecondary Curriculum Outlines.

Currently Approved

Course Title	Length
Graphic Arts	1350 Hrs., 12 Mos.
Drafting & Design Technology	2700 Hrs., 24 Mos.
Civil Engineering Technology	2250 Hrs., 20 Mos.
Commercial Art	2700 Hrs., 24 Mos.
Motor Vessel Engineer	1350 Hrs., 12 Mos.
Plumbing	1350 Hrs., 12 Mos.

Recommended Revision

Graphic Arts/Desktop Publishing	1872 Hrs., 18 Mos.
Graphic Arts/Process Printing	1872 Hrs., 18 Mos.
Drafting & Design Technology	2496 Hrs., 24 Mos.
Civil Engineering Technology	2080 Hrs., 20 Mos.
Commercial Art	2496 Hrs., 24 Mos.
Motor Vessel Engineer	1248 Hrs., 12 Mos.
Plumbing	1248 Hrs., 12 Mos.

Adjustments to Lengths Only

Title
Biomedical Equipment Technology
Air Conditioning and Refrigeration
Consumer Electronics Technician
Electronics Technology
Industrial Maintenance Technician
Instrumentation

Present length of each of the above courses is 2700 hrs., 24 mos.

Proposed length of each of the above courses is 2496 hrs., 24 mos.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7
HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 20:

Interested persons may submit comments on the proposed rule until 4:30 p.m., January 8, 1994 to: Eileen Bickham, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Carole Wallin
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Bulletin 1822—Competency Based Postsecondary Curriculum Outlines

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

In 1983, the Board of Elementary and Secondary Education adopted the implementation of uniform course titles and time requirements. These amendments to this bulletin are updates on title names, course lengths and content. The cost to implement this change would be approximately \$200. This would be for printing and postage to mail out the revisions. This amount also includes extra cost for the implementation of a new course.

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

This amendment is an update to Bulletin 1822, "Competency-Based Postsecondary Curriculum Outlines." When updates occur, the length of attendance for various courses may be increased or decreased. As courses are increased, the technical institutes will realize additional revenue and as they are decreased, will realize a decrease in revenue. As new courses are added, the potential for greater enrollment is better thus providing additional revenue for the technical institutes. With this update no decrease in enrollment is expected. There should not be any significant impact on self-generated revenues because of these updates and no future increase in cost is expected due to the change.

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

As courses are increased or decreased in length, the technical institute students will realize an increase or decrease in the amount of tuition costs. However, a more adequately trained worker will be available for employment in business and industry. The changes to the curriculum are made in response to what business and industry demands. There is no anticipation that any individual will be denied an opportunity to enroll.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

All technical education students will receive the same minimum curriculum from each technical institute attended. If a student transfers from one institute to another, there will be no lost time. The technical institutes will be producing better products as a result of up-to-date curricula.

Marlyn Langley
Deputy Superintendent
for Management and Finance

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

Board of Elementary and Secondary Education

Revised Teacher Tuition Exemption Regulations

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertising the Revised Teacher Tuition Exemption Regulations for FY 1993-94.

The Teacher Tuition Exemption Program is funded through the Louisiana Quality Education Support Fund (8g). Regulations for the Teacher Tuition Exemption Program are subject to administrative interpretation by the Louisiana Department of Education, Bureau of Continuing Education, and are incorporated into Bulletin 921. These regulations were adopted as an emergency rule, effective August 26, 1993, and printed in full in the September 1993 issue of the *Louisiana Register*.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7.3

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 20:

Interested persons may submit comments on the proposed rule until 4:30 p.m., December 8, 1993 to: Eileen Bickham, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Carol Wallin
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Revised Teacher Tuition Exemption Regulations

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The Department of Education will assume greater administrative responsibility in the approval process for tuition exemption applications. In addition, the costs associated with the tuition exemption program are approximately \$3.6 million to be funded with Louisiana Quality Education Support Funds.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The adoption of this policy is not expected to have an effect on revenue collections of state or local government units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
Five thousand teachers will receive tuition exemption for the fall 1993 semester, five thousand for the spring 1994 and five thousand for the summer 1994.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There is no effect on competition or employment

Marlyn Langley
Deputy Superintendent
for Management and Finance

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

Board of Elementary and Secondary Education

VTIE Certification Fee (LAC 28:I.903)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement an amendment to the Louisiana Administrative Code, Title 28, to include a five-year renewal certification fee for VTIE certification.

**Title 28
EDUCATION**

**Part I. Board of Elementary and Secondary Education
Chapter 9. Bulletins, Regulations, and State Plans
§903. Teacher Certification Standards and Regulations**

* * *

G. Fee Schedule for Certificates

* * *

1. Initial Certification Application Fee

* * *

c. VTIE

* * *

v. Five-year renewals \$25

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 20:

Interested persons may submit comments on the proposed rule until 4:30 p.m., January 8, 1994 to Eileen Bickham, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-90964.

Carole Wallin
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: VTIE Certification Fee

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The cost to implement this change would be approximately \$100 for printing and postage to mail out the revisions to the Louisiana Administrative Code, Volume 18, Title 28, 1990.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be an estimated revenue to the agency self-generated fund of \$250 for FY 93-94, \$975 for FY 94-95, \$2,125 for FY 95-96, \$2,125 for FY 96-97, and \$2,125 for FY 97-98.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
There will be no costs or economic benefits to the non-governmental groups. There will be an economic impact on the vocational technical employees who are employed after September 23, 1993. These employees will be required to pay an additional \$25 when they have met all requirements and receive their initial five-year renewable Vocational-Technical Certificate and a \$25 renewal fee every five years.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment as a result of this action.

Marlyn Langley
Deputy Superintendent
Management and Finance

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

**Department of Health and Hospitals
Board of Embalmers and Funeral Directors**

**Removal of Bodies from State
(LAC 46:XXXVII.1303)**

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950, et seq., and R.S. 37:840, notice is hereby given that the Department of Health and Hospitals, Board of Embalmers and Funeral Directors intends to amend LAC 46:XXXVII.1303, Removal of Bodies from State. This notice of intent replaces that which appeared on page 1356 of the October 20, 1993 *Louisiana Register*.

Title 46

**PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part XXXVII. Embalmers and Funeral Directors

Chapter 13. Prohibited Practices

§1303. Unlawful Practice

A. ...

B. No one shall carry, transport or remove from within the confines of this state any dead human body unless said body has been embalmed or cremated. Nothing in this Section, however, shall be construed to prohibit transfer of an unembalmed dead human body which has been disposed of for the purpose of an advancement of medical science, or for use as "transplant" organs or to require embalming if special practices and beliefs of religious groups prohibit embalming.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:840.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Embalmers and Funeral Directors, LR 8:189 (April 1982), amended LR 11:688 (July 1985), amended by the Department of Health and Hospitals, Board of Embalmers and Funeral Directors, LR 20:

Inquiries concerning the proposed rule may be directed in writing to Dawn P. Scardino, executive director, at the address below. Interested persons may submit written comments, data, views, or arguments no later than 30 days from the date of this notice to Ms. Scardino at the Board of Embalmers and Funeral Directors, Box 8757, Metairie, LA 70011-8757. 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.

Dawn P. Scardino
Executive Director

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

RULE TITLE: Removal of Bodies from State

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

No costs or savings to the board are expected.

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

It is not anticipated that the proposed addition to the rule will have any effect on the board's revenue collections.

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

Considering the dangers of infectious and contagious diseases, the welfare of the general public and certainly those coming in contact with the remains of the deceased, would be enhanced and further protected by requiring a body to be embalmed prior to its crossing state borders.

Out-of-state funeral establishments would, in all probability, experience a slight decrease in embalming revenues as the Louisiana licensed funeral establishments who are now picking up bodies for these out-of-state firms, filing death certificates and obtaining burial transit permits would now also assess charges for embalming these bodies to the out-of-state firms.

Accordingly, Louisiana funeral directors would experience a slight increase in revenue.*

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This proposed rule will have no known impact on competition and employment within the state of Louisiana.

*In considering the necessity for making the rule, it is the board's understanding that many local funeral homes have already made it a practice, for health reasons, to embalm the body prior to shipping and transporting out of state.

Dawn P. Scardino
Executive Director

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

**Department of Health and Hospitals
Office of the Secretary**

**Minimum Qualifications for Executive Director of
Sickle Cell Anemia Clinic**

The Department of Health and Hospitals, Office of the Secretary, proposes to adopt the following rule as authorized by R.S. 40:1299.4.1 (Act 605 of 1993), and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The executive director of each regional sickle cell anemia clinic shall possess at a minimum the following qualifications: an associate degree in business management, office administration/management, or secretarial science. A baccalaureate degree in office administration or secretarial science will substitute for the associate degree.

Interested persons may submit written comments to the

following address: Madeline McAndrew, Policy and Program Development, Box 1349, Baton Rouge LA 70821-1349. A public hearing on the proposed rule will be held on Wednesday, December 29, 1993, in the Department of Transportation and Development auditorium, First Floor, 1201 Capitol Access Road, Baton Rouge, LA at 10:30 a.m. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing at the public hearing.

Rose V. Forrest
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**
**RULE TITLE: Minimum Qualifications for Executive Director
of Sickle Cell Anemia Clinic**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There are no estimated implementation costs to State or local governmental units.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no estimated effect on revenue collections of State or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
There are no estimated costs and/or economic benefits to directly affected persons or non-governmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There is no estimated effect on competition and employment.

Rose V. Forrest
Secretary

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

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

Hospital Prospective Reimbursement Methodology

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, is proposing to adopt the following rule for the Reimbursement of Inpatient Hospital Services under the Administrative Procedure Act, R.S. 49:950 et seq.

The bureau's Medical Assistance Program reimburses providers enrolled in the Hospital Program for inpatient hospital services, as defined by 42 CFR 440.10. These enrolled providers must meet and maintain continued compliance with state hospital licensure regulations, all applicable federal and state certification and accreditation

standards and the requirements of the bureau's Provider Agreement.

Reimbursement for inpatient hospital services provided to eligible beneficiaries should be made through the use of rates that are reasonable and adequate to meet the costs which must be incurred by efficiently and economically operated facilities in order to provide access, care and services in conformity with applicable state and federal laws, regulations, and quality and safety standards.

The Louisiana Medical Assistance Program currently reimburses enrolled inpatient hospital facilities on the basis of reasonable, allowable costs, subject to a payment ceiling for operating costs.

The current reimbursement system is retrospective and provides reimbursement of hospital services based on an interim per diem rate. Subsequent to the hospital's fiscal year-end, a cost report is filed and cost settlement takes place using an established reimbursement limit per Medicaid discharge. This per discharge limit, commonly called the TEFRA limit, is multiplied by the hospital's Medicaid discharges to determine a hospital-specific, aggregate Medicaid upper payment limit for operating costs. Certain other costs are reimbursed as pass-thru costs. Total allowable costs are then compared to the total of the interim payments made for the given year and a settlement amount either owing to the Medicaid program or to the provider is identified and cost-settled.

The current hospital-specific rate for Medicaid reimbursement recognizes the cost differences among hospitals, but retrospective reimbursement results in difficulties in predicting final reimbursement levels. A prospective reimbursement methodology is anticipated to establish norms or limitations designed to encourage efficiency and economy of operation of facilities providing inpatient hospital services.

To promote efficiency, a standard of efficiency can be used to gauge hospital performance in areas of cost. Under this approach, an assumption is made that hospitals are not entirely unique in their approach to the delivery of care and can, in fact, be expected to deliver similar services to similar patients for similar prices, all else being equal.

The Bureau of Health Services Financing is proposing to implement a prospective reimbursement methodology for acute care inpatient hospital services provided in a non state operated hospital setting. This proposed prospective methodology will not apply to distinct part psychiatric abuse units, including hospital-based alcohol and drug treatment units. This methodology is designed to meet or exceed the requirements of federal law, including the requirement that reimbursement for inpatient hospital services provided to eligible beneficiaries be made through the use of rates that are reasonable and adequate to meet the costs which must be incurred by efficiently and economically operated facilities in order to provide access, care and services in conformity with applicable state and federal laws, regulations, and quality and safety standards.

The proposed acute care hospital reimbursement rates are prospective per diem rates based on peer groups for the payment of inpatient hospital services provided to Medicaid

recipients with further differentiation for certain intensive care services such as NICU, PICU, Burn, and transplant services. The bureau has determined that the revised Medicaid reimbursement methodology for inpatient hospital services will meet or exceed adequate levels of payment for inpatient hospital services, reduce the Medical Assistance Program's administrative costs and encourage providers of these services to operate efficiently.

PROPOSED RULE

Effective for dates of service March 1, 1994, Medicaid reimbursement for inpatient hospital services in a non-state operated hospital will be made according to prospective per diem rates for various peer groups of hospitals/units. Each peer group's per diem rate shall be comprised of the following components, as applicable:

1. Operating costs
2. Movable equipment costs
3. Fixed capital costs
4. Medical education costs

Payment rates for operating costs and movable equipment expenses are established according to peer groups. Facilities were classified for operating costs were classified into one of five peer groups and three specialty peer groups. Certain specialty units are also treated separately as noted below.

Initially all facilities within each peer group will be reimbursed at a blended rate for operating costs and movable equipment expenses. The purpose of the blended rate is to provide a phase in period (three years) culminating in a statewide flat peer group rate.

The five general peer groups are as follows:

1. Major teaching hospitals - Facilities enrolled as members in the Council of Teaching Hospitals (COTH) as of December 31, 1992. They must also be recognized by Medicare as teaching hospitals.

2. Minor teaching hospitals - Facilities which are recognized by Medicare as teaching hospitals, but do not meet the COTH requirements.

3. Non-teaching hospitals - These hospitals are grouped according to the number of staffed beds as reported on the Medicaid cost report for 1991, the base year. These three peer groups are as follows:

- a. less than 58 beds
- b. 58 to 138 beds
- c. more than 138 beds

Separate peer group payment rates are established for certain specialty hospital services and certain services of high intensity provided in the general acute care setting. These facilities restrict their scope of services such that they are not able to be grouped with general medical and surgical acute care hospitals. Specialty hospitals must be recognized by Medicare as PPS exempt hospitals and are categorized as follows:

1. rehabilitation hospitals
2. long-term care (ventilator) hospitals
3. children's hospitals

Payment rates for operating costs are determined for each peer group according to the weighted median of all non-state operated facilities' within the group. Per diem operating costs are based on the 1991 Medicaid filed cost report. The

weighted median is equal to the median of all Medicaid days of care provided by all facilities within each peer group, arrayed according to allowable cost for each component.

Movable equipment costs are determined for each peer group according to the median of all non-state operated facilities within the group.

Medical education costs shall be reimbursed as a facility-specific, per diem amount. Per diem rates for medical education were established according to allowable costs reported in the fiscal year 1991 cost reports.

Fixed capital payment rates shall be reimbursed on the basis of a statewide rate established at the median for all five general peer group hospitals. Specialty hospitals/units shall each have a separate peer group fixed capital per diem rate established at the statewide median for all such hospitals/units.

These payment rates are established based on the facilities base year costs as reported in fiscal year 1991 and trended to the midpoint of the first payment year by the DRI type hospital market basket index.

Certain resource intensive inpatient services have historically been recognized through a separate reimbursement methodology by Louisiana Medicaid. This policy will continue under the proposed prospective reimbursement methodology. Peer groups have been formed to reimburse these high intensity services which include:

1. Neonatal Intensive Care (NICU)
2. Pediatric Intensive Care (PICU)
3. Burn Care
4. Transplant

The new reimbursement methodology recognizes four categories of Neonatal Intensive Care Units (NICU) based on severity of illness and intensity of service. Guidelines developed by the Louisiana Perinatal Commission were used to group NICU according to levels of care. In devising criteria for certification of medical facilities for delivery of neonatal services, it is acknowledged that the level of professional expertise and the type of physical facilities available in hospitals vary considerably. The availability of appropriate facilities, equipment and personnel is essential for effective management of the neonatal population with the highest risk. In order to define which institutions are capable of rendering care to the high risk neonate, the following levels of care are established to describe the characteristics of hospitals to render specific neonatal services.

In addition, the compliance to staffing requirements for Level III and Level IV facilities will be determined by reviewing historical averages, not on a daily basis. The only differences in a Level III and Level IV facility is the availability of all subspecialties required in the *Guidelines for Perinatal Care*. A Level III facility is not expected or required to transport any baby to a Level IV center unless the baby requires the care of a sub-specialist not available at the Level III facility. The criteria established for NICU is as follows:

Neonatal - Level I

A Level I Nursery will provide:

1. evaluation of the condition of healthy neonates and continuing care of these neonates until their discharge in

compliance with state regulations regarding eye care and metabolic screening;

2. resuscitation and stabilization of all inborn neonates;
3. stabilization of unexpectedly small or sick neonates before transfer to a Level II, Level III, or Level IV facility;
4. consultation and transfer agreement with Level II, Level III, and Level IV facilities, emphasizing maternal transport when possible;
5. nursery defined area with limited access and security or rooming-in facilities;
6. parent-neonate visitation/interaction must be provided;
7. data collection and retrieval.

Neonatal - Level II

A Level II NICU shall provide:

1. management of small sick neonates with a moderate degree of illness that are admitted or transferred;
2. a board eligible/board certified pediatrician with sub-specialty certification in neonatal medicine or a board certified pediatrician with special interest and experience in neonatal medicine must be chief of the newborn care service;
3. Level II hospitals must have a neonatal intensive care or special care facility capable of providing neonatal ventilatory support, vital signs monitoring, and fluid infusion in a defined area of the nursery. Neonates born in a Level II facility with a birth weight of less than 1000 grams must be transferred to a Level III or Level IV facility once it has been stabilized if they require prolonged ventilatory support or have life threatening diseases or surgical complications requiring a higher level of care. Neonates with birth weight in excess of 1000 grams who require prolonged ventilation therapy may be cared for in a Level II facility, provided such facility performs a minimum of 72 days of ventilator care per year. A day of ventilator care is defined as any period of time during a 24-hour period;
4. if a Level II facility performs less than 72 ventilator days per year, it must transfer any neonate requiring prolonged ventilator therapy to a Level III or Level IV facility. Neonates requiring transfer to a Level III or Level IV facility may be returned to a Level II facility for convalescence.

The following examples are included in a Level II:

1. premature infants greater than 1000 grams requiring ventilation;
2. feeding difficulties up to and including Necrotizing enterocolitis (NEC);
3. apnea of prematurity-controlled;
4. neonatal sepsis and meningitis;
5. uncomplicated neonatal pneumonia/atelectasis.

Neonatal - Level III

A Level III NICU shall provide:

1. comprehensive care of high risk neonates of all categories admitted and transferred. The medical director of a Level III NICU must be a board-certified pediatrician with sub-specialty certification in neonatal medicine. Board-eligible neonatologists must achieve board certification within five years of completion of fellowship training or in existing units within five years of enactment of these regulations. There should be one neonatologist for every 10 patients in the continuing care, intermediate care, and intensive care

areas. There must be one physician or one neonatal nurse practitioner for every five patients who require intensive care.

2. obstetrics and neonatal diagnostic imaging, provided by obstetrician or radiologists who have special interest and competence in maternal and neonatal disease should be available 24 hours a day;
3. medical and surgical consultation must be readily available and pediatric sub-specialists may be used in consultation with a transfer agreement with Level IV facility;
4. a Level III NICU will have a neonatal transport team and will be involved in organized outreach educational programs.

The following examples are included in a Level III:

1. premature infants less than 1000 grams;
2. newborns with life threatening surgical condition if a pediatric surgeon is unavailable, i.e.,
 - a. necrotizing enterocolitis (NEC)
 - b. diaphragmatic hernia
 - c. bowel obstruction
 - d. trachea-esophageal fistula
 - e. hydrocephalus requiring reservoir or shunt
3. renal or urologic anomalies
4. inborn error of metabolism and genetic problems
5. respiratory problems including
 - a. lung cysts
 - b. lobar emphysema
 - c. pneumonia
 - d. chronic respiratory failure
6. congenital heart disease requiring medical treatment

Neonatal - Level IV

A Level IV NICU must be capable of:

1. Performance of Level III services;
2. Provide for and coordinate maternal and neonatal transport with Level I, Level II, and Level III facilities throughout the state;
3. In addition to the medical staff requirements for a Level III facility, a Level IV facility shall have the following sub-specialties included on full-time staff to provide consultation and care with immediate availability, i.e.,
 - a. Pediatric Surgery
 - b. Pediatric Cardiology
 - c. Pediatric Neurology
 - d. Pediatric Hematology
 - e. Genetics
 - f. Pediatric Nephrology
 - g. Endocrinology
 - h. Pediatric Gastroenterology
 - i. Pediatric Infectious Disease
 - j. Pediatric Pulmonary Medicine
 - k. Cardiovascular Surgery
 - l. Neurosurgery
 - m. Orthopedic Surgery
 - n. Pediatric Urologic Surgery
 - o. Pediatric Ophthalmology
 - p. Pediatric ENT Surgery
 - q. Pediatric Nutritionist
 - r. Pediatric PT/OT

The following examples are included in a Level IV:

1. all Level II and Level III patients who require any

services of a pediatric sub-specialist;

2. complexity of illness.

The new reimbursement methodology recognizes two categories of Pediatric Intensive Care Units (PICU) based on severity of illness and intensity of service. The criteria established for recognition as a PICU for Medicaid reimbursement purposes are as follows:

Organization and Administrative Structure

The Level I and II PICU shall be a distinct, separate unit within the hospital, equal in status to all other special care units. A PICU Committee shall be established as a standing committee of the hospital staff, composed of physicians, nurses, respiratory therapists, and others directly involved with unit activities. This committee shall participate in delineation of privileges of all personnel (both MD and non-MD) within the unit.

Policies shall be established by the medical director and nurse manager in collaboration with the PICU Committee and approved by the medical staff. Such policies shall govern matters including but not limited to safety procedures, nosocomial infection, patient isolation, visitation, traffic control, admission and discharge criteria, patient monitoring, equipment maintenance, equipment breakdown and repair, and patient record-keeping. A written manual of these policies shall be available for reference in the PICU.

Physical Design and Facilities

The physical facilities for PICUs will vary greatly because of differences in hospital architecture, size, space, and design. The PICU shall have controlled access; traffic shall be monitored by staff personnel. Proximity to elevators for patient transport, to the physicians' on call room, and to a family waiting area is recommended. Proximity to the emergency department, to the operating room, and to the recovery room is desirable. Access to the medical director and nurse manager will be improved by having their offices near the PICU.

Floor Plan. Several distinct rooms are required within the PICU, including those for patient isolation, clean and soiled linens, and equipment. A laboratory area for rapid determination of urine specific gravity and urine analysis is desirable. Space must be allocated for a medication station (including a refrigerator and a narcotics locker), a nourishment station, counters and cabinets. A computerized linkage to the laboratory or other rapid and reliable system shall be available for reporting laboratory results.

A separate room for counseling is necessary for candid, sensitive and private discussions between the staff and the family, and area for storing patients' personal effects also is required. A lounge, locker space and conference area for staff personnel are highly desirable and could be located either inside or outside the unit. A staff toilet is required.

Bedside Facilities. The head of each bed or crib shall be rapidly accessible for emergency airway management. Electrical power, oxygen, medical compressed air, and vacuum outlets sufficient in number to supply all necessary equipment will meet local code or other accrediting requirements. In most cases 12 or more electrical outlets and a minimum of two compressed air outlets, two oxygen outlets, and two vacuum outlets will be necessary. Reserve

emergency power and gas supply is essential. All outlets, heating ventilation, air conditioning, fire safety, electrical grounding, plumbing, and illumination must adhere to all appropriate local, state, and national codes. Walls or curtains must be provided to ensure patients' privacy. Clocks shall be visible to both patients and staff.

