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EXECUTIVE ORDERS

EXECUTIVE ORDER EWE 95-13

Allocation of Bond

WHEREAS: pursuant to the Tax Reform Act of 1986 (the "Act") and Act 51 of the 1986 Louisiana Legislative Session, Executive Order 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 1995 (the "1995 ceiling"), (ii) the procedure for obtaining an allocation of bonds under the 1995 Ceiling, and (iii) a system of central record keeping for such allocations; and

WHEREAS: the Louisiana Housing Finance Agency (the "agency") has requested an allocation from the 1995 Ceiling to be used in connection with five assisted living facilities located in Gonzales, New Iberia, Monroe, Shreveport and Slidell; and

WHEREAS: the governor has determined that the project serves a crucial need and provides a benefit to these areas; 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 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 1995 Ceiling in the amount shown:

AMOUNT OF ALLOCATION	NAME OF ISSUER	NAME OF PROJECT
\$19,045,000	Louisiana Housing Finance Agency	HCC Assisted Living Group I, Inc.

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 May 15, 1995, provided that such bonds are delivered to the initial purchasers thereof on or about May 15, 1995.

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 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, on this 10th day of March, 1995.

Edwin Edwards
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State
9504#002

EXECUTIVE ORDER EWE 95-14

Occupational Information Coordinating Committee

WHEREAS: Executive Order EWE 92-13 was executed to create the Louisiana Occupational Information Coordinating Committee within the Office of the Secretary of the Department of Labor; and

WHEREAS: it is necessary to amend Executive Order EWE 92-13 by adding an additional statutory member;

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 Executive Order EWE 92-13 in the following manner:

SECTION 1: a representative of higher education shall be appointed to the Louisiana Occupational Information Coordinating Committee by the chair of the Board of Regents.

The provisions of this amendment to Executive Order EWE 92-13 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 20th day of March, 1995.

Edwin Edwards
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State
9504#003

EXECUTIVE ORDER EWE 95-15

Proaction Commission for Higher Education

WHEREAS: on March 9, 1995, Governor Edwin W. Edwards of the State of Louisiana established by Executive Order the Proaction Commission for Higher Education; and

WHEREAS: higher education in Louisiana is a crucial asset, and it is at risk; and

WHEREAS: in March, 1994, I, Edwin W. Edwards, created the Higher Education Commission for the 21st Century to:

1) recommend a strategy to re-state the case for (value of) higher education; and

2) recommend specific changes that higher education needs to make in order to respond more effectively to students and to the state; and

WHEREAS: in December, 1994, the Commission fulfilled its charge through issuance of *Louisiana's Choice: Invest or Decline*, Report of the Higher Education Commission for the 21st Century; and

WHEREAS: the Higher Education Commission for the 21st Century's report and the Southern Regional Education Board's Commission for Educational Quality have provided a blueprint for action; and

WHEREAS: other groups have paralleled the work of the commission such as the Select Council on Revenues and Expenditures on Louisiana's Future (SECURE).

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 and reestablish the Proaction Commission for Higher Education to proritize and implement recommendations of the Higher Education Commission for the 21st Century, as is set forth more fully herein and enumerated below:

FURTHER: The Proaction Commission for Higher Education shall be composed of the following, plus two at-large members, to be appointed by and to serve at the pleasure of the Governor, and the Proaction Commission shall select the chairperson from the following members:

Representative Jimmy Long, Member Commission for Educational Quality and Southern Regional Education Board;

Mr. Mark Drennen, President, Public Affairs Research Council of Louisiana, Inc.;

Representative John Alario, Jr., Speaker, House of Representatives;

Mrs. Laura Leach, Civic Activist;

Mr. Roger Ogden, Managing Partner, Maurin-Ogden Properties;

Dr. Jack Andonie, Medical Director, Lakeside Hospital;

Senator Cecil J. Picard, Chairman, Senate Education Committee;

Senator John L. "Jay" Dardenne, Jr.;

Senator John Michael Guidry;

Mr. William Fenstermaker, President/CEO, C.H. Fenstermaker and Associates;

Mr. Fredrick Skelton, President, Louisiana Federation of Teachers;

Mr. Sam Williams, Owner, S. M. and H., Inc. d/b/a McDonalds;

Representative Kyle M. Green;

Dr. Mary Ella Sanders, Medical Director, Radiation Oncology, Touro Infirmary;

Dr. Christel C. Slaughter, Partner, SSA Consultants, Inc.;

Mr. Harrold Callias, Chairman of the Board, Community Bank of LaFourche;

Mr. James D. Serra, Vice-President and General Manager, KPLC-TV;

Mr. Victor Bussie, President, Louisiana AFL-CIO;

Mr. Stan Dameron, Senior Lending Officer, First Guaranty Bank;

Mr. Michael J. Molony, Jr., Partner of Sessions and Fishman Law Firm;

Mr. Lane Grisby, Chairman of the Board, Cajun Contractors, Inc.;

Representative Jerry Luke LeBlanc;

Representative Sean Eugene Reilly;

Senator Larry S. Bankston;

Mrs. Sybil Morial, Associate Vice-President for Public Affairs and Communications, Xavier University of Louisiana;

Ms. Catherine J. Smith, Catherine J. Smith and Associates;

Mrs. Carroll W. Suggs, Chairman of the Board and CEO, Petroleum Helicopters, Inc.;

Mr. Lovan B. Thomas, Owner, Natchitoches Times;

Senator Benjamin B. "Sixty" Rayburn, Chairman, Senate Finance Committee;

Mr. Patrick Bell, Director, Community Development, Argent Bank;

Mr. Jimmy Don Hudson, Manager, Corporate and External Affairs, South Central Bell;

Mr. Milton J. Womack, President, Milton J. Womack, Inc.

The following will be official liaisons to their respective organizations:

Mr. Numa Triche, Liaison, Student Representative, Board of Regents;

Mr. David Aubrey, Liaison, Student Representative, Board of Trustees;

Mr. Elvin Sterling, Jr., Liaison, Student Representative, Southern University Board of Supervisors;

Mr. Sherman Boughton, Liaison, Student Representative, Louisiana State University Board of Supervisors;

Mrs. Liz Landry, Liaison, Association of Louisiana Alumni Executives;

Ms. Jackie Bartkiewicz, Liaison, Louisiana Higher Education Public Relations Association;

Dr. George Strain, Liaison, Association of Louisiana Faculty Senates;

The following will serve as official consultants to the commission:

Dr. Allen Copping, President, Louisiana State University System;

Dr. James Caillier, System President, Board of Trustees;

Dr. Dolores Spikes, President, Southern University System;

Dr. Larry Crain, Commissioner of Higher Education, Board of Regents;

Ms. Constance Koury, Executive Counsel to the Governor;

Mr. Ralph Perlman, Special Assistant to the Governor;
Dr. Sally Clausen, Secretary of Education, Governor's
Education Office.

FURTHER, staff support shall be provided by the State
Board of Regents and management boards.

FURTHER, the provisions of this amendment to Executive
Order EWE 95-12 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 21st day of March, 1995.

Edwin Edwards
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State
9504#004

EXECUTIVE ORDER EWE 95-16

Louisiana Serve Commission

WHEREAS: On December 28, 1993, Governor Edwin W.
Edwards of the State of Louisiana established by Executive
Order EWE 93-48 the Louisiana Serve Commission
("commission") within the Office of the Lieutenant Governor;

WHEREAS: it is necessary to amend Section 2 of
Executive Order EWE 93-48 to accommodate the intention of
the original Executive Order and to be consistent with the
language of the "Corporation for National Service"
requirements;

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 and re-establish the Louisiana
Serve Commission ("commission"), as is set forth more fully
herein and enumerated below:

SECTION 2: Members of the commission shall be
appointed by the governor in collaboration with the lieutenant
governor, on a bipartisan basis. The commission shall consist
of no fewer than 15 and no more than 25 voting members.
Not more than 50 percent of the commission plus one member
shall be from the same political party. To the greatest extent
possible, it shall be balanced according to race, ethnicity, age,
disability, and gender characteristics. In establishing the
commission, the governor shall appoint one-third of the initial
members for a term of one year; one-third for a term of two
years; and one-third for a term of three years. Following
expiration of these initial terms, all appointments shall be for
three-year terms. Members may only serve two consecutive
terms. The commission shall include the following:

4. The superintendent of the Department of Education, or

his or her designee, as a voting member,

The provisions of this amendment to Executive Order EWE
93-48 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 27th day of March, 1995.

Edwin Edwards
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State
9504#005

EXECUTIVE ORDER EWE 95-17

Proaction Commission for Higher Education

WHEREAS: Executive Order EWE 95-12 was executed to
create the Proaction Commission for Higher Education; and

WHEREAS: it is necessary to further amend Executive
Order EWE 95-12 to make the official liaisons of their
respective organizations and the official consultants to the
commission members appointed by and to serve at the pleasure
of the governor;

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 further amend Executive Order EWE-12
in the following manner:

The Proaction Commission for Higher Education shall also
be composed of the following members to be appointed by and
to serve at the pleasure of the Governor:

Mr. Numa J. Triche, Student Representative, Board of
Regents;

Mr. David Aubrey, Student Representative, Board of
Regents;

Mr. Elvin Sterling, Jr., Student Representative, Southern
University Board of Supervisors;

Mr. Sherman Boughton, Student Representative,
Louisiana State University Board of Supervisors;

Mrs. Liz Landry, Association of Louisiana Alumni
Executives;

Ms. Jackie Bartkiewicz, Louisiana Higher Education
Public Relations Association;

Dr. George M. Strain, Association of Louisiana Faculty
Senates;

Dr. Allen Copping, President, Louisiana State University
System;

Dr. James Caillier, System President, Board of Trustees;

Dr. Dolores R. Spikes, President, Southern University
System;

Dr. Larry Crain, Commissioner of Higher Education,
Board of Regents;

Ms. Constance Koury, Executive Counsel to the Governor;

Mr. Ralph Perlman, Special Assistant to the Governor;

Dr. Sally Clausen, Secretary of Education, Governor's Education Office.

FURTHER, the provisions of this amendment to Executive Order EWE 95-12 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 3rd day of April, 1995.

Edwin Edwards
Governor

ATTEST BY
THE GOVERNOR

Fox McKeithen
Secretary of State
9504#036

EMERGENCY RULES

DECLARATION OF EMERGENCY

Department of Agriculture and Forestry
Office of Agricultural and Environmental Sciences
Division of Pesticides and Environmental Programs
Advisory Commission on Pesticides

Pesticide Use in School Buildings and
Grounds Area (LAC 7:XXIII.13123 and 13144)

In accordance with the Administrative Procedure Act (R.S. 49:950 et seq.) and R.S. 3:3203(A), the commissioner of Agriculture and Forestry is amending and adopting the following rules for the implementation of regulations governing the use of pesticides in, on, or around school buildings and grounds.

This emergency adoption is necessary in order that the department may continue in place the regulation adopted by emergency rule on November 15, 1994, which immediately put into place more stringent regulations governing the qualifications required for school personnel making pesticide applications, and to implement an Integrated Pest Management Plan for pesticide applications in, on, or around school buildings and grounds by the governing authorities of the schools.

The department has further deemed these regulations necessary to help ensure the safety and well-being of school children in the state.

The effective date of these rules is March 14, 1995, and shall remain in effect for 120 days or until these rules take effect through the normal promulgation process, whichever takes the least time.

Title 7 AGRICULTURE

Part XXIII. Advisory Commission on Pesticides
Chapter 131. Advisory Commission on Pesticides
Subchapter F. Certification
§13123. Certification of Commercial Applicators

* * *

B. Categories are established on the basis of the location where the application of pesticides will be made, and each applicant for certification is required to successfully complete an examination in the category in which the applicant desires certification.

1. Certification in a category authorizes the commercial applicator to make application of or supervise the application of restricted use pesticides in the areas listed for each category.

2. The commissioner hereby establishes the following categories and subcategories of certification for commercial applicators:

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

* * *

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

This category has been subdivided into four subcategories:

* * *

b. Subcategory 7b is for applicators who apply or supervise the application of restricted use pesticides on a nonfee basis in, on or around institutions, motels, apartment houses, hotels, hospitals and like places as the owner or in the employ of the owner.

* * *

d. Subcategory 7d is for applicators who apply or supervise the application of pesticides on a nonfee basis for grass and weed control and rodent and general pest control (roaches, wasps, and ants) or Restricted Use Pesticides, in, on, or around structures and grounds of schools that provide education for classes kindergarten through 12. Pesticide applications for wood destroying insects shall be applied by licensed structural pest control operators.

i. All persons certified under 7d shall attend a continuing education program, annually.

ii. Each 7d certified applicator shall annually train all persons applying pesticides under his/her supervision according to the handler training requirements of 40 CFR 170 (Worker Protection Standards).

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

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Advisory Commission on Pesticides, LR 9:169 (April 1983), amended LR 10:193 (March 1984), amended by the Department of Agriculture and Forestry, Office of Agriculture and Environmental Sciences, LR 19:735 (June 1993), LR 20:641 (June 1994), LR 21:

Subchapter I. Application of Pesticides

§13144. Special Restrictions on Pesticide Applications in Schools

A. Any person who applies or supervises the application of pesticides on a nonfee basis for grass and weed control and rodent and general pest control (roaches, wasps, and ants) or Restricted Use Pesticides, in, on, or around school structures and grounds shall be a certified commercial applicator or under the supervision of a certified commercial applicator.

B. School systems with 10 or more schools shall employ a minimum of two certified commercial applicators. School systems with less than 10 schools shall employ a minimum of one certified commercial applicator.

C. The governing authority (including but not limited to superintendents, headmasters, school boards, board of directors, chief executive officer, or principals) shall prepare and submit in writing, for each school under its authority, to the director of Pesticide and Environmental Programs (PEP), an annual integrated pest management (IPM) plan for pest control for grass and weed control and rodent and general pest control (roaches, wasps, and ants) in, on, or around school structures and grounds. The IPM plan shall include all pest control methods employed, including pesticide and nonpesticide methods. The first IPM plan shall be submitted prior to any application of pesticides beginning March 1, 1995 and shall be submitted on an annual year of August 1 through July 31. The plan shall be available for review, upon request, by the commissioner and the general public, during normal school hours, at each school, in the business office. The annual IPM plan shall include, but not be limited to the following:

1. school name and mailing address, physical address, telephone number and contact person;
2. name and license or place of business number of company(s) and certification numbers of applicators, if contracted;
3. name and certification number of certified commercial applicator(s) of school system;
4. brand name and EPA registration number of all pesticides to be used;
5. for each pesticide to be used list the following:
 - a. pest to be controlled;
 - b. type of application to be used;
 - c. location of application;
 - d. restricted use pesticide or general use pesticide;

6. proposed location and date for noncertified applicator training;

7. other methods of pest control.

C. Any deviation from the integrated pest control management plan submitted shall be submitted in writing to LDAF, Director of PEP 24 hours prior to any application.

D. Records of pesticide applications for grass and weed control and general pest control, shall be maintained in accordance with LAC 7:13157.

E. No pesticides shall be applied for general pest control inside school buildings when students are present or expected to be present for normal academic instruction or extracurricular activity for at least eight hours after application.

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

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agriculture and Environmental Sciences, LR 21:

Bob Odom
Commissioner

9504#009

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

Bulletin 746—School Personnel Certification

The State 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, revisions to Bulletin 746, Louisiana Standards for State Certification of School Personnel, as recommended by the Department of Education that will change the certification process for elementary and secondary certification.

Emergency adoption of the revisions will ensure that the welfare and employment of many teachers are not adversely affected by the current certification grade level restrictions since contracts are presently being considered by local school systems. This action will increase the employment opportunities for many teachers by broadening the grade levels of certification they hold and, in many cases, result in eliminating the requirement that they complete additional college course work for continued employment this fall. In addition, this action will benefit school systems by providing them with an increased supply of certified elementary teachers. Effective date of emergency rule is March 23, 1995.

Part IV

Elementary Teachers Minimal Requirements for Approved Teacher Education Programs for Elementary Teachers (Grades 1-8)* General Education**

A minimum of 55 semester hours of credit, designed to develop a broad cultural background, is required. The work

must be taken in the following five areas:

1. English: a minimum of 12 semester hours, including three semester hours in grammar and three semester hours in composition;

2. Social studies (anthropology, economics, geography, history, political science, sociology, psychology other than that required in professional education, and survey of social science): a minimum of 12 semester hours, including at least three semester hours in geography (other than the geography of a state);

3. Science: a minimum of 15 semester hours, including at least three semester hours in biological science and at least three semester hours in physical science;

4. Mathematics: a minimum of 12 semester hours including algebra;

5. Health and physical education: a minimum of four semester hours.

Professional Education

A minimum of 30 semester hours of credit in professional education courses is required. The work must be taken in the following five areas:

1. History of education, introduction to education, foundations of education, and/or philosophy of education: 3 semester hours;

2. Educational psychology and/or principles of teaching: 3 semester hours;

** Mandatory for individuals meeting certification requirements after August 31, 2000.*

*** Three semester hours of computer science may substitute for either three semester hours of science or three semester hours of mathematics.*

3. Introduction to the study of exceptional children: 3 semester hours;

4. Child psychology: 3 semester hours;

5. Teaching of reading, including at least three semester hours of credit for a practicum or laboratory situation involving work with children and materials of instruction: 9 semester hours;

6. Student teaching at the elementary level: 9 semester hours;

The student teaching shall be under the control and supervision of the institution in which the student teacher is enrolled. Whether or not the school in which the student teaching is done is administered by the institution, the regular teacher under whose direction the student teaching takes place shall be a representative of or approved by the school of education or department of education of the institution and shall be certified as a supervisor of student teaching. Student teaching in the summer shall be permitted only if the school has a 12-month school year or a bona fide full school year.

The application for certification shall indicate that the applicant has earned credit in student teaching. The applicant shall have spent a minimum of 270 clock hours in student teaching with at least 180 of such hours spent in actual teaching. A substantial portion of the 180 hours of actual student teaching shall be on an all-day basis. The teacher

education program shall include:

(1) practical experience in actual classroom situations during a student's sophomore year; and

(2) field experiences in schools with varied socioeconomic and cultural characteristics.

Specialized Academic Education

The minimal requirements for all elementary teachers, in addition to the general education and professional education listed above, are as follows:

1. Children's literature: 3 semester hours;

2. Speech: 3 semester hours;

3. A course in nutrition education or the competencies appropriate to such a course: 2 semester hours;

4. Louisiana history and/or Louisiana geography: 3 semester hours;

5. Art for the elementary school (not crafts): 3 semester hours;

6. Music for the elementary school: 3 semester hours;

7. Health and physical education for elementary: 4 semester hours.

Part V

Secondary Teachers Minimal Requirements for Approved Teacher Education Programs for Secondary Teachers (Grades 7-12)

General Education*

A minimum of 46 semester hours of credit designed to develop a broad cultural background is required. The work must be taken in the following five areas:

1. English: a minimum of 12 semester hours, including at least three semester hours in grammar and three semester hours in composition;

2. Social studies (anthropology, economics, geography, history, political science, sociology, psychology other than that required in professional education, and survey of social science): a minimum of 12 semester hours, including at least three semester hours in United States history;

3. Science: a minimum of 12 semester hours, including at least three semester hours in biological science and at least three semester hours in physical science;

4. Mathematics: a minimum of six semester hours;

5. Health and physical education: a minimum of four semester hours.

Professional Education

A minimum of 24 semester hours of credit in professional education courses is required. The work must be taken in the following five areas:

1. History of education, introduction to education, foundations of education, and/or philosophy of education: 3 semester hours;

2. Educational psychology and/or principles of teaching: 3 semester hours;

** Three semester hours of computer science may substitute for three semester hours of science.*

3. Adolescent psychology: 3 semester hours;

4. Professional education appropriate to the secondary level: 3 semester hours;

5. Teaching of reading: 3 semester hours;

6. Student teaching in one of the principal subjects for which the student teacher is preparing: 9 semester hours.

Any student, while enrolled in any college or department, who wishes to become a certified secondary teacher may do so provided that the student:

(1) meets the criteria established for admission to the teacher education program; and

(2) completes the academic and professional requirements of that program.

The student teaching shall be under the control and supervision of the institution in which the student teacher is enrolled. Whether or not the school in which the student teaching is done is administered by the institution, the regular teacher under whose direction the student teaching takes place shall be a representative of or approved by the school of education or department of education of the institution and shall be certified as a supervisor of student teaching. Student teaching in the summer shall be permitted only if the school has a 12-month school year or bona fide full school year.

The application for certification shall indicate that the applicant has earned credit in student teaching. The applicant shall have spent a minimum of 270 clock hours in student teaching with at least 180 of such hours spent in actual teaching. A substantial portion of the 180 hours of actual student teaching shall be on an all-day basis. The teacher education program shall include:

(1) practical experience in actual classroom situations during a student's sophomore year; and

(2) field experiences in schools of varied socioeconomic and cultural characteristics.

Specialized Academic Education

The minimum requirements for the various subject fields are specified as follows:

Aerospace. Any teacher who holds a valid Louisiana teaching certificate may have aerospace education added to his certificate by presenting at least six hours of credit in an approved aerospace education workshop, and/or a valid private pilot's license or higher rating and at least three semester hours of credit in an approved aerospace education workshop.

Alternate Post-Baccalaureate

Certification Program

Elementary Education (Grades 1-8)

The State Alternate Post-Baccalaureate Certification Program provides opportunities for individuals with non-education degrees to become certified public school teachers. Candidates for admission must have an earned baccalaureate degree from a regionally accredited institution with an overall grade point average of 2.5 (4.0 scale).

Individuals seeking certification under this program must submit an official transcript for evaluation to a Louisiana college or university with an approved teacher education program. Alternative certification programs may be offered by a college or university only in those certification areas in which that institution has an approved teacher education program.

Certification requirements are as follows:

1. **General Education.** The general education component of the candidate's baccalaureate degree must meet the state minimum requirements as specified in Bulletin 746, Louisiana Standards for State Certification of School Personnel.

2. **Specialized Academic Education.** The specialized academic education component of Bulletin 746, Louisiana Standards for State Certification of School Personnel, must be satisfied. A baccalaureate degree from a regionally accredited institution will satisfy six hours of the specialized academic education requirements of Bulletin 746.

3. **Professional Education.** Twenty-four semester hours of coursework in pedagogy (professional education) appropriate to the level of certification as prescribed by the school/department/ college of education. The professional education component should include courses in theories of teaching and learning, student achievement and evaluation, human growth and development, methods of instruction, reading diagnosis and remediation, and exceptionalities of children or at-risk children.

4. **Student Teaching.** Candidates for certification must complete one of the following requirements:

a. student teaching; OR

b. one-year internship in the area(s) of certification with supervision provided by faculty in the College of Education.

5. **NTE.** The applicant must have attained scores on the NTE (National Teacher Examinations) that meet state requirements for certification.

NOTE: No final grade below a "C" will be accepted for student teaching or any professional or specialized academic education course which is required for certification. In addition, no final grade below a "C" will be accepted for any other course specified as a deficiency under this plan.

The State Department of Education, Bureau of Higher Education and Teacher Certification, has the authority to waive the student teaching upon verification of three years of successful teaching experience in the area of certification. Mandatory for individuals meeting certification requirements after August 31, 2000.

Carole Wallin

Executive Director

9504#006

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

Bulletin 1794—Textbook Adoption Standards

The State 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 proposed changes in the Textbook

Program. This is an amendment to Bulletin 1794, Textbook Adoption Standards and Procedures and was printed in full on pages 383-386 of the April, 1994 issue of the *Louisiana Register*.

The Textbook Adoption Program is incorporated in Bulletin 1794, Textbook Adoption Standards and Procedures, which was advertised as a notice of intent in the February, 1995 issue of the *Louisiana Register*.

This amendment is being readopted as an emergency rule in order to continue the present emergency rule until it is finalized as a rule or for 120 days, whichever occurs first. The effective date of this emergency rule is April 23, 1995.

AUTHORITY NOTE: R.S. 17:6(a)(9)

Carole Wallin
Executive Director

9504#008

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

Bulletin 1943—Teacher Assessment

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 amendment to pages 2 and 5 of Bulletin 1943, Policies and Procedures for Louisiana Teacher Assessment, as stated below:

Amend Section III: Applicability and Timelines

A. Delete the second paragraph which reads:

"If a teacher or other educator to whom this program applies has been employed for more than 90 consecutive days in the same assignment in Louisiana public schools prior to August 1, 1994, that individual shall not be considered a "new teacher" for purposes of this program."

Amend Section IV: Glossary

External Assessor—amend to read:

"- an active faculty member of a college or university, a central office administrator or retired educator."

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3881-3884, R.S. 17:3891-3896 and R.S. 17:3901-3904.

HISTORICAL NOTE: Amended by the Board of Elementary and Secondary Education, LR 21:

Readoption as an emergency rule is necessary in order to continue the amendments until finalized as a rule or for 120 days, whichever occurs first. Effective date of emergency rule is April 25, 1995.

Carole Wallin
Executive Director

9504#007

DECLARATION OF EMERGENCY

Department of Health and Hospitals Office of Public Health

Sanitary Code—Seafood (Chapter IX)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., the secretary of the Department of Health and Hospitals is adopting the following emergency rule governing the tagging and refrigeration of shell-stock oysters, clams and mussels.

This emergency adoption is necessary in order to provide an increased level of assurance that shell-stock oysters, clams and mussels are refrigerated (after harvest) in a timely manner, and that they are not eaten raw after an appropriate shelf life (14 days). Adoption of this rule is necessary for this program to be in compliance with the minimum requirements of the U.S. Food and Drug Administration and the Interstate Shellfish Sanitation Conference.

The effective date of this rule is April 1, 1995 and it shall remain in effect for 120 days or until a final rule takes effect through the normal promulgation process, whichever occurs first.

Chapter IX Seafood

* * *

9:051 TAGS — In order that information may be available to inspectors and others with reference to the origin of shell-stock oysters, clams and mussels from all areas, all containers holding shell-stock shall be identified by a tag or label, form and substance of which shall be approved by the state health officer, and the secretary of the Department of Wildlife and Fisheries.

9:051-1 The initial tagging of the shell-stock shall be performed by the harvester before the shell-stock are removed from the harvester's boat. In the event that shell-stock are harvested from more than one growing area on a given day, the shell-stock shall be sacked and tagged before leaving the growing area from which the shell-stock were harvested. The harvester's tags shall contain legible information arranged in the specific order as follows:

A. a place shall be provided where the dealer's name, address and certification number assigned by the Office of Public Health, Seafood Sanitation Program is added;

B. the harvester's identification number assigned by the Department of Wildlife and Fisheries;

C. the date of harvesting;

D. the most precise identification of the harvest site or aquaculture location as practicable;

E. type and quantity of shellfish; and

F. the following additional statements shall appear on each tag in bold capitalized type:

(1) THIS TAG IS REQUIRED TO BE ATTACHED UNTIL CONTAINER IS EMPTY OR RETAGGED AND THEREAFTER KEPT ON FILE FOR 90 DAYS.

(2) THIS PRODUCT SHOULD NOT BE CONSUMER RAW

AFTER 14 DAYS FROM THE DATE OF HARVEST; BEYOND THIS 14-DAY PERIOD, THIS PRODUCT SHOULD BE THOROUGHLY COOKED.

(3) AS IS THE CASE WITH CONSUMING OTHER RAW ANIMAL PROTEIN PRODUCTS, THERE IS A RISK ASSOCIATED WITH CONSUMING RAW OYSTERS, CLAMS AND MUSSELS. IF YOU SUFFER FROM CHRONIC ILLNESS OF THE LIVER, STOMACH, OR BLOOD OR HAVE IMMUNE DISORDERS, DO NOT EAT THESE PRODUCTS RAW. RETAILERS PLEASE ADVISE CUSTOMERS.

9:051-2 PENALTIES — Shell-stock not tagged in accordance with the aforementioned requirements shall be deemed adulterated and misbranded and shall constitute a prohibited act pursuant to the Food, Drug and Cosmetic Law. (See LSA-R.S. 40:607, 608, 636). LSA-R.S. 40:639 provides for a fine of not more than \$1,000 or imprisonment for not more than one year, or both. Additionally, shellfish deemed adulterated and misbranded shall be seized and destroyed, or bedded on a Department of Wildlife and Fisheries managed seed reservation at the violator's expense.

9:052 REFRIGERATION OF SHELL-STOCK OYSTERS, CLAMS AND MUSSELS — Shell-stock shall be placed under mechanical refrigeration at a temperature not to exceed 45°F within two hours after docking of the harvesting vessel, and shall be maintained at or below that temperature throughout all levels of commerce. Shell-stock shall be transported on land via mechanically refrigerated trucks at an internal air temperature not exceeding 45°F. During the time period April 1 through November 30, all shell-stock fishermen without effective on-board mechanical refrigeration capability shall be responsible for having their shell-stock delivered to dockside and under refrigeration within 14 hours from time of harvest and no later than 9 p.m. each day. The use of ice as a means of refrigerating shell-stock shall be prohibited.

If fishermen elect to harvest shell-stock for bedding purposes during the April 1 through November 30 time period, the 14-hour harvesting limitation may be waived under the following conditions:

A. that the sacking or containerizing of shellfish shall be prohibited during the time period when shell-stock are harvested for bedding purposes.

B. that the storage of empty sacks or other shellfish containers aboard an authorized harvesting vessel shall be prohibited during the time period when shellfish are harvested, transported and bedded.

9:052-1 PENALTIES — Shell-stock not refrigerated in accordance with the aforementioned requirements shall be deemed adulterated and shall constitute a prohibited act pursuant to the Food, Drug and Cosmetic Law. (See LSA-R.S. 40:607, 608, 638). LSA-R.S. 40:639 provides for a fine for the first offense of not more than \$1,000 or imprisonment for not more than one year, or both. Additionally, shellfish deemed adulterated shall be seized and destroyed, or bedded on a Department of Wildlife and Fisheries managed seed reservation at the violators expense.

* * *

Rose V. Forrest
Secretary

DECLARATION OF EMERGENCY

Department of Health and Hospitals
Office of the Secretary

Voter Registration Assistance

The Department of Health and Hospitals, Office of Secretary has readopted the following emergency rule in the Medicaid and the Women, Infants and Children (WIC) Programs. This emergency rule is in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Hospitals, Office of the Secretary, oversees the administration of the Medicaid and the Women, Infants and Children Programs which are designated as voter registration agencies pursuant to Act 10 of the 1994 Third Extraordinary Session of the Louisiana Legislature. These agencies are thereby required to provide assistance to Medicaid and WIC applicants and eligibles in registering to vote. Therefore, the department adopts the following emergency rule in the Medicaid and the Women, Infants and Children Programs to fulfill the mandates of these agencies as voter registration agencies.

This emergency rule has also been adopted to comply with Public Law 103-31 of the 103rd Congress which mandates that states designate all offices in the state that provide public assistance as voter registration agencies. Adoption of this rule is necessary to avoid sanctions or penalties from the United States government. The effective date of this emergency rule is April 7, 1995, for 120 days or until promulgation of the final rule, whichever occurs first.

Emergency Rule

The Department of Health and Hospitals, Office of the Secretary designates the parish offices for the Medicaid and the Women, Infants and Children Programs as voter assistance agencies which shall provide the following services during regular office hours:

1) distribution of a mail voter registration application form to any applicant or recipient who is qualified to register;

2) assistance to any applicant or recipient in completing voter registration application forms, unless the person refuses such assistance;

3) acceptance of completed voter registration application forms for submission to the registrar of voters within the parish where the voter registration agency is located;

4) acceptance of any change of address or change of name submitted by a registrant to an agency which shall serve as a notification of change of address or change of name for voter registration unless the registrant states at the time of submitting the change that the change is not for voter registration purposes. The transmittal procedure shall be handled in the same manner as voter registration applications.

Rose V. Forrest
Secretary

9504#049

9504#012

DECLARATION OF EMERGENCY

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

Case Management Services for Optional Targeted Population Groups and Waiver Progress

The Department of Health and Hospitals, Office of Secretary, Bureau of Health Services Financing, has adopted the following emergency rule in the Medicaid Program 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. 49:950 et seq. and shall be in effect for the maximum period allowed under the Administrative Procedure Act or until adoption of the final rule, whichever occurs first.

The Bureau of Health Services Finances currently funds case management services to the following specific population groups: 1) mentally retarded or developmentally disabled individuals including developmentally disabled infants and toddlers (termed infants and toddlers with special needs under this emergency rule); 2) pregnant women in need of extra perinatal care (termed high-risk pregnant women under this emergency rule) (limited to the metropolitan New Orleans area); 3) HIV disabled individuals (termed persons infected with HIV under this emergency rule); 4) chronically mentally ill (termed seriously mentally ill individuals - for adults and children/youths with emotional/behavioral disorders under this emergency rule); 5) participants in waivers which include case management as a service; and 6) ventilator-assisted children. The Bureau has adopted rules governing case management services as the needs of the population groups for these services became apparent and in accordance with available funding.

There has been a tremendous growth in interest on behalf of the public in providing these services to the Medicaid populations. In addition, as these services have been implemented and governed under specific program regulations over the past five years, the department now seeks to enhance all these services to the optimal level while streamlining their administration. In addition this emergency rule establishes enhanced regulations governing consumer eligibility and provider enrollment, participation and reimbursement. The Department adopted emergency rules to ensure uniform standards for the quality of the services delivered to these persons with special physical and/or health needs and conditions effective July 22, 1994 and August 13, 1994. A subsequent emergency rule continued this initiative in force (*Louisiana Register*, November 20, 1994, Volume 20, Number 11) and this rule has been readopted to continue these provisions in force.

Emergency Rule

The Bureau of Health Services Financing repeals all previously adopted rules on case management services provided either to optional targeted population groups or to

participants under a waiver program and adopts regulations governing case management services to these groups including requirements for consumer eligibility, provider participation, enrollment, services delivery for all groups, standards for payment, reimbursement and applicable general provisions. Services for ventilator-assisted children are terminated as a specific targeted group but these children may be eligible under the other optional targeted population groups. All case management providers must follow the policies and procedures included in the full text of this emergency rule as well as in the *Department of Health and Hospitals Case Management Provider Manual*. Under this rule the term *case management* has the same meaning as the term *family service coordination*. Case management services must be delivered in accordance with all applicable federal and state laws and regulations.

A copy of the full text of this emergency rule may be obtained from the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, Box 91030, Baton Rouge, LA 70821-9030 or from the Office of the State Register, Box 94095, Baton Rouge, LA 70804-9095.

Rose V. Forrest
Secretary

9504#013

DECLARATION OF EMERGENCY

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

Private Hospitals Inpatient Hospital Services Disproportionate Share Methodologies

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, has adopted the following emergency rule in the Medicaid Program 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. 49:950 et seq. and shall be in effect for the maximum period allowed or until adoption of the final rule, whichever occurs first.

The Medicaid Program previously reimbursed private hospitals and publicly owned or operated hospitals serving a disproportionate share of low income patients via twelve pools with payments based on Medicaid days. This payment methodology was implemented effective February 1, 1994 by means of emergency rulemaking to comply with the Health Care Financing Administration's policy on Section 1923 (Adjustment in Payments for Inpatient Hospital Services Furnished by Disproportionate Share Hospitals) of the Social Security Act (42 U.S.C. Section 1396r-4). In addition, disproportionate share payments for indigent care based on

free care days were made by establishment of a payment methodology which reimbursed providers for indigent care days based on a Medicaid per diem equivalent amount.

The Omnibus Budget Reconciliation Act of 1993 (P.L. 103-66) amended Section 1923 of the Social Security Act by establishing individual hospital disproportionate share payment limits. To comply with these new provisions, the bureau implemented an emergency rule on disproportionate share payments which included provisions governing the qualifications applicable to private and public hospitals and payment methodology applicable to publicly owned or operated hospitals only on July 1, 1994 which was published in the *Louisiana Register*, Volume 20, No. 7. The following emergency rule continues in force the regulations adopted on March 30, 1994, July 28, 1994, and November 24, 1994, which are still applicable to the private hospitals. In addition the qualification applicable to both public and private hospitals included in the July 1, 1994 emergency rule which requires a disproportionate share hospital to have a Medicaid inpatient utilization rate of at least one percent is incorporated in the following emergency rule.

Implementation of this rule will not decrease or increase expenditures as disproportionate share payments cumulative for all DSH payments under all DSH payment methodologies shall not exceed the federal disproportionate share state payment cap for each federal fiscal year.

Emergency Rule

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing amends its methodologies for calculating disproportionate share payments for inpatient hospital services for Medicaid days and indigent care days provided by private hospitals. Qualification as a disproportionate share hospital shall be determined based upon the requirements outlined in the approved State Plan (Item 1, D.1. a-d) as well as the requirement that a hospital must have a Medicaid inpatient utilization rate of at least one percent (Item 1, D.1.a-e). Below are the following revised methodologies as modified in the State Plan, Attachment 4.19-A Items 1, 14, and 16 - Methodology for Disproportionate Share Adjustments.

Disproportionate Share Payments - Medicaid Days Pool Payments (Private Hospitals)

Qualification and payment adjustment for disproportionate share shall be based on the hospital's year end cost report for the year ending during April 1 through March 31 of the previous year. Example: Hospital has a fiscal year ending November 30, any disproportionate payment made after April 1, 1994 would be based on the November 30, 1993 cost report. Effective April 1995, payment would be made on the hospital's November 30, 1994 cost report. Hospitals which have not filed a cost report by March 31, 1994 will not participate in the disproportionate share payment pools from April 1, 1994 through March 31, 1995. Hospitals which meet the qualification criteria outlined in Item 1, D.1. a-e, based on the latest filed fiscal year end cost report as of March 31 of each year shall be included in not more than two of following six pools for calculation of disproportionate share payments.

For hospitals with distinct part psychiatric units, qualification is based on the entire hospital's utilization, but for purposes of disproportionate share hospital payment adjustments, the distinct part psychiatric units shall be placed in the psychiatric pools while the acute medical/surgical shall be included in the appropriate teaching or non-teaching pool. Hospitals must meet the criteria for the pool classification based on their latest filed fiscal year-end cost report as of March 31 of each year. These six pools are as follows:

1) *Private Rural Acute Hospitals*—privately owned acute care general hospitals and long term care hospitals (exclusive of distinct part psychiatric units) which are designated as a rural hospital under criteria specified below.

2) *Private Rural Distinct Part Psychiatric Units/Freestanding Psychiatric Hospitals*—privately-owned distinct part psychiatric units/freestanding psychiatric hospitals which are located in a rural area under criteria specified below.

3) *Private Teaching Hospitals*—privately owned acute care general hospitals and long term care hospitals (exclusive of distinct part psychiatric units) which are recognized as approved teaching hospitals under criteria specified below.

4) *Private Urban Non-teaching Hospitals*—privately owned acute care general hospitals and long term care hospitals (exclusive of distinct part psychiatric units) which are designated as urban hospitals and not recognized as approved teaching hospitals, under criteria specified below.

5) *Private Teaching Distinct Part Psychiatric Units/Freestanding Psychiatric Hospitals*—privately owned distinct part psychiatric units/freestanding psychiatric hospitals which meet the criteria for recognition as approved teaching hospitals, under criteria specified below.

6) *Private Urban Non-teaching Distinct Part Psychiatric Units/Freestanding Psychiatric Hospitals*—privately-owned distinct part psychiatric units/freestanding psychiatric hospitals which are located in an urban area and do not meet the criteria for recognition as approved teaching hospitals, under criteria specified below.

The definitions for hospital classifications applicable to the above Medicaid days pools are given below.

Teaching Facility—a licensed acute care hospital in compliance with the Medicare regulations regarding such facilities, or a specialty hospital that is excluded from the prospective payment system as defined by Medicare. A teaching hospital must have a written affiliation agreement with an accredited medical school to provide post graduate medical resident training in the hospital for the specialty services provided in the specialty hospital. The affiliation agreement must contain an outline of its program in regard to staffing, residents at the facility, etc. A distinct part or carve-out unit of a hospital shall not be considered a teaching hospital separate from the hospital as a whole. Teaching hospitals that are not recognized by Medicare as an approved teaching hospital must furnish copies of graduate medical education program assignment schedules and rotation schedules to the department.

Urban Hospital—a hospital located in a Metropolitan Statistical Area as defined per the 1990 census. This excludes any reclassification under Medicare.

Rural Hospital—a hospital that is not located in a Metropolitan Statistical Area as defined per the 1990 census. This excludes any reclassification for Medicare.

Distinct Part Psychiatric Unit/Free-standing Psychiatric Hospital—distinct part psychiatric units of acute care general hospitals or psychiatric units in long term care and rehabilitation hospitals meeting the Medicare criteria for PPS exempt units and enrolled under a separate Medicaid provider number and freestanding psychiatric hospitals enrolled as such.

Hospitals which qualify as of March 31 of each year under the provisions in the approved state plan with fiscal year-end cost reports which do not reflect twelve months of cost report data shall have Medicaid days annualized by the bureau for purposes of the above pools. This includes hospitals which have partial year fiscal year-end cost reports as well as hospitals which added beds during the year to ensure that these are equally represented in the pool for the period of time to which the DSH payments will apply. Hospitals which request annualization of Medicaid days for purposes of the above pools must submit sufficient documentation to the bureau.

Disproportionate share payments for each pool shall be calculated based on the product of the ratio determined by dividing each qualifying hospital's total Medicaid inpatient days for the applicable cost report as adjusted for annualization by the total Medicaid inpatient days provided by all such hospitals in the state qualifying as disproportionate share hospitals in their respective pools and then multiplied by an amount of funds for each respective pool to be determined by the director of the Bureau of Health Services Financing. Total Medicaid inpatient hospital days include Medicaid nursery days, but do not include SNF or swing-bed days.

Partial payments shall be made during federal fiscal year 1995 on dates as determined by the secretary of the Department of Health and Hospitals.

If at audit or final settlement of the cost reports on which the pools are based, 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 any over payments resulting from the use of erroneous data. No additional payments shall be made if an increase in days is determined after audit. Recoupments of overpayments from reductions in pool days originally reported or annualized shall be redistributed to the hospital that has the largest number of inpatient days attributable to individuals entitled to benefits under the State Plan of any hospitals in the State for the year in which the recoupment is applicable.

Hospitals/units which close or withdraw from the Medicaid Program shall become ineligible for further DSH pool payments.

Disproportionate Share Payments - Indigent Care (Free Care) (Private Hospitals)

In addition to the six pools based on Medicaid days described above, the bureau will continue to reimburse

qualifying hospitals (hospitals which meet the qualifying criteria in Item 1.D.1 a-e) an additional disproportionate share adjustment payment based on the hospital's number of indigent care days provided under a indigent care plan approved by the bureau. Payment(s) shall be made during the federal fiscal year to qualifying disproportionate share hospitals for indigent care days based on the following criteria.

1) The indigent disproportionate share adjustment per diem payment will be limited to each hospital's total Medicaid per diem equivalent amount. The Medicaid per diem equivalent amount is the sum of the provider's base Medicaid per diem (cost based or prospective, as applicable) plus the provider's Medicaid disproportionate share per diem as established according to the Medicaid DSH pool in which the facility participates. For Federal Fiscal Year 1994, the indigent disproportionate share per diem amount will be each hospital's Medicaid per diem amount in effect as of March 1, 1994 and the Medicaid DSH pool per diem amount paid in accordance with the revised February 1994 pool amounts. For subsequent federal fiscal years, the indigent disproportionate share per diem amount will be the Medicaid per diem amount in effect the previous July 1st and the Medicaid DSH pool per diem amount as established for the federal fiscal year.

2) The indigent care payments will be determined based on each DSH hospital's (which qualified for DSH per the latest filed March 31 fiscal year-end cost report) indigent care days provided within the state fiscal year. Qualifying disproportionate share hospitals shall submit documentation of indigent care days provided during a state fiscal year within 120 days of the end of the state fiscal year in a format specified by the state and shall maintain documentation for all indigent care determinations for the same period Medicaid records for qualification for disproportionate share adjustment are maintained.

3) The department's Indigent Care Plan Criteria for recognition of indigent days in the Indigent Pool for additional disproportionate share payments are delineated below:

a) The annual family income for patients qualifying for indigent care may not exceed 200 percent of the Federal Poverty Income Guidelines for the period of time in which the services were provided.

b) The facility must advise the public of the availability of indigent care services and of its policies for qualifying patients for indigent care. The facility must post a written copy of its policy conspicuously in all patient treatment areas, admissions and provide individual written notices to patients and/or their family members upon admission.

c) The facility must provide a form for individuals to apply for indigent care services upon admission to the facility. These forms must be maintained on file and be available for audit in accordance with all state and federal rules and regulations. The application must be signed by the applicant except for patients deemed mentally unstable by the physician and for whom access for interview has been restricted by physician's orders. The facility must supply auditors with facility's procedures for verification of available payment sources for such patients. Documentation must be in

the files to prove Medicaid eligibility resources have been exhausted (i.e. application denied) for recognition as an indigent care patient.

d) The facility must make a determination of the patient's eligibility for indigent care services within two working days after application, notify the patient properly of the decision, and keep a copy on file for audit in accordance with state and federal rules and regulations. Income verification should be attempted via review of pay stubs, W-2 records, unemployment compensation book, or collateral contact with employer etc. If income verification has not been completed within two working days, the facility may condition the determination of eligibility on income verification. The facility may also condition the determination of indigent care eligibility on application for Medicaid eligibility. The conditional determination must be completed within two working days of the request for indigent care.

e) The facility must maintain a log of indigent care services provided each fiscal year for audit purposes in compliance with state and federal rules and regulations. Patient identifying information such as patient name, social security number, date of birth, dates of service, medical record number, patient account number, number of free care days, and amount of indigent care charges must be included on the log.

f) An indigent day may be included in the indigent care days count only to the extent that the entire day is deemed to be an indigent care day. If indigence is determined on a sliding scale which is based on total charges, any day for which the patient is liable for more than 50 percent of the charges may not be considered as an indigent care day. Inpatient days denied for Medicaid recipients who had exhausted their Medicaid inpatient days may be recognized as indigent days provided that documentation of the reasons for denial demonstrates that the recipient is over the limit of days. Medicaid days denied for other reasons resulting from failure to comply with Medicaid policies and procedures will not be recognized as indigent days. Inpatient days paid by Medicaid are NOT recognized as indigent days; Hill-Burton days that are utilized to meet an obligation under this program are NOT recognized as free care days. Medicare bad debt days are not allowable as indigent days. Days for accounts written off as bad debt are not allowable as indigent days.

4) If audit of the data submitted for indigent care days results in the hospital not meeting the disproportionate share qualification provisions in the approved state plan or the number of indigent inpatient days are reduced from those originally reported, appropriate action shall be taken to recover such overpayments. No additional payments shall be made if an increase in indigent days is determined.

Hospitals/units which close or withdraw from the Medicaid Program shall become ineligible for further DSH indigent care payments.

Disproportionate share payments/pool amounts shall be allocated based on consideration of the volume of days in each pool and allowable indigent days or the average cost per day for hospitals in each pool. Disproportionate share payments

cumulative for all DSH payments under the pools or any other DSH payment methodology shall not exceed the federal disproportionate share state payment cap for each federal fiscal year.

Disapproval of any one of these payment methodology(ies) by the Health Care Financing Administration does not invalidate the one remaining methodology.

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. A copy of this emergency rule is available at parish Medicaid offices for review by interested parties.

Rose V. Forrest
Secretary

9504#017

DECLARATION OF EMERGENCY

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

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

The Department of Health and Hospitals, Office of the Secretary has adopted the following emergency rule in the Medical Assistance Program 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. 49:950 et seq. and shall be in effect for the maximum period allowed under the Administrative Procedure Act or until adoption of the rule.

The Medicaid Program currently reimburses for various services under the Early, Periodic Screening, Diagnosis and Treatment Program (EPSDT) for Medicaid eligibles under 21 years of age. Under the provisions of Section 1905(r)(5) of the Social Security Act, Medicaid is mandated to provide to EPSDT eligibles, all medically necessary services described in 1905(a), including "other diagnostic, treatment and other measures... needed to ameliorate defects and physical and mental illnesses and conditions discovered by the screening services, whether or not such services are covered under the state Medicaid plan." The Medicaid agency may put reasonable limits and qualifying criteria for such services, but must provide to EPSDT eligibles, all medically necessary services that could otherwise be included in a Medicaid state plan.

Louisiana Medicaid has been advised by the Health Care Financing Administration that it must include Personal Care Services, also known as Personal Care Attendant (PCA) Services, in its coverage of medically necessary services to EPSDT eligibles for all EPSDT eligibles identified as

requiring such services and referred by a physician for such services as he determines are medically necessary. While PCA Services are available under the Home and Community-based Services waiver for Mentally Retarded/Developmentally Disabled (MR/DD) Medicaid eligibles, there were a limited number of slots, and an extensive waiting list for services currently exists. This emergency rule implements policy to provide EPSDT Personal Care Attendant Services of a lesser scope to EPSDT eligibles meeting certain criteria. This action is necessary to comply with federal law and regulations and prevent the potential loss of federal Medicaid funds for noncompliance. The projected cost for implementing EPSDT Personal Care Attendant (PCA) Services as an EPSDT Service is initially estimated to be \$14,626,471 in SFY 95-96 and \$15,357,795 in SFY 96-97. The impact in SFY 94-95 is projected to be negligible given the need for prior authorization of the services and lags in submission of claims. It is anticipated that few claims will be submitted prior to the beginning of the SFY 95-96.

Emergency Rule

Effective for dates of service April 1, 1995 and after, the Department of Health and Hospitals shall amend the coverage for EPSDT Services and provide a methodology for reimbursement of Personal Care Attendant Services for EPSDT eligibles as noted below:

I. Amount, Duration and Scope of EPSDT Personal Care Attendant Services

A. EPSDT Personal Care Attendant Services are defined as medically necessary tasks pertaining to an EPSDT eligible's functional abilities which prevents institutionalization and enables the client to be treated on an outpatient basis rather than an inpatient basis. EPSDT Personal Care Attendant Services include the following:

1. Basic personal care, toileting and grooming activities, including bathing, care of the hair and assistance with clothing;
2. Assistance with bladder and/or bowel requirements or problems, including helping the client to and from the bathroom or assisting the client with bedpan routines, but excluding catheterization;
3. Assistance with eating and food, nutrition, and diet activities, including preparation of meals for the recipient only;
4. Performance of incidental household services essential to the client's health and comfort in her/his home. Examples of such activities are changing and washing bed linens and rearranging furniture to enable the recipient to move about more easily in his/her own home;
5. Accompanying the client to and from his/her physician and/or medical facility for necessary medical services;
6. EPSDT Personal Care Attendant Services are not to be provided to meet childcare needs nor as a substitute for the parent in the absence of the parent;
7. PCA Services are not for the purpose of providing respite care to the primary caregiver;
8. EPSDT Personal Care Attendant Services shall not be covered in an educational setting in which the Department of

Education has responsibility for providing these services in the school;

9. The following services are not appropriate for personal care and are NOT reimbursable as EPSDT Personal Care Attendant Services:

- a. insertion and sterile irrigation of catheters (although changing of a catheter bag is allowable);
- b. irrigation of any body cavities which require sterile procedures;
- c. application of dressing, involving prescription medication and aseptic techniques, including care of mild, moderate or severe skin problems;
- d. administration of injections of fluid into veins, muscles or skin;
- e. administration of medicine (as opposed to assisting with self-administered medication for EPSDT eligibles over eighteen years of age);
- f. cleaning of floor and furniture in an area not occupied by the recipient. For example, cleaning entire living area if the recipient occupies only one room;
- g. laundry, other than that incidental to the care of the recipient. For example, laundering of clothing and bedding for the entire household, as opposed to simple laundering of the recipient's clothing or bedding;
- h. shopping for groceries or household items other than items required specifically for the health and maintenance of the recipient, and not for items used by the rest of the household;
- i. skilled nursing services, as defined in the State Nurse Practices Act, including medical observation, recording of vital signs, teaching of diet and/or administration of medications/injections, or other delegated nursing tasks;
- j. teaching a family member or friend how to care for a patient who requires frequent changes of clothing or linens due to total or partial incontinence for which no bowel or bladder training program for the patient is possible;
- k. specialized nursing procedures such as insertion of nasogastric feeding tube, in-dwelling catheter, tracheostomy care, colostomy care, ileostomy care, venipuncture and/or injections;
 - l. rehabilitative services such as those administered by a physical therapist;
 - m. teaching a family member or friend techniques for providing specific care;
 - n. palliative skin care with medicated creams and ointments and/or requires routine changes of surgical dressings and/or dressing changes due to chronic conditions;
 - o. teaching of signs and symptoms of disease process, diet and medications of any new or exacerbated disease process;
 - p. specialized aide procedures such as:
 - i. rehabilitation of the patient (exercise or performance of simple procedures as an extension of physical therapy services);
 - ii. measuring/recording patient vital signs (temperature, pulse, respirations and/or blood pressure, etc.) or intake/output of fluids;

- iii. specimen collection;
- iv. special procedures such as nonsterile dressings, special skin care (nonmedicated); decubitus ulcers; cast care; assisting with ostomy care; assisting with catheter care; testing urine for sugar and acetone; breathing exercises; weight measurement; enemas;
- q. home IV therapy;
- r. custodial care or provision of only instrumental activities of daily living tasks or provision of only one activity of daily living task;
- s. occupational therapy; speech pathology services; audiology services, respiratory therapy;
- t. personal comfort items; durable medical equipment; oxygen; orthotic appliances or prosthetic devices;
- u. drugs provided through the Louisiana Medicaid pharmacy program;
- v. laboratory services; and
- w. social worker visits.