Personnel

Medical Director. A medical director shall be appointed. A record of the appointment and acceptance should be in writing. Medical directors of Level I PICUs must be (1) board-certified in pediatrics and board certified or in the process of certification in Pediatric Critical Care Medicine; (2) board certified in anesthesiology with practice limited to infants and children and with special qualifications (as defined by the American Board of Anesthesiology) in critical care medicine; or (3) board certified in pediatric surgery with added qualifications in surgical critical care medicine (as defined by the American Board of Surgery). Medical directors must achieve certification within five years of their initial acceptance into the certification process for critical care medicine. For Level II PICUs the medical director does not need to be board-certified or eligible in critical care medicine.

The medical director shall participate in development and reviewing PICU policies, promote policy implementation, participate in budget preparation, help coordinate staff education, maintain a database which describes unit experience and performance, supervise resuscitation techniques lead quality improvement activities, and coordinate research. Others may supervise these activities but the medical director shall participate in each.

The medical director shall name qualified substitutes to fulfill his or her duties during absences. The medical director or designated substitute should have the institutional authority to consult on the care of all PICU patients when indicated. He or she may serve as the attending physician on all, some or none of the patients in the unit.

Patient Staff. The PICUs must have at least one physician of at least the postgraduate year 2 level assigned to the PICU in-house 24 hours per day. A physician in-house at the postgraduate year 3 level or above in pediatrics or anesthesiology is strongly recommended for all units caring for critically ill children. Depending on the unit size and patient population, more physicians at higher training levels may be required. Other physicians including the attending physicians or his or her designee shall be available within 30 minutes. For Level I units, available physicians must include a pediatric anesthesiologist, a pediatric surgeon, a neurosurgeon (preferably with demonstrated training and experience in pediatrics), a pediatric intensivist, a pediatric cardiologist, a pediatric neurologist, a radiologist, a pathologist, and a psychiatrist or psychologist. It is desirable to have available on short notice a craniofacial (plastic) surgeon, an oral surgeon, a pediatric pulmonologist, a pediatric hematologist/oncologist, a pediatric endocrinologist, a pediatric gastroenterologist, and a pediatric allergist or immunologist. For Level II PICUs a cardiothoracic surgeon and pediatric sub-specialists are not required.

Nursing Staff. A nurse manager dedicated to the PICU shall be available to all Level I PICUs. The nurse manager

shall be supervised by the director of Pediatric Nursing (or equivalent) and shall have specific training and experience in pediatric critical care; certification by the American Association of Critical-Care Nurse is desirable. The nurse manager shall participate in the development of written policies and procedures for the PICU, coordination of staff education, coordination, or research, and budget preparation with the medical director, in collaboration with the PICU Committee. The nurse manager shall name qualified substitutes to fulfill his or her duties during absences.

Nurse-to-patient ratios vary with patient needs, usually ranging from 2 to 1 to 1 to 3. Required skills for PICU nurses include: recognition, interpretation, and recording of various physiologic variables, drug administration, fluid administration, resuscitation (including cardiopulmonary resuscitation certification), respiratory care techniques, (chest physiotherapy, endotracheal suctioning and management, tracheostomy care), preparation and maintenance of patient monitors, and psychosocial skills to meet the needs of both patient and family.

The nursing organization shall provide a prepared orientation for new staff members. The nursing organization shall also provide a nurse educator and/or clinical nurse specialist for in-service programs in pediatric critical care.

Respiratory Therapy Staff. The Respiratory Therapy Department shall have a supervisor responsible for performance and training of staff, maintaining equipment, and monitoring quality improvement and review. Under the supervisor's direction, respiratory therapy staff assigned primarily to the Level I PICU shall be in-house 24 hours per day. Level II PICUs require a respiratory therapist in-house at all times but do not require one be assigned primarily to the PICU 24 hours per day.

Ancillary Support Personnel. Biomedical technicians shall be either in-house, or available within one hour, 24 hours per day for both Level I and II PICUs. Unit secretaries (clerks) shall be in the Level I PICU 24 hours per day. A pharmacist and radiology technician must be in-house 24 hours per day in Level I PICUs. In addition, social workers, physical therapists, and nutritionists must be available. The availability of child life specialists and clergy is strongly encouraged.

Hospital Facilities and Services

The Level I PICU shall be located in a Category I facility as defined by the American Medical Association. The Emergency Department shall have a separate, covered entrance. An adjacent helipad is very desirable. Two or more areas within the Emergency Department shall have the capacity and equipment to resuscitate any pediatric patient with medical, surgical, or traumatic illness in hospitals with a Level I PICU. Hospitals with Level II units need only one such area. The Emergency Department shall be staffed by physicians 24 hours per day in all hospitals with PICUs.

The hospital operating suite shall have at least one room available within 30 minutes 24 hours per day and a second room available within 45 minutes. Capabilities in the operating room in hospitals with Level I PICUs must include cardiopulmonary bypass, pediatric bronchoscopy, and radiography.

The Blood Bank must have all blood components available

24 hours per day in hospitals with either a Level I or II PICU. Unless some unusual antibody is encountered, blood typing and cross-matching shall allow transfusion within 1 hour.

Radiology services in hospitals with Level I PICU's must include portable radiography, fluoroscopy, computerized tomography scanning, ultrasonography, nuclear scanning angiography. Magnetic resonance imaging and radiation therapy are desirable but not required.

The clinical laboratories shall have microspecimen capability and one-hour turnaround time for clotting studies and for measurements of complete blood cell count, differential count, platelet count, urinalysis, electrolytes, blood urea nitrogen, creatinine, glucose, calcium, prothrombin time, partial prothrombin time, and cerebrospinal fluid cell counts. Blood gas values must be available within 15 minutes. Results of drug screening and levels of serum ammonia, serum and urine osmolality, phosphorus, and magnesium shall all be available within three hours for Level I PICUs. Preparation of gram stains and bacteriologic cultures shall be available 24 hours per day.

The hospital pharmacy must be capable of dispensing all necessary medications for pediatric patients of all types and ages 24 hours per day. A satellite pharmacy close to the unit is desirable. At each bedside there should be a form that lists urgent and resuscitation drugs, complete with dosages appropriate for the individual patient.

Diagnostic cardiac and neurologic studies shall be available for infants and children in hospitals with Level I PICUs. Electrocardiograms, two-dimensional and M-mode echocardiograms, and electroencephalograms shall be available within 30 minutes of being requested. A catheterization laboratory or angiography suite must be present. Doppler ultrasonography devices and evoked potential monitoring equipment are optional. Hemodialysis equipment and technicians experienced with children should be available 24 hours per day.

Hospital facilities shall include a comfortable waiting room, private consultation areas, and preferably sleeping accommodations for patients' families.

Drugs and Equipment

Drugs for resuscitation and pediatric advanced life support must be present and immediately available for any patient in the PICU. These shall include at least atropine, epinephrine, sodium bicarbonate, glucose, calcium chloride, lidocaine, bretylium, dopamine, dobutamine, isoproterenol, and mannitol. Other drugs which should be immediately available include, but not limited to, diazepam, neuromuscular relaxant, narcotic analgesic, naloxone, phenytoin, and diazoxide.

The life-saving therapeutic, and monitoring equipment detailed below must be present or immediately available in each Level I PICU.

Portable Equipment. Portable equipment shall include an emergency ("code" or "crash") cart, a procedure lamp, sphygmomanometers for systemic arterial blood pressure determination, a Doppler ultrasonography device, an electrocardiograph, a defibrillator/cardioverter, thermometers (with a range sufficient to identify extremes of hypothermia and hyperthermia), an automated blood pressure apparatus,

devices for accurate measuring of body weight, cribs and beds with head access, infant warmers, heating and cooling blankets, bilirubin lights, pacemakers, a blood-warming apparatus, and a transport monitor. A suitable number of infusion pumps with microcapability (0.1 mL/h) must be available. Oxygen tanks are needed, both for transport and for backup of the central oxygen supply. Similarly, portable suction machines are needed for transport and backup. Volumetric infusion pumps, air-oxygen blenders, an air compressor, gas humidifiers, bag-value-mask resuscitators, an otoscope/ophthalmoscope, and isolation carts must be available in the hospital for recordings inside the Level I PICU.

Additional equipment such as a refractometer, flashlights, and automated (metabolic) bed scales are very helpful but not required. Televisions, radios, and rocking chairs shall be available for patients who would benefit from their use.

Small Equipment. Certain small equipment must be immediately available at all times. Such equipment includes: suction catheters, tracheal intubation equipment (laryngoscope handles, sizes, and all types of blades adequate to intubate patients of all ages, magill forceps), endotracheal tubes of all sizes (cuffed and uncuffed), oral and nasal airways, central catheters for vascular access, thoracostomy tubes, and surgical trays for cutdowns, open-chest procedures, and tracheostomies.

Respiratory Equipment. Mechanical ventilators suitable for pediatric patients must be available for each Level I PICU bed. Equipment for chest physiotherapy and suctioning, spirometers, and oxygen analyzers must always be available for every patient. Oxygen monitors' (pulse oximeters, transcutaneous oxygen monitors, ear oximeters) are required; CO₂ monitors (transcutaneous, end-tidal) and portable (transport) ventilators are desirable.

Bedside Monitors. Bedside monitors in all PICUs must have the capability for continuously monitoring heart rate and rhythm, respiratory rate, temperature and one hemodynamic pressure. Bedside monitoring in Level I PICUs also must be capable of simultaneously monitoring systemic arterial, central venous, pulmonary arterial, and intracranial pressures. Arrhythmia detection and capability for a fifth simultaneous pressure measurement are helpful but not essential. These monitors must have high and low alarms for heart rate, respiratory rate and all pressures. The alarms must be both audible and visible. A permanent hard copy of the rhythm strip must be available in Level I PICUs. Hard copy capability for all monitored variables is desirable. All monitors must be maintained and tested routinely.

Prehospital Care. Often patients who are admitted to the PICU require transport from an accident scene, another hospital, or an emergency at home, playground, or school. Accordingly, PICUs shall be integrated with the regional EMS system. The method of communication may vary, but a standard, written approach to emergencies involving the EMS system and the PICU shall be prepared. All Level I PICUs must have multiple telephone lines so that outside calls can be received even at very busy times. Rapid access to a Poison Control Center is essential.

Each Level I PICU must endeavor to meet the needs of

other hospitals less well-equipped to handle certain types of care. Formal transfer arrangements are encouraged, but in many areas informal agreements have proved satisfactory. Each PICU shall have or be affiliated with a transport system and team to assist other hospitals in arranging safe patient transport.

Policies shall describe mechanisms which achieve smooth and timely exchange of patients between emergency department, operating room, imaging facilities, special procedure areas, regular inpatient care areas, and the PICU.

Quality Assessment. The PICU must employ a collaborative quality assessment process. Objective methods should be used to compare observed and predicted mortality rates for the severity of illness in the population examined.

Training and Continuing Education. Each PICU shall train health care professionals in basic aspects of pediatric critical care and serve as a focus for continuing education programs in Pediatric Critical Care. In addition, all staff working in the PICU should routinely attend or participate in regional and national meetings with course content pertinent to pediatric critical care.

Many Level I PICUs will possess sufficient patient volume, teaching expertise, and research capability to support a fellowship Program in Pediatric Critical Care. Programs providing sub-specialty training in critical care must possess approval by the Residency Review Committee (RRC) of the Accreditation Council on Graduate Medical Education (ACGME).

Nurses and respiratory therapists must have Basic Life Support certification, must participate in resuscitation practice sessions, and should be encouraged and supported to attend appropriate on-site or off-site educational programs.

Each Level I PICU shall participate in regional pediatric critical care education for EMS providers, for emergency department and transport personnel, as well as for the general public. Some PICUs will be suited to serve as an educational resource center for public education in areas pertinent to pediatric critical care.

Research is essential for improving our understanding of the pathophysiology affecting vital organ systems. Such knowledge is vital to improve patient care techniques and therapies and thereby decrease morbidity and mortality. Every Level I PICU can serve as a laboratory for clinical research. Obviously, larger Level I PICUs will be better able to provide such a forum, but even small units contain patients of whom observations can be made and important observations reported.

Burn care units are to provide optimal care for patients with burn injuries (both adults and children) from the time of injury through rehabilitation. DHH is adopting the American Burn Association's guidelines which are specified below:

ORGANIZATIONAL STRUCTURE

Documentation of Policies and Procedures

The commitment of the institution's medical and administrative leadership should be documented in a burn center manual with policies specifying the commitment. Policies included should address the institutional relationships, administrative operation, staffing, and programs of the burn center.

The burn unit is a specialized nursing unit that is dedicated to burn care. The use of beds in the burn unit by other medical/surgical services should be governed by a protocol specifying priorities and assuring the availability of specialized burn beds for patients with acute burns when needed.

Relationship to other Medical Staff

The availability and accessibility of consultation by physicians and surgeons in all specialties relevant to the care of the patient with burns should be documented. An on-call schedule should be established for the most important specialty areas.

Burn Service

An organized burn service should be formally established by the medical staff of the institution. The members of the burn service should be properly certified by the institution. The chief of the burn service should serve as the medical director of the burn center.

Qualifications of the Burn Center Director

The medical director of the burn center should be a licensed, board certified general or plastic surgeon on the active medical staff of the institution with at least two years' experience in the management of patients in a burn center.

Responsibilities of the Burn Center Director

The medical director will be provided by the institution with the appropriate authority and responsibility to direct and coordinate all medical services to patients admitted to the burn center. The medical director will be responsible for regular communications with physicians and other authorities regarding referred patients, and for appropriate burn center management functions, including quality assurance, liaison with adjacent burn centers, internal and external education programs, and coordination with regional and state EMS programs. The burn center director will designate one or more appropriately certified physicians with at least six months' experience in management of the patient with burns to be accessible for administrative and clinical decisions when the director is not available. The burn service director should participate actively in at least 50 cases a year.

Consistency of Protocol and Reporting

The care of the burn center patients accommodated in areas other than the specialized nursing unit should be guided by policies and protocols consistent with those of the burn unit. Similarly, annual statistical reports should encompass care provided both in the burn nursing unit and in other units accommodating burn center patients.

Admission of Census Levels for the Burn Center

The following numbers of patients are deemed appropriate to maintain skill levels and provide reasonable access to specialized burn care. The average daily census of the burn center, including the burn unit and any other areas accommodating patients with acute injuries in the burn service, should be at least four patients with acute burns. The number of acute burn admissions to the burn center, including the burn unit and any other areas accommodating burn center patients, should exceed 75 annually. Burns identified as usually requiring referral to a burn center (as detailed in the next paragraph) should make up at least 80 percent of the admissions required to meet this standard.

Burn Center Referral Criteria

Burn injuries usually requiring referral to a burn center include the following. (Questions concerning specific patients can be resolved by consultation with the burn center physician.)

1. second and third degree burns greater than 10 percent total body surface area (TBSA) in patients under 10 or over 50 years of age;
2. second and third degree burns greater than 20 percent TBSA in other age groups;
3. second and third degree burns that involve the face, hands, feet, genitalia, perineum, and major joints;
4. third degree burns greater than five percent TBSA in any age group;
5. electrical burns including lightning injury;
6. chemical burns;
7. burn injury with inhalation injury;
8. burn injury in patients with preexisting medical disorders that could complicate management, prolong recovery, or affect mortality;
9. any patients with burns and concomitant trauma (for example, fractures) in which the burn injury poses the greatest risk of morbidity or mortality. In such cases, if the trauma poses the greater immediate risk, the patient may be treated initially in a trauma center until stable before being transferred to a burn center. Physician judgment will be necessary in such situations and should be in concert with the regional medical control plan and triage protocols;
10. hospitals without qualified personnel or equipment for the care of children should transfer children with burns to a burn center with these capabilities;
11. burn injury in patients who will require special social/emotional and/or long-term rehabilitative support, including cases involving suspected child abuse, substance abuse, etc.

Medical Personnel

Medical care to burn center patients should be provided by the burn center medical director or other appropriately certified physicians operating with the director's approval and utilizing standard burn center patient care protocols.

Coverage

There should be at least one full-time equivalent surgeon involved in the management of patients with burns for each 200 annual inpatient admissions to the burn center. This coverage requirement may be met in part by residents.

Surgical Specialty Support

Staff specialists are to be on call and available promptly for consultation in the specialties listed below. The initial response may be provided by residents who are capable of assessing emergency situations in their respective specialties and who can provide any immediately indicated treatment.

The surgical specialties for which staff members are to be on call for are: general, cardiothoracic, neurologic, obstetrics/gynecologic, ophthalmic, oral, orthopedic, otorhinolaryngologic, pediatric, plastic, urologic.

Nonsurgical Specialty Support

Members of the following nonsurgical specialties should be available: anesthesiology, cardiology, gastroenterology,

hematology, infectious disease, internal medicine, nephrology, neurology, nutrition, pathology, pediatrics, physiatry, psychiatry, pulmonary, radiology.

Nursing Personnel

One registered nurse (RN) should be administratively responsible for the burn unit. This individual should be a full-time employee with two years of intensive care or equivalent experience and a minimum of 12 months of experience in a burn unit. Education qualifications will be a baccalaureate degree (minimum) and at least six months of management experience.

Staffing levels. The assigned number of nursing staff hours should be based on a documented patient classification system.

Burn Rehabilitation Therapy

Both physical and occupational therapy should be represented in the burn center staff. The respective roles of physical and occupational therapy should be representative of and consistent with their respective professional training and with licensing laws.

Coverage

Burn rehabilitation therapists may be physical therapists or occupational therapists. They should be licensed or registered in their specific disciplines and should be assigned on a full-time basis to the burn center. Staffing should be based on the combined inpatient and outpatient work load of the burn service. There should be at least one full-time equivalent burn therapist for an average of seven patients, which may represent a combination of both inpatients and outpatients.

Rotation of Personnel

Where either therapy service is provided to the burn center on a rotational basis, rotations must be for at least three months and must be filled by therapists who meet the continuing education requirements in burn care as related to their specialty.

Supervision

During their initial rotation, therapists in either discipline should receive regular supervision from individuals who have a minimum of one year of experience in burn treatment.

Other Personnel - Social Worker

A social worker should be assigned permanently to inpatient and outpatient burn care facilities. If assignment is by rotation, such rotations should be at least one year in duration.

Nutrition

A dietitian should be available on a daily basis for consultation to burn center medical and nursing staff and patients.

Pharmacy

A pharmacist should be available on a daily basis for consultation to burn center medical and nursing staff and patients. This pharmacist should have had a minimum of six months of critical care experience and should be knowledgeable in pharmacokinetics and the special kinetics of patients with burn injuries.

Respiratory Therapy

Respiratory therapists should be available to participate in the assessment and treatment of all burn center patients as needed.

Clinical psychologists and clergy should be assigned permanently to inpatient and outpatient burn care facilities. If

assignment is to be rotation, such rotations should be at least one year in duration.

The majority of pediatric patients with burns are treated in burn centers with both adult and pediatric patients. Burn centers that treat pediatric patients should have personnel with special interest and expertise in the care and management of children with burns.

Other Services

Protocols governing the involvement of other hospital departments in support of the burn center should be included in the burn center manual. Such departments will include, but not limited to, central supply, emergency, housekeeping, laboratory, pharmacy, public relations, security, and volunteers.

Program for Quality Assurance

The burn center manual will include protocols and policies that support systematic and comprehensive approaches to the care of the patient with burns. These should include triage and resuscitation/stabilization protocols that should be disseminated to health care providers within the burn center service area. A coordinated multidisciplinary plan should be developed for each patient on admission and revised as appropriate during hospitalization with respect to both treatment objectives during hospitalization and postdischarge plans.

Weekly Conference

Conferences should be held at least weekly to review and evaluate the status of each burn center inpatient with representation by each clinical discipline regularly involved in burn center care. The conference should include a review of each patient's progress in recovery, need for surgery, and rehabilitation needs, both physical and psychosocial.

Other Conferences

A documented morbidity/mortality conference should be held at regular intervals consistent with education program requirements. Other conferences of a problem-solving nature should be scheduled with minutes taken to document the responsibility for problem-solving and to record the results of actions taken.

Registry

The burn center will have an internal registry for all inpatients and should participate in an externally based registry.

Audit

The burn center will provide an audit of the previous year's patient care covering at least severity of burn, deaths, incidence of complications, length of hospitalization, and cost of care. Additional audits of any of these or other elements of care will be carried out as a given situation requires.

Participation in EMS System

The burn center will cooperate with the appropriate audit committees of the regional or state EMS system where they exist, by providing patient care data for system management, quality assessment, and operations research, both routinely and in response to special requests, and by participating in local audits of the EMS system.

OTHER PROGRAMS

Education Program

Medical, nursing, and ancillary staff of the burn center will

participate in educational programs or activities pertaining to burn care, both at initial orientation and on a planned, organized and coordinated inservice basis. Educational programs should be designed to incorporate the results of problem-solving audits and conferences.

Participants in the hospital's general surgery and other residency programs should have the opportunity to experience a rotation to the burn service.

A formal educational program in burn care shall be required for all nurses, physical therapists, and occupational therapists employed in the burn center with burn care content equivalent to approximately four continuing education units. This educational program will be related to the individual nurse's or therapist's background and level of responsibility in the burn center. Nurse education will be planned and coordinated by the burn unit head nurse or by a member of the hospital nursing staff with equivalent critical care and burn nursing experience.

All professional personnel employed in the burn center will have access to continuing education programs in burn care conducted inside or outside the institution on at least an annual basis. All educational programs should meet the standard of some external organization that provides or approves curriculum or continuing education programs, where such an organization is available.

Rehabilitation Program

The burn center should provide the following rehabilitation services:

1. recreational and educational services during hospitalization for those patients able to utilize them;
2. evaluation of needs and support capabilities of patient's family or other significant persons and cooperative planning with family or other significant persons for patient discharge;
3. documentation of need for and availability and accessibility of community resources to assist in meeting the patient's physical, psychosocial, educational, and vocational needs following discharge. The social worker assigned to the burn unit should coordinate these activities. A clinical psychologist or psychiatrist should be available for consultation as needed;
4. evaluation of each patient's physical, psychological, and vocational status should be done at appropriate intervals after discharge from the hospital;
5. plans for readmission for medical/surgical treatment for late problems or rehabilitation and reconstruction.

Burn Prevention

A member of the burn center or hospital staff should be assigned to maintain data and develop statistics regarding the causes of injuries sustained by burn center patients. Each burn center system should participate in a public burn awareness program covering prevention and immediate treatment of burn injuries.

Burn Research

Burn center staff should be involved in research related to burn injury that may include, but is not limited to, basic research, clinical research, or health services research.

Configuration and Equipment

The burn unit should contain beds that should be used predominantly for the care of patients with burn injuries or

those suffering from other injuries or skin disorders whose treatment requirements are similar to those of patients with burns. Intensive care capability, providing full cardiopulmonary monitoring and respiratory support, should be available for at least four beds in the burn unit. Because of the known susceptibility of burn wounds to infection, an effective means of isolation should be provided for all patients.

Equipment

The following equipment should be available to all patients in the burn unit: weight measurement devices, a system of temperature control in areas where patients' wounds are exposed, oxygen sources with concentration controls, cardiac emergency cart, and backup electrical supply.

The following equipment and supplies should be available in both the hospital emergency department and the burn unit and should be available in sizes and doses appropriate for adult and pediatric patients; airway control and ventilation equipment, including laryngoscope and endotracheal tubes of appropriate sizes; bag mask resuscitator and source of oxygen; bronchoscopes; suction devices; sterile surgical sets; gastric lavage equipment; drugs and related supplies; roentgenographic equipment; Foley catheters; electrocardiograph/oscilloscope/defibrillator; apparatus to establish central venous pressure; and intravenous fluids and administration devices, including intravenous catheters.

Communications with Prehospital Services

There should be a direct communication link between the prehospital system and the burn center. The contact point may be either in the burn unit or in the emergency department.