B. Conditions for provision of EPSDT Personal Care Attendant (PCA) Services are as follows:

1. The client must be a categorically eligible Medicaid recipient birth through twenty years of age (EPSDT eligible) and have been prescribed EPSDT PCA Services by a physician.

2. An EPSDT eligible must meet criteria for institutionalization equivalent to at least an Intermediate Care Facility I (ICF-I) level of care; and be impaired in at least two activities of daily living tasks, as determined by BHSF.

3. When determining whether a recipient qualifies for EPSDT PCA Services, consideration must be given not only to the type of services needed, but also the availability of family members and/or friends who can aid in providing such care. EPSDT PCA Services are not to function as a substitute for childcare arrangements.

4. EPSDT Personal Care Attendant Services must be prescribed by the recipient's attending physician initially and every 180 days thereafter (or rolling six months), and when changes in the Plan of Care occur. The physician should only sign a fully completed plan of care which shall be acceptable for submission to BHSF only after the physician signs and dates the form. The physician's signature must be an original signature and not a rubber stamp.

5. EPSDT Personal Care Attendant Services must be prior authorized by the Bureau of Health Services Financing or its designee. A face-to-face medical assessment shall be completed by the physician. The recipient's choice of Personal Care Services provider may assist the physician in developing a plan of care which shall be submitted by the physician for review/approval by BHSF or its designee. The plan of care must specify the personal care Service(s) to be provided (i.e., activities of daily living for which assistance is needed) and the minimum and maximum frequency and the minimum and maximum duration of each of these services. Dates of care not included in the plan of care or provided prior to approval of the plan of care by BHSF are not reimbursable. The recipient's attending physician shall review and/or modify the plan of care and sign off on it prior

to the plan of care being submitted to BHSF. A copy of the physician's prescription or referral for EPSDT PCA Services must also be retained in the personal care Services provider's files. A new plan of care must be submitted at least every 180 days (rolling six months) with approval by the recipient's attending physician. The plan of care must reassess the patient's need for EPSDT PCA Services, including any updates to information which has changed since the previous assessment was conducted (with explanation of when and why the change(s) occurred). Revisions of the Plan of Care may be necessary because of changes that occur in the patient's medical condition which warrant an additional type of service, an increase in frequency of service or an increase in duration of service. Documentation for a revised Plan of Care is the same as for a new Plan of Care. Both a new "start date" and "reassessment date" must be established at the time of reassessment. The provider may not initiate services or changes in services under the Plan of Care prior to approval by BHSF.

6. EPSDT Personal Care Attendant Services must be provided in the recipient's home or in another location if medically necessary to be outside of the recipient's home. The recipient's home is defined as the recipient's own dwelling, an apartment, a custodial relative's home, a boarding home, a foster home, a substitute family home or a supervised living facility. Institutions such as a hospital, institution for mental diseases, nursing facility, intermediate care facility for the mentally retarded or residential treatment center are not considered a recipient's home.

7. Personal Care Attendant Services must be provided by a licensed Personal Care Attendant (PCA) agency which is duly enrolled as a Medicaid provider. Staff assigned as a recipient's Personal Care Attendant shall not be a member of the recipient's immediate family. (Immediate family includes father, mother, sister, brother, spouse, child, grandparent, in-law or any individual acting as parent or guardian of the recipient). Personal Care Attendant (PCA) Services may be provided by a person of a degree of relationship to the recipient other than immediate family, if the relative is not living in the client's home, or, if she/he is living in the client's home solely because her/his presence in the home is necessitated by the amount of care required by the client.

8. EPSDT Personal Care Attendant Services are limited to a maximum of four hours per day per recipient as prescribed by the recipient's attending physician and prior authorized by the Bureau of Health Services Financing (BHSF) or its designee. Extensions of this limit may be requested and granted if determined medically necessary by the Bureau of Health Services Financing or its designee.

II. Standards for Payment

A. EPSDT Personal Care Attendant Services may be provided only to EPSDT eligibles and only by a staff member of a licensed Personal Care Services agency enrolled as a Medicaid provider. A copy of the current PCA license must accompany the Medicaid application for enrollment as a PCA provider and additional copies of current licenses shall be submitted to Provider Enrollment thereafter as they are issued,

for inclusion in the enrollment record. The provider's enrollment record must always include at all times a current PCA license. Enrollment is limited to providers in Louisiana and out of state providers only in trade areas of states bordering Louisiana (Arkansas, Mississippi, and Texas).

B. The unit of service billed by EPSDT PCA providers shall be one-half hour, exclusive of travel time to arrive at the recipient's home. The majority (25 minutes) of the unit of time shall have been spent providing services in order to bill a unit.

C. All EPSDT PCA Services must be prescribed by a physician at least every 180 days (rolling six months) as indicated by his/her approval on the plan of care for EPSDT PCA Services.

D. EPSDT PCA Services shall be prior authorized by BHSF in accordance with a plan of care submitted by the provider and approved by the physician, for no more than a six-month period. Services must be reauthorized every six months and a new plan of care must be submitted with each subsequent request for approval. Amendments or changes in the plan of care should be submitted as they occur and shall be treated as a new Plan of Care which begins a new six-month service period.

E. The PCA agency is responsible for ensuring that all Personal Care Attendants meet all training requirements applicable under state law and regulations. The Personal Care Attendant must successfully complete the applicable examination for certification as a PCA. Documentation of the PCA's completion of requirements shall be maintained by the Personal Care Services provider.

F. The recipient shall be allowed the freedom of choice to select an EPSDT PCA provider.

G. Documentation for EPSDT PCA Services provided shall include at a minimum, the following: documentation of approval of services by BHSF or its designee; daily notes by PCA denoting date of service, services provided (checklist is adequate); total number of hours worked; time period worked; condition of client; service provision difficulties; justification for not providing scheduled services and any other pertinent information. There must be a clear audit trail between the prescribing physician, the personal care provider, the Personal Care Attendant, the recipient, and the services provided and reimbursed by Medicaid.

H. EPSDT PCA providers shall submit a noninstitutional cost report based on the state fiscal year; the cost report shall be subject to desk review and audit by BHSF or its designee.

I. Agencies providing EPSDT PCA Services shall conform to all applicable Medicaid regulations as well as all applicable laws and regulations by federal, state, and local governmental entities regarding wages, working conditions, benefits, Social Security deductions, OSHA requirements, liability insurance, Workmen's Compensation, occupational licenses, etc.

J. EPSDT Personal Care Attendant Services provided to meet childcare needs or as a substitute for the parent in the absence of the parent shall not be reimbursed.

K. EPSDT Personal Care Attendant Services provided for the purpose of providing respite to the primary caregiver shall not be reimbursed.

L. EPSDT Personal Care Attendant Services provided in an educational setting for which the Department of Education has responsibility for providing such services shall not be reimbursed.

III. Reimbursement Methodology for EPSDT PCA Services

EPSDT PCA Services shall be paid the lesser of billed charges or the maximum unit rate set by BHSF based on the federal minimum hourly wage plus fringe benefits (insurance, workmen's compensation, unemployment, etc.) not to exceed 22 percent; plus agency administrative and operating costs, including travel and training expenses of PCAs, not to exceed 24 percent of PCA's salary with fringe benefits; plus a profit factor not to exceed four percent of the above calculated rate.

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 emergency rule.

Copies of this rule are available in the Medicaid parish offices for review by interested parties.

Rose V. Forrest
Secretary

9504#016

DECLARATION OF EMERGENCY

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

Emergency Ambulance Services

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing has adopted the following emergency rule under the Medical Assistance Program as authorized by R.S. 46:46:153 and pursuant Title XIX of the Social Security Act. This emergency rule is in accordance with the Administrative Procedure Act R.S. 49:950 et seq. and shall be in effect for the maximum period allowed under the Administrative Procedure Act or until adoption of the final rule, whichever occurs first.

Medicaid payment for emergency ambulance services has been made in accordance with Medicare's allowance for an "all-inclusive" rate so that the Medicaid payment for the transport, supplies, oxygen and all other ancillaries were included in the payment for a procedure. Effective April 1, 1995 the HCFA will terminate such "all inclusive" billing and will require emergency ambulance providers to bill ancillaries separately. Therefore to remain congruent with Medicare payment for emergency ambulance services as required by state law and to protect the health and welfare of Medicaid recipients, the bureau has adopted the following emergency rule to reimburse emergency ambulance services in accordance

with the Medicare rates. In addition, the following emergency rule specifies the emergency ambulance services which will be reimbursed by Medicaid. It is estimated that this action will increase expenditures in the Medicaid program by approximately \$1,011,324 for first year of implementation, or approximately \$252,831 for the last three months of SFY 1995.

Emergency Rule

Effective April 1, 1995, the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing shall reimburse for medically-necessary emergency ambulance services in accordance with Medicare's established rates for an emergency ambulance transport and mileage, oxygen, intravenous fluids, and disposable supplies administered during the emergency ambulance transport minus the amount which is to be paid by any liable third-party coverage.

All Advanced Life Support (ALS) and Basic Life Support (BLS) ambulance services must be certified by the Department of Health and Hospitals, Bureau of Health Services Financing in order to receive Medicaid reimbursement and all ALS or BLS services must be provided in accordance with the state law and regulations governing the administration of these services. All (ALS) and (BLS) ambulance services must comply with the state law and regulations governing the personnel certifications of the emergency medical technicians administered by the Department of Health and Hospital's Bureau of Emergency Medical Services. The department will ensure through post pay review that all services are medically appropriate for the level of care billed and have been provided in accordance with the ALS or BLS certification level of the ambulance service.

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 emergency rule. A copy of this emergency rule is available at Parish Medicaid Offices for review by interested parties.

Rose V. Forrest
Secretary

9504#015

DECLARATION OF EMERGENCY

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

Psychiatric Hospitals Classified as Teaching Hospitals

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing has adopted the following emergency rule under the Medical Assistance

Program as authorized by R.S. 46:150 et seq. and pursuant Title XIX of the Social Security Act. This emergency rule is in accordance with the Administrative Procedure Act and shall be in effect for the maximum period allowed under the act or until adoption of the final rule, whichever occurs first.

The Bureau of Health Services Financing established the teaching hospital designation for psychiatric hospitals to provide a basis for such hospitals to affiliate with medical schools and thereby enhance the quality of medical education and psychiatric services available to Medicaid recipients. In order to assure medical education program standards are reflected by an affiliate hospitals, LSU has worked with DHH to develop a model Quality Assurance (QA) Program for its affiliate psychiatric teaching hospitals. To assure uniform application of these standards, the of Bureau Health Services Financing has agreed to authorize Louisiana's State Medical School to establish a model QA Program to perform on-site admission and continued stay reviews utilizing Medicaid standards. The bureau retains responsibility and authority for approving the admissions and extensions of stay criteria as well as the prior authorization process. To assure independence, the LSU QA Program is separate and distinct from facility training programs. The QA Program operates under an affiliation agreement with the medical school and prohibits professional staff from providing clinical or other professional services to the facilities they are assigned or any related party.

Under this program, an independent team of medical professionals perform on-site reviews of all admissions and patients. Participating facilities and units are prohibited from admitting any patients regardless of payor who are not approved by the QA Program. Additionally, QA Program staff perform continuing on-site reviews of patient care and treatment regimens to determine the continued need for care on an in-patient basis. As a result the QA Program meets with facility treatment staff to review care and make appropriate changes in the treatment regimen to assure the care provided is medically necessary as well as appropriate for an in-patient setting based on each individual's patient's situation. The QA Program also reviews all discharge planning of patients to assure appropriate referrals or out-patient treatment is available to the patient and family.

The of Bureau Health Services Financing is adopting the following on-site review standards for Medicaid providers of inpatient psychiatric services. Under this emergency rule, any inpatient psychiatric service provider may elect to participate in the LSU QA Program and have been accepted by LSU will be exempt from prior authorization of inpatient admissions through the Medicaid fiscal intermediary. However, such providers must meet all QA Program requirements including review of all admissions regardless of payor. Providers are required to utilize either the fiscal intermediary prior authorization process or participate in the LSU QA Program which utilizes on-site admission and continued stay reviews. Providers should be aware that the requirements of the LSU QA Program are more extensive than the fiscal intermediary's prior authorization system for admission and

continued stays in psychiatric hospitals as the requirements are applied to all admissions and continued stays regardless of payor. Additionally, the LSU QA Program applies the more restrictive Medicaid admission criteria for persons under 21 to all admissions regardless of age.

These standards apply an on-site review function to the admission criteria utilized by Medicaid and are applied uniformly across payors. Under this emergency rule the Bureau of Health Services Financing is authorizing all inpatient psychiatric service providers to utilize this alternative authorization process on a voluntary basis. This authorization is subject to the LSU QA Program's ability to assume additional facilities. While the bureau has the authority to apply admission criteria to all Medicaid covered inpatient services, it cannot mandate or require facilities to apply these standards to other payors. For this reason, the fiscal intermediary prior authorization system shall remain the primary authorization process for Medicaid, and the LSU QA Program shall be authorized as an alternative prior authorization program in which providers may elect to participate on a voluntary basis.

The standards utilized by the LSU QA Program are required to track specific state and federal Medicaid standards outlined in this emergency rule. Any changes to those standards must be approved by Medicaid prior to implementation to assure compliance with all applicable state and federal regulatory requirements and assure overall administration of the Medicaid program resides under the Department of Health and Hospitals which is the single state agency designated by the state and approved by the federal government.

It is estimated that the fiscal impact of these changes will reduce Medicaid expenditures for administrative cost and inpatient psychiatric services. However, there is currently insufficient data available to allow projection of an actual dollar amount of savings resulting from this emergency rule. The current rules regarding pre-admission certification and length of stay assignments shall remain in effect for all psychiatric services reimbursed under Medicaid. However, application of these standards shall be performed by the LSU QA Program and the Medicaid fiscal intermediary. To the extent LSU utilizes on-site review of treatment plans and patient by an independent team, HCIA length of stay criteria and extension criteria are not necessary as the length of stay for each patient shall be subject to continued review and adjustment based on independent on-site assessment of the need for hospitalization.

Emergency Rule

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopts the following provisions to govern admissions and extensions of stay criteria for psychiatric hospitals classified as teaching hospitals under the LSU School of Medicine. The bureau retains the responsibility and authority for approving admissions and extensions of stay criteria as well as the prior authorization process for all inpatient psychiatric services.

LSU Quality Assurance Program

Where an LSU School of Medicine-affiliated psychiatric

teaching hospital or the enrolled Medicaid inpatient psychiatric service provider has all admissions and continuing care on an in-patient basis prior authorized by the LSU QA Program, the provider shall not be required to obtain a separate authorization for treatment from the Medicaid fiscal intermediary. Written documentation of all authorizations and denials shall be maintained in each patient's medical record for a minimum period of three years to allow review and audit by the Medicaid Program. Where an initial review or audit is conducted, the applicable medical records and documentation shall be maintained for a minimum of five years.

LSU QA Program standards for patient admission shall, at a minimum, comply with Item "Pre-admission Certification Criteria of Need for Psychiatric Hospitalization for all Persons under 21 Years of Age", Item 2 of the Bureau of Health Services Financing's proposed regulation published in the *Louisiana Register*, Volume 21, January 20, 1995, pages 71-79 or any subsequent requirements hereinafter adopted by the Bureau of Health Services Financing.

HCIA length of stay criteria and extension criteria shall not be applicable to the LSU QA Program which performs independent on-site review of each patient's progress and treatment regimen to determine the need and appropriateness for continuing treatment on an inpatient basis. LSU QA Program approval of continuing care on an inpatient basis shall, at a minimum, follow the specific criteria for psychiatric units adopted by the Health Care Financing Administration effective August 29, 1994 (Provider Reimbursement manual Part I, Section 3001.6).

The LSU QA Program shall assure independence of the program and staff through establishment of appropriate protocols and affiliations which assure professional staff are prohibited from providing clinical or other professional services to the facilities they are assigned or to any related party.

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 emergency rule. A copy of this emergency rule is available at Parish Medicaid Offices for review by interested parties.

Rose V. Forrest
Secretary

9504#018

DECLARATION OF EMERGENCY

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

Transplant Reimbursement

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

the following emergency rule under the Medical Assistance Program as authorized by R.S. 46:153 and pursuant Title XIX of the Social Security Act. This emergency rule is in accordance with the Administrative Procedure Act R.S. 49:950 et seq. and shall be in effect for the maximum period allowed under the act or until adoption of the final rule whichever occurs first.

On July 1, 1994 the department adopted the Prospective Payment Reimbursement Methodology for inpatient hospital services (referenced in the *Louisiana Register*, June 20, 1994, Volume 20, Number 6) which included specific methodology for the reimbursement of transplant services. The department has determined that systems limitations prohibit the implementation of the transplant reimbursement provision of the Prospective Payment Reimbursement Methodology. Therefore, the department has adopted the following emergency rule which re-institutes the Tax Equity and Fiscal Reduction Act (TEFRA) provisions for the reimbursement of transplant services. This action is necessary to protect the health and welfare of Medicaid recipients by maintaining an effective organ transplant reimbursement methodology in order to assure that Medicaid recipients are provided these services and to avoid sanctions or penalties from the United States government. It is estimated that this action will decrease expenditures in the Medicaid program by approximately \$2,102,000 for the first year of implementation or approximately \$525,500 for the remainder of state fiscal year 1995.

Emergency Rule

The department repeals the provisions governing organ transplant services contained in the "Hospital Prospective Reimbursement Methodology" rule referenced in the June 20, 1994 *Louisiana Register* (Volume 20, Number 6) and adopts the following provisions to govern Medicaid reimbursement for nonexperimental organ transplant services only which are pre-authorized by the Medicaid program. Payment is allowable only in accordance with a per diem limitation established for inpatient discharges for organ transplant unit services reflected for a distinct carve out unit. Each type of organ transplant service must be reported as a separate carve-out unit cost. Organ procurement costs shall be included in the carve out and shall be subject to the per diem limitation. The per diem limitation shall be calculated based on costs (routine and ancillary) for such transplant carve-out discharges derived from each hospital's first cost reporting period under the Tax Equity and Fiscal Responsibility Reduction Act cost per discharge limitation (fiscal years ending September 30, 1983 through August 31, 1984). The base period per diem costs for transplant carve out units shall be trended forward using the target rate percentage for hospital inpatient operating costs established by the Health Care Financing Administration (HCFA). For subsequent fiscal years, the limitation shall be inflated by the applicable target percentage. Discharges applicable to these carve-out-units shall be deleted from the total Medicaid discharges prior to calculation of the target rate limitation. Reimbursement for transplant carve-out unit services shall not exceed the per diem

limitation and no incentive payment shall be allowed. The TEFRA provisions governing exceptions and adjustments for inpatient hospital services shall also apply to the per diem limitation for the reimbursement of carve units for organ transplant services. The Medicaid share of each transplant unit's costs subject to the per diem limitation shall be included in the total Medicaid reimbursement at the hospital's cost settlement at fiscal year end.

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 emergency rule.

A copy of this emergency rule is available at Parish Medicaid Offices for review by interested parties.

Rose V. Forrest
Secretary

9504#014

DECLARATION OF EMERGENCY

**Department of Labor
Office of Workers' Compensation**

Insurance Cost Containment (LAC 40:I.1113)

In accordance with the emergency provisions of R.S. 49:953(B) of the Administrative Procedure Act, and under the authority of R.S. 23:1034.2 and 23:1203, the director of the Office of Workers' Compensation declares that the following emergency rules are adopted, effective April 20, 1995, for a period of 120 days or until the final rule is adopted, whichever occurs first.

The adoption of these rules is necessary because employers are applying to enter the Occupational Safety and Health Program to obtain a discount in their workers' compensation premiums when the employers have not made a commitment to the program. Current rules do not provide a means of rejecting an applicant who has not committed to the program. The OSHA Section of the Office of Workers' Compensation has limited resources which cannot be expended on employers who cannot satisfactorily complete the program.

Title 40

Labor and Employment

Part I. Workers' Compensation Administration

Chapter 11. Insurance Cost Containment

§1113. Application for Participation in the Occupational Safety and Health Program

A. Only "eligible employers" who have certificate of attendance Form LDOL-WC-Form Number 1022 issued within the last four years may apply for participation in the Occupational Safety and Health program.

B. An application for participation in the Occupational Safety and Health Program shall consist of the following:

1. a properly completed form LDOL-OWC 1023;

2. a copy of the applicant's OSHA 200 log from the previous year;

3. a sworn statement that:

a. the company has written safety programs and training documentation as required by OSHA standards relevant to its facility for at least a six-month period;

b. the applicant's lost workday incident rate is less than the national average for its respective Standard Industrial Classification (SIC) code; and

c. the applicant company has experienced no fatalities within the 24 months immediately preceding the date of the application;

4. any additional information which the Occupational Safety and Health Section of the Office of Workers' Compensation Administration deems necessary to evaluate the application.

C. Application Rejection

1. The Occupational Safety and Health Section of the Office of Workers' Compensation Administration may reject:

a. any application which does not contain all requested information or which does not reflect a commitment to safety in the workplace;

b. an application at any time before the initial phase inspection is completed if it is determined that the company's application contained false information or that a fatality has occurred since the application was submitted.

2. A company whose application is rejected due to a lack of commitment to safety or for an application containing false information shall be allowed to reapply no earlier than 12 months from the date of the rejection notice.

D. In scheduling surveys the OWCA will attempt to schedule on the basis of the date the application is received in the office but shall also consider the OSHA High Hazard list and geographical location for maximizing scheduling.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1178

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 19:896 (July 1993), amended LR 21:

Alvin J. Walsh
Director

9405#062

DECLARATION OF EMERGENCY

**Department of Public Safety and Corrections
Board of Pardons**

Clemency Filing and Processing (LAC 22:V.Chapter 1)

Pursuant to the emergency provisions of the Administrative Procedure Act, R.S. 49:953(B) and pursuant to R.S. 15:572, et seq., the Board of Pardons, at its meeting of April 6, 1995, adopted the following emergency rules and procedures for processing and filing for clemency consideration. The

following emergency rules, having been adopted by the board, will govern the processing of applications for pardon, commutation of sentence, or restoration of citizenship. This emergency rule supersedes rules published in December, 1990.

Title 22

**CORRECTIONS, CRIMINAL JUSTICE AND LAW
ENFORCEMENT**

Part V. Board of Pardons

Chapter 1. Applications

§101. Filing Procedure

A. Any complete application for pardon, commutation of sentence, or restoration of citizenship filed with the Board of Pardons shall be considered by the board at anytime after receipt thereof. No application will be considered by the board until it deems the application to be complete in accordance with the following rules and procedures.

B. All Applicants

1. Every Application for Clemency must be submitted on the form approved by the Board of Pardons, the latest revision of which may be obtained from the board. Every Application for Clemency form must contain the following information:

- a. name of applicant;
- b. prison number (DOC#);
- c. date of birth;
- d. race/sex;
- e. education (highest grade completed);
- f. age at time of offense;
- g. present age;
- h. offender class;
- i. place of incarceration;
- j. parish of conviction/judicial district/court docket number;
- k. offense(s) convicted of;
- l. parish where offense(s) committed;
- m. date of sentence;
- n. length of sentence;
- o. time served;
- p. prior parole and/or probation;
- q. when and how parole or probation completed;
- r. prior clemency hearing/recommendation/approval;
- s. reason for requesting clemency;
- t. relief requested; and
- u. institutional disciplinary reports (incarcerated applicants only) total disciplinary reports, number within the last 12 months and nature and date of last violation.

2. The application shall be signed by applicant, dated and shall contain a prison or mailing address and home address.

3. An application must be completed; if any required information does not apply the response should be "NA".

C. In addition to the information submitted by application, the following required documents must be attached as they apply to each applicant:

1. Incarcerated Applicants. Any applicant presently confined in any institution must attach a current master prison record and time computation/jail credit worksheet and have the signature of a classification officer verifying the conduct of the

applicant as set out in Subsection B.1.u.

2. Parolees. Applicants presently under parole supervision or who have completed parole supervision must attach a copy of their master prison record and/or parole certificate.

3. Probationers. Applicants presently under probation supervision or who have completed probationary period must attach a certified copy of sentencing minutes.

4. Federal Convictions. Applicants with a federal conviction must attach a copy of judgement and commitment papers.

5. R.S. 15:572(B) First Offender Pardons. Applicants who have received an Automatic First Offender Pardon must attach a copy of the Automatic First Offender Pardon.

D. No additional information or documents may be submitted until applicants have been notified that they will be given a hearing. The Board of Pardons will not be responsible for items submitted prior to notification that a hearing will be granted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:572.4.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Board of Pardons, LR 16:1062 (December 1990), amended LR 21:

§103. Discretionary Powers of the Board

A. The Board of Pardons, at its discretion, may deny any applicant a hearing for any of the following reasons, however, nothing in this article shall prevent the board from hearing any case:

1. serious nature of the offense;
2. insufficient time served on sentence, (i.e. lifers who have served less than 15 years);
3. insufficient time after release, (i.e. released from custody/supervision less than two years);
4. proximity of parole/good time date, (i.e. parole/good time date within one year of the date of application);
5. institutional disciplinary reports;
6. probation/parole -unsatisfactory/violated;
7. past criminal record; or
8. any other factor determined by the board.

B. Any applicant denied under this article shall be notified in writing of the reason for denial and thereafter may file a new application two years from date of the letter of denial.

C. Any fraudulent documents or information submitted by applicant will result in an automatic denial by the board and no new application will be accepted until four years have elapsed from the date of letter of denial.

D. In any matters not specifically covered by these rules, the board shall have discretionary powers to act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:572.4.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Board of Pardons, LR 16:1062 (December 1990), amended LR 21:

§105. Hearing Granted

A. After notice to an applicant that a hearing has been granted the applicant must submit the following documents

and/or information:

1. proof of advertisement (affidavit/certificate) from the official journal of the parish where the offense was committed:
a. this ad must state: "I, (applicant's name), DOC#, have applied for clemency"; and

b. the ad must be published for three days within a 30-day period without cost to the Department of Public Safety and Corrections, Corrections Services, Board of Pardons;

2. employment agreement; and

3. residence agreement.

B. Applicant may submit additional information, i.e. letters of recommendation and copies of certificates of achievement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:572.4.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Board of Pardons, LR 16:1062 (December 1990), amended LR 21:

§107. Public Hearing Dates

A. The chairman shall determine public hearing dates for the purpose of reviewing and acting on applications pending before the board. The board shall also meet at the discretion of the chairman to transact such other business as deemed necessary.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:572.4.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Board of Pardons, LR 16:1062 (December 1990), amended LR 21:

§109. Notice of Public Hearings

A. After receipt of all documents required by §101 and §105.A.1 - 3 and the clemency investigation from the appropriate probation and parole district, the board shall set the matter for public hearing.

B. At least 30 days prior to public hearing date the board shall give written notice of the date, time and place to the following:

1. the district attorney and sheriff of the parish in which the offense occurred and the district attorney and sheriff of the parish in which the applicant was convicted;

2. the applicant;

3. the victim who has been physically or psychologically injured by the applicant (if convicted of that offense), and the victim's spouse or next of kin, unless the injured victim spouse or next of kin advises the board, in writing, that such notification is not desired;

4. the spouse or next of kin of a deceased victim when the offender responsible for the death is the applicant (if convicted of that offense), unless the spouse or next of kin advises the board, in writing, that such notification is not desired; and

5. any other interested person who notifies the board of Pardons in writing, giving name and return address.

C. The district attorney, injured victim, spouse or next of kin, and any other persons who desire to do so shall be given a reasonable opportunity to attend the hearing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:572.4.

HISTORICAL NOTE: Promulgated by the Department of Public

Safety and Correction, Board of Pardons, LR 16:1062 (December 1990), amended LR 21:

§111. Denials by Board after Public Hearing

The board shall notify the applicant of the denial. Applicant may submit a new application two years after the date of letter of denial.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:572.4.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Board of Pardons, LR 16:1063 (December 1990), amended LR 21:

§113. Denial/No Action Taken by Governor after Favorable Recommendation

A. The board shall notify the applicant after its receipt of notification that favorable recommendation was denied or no action taken by the governor. Applicant may submit a new application one year from the date of the letter of denial or notice of no action. This rule does not apply to applicants denied under §§103 or 111.

B. An applicant who has been paroled, released under good time parole supervision or released from sentence, within one year of the date of letter of denial or notice of no action by the governor, may submit a new application after two years from the date of release from confinement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:572.4.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Board of Pardons, LR 16:1063 (December 1990), amended LR 21:

§115. Governor Grants

A. The Office of the Governor, will notify the applicant if any clemency is granted. Applicant may submit a new application for additional relief two years from the date of notice.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:572.4.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Board of Pardons, LR 21:

Cynthia F. Fayard
Chairman

9405#054

DECLARATION OF EMERGENCY

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

License, Permit, Compliance,
Inspections, and Investigations
(LAC 42:XIII.Chapters 17-45)

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 shall become effective April 7, 1995 and hereby repeals and replaces Chapters 17-45 published as an emergency rule in the December 1994 *Louisiana Register*, page 1360. This emergency rule shall remain in effect for 120 days or until final rule promulgation takes effect, whichever is shortest. An identical notice of intent is referenced in this issue of the *Louisiana Register*.

There are currently 15 riverboats licensed, 12 of which are conducting gaming at the present time in the state. The emergency adoption of these rules is necessary to protect the public welfare of the state and to insure adequate regulation of the riverboat gaming industry. If these rules are not adopted on an emergency basis there will be an interruption in the operation of the riverboats which are currently licensed and operating. These riverboats generate a source of revenue which is necessary for the operations of the state which benefit the general citizenry of Louisiana. Since the inception of riverboat gaming in this state through July 31, 1994 a total of \$226,954,968.52 in net gaming proceeds has been generated. The state receives 15 percent of this figure as taxes and fees. The loss of this revenue would have a severe adverse impact on the financial well being of the state including layoffs and reduction of government services.

Several additions and changes have been made throughout Chapters 17-45 in order that the division may better regulate the riverboat gaming industry. These additions and changes consist of new definitions, ownership and transfers of licenses or permits, maritime requirements, tax clearances, cash transaction reporting, notice of concerns and discrepancies, subpoenas and subpoenas duces tecum, withdrawal of temporary gaming employee permit, procedure for hearings, required record retention of stock ownership, accounting regulations, progressive slot machines, division parking and rules of play (Chapter 31). Several other changes have been made in addition to the above mentioned changes.

As a result of the above findings the Riverboat Gaming Enforcement 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 State Register, 1051 North Third Street, Baton Rouge, LA 70802.

Colonel Paul W. Fontenot
Deputy Secretary

9504#066

DECLARATION OF EMERGENCY

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

Policy Manual (LAC 67:VII.101)

In accordance with the provisions of R. S. 49:953(B), the Administrative Procedure Act, the Department of Social

Services, Louisiana Rehabilitation Services (LRS) is revising its policy through the emergency rule provision to allow the agency to provide continuing services to applicants and clients.

The purpose of this declaration of emergency is to assure that funds will be available to provide for the health, safety, and welfare for all clients of the agency by implementing certain cost containment measures. These cost containment policies are being instituted to ensure that all clients of LRS are evaluated concerning their ability to contribute to the cost of their vocational rehabilitation program which has, as the ultimate goal, a successful employment outcome.

Louisiana Rehabilitation Services must maintain sufficient resources to provide for the health of its vocational rehabilitation clients. For instance, there are times when early intervention in the form of eye surgery, done expeditiously, will deter or prevent blindness. Safety is a primary consideration for persons with disabilities and LRS must have access to sufficient funds to provide such vocational rehabilitation services as home accessibility for mobility impaired persons when safe accessibility will permit them to continue in employment and live independently. LRS provides core services of counseling/guidance, diagnostics, training, and job placement. However, many times these services cannot be accessed without other support services. The welfare of vocational rehabilitation clients and their ability to avail themselves of these core services, are dependent upon LRS maintaining funds in the vocational rehabilitation program to provide these supports.

Louisiana Rehabilitation Services is implementing this emergency rule at this time because all current plans for continued vocational rehabilitation services must be reviewed and updated; and obligations for these services for the next fiscal year will be made during May and June, 1995. To continue those plans without this revised policy could contribute to severe fiscal problems and cause a denial of services to eligible individuals coming into the vocational rehabilitation program.

This policy change will only affect those who have available resources to meet in whole or in part the costs of their program for vocational rehabilitation support services. These measures do not affect the core vocational rehabilitation services provided by LRS.

Title 67

SOCIAL SERVICES

Part VII. Rehabilitation Services

Chapter 1. General Provisions

§101. Policy Manual

A. LRS Policy Manual provides opportunities for employment outcomes and independence to individuals with disabilities through vocational and other rehabilitation services. Its policy manual guides its functions and governs its actions within the parameters of federal law.

B. The entire policy manual may be viewed at Louisiana Rehabilitation Services State Office, 8225 Florida Boulevard, Baton Rouge, LA, 70806 and at the nine Louisiana Rehabilitation Services Regional Offices (statewide) or at the Office of the State Register, 1051 North Third Street, Suite

512, Baton Rouge, LA. 70802.

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, Louisiana Rehabilitation Services, LR 17:891 (September 1991), amended LR 20:317 (March 1994), LR 21: (April 1995).

Gloria Bryant-Banks
Secretary

9504#067

DECLARATION OF EMERGENCY

Department of Treasury Board of Trustees of the State Employees Group Benefits Program

Plan Document—Payment of Benefits

In accordance with the applicable provisions of R.S. 49:953(B), the Administrative Procedure Act, and R.S. 42:871(C) and 874(A)(2), vesting the board of trustees with the sole responsibility for administration of the State Employees Group Benefits Program and granting the power to adopt and promulgate rules with respect thereto, the Board of Trustees of the State Employees Group Benefits Program hereby finds that imminent peril to the public health and welfare exists which requires the adoption of the following amendments to the plan document by emergency rule in order to avoid disruption or curtailment of services to state employees and their dependents who are covered by the State Employees Group Benefits Program.

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

The purpose, intent, and effect of these amendments are:

1. to clarify that all prescription drugs and medicines dispensed by a licensed pharmacist or pharmaceutical company and not administered to a covered person as an inpatient hospital patient or as an outpatient surgical patient will be subject to the additional prescription drug deductible and will never be eligible for 100 percent reimbursement;
2. to add "angioplasty with or without stenting" as a condition for which cardiac rehabilitation therapy will be considered as an eligible expense;
3. to clarify the schedule of frequency for which a screening mammographic examination will be considered as an eligible expense; and
4. to clarify the schedule of frequency for which a routine physical examination by a physician will be considered an eligible expense.

Effective April 7, 1995, Article 3, Section VIII, Subsection F, Paragraphs 8, 26, 29, and 31 of the Plan Document for the State Employees Group Benefits Program, are amended to read, respectively, as follows:

8. Subject to the filing requirements of Article 4, Section

IV, and the limitations and deductibles specified in the Schedule of Benefits, drugs and medicines approved by the Food and Drug Administration or its successor, requiring a prescription, dispensed by a licensed pharmacist or pharmaceutical company and which may be administered at home or in a physician's office, but which is not administered to a covered person as an inpatient hospital patient or as an outpatient surgical patient, except for topical forms of Minoxidil, Accutane dispensed for cystic acne or nodular cystic acne, and dietary supplements, provided that Vitamin B12 injection for the treatment of Addisonian Type-A Pernicious Anemia shall not be considered a dietary supplement.

26. Cardiac Rehabilitation Therapy, subject to the following conditions:

a. The covered person must be recovering from a myocardial infarction, angioplasty with or without stenting, or cardiac bypass surgery.

* * *

d. All cardiac rehabilitation therapy (both inpatient and outpatient) must be completed within six months following the date of the myocardial infarction, angioplasty with or without stenting or cardiac bypass surgery.

* * *

29. Screening mammographic examinations performed according the following schedule:

a. One baseline mammogram during the five-year period a person is 35-39 years of age;

b. One mammogram every two calendar years for any person who is 40 through 49 years of age, or more frequently if recommended by her physician;

c. One mammogram every calendar year for any person who is 50 years of age or older.

31. Without deductible, the expenses of one routine physical examination by a physician per calendar year per covered person over 16 years old, up to a benefit payment of \$100 per calendar year, including the cost of the physical exam, routine x-rays and laboratory services.

James R. Plaisance
Executive Director

9504#037

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries
Office of Fisheries

Commercial Fisherman's Sales Card; Dealer Receipt Forms
(LAC 76:VII.201)

In accordance with the emergency provisions of R.S. 49:953(B), the Administrative Procedure Act, R.S. 56:303.7(B) and 306.4(E) which allows the secretary to promulgate rules and regulations on the submission of Dealer

Receipt Forms to the department; LAC 76:VII.201(F) which establishes an implementation date of January 1, 1995; the secretary of the Department of Wildlife and Fisheries hereby finds that imminent peril to the public welfare exists and accordingly adopts the following emergency rule, effective April 30, 1995, for 120 days or until promulgation of final rule, whichever occurs first.

Effective immediately, the full implementation date for the Dealer Receipt Forms is January 1, 1996.

The secretary has amended the full implementation date of the Dealer Receipt Forms to January 1, 1996 due to the lack of sufficient funding to initiate and maintain the program.

Joe L. Herring
Secretary

9504#040

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries
Office of Fisheries

Commercial Fisherman's Sales Report Forms
(LAC 76:VII.203)

In accordance with the emergency provisions of R.S. 49:953(B), the Administrative Procedure Act, R.S. 56:345(B) which allows the secretary to promulgate rules and regulations on the submission of Commercial Fisherman's Sales Report Forms to the department; LAC 76:VII.203(D) which establishes an implementation date of January 1, 1995; the secretary of the Department of Wildlife and Fisheries hereby finds that imminent peril to the public welfare exists and accordingly adopts the following emergency rule, effective April 30, 1995, for 120 days or until the final rule is promulgated, whichever occurs first.

The full implementation date for the Commercial Fisherman's Sales Report Forms is January 1, 1996.

The secretary has amended the full implementation date of the Commercial Fisherman's Sales Report Forms to January 1, 1996 due to the lack of sufficient funding to initiate and maintain the program.

Joe L. Herring
Secretary

9504#041

RULES

RULE

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

**Comprehensive Toxic Air Pollutant Emission
Control Program (LAC 33:III.5105)(AQ110)**

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary has amended the Air Quality Division Regulations, LAC 33:III.Chapter 51 (AQ110).

The revision incorporates a special provision for the pulp and paper mill source category. The provision requires that DEQ promulgate a MACT determination for this source category, and would establish deadlines for proposal of the MACT standard. The revision would exempt pulp and paper mills from the MACT requirements of Chapter 51 pending a final MACT determination by DEQ. All other requirements of the Louisiana Air Toxics Program continue to apply.

Title 33

ENVIRONMENTAL QUALITY

Part III. Air

Chapter 51. Comprehensive Toxic Air Pollutant Emission Control Program

Subchapter A. Applicability, Definitions, and General Provisions

§5105. Prohibited Activities and Special Provisions

* * *

[See Prior Text A-B.7]

8. A Louisiana Maximum Achievable Control Technology (MACT) determination for the pulp and paper mill source category, setting forth emission and/or technical control standards and schedules for achieving compliance, shall be promulgated by the administrative authority in accordance with the Louisiana Administrative Procedure Act. The owner or operator of any major source which is a pulp or paper mill shall assist the department in the determination of MACT by providing reasonably available technical and economic data as requested. The administrative authority shall publish and make available for comment the proposed Louisiana MACT determination within six months of promulgation of the federal MACT standards for the pulp and paper source category by USEPA or on December 20, 1997, whichever is sooner. In the event that a state MACT standard is proposed pursuant to this paragraph prior to promulgation of federal MACT standards, the proposed effective date shall be December 20, 1998. Notwithstanding LAC 33:III.5109.A, B.3.c, D, and 5111.B.4 or any contrary provision of this Chapter, until the administrative authority makes a final determination of MACT

for pulp and paper mills, major sources in the pulp and paper mill source category are exempt from the MACT provisions of this Chapter.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:2104 (December 1991), amended LR 18:1362 (December 1992), LR 21: (April 1995).

James B. Thompson, III
Assistant Secretary

9504#027

RULE

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

**Division Source Test Manual
(LAC 33:III.Chapter 60) (AQ48)**

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950, et seq., the secretary has amended the Air Quality Division regulations, LAC 33:III.Chapter 60, (AQ48).

The rule is the state's adoption of existing federal sampling and analysis procedures into the Louisiana Administrative Code (LAC). The rule describes the theory of sampling and analysis; and then it describes how the sampling and analysis is to be conducted, and the sensitivity of the analysis when conducted according to the procedure.

This action is required to maintain delegation of federal programs by adopting methods consistent with the federal regulations, in order to maintain consistency in state and federal methods.

This rule may be viewed in its entirety at the Office of the State Register, 1051 North Third Street, Baton Rouge, LA.

James B. Thompson, III
Assistant Secretary

9504#023

RULE

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

**Standards of Performance for New Stationary Sources
(LAC 33:III.3261-3268) (AQ88)**

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the

provisions of the Administrative Procedure Act, R.S. 49:950, et seq., the secretary has amended the Air Quality Division Regulations, LAC 33:III.Chapter 31, Subchapter J, (AQ88).

The amendments to LAC 33:III.Chapter 31 were submitted in order that the existing state regulations be brought up to date and be equivalent to the existing federal regulations.

This action is required as a result of United States Environmental Protection Agency directives.

Title 33

ENVIRONMENTAL QUALITY

Part III. Air

Chapter 31. Standards of Performance for New Stationary Sources

Subchapter J. Standards of Performance for Petroleum Refineries (Subpart J)

§3261. Definitions

As used in this Subchapter, all terms not defined in LAC 33:III.3103 or herein shall have the meaning given them in LAC 33:III.111 of these regulations.

* * *

[See Prior Text]

Coke Burn-off—the coke removed from the surface of the fluid catalytic cracking unit catalyst by combustion in the catalyst regenerator. The rate of coke burn-off is calculated by the formula specified in LAC 33:III.3266.

Contact Material—any substance formulated to remove metals, sulfur, nitrogen, or any other contaminant from petroleum derivatives.

Fluid Catalytic Cracking Unit—a refinery process unit in which petroleum derivatives are continuously charged; hydrocarbon molecules in the presence of a catalyst suspended in a fluidized bed are fractured into smaller molecules or react with a contact material suspended in a fluidized bed to improve feedstock quality for additional processing; and the catalyst or contact material is continuously regenerated by burning off coke and other deposits. The unit includes the riser, reactor, regenerator, air blowers, spent catalyst or contact material stripper, catalyst or contact material recovery equipment, and regenerator equipment for controlling air pollutant emissions and for heat recovery.

Fluid Catalytic Cracking Unit Catalyst Regenerator—one or more regenerators (multiple regenerators) which comprise that portion of the fluid catalytic cracking unit in which coke burn-off and catalyst or contact material regeneration occurs, and includes the regenerator combustion air blower(s).

Fresh Feed—any petroleum derivative feedstock stream charged directly into the riser or reactor or a fluid catalytic cracking unit except for petroleum derivatives recycled within the fluid catalytic cracking unit, fractionator, or gas recovery unit.

* * *

[See Prior Text]

Refinery Process Unit—any segment of the petroleum refinery in which a specific processing operation is conducted.

Valid Day—a 24-hour period in which at least 18 valid hours of data are obtained. A "valid hour" is one in which at least two valid data points are obtained.

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 by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 21: (April 1995).

§3262. Standard for Particulate Matter

Each owner or operator of any fluid catalytic cracking unit catalyst regenerator that is subject to the requirements of this Subchapter shall comply with the emission limitations set forth in this Section on and after the date on which the initial performance test required by LAC 33:III.3115 is completed, but not later than 60 days after achieving the maximum production rate at which the fluid catalytic cracking unit catalyst regenerator will be operated or 180 days after initial start-up, whichever comes first.

A. No owner or operator subject to the provisions of this Subchapter shall discharge or cause the discharge into the atmosphere from any fluid catalytic cracking unit catalyst regenerator:

* * *

[See Prior Text in A.1-2]

B. Where the gases discharged by the fluid catalytic cracking unit catalyst regenerator pass through an incinerator or waste heat boiler in which auxiliary or supplemental liquid or solid fossil fuel is burned, particulate matter in excess of that permitted by Subsection A.1 of this Section may be emitted to the atmosphere, except that the incremental rate of particulate matter emissions shall not exceed 43.0 g/MJ (0.10 lb/million Btu) of heat input attributable to such liquid or solid fossil fuel.

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 by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 21: (April 1995).

§3263. Standard for Carbon Monoxide

A. Each owner or operator of any fluid catalytic cracking unit catalyst regenerator that is subject to the requirements of this Subchapter shall comply with the emission limitations set forth in this Section on and after the date on which the initial performance test required by LAC 33:III.3115 is completed, but not later than 60 days after achieving the maximum production rate at which the fluid catalytic cracking unit catalyst regenerator will be operated or 180 days after initial start-up, whichever comes first.

B. No owner or operator subject to the provisions of this Subchapter shall discharge or cause the discharge into the atmosphere from the fluid catalytic cracking unit catalyst regenerator any gases which contain carbon monoxide (CO) in excess of 500 ppm by volume (dry basis).

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 by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 21: (April 1995).

§3264. Standard for Sulfur Oxides

A. Each owner or operator that is subject to the requirements of this Subchapter shall comply with the emission limitations set forth in this Section on and after the date on which the initial performance test required by LAC 33:III.3115 is completed, but not later than 60 days after achieving the maximum production rate at which the affected facility will be operated or 180 days after initial start-up, whichever comes first.

B. No owner or operator subject to the provisions of this Subchapter shall:

1. burn in any fuel gas combustion device any fuel gas that contains hydrogen sulfide (H_2S) in excess of 230 mg/dscm (0.10 gr/dscf). The combustion in a flare of process upset gases or fuel gas which is released to the flare as the result of relief valve leakage or any other emergency malfunctions is exempt from this Paragraph; or

2. discharge or cause the discharge of any gases into the atmosphere from any Claus sulfur recovery plant containing in excess of:

a. for a reduction control system followed by incineration or an oxidation control system, 250 ppm by volume (dry basis) of sulfur dioxide (SO_2) at zero percent excess air; or

b. for a reduction control system not followed by incineration, 300 ppm by volume of reduced sulfur compounds and 10 ppm by volume of hydrogen sulfide (H_2S), each calculated as ppm SO_2 by volume (dry basis) at zero percent excess air.

C. Each owner or operator that is subject to the provisions of this Subchapter shall comply with one of the following conditions for each affected fluid catalytic cracking unit catalyst regenerator:

1. with an add-on control device reduce sulfur dioxide emissions to the atmosphere by 90 percent or maintain sulfur dioxide emissions to the atmosphere less than or equal to 50 ppm by volume (ppmv), whichever is less stringent; or

2. without the use of an add-on control device, maintain sulfur oxides emissions calculated as sulfur dioxide to the atmosphere less than or equal to 9.8 kg/1,000 kg coke burn-off; or

3. process in the fluid catalytic cracking unit fresh feed that has a total sulfur content no greater than 0.30 percent by weight.

D. Compliance with Subsection C.1, 2 or 3 of this Section is determined daily on a seven-day rolling average basis using the appropriate procedures outlined in LAC 33:III.3266.

E. A minimum of 22 valid days of data shall be obtained every 30 rolling successive calendar days when complying with Subsection C.1 of this Section.

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 by the

Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 21: (April 1995).

§3265. Monitoring of Emissions and Operations

A. Continuous monitoring systems shall be installed, calibrated, maintained, and operated by the owner or operator subject to the provisions of this Subchapter.

1. For fluid catalytic cracking unit catalyst regenerators subject to LAC 33:III.3262.A.2, an instrument for continuously monitoring and recording the opacity of emissions into the atmosphere shall be used. The instrument shall be spanned at 60, 70, or 80 percent opacity.

2. For fluid catalytic cracking unit catalyst regenerators subject to LAC 33:III.3263, an instrument for continuously monitoring and recording the concentration by volume (dry basis) of CO emissions into the atmosphere shall be used, except as provided in Subsection A.2.b of this Section.

a. The span value for this instrument is 1,000 ppm CO.

b. A CO continuous monitoring system need not be installed if the owner or operator demonstrates that the average CO emissions are less than 50 ppm (dry basis) and also files a written request for exemption with the administrative authority and receives such an exemption. The demonstration shall consist of continuously monitoring CO emissions for 30 days using an instrument that shall meet the requirements of Performance Specification 4 (LAC 33:III.6109). The span value shall be 100 ppm CO instead of 1,000 ppm, and the relative accuracy limit shall be 10 percent of the average CO emissions or 5 ppm CO, whichever is greater. For instruments that are identical to those used in Method 10 of 40 CFR part 60 and employ the sample conditioning system of Method 10A (LAC 33:III.6052), the alternative relative accuracy test procedure of Performance Specification 2 (LAC 33:III.6105.J.1) may be used in place of the relative accuracy test.

3. For fuel gas combustion devices subject to LAC 33:III.3264.B.1, an instrument for continuously monitoring and recording the concentration by volume (dry basis, zero percent excess air) of SO_2 emissions into the atmosphere shall be used except where an H_2S monitor is installed under Subsection A.4 of this Section. The monitor shall include an oxygen monitor for correcting the data for excess air.

a. The span values for these monitors are 50 ppm SO_2 and 10 percent oxygen (O_2).

b. The SO_2 monitoring level equivalent to the H_2S standard under LAC 33:III.3264.B.1 shall be 20 ppm (dry basis, zero percent excess air).

c. The performance evaluations for this SO_2 monitor under LAC 33:III.3125.C shall use Performance Specification 2 (LAC 33:III.6105). Methods 3 and 6 (LAC 33:III.6009 and 6025) shall be used for conducting the relative accuracy evaluations. Method 6 (LAC 33:III.6025) samples shall be taken at a flow rate of approximately two liters/minute for at least 30 minutes. The relative accuracy limit shall be 20 percent or 4 ppm, whichever is greater, and the calibration drift limit shall be five percent of the established span value.

d. Fuel gas combustion devices having a common source of fuel gas may be monitored at only one location (i.e.,

after one of the combustion devices), if monitoring at this location accurately represents the SO₂ emissions into the atmosphere from each of the combustion devices.

4. In place of the SO₂ monitor in Subsection A.3 of this Section, an instrument for continuously monitoring and recording the concentration (dry basis) of H₂S in fuel gases before being burned in any fuel gas combustion device shall be used.

a. The span value for this instrument is 425 mg/dscm H₂S.

b. Fuel gas combustion devices having a common source of fuel gas may be monitored at only one location, if monitoring at this location accurately represents the concentration of H₂S in the fuel gas being burned.

c. The performance evaluations for this H₂S monitor under LAC 33:III.3125.C shall use Performance Specification 7 of 40 CFR part 60, appendix B. Method 11 (LAC 33:III.6053) shall be used for conducting the relative accuracy evaluations.

5. For Claus sulfur recovery plants with oxidation control systems or reduction control systems followed by incineration subject to LAC 33:III.3264.B.2.a, an instrument for continuously monitoring and recording the concentration (dry basis, zero percent excess air) of SO₂ emissions into the atmosphere shall be used. The monitor shall include an oxygen monitor for correcting the data for excess air.

a. The span values for these monitors are 500 ppm SO₂ and 10 percent oxygen (O₂).

b. The performance evaluations for this SO₂ monitor under LAC 33:III.3125.C shall use Performance Specification 2 (LAC 33:III.6105). Method 3 and Method 6 (LAC 33:III.6009 and 6025) shall be used for conducting the relative accuracy evaluations.