Renal Dialysis Capability

There should be provision for renal dialysis on a 24-hour basis or a written transfer agreement with an available and accessible dialysis facility in another hospital.

Radiologic Capability

The hospital's radiologic capability should be provided on a 24-hour basis and should include angiography, sonography, nuclear scanning, and computed axial tomography.

Clinical Laboratory Service

The hospital's clinical laboratory service should be available 24 hours a day and should include the following capabilities; routine studies for blood, urine, and other body fluids; blood gases; pH determinations and carboxyhemoglobin; coagulation studies; serum and urine osmolality; microbiologic culture and sensitivity; comprehensive blood bank or access to a community central blood bank; adequate hospital storage facilities; and toxicology screening.

Operating Suites

Operating suites used in burn surgery should contain or have access to the following equipment; operating microscope, thermal control equipment for patients, roentgenographic equipment, dermatomes including mesh dermatomes, electrocardiograph/oscilloscope/defibrillator, direct blood pressure arterial line equipment, blood flow rate monitor, in-line blood and intravenous fluid warmers and anesthetic breathing circuit heating humidifiers.

Skin Bank

If a skin bank exists, the physical configuration must conform to the standard of the American Association of Tissue Banks or equivalent. If there is no skin bank, a protocol for

procurement and handling of banked skin should exist, if banked skin is used.

Special Areas

A conference room/meeting room, a family room, and an adequate exercise area must be available.

Transplant Services

Transplant services are reimbursed on a per discharge basis for the admission in which the transplant surgery occurs. Transplant services covered under the Medical Assistance Program include but not limited to heart, liver, kidney and bone marrow transplants for which rates have been established. Rates for other types of transplants will be established as necessary. Transplants must be pre-approved by the Department and performed in hospitals that meet the federal criteria required to qualify as a Medicare-designated transplant center including volume requirements for related procedures when applicable. The bureau's Health Standards Section may grant an exception to the qualifying criteria for a hospital whose transplant program was recognized by Medicaid of Louisiana prior to March 1, 1994.

These hospitals must operate or participate in a recognized organ procurement program and they must demonstrate high survival rates equal to those required by Medicare. The prospective per discharge rates will not apply organ procurement costs except for bone marrow transplants. Heart, liver, and kidney procurement costs will be reimbursed outside the prospective payment system based on allowable costs in accordance with Medicare principles of cost reimbursement.

As transplants become recognized as nonexperimental and covered by Medicare, the department will develop rates and criteria accordingly.

In addition to the above criteria, transplant units must meet the following criteria for recognition by Medicaid for specialty unit reimbursement:

1. must be a member of the (OPTN) Organ Procurement and Transplant Network;
2. must have organ receiving and tissue typing facility (HCFA approved for histocompatibility) or an agreement for such services;
3. must maintain written records tracking mechanism for all grafts and patients including:
 - a. patient and/or graft loss with reason specified for failure
 - b. date of procedure
 - c. source of graft
 - d. if infectious agent involved must have written policy for contacting patients and appropriate governmental officials
4. must have written criteria for acceptable donors for each type of organ for which transplants are performed;
5. must have adequate ancillary departments and qualified staff necessary for pre-, intra-, and post-operative care including but not limited to:
 - a. assessment team
 - b. surgical suite
 - c. intensive care
 - d. radiology
 - e. laboratory pathology
 - f. infectious disease
 - g. dialysis

h. therapy (rehab)

6. minimum designated transplant staff:

- a. transplant surgeon - adopt standards as delineated and updated by the Organ Procurement and Transplant Network.
- b. transplant physician - same as above
- c. clinical transplant coordinator
 - i. RN licensed in Louisiana
 - ii. certified by NATCO or in training and certified within 18 months of hire date
- d. transplant social worker
- e. transplant dietician
- f. transplant data coordinator
- g. transplant financial coordinator

For 6.a-g above, continuing education is required for continued licensure and certification as applicable.

7. written patient selection criteria and an implementation plan for application of criteria;

8. facility plan, commitment and resources for a program capable of performing the following number of transplants per year/per organ a minimum of:

- a. heart - 12
- b. liver - 12
- c. kidney - 15

Other organs as established per Medicare and/or OPTN. If level falls below the required volume, the hospital will be evaluated by Health Standards for continued recognition as a transplant center;

9. facility must demonstrate survival rates per organ type per year which meet or exceed the mean survival rates as published annually by the OPTN. (If rates fall below this level, the hospital must supply adequate written documentation for evaluation and justification to Health Standards.)

Hospitals seeking Medicaid reimbursement for high intensity services such as NICU, PICU, Burn Care and/or Transplant must submit an application to Provider Enrollment of the Bureau of Health Services Financing of the Department of Health and Hospitals specifying the service and level of care they are/will be providing. Each applicant must also attest to their compliance with the specified service criteria for each type of service.

Upon receipt of each application, Provider Enrollment will notify the Health Standards Section of BHSF of DHH to schedule an on-site survey to verify the applicant's compliance with such standards. Hospitals with currently recognized high intensity service units will be surveyed for compliance prior to 3/1/94. All other applicants will be scheduled within 30 days after receipt of their applications. Annual resurveys will be performed on a 15 percent sample basis throughout the calendar year.

A hospital wishing to change a level of care must submit an application to Provider Enrollment and an attestation to their compliance with the new level's requirements. A change in level of care will only be recognized at the beginning of the hospital's subsequent cost reporting period after the Health Standards Section has verified the applicant's compliance via an on-site survey. Therefore, requests should be filed 90 days prior to the beginning of the new cost reporting period.

A separate prospective rate is established for infants that remain in the hospital's nursery department after the mother is discharged. The principal cost of the birth is included with the payment for the mother's stay at the general peer group per diem rate. This separate rate for nursery is intended to cover incidental costs associated with an infant's short-term stay in the nursery following the mother's discharge.

A per diem rate for each grouping and/or specialty service is established based on the facilities' allowable unaudited costs for each hospital's fiscal year 1991, and trended forward to the midpoint of fiscal year 1994, using the Data Resources Incorporated, published hospital market basket index (DRI) for non-PPS hospitals. The rates for each grouping are as follows:

GROUP RATES - ACUTE HOSPITAL				
	WT. MEDIAN OPERATIONS PER DIEM	MOVABLE EQUIPMENT PER DIEM	FIXED CAPITAL PER DIEM	
PEER GROUP 1	\$1,293.41	\$60.42	\$38.05	
PEER GROUP 2	\$712.38	\$56.65	\$38.05	
PEER GROUP 3	\$551.07	\$16.76	\$38.05	
PEER GROUP 4	\$581.72	\$40.55	\$38.05	
PEER GROUP 5	\$745.29	\$55.69	\$38.05	
NICU 1 (LEVEL 4)	\$1,191.84	\$32.04	\$30.71	
NICU 1 (LEVEL 3)	\$967.10	\$29.89	\$30.71	
NICU 1 (LEVEL 2)	\$827.11	\$20.97	\$30.71	
PICU 1	\$2,779.96	\$60.65	\$74.95	
PICU 2	\$1,165.03	\$81.71	\$74.95	
BURN	\$1,571.51	\$92.03	\$110.30	
REHABILITATION	\$745.01	\$20.36	\$102.33	
LONG TERM CARE	\$694.62	\$16.56	\$76.44	
CHILDREN'S	\$921.61	\$23.88	\$29.15	
TRANSPLANT PER CASE	HEART	LIVER	KIDNEY	BONE MARROW
	\$43,600	\$90,000	\$13,563	\$108,000
OUTLIER PER DIEM	\$1,108	\$1,568	\$603	\$778
OUTLIER DAY THRESHOLD	47	50	37	64
NURSERY BOARDER	\$160.22			

The bureau will review rates annually to determine the need for rebasing rates.

New hospitals beginning operations subsequent to FY 1991, the base year, will be placed into a peer group based on bed size or specialty. They will receive the applicable peer group

rates for operations and movable capital and the statewide median for fixed capital.

Blended rates will be established to phase in over a three year transition period to minimize the impact from changing the reimbursement methodology. Throughout this phase in period, all hospitals will receive a blended rate of the established peer group rate and a portion of the trended base period hospital-specific cost per diem for operating, capital (movable and fixed), and specialty units per diem costs.

The blend for hospitals with costs per day above the group's weighted median for operations will be 70 percent of the peer group rate and 30 percent hospital or unit-specific allowable costs per day in the first year of the phase in period. Payment for movable capital will be calculated as 70 percent of the peer group median plus 30 percent of the hospital/unit-specific allowable cost per day.

The blend for hospitals with costs per day for operations above the group's weighted median (inflated using the DRI type hospital market basket index) will be 80 percent of the peer group rate and 20 percent hospital or unit-specific allowable cost per day (inflated using the DRI type hospital market basket index) in the second year of the phase in period. Payment for movable capital will be calculated as 80 percent of the peer group median plus 20 percent of the hospital/unit-specific allowable cost per day.

The blend in the third year will become 90 percent of the peer group rates and 10 percent of the hospital or unit-specific allowable operating cost and movable equipment cost per day. DRI type hospital market basket index will be applied to peer group rates and cost per day amounts.)

Fixed capital statewide median rates will be established for acute care hospitals, specialty hospitals and high intensity special care units. These fixed capital medians will be blended with hospital/unit-specific fixed capital allowable costs to calculate the fixed capital payment rates. The blend during the phase in is as explained earlier. (70/30, 80/20, and 90/10 - median/hospital or unit-specific rate.)

Hospitals whose allowable operating cost per day is below the peer group rates will receive their cost plus 25 percent of the difference between their costs and the peer group rate. This will continue throughout the phase in and not change until the system is rebased.

Specialty hospitals and high intensity units without peers are treated separately with prospective payment rates based on their allowable operating, movable equipment, and fixed capital costs. These payment rates are established according to the facilities' base year operating, movable equipment, and fixed capital costs as reported in fiscal year 1991 trended forward as previously explained.

Rates will be trended forward from 1991 until rebasing occurs. All rates will be adjusted effective July 1 of each year. The new rates will be inflated to the mid-point of the State's fiscal year using Data Resources Incorporated published hospital market basket index for non-PPS hospitals.

An outlier policy is established which addresses catastrophic cost associated with services to children under six years of age received in a disproportionate share hospital and for services to infants one year or under in all acute care general hospitals. On an individual case basis, if the allowable cost of

service exceeds 150 percent of the reimbursement based on the prospective payment rate, the marginal cost associated with the excess cost will be reimbursed. Marginal cost is considered to be 55 percent of cost.

APPEALS PROCEDURE

I. Request for Administrative Review

Any hospital seeking an exception from the peer group rate for operations or an adjustment to the movable or fixed capital component of its rate, shall submit a written request for administrative review to the director of Institutional Reimbursement (hereafter referred to as director) in the Department of Health and Hospitals (hereafter referred to as department), within 30 days after receipt of the letter notifying the hospital of its rates. The receipt of the letter notifying the hospital of its rates shall be deemed to be five days from the date of the letter. The time period for requesting an administrative review may be extended upon written agreement between the department and the hospital.

Written request. The written request for administrative review must contain the information specified below. The department will acknowledge receipt of the written request within 30 days after actual receipt. The department may request additional documentation from the hospital as may be necessary for the director to render a decision. The director shall make a decision upon the hospital's request for an exception from the peer group rate for operations or an adjustment to the movable or fixed capital component of its rate within 90 days after receipt of all additional documentation or information requested. The decision of the director shall be written, and if adverse to the hospital, the hospital may appeal the director's decision to the Office of the Secretary, Bureau of Appeals for the Department of Health and Hospitals, P.O. Box 4183, Baton Rouge, Louisiana 70821-4183. The appeal must be lodged with the Bureau of Appeals within 30 days of receipt of the written decision of the director. The receipt of the decision of the director shall be deemed to be five days from the date of the decision.

Requirements. Any hospital seeking an exception from the peer group rate for operations or an adjustment to the movable or fixed capital component of its rate, must specify all the following:

1. the nature of the adjustment sought;
2. the amount of the adjustment sought; and
3. the reasons or factors that the hospital believes justify an adjustment.

Any request for an exception must include an analysis demonstrating the extent to which the hospital is incurring or expects to incur a marginal loss (defined below) in providing covered services to Title XIX Medicaid clients.

The hospital will not be required to present an analysis of marginal loss where the basis for its appeal is limited to a claim that:

1. the rate-setting methodology or criteria for classifying hospitals or hospital claims under the State Plan were incorrectly applied; or
2. that incorrect or incomplete data or erroneous calculations were used in establishment of the hospital rates; or
3. that the hospital has incurred additional costs because

of a catastrophe that meets the conditions specified below.

Marginal Costs. "Marginal costs" means a hospital's total allowable variable costs incurred in providing covered inpatient services to Title XIX Medicaid clients. In calculating marginal cost, a hospital shall assume the ratio of allowable variable costs to total allowable costs is 55 percent (which is the inpatient hospital marginal cost ratio established in regulations of the Health Care Financing Administration at 42 CFR 412.82(c)). "Marginal loss" as used in these rules means the amount by which the hospital's marginal cost exceeds the total Title XIX Medicaid reimbursement (excluding the disproportionate share payment adjustments) paid to the hospital for inpatient services.

Unresolved Disputes. In cases where the rate appeal relates to an unresolved dispute between the hospital and its Medicare fiscal intermediary as to any cost reported in the hospital's base year cost report, the director will resolve such disputes for purposes of deciding the request for administrative review.

Exclusions. The following matters will not be subject to appeal:

1. the use of peer grouped weighted medians to establish operations prospective per diems;
2. the use of peer grouped medians to establish movable capital prospective per diems;
3. the use of statewide median to establish fixed capital prospective per diems;
4. the percentages used to blend peer group and statewide rates and hospital-specific costs during the three-year phase in period;
5. the use of teaching, non-teaching, and bed-size as criteria for hospital peer groups;
6. the use of Council of Teaching Hospitals membership as criteria for major teaching status;
7. the use of fiscal year 1991 medical education costs to establish a hospital-specific medical education component of each teaching hospital's prospective rate;
8. the use of the DATA Resources, Inc. DRI Type Hospital market Basket Index as the prospective escalator for operating and movable equipment costs;
9. the decision not to escalate fixed capital during the three-year phase in period;
10. the use of the Marshal Swift Construction Index as the prospective; escalator for fixed-capital statewide median costs following the three-year phase in period;
11. the criteria used to establish the levels of neonatal intensive care;
12. the criteria used to establish the levels of pediatric intensive care;
13. the methodology used to calculate the boarder baby rates for nursery;
14. the use of per case prospective rates for transplants;
15. the criteria used to identify specialty hospital peer groups; and
16. the criteria used to establish the level of burn care.

Burden of Proof and Factors to be Considered by the Department in Determining Whether to Grant a Rate Adjustment

The hospital shall bear the burden of proof in establishing the facts and circumstances necessary to support a rate

adjustment. Any costs that the provider cites as a basis for relief under this provision must be calculable and auditable.

Except in cases where the basis for the hospital's appeal is limited to a claim the rate-setting methodology or principles of reimbursement established under the reimbursement plan were incorrectly applied, or that incorrect or incomplete data or erroneous calculations were used in the establishment of the hospital's rate, the department ordinarily will not award additional reimbursement to a hospital, unless the hospital has demonstrated the reimbursement it receives based on its prospective rate is less than the marginal cost it incurs in providing to Title XIX Medicaid patients care and services that conform to applicable state and federal laws and quality and safety standards.

The department shall award additional reimbursement to a hospital that demonstrates by clear and convincing evidence that:

1. the hospital's current prospective rate jeopardized the hospital's long-term financial viability; and
2. the Medicaid population served by the hospital has no reasonable access to other inpatient hospitals for the services that the hospital provides and that the hospital contends are under reimbursed.

In determining whether to award additional reimbursement to a hospital that has made the showing required, the director shall consider one or more of the factors and may take any of the actions described below.

1. The director shall consider whether the hospital has demonstrated that its unreimbursed costs are generated by factors generally not shared by other hospitals in the hospital's peer group. Such factors may include, but are not limited to, extraordinary circumstances beyond the control of the hospital, and improvements required to comply with licensing or accrediting standards. Where it appears from the evidence presented that the hospital's costs are controllable through good management practices or cost containment measure, the director may deny the request for rate adjustment; or
2. The director may consider, and may require the hospital to provide financial data, including but not limited to financial ratio data indicative if the hospital's performance quality in particular areas of hospital operation; or
3. The director shall consider whether the hospital has taken every reasonable action to contain costs on a hospital-wide basis. In making such a determination, the director may require the hospital to provide audited cost data or other quantitative data (including, but not limited to), occupancy statistics, average hourly wages paid, nursing salaries per adjusted patient day, average length of stay, cost per ancillary procedure, average cost per meal served average cost per pound of laundry, average cost per pharmacy prescription, housekeeping costs per square foot, medial records costs per admission, full-time equivalent employees per occupied bed, age of receivables, bad debt percentage, inventory turnover rate and information about actions that the hospital has taken to contain costs.

The director may also require that an on-site operational review/audit of the hospital be conducted by the department or its designee.

Awarding Relief. In awarding relief under this provision, the director shall:

1. Make any necessary adjustments so as to correctly apply the rate-setting methodology, to the hospital submitting the appeal, or to correct calculations, data errors or omissions; or

2. Increase one or more of the hospital's rates or rate components by an amount that can reasonably be expected to cause the hospital's total Title XIX Medicaid reimbursement to meet the marginal cost that the hospital incurs in providing covered services to Title XIX Medicaid clients; or

3. Increase one or more of the hospital's rates or rate components by an amount that can reasonably be expected to ensure continuing access to sufficient inpatient hospital services of adequate quality for Title XIX Medicaid clients served by the hospital.

Decisions by the director to recognize omitted, additional or increased costs incurred by any hospital; to adjust the hospital rates; or to otherwise award additional reimbursement to any hospital shall not result in any change in the peer group weighted median for operation or median for movable capital or statewide median for fixed capital until rebasing of the reimbursement system.

Rate adjustments granted under this provision shall be effective from the first day of the rate period to which the hospital's appeal relates, shall continue in effect during subsequent rate periods until re-basing of the payment system, and shall be inflated by the applicable prospective escalator. However, no retroactive adjustments will be made to the rate or rates that were paid during any prior rate period.

II. Administrative Appeal

If the director's decision is adverse to the hospital, the hospital may appeal the director's decision to the Office of the Secretary, Bureau of Appeals for the Department of Health and Hospitals, P.O. Box 4183, Baton Rouge, Louisiana 70821-4183. The appeal must be lodged with the Bureau of Appeals within 30 days of receipt of the written decision of the director. The receipt of the decision of the director shall be deemed to be five days from the date of the decision. The administrative appeal shall be conducted in accordance with the Louisiana Administrative Procedure Act (R.S. 49:950 et seq.). The Bureau of Appeals shall submit a recommended decision to the secretary of the department (hereafter referred to as the secretary). The secretary will issue the final decision of the department.

III. Judicial Review

Judicial review of the secretary's decision shall be in accordance with the Louisiana Administrative Procedure Act (R.S. 49:950 et seq.) and shall be filed in the nineteenth Judicial District Court.

Interested persons may submit comments to the following address: Thomas D. Collins, Office of Secretary, Bureau of Health Services Financing, Box 91030, Baton Rouge LA 70821-9030. He is the person responsible for responding to inquiries regarding this proposed rule. A public hearing on this matter is scheduled for Wednesday, December 29, 1993 at 9:30 a.m. in the auditorium of the Department of Transportation and Development, 1201 Capitol Access Road, Baton Rouge, Louisiana. All interested persons will be

afforded an opportunity to submit data, views or arguments, orally or in writing at the public hearing.

Copies of this proposed rule and all other Medicaid rules and regulations are available at parish Medicaid offices for review by interested parties.

Rose V. Forrest
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Prospective Hospital Reimbursement Methodology

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

Implementation of this proposed rule is projected to increase state expenditures by \$2,253,002 in SFY 1993-94, \$4,940,447 for SFY 1994-95 and \$2,744,927 in 1995-96.

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

Implementation of this proposed rule will increase federal revenue collections by \$6,264,963 in SFY 1993-94, \$12,946,760 in 1994-95 and 7,193,260 in 1995-96.

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

Reimbursement rates to providers of hospital-based acute care services will increase by \$8,517,965 in 1993-94, \$17,887,207 for SFY 1994-95 and \$9,938,187 in 1995-96.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

It is not known if this proposed rule will impact competition and employment. This proposed system is designed to provide more accurate income prediction for better planning of future spending and new services. This provides for greater services access by Medicaid clients and encourages on-going Medicaid participation by hospitals. New and well-managed services mean continued employment and possibly its growth. Annual rate increases promote cost containment within rates of inflation. The predictable income from a prospective system promotes more effective competition.

Thomas D. Collins
Director

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

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

Pre-admission Certification for Inpatient Hospital Services

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, is exercising the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., to adopt the following rule in the Medical Assistance Program as authorized by R.S. 46:153.

Medicaid currently reimburses for inpatient hospital services via a retrospective reimbursement methodology which pays an interim per diem subject to cost settlement based on a cost report filed after the hospital's fiscal year end. Medicaid is currently proposing to change to a prospective reimbursement methodology through a notice of intent in this issue of the *Louisiana Register*. A concomitant change will be made to eliminate the current service limit of fifteen inpatient days per calendar year per beneficiary with a provision for extensions when approved by the bureau. In lieu of this limit, Medicaid shall institute a pre-admission certification process whereby all non-emergency inpatient admissions must be reviewed and approved as medically necessary prior to admission. Emergency admissions must be reviewed and approved concurrent with the admission. Reviews shall also be conducted for approval for continued stays. The bureau has delegated such utilization review to the hospitals, but with the adoption of this proposed rule shall assume this function in order to control Medicaid hospital admissions and lengths of stay. Hospitals must continue to perform hospital utilization review in compliance with federal and state laws and regulations for licensure and certification.

PROPOSED RULE

Effective for dates of service March 1, 1994 and after, the Department of Health and Hospitals, Bureau of Health Services Financing (Medicaid) shall amend the methodology for Medicaid reimbursement of inpatient hospital services to eliminate the service limit of 15 inpatient hospital days per beneficiary and implement a pre-admission certification for all Medicaid inpatient admissions in acute care general hospitals (including distinct part psychiatric/substance abuse units). Free-standing psychiatric hospitals will be phased in at a later date. Dual Medicare/Medicaid beneficiaries are not subject to this review as Medicare determination of medical necessity suffices.

Pre-admission certification requirements will apply to all in-state inpatient hospital admissions while out of state hospital admissions shall continue to be reviewed in accordance with existing criteria. Certifications must be obtained prior to admission or on a concurrent basis, with provision for retrospective review only in exceptional circumstances. Current policy regarding inpatient performance of surgeries determined to be feasible on an outpatient basis shall continue.

Certification for all non-emergency admissions must be requested at least three working days prior to the scheduled admission or procedure date. The request must be submitted

by either the admitting physician or the hospital. Non-emergency requests will be reviewed for medical necessity of the admission and approved or denied within one working day of receipt of all necessary information. If approved, a reasonable length of stay using nationally recognized criteria will be assigned. A review date will also be assigned to re-evaluate the admission for a continued stay of additional days, if necessary. If the beneficiary's stay will exceed the period already approved, the beneficiary's physician or the hospital must submit appropriate medical documentation prior to the assigned review date to obtain approval for a continued stay.

Certification for all emergency admissions must be requested upon admission but not later than two working days from admission. Exceptions for late submittal may be granted in such instances as retroactive eligibility of the beneficiary.

If the request for admission is denied, the beneficiary's physician may request a consultation or further review by the reviewing physician. If the request for an admission or continued stay is denied, the beneficiary's physician or the hospital must request a reconsideration of the decision within three working days of the initial denial. Reconsiderations may be requested verbally, but must also be submitted in writing. The initial decision shall then be reviewed again. If the initial denial is affirmed, the beneficiary's physician or the hospital may then request an appeal hearing within 30 days of the reconsideration decision. Appeals must be submitted in writing to the Department of Health and Hospitals' Bureau of Appeals in accordance with existing Department of Health and Hospitals' appeal procedures.

Certification reviews will be conducted by utilization review registered nurses in consultation with a physician; in addition, psychiatric/substance abuse admissions shall be reviewed by registered nurses in consultation with master's level psychiatric clinicians and a psychiatrist when indicated.

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

A public hearing will be held on this matter at 9:30 a.m., Wednesday, December 29, 1993, in the DOTD auditorium, 1201 Capitol Access Road, Baton Rouge, LA. At that time all interested parties will be afforded an opportunity to submit data, views or arguments, orally or in writing at said hearing.

Copies of this rule and all other Medicaid rules and regulations are available in the Medicaid parish offices for review by interested parties.

Rose V. Forrest
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Preadmission Certification for Inpatient Hospital Services

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

Implementation of this rule is projected to decrease state expenditures by \$48,225 in SFY 1993-94, \$955,128 in SFY 1994-95 and \$856,705 in 1995-96.

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

Implementation of this proposed rule will result in a decrease in federal revenue collections of \$1,107,527 in SFY 1993-94, \$5,187,455 in SFY 1994-95 and \$4,989,428 in 1995-96.

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

Medicaid beneficiaries will no longer be limited in inpatient hospital days except by the medical necessity of the hospitalization. Hospitals providing Medicaid inpatient services may experience a reduction in previously covered days which are determined to be not medically necessary. The total projected reductions for all hospitals are \$2,249,048 in SFY 1993-1994 \$9,212,965 in SFY 95-96.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no known impact on competition and employment.

Thomas D. Collins
Director

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

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

Protection of Nursing Facility Residents' Funds

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

Currently federal regulations under the Medicaid Program prohibit nursing facilities from charging against the personal funds of a resident for any item or service for which payment is made under Medicaid. On November 12, 1992, the Health Care Financing Administration published a final rule amending the residents' rights provision on the Requirements for Participation in Medicare and Medicaid by setting forth the minimum services that states must include in the Medicare and Medicaid payment to a nursing facility, extra items and services for which a facility may charge residents, and provisions governing requests for items and services. This final rule is entitled "Charges to Residents' Funds in Nursing Homes," *Federal Register*, Volume 57, page 53572 and amends regulations found at 42 CFR 483.10(c)(8). The regulation includes the following general categories of required items and services included in the Medicaid rate: all nursing, dietary, program activities, medically related social services, all room and bed maintenance services and routine personal hygiene items and services are covered under the Medicare or Medicaid rate. Therefore, the bureau is proposing to adopt the following rule.

PROPOSED RULE

The Bureau of Health Services Financing will adopt the following federal regulations incorporated in 42 CFR 483.10(c)(8) governing the protection of residents' funds in nursing facilities.

Limitation on Charges to Personal Funds

The facility may not impose a charge against the personal funds of a resident for any item or service for which payment is made under Medicaid or Medicare (except for applicable deductible and coinsurance amounts). The facility may charge the resident for requested services that are more expensive than or in excess of covered services in accordance with 42 CFR 489.32. (This does not affect the prohibition on facility charges for items and services for which Medicaid has paid. See 42 CFR 447.15, which limits participation in the Medicaid program to providers who accept, as payment in full, Medicaid payment plus any deductible, coinsurance, or copayment required by the plan to be paid by the individual.)

I. Services Included in Medicare or Medicaid Payment

During the course of a covered Medicare or Medicaid stay, facilities may not charge a resident for the following categories of items and services:

- A. nursing services as required by 42 CFR 483.30;
- B. dietary services as required by 42 CFR 483.35;
- C. an activities program as required by 42 CFR 483.15(f);
- D. room/bed maintenance services;
- E. routine personal hygiene items and services as required to meet the needs of residents, including but not limited to hair hygiene supplies, comb, brush, bath soap, disinfecting soaps or specialized cleansing agents when indicated to treat special skin problems or to fight infection, razor, shaving cream, toothbrush, toothpaste, denture adhesive, denture cleaner, dental floss, moisturizing lotion, tissues, cotton balls, cotton swabs, deodorant, incontinence care and supplies, sanitary napkins and related supplies, towels, washcloths, hospital gowns, over the counter drugs, hair and nail hygiene services, bathing and basic personal laundry;
- F. medically-related social services as required by 42 CFR 483.15(g).

II. Items and Services that may be Charged to Residents' Funds

Listed below are general categories and examples of items and services that the facility may charge to residents' funds if they are requested by a resident, if the facility informs the resident that there will be a charge, and if payment is not made by Medicare or Medicaid:

- A. telephone;
- B. television/radio for personal use;
- C. personal comfort items, including smoking materials, notions and novelties, and confections;
- D. cosmetic and grooming items and services in excess of those for which payment is made under Medicaid or Medicare;
- E. personal clothing;
- F. personal reading matter;
- G. gifts purchased on behalf of a resident;
- H. flowers and plants;

I. social events and entertainment offered outside the scope of the activities program, provided under 42 CFR 483.15(f);

J. noncovered special care services such as privately hired nurses or aides;

K. private room, except when therapeutically required (for example, isolation for infection control);

L. specially prepared or alternative food requested instead of the food generally prepared by the facility, as required by 42 CFR 483.35. (Note: Facilities must be in full compliance with the Nursing Facility - Standards for Payment for specific requirements regarding patient nourishment and dietary services prior to charging patients for such items.)

III. Requests for Items and Services

A. The facility must not charge a resident (or his or her representative) for any item or service not requested by the resident.

B. The facility must not require a resident (or his or her representative) to request any item or service as a condition of admission or continued stay.

C. The facility must inform the resident (or his or her representative) requesting an item or service for which a charge will be made that there will be a charge for the item or service and what the charge will be.

Interested persons may submit written comments to the following address: Thomas D. Collins, Office of the Secretary, Bureau of Health Services Financing, Box 91030, Baton Rouge, LA. He is responsible for responding to inquiries regarding this proposed rule. A public hearing will be held on Wednesday, December 29, in the auditorium of the Department of Transportation and Development, at 1201 Capitol Access Road, Baton Rouge, Louisiana at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views, or arguments orally or in writing at the public hearing.

Copies of this proposed rule and all other Medicaid rules and regulations are available at parish Medicaid offices for review by interested parties.

Rose V. Forrest
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Nursing Facility Residents' Funds

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

Implementation of this rule is projected to increase state expenditures by \$150 in SFY 1993-94, but no expenditures are expected for SFY 1994-95 and 1995-96.

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

Implementation of this rule will result in increased federal revenue collections in SFY 1993-94 by \$75 but no increases are expected for SFY 1994-95 and 1995-96.

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

There are no estimated costs or economic benefits to directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This proposed rule will have no known impact on competition and employment.

Thomas D. Collins
Director

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

Department of Insurance Commissioner of Insurance

Regulation 47—Actuarial Memoranda

Under the authority of R.S. 22:162.1 and R.S. 49:950 et seq., the commissioner of insurance hereby gives notice of his intent to adopt proposed Regulation 47. The regulation will establish guidelines and standards for statements of actuarial opinion which are to be submitted in accordance with R.S. 22:162.1 actuarial opinion reserves, and for memoranda in support thereof. The text of this proposed rule is also being promulgated as an emergency rule in this issue of the *Louisiana Register*.

Table of Contents

Section 1.	Purpose
Section 2.	Authority
Section 3.	Scope
Section 4.	Definitions
Section 5.	General Requirements
Section 6.	Required Opinions
Section 7.	Statement of Actuarial Opinion Not Including an Asset Adequacy Analysis
Section 8.	Statement of Actuarial Opinion Based on Asset Adequacy Analysis
Section 9.	Description of Actuarial Memorandum Including an Asset Adequacy Analysis
Section 10.	Additional Considerations for Analysis

Comments or questions may be submitted to John B. Fontenot, care of Commissioner of Insurance, Box 94214, Capitol Station, Baton Rouge, LA 70804-9214, (504) 342-5272.

Copies of the full text of this proposed rule may be obtained from the Office of the State Register, 1051 North Third Street, Room 512, Baton Rouge, LA 70802, phone (504) 342-5015, or from the Department of Insurance at the above address.

James H. "Jim" Brown
Commissioner of Insurance

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Actuarial Memoranda

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. The regulation does not impose any new duties on the department.

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

Adoption of this regulation will not have any effect on revenue collections by the state or local governmental units. There are no fees, fines or other revenue generating activities imposed.

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

It is not anticipated that this regulation will impose any additional costs to the insurers or the insureds.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

It is not anticipated that there will be any effect on either competition or employment resulting from the adoption of this regulation.

Brenda St. Romain
Assistant Commissioner

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

Department of Insurance Commissioner of Insurance

Regulation 48—Health Insurance Standardized Claim Forms

In accordance with the provisions of R.S. 49:950 et seq., of the Administrative Procedure Act, and Act 653 of the 1993 Regular Legislative Session, the commissioner of insurance hereby gives notice of his intent to adopt Regulation 48. The regulation provides for the standardization of claims forms used for billing health care services. Identical text of the proposed regulation was published as an emergency regulation on pages 1291-1293 of the October 1993 edition of the *Louisiana Register*.

Proposed Regulation 48 Standardized Claims Forms Table of Contents

Section 1. Purpose

Section 2. Authority

Section 3. Definitions

Section 4. Applicability and Scope

Section 5. Requirements for use of HCFA Form 1500

Section 6. Requirements for use of HCFA Form UB92

Section 7. Requirements for use of J512 Form

Section 8. General Provisions

Section 1. Purpose

The purpose of this regulation is to standardize the forms used in the billing and reimbursement of health care, reduce the number of forms utilized and increase efficiency in the reimbursement of health care through standardization.

Section 2. Authority

This regulation is issued pursuant to the authority vested in the Commissioner of Insurance under the Administrative Procedure Act and R.S. 22:10, 22:213(A)(14), and 22:3016(C) of the Insurance Code.

Section 3. Definitions

CDT-1 Codes—the current dental terminology prescribed by the American Dental Association.

CPT-4 Codes—the current procedural terminology published by the American Medical Association.

HCFA—the federal Health Care Financing Administration of the U.S. Department of Health and Human Services.

HCFA Form 1500—the health insurance claim form published by HCFA for use by health care providers.

HCFA for UB92—the health insurance claim form published by HCFA for use by institutional care providers.

HCPCS—HCFA's common procedure coding system which is based upon the AMA's Physician Current Procedural Terminology, Fourth Edition (CPT-4).

1. *HCPCS Level 1 Codes*—the AMA's CPT-4 codes with the exception of anesthesiology services.

2. *HCPCS Level 2 Codes*—the codes for physician and non-physician services are not included in COT-4.

Health Care Practitioner—

1. an acupuncturist licensed under R.S. 37:1356-1360;
2. a certified registered nurse anesthetist licensed under R.S. 37:930;

3. a chiropractor licensed under R.S. 37:2801-2830.7;

4. a dentist licensed under R.S. 37:751-794;

5. a dietician and nutritionist licensed under R.S. 37:3081-3093 and 36:259U;

6. durable medical equipment suppliers;

7. an emergency medical technician licensed under R.S. 40:1231-1232;

8. a general health clinic (excluding early periodic screening diagnosis treatment clinics) certified by the Louisiana Department of Health and Hospitals;

9. a hearing aid dealer licensed under R.S. 37:2441-2465;

10. a licensed practical nurse licensed under R.S. 37:961;

11. a mental health counselor licensed under R.S. 37:1101-1115;

12. a mental health clinic licensed under R.S. 28:567;

13. a midwife licensed under R.S. 37:3240-3257;

14. an occupational therapist licensed under R.S. 37:3001-3014;

15. an optometrist licensed under R.S. 37:1052;

16. a physical therapist and physical therapist assistant licensed under R.S. 37:2401-2419;

17. a physician licensed under R.S. 37:1261-1292;

18. a physician assistant licensed under R.S. 37:1360.21-27;

19. a podiatrist licensed under R.S. 37:611-628;

20. a psychologist licensed under R.S. 37:2351-2370;

21. a registered nurse licensed under R.S. 37:911-931;

22. a rehabilitation center licensed under 42:CFR 405.1701Q;

23. a respiratory therapist licensed under R.S. 37:3351-3361;

24. a social worker licensed under R.S. 37:2701-2718;

25. a speech pathologist and audiologist licensed under R.S. 2651-2665;

26. a substance abuse counselor licensed under R.S. 37:3371-3384;

27. a substance abuse prevention/treatment program licensed under R.S. 40:1058.1-1058.3;

28. any other health care practitioners as licensed by the State of Louisiana;

ICD-9-CM Codes—the disease codes in the international classification of diseases, ninth revision, clinical modifications published by the U.S. Department of Health and Human Services.

Institutional Care Practitioner—

1. an adult day health care provider licensed under R.S. 46:1971-1980;

2. an ambulatory surgical center licensed under R.S. 40:2131-2143;

3. a drug screening laboratory licensed under R.S. 49:1111-1113, 1115-1118, 1121, 1122, and 1125.

4. an end stage renal dialysis facility under 42:CFR 405.2100;

5. a home health agency licensed under R.S. 40:2009.31-2009.40;

6. a hospice licensed under R.S. 40:2181-2191;

7. a hospital licensed under R.S. 40:2100-2114;

8. a nursing home licensed under R.S. 40:2009;

9. a residential care/community group home or residential facility licensed under R.S. 46:51, 1401-1411, and 28:1-284;

10. any other institutional care practitioner as licensed by the State of Louisiana.

J512 Form—the uniform dental claim form approved by the American Dental Association for use by dentists.

Medicare—Title XVIII of the federal Social Security Act.

Medicaid—Title XIX of the federal Social Security Act.

Revenue Codes—the codes established for use by institutional care practitioners by the National Uniform Billing Committee.

Section 4. Applicability and Scope

Except as otherwise specifically provided, the requirements of this regulation apply to all issuers of health care policies or contracts of insurance, administrators of self-funded employee benefit plans, and other forms of insurance and entitlement programs under Title XVIII and Title XIX involved in the reimbursement of health care expenses, and all practitioners of health care licensed by the state.

Section 5. Requirements for use of HCFA Form 1500

A. Health care practitioners, other than dentists, shall use the HCFA Form 1500 and instructions provided by HCFA for use of the HCFA Form 1500 when billing patients or their representatives for reimbursement of claims with insurers for professional services.

B. An issuer may not require a health care practitioner to use any coding system for the initial filing of claims for health care services other than the following:

1. HCPCS Codes; and
2. ICD-9-CM Codes.

C. An issuer may not require a health care practitioner to use any other descriptor with a code or to furnish additional information with the initial submission of a HCFA Form 1500 except under the following circumstances:

1. when the procedure code used describes a treatment or service which has not been included in CPT-4 or is billed

under an unlisted procedure code and a description of services is necessary; or

2. when the procedure code is followed by the CPT-4 modifier 22, 47, 50, 51, 52, 62, 66, 77, or 99; or

3. when required by a contract/agreement between the issuer and health care practitioner; or

4. as otherwise required by federal regulation.

D. Use of HCFA Form 1500 shall be effective July 1, 1994 for all issuers excluding rehabilitation facilities reimbursed by Louisiana Medicaid which will have an effective date of January 1, 1995

Section 6. Requirements for use of HCFA Form UB92

A. Institutional care practitioners shall use the HCFA Form UB92 and instructions provided by HCFA for use of the HCFA UB92 when billing patients or their representatives directly and filing claims with issuers for professional services.

B. An issuer may not require an institutional care practitioner to use any coding system for the initial filing of claims for health care services other than the following:

1. ICD-9-CM Codes;
2. Revenue Codes;
3. HCPCS Level 1 Codes;
4. HCPCS Level 2 Codes; and

5. if charges include direct service of a health care practitioner, the information outlined in Section 5 of this regulation.

C. Use of the HCFA Form UB92 shall be effective July 1, 1994 for all issuers excluding nursing facilities, adult day health care facilities, and residential care facilities reimbursed by Louisiana Medicaid which shall have an effective date of January 1, 1996.

Section 7. Requirements for use of J512 Form

A. A dentist shall use the J512 Form and instructions provided by the American Dental Association CDT-1 for use of the J512 Form by billing patients or their representatives directly and filing claims with issuers for professional services.

B. An issuer may not require a dentist to use any other code other than the CDT-1 codes for the initial filing of claims for dental care services.

C. Use of J512 Form shall be effective July 1, 1994 for all issuers excluding reimbursement to dentists reimbursed by Louisiana Medicaid which shall have an effective date of January 1, 1995.

Section 8. General Provisions

A. A health care practitioner or institutional care practitioner shall file a claim in a manner consistent with the requirements of this regulation which are:

1. a paper form printed on 8.5-inch paper;
2. an electronically transmitted claim.

B. An issuer shall accept a form which is submitted in compliance with this regulation for the processing of the insured's or beneficiaries' claims.

C. Nothing in this regulation shall prevent an issuer from requesting additional information which is not contained on the forms required under this regulation to determine eligibility of the claim for payment if required under the terms of the policy or certificate issued to the claimant.

D. All health care practitioners and institutional care practitioners shall:

1. use the most current editions of the HCFA Form 1500, HCFA Form UB92, or J512 Form and most current instructions for these forms in the billing of patients or their representatives and filing claims with issuers;

2. modify their billing practices to encompass the coding charges for all billing and claim filing by the effective date of the changes set forth by the developers of the forms, codes and procedures required under this regulation.

E. Submitted billing and claim filing forms not complying with the minimum requirements of this regulation shall be considered to be in non-compliance with the regulation and issuers shall have the right to deny reimbursement until such time as the forms are in compliance with this regulation.

The regulation is scheduled to become effective February 21, 1994. Interested parties may submit written comments on the proposed regulation until 4:30 p.m., December 15, 1993 to: C. Noël Wertz, Senior Attorney, Box 94214, Baton Rouge, LA 70804-9214.

James H. "Jim" Brown
Commissioner of Insurance

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Regulation 48—Health Insurance Standardized Claim Forms

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. The regulation does not impose any new duties on the department.

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

Adoption of this regulation will not have any effect on revenue collections by the state or local governmental units. There are no fees, fines or other revenue generating activities imposed.

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

It is not anticipated that this regulation will impose any additional costs on the health care insurers or the insureds.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

It is not anticipated that there will be any effect on either competition or employment resulting from the adoption of this regulation.

Brenda St. Romain
Assistant Commissioner

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

Department of Insurance Commissioner of Insurance

Regulation 50—Miscellaneous Accreditation Standards

Under the authority of R.S. 22:2(H), R.S. 22:3 and R.S. 22:2084, the Department of Insurance gives notice that the following proposed regulation is scheduled to become effective February 20, 1994, or upon publication in the *Louisiana Register*. This intended action complies with the statutory law administered by the Department of Insurance.

The text of this proposed rule was published as an emergency rule on pages 1293-1294 of the October 1993 issue of the *Louisiana Register*.

Regulation 50

Miscellaneous Accreditation Standards

Section 1. Authority

This regulation is promulgated under the authority of R.S. 22:2(H), R.S. 22:3, R.S. 22:2084 and the Administrative Procedure Act, R.S. 49:950 et seq.

Section 2. Purpose

The purpose of this regulation is to implement changes recommended by the National Association of Insurance Commissioners pursuant to a preliminary examination of the Louisiana Department of Insurance relating to the National Association of Insurance Commissioners Financial Regulation Standards and Accreditation Program.

Section 3. Standards of Accreditation

A. CPA Audits. Act Number 811 of the 1992 Regular Session of the Louisiana Legislature amended Section 1451(D) of Title 22 to require insurers to file the National Association of Insurance Commissioners annual statement blank and quarterly statement blank, prepared in accordance with the National Association of Insurance Commissioners annual statement instruction handbook. Any apparent conflicts which arise between provisions of the annual statement instructions and Part XXVIII-A "Audited Financial Reports Law" of the Louisiana Insurance Code, being R.S. 22:1321-1335, shall be resolved by adherence to the annual statement instructions.

B. Risk Retention and Purchasing Groups

1. In the event of a material change in the plan of operation of a risk retention group chartered in Louisiana, an appropriate revision of the plan must be filed with the Commissioner of Insurance within 10 days of such revision.

2. In the event of a revision of a plan of operation for a risk retention group not chartered in Louisiana, such revision must be filed with the Commissioner of Insurance at the same time the revision is submitted to the commissioner of the chartering state.

3. Purchasing groups which obtain insurance from an insurer not admitted in Louisiana or from a risk retention group shall inform each of the members of the group which have a risk resident or located in Louisiana that the risk is not protected by the Louisiana Insurance Guaranty Association and that the risk retention group or insurer may not be subject to all insurance laws and regulations of Louisiana.

NOTICE OF INTENT

**Department of Public Safety and Corrections
Office of Alcoholic Beverage Control**

Fairs, Festivals, and Special Event Permits
(LAC 55:VII.323)

4. Purchasing groups must notify the Commissioner of Insurance within 10 days of any changes in their requirements of registration.

5. No purchasing group may purchase insurance providing for a deductible or self-insured retention applicable to the group as a whole; however, coverage may provide for a deductible or self-insured retention applicable to individual members.

A public hearing on this proposed regulation will be held at 10 a.m. on December 28, 1993, in the Plaza Hearing Room of the Insurance Building located at 950 North Fifth Street, Baton Rouge, LA. All interested persons will be afforded an opportunity to make comments.

Interested persons may obtain a copy of this proposed regulation from, and may submit oral or written comments to Barry W. Karns, Deputy General Counsel, Department of Insurance, Box 94214, Baton Rouge, Louisiana 70804-9214, telephone (504) 342-1631. Comments will be accepted through the close of business at 4:30 p.m. December 28, 1993.

James H. "Jim" Brown
Commissioner of Insurance

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Miscellaneous Accreditation 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. The regulation does not impose any new duties on the department.

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

Adoption of this regulation will not have any effect on revenue collections by the state or local governmental units. There are no fees, fines or other revenue generating activities imposed.

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

It is not anticipated that this regulation will impose any additional costs on insurers.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

It is not anticipated that there will be any effect on either competition or employment resulting from the adoption of this regulation.

Brenda St. Romain
Assistant Commissioner

David W. Hood
Senior Fiscal Analyst

In accordance with R.S. 49:950 et seq., and under the authority conferred by Title 26 of the Revised Statutes, in general, and R.S. 26: 793, in particular, the Department of Public Safety and Corrections, Office of Alcoholic Beverage Control, gives notice that rulemaking procedures have been initiated to amend the Liquor Credit Regulations, LAC 55:VII.323. This notice of intent supercedes the notice of intent published in the October, 1993 *Louisiana Register*, pages 1368-1369.

The current language does not prohibit or limit contributions or sponsorships between a licensed wholesaler and a holder of a special temporary retail alcoholic beverage permit. This lack of a prohibition or limitation can lead to the exclusion in whole or in part of licensed wholesaler from a special event in violation of Title 26 of the Revised Statutes. LAC 55:VII.323 is being amended to prohibit contributions or sponsorships between a licensed wholesaler and a holder of a special temporary retail alcoholic beverage permit.

LAC 55:VII.323 is also being amended to delete the permit for a nonprofit organization which does not have tax exempt status.

The text of this proposed rule may be viewed in its entirety in the emergency rule section of the October, 1993 *Louisiana Register*, pages 1295-1296.

All interested persons are invited to submit written comments on the proposed regulation. Such comments should be submitted no later than December 30, 1993 at 4:30 p.m. to Raymond Holloway, Assistant Secretary, Office of Alcoholic Beverage Control, Department of Public Safety and Corrections, Box 66404, Baton Rouge, LA 70896 or to 1885 Wooddale Boulevard, Sixth Floor, Baton Rouge, LA 70806.