6. For Claus sulfur recovery plants with reduction control systems not followed by incineration or oxidation control systems subject to LAC 33:III.3264.B.2.b, an instrument for continuously monitoring and recording the concentration of reduced sulfur and O₂ emissions into the atmosphere shall be used. The reduced sulfur emissions shall be calculated as SO₂ (dry basis, zero percent excess air).

a. The span values for these monitors are 450 ppm reduced sulfur and 10 percent O₂.

b. The performance evaluations for this reduced sulfur and oxygen (O₂) monitor under LAC 33:III.3125.C shall use performance specifications of CFR part 60 appendix B, except the calibration drift specification is 2.5 percent of the span value rather than five percent. When Method 15 (LAC 33:III.6063) or Method 15A of 40 CFR part 60, appendix A and Method 3 (LAC 33:III.6009) yields O₂ concentrations below 0.25 percent during the performance specification test, the O₂ concentration may be assumed to be zero and the reduced sulfur CEMS need not include an O₂ monitor.

7. In place of the reduced sulfur monitor under Subsection A.6 of this Section, an instrument using an air or O₂ dilution and oxidation system to convert the reduced sulfur to SO₂ for continuously monitoring and recording the concentration (dry basis, zero percent excess air) of the

resultant SO₂ shall be used. The monitor shall include an oxygen monitor for correcting the data for excess oxygen.

a. The span values for these monitors are 375 ppm SO₂ and 10 percent O₂.

b. For reporting purposes, the SO₂ exceedance level for this monitor is 250 ppm (dry basis, zero percent excess air).

c. The performance evaluations for this SO₂ (and O₂) monitor under LAC 33:III.3125.C shall use performance specifications of CFR part 60 appendix B. Method 15 (LAC 33:III.6063) or Method 15A of 40 CFR part 60 and Method 3 (LAC 33:III.6009) shall be used for conducting the relative accuracy evaluations.

8. An instrument for continuously monitoring and recording concentrations of sulfur dioxide in the gases at both the inlet and outlet of the sulfur dioxide control device from any fluid catalytic cracking unit catalyst regenerator for which the owner or operator seeks to comply with LAC 33:III.3264.C.1 shall be used. The span value of the inlet monitor shall be set at 125 percent of the maximum estimated hourly potential sulfur dioxide emission concentration entering the control device, and the span value of the outlet monitor shall be set at 50 percent of the maximum estimated hourly potential sulfur dioxide emission concentration entering the control device.

9. An instrument for continuously monitoring and recording concentrations of sulfur dioxide in the gases discharged into the atmosphere from any fluid catalytic cracking unit catalyst regenerator for which the owner or operator seeks to comply specifically with the 50 ppmv emission limit under LAC 33:III.3264.C.1 shall be used. The span value of the monitor shall be set at 50 percent of the maximum hourly potential sulfur dioxide emission concentration entering the control device.

10. An instrument for continuously monitoring and recording concentrations of oxygen (O₂) in the gases at both the inlet and outlet of the sulfur dioxide control device (or the outlet only if specifically complying with the 50 ppmv standard) from any fluid catalytic cracking unit catalyst regenerator for which the owner or operator has elected to comply with LAC 33:III.3264.C.1 shall be used. The span of this continuously monitoring system shall be set at 10 percent oxygen (O₂).

11. The continuous monitoring systems under Subsection A.8, 9, and 10 of this Section shall be operated and data recorded during all periods of operation of the affected facility including periods of start-up, shutdown, or malfunction, except for continuous monitoring system breakdowns, repairs, calibration checks, and zero and span adjustments.

12. The owner or operator shall follow Procedure 1 of CFR part 60, including quarterly accuracy determinations and daily calibration drift tests, for the continuous monitoring systems under Subsection A.8, 9, and 10 of this Section.

13. When seeking to comply with LAC 33:III.3264.C.1, when emission data are not obtained because of continuous monitoring system breakdowns, repairs, calibration checks, or zero and span adjustments, emission data will be obtained by

using one of the following methods to provide emission data for a minimum of 18 hours per day in at least 22 out of 30 rolling successive calendar days:

- a. the test methods as described in LAC 33:III.3266.K;
- b. a spare continuous monitoring system; or
- c. other monitoring systems as approved by the administrative authority.

B. Reserved.

C. The average coke burn-off rate (thousands of kilogram/hr) and hours of operation for any fluid catalytic cracking unit catalyst regenerator subject to LAC 33:III.3262, 3263, or 3264.B.2 shall be recorded daily.

[See Prior Text in D]

E. For the purpose of reports under LAC 33:III.3113.C, periods of excess emissions that shall be determined and reported are defined as follows: Note: All averages, except for opacity, shall be determined as the arithmetic average of the applicable one-hour averages, e.g., the rolling three-hour average shall be determined as the arithmetic average of three contiguous one-hour averages.

1. for opacity, all one-hour periods which contain two or more six-minute periods during which the average opacity as measured by the continuous monitoring system under Subsection A.1 of this Section exceeds 30 percent;

2. for carbon monoxide, all hourly periods during which the average CO concentration as measured by the CO continuous monitoring system under Subsection A.2 of this Section exceeds 500 ppm;

3. for sulfur dioxide from fuel gas combustion:

a. all rolling three-hour periods during which the average concentration of SO₂ as measured by the SO₂ continuous monitoring system under Subsection A.3 of this Section exceeds 20 ppm (dry basis, zero percent excess air); or

b. all rolling three-hour periods during which the average concentration of H₂S continuous monitoring system under Subsection A.4 of this Section exceeds 230 mg/dscm (0.10 gr/dscf);

4. for sulfur dioxide from Claus sulfur recovery plants:

a. all 12-hour periods during which the average concentration of SO₂ as measured by the SO₂ continuous monitoring system under Subsection A.5 of this Section exceeds 250 ppm (dry basis, zero percent excess air); or

b. all 12-hour periods during which the average concentration of reduced sulfur (as SO₂) as measured by the SO₂ reduced sulfur continuous monitoring system under Subsection A.6 of this Section exceeds 300 ppm; or

c. all 12-hour periods during which the average concentration of SO₂ as measured by the SO₂ continuous monitoring system under Subsection A.7 of this Section exceeds 250 ppm (dry basis, zero percent excess air).

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Radiation Protection, Air Quality Division, LR21: (April 1995).

§3266. Test Methods and Procedures

A. In conducting the performance tests required in LAC 33:III.3115, the owner or operator shall use as reference methods and procedures the test methods in LAC 33:III.Chapter 60 or other methods and procedures as specified in this Section, except as provided in LAC 33:III.3115.B.

B. The owner or operator shall determine compliance with the particulate matter (PM) standards in LAC 33:III.3262.A as follows:

1. The emission rate (E) of PM shall be computed for each run using the following equation:

$$E = \frac{K C_s Q_{sd}}{R_c}$$

where:

E = Emission rate of PM, kg/1000 kg (lb/1000 lb) of coke burn-off.

C_s = Concentration of PM, g/dscm (lb/dscf).

Q_{sd} = Volumetric flow rate of effluent gas, dscm/hr (dscf/hr).

R_c = Coke burn-off rate, kg coke/hr (1000 lb coke/hr).

K = Conversion factor, 1.0 (kg²/g)/(1000 kg) [10³ lb/(1000 lb)].

2. Method 5B or 5F of 40 CFR part 60 is to be used to determine particulate matter emissions and associated moisture content from affected facilities without wet fuel gas desulfurization (FGD) systems; only Method 5B of 40 CFR part 60 is to be used when samples are taken downstream of wet FGD systems. The sampling time for each run shall be at least 60 minutes and the sampling rate shall be at least 0.015 dscm/min (0.53 dscf/min), except that shorter sampling times may be approved by the administrative authority when process variables or other factors preclude sampling for at least 60 minutes.

3. The coke burn-off rate (R_c) shall be computed for each run using the following equation:

$$R_c = K_1 Q_r (\%CO_2 + \%CO) K_2 Q_s - K_3 Q_r [(\%CO/2) + \%CO_2 + \%O_2]$$

where:

R_c = Coke burn-off rate, kg/hr (1000 lb/hr).

Q_r = Volumetric flow rate of exhaust gas from catalyst regenerator before entering the emission control system, dscm/min (dscf/min).

Q_s = Volumetric flow rate of air to fluid catalytic cracking unit (FCCU) regenerator, as determined from the fluid catalytic cracking unit control room instrumentation, dscm/min (dscf/min).

%CO₂ = Carbon dioxide concentration, percent by volume (dry basis).

%CO = Carbon monoxide concentration, percent by volume (dry basis).

%O₂ = Oxygen concentration, percent by volume (dry basis).

K_1 = Material balance and conversion factor, 0.2982 (kg-min)/(hr-dscm-%) [0.0186 (lb-min)/(hr-dscf-%)].

K_2 = Material balance and conversion factor, 2.088 (kg-min)/(hr-dscm-%) [0.1303 (lb-min)/(hr-dscf-%)].

K_3 = Material balance and conversion factor, 0.0994 (kg-min)/(hr-dscm-%) [0.0062 (lb-min)/(hr-dscf-%)].

a. Method 2 (LAC 33:III.6003) shall be used to determine the volumetric flow rate (Q_v).

b. The emission correction factor, integrated sampling, and analysis procedure of Method 3 (LAC 33:III.6009) shall be used to determine CO_2 , CO, and O_2 concentrations.

4. Method 9 (LAC 33:III.6047) and the procedures of LAC 33:III.3121 shall be used to determine opacity.

C. If auxiliary liquid or solid fossil fuels are burned in an incinerator or waste heat boiler, the owner or operator shall determine the emission rate of PM permitted in LAC 33:III.3262.B as follows:

1. The allowable emission rate (E_s) of PM shall be computed for each run using the following equation:

$$E_s = 1.0 + A \left(\frac{H}{R_c} \right) K'$$

where:

E_s = Emission rate of PM allowed, kg/1000 kg (lb/1000 lb) of coke burn-off in catalyst regenerator.

1.0 = Emission standard, kg coke/1000 kg (lb coke/1000 lb).

A = Allowable incremental rate of PM emissions, 0.18 g/million cal (0.10 lb/million Btu).

H = Heat input rate from solid or liquid fossil fuel, million cal/hr (million Btu/hr).

R_c = Coke burn-off rate, kg coke/hr (1000 lb coke/hr).

K' = Conversion factor to units of standard, 1.0 (kg²/g)/(1000 kg) [10³ lb/(1000 lb)].

2. Procedures subject to the approval of the administrative authority shall be used to determine the heat input rate.

3. The procedure in Subsection B.3 of this Section shall be used to determine the coke burn-off rate (R_c).

D. The owner or operator shall determine compliance with the CO standard in LAC 33:III.3263 by using the integrated sampling technique of Method 10 of 40 CFR part 60, Appendix A to determine the CO concentration (dry basis). The sampling time for each run shall be 60 minutes.

E. The owner or operator shall determine compliance with the H_2S standard in LAC 33:III.3264.B.1 by using Method 11 (LAC 33:III.6053) to determine the hydrogen (H_2) concentration. The gases entering the sampling train should be at about atmospheric pressure. If the pressure in the refinery fuel gas lines is relatively high, a flow control valve may be used to reduce the pressure. If the line pressure is high enough to operate the sampling train without a vacuum pump, the pump may be eliminated from the sampling train. The sample shall be drawn from a point near the centroid of the fuel gas line. The sampling time and sample volume shall

be at least 10 minutes and 0.010 dscm (0.35 dscf). Two samples of equal sampling times shall be taken at about one-hour intervals. The arithmetic average of these two samples shall constitute a run. For most fuel gases, sampling times exceeding 20 minutes may result in depletion of the collection solution, although fuel gases containing low concentrations of H_2S may necessitate sampling for longer periods of time.

F. The owner or operator shall determine compliance with the SO_2 and the H_2S and reduced sulfur standards in LAC 33:III.3264.B.2 as follows:

1. Method 6 (LAC 33:III.6025) shall be used to determine the SO_2 concentration. The concentration in mg/dscm (lb/dscf) obtained by Method 6 (LAC 33:III.6025) is multiplied by 0.3754 to obtain the concentration in ppm. The sampling point in the duct shall be the centroid of the cross section if the cross-sectional area is less than 5.00 m² (54 ft²) or at a point no closer to the walls than 1.00 m (39 in.) if the cross-sectional area is 5.00 m² or more and the centroid is more than 1.00 m from the wall. The sampling time and sample volume shall be at least 10 minutes and 0.010 dscm (0.35 dscf) for each sample. Eight samples of equal sampling times shall be taken at about 30-minute intervals. The arithmetic average of these eight samples shall constitute a run. Method 4 (LAC 33:III.6013) shall be used to determine the moisture content of the gases. The sampling point for Method 4 (LAC 33:III.6013) shall be adjacent to the sampling point for Method 6 (LAC 33:III.6025). The sampling time for each sample shall be equal to the time it takes for two Method 6 (LAC 33:III.6025) samples. The moisture content from this sample shall be used to correct the corresponding Method 6 (LAC 33:III.6025) samples for moisture. For documenting the oxidation efficiency of the control device for reduced sulfur compounds, Method 15 (LAC 33:III.6063) shall be used following the procedures of Subsection F.2 of this Section.

2. Method 15 (LAC 33:III.6063) shall be used to determine the reduced sulfur and H_2S concentrations. Each run shall consist of 16 samples taken over a minimum of three hours. The sampling point shall be the same as that described for Method 6 (LAC 33:III.6025) in Subsection F.1 of this Section. To ensure minimum residence time for the sample inside the sample lines, the sampling rate shall be at least 3.0 lpm (0.10 cfm). The SO_2 equivalent for each run shall be calculated after being corrected for moisture and oxygen as the arithmetic average of the SO_2 equivalent for each sample during the run. Method 4 (LAC 33:III.6013) shall be used to determine the moisture content of the gases as in Subsection F.1 of this Section. The sampling time for each sample shall be equal to the time it takes for four Method 15 (LAC 33:III.6063) samples.

3. The oxygen concentration used to correct the emission rate for excess air shall be obtained by the integrated sampling and analysis procedure of Method 3 (LAC 33:III.6009). The samples shall be taken simultaneously with the SO_2 , reduced sulfur, and H_2S or moisture samples. The SO_2 , reduced sulfur, and H_2S samples shall be corrected to zero percent excess air using the equation in Subsection H of this Section.

G. Each performance test conducted for the purpose of

determining compliance under LAC 33:III.3264.C shall consist of all testing performed over a seven-day period using the applicable test methods and procedures specified in this Section. To determine compliance, the arithmetic mean of the results of all the tests shall be compared with the applicable standard.

H. For the purpose of determining compliance with LAC 33:III.3264.C.1, the following calculation procedures shall be used:

1. Calculate each one-hour average concentration (dry, zero percent oxygen, ppmv) of sulfur dioxide at both the inlet and the outlet to the add-on control device as specified in LAC 33:III.3125.H. These calculations are made using the emission data collected under LAC 33:III.3265.A.

2. Calculate a seven-day average (arithmetic mean) concentration of sulfur dioxide for the inlet and for the outlet to the add-on control device using all of the one-hour average concentration values obtained during seven successive 24-hour periods.

3. Calculate the seven-day average percent reduction using the following equation:

$$R_{SO_2} = \frac{100(C_{SO_{2(i)}} - C_{SO_{2(o)}})}{C_{SO_{2(i)}}}$$

where:

R_{SO_2} = Seven-day average sulfur dioxide emission reduction, percent.

$C_{SO_{2(i)}}$ = Sulfur dioxide emission concentration determined in Subsection H.2 of this Section at the inlet to the add-on control device, ppmv.

$C_{SO_{2(o)}}$ = Sulfur dioxide emission concentration determined in Subsection H.2 of this Section at the outlet to the add-on control device, ppmv.

100 = Conversion factor, decimal to percent.

4. Outlet concentration of sulfur dioxide from the add-on control device for compliance with the 50 ppmv standard, reported on a dry, O₂-free basis, shall be calculated using the procedures outlined in Subsection H.1 and 2 of this Section, but for the outlet monitor only.

5. If supplemental sampling data are used for determining the seven-day averages under this Subsection and such data are not hourly averages, then the value obtained for each supplemental sample shall be assumed to represent the hourly average for each hour over which the sample was obtained.

6. For the purpose of adjusting pollutant concentrations to zero percent oxygen, the following equation shall be used:

$$C_{adj} = C_{meas} \left[\frac{20.9_c}{(20.9 - \%O_2)} \right]$$

where:

C_{adj} = Pollutant concentration adjusted to zero percent oxygen, ppm or g/dscm.

C_{meas} = Pollutant concentration measured on a dry basis, ppm or g/dscm.

20.9_c = 20.9 percent oxygen - 0.0 percent oxygen (defined oxygen correction basis), percent.

20.9 = Oxygen concentration in air, percent.

%O₂ = Oxygen concentration measured on a dry basis, percent.

I. For the purpose of determining compliance with LAC 33:III.3264.C.2, the following reference methods and calculation procedures shall be used except as provided in Subsection I.12 of this Section.

1. One three-hour test shall be performed each day.

2. For gases released to the atmosphere from the fluid catalytic cracking unit catalyst regenerator:

a. Method 8 (LAC 33:III.6045) as modified in Subsection I.3 of this Section for the concentration of sulfur oxides calculated as sulfur dioxide and moisture content;

b. Method 1 (LAC 33:III.6001) for sample and velocity traverses;

c. Method 2 (LAC 33:III.6003) calculation procedures (data obtained from Method 3 and Method 8 [LAC 33:III.6009 and 6045]) for velocity and volumetric flow rate; and

d. Method 3 (LAC 33:III.6009) for gas analysis.

3. Method 8 (LAC 33:III.6045) shall be modified by the insertion of a heated glass fiber filter between the probe and first impinger. The probe liner and glass fiber filter temperature shall be maintained above 160°C (320°F). The isopropanol impinger shall be eliminated. Sample recovery procedures described in Method 8 (LAC 33:III.6045) for container Number 1 shall be eliminated. The heated glass fiber filter also shall be excluded; however, rinsing of all connecting glassware after the heated glass fiber filter shall be retained and included in container Number 2. Sampled volume shall be at least one dscm.

4. For Method 3 (LAC 33:III.6009), the integrated sampling technique shall be used.

5. Sampling time for each run shall be at least three hours.

6. All testing shall be performed at the same location. Where the gases discharged by the fluid catalytic cracking unit catalyst regenerator pass through an incinerator or waste heat boiler in which auxiliary or supplemental gaseous, liquid, or solid fossil fuel is burned, testing shall be conducted at a point between the regenerator outlet and the incinerator or waste heat boiler. An alternative sampling location after the waste heat boiler may be used if alternative coke burn-off rate equations and, if requested, auxiliary/supplemental fuel SO_x credits have been submitted to and approved by the administrative authority prior to sampling.

7. Coke burn-off rate shall be determined using the procedures specified under Subsection B.3 of this Section, unless Subsection I.6 of this Section applies.

8. Calculate the concentration of sulfur oxides as sulfur dioxide using Equation 8-3 in Method 8 (LAC 33:III.6045) to calculate and report the total concentration of sulfur oxides as sulfur dioxide (C_{SO_x}).

9. Sulfur oxides emission rate calculated as sulfur dioxide shall be determined for each test run by the following equation:

$$E_{SO_x} = C_{SO_x} \frac{Q_{sd}}{1,000}$$

where:

E_{SO_x} = Sulfur oxides emission rate calculated as sulfur dioxide, kg/hr.

C_{SO_x} = Sulfur oxides emission concentration calculated as sulfur dioxide, g/dscm.

Q_{sd} = Dry volumetric stack gas flow rate corrected to standard conditions, dscm/hr.

1,000 = Conversion factor, g to kg.

10. Sulfur oxides emissions calculated as sulfur dioxide per 1,000 kg coke burn-off in the fluid catalytic cracking unit catalyst regenerator shall be determined for each test run by the following equation:

$$R_{SO_x} = \left(\frac{E_{SO_x}}{R_c} \right)$$

where:

R_{SO_x} = Sulfur oxides emissions calculated as sulfur dioxide, kg/1,000 kg coke burn-off.

E_{SO_x} = Sulfur oxides emission rate calculated as sulfur dioxide, kg/hr.

R_c = Coke burn-off rate, 1,000 kg/hr.

11. Calculate the seven-day average sulfur oxides emission rate as sulfur dioxide per 1,000 kg of coke burn-off by dividing the sum of the individual daily rates by the number of daily rates summed.

12. An owner or operator may, upon approval by the administrative authority, use an alternative method for determining compliance with LAC 33:III.3264.C.2, as provided in LAC 33:III.3115.B. Any requests for approval must include data to demonstrate to the administrative authority that the alternative method would produce results adequate for the determination of compliance.

J. For the purpose of determining compliance with LAC 33:III.3264.C.3, the following analytical methods and calculation procedures shall be used:

1. One fresh feed sample shall be collected once per eight-hour period.

2. Fresh feed samples shall be analyzed separately by using any one of the following applicable analytical test methods: ASTM D129-64 (Reapproved 1978), ASTM D1552-83, ASTM D2622-87, or ASTM D1266-87. The applicable range of some of these ASTM methods is not adequate to measure the levels of sulfur in some fresh feed samples. Dilution of samples prior to analysis with verification of the dilution ratio is acceptable upon prior approval of the administrative authority.

3. If a fresh feed sample cannot be collected at a single location, then the fresh feed sulfur content shall be determined as follows:

a. Individual samples shall be collected once per eight-hour period for each separate fresh feed stream charged directly into the riser or reactor of the fluid catalytic cracking unit. For each sample location the fresh feed volumetric flow

rate at the time of collection of the fresh feed sample shall be measured and recorded. The same method for measuring volumetric flow rate shall be used at all locations.

b. Each fresh feed sample shall be analyzed separately using the methods specified under Subsection J.2 of this Section.

c. Fresh feed sulfur content shall be calculated for each eight-hour period using the following equation:

$$S_f = \sum_{i=1}^n \frac{S_i Q_i}{Q_f}$$

where:

S_f = Fresh feed sulfur content expressed in percent by weight of fresh feed.

n = Number of separate fresh feed streams charged directly to the riser or reactor of the fluid catalytic cracking unit.

Q_f = Total volumetric flow rate of fresh feed charged to the fluid catalytic cracking unit.

S_i = Fresh feed sulfur content expressed in percent by weight of fresh feed for the "ith" sampling location.

Q_i = Volumetric flow rate of fresh feed stream for the "ith" sampling location.

4. Calculate a seven-day average (arithmetic mean) sulfur content of the fresh feed using all of the fresh feed sulfur content values obtained during seven successive 24-hour periods.

K. The test methods used to supplement continuous monitoring system data to meet the minimum data requirements in LAC 33:III.3264.E will be used as described below or as otherwise approved by the administrative authority.

1. Method 6, Method 6B, or Method 8 (LAC 33:III.6025, 6029, or 6045) is used. The sampling location(s) are the same as those specified for the monitor.

2. For Method 6 (LAC 33:III.6025), the minimum sampling time is 20 minutes and the minimum sampling volume is 0.02 dscm (0.71 dscf) for each sample. Samples are taken at approximately 60-minute intervals. Each sample represents a one-hour average. A minimum of 18 valid samples is required to obtain one valid day of data.

3. For Method 6B (LAC 33:III.6029), collection of a sample representing a minimum of 18 hours is required to obtain one valid day of data.

4. For Method 8 (LAC 33:III.6045), the procedures as outlined in this Section are used. The equivalent of 16 hours of sampling is required to obtain one valid day of data.

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§3267. Reporting and Recordkeeping Requirements

A. Each owner or operator subject to LAC 33:III.3264.C

shall notify the administrative authority of the specific provisions of LAC 33:III.3264.C with which the owner or operator seeks to comply. Notification shall be submitted with the notification of initial start-up required by LAC 33:III.3113.A.3. If an owner or operator elects at a later date to comply with an alternative provision of LAC 33:III.3264.C, then the administrative authority shall be notified by the owner or operator in the quarterly (or semiannual) report described in Subsections C and D of this Section for the quarter during which the change occurred.

B. Each owner or operator subject to LAC 33:III.3264.C shall record and maintain the following information:

1. if subject to LAC 33:III.3264.C.1:

a. all data and calibrations from continuous monitoring systems located at the inlet and outlet to the control device, including the results of the daily drift tests and quarterly accuracy assessments required under 40 CFR part 60, appendix F, procedure 1;

b. measurements obtained by supplemental sampling (refer to LAC 33:III.3265.A.13 and 3266.K) for meeting minimum data requirements; and

c. the written procedures for the quality control program required by 40 CFR part 60, appendix F, procedure 1;

2. if subject to LAC 33:III.3264.C.2, measurements obtained in the daily Method 8 (LAC 33:III.6045) testing or those obtained by alternative measurement methods, if LAC 33:III.3266.I.12 applies;

3. if subject to LAC 33:III.3264.C.3, data obtained from the daily feed sulfur tests; and

4. each seven-day rolling average compliance determination.

C. Each owner or operator subject to LAC 33:III.3264.C shall submit a report each quarter except as provided by Subsection D of this Section. The following information shall be contained in each quarterly report:

1. any seven-day period during which:

a. the average percent reduction and average concentration of sulfur dioxide on a dry, O₂-free basis in the gases discharged to the atmosphere from any fluid cracking unit catalyst regenerator for which the owner or operator seeks to comply with LAC 33:III.3264.C.1 is below 90 percent and above 50 ppmv, as measured by the continuous monitoring system prescribed under LAC 33:III.3265.A.8, or above 50 ppmv, as measured by the outlet continuous monitoring system prescribed under LAC 33:III.3265.A.9. The average percent reduction and average sulfur dioxide concentration shall be determined using the procedures specified under LAC 33:III.3266.H;

b. the average emission rate of sulfur dioxide in the gases discharged to the atmosphere from any fluid catalytic cracking unit catalyst regenerator for which the owner or operator seeks to comply with LAC 33:III.3264.C.2 exceeds 9.8 kg SO_x/1,000 kg coke burn-off, as measured by the daily testing prescribed under LAC 33:III.3266.I. The average emission rate shall be determined using the procedures specified under LAC 33:III.3266.I; and

c. the average sulfur content of the fresh feed for which the owner or operator seeks to comply with LAC 33:III.3264.C.3 exceeds 0.30 percent by weight. The fresh feed sulfur content, a seven-day rolling average, shall be determined using the procedures specified under LAC 33:III.3266.J;

2. any 30-day period in which the minimum data requirements specified in LAC 33:III.3264.E are not obtained;

3. for each seven-day period during which an exceedance has occurred as defined in Subsection C.1.a-c and 2 of this Section:

a. the date that the exceedance occurred;

b. an explanation of the exceedance;

c. whether the exceedance was concurrent with a start-up, shutdown, or malfunction of the fluid catalytic cracking unit or control system; and

d. a description of the corrective action taken, if any;

4. if subject to LAC 33:III.3264.C.1:

a. the dates for which and brief explanations as to why fewer than 18 valid hours of data were obtained for the inlet continuous monitoring system;

b. the dates for which and brief explanations as to why fewer than 18 valid hours of data were obtained for the outlet continuous monitoring system;

c. identification of times when hourly averages have been obtained based on manual sampling methods;

d. identification of the times when the pollutant concentration exceeded full span of the continuous monitoring system;

e. description of any modifications to the continuous monitoring system that could affect the ability of the continuous monitoring system to comply with Method 2 or Method 2A (LAC 33:III.6103 or 6105); and

f. results of daily drift tests and quarterly accuracy assessments as required under 40 CFR part 60, appendix F, procedure 1;

5. if subject to LAC 33:III.3264.C.2, for each day in which a Method 8 (LAC 33:III.6045) sample result was not obtained, the date for which and brief explanation as to why a Method 8 (LAC 33:III.6045) sample result was not obtained, for approval by the administrative authority;

6. if subject to LAC 33:III.3264.C.3, for each eight-hour shift in which a feed sulfur measurement was not obtained, the date for which and brief explanation as to why a feed sulfur measurement was not obtained, for approval by the administrative authority.

D. If no exceedances as defined in Subsection C.1.a-c and 2 of this Section occur in a quarter, and if the owner or operator has not changed the standard under LAC 33:III.3264.C under which compliance is obtained, then the owner or operator may submit a semiannual report in which a statement is included that states no exceedances had occurred during the affected quarter(s). If the owner or operator elects to comply with an alternative provision of LAC 33:III.3264.C, a quarterly report must be submitted for the quarter during which a change occurred.

E. For any periods for which sulfur dioxide or oxides

emissions data are not available, the owner or operator of the affected facility shall submit a signed statement indicating if any changes were made in operation of the emission control system during the period of data unavailability which could affect the ability of the system to meet the applicable emission limit. Operations of the control system and affected facility during periods of data unavailability are to be compared with operation of the control system and affected facility before and following the period of data unavailability.

F. The owner or operator of the affected facility shall submit a signed statement certifying the accuracy and completeness of the information contained in the report.

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 21: (April 1995).

§3268. Performance Test and Compliance Provisions

A. LAC 33:III.3115.D shall apply to the initial performance test specified under Subsection C of this Section, but not to daily performance tests required thereafter as specified in Subsection D of this Section. LAC 33:III.3115.F does not apply when determining compliance with the standards specified under LAC 33:III.3264.C. Performance tests conducted for the purpose of determining compliance under LAC 33:III.3264.C shall be conducted according to the applicable procedures specified under LAC 33:III.3266.

B. Owners or operators who seek to comply with LAC 33:III.3264.C.3 shall meet that standard at all times, including periods of start-up, shutdown, and malfunctions.

C. The initial performance test shall consist of the initial seven-day average calculated for compliance with LAC 33:III.3264.C.1, 2, or 3.

D. After conducting the initial performance test prescribed under LAC 33:III.3115, the owner or operator of a fluid catalytic cracking unit catalyst regenerator subject to LAC 33:III.3264.C shall conduct a performance test for each successive 24-hour period thereafter. The daily performance tests shall be conducted according to the appropriate procedures specified under LAC 33:III.3266. In the event that a sample collected under LAC 33:III.3266.I or J is accidentally lost or conditions occur in which one of the samples must be discontinued because of forced shutdown, failure of an irreplaceable portion of the sample train, extreme meteorological conditions, or other circumstances beyond the owner or operators' control, compliance may be determined using available data for the seven-day period.

E. Each owner or operator subject to one provision of LAC 33:III.3264.C but at a later date seeks to comply with another of the provisions of LAC 33:III.3264.C shall begin conducting daily performance tests as specified under Subsection D of this Section immediately upon electing to become subject to one of the other provisions of LAC 33:III.3264.C. The owner or operator shall furnish the administrative authority a written notification of the change in a quarterly report that must be submitted for the quarter in which the change occurred.

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 21: (April 1995).

James B. Thompson, III
Assistant Secretary

9504#029

RULE

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

Standards of Performance for New Stationary Sources (LAC 33:III.3140) (AQ89)

(Editor's Note: The following portion of a rule, which was published on page 263 of the March 20, 1995 Louisiana Register, is being republished to include editorial changes requested by the Air Quality Division.)

Title 33

ENVIRONMENTAL QUALITY

Part III. Air

Chapter 31. Standards of Performance for New Stationary Sources

Subchapter B. Standards of Performance for Fossil-Fuel-Fired Steam Generators for Which Construction is Commenced After August 17, 1971 (Subpart D)

§3140. Emission and Fuel Monitoring

A. - F.4. ...

a. For anthracite coal, as classified according to ASTM D388-77: $F = 2,723 \times 10^{-17} \text{ dscm/J}$ (10,140 dscf/million Btu) and $F_c = 0.532 \times 10^{-17} \text{ scm CO}_2/\text{J}$ (1,980 scf CO₂/million Btu).

b. For subbituminous and bituminous coal, as classified according to ASTM D388-77: $F = 2.637 \times 10^{-7} \text{ dscm/J}$ (9,820 dscf/million Btu) and $F_c = 0.486 \times 10^{-7} \text{ scm CO}_2/\text{J}$ (1,810 scf CO₂/million Btu).

c. - f. ...

5. ...

$F = 10^6 [227.2(\text{pct.H}) + 95.5(\text{pct.C}) + 35.6(\text{pct.S}) + 8.7(\text{pct.N}) - 28.7(\text{pct.O})]/\text{GCV}$

$F_c = [2.0 \times 10^{-5} (\text{pct.C})]/\text{GCV}$ (SI Units)

$F = 10^6 [3.64(\%H) + 1.53(\%C) + 0.57(\%S) + 0.14(\%N) - 0.46(\%O)]/\text{GCV}$ (English Units)

$F_2 = [20.0(\%C)]/\text{GCV}$ (SI Units)

$F_c = [321 \times 10^3 (\%C)]/\text{GCV}$ (English Units)

a. - G.3. ...

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 14:348 (June 1988), amended by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 21:263 (March 1995), repromulgated LR 21: (April 1995).

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9504#033

RULE

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

Limiting VOC Emissions from Reactor Processes and Distillation Operation, Batch Processes and Cleanup Solvent Operations (LAC 33:III.2147) (AQ104)

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950, et seq., the secretary has amended the Air Quality Division Regulations, LAC 33:III.2147, (AQ104).

These additions to LAC 33:III. Chapter 21, relate to the reduction of volatile organic compound (VOC) emissions from: (1) reactor processes and distillation operations in the synthetic organic chemical manufacturing industry (SOCMI); (2) batch chemical processes; and (3) cleanup solvent operations. This is to be accomplished utilizing reasonably available control technology (RACT). It applies to sources located in ozone non-attainment parishes classified as marginal or above and that emit at least 50 tons per year of VOCs.

This action is required as a result of the Federal Clean Air Act Amendments (CAAA) of 1990, section 182(c) and by the directives of the United States Environmental Protection Agency (USEPA).

Title 33

ENVIRONMENTAL QUALITY

Part III. Air

Chapter 21. Control of Emission of Organic Compounds

Subchapter J. Limiting Volatile Organic Compound (VOC) Emissions from Reactor Processes and Distillation Operations in the Synthetic Organic Chemical Manufacturing Industry (SOCMI)

§2147. Limiting VOC Emissions from SOCMI Reactor Processes and Distillation Operations

A. Applicability

1. The provisions of this Subchapter apply to any vent stream discharging to the atmosphere and originating from a process unit in which a reactor process or distillation operation is located. This Subchapter shall apply to all vents located at facilities that emit, or have the potential to emit, 50 tons per year or more of volatile organic compounds, plantwide, in the affected parishes of Ascension, Calcasieu, East Baton Rouge, Iberville, Livingston, Pointe Coupee and West Baton Rouge. Once an operation is considered to be covered by this Subchapter, it shall be so considered ad infinitum. A decision tree is provided (Figure 1) to facilitate determination of applicability to this Subchapter on a per vent basis. The total resource effectiveness (TRE) index value may be applied on an individual process vent stream basis for a given process unit. Compliance with this rule shall be attained within a period of two years after promulgation. Any emission source that is subject to this rule and to the Waste Gas Disposal Rule

(LAC 33:III.2115) shall comply with this rule only. This rule shall apply only to Standard Industrial Major Code 28.

2. Exemptions from the provisions of this Subchapter are as follows:

a. any reactor process or distillation vent stream for which an existing combustion device is employed to control volatile organic compound (VOC) emissions is not required to meet the 98 percent destruction or 20 parts per million (ppm) by volume emissions limit until the combustion device is replaced for other reasons;

b. any reactor process or distillation operation that is designed and operated in a batch mode is not subject to the provisions of this Subchapter;

c. any reactor process or distillation operation that is part of a polymer manufacturing operation is not subject to the provisions of this Subchapter;

d. any reactor process or distillation operation operating in a process unit with a total design capacity of less than one gigagrams per year for all chemicals produced within that unit is not subject to the provisions of this Subchapter except for the reporting and recordkeeping requirements listed in Subsection F.4 of this Section; and

e. any vent stream for a reactor process or distillation operation with a flow rate of less than 0.011 standard cubic meters per minute or a total VOC concentration of less than 500 ppm by volume is not subject to the provisions of this Subchapter except for the performance testing requirements listed in Subsection D.3.b and 9 of this Section and the reporting and recordkeeping requirements listed in Subsection F.3 of this Section.

f. Any reactor process or distillation operation which does not use, contain or produce VOCs is not subject to the provisions of this Subchapter.

g. Any reactor process or distillation operation that is subject to the Hazardous Organic NESHAP (HON), the NSPS of Subchapter NNN for distillation operations or the NSPS of Subchapter RRR for reactor processes is not subject to the provisions of this Subchapter.

B. Definitions. Unless specifically defined in LAC 33:III.111, the terms in this Subchapter shall have the meanings commonly used in the field of air pollution control. Additionally, the following meanings apply, unless the context clearly indicates otherwise.

Batch Mode—a discontinuous process involving the bulk movement of material through sequential manufacturing steps. Mass, temperature, concentration and other properties of the system vary with time. Batch processes are typically characterized as "nonsteady-state."

Boiler—any enclosed combustion device that extracts useful energy in the form of steam.

By Compound—by individual stream components, not carbon equivalents.

Continuous Recorder—a data recording device that either records an instantaneous data value at least once every 15 minutes or records 15-minute or more frequent block average values.

Distillation Operation—an operation separating one or more feed streams into two or more exit streams, each exit

stream having component concentrations different from those in the feed stream(s). The separation is achieved by the redistribution of the components between the liquid and vapor phases as they approach equilibrium within the distillation unit.

Distillation Unit—a device or vessel in which distillation operations occur, including all associated internals (such as trays or packing) and accessories (such as reboiler, condenser, vacuum pump, steam jet, etc.), plus any associated recovery system.

Flame Zone—the portion of the combustion chamber in a boiler occupied by the flame envelope.

Flow Indicator—a device that indicates whether gas flow is present in a vent stream.

Halogenated Vent Stream—any vent stream containing a total concentration of halogen atoms (by volume) contained in halogenated organic compounds of 200 ppm by volume or greater determined by using LAC 33:III.6071 (Method 18) or other test or validated data by the United States Environmental Protection Agency's (EPA) Method 301 of 40 CFR part 63, appendix A, or by engineering assessment or process knowledge that no halogenated organic compounds are present. For example, 150 ppm by volume of ethylene dichloride would contain 300 ppm by volume of total halogen atoms.

Incinerator—any enclosed combustion device that is used for destroying organic compounds. Auxiliary fuel may be used to heat waste gas to combustion temperatures. Any energy recovery section present is not physically formed into one section; rather, the energy recovery system is a separate section following the combustion section and the two are joined by ducting or connections that carry flue gas.

Primary Fuel—the fuel that provides the principal heat input to the device. To be considered primary, the fuel must be able to sustain operation without the addition of other fuels.

Process Heater—a device that transfers heat liberated by burning fuel to fluids contained in tubes, including all fluids except water that is heated to produce steam.

Process Unit—equipment assembled and connected by pipes or ducts to produce, as intermediates or final products, one or more synthetic organic chemical manufacturing industry (SOCMI) chemicals (See LAC 33:III.2145.Table 8). A process unit can operate independently if supplied with sufficient feed or raw materials and sufficient storage facilities.

Product—any compound or SOCMI chemical that is produced as that chemical for sale as a product, by-product, co-product or intermediate or for use in the production of other chemicals or compounds.

Reactor Processes—unit operations in which one or more chemicals or reactants other than air are combined or decomposed in such a way that their molecular structures are altered and one or more new organic compounds are formed.

Recovery Device—an individual unit of equipment, such as an absorber, carbon adsorber, or condenser, capable of and used for the purpose of recovering chemicals for subsequent use, reuse, destruction, disposal by underground injection, or sale.

Recovery System—an individual recovery device or series of such devices applied to one vent stream.

Total Organic Compounds (TOC)—those compounds measured according to the procedures of LAC 33:III.6071 (Method 18), for the purpose of measuring molar composition as required in Subsection D.5.b of this Section, hourly emission rate as required in Subsection D.2 and 5.d of this Section, and TOC concentration as required in Subsection F.1.d and 2 of this Section. The definition of TOC excludes those compounds that the administrative authority* designates as having negligible photochemical reactivity as listed in 40 CFR 51.100(s).

Total Resource Effectiveness (TRE) Index Value—a measure of the supplemental total resource requirement per unit reduction of TOC associated with a process vent stream, based on vent stream flow rate, emission rate of VOC, net heating value, and corrosion properties (whether or not the vent stream contains halogenated compounds) as quantified by the given equations. The TRE index is a decision tool used to determine if the annual cost of controlling a given vent stream is acceptable when considering the emissions reduction achieved.

Vent Stream—any gas stream discharged directly from a distillation operation or reactor process to the atmosphere or indirectly to the atmosphere after diversion through other process equipment. The vent stream excludes relief valve discharges, equipment leaks including, but not limited to, pumps, compressors, and valves, vents from storage vessels, vents from transfer/loading operations, and vents from wastewater. The vent stream also excludes process gaseous streams that are used as primary fuels. The lines that transfer such fuels to a plant fuel gas system are not considered vents.

Volatile Organic Compound Control Device—any equipment used for oxidizing or destroying VOCs. Such equipment includes, but is not limited to, incinerators, flares, boilers, and process heaters.

C. Control Requirements

1. For individual vent streams from an affected reactor process or distillation operation with a TRE index value less than or equal to 1.0, the owner or operator shall:

a. reduce emission of TOC (less methane and ethane) by 98 weight-percent or to a concentration of 20 ppm by volume, on a dry basis corrected to three percent oxygen, whichever is less stringent by means of a VOC recovery and/or control device, if such a control device is necessary. If a boiler or process heater is used to comply with this Section, then the vent stream shall be introduced into the flame zone of the boiler or process heater; or

b. combust emissions in a flare. Flares used to comply with this Section shall comply with the requirements of LAC 33:III.3131. The flare operation requirement does not apply if a process vents an emergency relief discharge into a common flare header and causes the flare servicing the process to be out of compliance with one or more of the provisions of the flare operation rule.

2. For each individual vent stream from an affected reactor process or distillation operation with a TRE index

value greater than 1.0, the owner or operator shall maintain vent stream parameters that result in a calculated TRE index value greater than 1.0 without the use of a volatile organic compound control device and with or without the use of one or more recovery devices. The TRE index shall be calculated at the outlet of the final recovery device, if any, as specified in Subsection D.5.a.i of this Section except if an affected vent stream is mixed with an unaffected vent stream prior to the final recovery device as specified in Subsection D.5 of this Section. If it can be demonstrated that a TRE index value is greater than 1.0 prior to the use of a recovery device, then such recovery device is not subject to the requirements of this Subchapter.

D. Total Effectiveness Determination, Performance Testing, and Exemption Testing

1. For the purpose of demonstrating compliance with the TRE index value in Subsection C.2 of this Section, engineering assessment may be used to determine process vent stream flow rate, net heating value, and TOC emission rate for the representative operating condition expected to yield the lowest TRE index value.

a. If the TRE value calculated using such engineering assessment and the TRE equation in Subsection D.6 of this Section is greater than 4.0, then it is not required that the owner or operator perform the measures specified in Subsection D.5 of this Section.

b. If the TRE value calculated using such engineering assessment and the TRE equation in Subsection D.6 of this Section is less than or equal to 4.0, then it is required that the owner or operator perform the measurements specified in Subsection D.5 of this Section.

c. Engineering assessment includes, but is not limited to, the following:

i. previous test results that proved the test was representative of current operating practices at the process unit;

ii. bench-scale or pilot-scale test data representative of the process under representative operating conditions;

iii. maximum flow rate specified or implied within a permit limit applicable to the process vent;

iv. design analysis based on accepted chemical engineering principles, measured process parameters, or physical or chemical laws or properties. Examples for analytical methods include, but are not limited to:

(a). use of material balances based on process stoichiometry to estimate maximum VOC concentrations;

(b). estimation of maximum flow rate based on physical equipment design such as pump or blower capacities;

(c). estimation of TOC concentrations based on saturation conditions; or

(d). estimation of maximum expected net heating value based on the stream concentration of each organic compound or, alternatively, as if all TOC in the stream were the compound with the highest heating value; and

v. documentation of all data, assumptions, and procedures used in the engineering assessment.

2. For purposes of demonstrating compliance with the

control requirements of this Subchapter, the process unit shall be run at representative operating conditions and flow rates during any performance test.

3. The following methods in LAC 33:III. Chapter 60 shall be used to demonstrate compliance with the emission limit or percent reduction efficiency requirement listed in Subsection C.1.a of this Section.

a. LAC 33:III.6001 (Method 1) or LAC 33:III.6002 (Method 1A), as appropriate, shall be used for selection of the sampling sites. The control device inlet sampling site for determination of vent stream molar composition or TOC (less methane and ethane) reduction efficiency shall be located after the last recovery device but prior to the inlet of the control device, prior to any dilution of the process vent stream, and prior to release to the atmosphere.

b. LAC 33:III.6003 (Method 2), LAC 33:III.6005 (Method 2A), LAC 33:III.6006 (Method 2C), or LAC 33:III.6008 (Method 2D), as appropriate, shall be used for determination of the gas stream volumetric flow rate.

c. The emission rate correction factor, integrated sampling and analysis procedure of LAC 33:III.6009 (Method 3) shall be used to determine the oxygen concentration (% O_{2d}) for the purpose of determining compliance with the 20 ppm by volume limit. The sampling site shall be the same as that for the TOC samples, and samples shall be taken during the same time that the TOC samples are taken. The TOC concentration corrected to three percent oxygen (C_c) shall be computed using the following equation:

$$C_c = C_{TOC} \times \frac{17.9}{20.9 - \% O_{2d}}$$

where:

C_c = Concentration of TOC (minus methane and ethane) corrected to three percent O₂, dry basis, ppm by volume.

C_{TOC} = Concentration of TOC (minus methane and ethane), dry basis, ppm by volume.

% O_{2d} = Concentration of oxygen, dry basis, percent by volume.

d. LAC 33:III.6071 (Method 18) shall be used to determine the concentration of TOC (minus methane and ethane) at the outlet of the control device when determining compliance with the 20 ppm by volume limit, or at both the control device inlet and outlet when the reduction efficiency of the control device is to be determined.

i. The minimum sampling time for each run shall be one hour in which either an integrated sample or four grab samples shall be taken. If grab sampling is used then the samples shall be taken at 15-minute intervals.

ii. The emission reduction (R) of TOC (minus methane and ethane) shall be determined using the following equation:

$$R = \frac{E_i - E_o}{E_i} \times 100$$

where:

R = Emission reduction, percent by weight.

E_i = Mass rate of TOC (minus methane and ethane) entering the control device, kilogram TOC per hour.

E_o = Mass rate of TOC (minus methane and ethane) discharged to the atmosphere, kilogram TOC per hour.

iii. The mass rates of TOC (E_i , E_o) shall be computed using the following equations:

$$E_i = K_2 \left(\sum_{j=1}^n C_{ij} M_{ij} \right) Q_i$$

$$E_o = K_2 \left(\sum_{j=1}^n C_{oj} M_{oj} \right) Q_o$$

where:

C_{ij} , C_{oj} = Concentration of sample component "j" of the gas stream at the inlet and outlet of the control device, respectively, dry basis, ppm by volume.

M_{ij} , M_{oj} = Molecular weight of sample component "j" of the gas stream at the inlet and outlet of the control device, respectively, grams per gram-mole.

Q_i , Q_o = Flow rate of gas at the inlet and outlet of the control device, respectively, dry standard cubic meters per minute.

K_2 = 2.494×10^{-6} (liters per minute)(gram-mole per standard cubic meter) is 20°C .

iv. The TOC concentration (C_{TOC}) is the sum of the individual components and shall be computed for each run using the following equation:

$$C_{\text{TOC}} = \sum_{j=1}^n C_j$$

where:

C_{TOC} = Concentration of TOC (minus methane and ethane), dry basis, ppm by volume.

C_j = Concentration of sample component "j", dry basis, ppm by volume.

n = Number of components in the sample.

e. When a boiler or process heater with a design heat input capacity of 44 megawatts or greater, or a boiler or process heater into which the process stream is introduced with the primary fuel, is used to comply with the control requirements, an initial performance test is not required.

4. When a flare is used to comply with the control requirements of this Subchapter, the flare shall comply with the requirements of LAC 33:III.3131.

5. The following test methods shall be used to determine compliance with the TRE index value in Subsection C.2 of this Section.

a. LAC 33:III.6001 (Method 1) or LAC 33:III.6002 (Method 1A), as appropriate, shall be used for selection of the sampling site.

i. The sampling site for the vent stream molar composition determination and flow rate prescribed in Subsection D.5.b and c of this Section shall be, except for the situations outlined in Subsection D.5.a.ii of this Section, after the final recovery device, if a recovery system is present, prior to any post-reactor or post-distillation unit introduction of halogenated compounds into the process vent stream. No traverse site selection method is needed for vents smaller than 10 centimeters in diameter.

ii. If any gas stream other than the reactor or distillation vent stream is normally conducted through the final recovery device:

(a). the sampling site for the vent stream flow rate and molar composition shall be prior to the final recovery device and prior to the point at which any nonreactor or nondistillation stream or stream from a nonaffected reactor or distillation unit is introduced. Method 18 (LAC 33:III.6071) shall be used to measure organic compound concentrations at this site;

(b). the efficiency of the final recovery device is determined by measuring the organic compound concentrations using LAC 33:III.6071 (Method 18) at the inlet to the final recovery device after the introduction of all vent streams and at the outlet of the final recovery device;

(c). the efficiency of the final recovery device according to Subsection D.5.a.ii.(b) of this Section shall be applied to the organic compound concentrations measured according to Subsection D.5.a.ii.(a) of this Section to determine the concentrations of organic compounds from the final recovery device attributable to the reactor or distillation vent stream. The resulting organic compound concentrations are then used to perform the calculations outlined in Subsection D.5.d of this Section.

b. The molar composition of the vent stream shall be determined as follows:

i. LAC 33:III.6071 (Method 18) shall be used to measure the concentration of organic compounds including those containing halogens.

ii. ASTM D1946-77 shall be used to measure the concentration of carbon monoxide and hydrogen.

iii. LAC 33:III.6013 (Method 4) shall be used to measure the content of water vapor.

c. The volumetric flow rate shall be determined using LAC 33:III.6003 (Method 2), LAC 33:III.6005 (Method 2A), LAC 33:III.6006 (Method 2C) or LAC 33:III.6008 (Method 2D), as appropriate.

d. The emission rate of TOC (minus methane and ethane) (E_{TOC}) in the vent stream shall be calculated using the following equation:

$$E_{\text{TOC}} = K_2 \sum_{j=1}^n C_j M_j Q_s$$

where:

E_{TOC} = Emission rate of TOC (minus methane and ethane) in the sample, kilograms per hour.

K_2 = Constant, 2.494×10^{-6} (liters per ppm) x (gram-

moles per standard cubic meter [scm]) (kilograms per gram) (minutes per hour), where standard temperature for (gram-mole per scm) x (gram-mole per scm) is 20°C.

C_j = Concentration of sample component "j", on a dry basis, in ppm as measured by LAC 33:III.6071 (Method 18), as indicated in Subsection D.3.d of this Section.

M_j = Molecular weight of sample component "j", grams per gram-mole.

Q_s = Vent stream flow rate (scm per minute) at a temperature of 20°C, on a dry basis.

e. The total process vent stream concentration (by volume) of compounds containing halogens (ppm by volume, by compound) shall be summed from the individual concentrations of compounds containing halogens which were measured by LAC 33:III.6071 (Method 18).

f. The net heating value of the vent stream shall be calculated using the equation:

$$H_T = K_1 \sum_{j=1}^n C_j H_j (1 - B_{ws})$$

where:

H_T = net heating value of the sample (megajoules per standard cubic meter), where the net enthalpy per mole of vent stream is based on combustion at 25°C and 760 millimeters of mercury, but the standard temperature for determining the volume corresponding to one mole is 20°C, as in the definition of Q_s (vent stream flow rate).

K_1 = Constant, 1.740×10^{-7} (ppm)⁻¹ (gram-mole per standard cubic meter), (megajoules per kilocalorie), where standard temperature for (gram-mole per standard cubic meter) is 20°C.

B_{ws} = Water vapor content of the vent stream, proportion by volume; except that if the vent stream passes through a final stream jet and is not condensed, it shall be assumed that $B_{ws} = 0.023$ in order to correct 2.3 percent moisture.

C_j = Concentration on a dry basis of sample component "j" in parts per million, as measured for all organic compounds by LAC 33:III.6071 (Method 18) and measured for hydrogen and carbon monoxide by ASTM D1946-77.

H_j = Net heat of combustion of sample component "j", kilocalories per gram-mole, based on combustion at 25°C and 760 millimeters of mercury. The heats of combustion of vent stream components shall be determined using ASTM D2382-76 if published values are not available or cannot be calculated.