Raymond Holloway
Assistant Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Fairs, Festivals and Special Events**

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

There should be no additional costs as this rule amends a current rule on the same subject and there should be no increase in the number of applications.

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

There should be no effect on revenues as the fees charged are remaining the same and there should be no increase in applications as a result of this rule.

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

There should be no new or additional costs as this rule does not affect the cost of permits and this rule does not change the costs an industry member will charge the permit holder.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This will improve competition between wholesalers as wholesaler will not be required to give anything of value to get the business from the special event.

Raymond Holloway
Assistant Secretary

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

**Department of Public Safety and Corrections
Office of Alcoholic Beverage Control**

Prohibited Acts (LAC 55:VII.701)

In accordance with R.S. 49:950 et seq., and under the authority conferred by Title 26 of the Louisiana Revised Statutes in general, and R.S. 26:793 in particular, the Office of Alcoholic Beverage Control, Department of Public Safety and Corrections, gives notice that rulemaking procedures have been initiated to adopt live entertainment regulations LAC 55:VII.701.

This regulation is being adopted to maintain the ongoing continuity in the ability of the Office of Alcoholic Beverage Control to enforce the laws regulating the type of entertainment allowed on licensed premises on a statewide basis.

The text of this proposed rule, which became effective September 24, 1993, through a declaration of emergency, can be viewed in its entirety in the emergency rule section of the October 1993 *Louisiana Register* on page 1296.

All interested persons are invited to submit written comments on the proposed regulations. Such comments should be submitted no later than December 31, 1993 at 4:30 p.m., to Raymond Holloway, Assistant Secretary, Office of Alcoholic Beverage Control, Department of Public Safety and Corrections, Box 66404, Baton Rouge, LA 70896, or to 1885 Wooddale Blvd., Sixth Floor, Baton Rouge, LA 70806.

Raymond Holloway
Assistant Secretary

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

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

There should be no implementation costs or savings as this activity is currently regulated by statute.

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

There should be no effect on revenue collections as this rule does not affect fees.

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

There should be no cost to the affected persons. The change brought about by this rule might encourage additional patrons to a licensed premises, thus having a positive impact.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This rule should have no effect on competition or employment.

Raymond Holloway
Assistant Secretary

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Revenue and Taxation
Income Tax Division**

Inheritance Tax; Waiver of Notice (LAC 61:I.1701)

In accordance with R.S. 49:950 et seq. of the Administrative Procedure Act, notice is given that the Department of Revenue and Taxation proposes to adopt the following rule concerning the interest on delinquent inheritance tax as authorized by R.S. 47:2420.

This proposed regulation establishes the instances when interest on inheritance tax payments may be waived and the procedures to be followed to obtain waiver of interest.

Title 61

REVENUE AND TAXATION

**Part I. Taxes Collected and Administered
by the Secretary of Revenue and Taxation**

**Chapter 17. Inheritance and Estate Transfer Tax
§1701. Extension of Time to File; Waiver of Interest**

A. Definitions. For the purposes of this Section, the following terms are defined:

Bona Fide Contested—instances when the right of any heir or legatee to receive an inheritance or legacy is contested in the succession proceeding.

Ignorant of the Inheritance—instances when the heir, legatee, or beneficiary lacked knowledge of either his right to inherit or of the property to be inherited.

B. Waiver of Interest. Interest on inheritance tax may be waived by the secretary if the settlement of the succession is bona fide contested or the beneficiary was ignorant of the inheritance. Beneficiaries or their legal representative requesting waiver of interest must make written application to the secretary including the reasons why waiver of interest should be granted.

C. Extension of Time to File. An application for an extension to file a return must be submitted to the court prior to the time that the tax becomes due. An extension of time to file a return without the payment of interest for periods exceeding 15 months from the date of death may be granted by the court if the secretary consents or is made a party to the proceeding.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:2420.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Income Tax Division, LR 20:

All interested persons may submit data, views, or arguments, in writing to Kenneth Comeaux, Director, Department of Revenue and Taxation, Box 201, Baton Rouge, LA 70821. All comments must be submitted by 4:30 p.m. on Tuesday, December 28, 1993. A public hearing will be held on Wednesday, December 29, 1993 at 10 a.m. in the Department of Revenue and Taxation Secretary's conference room, 330 North Ardenwood Drive, Baton Rouge, LA.

Kenneth Comeaux
Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Inheritance Tax; Waiver of Notice**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no impact on the department's costs to administer the inheritance tax laws.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
It is expected that state revenues will increase due to a reduction in the number of waivers of interest on inheritance taxes. The amount of the increase is estimated to be a minimum of \$250,000 per year.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
Beneficiaries of inherited property who do not timely file and pay their inheritance tax must pay interest on the tax at the statutory interest rate. The amount of the increase is estimated to be a minimum of \$250,000 per year.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There should be no fiscal impact on competition or employment.

Ralph Slaughter
Secretary

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

**Department of Revenue and Taxation
Sales Tax Division**

**Sales Price, Transportation Charges, Sales of Services,
Cleaning Services (LAC 61:I.4301)**

In accordance with R.S. 49:950 et seq. of the Administrative Procedure Act, notice is given that the Department of Revenue and Taxation proposes to amend the following rules concerning the definition of sales price and sales of services as authorized by R.S. 47:301. This proposal amends LAC 61.I.4301.A.13 and 61.I.4301.A.14.e to reflect the judicial review of the taxability of freight charges and cleaning services. This amendment redefines sales price to

remove the language stating that freight charges are subject to the sales tax in accordance with the Louisiana Supreme Court ruling and redefines cleaning services, taxable under the sales of services, to be consistent with the Louisiana Court of Appeals, First Circuit ruling.

Title 61

REVENUE AND TAXATION

**Part I. Taxes Collected and Administered
by the Secretary of Revenue and Taxation**

Chapter 43. Sales and Use Tax

§4301. Definitions

* * *

A.13. Sales Price

a. R.S. 47:301(13)(a) states that the sales price for purposes of the Louisiana sales tax law includes the total amount for which tangible personal property is exchanged including any services, any materials used, labor or service cost that is included in the total for which the purchaser is billed.

i. Finance Charges. The definition of "sales price" specifically does not include any charges made to the customer for financing or for servicing his account, provided those amounts are within reason. With respect to charges for financing, the law specifically limits the amount that can be charged and eliminated from sales price for sales tax purposes to the legal rate of interest and limits the amount that can be charged for servicing the customer's account to an amount not to exceed six percent of the amount financed regardless of the time covered by the purchase contract.

ii. Cash Discounts. The definition of "sales price" specifically does not include cash discounts allowed by the seller and taken by the buyer. Since cash discounts allowed and taken effectively reduce the price that the customer is ultimately to pay for the merchandise, or for the tangible personal property exchanged, a reduction is allowed to reflect those discounts.

iii. Installation Charges. The definition of "sales price" specifically does not include the amount charged for labor services rendered in installing, applying, remodeling, or repairing property sold. These charges constitute sales of services, and under the provisions of R.S. 47:301(14) do not constitute taxable services. The terms "installing" and "applying" refer to the optional charges made by a seller for additional services after the sale of tangible personal property for the set up of that property in a usable condition on, within, or as a part of land or a fixed structure. Charges for the installation on or the application of tangible personal property to other movables are taxable as fabrication charges under R.S. 47:301(12) or as repairs to tangible personal property under R.S. 47:301(14)(g)(i). Charges for remodeling or repairing the property sold are similarly excludable from sales tax, provided these services were rendered for the seller on property in inventory prior to the time of sale of that property. The same services would be taxable under the provisions of R.S. 47:301(14) if performed after the property is in the possession of the customer. Any charges to be eliminated for applying, installing, remodeling, or repairing property would have to be identified and set out separately in a billing to a customer. Failure to separately bill for either of those items will automatically make them taxable.

iv. Separately stated and optional charges made by a seller of tangible personal property for the transportation of that property, after its sale, from the place of the sale to the destination designated by the buyer, are not included in the definition of "sales price." However, a seller who has incurred expenses in transporting property to the place where the property is sold cannot exclude those transportation expenses from the taxable "sales price," even if such expenses are separately stated on the bill of sale.

v. Federal excise taxes that are imposed on a producer, processor, manufacturer or importer, and import duties become a part of the dealer's cost and cannot be excluded from the tax base or sales price. The only exception is with respect to the federal retailers' excise tax that must be collected from the consumer or user. If those taxes are billed to the user or customer separately, they should be excluded from the tax base. However, if the retailers' excise tax is not billed separately, the total selling price, including the excise tax is taxable under this Chapter.

vi. Handling and other services of a similar nature are included within the "sales price" base for sales tax purposes when such services are a part of the sale valued in money. In determining when such services are a part of the sale valued in money, resort should be had to the substance of the contract of sale between the seller and the buyer, and the substance of the agreement shall control over the form used by the parties. If the substance of the terms of the contract of sale is such that the seller is obligated to provide special handling of the tangible personal property, at his expense, then in those instances it shall be deemed that the "sales price" includes the value of such services, and the sales tax base would include the value of such services. Whether the sale is one made in intrastate or in interstate commerce is not controlling since in either case the "sales price" shall be deemed to include the charges for such services if such services are rendered by the seller in discharge of his obligation to the buyer to furnish such services as stated hereinabove, and shall be deemed not to include the charges for such services where rendered by the buyer, either personally or through an independent contractor for the buyer's account and at the buyer's expense. In order to facilitate the collection of sales tax on those transactions, the secretary shall look first to the seller for the collection and remission of such taxes in those cases in which the seller is registered as a dealer for sales tax purposes, or where the seller is required by statute to be so registered. In those instances in which such services are to be included within the sales tax base, but where the seller is not required to, or fails to collect such sales tax, and in those instances in which the charges for such services are billed directly to the buyer by the person furnishing such services, such as an independent contractor, the secretary shall look to the buyer for the remission of such sales tax.

vii. Nothing herein, shall be construed so as to limit the secretary insofar as the collection of such sales taxes as may be otherwise provided by law, the administrative procedures set forth herein being designed merely to facilitate the collection of such sales tax and not to alter the obligations imposed upon seller and buyer by law.

14. Sales of Services

* * *

e. R.S. 47:301(14)(e) deals with the furnishing of restoration, renovation, and cleaning services. Under that statute, the furnishing of laundry service, pressing and dyeing service, washateria, drying service, or cleaning service is defined as sales of services, making them taxable under this Chapter. This service is a taxable sales of services when applied to clothing and other fabric, including furs, furniture, carpets, and rugs. Similar services on pipes, tanks, barges, automobiles, trucks, and other equipment would not be a taxable sales of services under this statute. However, those cleaning services that change the functional capability of tangible personal property are taxable as repairs to tangible personal property, as provided by R.S. 47:301(14)(g)(i).

i. In addition to the various services described above, R.S. 47:301(14)(e) also deals with the furnishing of storage space for clothing, furs, and rugs. Under this statute, the furnishing of storage space for clothing, furs, and rugs is defined as sales of services, making them taxable under this Chapter. All charges for the furnishing of such storage space are taxable regardless of whether or not the owner of the business is engaged solely in that activity or the furnishing of space is purely incidental to the operation of some other business.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:301.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, LR 13:107 (February 1987), amended by the Department of Revenue and Taxation, Sales Tax Division, LR 20:

All interested persons may submit data, views, or arguments, in writing to Raymond Tangney, Director, Department of Revenue and Taxation, Box 201, Baton Rouge, LA 70821. All comments must be submitted by 4:30 p.m. on Tuesday, December 28, 1993.

Raymond Tangney
Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Sales Price, Transportation Charges, Sales of Services, Cleaning Services

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

The proposed amendments will not result in any additional costs or savings to state or local governmental units. The amendments will make the regulations consistent with court rulings and current departmental policy.

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

The proposed amendments will have no effect on revenue collections of state or local governmental units.

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

There should be no effect on costs and/or economic benefits to non-governmental groups or persons.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There should be no impact on competition or employment.

The amendments will make the regulations consistent with court rulings and current departmental policy.

Ralph Slaughter
Secretary

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

Department of Revenue and Taxation Severance Tax Division

Oilfield Site Restoration Fee (LAC 61:I.5301)

Under the authority of R.S. 30:87 and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue and Taxation, Severance Tax Division, proposes to adopt the following rule pertaining to the oilfield site restoration fee.

Act 404 of the 1993 Regular Session of the Louisiana Legislature instituted the oilfield site restoration fee and required the Department of Revenue and Taxation to collect the fee. This proposed regulation pertains to the payment of the fee and imposes reporting requirements, filing due dates, and delinquent penalties.

Title 61

REVENUE AND TAXATION

Part I. Taxes Collected and Administered by the Secretary of Revenue and Taxation

Chapter 53. Miscellaneous Fees

§5301. Oilfield Site Restoration Fee

A. The Department of Revenue and Taxation is responsible for collection of the oilfield site restoration fee imposed on the production of gas, oil, distillate, condensate, or similar natural resources. The fee shall be assessed on the same production that is taxed by the state's severance tax laws. An annual fee, administered and collected by the Office of Conservation, is also imposed on nonproducing wells located within the state, except for temporarily abandoned or saltwater disposal wells in stripper fields.

B. Definitions. For the purposes of this Section, the following terms are defined:

Condensate—liquid hydrocarbons recovered by initial separation from a well classified as a gas well by the Office of Conservation or recovered from gas streams at drip points, plant inlet scrubbers, compressors, dehydrators, and metering stations.

Gas—gaseous phase hydrocarbons recovered by separation from either an oil well or gas well.

Oil—liquid hydrocarbons recovered by ordinary production methods from a well classified as an oil well by the Office of Conservation.

Operator of Record—the operator of record according to the Office of Conservation records.

Secretary—the secretary of the Department of Revenue and Taxation.

C. Due Dates and Delinquent Dates

1. The first fees due under R.S. 30:87(A) and (B) shall

be for the period ending December 31, 1993 based on the oil, condensate, and natural gas production for the months of September, October, November, and December 1993, and shall be due on or before January 31, 1994, and shall become delinquent after such date and from such time shall be subject to the interest, penalties, and costs as provided in Chapter 18, Subtitle II of Title 47. Thereafter, the fees levied by R.S. 30:87(A) and (B) shall be due on a quarterly basis and will be due on or before the last day of the month following the last day of the quarter period and shall become delinquent after this date and shall be subject to interest, penalties, and costs as provided in Chapter 18, Subtitle II of Title 47.

2. The secretary of the Department of Natural Resources will certify to the secretary when the Oilfield Site Restoration Fee fund equals or exceeds \$10 million. The secretary will notify, in writing, all parties who are remitting the fee to cease payment of the fee by a specific date. All fees collected up to that date will be remitted on or before the first day of the second month following the date specified.

3. The secretary of the Department of Natural Resources will certify to the secretary when the Oilfield Site Restoration Fee fund has fallen below \$6 million. The secretary will notify, in writing, all parties who are registered to collect and remit the fee to resume collection and payment of this fee starting with a specific date. The resumption date will be specified on the notice.

D. Reports and Payment of the Fees

1. All returns and reports shall be made on forms prescribed by the secretary and furnished by the Department of Revenue and Taxation, or on similar forms that have been approved for use by the secretary. Returns and reports shall be completed and filed in accordance with instructions issued by the secretary.

2. Any person who severs, purchases, or processes gas, oil, distillate, condensate, or similar natural resources is required to furnish information necessary for the proper enforcement and verification of the fees levied in R.S. 30:87.

3. Every operator of record of producing oil and/or gas wells must submit a return and make payments of the fees imposed by R.S. 30:87. Purchasers of oil and/or gas may make payment for the operator of record and their respective working-interest owners.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:87.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Severance Tax Division, LR 20:

All interested persons may submit data, views, or arguments, in writing to Carl Reilly, Assistant Director of the Severance Tax Division, Department of Revenue and Taxation, Box 201, Baton Rouge, LA 70821. All comments must be submitted by 4:30 p.m. on Tuesday, December 28, 1993. A public hearing will be held on Wednesday, December 29, 1993 at 1:30 p.m. in the Department of Revenue and Taxation Secretary's Conference Room, 330 North Ardenwood Drive, Baton Rouge, LA.

Linda Denney
Director

FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Oilfield Site Restoration Fee

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Initial costs to implement collection of the oil field site restoration fee are estimated to be approximately \$185,600 for the first year. Ongoing annual costs are estimated to be approximately \$119,600.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Revenue collections from the oilfield site restoration fee, based on annual oil and gas production, are estimated to be \$4,324,400 annually.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
The costs to producers of oil and gas and their working-interest owners are estimated to be \$4,324,400 annually.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There will be no fiscal impact on competition or employment.

Ralph Slaughter
Secretary

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

**Department of Revenue and Taxation
Tax Commission**

**Ad Valorem Tax—Personal Property
(LAC 61:V.Chapters 1-35)**

In accordance with provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and in compliance with statutory law administered by this agency as set forth in R.S. 47:1837, notice is hereby given that the Tax Commission intends to adopt and/or amend sections of the Louisiana Tax Commission Real/Personal Property rules and regulations for use in the 1994 (1995 Orleans Parish) tax year.

The full text of this proposed rule may be viewed at the Department of Revenue, Tax Commission, 5420 Corporate Boulevard, Suite 107, Baton Rouge, LA or at the Office of the State Register, 1051 North Third Street, Baton Rouge, LA.

Interested persons may submit written comments on the proposed rules until 4 p.m., December 7, 1993, at the following address: E.W. "Ed" Leffel, Property Tax Specialist, Louisiana Tax Commission, Box 66788, Baton Rouge, LA 70896.

Malcolm B. Price, Jr.
Chairman

FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Ad Valorem Tax—Personal Property

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Implementation costs to the agency are the costs of preparation, reproduction and distribution of updated regulations. These costs are estimated at \$6,000 for the 1993-1994 fiscal year and are being reimbursed through an existing user service fee of \$15 per set.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Local Governmental Units. These revisions will generally decrease 1994 personal property assessments for property of similar age and condition in comparison with equivalent assessments in 1993. Composite multiplier tables for assessment of most personal property decreased by an average of 2.25 percent. Specific valuation tables for assessment of oil and gas properties will generally increase by an estimated five percent on wells. The net effect of these revision is estimated to reduce assessments by 1.34 percent and tax collections by \$3,450,500 on the basis of existing statewide average millage. However, local governmental units have the authority to offset all or a portion of this reduction by millage adjustment.

State Governmental Units. Under authority granted by R.S. 47:1838, the Tax Commission will receive state revenue collections generated by assessment service fees estimated to be \$239,000 from public service companies, and \$48,000 from financial institutions and insurance companies all of which are assessed by the Tax Commission.

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

The effects of these new rules on assessments of individual items of equivalent personal property will generally be lower in 1994 than in 1993. However, oil, gas and associated wells assessments will be generally higher. Specific assessments will depend on the age and condition of the property subject to assessment.

The estimated costs that will be paid by affected persons as a result of the assessment and user service fees as itemized above total \$287,000 to be paid by public service property owners, financial institutions and insurance companies for 1993/94.

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

The impact on competition and employment cannot be quantified, Inasmuch as the proposed change in assessments and charges are relatively small, the impact is thought to be minimal.

Ann R. Laurence
Executive Secretary

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

Department of Social Services Office of Community Services

Central Registry—Child Abuse/Neglect Cases
(LAC 67:V.1103)

The Department of Social Services, Office of Community Services, proposes to amend the rule entitled "Central Registry—Child Abuse/Neglect Cases" published in the *Louisiana Register*, Vol. 18, No. 1, January 20, 1992, page 79. This rule is mandated by revisions to the Louisiana Children's Code, Title VI, Child in Need of Care, Chapter 5, Articles 615 and 616 by the 1993 Louisiana Legislature.

Title 67

SOCIAL SERVICES

Part V. Office of Community Services

Subpart 3. Child Protective Services

Chapter 11. Administration and Authority

§1103. State Central Registry

A. ...

1. The Louisiana Children's Code, Article 616, requires the maintenance of a central registry of all reported cases. As part of the investigation, the Office of Community Services Child Protection Investigation worker shall provide to parents written notice of the registry and the rules governing maintenance and expungement of registry records.

a. The Office of Community Services will not maintain records of reports of child abuse or neglect on families or out-of-home caretakers determined to be inherently improbable or false as provided in Article 615 (B)(5) and (6).

b. Records of reports of suspected child abuse or neglect found to be valid in families will be maintained until the youngest child in the victim's family reaches the age of eighteen. Records of reports of child fatalities medically determined to have been caused by child abuse or neglect will be maintained indefinitely. Records on valid findings on caretakers in restrictive care facilities and day care centers will be maintained for five years, unless there is another valid finding involving the same perpetrator. In those cases the records will be maintained until there has been no subsequent valid finding for five years. Records on valid findings on foster families, when the child victim is a foster child, will be maintained indefinitely.

c. Any person whose name is included on the central registry may petition the court in the parish in which the investigation was conducted to request an expungement order. The Office of Community Services will expunge the petitioner's name upon receipt of a court order.

AUTHORITY NOTE: Promulgated in accordance with the Louisiana Children's Code, Title VI, Child in Need of Care, Chapter 5, Articles 615 and 616, and Title XII, Adoption of Children, Chapter 2, Article 1173, and R.S. 14:403 (H).

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Community Services, LR 18:79 (January 1992), amended LR 20:

Interested persons may submit written comments for 40 days from the date of this publication to the following address:

Brenda L. Kelley, Assistant Secretary, Box 3318, Baton Rouge, LA 70821. She is the person responsible for responding to inquiries.

Gloria Bryant-Banks
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Central Registry—Child Abuse/Neglect Cases

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The only cost in FY 93/94 will be \$6,000 to modify the existing data system and to print manual materials. There are no costs in FY 94/95 and FY 95/96.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There are no effects on revenue collections of state or local government.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
There are no costs and/or economic benefits to directly affected persons or non-governmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There is no impact on competition or employment. There are no transfer funds to any governmental or private entity.

Robert J. Hand
Division Director

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

Department of Social Services Office of Family Support

JOBS Program Implementation (LAC 67:III.2902)

The Department of Social Services, Office of Family Support, proposes to amend LAC 67:III.2902 Job Opportunities and Basic Skills Training Program implementation.

Title 67

SOCIAL SERVICES

Part III. Office of Family Support

Subpart 5. Job Opportunities and Basic Skills Training Program

Chapter 29. Organization

Subchapter A. Designation and Authority of State Agency

§2902. Implementation

The JOBS Program is available as either a complete or minimal program in every parish.

1. A complete program offers the full range of component activities. Complete program operations are provided in all *Metropolitan Statistical Areas* and to at least 75 percent of the state's adult AFDC recipients in accordance with 45 CFR 250.11.

2. A minimal program includes at least these component activities: high school or equivalent education, either on the job training or job search, and a Community Work Experience Program. It also offers information and referral to state employment services.

3. The type of program administered in each parish is subject to change, depending on the reclassification of *Metropolitan Statistical Areas* or shifts in the AFDC population.

4. Minimal programs are currently administered in the following parishes: Avoyelles, Caldwell, St. Mary, St. Helena, West Feliciana, Evangeline, Vermilion, Catahoula, LaSalle, Sabine, Winn, Bienville, Claiborne, Desoto, Red River, East Carroll, Jackson, Madison, Morehouse, Richland, Tensas, Union, West Carroll, Washington, Assumption, Iberville, Allen, Beauregard, Cameron, and Jefferson Davis.

AUTHORITY NOTE: Promulgated in accordance with F.R. 54:42146 et seq., 45 CFR 250.0 and R.S. 46:451 et seq.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Eligibility Determinations, LR 16:626 (July 1990), amended by the Department of Social Services, Office of Family Support, LR 17:1227 (December 1991), LR 18:967 (September 1992), LR 19:504 (April 1993), LR 20:

Interested persons may submit written comments within 30 days to the following address: Howard L. Prejean, Assistant Secretary, Office of Family Support, Box 94065, Baton Rouge, LA 70804-4065. He is the person responsible for responding to inquiries regarding this proposed rule.