6. The TRE index value of the vent shall be calculated using the following equation:

$$TRE = \frac{1}{E_{TOC}} [a + b (Q_s) + c (H_T) + d (E_{TOC})]$$

where:

TRE = TRE index value.

E_{TOC} = Hourly emission rate of TOC (minus methane and ethane), kilograms per hour, as calculated in Subsection D.5.d of this Section.

Q_s = Vent stream flow rate standard cubic meters per minute at a standard temperature of 20°C.

H_T = Vent stream net heating value (megajoules per standard cubic meter), as calculated in Subsection D.5.f of this Section.

a,b,c,d = Coefficients presented in Table 1.

Type of Stream	Control Device Basis	Values of Coefficient			
		a	b	c	d
Nonhalogenated	Flare	2.129	0.183	-0.005	0.359
	Thermal incinerator 0 Percent heat Recovery	3.075	0.021	-0.037	0.018
	Thermal incinerator 70 Percent heat Recovery	3.803	0.032	-0.042	0.007
Halogenated	Thermal incinerator and scrubber	5.470	0.181	-0.040	0.004

a. The owner or operator of a unit with a nonhalogenated vent stream shall use the applicable coefficients in Table 1 to calculate the TRE index value based on a flare, thermal incinerator with zero percent heat recovery, and a thermal incinerator with 70 percent heat recovery, and shall select the lowest TRE index value.

b. The owner or operator of a unit with a halogenated vent stream, determined as any stream with a total concentration of halogen atoms contained in organic compounds of 200 ppm by volume or greater, shall use the applicable coefficients in Table 1 to calculate the TRE index value based on a thermal incinerator and scrubber.

7. Each owner or operator of an affected facility seeking to comply with Subsection C.2 of this Section shall recalculate the flow rate and TOC concentration for that affected facility whenever process changes are made. Examples of process changes include changes in production capacity, feedstock type, or catalyst type or replacement, removal, or addition of recovery equipment. The flow rate and concentration shall be recalculated based on test data or on best engineering estimates of the effects of the change to the recovery system.

8. Where the recalculated values yield a TRE index value less than or equal to 1.0, the owner or operator shall notify the administrative authority* within one week of the recalculation and shall conduct a performance test as soon as possible, but no later than 180 days after the recalculation of

the TRE index according to the methods and procedures required by this Subsection.

9. The following procedures shall be used to demonstrate that a process vent stream has a VOC concentration below 500 ppm by volume.

a. The sampling site shall be selected as specified in Subsection D.3.a of this Section.

b. LAC 33:III.6071 (Method 18) or LAC 33:III.6086 (Method 25A) shall be used to measure concentration; alternatively, any other method or data that has been validated according to the protocol in EPA Method 301 of 40 CFR part 63, appendix A may be used.

c. Where LAC 33:III.6071 (Method 18) is used, the following procedures shall be used to calculate parts per million by volume concentration.

i. The minimum sampling time for each run shall be one hour in which either an integrated sample or four grab samples shall be taken. If grab sampling is used, then the samples shall be taken at approximately equal intervals in time, such as 15-minute intervals during the run.

ii. The concentration of TOC (minus methane and ethane) shall be calculated using LAC 33:III.6071 (Method 18) according to Subsection D.3.d of this Section.

d. Where LAC 33:III.6086 (Method 25A) is used, the following procedures shall be used to calculate parts per million by volume TOC concentration.

i. LAC 33:III.6086 (Method 25A) shall be used only if a single VOC is greater than 50 percent of total VOC, by volume, in the process vent stream.

ii. The process vent stream composition may be determined by either process knowledge, test data collected using an appropriate method previously promulgated, or a method of data collection validated according to the protocol in EPA Method 301 of 40 CFR part 63, appendix A. Examples of information that could constitute process knowledge include calculations based on material balances, process stoichiometry, or previous test results provided the results are still relevant to the current process vent stream conditions.

iii. The VOC used as the calibration gas for LAC 33:III.6086 (Method 25A) shall be the single VOC present at greater than 50 percent of the total VOC by volume.

iv. The span value for LAC 33:III.6086 (Method 25A) shall be 50 ppm by volume.

v. Use of LAC 33:III.6086 (Method 25A) is acceptable if the response from the high level calibration gas is at least 20 times the standard deviation of the response from the zero calibration gas when the instrument is zeroed on the most sensitive scale.

vi. The concentration of TOC shall be corrected to 3 percent oxygen using the procedures and equation in Subsection D.3.c of this Section.

e. The owner or operator shall demonstrate that the concentration of TOC including methane and ethane measured by LAC 33:III.6086 (Method 25A) is below 250 ppm by volume with VOC concentration below 500 ppm by volume to qualify for the low concentration exclusion.

E. Monitoring Requirements

1. The owner or operator of an affected facility that uses an incinerator to seek to comply with the TOC emission limit specified under Subsection C.1.a of this Section shall install, calibrate, maintain, and operate according to manufacturer's specifications, a temperature monitoring device equipped with a continuous recorder having an accuracy of $\pm 0.5^{\circ}\text{C}$, or alternatively ± 1 percent, as follows:

a. where an incinerator other than a catalytic incinerator is used, a temperature monitoring device shall be installed in the firebox or in the ductwork immediately downstream of the firebox before any substantial heat exchange is encountered;

b. where a catalytic incinerator is used, temperature monitoring devices shall be installed in the gas stream immediately before and after the catalyst bed.

2. The owner or operator of an affected facility that uses a flare to seek to comply with Subsection C.1.b of this Section shall install, calibrate, maintain, and operate according to manufacturer's specifications, a heat-sensing device, such as an ultraviolet beam sensor or thermocouple, at the pilot light to indicate the continuous presence of a flame.

3. The owner or operator of an affected facility that uses a boiler or process heater with a design heat input capacity less than 44 megawatts to seek to comply with Subsection C.1.b of this Section shall install, calibrate, maintain, and operate according to the manufacturer's specifications, a temperature monitoring device in the firebox or in the ductwork immediately downstream of the firebox before any substantial heat exchange is encountered. The monitoring device should be equipped with a continuous recorder and have an accuracy of ± 1 percent of the temperature being measured expressed in degrees Celsius or $\pm 0.5^{\circ}\text{C}$, whichever is greater. Any boiler or process heater in which all vent streams are introduced with primary fuel is exempt from this requirement.

4. The owner or operator of an affected facility that seeks to demonstrate compliance with the TRE index limit specified under Subsection C.2 of this Section shall install, calibrate, maintain, and operate according to manufacturer's specifications the following equipment:

a. where an absorber is the final recovery device in the recovery system:

i. a scrubbing liquid temperature monitor equipped with a continuous recorder; and

ii. a specific gravity monitor equipped with continuous recorders;

b. where a condenser is the final recovery device in the recovery system, a condenser exit (product side) temperature monitoring device equipped with a continuous recorder and having an accuracy of ± 1 percent of the temperature being monitored expressed in degrees Celsius or $\pm 0.5^{\circ}\text{C}$, whichever is greater;

c. where a carbon adsorber is the final recovery device unit in the recovery system, an integrating regeneration stream flow monitoring device having an accuracy of ± 10 percent, capable of recording the total regeneration stream mass flow

for each regeneration cycle, and a carbon bed temperature monitoring device having an accuracy of ± 1 percent of the temperature being monitored, or $\pm 0.5^\circ\text{C}$, capable of recording the carbon bed temperature after each regeneration and within 25 minutes of completing any cooling cycle.

d. where a pressure swing adsorption (PSA) unit is the final recovery device in the recovery system, instead of Subsection E.4.c of this Section the temperature of the bed near the inlet and near the outlet shall be continuously monitored and recorded. The temperature monitoring devices shall have an accuracy of ± 1 percent of the temperature being measured or $\pm 0.5^\circ\text{C}$. Proper operation shall be evidenced by a uniform pattern of temperature increases and decreases near the inlet and a fairly constant temperature near the outlet.

e. where an absorber scrubs halogenated streams after an incinerator, boiler, or process heater, the following monitoring equipment is required for the scrubber:

i. a pH monitoring device equipped with a continuous recorder; and

ii. flow meters equipped with continuous recorders to be located at the scrubber influent for liquid flow and the scrubber inlet for gas stream flow.

f. as noted in Subsection F.1.d.iv of this Section an organics monitoring device may be used as an alternative method.

5. The owner or operator of a process vent using a vent system that contains bypass lines (other than low leg drains, high point bleeds, analyzer vents open-ended valves or lines and pressure relief valves) that could divert a vent stream away from the combustion device used shall either:

a. install, calibrate, maintain, and operate a flow indicator/recorder that provides a record of vent stream flow at least once every 15 minutes. The flow indicator shall be installed at the entrance to any bypass line that diverts the vent stream away from the combustion device to the atmosphere; or

b. secure the bypass line valve in the closed position with a car-seal or a lock-and-key type configuration. A visual inspection of the seal or closure mechanism shall be performed at least once per month to ensure that the valve is maintained in the closed position and the vent stream is not diverted through the bypass line.

F. Reporting/Recordkeeping Requirements

1. Each reactor process or distillation operation subject to this Subchapter shall keep records of the following parameters measured during a performance test or TRE determination required under Subsection D of this Section and required to be monitored under Subsection E of this Section:

a. where an owner or operator subject to the provisions of this Subchapter seeks to demonstrate compliance with Subsection C.1.a of this Section through the use of either a thermal or catalytic incinerator:

i. the average firebox temperature of the incinerator (or the average temperature upstream and downstream of the catalyst bed for a catalytic incinerator), measured at least every 15 minutes and averaged over the same period as the performance testing; and

ii. the percent reduction of TOC determined as specified in Subsection D.3 of this Section achieved by the incinerator or concentration of TOC (parts per million by volume, by compound) determined as specified in Subsection D.3 of this Section at the outlet of the control device on a dry basis corrected to 3 percent oxygen;

b. where an owner or operator subject to the provisions of this Subchapter seeks to demonstrate compliance with Subsection C.1.a of this Section through the use of a boiler or process heater:

i. a description of the location at which the vent stream is introduced into the boiler or process heater; and

ii. the average combustion temperature of the boiler or process heater with a design heat input capacity of less than 44 megawatts measured at least every 15 minutes and averaged over the same time period as the performance testing;

iii. any boiler or process heater in which all vent streams are introduced with primary fuel are exempt from these requirements;

c. where an owner or operator subject to the provisions of this Subchapter seeks to demonstrate compliance with Subsection C.1.b of this Section through use of a smokeless flare, flare design (i.e., steam-assisted, air-assisted, or nonassisted), all visible emission readings, heat content determinations, flow measurements, and exit velocity determinations made during the performance test; continuous flare pilot flame monitoring, and all periods of operation during which the pilot flame is absent;

d. where an owner or operator subject to the provisions of this Subchapter seeks to demonstrate compliance with Subsection C.2 of this Section:

i. where an absorber is the final recovery device in the recovery system, the exit specific gravity (or alternative parameter which is a measure of the degree of absorbing liquid saturation, if approved by the administrative authority*) and average exit temperature of the absorbing liquid measured at least every 15 minutes and averaged over the same time period as the performance testing (both measured while the vent stream is normally routed and constituted); or

ii. where a condenser is the final recovery device in the recovery system, the average exit (product side) temperature measured at least every 15 minutes and averaged over the same time period as the performance testing while the vent stream is routed and constituted normally; or

iii. where a carbon adsorber is the final recovery device in the recovery system, the total stream mass or volumetric flow measured at least every 15 minutes and averaged over the same time period as the performance test (full carbon bed cycle), temperature of the carbon bed after regeneration and within 15 minutes of completion of any cooling cycle(s), and duration of the carbon bed steaming cycle (all measured while the vent stream is routed and constituted normally); or

iv. as an alternative to Subsection F.1.d.i, ii, or iii of this Section, the concentration level or reading indicated by the organics monitoring device at the outlet of the absorber,

condenser, or carbon adsorber, measured at least every 15 minutes and averaged over the same time period as the performance testing while the vent stream is normally routed and constituted; and

v. all measurements and calculations performed to determine the flow rate, volatile organic compound concentration, heating value, and TRE index value of the vent stream.

vi. where a pressure swing adsorption (PSA) unit is the final recovery device in the recovery system, the temperature of the bed near the inlet and near the outlet shall be continuously monitored and recorded. The temperature monitoring devices shall have an accuracy of $\pm 0.5^{\circ}\text{C}$. Proper operation shall be evidenced by a uniform pattern of temperature increases and decreases near the inlet and a fairly constant temperature near the outlet.

2. Each reactor process or distillation operation seeking to comply with Subsection C.2 of this Section shall also keep records of the following information:

a. any changes in production capacity, feedstock type, or catalyst type or of any replacement, removal, and addition of recovery equipment or reactors and distillation units;

b. any recalculation of the flow rate, TOC concentration or TRE value performed according to Subsection D.7 of this Section.

3. Each reactor process or distillation operation seeking to comply with the flow rate or concentration exemption level in Subsection A.2.e of this Section shall keep records to indicate that the stream flow is less than 0.011 standard cubic meters per minute or the concentration is less than 500 ppm by volume.

4. Each reactor process or distillation operation seeking to comply with the production capacity exemption level in Subsection A.2.d of this Section of less than one gigagrams per year shall keep records of the design production capacity or any changes in equipment or process operation that may affect design production capacity of the affected process unit.

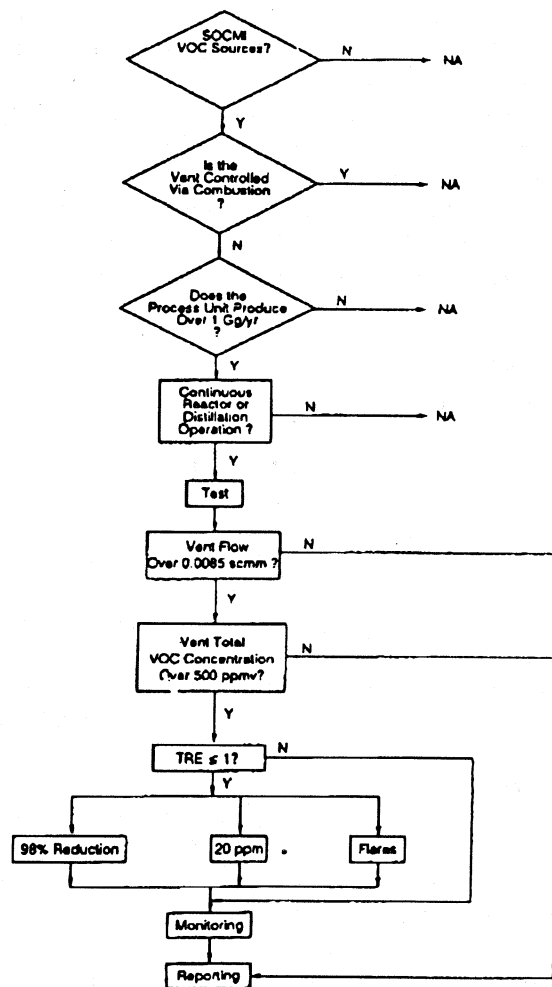


Figure 1. Synthetic organic chemical manufacturing industry reactor/distillation control techniques guideline logic diagram per vent.

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

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Subchapter K. Limiting Volatile Organic Compound Emissions from Batch Processing

§2149. Limiting Volatile Organic Compound Emissions from Batch Processing

A. Applicability

1. The provisions of this Subchapter apply to process vents associated with batch processing operations. This Subchapter shall apply to the stationary sources that emit, or have the potential to emit, 50 tons per year or more of volatile organic compounds (VOCs) in the affected parishes of Ascension, Calcasieu, East Baton Rouge, Iberville, Livingston, Pointe Coupee and West Baton Rouge. Once an operation is considered to be covered by this Subchapter, it shall be so considered ad infinitum. The scope of affected industries is limited to those industries in the following standard industrial classification (SIC) codes: 2821, 2833, 2834, 2861, 2865, 2869, 2879. Compliance with this rule shall be attained within a period of two years after

promulgation. Any emission source that is subject to this rule and to the Waste Gas Disposal Rule (LAC 33:III.2115) shall comply with this rule only.

2. Exemptions from the provisions of this Subchapter, except for the reporting and recordkeeping requirements listed in Subsection G of this Section, are as follows:

a. combined vents from a batch process train which have a mass annual emission (AE) total as follows:

Volatility Range	Lower Limit of AE (lb/yr)
Low	26,014
Moderate	15,935
High	23,154

b. single unit operations which have mass AE as follows:

Unit Operation	AE (lb/yr)
Reactor	1800
Holding Tank	1200
Centrifuge	8700

c. any batch process vent stream for which an existing combustion device or recovery device is employed to control VOC emissions is assumed to meet the 90 percent reduction requirement until the combustion device or recovery device is replaced for any reason. Such units shall be exempt from any monitoring, recordkeeping and reporting requirements under this Subchapter.

B. Definitions. Unless specifically defined in LAC 33:III.111, the terms in this Subchapter shall have the meanings commonly used in the field of air pollution control. Additionally, the following meanings apply, unless the context clearly indicates otherwise.

Aggregated—the summation of all process vents containing VOCs within a process.

Annual Mass Emissions Total—the sum of all VOC emissions (lb/yr), evaluated before control, from a vent. Annual mass emissions may be calculated from an individual process vent or groups of process vents by using emission estimation equations contained in Chapter 3 of the United States Environmental Protection Agency's (EPA) Batch Control Technology Guide (CTG), EPA-433/19-93-017 (November 1993) and then multiplying by the expected duration and frequency of the emission or groups of emissions over the course of a year. For processes that have been permitted, the annual mass emissions total should be based on the permitted levels, whether they correspond to the maximum design production potential or to the actual annual production estimate.

Average Flow Rate—the flow rate in standard cubic feet per minute averaged over the amount of time that VOCs are emitted during an emission event. For the evaluation of average flow rate from an aggregate of sources, the average flow rate is the weighted average of the average flow rates of the emission events and their annual venting time, or:

$$\text{Average Flow Rate} = \frac{\sum (\text{Average Flow Rate per emission event})(\text{annual duration of emission event})}{\sum (\text{annual duration of emission events})}$$

Batch—a discontinuous process involving the bulk movement of material through sequential manufacturing steps. Mass, temperature, concentration, and other properties of a system vary with time. Batch processes are typically characterized as "non-steady-state."

Batch Cycle—a manufacturing event of an intermediate or product from start to finish in a batch process.

Batch Process (for the purpose of determining RACT applicability)—the batch equipment assembled and connected by pipes, or otherwise operated in a sequence of steps, to manufacture a product in a batch fashion.

Batch Process Train—an equipment train that is used to produce a product or intermediate in batch fashion. A typical equipment train consists of equipment used for the synthesis, mixing, and purification of a material.

Control Devices—air pollution abatement devices, not devices such as condensers operating under reflux conditions, which are required for processing.

Emissions Before Control—the emissions total prior to the application of a control device, or if no control device is used, the emissions total. No credit for discharge of VOCs into wastewater should be considered when the wastewater is further handled or processed with the potential for VOCs to be emitted to the atmosphere.

Emission Events—discrete venting episodes that may be associated with a single unit of operation. For example, a displacement of vapor resulting from the charging of a vessel with VOC will result in a discrete emission event that will last through the duration of the charge and will have an average flow rate equal to the rate of the charge. If the vessel is then heated, there will be another discrete emission event resulting from the expulsion of expanded vessel vapor space. Both emission events may occur in the same vessel or unit operation.

Primary Fuel—the fuel that provides the principal heat input to a device. To be considered primary, the fuel must be able to sustain operation without the addition of other fuels.

Process Vent—a gas stream containing greater than 500 ppm(v) total VOC that is discharged from a batch process. Process vents include gas streams that are discharged directly to the atmosphere or are discharged to the atmosphere after diversion through a recovery device. Process vents exclude relief valve discharges, leaks from equipment, vents from storage vessels, vents from transfer/loading operations, and vents from wastewater. Process gaseous streams that are used as primary fuels are also excluded. The lines that transfer such fuels to a plant fuel gas system are not considered to be vents.

Semi-continuous—conduction of operations on a steady-state mode but only for finite durations (in excess of eight hours minimum) during the course of a year. For example, a steady-state distillation operation that functions for one month would be considered semi-continuous.

Unit Operations—those discrete processing steps that occur within distinct equipment that are used to prepare reactants, facilitate reactions, separate and purify products, and recycle materials.

Vent—a point of emission from a unit operation. Typical process vents from batch processes include condenser vents, vacuum pumps, steam ejectors, and atmospheric vents from reactors and other process vessels. Vents also include relief valve discharges. Equipment exhaust systems that discharge from unit operations also would be considered process vents.

Volatility—low volatility materials are defined as those which have a vapor pressure less than or equal to 75 mm Hg at 20°C, moderate volatility materials have a vapor pressure greater than 75 and less than or equal to 150 mm Hg at 20°C, and high volatility materials have a vapor pressure greater than 150 mm Hg at 20°C. To evaluate VOC volatility for single unit operations that service numerous VOCs or for processes handling multiple VOCs, the weighted average volatility can be calculated from the total amount of each VOC emitted in a year and the individual component vapor pressure, as shown in the following equation:

$$\text{Weighted Average Volatility} = \frac{\sum_{i=1}^n \left[\frac{(\text{Vapor pressure of VOC component } i) \cdot (\text{mass of VOC component } i)}{(\text{molecular weight of VOC component } i)} \right]}{\sum_{i=1}^n \left[\frac{(\text{mass of VOC component } i)}{(\text{molecular weight of VOC component } i)} \right]}$$

C. Control Requirements

1. The VOC mass emission rate from individual process vents or for process vent streams in aggregate within a batch process shall be reduced by 90 percent if the actual average flow rate value (in the units of scfm) is below the value of FR calculated using the applicable RACT equation for the volatility range (low, moderate or high) of the material being emitted when the annual mass emission total, in the units of pounds per year, are input. The RACT equations, specific to volatility, are as follows:

FR = 0.07 (AE) - 1,821	(Low Volatility)
FR = 0.031 (AE) - 494	(Moderate Volatility)
FR = 0.013 (AE) - 301	(High Volatility)

2. For aggregate streams within a process, the control requirements must be evaluated with the successive ranking scheme described below until control of a segment of unit operations is required or until all unit operations have been eliminated from the process pool.

a. Sources that will be required to be controlled to the level specified by the RACT (90 percent) will have an average flow rate that is below the flow rate specified by the RACT equation (when the source's annual emission total is input). The applicability criteria is implemented on a two-tier basis. First, single pieces of batch equipment corresponding to distinct unit operations shall be evaluated over the course of an entire year, regardless of what materials are handled or what products are manufactured in them; second, equipment shall be evaluated as an aggregate if it can be linked together based on the definition of a process.

b. To determine applicability of a RACT option in the aggregation scenario, all the VOC emissions from a single process shall be summed to obtain the annual mass emission

total, and the weighted average flow rates from each process vent in the aggregation shall be used as the average flow rate.

c. All unit operations in the batch process, as defined for the purpose of determining RACT applicability, shall be ranked in ascending order according to their ratio of annual emission (lb/yr) divided by average flow rate (in scfm). Sources with the smallest ratios shall be listed first. This list of sources constitutes the "pool" of sources within a batch process. The annual emission total and average flow rate of the pool of sources shall then be compared against the RACT equations to determine whether control of the pool is required. If control is not required after the initial ranking, unit operations having the lowest annual emissions/average flow rates ratios shall then be eliminated one by one, and the characteristics of annual emission and average flow rate for the remaining pool of equipment will have to be evaluated with each successive elimination of a source from the pool. Control of the unit operations remaining in the pool to the specified level shall be required once the aggregated characteristics of annual emissions and average flow rates have met the specified RACT. The owner or operator has the option of selecting which unit operations are to be controlled and to what levels so long as the overall control meets the specified level of 90 percent.

D. Measuring Emissions and Flow Rate

1. **Determination of Uncontrolled Annual Emission Total.** Determination of the annual mass emissions total may be achieved by engineering estimates of the uncontrolled emissions from a process vent or group of process vents within a batch process train and multiplying by the potential or permitted number of batch cycles per year. Engineering estimates should follow the guidance provided in the EPA Batch CTG. Alternatively, if an emissions measurement is to be used to measure vent emissions, the measurement must conform with the requirements of measuring incoming mass flow rate of VOCs as described in Subsection E.2.b and c.ii and iii of this Section.

2. **Determination of Average Flow Rate.** To obtain a value for average flow rate, the owners or operators may elect to measure the flow rates or to estimate the flow rates using suitable estimation methods (e.g., EPA document EPA-453/R4-93-017, November 1993). For existing manifolds, the average flow rate is often the flow that was assumed in the design.

E. Performance Testing

1. For the purpose of demonstrating compliance with the control requirements of this Subchapter, the process unit shall be run at full operating conditions and flow rates during any performance test.

2. The following methods in LAC 33:III.Chapter 60, shall be used to comply with the percent reduction efficiency requirement listed in Subsection C of this Section.

a. LAC 33:III.6001 (Method 1) or 6002 (Method 1A), as appropriate, shall be used for selection of the sampling sites if the flow rate measuring device is a rotameter. No traverse is necessary when the flow measuring device is an ultrasonic probe. The control device inlet sampling sites for

determination of vent stream VOC composition reduction efficiency shall be prior to the control device and after the control device.

b. LAC 33:III.6003 (Method 2), 6005 (Method 2A), 6006 (Method 2C), or 6008 (Method 2D), as appropriate, shall be used for determination of gas stream volumetric flow rate. Flow rate measurements should be made continuously.

c. LAC 33:III.6086 (Method 25A) or 6071 (Method 18), if applicable, shall be used to determine the concentration of VOC in the control device inlet and outlet.

i. The sampling time for each run will be the entire length of the batch cycle in which readings will be taken continuously if LAC 33:III.6086 (Method 25A) is used or as often as is possible using LAC 33:III.6071 (Method 18), with a maximum of one-minute intervals between measurements throughout the batch cycle.

ii. The emission rate of the process vent or inlet to the control device shall be determined by combining continuous concentration and flow rate measurements at simultaneous points throughout the batch cycle.

iii. The mass flow rate of the control device outlet shall be obtained by combining continuous concentration and flow rate measurements at simultaneous points throughout the batch cycle.

iv. The efficiency of the control device shall be determined by integrating the mass flow rates obtained in Subsection E.2.c.ii and iii of this Section over the time of the batch cycle and dividing the difference in inlet and outlet mass flow totals by the inlet mass flow total.