A public hearing on the proposed rule will be held on December 29, 1993 in the Second Floor Auditorium, 755 Third Street, Baton Rouge, LA beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views, or arguments, orally or in writing, at said hearing.

Gloria Bryant-Banks
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: JOBS Program Implementation

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

There are no costs or savings associated with this rule other than the state cost of approximately \$142 for printing material. The rule makes the Community Work Experience Program available to a larger number of clients, and it expands some previously "minimum" program parishes to "complete" programs, but this requires no new costs or funding: existing JOBS Program funds will be diverted.

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 governmental units.

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

There is no cost to persons or non-governmental groups. There is some benefit to employers who opt to offer work

experience to JOBS participants, but this is a voluntary program with no monetary basis. There will be no effect on the benefits paid to clients by the JOBS Program.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated impact on competition or employment. In fact, an employer's use of a Community Work Experience participant is prohibited from interfering with that employer's normal workforce.

Howard L. Prejean
Assistant Secretary

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

Department of Social Services Office of the Secretary

Consolidation of Policy (LAC 67:I.Chapter 1)

The Department of Social Services, Office of the Secretary proposes to adopt the following rule in the Child Care Assistance Program effective March 1, 1994.

This rule is being adopted to consolidate all program policy in correct format prior to publication in the *Louisiana Administrative Code*. It does not contain any changes in policy.

Title 67 SOCIAL SERVICES

Part I. Office of the Secretary

Chapter 1. Child Care Assistance Program §101. Eligibility Requirements

A. Child Care and Development Block Grant

1. Household income does not exceed 75 percent of the state median income for a household of the same size.

a. Income is defined as gross earnings from all sources of employment. Earnings must be verified, using a minimum of four check stubs from the most recent four pay periods, or the standard verification form from the employer.

b. Medical expenses are deducted from the household's total earned income to determine income eligibility if they are:

- i. verified by the applicant,
- ii. regular and incurred at least once each month,
- iii. non-reimbursable by insurance or other sources,
- iv. not covered by Medicaid, and
- v. \$35 or more each month.

Verification can consist of receipts from a drugstore or a doctor's office, etc., but must be sufficient to satisfy the criteria listed above. Deductions shown on check stubs for hospitalization or dental insurance are deducted as medical expenses.

c. A household is defined as a group of persons who share income and living expenses, with one or more adults acting as parents to the dependent children. The household must reside in Louisiana to be eligible for Child Care Assistance. Homelessness does not preclude being considered a "household."

2. The family includes a child in need of child care

services who is under age 13, or age 13 to age 18 and physically or mentally incapable of caring for himself or herself, as verified by a physician or certified psychologist, or under court supervision. If the child is not already placed with a child care provider, care must be scheduled to begin no later than 12 weeks following the date of application.

3. The child customarily resides full-time with a parent(s) or guardian(s) who is applying for child care services.

4. One of the following two conditions is met:

a. the parent(s) or guardian(s), regardless of age, as well as all household members 18 years of age and older, is:

i. employed at least 20 hours per week (parent(s) or guardian(s) must also be earning gross wages equivalent to the federal minimum wage multiplied times 20 hours per week), or

ii. attending a job training or educational program that is legally authorized by the state for at least 20 hours per week (attendance at a job training or educational program must be verified, including the date of completion), or

iii. some combination of employment and training or education as defined in §101.A.4.b. that equals at least 20 hours per week, or

b. the child is in need of or receiving protective services, in which case the parent(s) or guardian(s) and all adult members of the household are not required to be employed or attending a job training or educational program. Protective services status must be verified by the Office of Community Services.

5. The child for whom application is being made is not eligible for or receiving child care benefits through the Aid to Families with Dependent Children (AFDC) program (including AFDC Child Care Assistance, Project Independence child care, Transitional Child Care, etc.). A parent or guardian can apply for Child Care Assistance 12 weeks prior to the termination of the child's eligibility for Transitional Child Care (TCC); if otherwise eligible, the applicant's name is placed on the waiting list until TCC eligibility is exhausted.

6. The family requests child care services, provides the information necessary for determining eligibility and fees, and meets appropriate application requirements established by the state.

7. Eligible cases are assigned a certification period of three to six months, beginning with the first month in which the eligibility determination is made. The parent or guardian of a child is required to report any changes that could affect eligibility or benefit amount within 10 days of knowledge of the change. Specifically, parents or guardians must report:

a. address changes;

b. household composition changes;

c. employment or earned income changes;

d. changes in attendance at training or educational programs;

e. changes in regular medical expenses;

f. changes in child care providers;

g. receipt of Aid to Families with Dependent Children (AFDC);

h. absences from child care of five or more consecutive working days; and

i. changes in the number of days or hours that a child is attending.

Failure to report a change that affects eligibility or benefit amount can result in action to recover ineligible benefits.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Parts 98 and 99.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary, LR 18:288 (March 1992), amended LR 18:1133 (October 1992), LR 18:1415 (December 1992), LR 19: (November 1993), LR 20:

§102. Waiting Lists

A. A limited amount of federal funding is available each year through the Child Care and Development Block Grant. As each child is determined eligible and authorized for services, anticipated agency expenditures on his behalf for 12 months are deducted from the total allocation for that year, to assure that expenditures can be made. Each regional office is responsible for tracking obligations of the funds allocated to that region.

B. When all the funds for the current year have been obligated, no payments can be made for any additional children determined eligible. Instead, a waiting list is maintained for each parish. Eligibles on the waiting lists are assigned a priority code according to the following criteria:

1. children in need of protective services;
2. special needs children;
3. all other children.

Within each priority group identified above, the waiting lists are maintained in chronological order by date of application.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Parts 98 and 99.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary, LR 18:288 (March 1992), amended LR 18:1269 (November 1992), LR 19: (November 1993), LR 20:

§103. Child Care Providers

A. Provider is defined as an individual operating a Family Day Care Home, providing in-home child care, or serving in an administrative capacity with a Class A child care center, i.e. owner, director, officer of the board, etc.

B. Under no circumstances can the following individuals be considered eligible child care providers:

1. members of the child's household, and
2. the child's parent or guardian, regardless of whether that individual lives with the child.

C. The parent or guardian is assured freedom of choice in selecting from a variety of child care categories, including center-based child care, family child care, and in-home child care. The parent or guardian will be afforded the maximum freedom to select the child care provider of his choice.

D. Family Child Day Care Home providers and in-home child care providers must be at least 18 years of age to be eligible for participation. Under the Child Care and Development Block Grant, relatives providing child care to only grandchildren, nieces, and/or nephews must apply for registration as a Family Child Day Care Home, and must meet registration requirements within one year. The use of funds for sectarian worship or instruction, or the purchase of land or buildings, is prohibited.

E. Purchase of service contracts using Child Care and

Development Block Grant funds will be used to develop or enhance resources necessary to meet the needs of special needs children, who require care for which specialized training, equipment or facilities are essential. Contracts could be used for developing licensed Class A centers or upgrading existing programs in such centers to handle crack/HIV/severely handicapped or emotionally disturbed infants and young children. Contracts would be designed to preserve parental freedom of choice in selecting providers.

F. A quality incentive will be paid to each child care provider that achieves NAEYC certification. The incentive will be paid once each calendar quarter, and will be equal to 10 percent of all payments received by that provider from the certificate portion of the Child Care and Development Block Grant for services provided during the prior calendar quarter.

G. Funds in the form of scholarships will be granted to those child care providers who demonstrate an intention to attain appropriate training in early childhood development.

H. The Child Care Assistance Program will provide cash assistance to child care providers to pay for repairs and improvements that are necessary to comply with DSS licensing or registration requirements. The program will pay for one-half of the cost of such a repair or improvement, up to the following maximums, which are based on the capacity of the child care provider:

<u>Number of Children</u>	<u>Maximum Grant</u>
Up to 20	\$ 50
21-40	\$100
41-60	\$150
61-80	\$200
81-100	\$250
101-120	\$300
Over 120	\$350

A provider can receive no more than one such grant in any fiscal year. To apply, the provider must submit an application form along with verification that the repair or improvement is needed to meet DSS licensing or registration requirements and an estimate of the cost of the repair or improvement.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Parts 98 and 99.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary, LR 18:288 (March 1992), amended LR 18:1269 (November 1992), LR 19:659 (May 1993), LR 19:784 (June 1993), LR 19:1034 (August 1993), LR 19: (November 1993), LR 20:

§104. Payment

A. Each family shall contribute toward the payment of child care based on the size of the family and ability to pay. The sliding fee scale is as follows:

SLIDING FEE SCALE FOR CHILD CARE ASSISTANCE RECIPIENTS

NUMBER IN FAMILY UNIT	2	3	4	5	6	RECIPIENT'S SHARE OF CHILD CARE FEE
ANNUAL FAMILY INCOME	0 - 8,879	0 - 11,139	0 - 13,399	0 - 15,659	0 - 17,919	5%
	8,880 - 10,795	11,140 - 13,055	13,400 - 15,705	15,660 - 18,355	17,920 - 21,003	10%
	10,796 - 12,380	13,056 - 14,972	15,706 - 18,011	18,356 - 21,050	21,004 - 24,087	30%
	12,381 - 13,966	14,973 - 16,889	18,012 - 20,317	21,051 - 23,745	24,088 - 27,171	50%
	13,967 - 15,551	16,890 - 18,806	20,318 - 22,623	23,746 - 26,440	27,172 - 30,255	70%
	15,552 - 16,341	18,807 - 19,762	22,624 - 23,773	26,441 - 27,784	30,256 - 31,793	90%
	16,342 & ABOVE	19,763 & ABOVE	23,774 & ABOVE	27,785 & ABOVE	31,794 & ABOVE	100%

NUMBER IN FAMILY UNIT	7	8	9	10	11	RECIPIENT'S SHARE OF CHILD CARE FEE
ANNUAL FAMILY INCOME	0 - 20,179	0 - 22,439	0 - 24,699	0 - 26,959	0 - 29,219	5%
	20,180 - 23,652	22,440 - 26,301	24,700 - 28,950	26,960 - 31,599	29,220 - 34,247	10%
	23,653 - 27,125	26,302 - 30,163	28,951 - 33,200	31,600 - 36,238	34,248 - 39,275	30%
	27,126 - 30,598	30,164 - 34,025	33,201 - 37,451	36,239 - 40,878	39,276 - 44,303	50%
	30,599 - 34,070	34,026 - 37,886	37,452 - 41,702	40,879 - 45,517	44,304 - 49,332	70%
	34,071 - 35,802	37,887 - 39,812	41,703 - 43,821	45,518 - 47,831	49,333 - 51,839	90%
	35,803 & ABOVE	39,813 & ABOVE	43,822 & ABOVE	47,832 & ABOVE	51,840 & ABOVE	100%

B. The state's share of the child care payment will be made directly to the child care provider. The provider is responsible for collecting the recipient's share of the payment.

C. Maximum child care payment rates are considered to be the provider's actual rate or the following state-established rate, whichever is less:

Standard Rate Schedule

Regular Care

	Child Under Age 2			Age 2 and Older		
		full-time	part-time		full-time	part-time
Class A Centers	monthly	\$ 238.30	\$ 119.15	monthly	\$ 216.50	\$ 108.25
	weekly	\$ 55.00	\$ 27.50	weekly	\$ 50.00	\$ 25.00
	daily	\$ 11.00	\$ 5.50	daily	\$ 10.00	\$ 5.00
	hourly	\$ 1.38	\$ 1.38	hourly	\$ 1.25	\$ 1.25
All Other Providers	monthly	\$ 216.50	\$ 108.25	monthly	\$ 216.50	\$ 108.25
	weekly	\$ 50.00	\$ 25.00	weekly	\$ 50.00	\$ 25.00
	daily	\$ 10.00	\$ 5.00	daily	\$ 10.00	\$ 5.00
	hourly	\$ 1.25	\$ 1.25	hourly	\$ 1.25	\$ 1.25

Standard Rate Schedule

Special Needs Care

	Child Under Age 2			Age 2 and Older		
		full-time	part-time		full-time	part-time
Class A Centers	monthly	\$ 287.88	\$ 149.94	monthly	\$ 270.80	\$ 135.40
	weekly	\$ 68.74	\$ 34.37	weekly	\$ 62.50	\$ 31.25
	daily	\$ 13.74	\$ 6.87	daily	\$ 12.50	\$ 6.25
	hourly	\$ 1.72	\$ 1.72	hourly	\$ 1.56	\$ 1.56
All Other Providers	monthly	\$ 270.80	\$ 135.40	monthly	\$ 270.80	\$ 135.40
	weekly	\$ 62.50	\$ 31.25	weekly	\$ 62.50	\$ 31.25
	daily	\$ 12.50	\$ 6.25	daily	\$ 12.50	\$ 6.25
	hourly	\$ 1.56	\$ 1.56	hourly	\$ 1.56	\$ 1.56

A 25 percent premium is paid for the care of special needs children, who are defined as anyone up to age 13 who because of mental, physical or emotional handicap would require specialized facilities, lower staff ratio and/or specialized training to meet the developmental and physical needs of the child.

D. Payments to providers will be a percentage of either the provider's actual charge or the state maximum rate for authorized services, whichever is less. In no case will payment be made for absences of more than 10 working days by a child in any calendar month. Payment will also not be made for an extended closure by a provider of more than four consecutive days in any calendar month.

E. Payments will be authorized at the following rates, for the following number of hours.

1. Payment rate shall be the lesser of:

a. the standard state maximum hourly rate, or
b. the actual hourly rate charged, determined by dividing the provider's actual weekly charges by the child's actual number of weekly hours of attendance.

2. The number of hours authorized for payment:

a. for a child attending school and in child care more than 20 hours per week shall be the lesser of:

i. the total number of hours per week the parent(s) or guardian(s) is working or in school or training, minus the number of hours the child is in school while the parent is working or in school or training, plus one hour for each day the parent(s) or guardian(s) is working or in school or training, or

ii. the number of hours the child is actually in care.

b. for all other situations shall be the lesser of:

i. the total number of hours per week the parent(s) or guardian(s) is working or in school or training, plus one hour for each day the parent(s) or guardian(s) is working or in school or training, or

ii. the number of hours the child is actually in care.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Parts 98 and 99.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary, LR 18:1269 (November 1992), amended LR 19: (November 1993), LR 20:

Interested persons may submit written comments by December 28, 1993 to the following address: William Ludwig, Deputy Secretary, Department of Social Services, Box 3776, Baton Rouge, LA 70821. He is responsible for responding to inquiries regarding this proposed rule.

A public hearing on the proposed rule will be held on December 28, 1993 in the Second Floor Auditorium, 755 Third St., Baton Rouge, LA beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing, at said hearing.

Gloria Bryant-Banks
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Consolidation of Policy**

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

The proposed agency rule is a compilation of all current rulemaking published in the Child Care Assistance Program, issued in the format in which it will appear in the *Louisiana Administrative Code*. Therefore, there are no costs or savings associated with the implementation of this rule.

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

This rule will have no effect on revenue collections. In 1991, the state of Louisiana applied for and was allocated funds under the federal Child Care and Development Block Grant. The third annual grant, received on September 30, 1993, totals \$25,562,882, which is an 8.2 percent increase over the prior year's grant. Future grants are anticipated to increase by similar amounts. The Child Care and Development Block Grant is 100 percent federal funds; revenues available to Louisiana in each of the first three grant years are as follows:

Fiscal Year	Amount of Federal Funds
1991	\$21,668,917
1992	\$23,623,963
1993	\$25,562,882

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

The full amount of each year's Child Care and Development Block Grant will be used for activities to increase the affordability, availability and quality of child care in Louisiana. As of August 31, 1993, there were 4,634 children in child care subsidized by these funds. In addition, there were 523 Class A child care centers, 392 Family Day Care Homes, and 135 in-home providers receiving payments for providing child care, and eligible to participate in quality-improvement activities.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This rule will have no impact on competition or employment.

William Ludwig
Deputy Secretary

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

**Department of State
Office of the Uniform Commercial Code**

Central Registry Master List Program (LAC 10:XVII.321)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950, et seq., and R.S. 49:230(C)(2) relative to the authority of the Department of State, Office of the Uniform Commercial Code to promulgate rules and regulations, notice is hereby given that the Department of State proposes to amend its existing rules relative to the fee structure for the Central Registry Master List Program.

Title 10
BANKS AND SAVINGS AND LOANS
Part XVII. Uniform Commercial Code (Previously Part V)
Chapter 3. Central Registry
§321. Schedules of Fees for Filing and Encumbrance Certificates

A. - B...
 C. Registration (Initial and Renewal) for the Master List of Farm Product Encumbrances shall be assessed each calendar year and are calculated as follows:

Farm Product Category	Price Per Product	Parish(es)
I	\$20	*\$5 per parish
II	\$15	selected
III	\$10	
IV	\$ 5	

*Count each parish only once, even if a parish is chosen for more than one product.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3655 and Public Law 99-198 (Food Security Act of 1985).

HISTORICAL NOTE: Promulgated by the Department of State, Office of Uniform Commercial Code, LR 20:

Interested persons may submit written comments on the proposed rule to Helen J. Cumbo, Commercial Division Administrator, Department of State, Box 94125, Baton Rouge, LA 70804-9125 (504) 925-4716).

Fox McKeithen
 Secretary of State

**FISCAL AND ECONOMIC IMPACT STATEMENT
 FOR ADMINISTRATIVE RULES**
RULE TITLE: Central Registry Master List Program

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
 There are no estimated implementation costs or savings to state or local governmental units.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
 Adoption of this rule will increase revenue collections to cover the cost of the service being provided for a state governmental unit. This increase will be approximately \$8,500 per year.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
 The estimated increase to directly affected persons will vary. Registrants who receive the 24 reports (four master lists and 20 accumulative addenda) will now be paying their annual fee according to the category of crops they want to appear on their report. Registrants will be affected differently depending on the category of crop selected and the number of parishes selected.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
 There is no estimated effect on competition and employment.

Cynthia Rougeou
 Undersecretary

John R. Rombach
 Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Transportation and Development
 Office of General Counsel**

Seasonal Agriculture Product Outdoor Advertising Devices
 (LAC 70:I.Chapter 1)

The Department of Transportation and Development, Office of the General Counsel, has exercised the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and hereby gives notice of intent to adopt a rule to provide for procedures for seasonal agriculture product outdoor advertising devices (LAC 70:I.Chapter 1).

The text of the proposed rule may be viewed in its entirety in the emergency rule section of this issue of the *Louisiana Register*.

Interested persons may 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 Chris Orillion, Traffic and Planning, Department of Transportation and Development, Box 94245, Baton Rouge, LA 70174-9245, (504) 358-9115.

Jude W.P. Patin
 Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
 FOR ADMINISTRATIVE RULES**
RULE TITLE: Seasonal Agriculture Product Outdoor Advertising Devices

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
 No costs or savings to local governmental units are anticipated to result from implementation of the proposed rule changes. No costs or savings to state governmental units are anticipated to result from implementation of the proposed rule changes.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
 No effect on revenue to state or local governmental units is anticipated to result from implementation of the proposed rule changes.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
 Persons who take advantage of the proposed rule adoption may experience an increase in receipts or income as a result of the adoption of these rules. It is not possible to estimate the impact at this time.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
 It is logical to anticipate a positive impact on competition and employment in the private sector as a result of the proposed rule adoption; however, no data is available to make a precise estimate.

Jude W.P. Patin
 Secretary

David W. Hood
 Senior Fiscal Analyst

NOTICE OF INTENT

Department of Transportation and Development

Utility Operator Fee Schedule (LAC 70:III.Chapter 15)

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950 et seq., notice is hereby given that the Louisiana Department of Transportation and Development intends to adopt a rule entitled "Utility Operator Permit Fees" in accordance with Act 692 of 1993 (R.S. 48:381 (E)).

Title 70

TRANSPORTATION AND DEVELOPMENT

Part III. Highways

Chapter 15. Utility Operator Permit Fees

§1501. Use of Rights-of-Way

Following is a schedule of fees for use of highway rights-of-way by utility operators:

Operator Type	Customers	Annual Fee
Class 1	0-100	\$ 20
Class 2	101-500	\$ 50
Class 3	501-6000	\$ 200
Class 4	more than 6000	\$ 700

Operator of Transmission Pipelines \$ 100/Parish; \$1500/Max.

AUTHORITY NOTE: Promulgated in Accordance with R.S. 48:381(E).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, LR 20:

§1503. Procedure

Following is the procedure for the processing of utility operator permit fees.

1. This fee only covers use of highway right-of-way for utility facilities and driveways; it does not cover attachments to structures, leasing excess property or joint use agreements.

2. The fee shall cover all utility facilities owned by the utility operator, regardless of how many different types of facilities are owned by the operator.

3. If, as the result of a highway relocation or other activity performed for the benefit of Department of Transportation and Development, a utility operator that previously had no facilities within highway right-of-way has facilities within highway right-of-way, this operator shall maintain his prior rights, and shall not be liable for this fee, until such time as he places additional facilities within the right-of-way.

4. Class 1 and Class 2 operators who own facilities that cross highways perpendicularly, and that have no facilities located longitudinally within highway right-of-way shall be exempt from this fee.

5. Each operator shall include in his application updated information which may affect the amount of his invoice.

6. Each December the Department of Transportation and Development shall invoice all known utility operators with facilities located within state highway right-of-way.

7. Each operator shall pay the invoice in full by July 31 of the following year.

8. One fee shall be paid by each owner, regardless of how many divisions or types of facilities he owns.

9. Separate companies owned by the same parent company shall each pay separate fees.

10. Issuance of permits to operators failing to submit full payment by February 1, 1994 of each year shall be suspended. The operator shall be notified of this deficiency, and shall have 60 days from the date of this notification to submit payment in full. Facilities owned by operators who fail to submit full payment within the 60-day notification period shall be removed from highway right-of-way.

11. All payments shall be in a lump sum form, and shall be paid by cashier's check, money order, or approved alternative.

12. Upon receipt of all monies, the Department of Transportation and Development shall deposit same in the Right-of-Way Permit Processing Fund.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:381(E).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Utility and Permit Section, LR 20:

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, Utility and Permit Section, Department of Transportation and Development, Box 94245, Baton Rouge, LA 70804-9245, phone (504) 379-1509.

Jude W. P. Patin
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Utility Operator Fee Schedule

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

There will be no additional cost to the Department of Transportation and Development. The Department of Transportation and Development has sufficient staff to implement this rule. There will be minimum impact on some local governmental units that own facilities within highway right-of-way.

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

The Department of Transportation and Development will collect approximately \$222,500 annually.

Class 1	\$ 20	0	\$ 0
Class 2	\$ 50	0	\$ 0
Class 3	\$200	100	\$ 20,000
Class 4	\$700	200	\$ 140,000
Transmission	\$100/parish		
Pipeline	\$1,500 maximum		\$ 62,500
			\$ 222,500

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

Cost to utility providers will vary from \$20 to \$1500 annually, and the total cost to all utility providers will be approximately \$222,500.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition or employment. These fees are spread over the entire utilities industry and the smaller companies pay smaller fees.

Jude W. P. Patin
Secretary

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

Department of Treasury Board of Trustees of the State Employees' Retirement System

Deferred Retirement Option Plan (DROP)

The Board of Trustees of the Louisiana State Employees' Retirement System, at its meeting on July 27, 1993, proposed to adopt a final rule concerning the Deferred Retirement Option Plan (DROP). This proposed rule became effective July 1, 1993 through emergency rulemaking, and was published on page 1006 in the August 20, 1993 *Louisiana Register*.

Act 229 of the Regular Session of 1993 provided for participation in the Deferred Retirement Option Plan (DROP) for a period of up to three years.

1. Any eligible member entering DROP for the first time on or after July 1, 1993 may make a one-time election to participate in DROP for a period not to exceed three years. Once specified, the period of participation may not be extended.

2. Any member in the initial DROP participation period on July 1, 1993, or who completed their DROP participation period between May 20, 1993 and July 1, 1993, may extend their originally-selected participation period by up to one additional year upon giving written notice to the retirement system, so long as they have not terminated state service.

3. Any member in the initial DROP participation period between July 1, 1993 and September 1, 1993 who entered DROP prior to July 1, 1993 may extend their originally-selected participation period by up to one additional year upon giving written notice to the retirement system.

4. Any member in the initial DROP participation period who entered DROP prior to July 1, 1993 and who elects after September 1, 1993 to extend their originally selected DROP participation period by up to one year may do so upon 30 days prior written notice to the retirement system.

5. Any member who has completed DROP participation prior to July 1, 1993, and who has remained in state service without a break, may re-enter the DROP program for up to one additional year upon written notice to the retirement system.

6. When a person is in an extended DROP participation period, leave earned during that time cannot be converted to retirement credit.

7. When a person is in an extended DROP participation period, interest will not be credited to the DROP account.

8. When a member extends their DROP participation period, the monthly amount credited to the DROP account during the original participation period will be the amount credited to the DROP account during the extended DROP participation period.

Interested persons may make inquiries of or submit written comments to: Thomas D. Burbank, Jr., Executive Director,

State Employees' Retirement System, Box 44213, Baton Rouge, LA 70804-4213.

Thomas D. Burbank, Jr.
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Deferred Retirement Option Plan (DROP)

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The adoption of this rule will have no implementation costs or savings.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The adoption of this rule will have no effect on revenue collections.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
The adoption of this rule will have no costs or economic benefits directly affecting persons or non-governmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
This rule will have no effect on competition and employment.

Thomas D. Burbank, Jr.
Executive Director

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Non-resident Fishing License Fees (LAC 76:VII.401)

The Wildlife and Fisheries Commission does hereby give notice of its intent to promulgate a rule reducing the non-resident fishing license fees as specified in R.S. 56:302.1.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 4. Licenses and License Fees

§401. Non-resident Recreational Fishing License Fees

A. The fee for the seven-day non-resident sport (recreational) fishing license provided for in R.S. 56:302.1(B) is \$15.50.

B. The fee for the seven-day non-resident saltwater fishing license provided for in R.S. 56:302.1(C)(2)(a) is \$15.50.

C. The fee for the two-day non-resident combination basic fishing and saltwater fishing license provided for in R.S. 56:302.1(C)(2)(b) is \$12.50.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6(28).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 20:

Interested persons may submit written comments relative to the proposed rule until Wednesday, January 5, 1994 to Mrs. Wynnette Kees, Fiscal Office, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000.

Bert H. Jones
Chairman

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Non-resident Fishing License Fees**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be \$2,000 implementation costs to the State in 1993-94 and an additional \$1,500 in 1994-95.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The implementation of the proposed rule will negatively impact projected revenues generated through the sale of non-resident sports fishing licenses. This amount is estimated to be \$155,385 in 1993-94 and \$310,771 in 1994-95.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
This rule may or may not affect third parties involved, mainly the tourist industry.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
This rule may or may not impact employment in the state.

Frederick J. Prejean, Sr.
Undersecretary

David W. Hood
Senior Fiscal Analyst

POTPOURRI

POTPOURRI

Department of Agriculture and Forestry Horticulture Commission

Retail Floristry Examinations

The next retail floristry examinations will be given January 24-28, 1994, at 9:30 a.m., at the 4-H Mini Farm Building, LSU Campus, Baton Rouge, LA. The deadline for sending application and fee is December 23, 1993, at 4:30 p.m. No applications will be accepted after December 23, 1993.

Further information pertaining to the examinations may be obtained from Craig M. Roussel, Director, Horticulture Commission, Box 3118, Baton Rouge, LA 70821-3118, phone (504) 925-7772.

Bob Odom
Commissioner

POTPOURRI

Department of Health and Hospitals Board of Veterinary Medicine

Board Member Nominations

The Board of Veterinary Medicine announces that nominations for the position of board member will be taken by the Veterinary Medical Association at the annual winter meeting. Interested persons should submit the names of nominees directly to that organization as per R.S. 37:1515. It is not necessary to be a member of the LVMA to be nominated. The LVMA may be contacted at (504) 344-7224.

Vikki Riggle
Executive Director

POTPOURRI

Department of Health and Hospitals Board of Veterinary Medicine

Examination Dates

The Board of Veterinary Medicine will administer the national and state examinations for licensure to practice veterinary medicine as follows:

EXAMINATION	DATE	DEADLINE TO APPLY
National Board	Tuesday, April 12, 1993	Friday, February 8, 1994
Clinical Competency Test	Wednesday, April 13, 1994	Friday, February 8, 1994
State Board	Wednesday, May 11, 1994	Friday, April 8, 1994

Applications must be received on or before the deadline for each examination. Application packets may be obtained from the board office at (504) 342-2176.

Vikki Riggle
Executive Director

POTPOURRI

Department of Health and Hospitals Office of Public Health

Bayou Bonfouca Health Assessment

The Office of Public Health, Section of Environmental Epidemiology's Public Health Assessment for the Bayou Bonfouca Superfund Site, Slidell, St. Tammany Parish, LA

will be available on November 22, 1993 at the following repositories:

Slidell City Hall
2055 Second Street
Slidell, LA

St. Tammany Parish Library
555 Robert Boulevard
Slidell, LA

St. Tammany Parish Health
Unit
333 Bouscaven Street
Slidell, LA

Department of Environmental
Quality
7290 Bluebonnet Boulevard
Fourth Floor
Baton Rouge, LA

Environmental Health
2151 Second Street
Slidell, LA

The public comment period will run from December 3, 1993 to February 3, 1994. Comments should be received prior to the ending date. Comments received during the public comment period will be logged and included in the appendix to the final Public Health Assessment. Personal health information, confidential data, or other identifying information will not be included unless specific permission is given by the commenter. Comments should be directed to Dr. Lina Balluz, Public Health Assessment Supervisor, Office of Public Health, Section of Environmental Epidemiology, 234 Loyola Avenue, Suite 620, New Orleans, LA 70112, phone (504) 568-8537.

Rose V. Forrest
Secretary

POTPOURRI

Department of Health and Hospitals Office of Public Health

Denham Springs Health Assessment

The Office of Public Health, Section of Environmental Epidemiology's Public Health Assessment for the Combustion, Inc. Superfund Site, Denham Springs, Livingston Parish, LA will be available on December 3, 1993 at the following repositories:

Livingston Parish Library
Denham Springs/Walker Branch
10095 Florida Boulevard
Denham Springs, LA 70726

Department of Environmental
Quality
Inactive and Abandoned Sites
Division (Fourth Floor)
7290 Bluebonnet Boulevard
Baton Rouge, LA 70809

The Public Comment Period will run from December 3, 1993 to February 3, 1994. Comments should be received prior to the ending date. Comments received during the public comment period will be logged and included in the appendix to the final Public Health Assessment. Personal health information, confidential data, or other identifying

information will not be included unless specific permission is given by the commenter. Comments should be directed to Dr. Lina Balluz, Public Health Assessment Supervisor, Office of Public Health, Section of Environmental Epidemiology, 234 Loyola Avenue, Suite 620, New Orleans, LA 70112, phone (504) 568-8537.

Rose V. Forrest
Secretary

POTPOURRI

Department of Health and Hospitals Office of the Secretary HIV Program Office

HIV Plan Public Hearing

Notice is hereby given that the Department of Health and Hospitals will conduct a public hearing in order to solicit public input on the Ryan White Title II Comprehensive Plan for HIV services. Copies of the draft plan are available for review by contacting the HIV Program Office at (504) 568-7474.

The hearing will be conducted on Thursday, December 2, 1993 at the Louisiana Public Facilities Authority building, 8555 United Plaza Boulevard, Suite 100, Baton Rouge, LA. Interested persons are invited to attend and submit oral and written comments on the Title II Comprehensive Plan and the organization and delivery of HIV health care and support services.

In addition to this public hearing, all interested persons are invited to submit written comments on Ryan White Title II funds. Such comments should be received at the HIV Program Office by December 31, 1993. All written comments should be directed to Donna Williams, Acting Administrator, HIV Program Office, Department of Health and Hospitals, 1542 Tulane Avenue, New Orleans, LA 70112. Commentors should reference their comments, Ryan White Title II funds.

Rose V. Forrest
Secretary

POTPOURRI

Department of Natural Resources Office of the Secretary

Fishermen's Gear Compensation Fund Claims - October

In accordance with the provisions of R.S. 56:700.1 et seq., notice is given that 100 claims in the amount of \$297,278.35 were received in the month of October 1993. Sixty-four claims in the amount of \$175,770.86 were paid and 10 claims were denied.

Loran coordinates of reported underwater obstructions are:

28651	47043	Jefferson
28611	46856	Jefferson
29019	46882	Plaquemines
26651	46979	Cameron
28064	47031	Lake Pontchartrain
27551	46921	Iberia
20112	46902	St. Bernard
27774	46877	Terrebonne
27550	46923	Lafourche
27498	46906	Iberia
27490	46945	Iberia
26765	46980	Cameron
29371	89198	St. Bernard
27239	46938	Vermilion
27917	46851	Plaquemines
29308	46925	St. Bernard
27571	46874	St. Mary
27679	46902	St. Mary
28019	46875	Terrebonne
27951	46850	Terrebonne
27665	46915	St. Mary
26668	46979	Cameron
26765	46980	Cameron
27994	46834	Terrebonne
28586	46907	Jefferson
28980	46925	Plaquemines
26634	46979	Cameron
28253	46821	Lafourche
27730	46878	Terrebonne
26651	46979	Cameron
26657	46974	Cameron
26631	46980	Cameron
26699	46977	Cameron
29034	46975	Plaquemines
27517	46854	Iberia

A list of claimants, and amounts paid, may be obtained from Martha A. Swan, Administrator, Fishermen's Gear Compensation Fund, Box 94396, Baton Rouge, LA 70804, or by telephone (504) 342-0122.

John F. Ales
Secretary

POTPOURRI

Department of Natural Resources Office of the Secretary

Fishermen's Gear Compensation Fund Claims - September

In accordance with the provisions of R.S. 56:700.1 et. seq., notice is given that 64 claims in the amount of \$195,494.75 were received in the month of September 1993. One hundred ninety-five claims in the amount of \$577,142.70 were paid and two claims were denied.

Loran coordinates of reported underwater obstructions are:

28307	46824	Lafourche
28592	46898	Jefferson
29100	46917	St. Bernard
29217	47024	St. Bernard
28670	46870	Jefferson
27911	46845	Terrebonne
28588	46849	Jefferson
27890	46858	Terrebonne
27525	46985	Vermilion
28287	46825	Lafourche
28546	46855	Jefferson
27890	46858	Terrebonne
27675	46957	Vermilion
27924	46856	Terrebonne
27405	46931	Vermilion
27881	46858	Terrebonne
27924	46856	Terrebonne
28588	46862	Jefferson
27889	46862	Terrebonne

A list of claimants, and amounts paid, may be obtained from Martha A. Swan, Administrator, Fishermen's Gear Compensation Fund, Box 94396, Baton Rouge, LA 70804, or by telephone (504) 342-0122.

John F. Ales
Secretary

POTPOURRI

Department of Social Services Office of Community Services

Low-Income Home Energy Assistance Program (LIHEAP) Family Crisis Assistance Program (FCAP)

Effective January 1, 1994, the Department of Social Services, Office of Community Services will implement the Family Crisis Assistance Program (FCAP) as a component to the Low-Income Home Energy Assistance Program (LIHEAP).

FCAP will assist certain families and individuals who are experiencing a home energy crisis to receive expanded benefits under the LIHEAP program. For participation in FCAP, applicants must be LIHEAP eligible, the crisis benefit must eliminate or reduce the home energy crisis and the applicant must be a member of one of the following targeted groups:

1. families or individuals currently being served by OCS in one of the following programs: Independent Living, Child Protection, or Family Reunification; or
2. families or individuals currently being served in the Elderly Protective Service Program administered by the Governor's Office of Elderly Affairs; or
3. families or individuals residing in OCS recognized transitional shelters; or
4. families or individuals who have, within the past 12 months, lost the use of their normal residential dwelling as a result of an unforeseen catastrophe (flood, fire, windstorm).

Applicants may be certified for services in the FCAP program only once; benefits are limited to the actual cost of maintaining home energy services (payment of disconnect notice), to connect or re-connect home heating and/or cooling (electricity and/or gas) services, and payment of arrearage not to exceed \$200 PLUS \$50, \$100, or \$150, according to the household size.

Provision of FCAP services will be through contractual agreements between the Department of Social Services, Office of Community Services and local community action agencies of local governmental bodies and OCS' Division of Program Development.

Gloria Bryant-Banks
Secretary

CUMULATIVE INDEX
(Volume 19, Number 11)

1993		
Pages		Issue
4 —	112	January
113 —	262	February
263 —	430	March
431 —	566	April
567 —	718	May
719 —	826	June
827 —	982	July
983 —	1084	August
1085 —	1274	September
1275 —	1382	October
1383 —	1500	November

AGRICULTURE AND FORESTRY

Agricultural and Environmental Sciences, Office of

Azinphos-Methyl, 834ER
 Commercial applicators, 361N, 735R
 Herbicide ban, 790N, 1119R
 Pesticide waste/pesticide cash sales, 216N, 609R
 Pest management, 833ER, 833ER
 Plant pest quarantines, 557P
 Rice certification, 514N, 724ER, 888R
 Sweet potato weevil, 1263P

Agro-Consumer Services, Office of

Mileage fees, 515N, 889R
 Technical changes, 911N, 1299R
 Weights/measures, 1179N

Animal Health Services, Office of

Avian Influenza, 986ER

Forestry, Office of

Management fees, 1035N, 1414R
 Seedling prices, 118ER, 218N, 610R
 Stumpage Values, 4ER, 611R, 1443N

Horticulture Commission

Examinations, 256P, 256P, 709P, 1076P, 1263P,
 1395ER, 1443N, 1488P
 Fees, 1342N
 Standards, 1342N

Marketing, Office of

Linked deposit loans, 835ER, 915N, 1304R
 Poultry/egg standards, 791N, 1120R

Pesticide and Environmental Programs, Office of

Herbicide, 572ER

Structural Pest Control Commission

Termiticide, 573ER, 661N, 986ER, 1009R

CIVIL SERVICE

Civil Service Commission

Archaeologists, 1444N
 Annual leave, 1344N
 Merit increases, 988ER, 1036N
 Sick leave, 219N, 1344N

CULTURE, RECREATION AND TOURISM

Cultural Development, Office of

Archaeologists, 1444N
 Mission/grant application, 663N

State Parks, Office of

General provisions/fees, 308R

ECONOMIC DEVELOPMENT

Architectural Examiners, Board of

Seal/stamp, 1344N

Certified Shorthand Reporters, Board of Examiners of

Certification, 1185N
 Continuing education, 1185N
 Examination grading, 664N, 1010R
 Fees, 1185N
 Hearings, 1185N

Commerce and Industry, Office of

Research/development parks, 59N, 62N

Contractors, Licensing Board for

Rule revisions, 516N, 1125R

Cosmetology, Board of

Legislative change amendments, 611R

Economic Development Corporation

Micro loan, 665N
 Small business loan, 669N

Economic Development and Gaming Corporation

Corporation formation/powers, 143ER, 573ER, 673N,
 1011R

Financial Institutions, Office of

Annuities, 219N, 611R
 Capital Companies Tax Credit, 839ER, 916N, 1278ER
 Charter, 1414R
 Credit union, 65N
 Fair debt collections, 363N, 736R
 Fees, 1189N
 Lending limit exceptions, 37R
 Licensed lenders, 917N
 Real estate exchange, 34R
 Real estate financing, 35R
 Self-help repossession, 221N, 583ER, 612R

Racing Commission

Corrupt and prohibited practices, 118ER, 612R
 Designated race, 222N, 613R
 Foreign substances, 4ER, 67N
 Health certificate, 845ER, 1036N
 Illegal weapons/firearms, 725ER, 1101ER, 1345N
 Penalty guidelines, 5ER, 68N
 Permitted medication, 5ER, 69N, 119ER, 614R
 Two-year-olds, 4ER, 5ER, 68N, 69N

Real Estate Commission

Agency disclosure, 797N, 1128R
 Branch Office Supervision, 171R
 Out-of-State Broker, 362N, 736R

CR—Committee Report

ER—Emergency Rule

L—Legislation

P—Potpourri

PPM—Policy and Procedure Memorandum

EO—Executive Order

FA—Fee Action

N—Notice of Intent

PFA—Proposed Fee Action

R—Rule

Used Motor Vehicle and Parts Commission

Licensure, 1191N, 1373P
Trade show, 673N, 1021R

EDUCATION

Elementary and Secondary Education, Board of

8(g) Annual Program, 364N, 737R
8(g) Policy Manual, 172R
Administrative Leadership Academy, 801N, 1130R
Adult education, 923N, 1310R
Attendance, 365N, 738R
Complaint Management, 172R, 593ER, 801N, 1131R
Compliance monitoring, 597ER
Deaf School, 279ER, 520N, 845ER, 890R
Dyslexia, 847ER, 1039N, 1286ER, 1395ER, 1417R
Employee Grievances, 120ER
Employment permits, 1397ER
Exceptional children, 172R, 594ER, 921N, 1285ER, 1449N
Food/nutrition, 366N, 738R, 1396ER
Food Program Participants, 991ER, 1193N
Home economics certification, 803N, 1131R
Homeless students, 315R
Honors curriculum, 920N
Language/hearing specialist, 592ER, 800N, 988ER, 1309R
Louisiana Components of Effective Teaching (LCET), 173R
Migrant State Education, 1040N, 1417R
Minimum standards waivers, 6ER, 173R, 739R
Model Career Options Program Guide (MCOP), 120ER
Nonpublic standards, 799N, 845ER
Noncertified personnel, 849ER, 1286ER, 1396ER
Parish Superintendents' Advisory Council, 120ER, 726ER, 922N, 1093ER, 1310R
Personnel certification, 801N, 1037N, 1130R
Personnel evaluation, 171R, 739R
Personnel Manual, 316R, 726ER, 846ER, 1092ER
Preschool, 597ER, 989ER, 1192N, 1193N, 1396ER
Pupil appraisal handbook, 171R, 593ER, 920N, 1285ER, 1416R
Pupil Progression, 989ER, 1038N, 1417R
School administrators handbook, 592ER, 988ER, 1037N, 1284ER, 1309R, 1346N, 1416R, 1448N, 1449N
School transportation, 171R, 519N, 890R
Special education, 597ER, 802N, 1131R, 1192N
Teacher certification, 70N, 71N, 614R, 1416R
Teacher tuition exemption, 993ER, 1094ER, 1451N
Teaching assignments, 1398ER
Textbook, 594ER, 989ER
Vo-tech
Postsecondary curriculum, 70N, 367N, 614R, 739R, 922N, 1039N, 1309R, 1417R, 1450N
Refunds, 993ER, 1195N, 1397ER
Salary schedule, 597ER
Tuition fees, 992ER, 1196N
VTIE certification, 1451N
VTIE tuition exemption, 996ER

Proprietary School Commission

Fees, 1197N
Licensure renewal, 173R, 1198N

Student Protection Fund, 174R, 1198N, 1201N
Surety bond, 1202N
Violations, 372N, 739R

Regents, Board of

Consumer protection, 1097ER, 1196N
Registration/licensure, 1097ER, 1196N

Quality Science and Mathematics Council

Grant, 674N, 1021R

Student Financial Assistance, Office of

Electronic funds transfer, 1205N
Employment Opportunity Loan Program (LEO), 175R, 676N, 1135R
Honors scholarship, 368N, 727ER, 803N, 1132R
Incentive grant, 804N, 1137R
Late guarantee, 1208N
LEO alternative employer, 1208N
Loan cancellation, 521N, 1136R
Tuition assistance billing, 38R
Tuition Assistance Plan (TAP), 521N, 677N, 1140R, 1142R
Tuition award, 1101ER, 1209N

Systemic Initiatives Program Council

Inservice proposals, 524N

ELECTIONS AND REGISTRATION

Voting equipment, 176R
Voting machine storage/drayage, 175R

ENVIRONMENTAL QUALITY

Air Quality and Radiation Protection, Office of

Air fees, 1373P
Benzene emission (AQ35), 39R
Chemical Woodpulp (AQ79), 1209N
Comprehensive Toxic Air Pollutant Emission Control Program (AQ71), 527N, 890R
Emission control
(AQ74), 677N, 927N, 1418R
(AQ85E), 1399ER
(AQ84E), 1399ER
Emission standards (AQ60), 184R, 485R
Fee system (AQ76), 929N, 1419R
Fee system (AQ77), 1041N
Gasoline storage vessels (AQ79), 1209N
Inspection/maintenance, 1264P
Mobile sources (AQ78E), 1403ER
Municipal waste combustors (AQ63), 222N, 615R
Nitrogen oxides (AQ81), 1346N
NORM (NE06), 223N, 624R
Organic compounds (AQ72), 1347N
Ozone attainment, 709P, 709P, 709P
Permit procedures
(AQ66), 176R, 486R
(AQ70), 931N, 1420R
Photochemical monitoring, 972P

CR—Committee Report

ER—Emergency Rule

L—Legislation

P—Potpourri

PPM—Policy and Procedure Memorandum

EO—Executive Order

FA—Fee Action

N—Notice of Intent

PFA—Proposed Fee Action

R—Rule

Polychlorinated dibenzo-p-dioxins/dibenzofurans (AQ56), 186R
 Radioactive material (NE09), 1348N
 Radiation protection (NE03), 1042N, 1421R
 Radiation protection (NE07), 1043N, 1421R
 Radiation safety requirements (NE08), 1211N
 Reduction inventory, 1264P
 Toxic air pollutants (AQ62), 45R, 1314R
 Toxics emission report, 709P, 1314R
 Vapor recovery systems (AQ61), 45R
 Volatile Organic Compound (VOC)
 Incidental reductions (AQ86E) 1404ER
 RFP reductions, 1264P
 Waste gas (AQ68) 317R

Legal Affairs and Enforcement, Office of
 Regulatory Agenda, 1373P

Secretary, Office of

Foreign Hazardous Waste (HW38E), 996ER
 Permit processing (OS12), 72N, 487R, 742R
 Release notification (OS15), 679N, 1022R
 Unauthorized discharges (OS17), 1211N
 (OS17E), 1405ER

Solid and Hazardous Waste, Office of

Foreign hazardous waste (HW38), 1213N
 Land Ban Petition (HW37), 186R
 Liability requirements (HW31), 486R, 626R
 Medical waste (SW06), 932N
 Scope/mandatory provisions (SW07), 807N, 1314R, 1421R
 Solid Waste (SW05), 187R, 255CR, 255CR, 819P
 Standards (SW08), 810N, 1143R

Water Resources, Office of

Public notice, 972P

EXECUTIVE ORDERS

EWE 92-84—Establishes the Governor's Advisory and Review Commission Assistant District Attorneys, 266
 EWE 92-85—Establishes the Pan American Commission, 266
 EWE 92-86—Establishes the Italian-American Advisory Commission, 267
 EWE 92-87—Hotel Dieu Hospital Purchase Agreement, 268
 EWE 92-88—Amends EWE 92-71 (Appropriations Adjustment), 268
 EWE 92-89—Amends EWE 92-17 and EWE 92-61 Emergency Response Commission Membership, 269
 EWE 92-90—Amends 92-69, Hazard Mitigation Team Representatives, 269
 EWE 92-91—Amends EWE 92-49, Calcasieu Estuary Environmental Task Force Membership, 270
 EWE 92-92—Directs Flags to be Flown at Half-mast in Respect of Bishop Stanley Joseph Ott, 270
 EWE 92-93—Directs the Public Advisory Committee to Carry Out Certain Duties and Responsibilities, 270
 EWE 92-94—Establishes the Louisiana Historical Records Advisory Commission, 272
 EWE 92-95—Amends EWE 92-30 Advisory Task Force on Environmental Quality Membership, 273
 EWE 92-96—Amends EWE 92-3 and EWE 92-48, the Governor's Advisory Council on Drug Free Schools and Communities Membership, 273

EWE 92-97—Establishes the Chapter 2 Advisory Committee within the Department of Education, 274
 EWE 92-98—Authorizes the Secretary of Health and Hospitals and the Commissioner of Administration to Sign all Documents for Purchase of Hotel Dieu Hospital in New Orleans, 274
 EWE 92-99—Amends EWE 92-98 to Designate the Louisiana Health Care Authority to Manage and Operate the Hotel Dieu Hospital Facility, 275
 EWE 92-100—Bond allocation by St. Charles Parish for Louisiana Power and Light Company, 276
 EWE 93-1—Housing Strategies to Accommodate Needs of Elderly, 276
 EWE 93-2—Creates Louisiana D.A.R.E. Advisory Board, 276
 EWE 93-3—Creates the Governor's Commission on the Capitol Lakes Rehabilitation Project, 277
 EWE 93-4—Requires Cooperative Endeavor Agreements to be Approved by the Division of Administration, 278
 EWE 93-5—Designates the Division of Administration and the Department of Public Safety and Corrections to Manage all Documents Pertaining to Refinancing the Louisiana Correctional Facilities Corporation, 278
 EWE 93-6—Directs All Departments and Agencies within the Executive Department to Comply with All Provisions of the Minority Business Enterprise Act, 570
 EWE 93-7—Establishes the Governor's Task Force on Charitable Gaming, 570
 EWE 93-8—Creates the Post Secondary Review Commission, 57122
 EWE 93-9—Direct Conversion of the State Motor Vehicle Fleet to a Natural Gas Using Fleet, 571
 EWE 93-10—Designates Department of Economic Development as the State Clearinghouse for purposes of LA R.S. 39:9023(F), 722
 EWE 93-11—Bond allocation by St. Charles Parish for Louisiana Power and Light Company, 722
 EWE 93-12—Establish a statewide Minority Arts and Humanity Council to preserve and promote the Afro-American Culture, 723
 EWE 93-13—Bond allocation by LA Public Facilities Authority for St. Joseph Limited Partnership Project, 723
 EWE 93-14—Designates the Department of Agriculture and Forestry as the oversight authority for the forestry and agriculture non-point source pollution management measure of the Coastal Zone Act Reauthorization Amendments of 1990, 723
 EWE 93-15—Establishes the Louisiana Drug Control and Violent Crime Policy Board within the Executive Department of the Office of the Governor, 830
 EWE 93-16—Establishes the Governor's Alternative Fuels Task Force to Develop a Comprehensive State Alternative Fuels and Alternative Fueled Vehicle Program, 830
 EWE 93-17—Creates the Louisiana Retirement Inducement Task Force within the Governor's Office of Elderly Affairs, 831

CR—Committee Report

ER—Emergency Rule

L—Legislation

P—Potpourri

PPM—Policy and Procedure Memorandum

EO—Executive Order

FA—Fee Action

N—Notice of Intent

PFA—Proposed Fee Action

R—Rule

- EWE 93-18—Travel Reimbursement for Members of the Louisiana Employment Service Advisory Council to Attend Board Meetings, 832
- EWE 93-19—Establishes the Advisory Council on the Child Care and Development Block Grant within the Department of Social Services, 832
- EWE 93-20—Creates the Governor's Statewide Independent Living Council, 1089
- EWE 93-21—Establishes the Louisiana Emergency Response Commission, 1089
- EWE 93-22—Authorizes the Office of Emergency Preparedness to Activate and Deactivate the State Emergency Operations Center, 1090
- EWE 93-23—Amends Section 7 of Executive Order EWE 93-8, 1092
- EWE 93-24—Establishes the Louisiana Medical Benefits Council, 1278
- EWE 93-25—Bond allocation by the Parish of St. Charles for Shell Oil Company of Norco, 1387
- EWE 93-26—Bond allocation by the Parish of East Baton Rouge for Georgia-Pacific Corporation, 1387
- EWE 93-27—Bond allocation by the Parish of Beauregard for Boise Cascade Corporation, 1388
- EWE 93-28—Directs the Department of Transportation and Development to Issue Special Permit to Cotton Module Operators, 1388
- EWE 93-29—Creates the Office of Urban Affairs and Development, 1389
- EWE 93-30—Directs the Military Department, Office of Emergency Preparedness as the Lead Agency and Coordinator for all Emergency and Disaster Preparation, Response and Recovery, 1390
- EWE 93-31—Amends Section 2 of Executive Order EWE 93-7, 1390
- EWE 93-32—Creates the Louisiana Violent Crime and Homicide Task Force, 1390
- EWE 93-33—Amends Executive Order EWE 93-24, 1391
- EWE 93-34—Recreates the Louisiana Small Business Bonding Assistance Program within the Department of Economic Development, 1391
- EWE 93-35—Transfers the Office of Litter Reduction and Public Action, 1394
- EWE 93-36—Directs the Department of Transportation and Development to Issue a Special Harvest Season Permit to Sugarcane Vehicle Operators, 1394

FIREFIGHTERS' PENSION AND RELIEF FUND

City of New Orleans and Vicinity

Death benefits, 1043N

Trustees, Board of

Direct rollovers, 226N, 742R

Forfeited service credit, 227N, 743R

GOVERNOR'S OFFICE

Administration, Division of

Community Development, Office of
Disaster Recovery, 1286ER, 1354N

LCDBG Program, 188R, 1354N

Contractual Review, Office of

Claims recovery, 1405ER

Facility Planning and Control, Office of

Buildings demolition, 1354N
Capital outlay budget, 1102ER, 1216N
Historic Restoration, 488R

State Land Office
Rules repromulgation, 73N, 489R
State Uniform Payroll
Payroll deduction, 318R

Architects Selection Board

Selection procedure, 1351N

Coastal Activities, Office of

Public notice, 973P

Elderly Affairs, Office of

Adult protective service, 327R

Assistance program, 107P

Frail elderly, 604ER, 680N, 1422R

Long-term care, 228N, 627R, 850ER, 1046N, 1423R

State Plan, 730ER, 933N, 998ER, 1317R

Law Enforcement and Administration of

Criminal Justice, Commission on

Felony sentencing, 280ER, 528N, 892R

Oil Spill Coordinator, Office of

Contingency Fund, 820P

Interagency Council, 1076P

Meetings, 1373P

Patient's Compensation Fund Oversight Board

Annual Report, 204R

Enrollment date, 530N

Medical care/related benefits, 1216N

Veterans Affairs, Office of

Members, 1352N

State Aid, 1215N

Travel, 1352N

HEALTH AND HOSPITALS

Alcohol and Drug Abuse

Substance abuse group homes, 346R

Board Certified Social Work Examiners, Board of

Meeting Dates, 225P

Chiropractic Examiners, Board of

Solicitation, 934N

Dentistry, Board of

Adjudications, 934N, 1317R

Complaints, 531N, 938N, 1321R

Dental assistant, 205R

Dental hygienist, 206R

Fees/costs, 207R

Hepatitis B virus/HIV, 207R

Laser use, 333R

Rulemaking, 940N, 1322R

Electrolysis Examiners, Board of

License fees/amendments, 374N, 1144R

Embalmers and Funeral Directors, Board of

Care of remains, 940N, 1423R

Examinations, 257P, 560P, 973P, 1373P

CR—Committee Report

ER—Emergency Rule

L—Legislation

P—Potpourri

PPM—Policy and Procedure Memorandum

EO—Executive Order

FA—Fee Action

N—Notice of Intent

PFA—Proposed Fee Action

R—Rule

Examination sites, 375N, 744R
Funeral establishments, 1355N
Removal of bodies, 1356N, 1452N

Licensed Professional Vocational Rehabilitation Counselors, Board of

Definitions, 1220N
License, 1220N
Practice, 1220N

Management and Finance, Office of

Community/rural care, 710P
Pediatric immunizations, 1406ER
Provider fees, 136ER, 347R, 850ER, 1000ER, 1357N, 1406ER

Medical Examiners, Board of

Acupuncturists, 334R
Occupational therapy, 340R, 683N, 1144R
Respiratory therapy, 80N, 744R

Nursing, Board of

Disciplinary proceedings, 533N, 1145R
Educational programs, 684N, 688N, 1145R, 1146R
Faculty, 999ER
HBV/HIV, 533N, 1150R
Licensure, 1046N
Out-of-state programs, 999ER
Temporary permits, 1046N

Nursing Facility Administrators, Board of Examiners of

Continuing education, 681N, 1023R, 1322R
Language clarification, 681N
Preceptor update, 682N, 1023R
Reciprocity license, 683N, 1024R

Optometry Examiners, Board of

Continuing education, 1048N
License, 1048N

Pharmacy, Board of

Pharmacies, 1024R

Physical Therapy Examiners, Board of

Physical therapist assistant, 208R

Practical Nurse Examiners, Board of

HBV/HIV, 341R

Psychologists, Board of Examiners of

Clinical neuropsychology, 1423R
Continuing education, 46R
Specialty, 941N
Supervision, 942N
Testing/evaluation, 496R
Training/credentials, 945N, 1323R

Public Health, Office of

Death certificate, 1223N
Health assessment, 1488P, 1489P
Infants hearing impairment, 955N, 1430R
Newborn congenital syphilis, 1114ER, 1227N
Nutrition program, 1265P
Sanitary Code
HIV, 211R
Mechanical wastewater, 49R
Oyster alert, 230N, 643R
Tanning facility, 209R

Radiologic Technology Board of Examiners

Board actions, 1057N, 1433R

Secretary, Office of

Americans with Disabilities Act, 107P
Assets transfer, 1290ER
Audiologists, 384N, 754R

Case management, 108P, 1287ER, 1358N

Cholesterol screening, 690N, 1028R

Chronically mentally ill, 6ER, 233N, 644R

Community Care Program, 137ER, 234N, 645R

Concurrent Care, 239N

Developmentally delayed infants/toddlers, 7ER, 648R

Disproportionate share, 7ER, 281ER, 434ER, 435ER, 436ER, 536N, 711P, 1001ER, 1108ER, 1110ER, 1408ER

Durable medical equipment, 85N, 497R

EPSDT Program 138ER, 376N, 748R, 957N, 1331R

Facility need review, 437ER, 749R

Group health premium, 811N, 1152R

ICF/MR beds, 139ER, 283ER, 605ER

Inpatient psychiatric services, 86N, 282ER, 283ER, 711P

Solicitation of offers, 1407ER

Utilization report, 8ER, 733ER

Hearing date, 424P

High-risk pregnancy, 9ER, 235N, 645R

HIV, 18ER, 234N, 645R, 1489P

Home/community based services, 438ER, 691N, 820P, 1029R

Hospice services, 378N, 749R

Hospital licensing, 813N, 1153R

Hospital services reimbursement, 9ER

ICF/MR facility residents, 12ER, 236N, 442ER, 645R

Immunizations, 1288ER

Infant, toddler, 242N

Informed consent, 1232N

Inpatient hospital services, 1467N

Inpatient psychiatric services, 13ER, 379N, 751R, 1111ER, 1111ER, 1228N, 1358N

KIDMED, 13ER

LHCA service agreement, 6ER, 48R

Long-term care, 14ER, 380N, 441ER, 751R, 1077P

Low-income beneficiaries, 21ER, 241N, 442ER, 647R

Maternal/child health block grant, 537N, 893R

Medicaid beneficiaries, 752R

Medicaid countable resources, 540N

Medicaid days pool, 541N, 1432R

Medicaid enrollment centers, 20ER, 232N, 435ER, 644R

Medicaid estate recovery, 1289ER

Medicaid providers, 381N, 751R

Mental health rehabilitation, 14ER, 497R

Mentally retarded/developmentally disabled, 16ER, 236N, 646R

Narcotics/controlled substances, 257P

Neurological rehabilitation, 28ER, 139ER, 348R, 439ER, 537N, 893R

Non-emergency transportation, 17ER, 142ER, 237N, 382N, 646R, 751R

Nurse aide, 383N, 441ER, 752R, 1002ER, 1229N, 1410ER

Nurse anesthetist, 108P

Nursing facility, 449R, 712P, 958N, 974P, 1468N

CR—Committee Report

ER—Emergency Rule

L—Legislation

P—Potpourri

PPM—Policy and Procedure Memorandum

EO—Executive Order

FA—Fee Action

N—Notice of Intent

PFA—Proposed Fee Action

R—Rule

Per diem rate, 19ER
Perinatal/neonatal, 1374P
Pharmacy lock-in, 1230N
Provider fees, 377N
Psychiatric hospital
 Reimbursement cap, 19ER
 Reimbursement methodology, 1453N
Residents' trust fund, 1289ER
Sickle Cell Anemia, 1452N
Third-party liability, 108P
Utilization review, 257P
Ventilator assisted care, 22ER, 243N, 648R

Substance Abuse Counselors, Board of Certification for
Revised rules, 120ER, 229N, 627R

Veterinary Medicine, Board of
Board members, 107P, 1488P
Complaints, 951N, 1327R
Conduct, 948N, 1325R
Continuing education, 1053N, 1427R
Euthanasia, 1050N, 1423R
Examination dates, 107P, 973P, 1488P
Examinations, 949N, 950N, 1326R, 1327R
Fees, 1055N, 1429R
License, 343R
Practice standards, 952N, 1328R
Preceptorship, 208R
Public hearings/meetings, 85N, 344R
Temporary permits, 48R
Zoo personnel, 1056N, 1429R

INSURANCE

Commissioner of Insurance

Accreditation (Reg 50), 1293ER, 1472N
Actuarial memoranda (Reg 47), 1410ER, 1469N
Affirmative Action Plan (Reg 45), 1232N
Chiropractors (Directive 73), 712P
Claim form (Reg 48), 1291ER, 1470N
Defense within limits (Reg 41), 542N, 895R
Group health (Reg 32), 1359N
Holding company (Reg 31), 87N, 501R
Long-term care (Reg 46), 813N, 1153R

JUSTICE

Attorney General, Office of

Open Housing Act, 142ER, 543N
Riverboat gaming, 284ER, 384N, 851ER, 895R

LABOR

Employment Security, Office of

Weekly benefit, 1077P

Labor, Office of

JTPA, 861ER, 1114ER, 1233N
Minors employment, 1294ER

Plumbing Board

Licensing/Renewal, 1061N
Master plumber, 389N, 897R

River Port Pilot Commissioners, Board of

Application/license/operations, 1060N

Workers' Compensation, Office of

Dental care reimbursement, 443ER, 546N, 1161R

Hearing officer, 350R
Insurance cost containment, 544N, 873ER, 896R, 960N,
1331R
Medical reimbursement schedules, 53R, 212R
Safety requirements, 385N, 754R

LEGISLATION

Administrative Procedure Act, 1072L

LOUISIANA ADMINISTRATIVE CODE UPDATE

Administrative Code Update

Cumulative
January 1992 - December 1992, 105
January 1993 - March 1993, 557
January 1993 - June 1993, 971
January 1993 - September 1993, 1371

NATURAL RESOURCES

Conservation, Office of

Custody transfer, 390N, 758R
Hearings, 391N, 759R, 820P, 974P, 1374P
Multiple completions, 398N, 766R
New pools, 400N, 767R
Oil/Gas commingling, 401N, 768R
Oil reports, 403N, 770R
Rule corrections, 1030R
Record keeping/report filing, 406N, 773R
Statewide Order 29-F, 88N, 1360N
Statewide Order 29-O-1, 1245N
Tubingless completion, 411N, 777R
Unit/survey plat, 391N, 759R
Unit termination, 410N, 776R
Unit wells, 408N, 775R

Management and Finance, Office of

Computerized public records, 692N, 1031R

Secretary, Office of

Fee assessment, 92N, 501R
Fishermen's Gear
 Claims, 108P, 109P, 109P, 424P, 425P, 560P, 974P,
 975P, 975P, 1265P, 1266P, 1489P, 1490P

PUBLIC SAFETY AND CORRECTIONS

Alcoholic Beverage Control, Office of

Beer/wine sampling, 1063N, 1115ER
Beverage sampling, 1410ER
Caterer Permit, 301ER, 473ER, 548N, 904R
Fairs, festivals, 1473N
Special event permits, 1295ER, 1368N
Prohibited acts, 1296ER, 1474N
Wholesale dealer, 814N, 1175R

CR—Committee Report

ER—Emergency Rule

L—Legislation

P—Potpourri

PPM—Policy and Procedure Memorandum

EO—Executive Order

FA—Fee Action

N—Notice of Intent

PFA—Proposed Fee Action

R—Rule

Corrections Services

Adult inmates, 22ER, 243N, 648R
Juvenile offenders, 1295ER, 1368N

Liquefied Petroleum Gas Commission

Anhydrous Ammonia, 284ER, 547N, 733ER, 898R
Classes of permits, 547N, 904R

Management and Finance

Copy fees, 244N, 779R

Parole, Board of

Sex offender, 712P, 1003ER, 1245N

Private Investigator Examiners, Board of

Initial Rules, 960N, 1332R

Secretary, Office of

Compulsory liability, 153ER

State Police, Office of

Breath/alcohol ignition device, 245N, 780R, 1411ER
Hazardous materials transport/motor carrier safety, 351R, 1369N
Pull tabs, 302ER, 548N
Riverboat gaming, 154ER, 473ER, 549N, 873ER, 1176R, 1412ER
Towing, recovery, storage, 93N, 502R
Video gaming, 303ER

FCAP, 1490P
LIHEAP, 975P, 1490P
Weatherization assistance, 110P

Family Support, Office of

AFDC program, 351R, 816N, 817N, 969N, 1177R, 1177R, 1340R
Child support, 818N, 1178R
Food stamps, 213R, 303ER, 414N, 552N, 733ER, 783R, 885ER, 905R, 1064N, 1296ER, 1435R
Individual/family grant, 167ER, 213R, 415N, 606ER, 784R
JOBS, 96N, 504R, 817N, 1297ER, 1479N
Refuge assistance, 304ER

Rehabilitation Services, Office of

Independent living, 975P
Personal care attendant, 1065N, 1436R
Policy manual, 1412ER
Sign language, 304ER, 305ER, 552N, 554N, 905R, 906R
Supported employment, 214R
Supported living, 214R

Secretary, Office of

Childcare, 249N, 659R, 695N, 696N, 1069N, 1440R
Childcare providers, 415N, 784R, 1034R
Policy consolidation, 1480N

PUBLIC SERVICE

Public Service Commission

General orders, 1374P
Practices, 1374P

REVENUE AND TAXATION

Income Tax Division

Inheritance tax, 1474N
Waiver of notice, 1474N

Research and Technical Services Division

Printing specifications, 815N, 1176R

Sales Tax Division

Cleaning services, 1475N
Leases/rentals, 550N, 1033R
Sales of services, 1475N
Sales price, 1475N
Transportation charges, 1475N

Secretary, Office of

Electronic funds transfer, 694N, 1032R, 1340R
Filing date, 1248N

Severance Tax Division

Natural gas severance tax, 560P
Natural gas franchise tax, 1248N
Oilfield site, 1477N

Tax Commission

Ad valorem, 212R, 1412ER, 1478N
Personal property, 1478N
Ratio study (1992), 425P
Stumpage values, 4ER, 611R, 1443N

SOCIAL SERVICES

Community Services, Office of

Block grant state plan, 561P
Central registry, 1479N
Child protection, 94N, 165ER, 503R
Emergency shelter, 257P

STATE

Secretary, Office of

Executive branch lobbying, 32ER, 167ER

Uniform Commercial Code, Office of

Central registry, 1484N

TRANSPORTATION AND DEVELOPMENT

Aviation and Public Transportation, Office of

Aircraft, airports, pilots, 819N, 1263CR

Compliance Programs, Office of

Minority participation, 99N, 507R

Crescent City Connection Division

Bridge toll, 1004ER
Toll exemptions, 1250N, 1251N

General Counsel, Office of

Outdoor advertising, 1413ER, 1485N
Sunshine Bridge tolls, 352R

Highways, Office of

LOGO signs, 352R

Professional Engineers and Land Surveyors, Board of Registration for

Bylaws, 54R
Certification, registration, permits, 56R
Engineering branches, 416N, 907R

Real Estate, Office of

Disposal fee, 417N, 785R
Relocation/acquisition, 100N, 507R

Sabine River Compact Administration

Meeting, 713P, 1375P

CR—Committee Report

ER—Emergency Rule

L—Legislation

P—Potpourri

PPM—Policy and Procedure Memorandum

EO—Executive Order

FA—Fee Action

N—Notice of Intent

PFA—Proposed Fee Action

R—Rule

Secretary, Office of

Directional signs, 1252N
Flag display, 359R

Utility and Permit Section

Utility operator, 1486N

Weights and Standards, Office of

Litter tickets, 418N
Vehicle overweight violations, 1115ER, 1370N

TREASURY

Bond Commission

Disclosure agreements, 1117ER
Expedited lease review, 103N, 659R
Lines of credit, 1117ER
Multi-family housing, 706N, 1178R

Housing Finance Agency

Emergency Home Investment Partnership, 169ER
Home Investment Partnership Program, 555N, 606ER, 908R, 1034R

**State Employees Group Benefits Program,
Board of Trustees of the**

Fee schedule, 509R
Plan document, 215R, 249N, 250N, 786R, 885ER
Pre-existing conditions, 1116ER
Preferred providers (PPO), 1298ER
Rate adjustment, 886ER, 1071N

**State Employees' Retirement System, Board
of Trustees of the**

Deferred Retirement Option Plan (DROP), 1006ER, 1487N
Disability application, 100N, 507R
Trustee election, 101N, 102N, 508R, 508R

Teachers' Retirement System, Board of Trustees of the

Benefit renunciation, 1259N
DROP, 1257N

Treasurer, Office of

Linked deposit loans, 915N

Fisheries, Office of

Freshwater Mussel, 510R
Sturgeon, 511R
Tripliod Grass Carp, 511R

Wildlife, Office of

Wild Louisiana Stamp, 359R, 513R, 660R

Wildlife and Fisheries Commission

Alligator, 33ER, 215R, 887ER, 1260N
Bait dealers, 215R
Black Bass, 34ER, 254N, 361R, 421N, 485ER, 790R, 909R
Cobia, 513R
Commercial fisherman, 1007ER, 1262N, 1262N
Commercial snapper, 421N, 734ER, 1442R
Dealer receipt, 1008ER
Fill Material, 707N, 1341R
Fishing license, 1487N
Furbearer trapping, 1118ER
Hunting regulations, 422N, 909R
Jewfish, 970N, 1299ER, 1442R
King Mackerel, 513R, 1299ER
Menhaden, 58R, 708N, 1179R
Migratory bird, 1006ER
Oyster, 170ER, 306ER, 1007ER, 1413ER
Red Snapper, 34ER, 170ER, 608ER
Shrimp, 306ER, 609ER, 734ER, 887ER, 887ER, 1006ER, 1008ER, 1008ER
Spanish Mackerel, 513R
Spotted Seatrout, 608ER
Terrebonne Barrier Islands, 307ER, 424N, 734ER, 910R
Toledo Bend, 254N, 790R
Trapping season, 307ER
Waterfowl hunting, 1118ER

CR—Committee Report

ER—Emergency Rule

L—Legislation

P—Potpourri

PPM—Policy and Procedure Memorandum

EO—Executive Order

FA—Fee Action

N—Notice of Intent

PFA—Proposed Fee Action

R—Rule