F. Monitoring Requirements

1. The owner or operator of an affected facility that uses an incinerator to seek to comply with the VOC emission limit specified under Subsection C of this Section shall install, calibrate, maintain, and operate according to manufacturer's specifications a temperature monitoring device equipped with a continuous recorder and having an accuracy of $\pm 0.5^{\circ}\text{C}$, or alternately ± 1 percent, as follows:

a. where an incinerator other than a catalytic incinerator is used, a temperature monitoring device shall be installed in the firebox or in the ductwork immediately downstream of the firebox before any substantial heat exchange is encountered;

b. where a catalytic incinerator is used, temperature monitoring devices shall be installed in the gas stream immediately before and after the catalyst bed.

2. The owner or operator of an affected facility that uses a flare to seek to comply with Subsection C of this Section shall install, calibrate, maintain, and operate according to manufacturer's specifications a heat sensing device, such as an ultra-violet beam sensor or thermocouple, at the pilot light to indicate continuous presence of a flame.

3. The owner or operator of an affected facility that uses an absorber to comply with Subsection C of this Section shall install, calibrate, maintain, and operate according to manufacturer's specifications the following equipment:

a. a scrubbing liquid temperature monitoring device having an accuracy of ± 1 percent of the temperature being

monitored expressed in degrees Celsius or ± 0.02 of a specific gravity unit, each equipped with a continuous recorder; or

b. an organic monitoring device used to indicate the concentration level of organic compounds exiting the recovery device based on a detection principle such as infrared photoionization or thermal conductivity, each equipped with a continuous recorder.

4. The owner or operator of an affected facility that uses a condenser or refrigeration system to comply with Subsection C of this Section shall install, calibrate, maintain, and operate according to manufacturer's specifications the following equipment:

a. a condenser exit temperature monitoring device equipped with a continuous recorder and having an accuracy of ± 1 percent of the temperature being monitored expressed in degrees Celsius or $\pm 0.5^{\circ}\text{C}$, whichever is greater; or

b. an organic monitoring device used to indicate the concentration level of organic compounds exiting the recovery device based on a detection principle such as infrared photoionization or thermal conductivity, each equipped with a continuous recorder.

5. The owner or operator of an affected facility that uses a carbon adsorber to comply with Subsection C of this Section shall install, calibrate, maintain, and operate according to manufacturers specifications the following equipment:

a. an integrating steam flow monitoring device having an accuracy of ± 10 percent and a carbon bed temperature monitoring device having an accuracy of ± 1 percent of the temperature being monitored expressed in degrees Celsius or $\pm 0.5^{\circ}\text{C}$, whichever is greater, both equipped with a continuous recorder; or

b. an organic monitoring device used to indicate the concentration level of organic compounds exiting the recovery device based on a detection principle such as infrared photoionization or thermal conductivity, each equipped with a continuous recorder.

c. where a pressure swing adsorption (PSA) unit is the final recovery device in the recovery system the temperature of the bed near the inlet and near the outlet shall be continuously recorded. The temperature monitoring devices shall have an accuracy of ± 1 percent of the temperature being measured or $\pm 0.5^{\circ}\text{C}$. Proper operation shall be evidenced by a uniform pattern of temperature increases and decreases near the inlet and a fairly constant temperature near the outlet.

G. Reporting/Recordkeeping Requirements

1. Each batch processing operation subject to this Subchapter shall keep records for a minimum of two years of the following emission stream parameters for each process vent contained in the batch process:

a. the annual mass emission total and documentation verifying these values; if emission estimation equations are used, the documentation shall be the calculations coupled with the expected or permitted (if available) number of emission events per year. If the annual mass emission total is obtained from measurement in accordance with Subsection E of this Section, this data should be available;

b. the average flow rate in standard cubic feet per

minute (scfm) and documentation verifying these values.

2. Each batch processing operation subject to this Subchapter shall keep records of the following parameters required to be measured during a performance test required under Subsection E of this Section and required to be monitored under Subsection F of this Section:

a. where an owner or operator subject to the provisions of this Section seeks to demonstrate compliance with Subsection C of this Section through use of either a thermal or catalytic incinerator, the average firebox temperature of the incinerator (or the average temperature upstream and downstream of the catalyst bed for a catalytic incinerator), measured continuously and averaged over the same time period as the performance testing;

b. where an owner or operator subject to the provisions of this Section seeks to demonstrate compliance with Subsection C of this Section through use of a smokeless flare, flare design, (i.e., steam-assisted, air-assisted or nonassisted), all visible emission readings, heat content determinations, flow rate measurements, and exit velocity determinations made during the performance test; continuous flare pilot flame monitoring; and all periods of operations during which the pilot flame is absent;

c. where an owner or operator subject to the provisions of this Section seeks to demonstrate compliance with Subsection C of this Section:

i. where an absorber is the final control device, the exit specific gravity (or alternative parameter which is a measure of the degree of absorbing liquid saturation, if approved by the administrative authority*) and average exit temperature of the absorbing liquid measured continuously and averaged over the same time period as the performance testing (both measured while the vent stream is routed normally); or

ii. where a condenser is the control device, the average exit (product side) temperature measured continuously and averaged over the same time period as the performance testing while the vent stream is routed normally; or

iii. where a carbon adsorber is the control device, the total steam mass flow measured continuously and averaged over the same time period as the performance test (full carbon bed cycle), temperature of the carbon bed after regeneration (and within 15 minutes of completion of any cooling cycle(s)), and duration of the carbon bed steaming cycle (all measured while the vent stream is routed normally); or

iv. the concentration level or reading indicated by an organic monitoring device at the outlet of the absorber, condenser, or carbon adsorber, measured continuously and averaged over the same time period as the performance testing while the vent stream is routed normally.

v. where a pressure swing adsorption (PSA) unit is the final recovery device in the recovery system the temperature of the bed near the inlet and near the outlet shall be continuously monitored and recorded. The temperature monitoring devices shall have an accuracy of ± 1 percent of the temperature being measured or $\pm 0.5^\circ\text{C}$. Proper operation shall be evidenced by a uniform pattern of temperature increases and decreases near the inlet and a fairly constant temperature near the outlet.

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 21: (April 1995).

Subchapter L. Limiting Volatile Organic Compound Emissions from Cleanup Solvent Processing

§2151. Limiting Volatile Organic Compound Emissions from Cleanup Solvent Processing

A. Applicability and Designation of Affected Operations. The provisions of this Subchapter apply to the ensuing stationary sources that emit, or have the potential to emit, 50 tons per year or more of volatile organic compounds and conduct one or more of the following affected cleaning operations in the ozone nonattainment area consisting of Ascension, Calcasieu, East Baton Rouge, Iberville, Livingston, Pointe Coupee and West Baton Rouge. Once an operation is considered to be covered by this Subchapter, it shall be so considered ad infinitum. The affected cleaning operations are ones that use solvents in the following operations:

1. spray gun cleaning, which includes spray guns, attached paint lines, and any other gun equipment used in applying a coating;

2. spray booth cleaning, which includes all interior surfaces of booths and all equipment within the booth such as conveyors, robots, etc.;

3. large manufactured components cleaning (i.e., the cleaning of large parts as a step in the manufacturing process), which includes large manufactured products, such as automobile bodies, furniture sheet metal, etc.;

4. equipment cleaning, which includes all production equipment that may be cleaned in place (not moved to a cleaning area) to prevent cross-contamination or merely for maintenance purposes. Examples are punch presses, electrical contacts on a major piece of equipment, pump parts, packaging equipment, rollers, ink pans, carts, press frames, and table tops;

5. floor cleaning, which includes floors in all production areas of a facility;

6. line cleaning, which includes lines that transport raw material (e.g., paint, resin, etc.) and that are cleaned separately from tanks, spray guns, and other process equipment. In some cases a small tank may be part of the system;

7. parts cleaning, which includes miscellaneous items that might be moved to dip into a container of solvent. Examples of parts include applicator tips, brushes, machine parts, pumps, circuit boards, truck parts, engine blocks, gauges, cutoff steel/machined parts, tool dies, motors and assemblies, screws, oil guns, welded parts, bearings, and filters;

8. tank cleaning, which includes mixing pots, process vessels, and tanks. In some instances, tank lines are cleaned in conjunction with the tanks and would be considered part of the system; and

9. small manufactured components cleaning (i.e., the cleaning of small parts as a step in the manufacturing process), which includes small manufactured products such as glass

windows, engine components, subassemblies, sheet metal panels, molded parts, electrical contacts, steel and copper components, tin/silver-plated terminals, plastic parts, upholstered parts, circuit breaker cases, switch covers, and threads and bolts.

B. Definitions. Unless specifically defined in LAC 33:III.111, the terms in this Subchapter shall have the meanings commonly used in the field of air pollution control. Additionally, the following meanings apply, unless the context clearly indicates otherwise.

Cleaning Activity—physical removal of foreign material from a substrate being cleaned. It includes such actions as wiping, brushing, flushing, or spraying.

Cleaning Classification—cleaning is considered to have three main classifications:

- a. cleaning of external surfaces;
- b. cleaning of interior surfaces (i.e., containers); and
- c. cleaning of removable parts.

Cleaning of External Surfaces—solvent is applied to the external surface being cleaned (as contrasted to the interior of tanks or pipes). Surfaces that fall within this classification include rollers in printing machines, wings of airplanes, floors, tables, and walls. The cleaning activities applied to the external surface may include wiping, brushing, mopping, or spraying.

Cleaning of Internal Surfaces/Containers—solvent is applied to an interior surface for cleaning. Surfaces may include the inside of tanks/vessels, batch reactors, columns, heat exchangers, paint spray booths, and fuel tanks. The cleaning activities applied may include flushing, agitation, spraying, mopping, or brushing. Any combination of activities may be used, depending upon the shape and size of the unit operation and upon the type of residue that is being removed.

Cleaning of Parts—solvent engulfs the entire surface of the part as it is dipped into a container of solvent or the part is cleaned above the container by a cleaning activity such as spraying or wiping. Equipment or the unit operation where this might take place includes part washers, batch-loaded cold cleaners, ultrasonic cleaners, and spray gun washers.

Cleaning Practice—a repeated or customary action that is specific to an industry. An example is nightly maintenance of a spray booth in an automobile assembly plant.

Cleaning Tool—an item used to aid cleaning, such as a wiping rag, a brush, a scraper, or a water jet.

Closed-loop Recycling (In-process Recycling)—reuse or recirculation of a chemical material within the boundaries used to develop a material balance around a unit operation system. A recovery or regeneration (R and R) unit operation may be within the boundaries selected for the primary unit operation system if it is:

- a. solely dedicated. The chemical is reused only for cleaning the primary unit operation;
- b. physically integrated. The R and R unit operation is connected to the primary unit operation by means of piping, so that it is not possible to perform the material balance around the primary unit operation system without including it.

Hazardous Air Pollutant (HAP)—any of the substances identified in LAC 33:III.5115.

In-process Recycling—see *Closed-loop Recycling*.

Line Flushing—the procedure of completely cleaning out a large paint circulating system such as those found at auto assembly plants. The system includes the paint mix tanks and perhaps hundreds of feet of piping. This procedure is only necessary when a system is inadvertently contaminated or for a routine color change. (Although the system is essentially a closed loop, some losses can occur during the flushing; i.e., through various vents, from transfer operations, and from the paint mix tanks.)

Material Balance—the sum of all materials entering a system equated to the sum of all materials leaving the same system. Emissions from storage vessels shall be included.

Net Usage—the net usage (U) of solvent, in appropriate weight units, shall be calculated on a monthly basis as follows: opening solvent inventory (A), plus any estimated opening in-process solvent inventory (B), minus the closing solvent inventory (C), minus any closing in-process solvent inventory (D), minus the corrected waste solvent collected during the month, corrected by subtracting the amount of water and solid contaminants (W), i.e., $U = A + B - C - D - W$.

On-site Recycling—an R and R unit operation located within the plant boundaries from which waste solvent is returned to a process other than that which generated the waste solvent. A material balance for the R and R unit operation (distillation, filtration, etc.) shall be developed independently. (See *Storage Container*.)

Off-site Recycling—an R and R unit operation system located outside of the plant boundaries.

Pollution Prevention—practices or process changes that decrease or eliminate emissions (or wastes) at the source. Such prevention techniques include the use of new materials, modification of equipment, and changes in work practices.

Product Substitution—replacement of any product or raw material intended for an intermediate or final use, with another. This substitution is a source reduction activity if either the VOC emission or the quantity of waste generated is reduced.

Purging—the process wherein individual paint applicators and portions of paint delivery lines are emptied of one color paint, cleaned, and filled with another.

Reclaim—process or regenerate a material to recover a usable product. (See *Recycled*.)

Recovery or Regeneration (R and R) Unit Operation—a device for purifying solvent that may use any of a variety of techniques, including extraction, distillation, filtration, adsorption, or absorption.

Recycled—used, reused, or reclaimed. A material is used or reused if it is employed as an ingredient (including its use as an intermediate) to make a product; i.e., when solvent, recovered by distillation, is reused in the plant.

Reused—see *Used or Reused*.

Solvent—a substance that has the potential to emit VOCs and the sum of the partial pressures of the VOCs exceeds 1.5 psia at operating conditions.

Source Reduction—any activity or treatment that prevents, reduces, or eliminates the generation of VOC emissions (or waste), including product substitution or elimination and pollution prevention.

Treatment—destruction or degradation of waste using techniques such as combustion or neutralization to produce material that is less toxic and more environmentally benign. (See *Recycled*.)

Unit Operation—an industrial operation classified or grouped according to its function in the operating environment. Examples include distillation columns, paint mixing vessels (tanks), spray booths, parts cleaners, and printing machines. A unit operation may consist of one or more items of equipment, e.g., both a reactor and a mixing vessel or several mixing vessels. There may be considerable variation in the type of unit operations from one industry to another. (See *Unit Operation System*.)

Unit Operation System (UOS)—the ensemble of equipment around which a material balance is performed. A UOS includes all possible points/sources from which losses could occur to the atmosphere as a result of its being cleaned. This includes losses from solvent storage, during the dispensing of solvent, and from residual solvent on or in cleaning tools (such as rags). An item of equipment used for cleaning parts is, by definition, a unit operation. Therefore, carry-out losses during removal of cleaned parts is to be considered in a material balance.

Used or Reused—employed as an ingredient (including use as an intermediate) in an industrial process to make a product. (For example, in purifying a waste solvent, distillation bottoms from one column may be used as feedstock to another column.)

Waste Minimization—the reduction, to the extent feasible, of hazardous waste that is generated or subsequently treated and stored. It includes any source reduction or recycling activity undertaken by a generator that results in either the reduction of total volume or quantity of hazardous waste, or both, so long as such reduction is consistent with the goal of minimizing present and future threats to human health and the environment. In order of preference waste minimization activities are: source reduction, recycling, and treatment.

Work Practice—specific human activities within industry that lead to a reduction in VOC emissions (or waste). The activities include increased operator training, management directives, segregation of the waste solvent, and practices that lead to a reduction in cleaning frequency. It does not include the use of specialized equipment, such as solvent dispensers.

C. Control Requirements. It is not feasible to mandate specific control techniques in the case of cleanup solvents. Therefore the administrative authority* shall require the affected facilities specified in Subsection A of this Section to implement the following actions, per EPA publication number EPA-453/R-94-015, February 1994:

1. conduct a three-month intensive study of solvent types and usage;
2. utilize accounting on a unit operation system;
3. submit plans to the administrative authority* to reduce

VOC emissions from solvent usage within 12 months after promulgation of these regulations. Any increases in VOC emissions due to the substitution of a nonhazardous air pollutant for a hazardous one shall require approval of the administrative authority*. As an alternative to submitting reduction plans, the owner or operator of affected facilities may report the controls and/or work practices deemed to be MACT that have been adopted to reduce VOC emissions from solvent cleanup operations. These plans or submissions become enforceable upon approval.

D. Testing. ASTM Method D-4828, "Standard Test Method for Practical Washability of Organic Coatings," is a method adaptable for comparing the cleaning effectiveness of solvents and other cleaners. Modifications of this method may be approved by the administrative authority*.

E. Monitoring, Reporting, and Recordkeeping. Reporting and recordkeeping shall be used to monitor VOC emissions from solvent use for cleanup purposes. Affected facilities shall calculate and record the net VOC emissions from usage of solvents monthly and report the net VOC emissions from solvent usage annually. In addition, solvent reduction progress shall be reported annually, based on product output or other suitable basis approved by the administrative authority*. Alternately, the owner or operator of affected facilities may report the controls and/or work practices deemed to be MACT that have been adopted to reduce VOC emissions from solvent cleanup operations. A violation of this Section occurs if the affected facility does not meet the state-approved solvent reduction target.

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 21: (April 1995).

James B. Thompson, III
Assistant Secretary

9504#028

RULE

Office of the Governor Patient's Compensation Fund Oversight Board

Financial Responsibility Requisite (LAC 37:III.505)

The Patient's Compensation Fund Oversight Board, under authority of the Louisiana Medical Malpractice Act, R.S. 40:1299.41 et seq., and in accordance with the Administrative Procedure Act, R.S. 49:950, et seq., hereby amends LAC 37:III.Chapter 5, as follows, which provides for and governs the financial responsibility requisite to enrollment with the fund.

Title 37 INSURANCE

Part III. Patient's Compensation Fund Oversight Board Chapter 5. Enrollment with the Fund

§505. Financial Responsibility: Insurance

A. A health care provider shall be deemed to have demonstrated the financial responsibility requisite to enrollment with the fund by submitting certification that the health care provider is or will be insured on a specific date under a policy of insurance, insuring the health care provider against professional health care malpractice liability claims with indemnity limits of not less than \$100,000 plus interest per claim, aggregate annual indemnity limits of not less than \$300,000 plus interest for all claims arising or asserted within a 12-month policy period.

B. To be acceptable as evidence of financial responsibility pursuant to this Section, an insurance policy:

1. must be issued:

a. by an insurance company admitted to do business in this state; or

b. by an unauthorized insurer which is on the list of approved unauthorized insurers maintained by the commissioner of insurance pursuant to R.S. 22:1262.1 and which has:

i. a rating by A.M. Best and Co. of "A-" or higher; or

ii. a rating by Standard and Poor's of "AA-" or higher; or

iii. a rating by Moody's of "Aa" or higher; or

c. by a risk retention group organized and operating in this state pursuant to the Federal Liability Risk Retention Act of 1986, 15 U.S.C. 3901 et seq., and which has given notice of its operation within this state to the commissioner of insurance and is otherwise in compliance with the Louisiana Risk Retention Group Law, R.S. 22:2071 et seq.; or

d. by the Louisiana Residual Malpractice Insurance Authority, R.S. 40:1299.46;

* * *

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

HISTORICAL NOTE: Promulgated by the Office of the Governor, Patient's Compensation Fund Oversight Board, LR 18:176 (February, 1992), amended LR 21: (April 1995).

Suanne Grosskopf
Executive Director

9504#051

RULE

**Department of Health and Hospitals
Board of Physical Therapy Examiners**

**Continuing Education, Prohibitions, Fees
(LAC 46:LIV.Chapters 1, 3, 5)**

Notice is hereby given, in accordance with R.S. 49:950 et seq., the Administrative Procedure Act, that the Board of Physical Therapy Examiners (board), pursuant to the authority vested in the board by R.S. 2401.2A(3), has amended rules relative to the practice of physical therapy.

Title 46

**PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part LIV. Board of

Physical Therapy Examiners

Subpart 1. Licensing and Certification

**Chapter 1. Physical Therapists and Physical Therapists
Examiners**

Subchapter I. Continuing Education

§169. Requirements

A. Minimum Continuing Education Requirements. Licensees shall document successful completion of 1.2 units, or 12 hours of acceptable clinical, continuing education credit during each annual period.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2401.2A(3).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Physical Therapy Examiners, LR 15:388 (May 1989), amended LR:664 (July 1991), LR 19:208 (February 1993), LR 21: (April 1995).

§173. Exemptions

* * *

B. The following groups of licensees may be exempt from compliance with the continuing education requirement:

* * *

2. Louisiana licensees who are unable to fulfill the requirement because of illness or other personal hardship.

C. The board must receive a timely request for an exemption. Such a request shall be considered timely if submitted to the board at least 60 days prior to December 31.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2401.2A(3)

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Physical Therapy Examiners, LR 17:665 (July 1991), amended LR 19:208 (February 1993), LR 21: (April 1995).

Subpart 3. Practice

Chapter 3. Practice

Subchapter A. General Provisions

§303. Definitions

As used in this Chapter, the following terms and phrases shall have the meaning specified:

Board—the Louisiana State Board of Physical Therapy Examiners which shall be domiciled in Lafayette, Lafayette Parish, Louisiana.

License—the lawful authority of a physical therapist or physical therapist assistant to engage in the practice of physical therapy in the state of Louisiana, as evidenced by a certification duly issued by and under the official seal of the board. A temporary permit is not a license.

Licensed Physical Therapist or P.T.—a physical therapist possessing a license issued by the board under Chapter 1 of these rules.

Licensed Physical Therapist Assistant or P.T.A.— a physical therapist assistant possessing a license issued by the board under Chapter 1 of these rules.

Person—includes a natural person, partnership,

corporation, association, or other entity having legal existence, unless the context requires a more limited meaning.

Practice Setting—unless otherwise defined the physical address location in which patient care is performed.

Prescription—a request for diagnostic or therapeutic physical therapy procedure or regimen subscribed by an individual lawfully authorized to make or give such order or directive.

Referral—a request for physical therapy evaluation or treatment made by an individual lawfully authorized to make such request.

State—any state of the United States, the District of Columbia, and Puerto Rico.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2401.2A(3).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Services, Board of Physical Therapy Examiners, LR 13:744 (December 1987), amended by the Department of Health and Hospitals, Board of Physical Therapy Examiners, LR 19:208 (February 1993), LR 21: (April 1995).

Subchapter B. Prohibitions

§307. Unauthorized Practice

* * *

B. No person shall hold himself out to the public, an individual patient, a physician, dentist, or podiatrist, or to any insurer or indemnity company or association or governmental authority as a physical therapist, physiotherapist or physical therapist assistant, nor shall any person directly or indirectly identify or designate himself as a physical therapist, physiotherapist, registered physical therapist, licensed physical therapist, physical therapist assistant, or licensed physical therapist assistant, nor use in connection with his name the letters, P.T., L.P.T., R.P.T., or P.T.A. or any other words, letters, abbreviations, insignias, or sign tending to indicate or imply that the person constitutes physical therapy, unless such person possesses a current license or temporary permit duly issued by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2401.2A(3).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Services, Board of Physical Therapy Examiners, LR 13:744 (December 1987), amended by the Department of Health and Hospitals, Board of Physical Therapy Examiners, LR 21: (April 1995).

§323. Documentation Standards

A. A written record of physical therapy provided shall be kept on each patient or client served. A complete record shall include written documentation of prescription or referral when required by law, initial evaluation, treatment provided, progress notes, reassessment, and patient status at discharge.

1. A prescription or referral is a written request for physical therapy signed by a qualified practitioner which may initially be a verbal order but must be later confirmed in writing. The verbal order shall be documented by the physical therapist in the patient's record. If the verbal order is not confirmed in writing, then the physical therapist shall send a written communication requesting a written prescription or referral to the prescribing practitioner within fifteen days of commencement of treatment or by the fifth treatment session,

whichever occurs first. A copy of the written communication to the prescribing or referring practitioner must be maintained in the patient's record.

2. An initial physical therapy evaluation is the written documentation of patient history, pertinent medical diagnosis, signs, symptoms, objective tests or measurements, and the physical therapist's interpretation of such findings, as well as goals and treatment plan recommendations. The initial physical therapy evaluation shall be documented and signed by the physical therapist performing the evaluation. An initial physical therapy evaluation shall not be documented or signed by a physical therapist assistant or other supportive personnel.

3. Progress note is the written documentation of the patient's subjective status, changes in objective findings, and progression or regression toward established goals. A progress note shall be written and signed by the attending physical therapist or physical therapist assistant and shall not be written or signed by a physical therapy aide/technician. A progress note shall be written a minimum of once per week, or if the patient is seen less frequently, then at every visit.

4. Reassessment is the written documentation which includes all elements of a progress note as well as a revision of goals and treatment plan as indicated. A reassessment must be written once per month, or if the patient is seen less frequently, then at every visit. A reassessment shall be written and signed by the attending physical therapist. A reassessment shall not be written or signed by a physical therapist assistant or other supportive personnel.

5. Treatment record is the written documentation of each patient visit which includes specific treatment and/or any equipment provided which shall be signed or initialed by the attending physical therapist or physical therapist assistant. A treatment record shall be maintained only if a progress note is not written for each patient visit. A treatment record may be in the form of a checklist, flow sheet, or narrative.

6. Discharge summary is the written documentation of the reasons for discontinuation of care, degree of goal achievement and a discharge plan which shall be written and signed by the attending physical therapist. A discharge summary shall not be written or signed by a physical therapist assistant or other supportive personnel. A discharge summary shall be written at the termination of physical therapy care.

B. The documentation standards set forth above do not mandate a particular format, however, a complete physical therapy record must include these elements.

C. A signature stamp shall not be used in lieu of a written signature on physical therapy patient records. Forms of electronic signatures which meet Joint Commission on Accreditation of Health Care Organizations (JCAHO) Standards are acceptable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2401.2A(3).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Physical Therapy Examiners, LR 13:744 (December 1987), amended by the Department of Health and Hospitals, Board of Physical Therapy Examiners, LR 15:389 (May 1989), LR 21: (April 1995).

Subpart 5. Fees

Chapter 5. Fees

§501. Fees

A. The board may collect the following fees:

Examination Fee	\$ 310
Reciprocity Fee	150
Re-examination Fee	285
Re-instatement Fee	75
Annual Renewal of License Fee	75
Verification of Licensure Fee	
Out-of-State	20
Duplicate Wall License Fee	30
Duplicate Billfold License Fee	10

B. Annual renewal fees provided in this Section shall be paid to the board by January 1 of each year.

C. If annual renewal fees are not paid by January 1 of each year, a license will lapse and a reinstatement fee will be charged, in addition to the annual renewal fee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2401.2A(3).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Physical Therapy Examiners, LR 13:744 (December 1987), amended by the Department of Health and Hospitals, Board of Physical Therapy Examiners, LR 13:750 (December 1987), LR 15:392 (May 1989), LR 17:667 (July 1991), LR 18:962 (September 1992), LR 21: (April 1995).

Sharon Toups
Chairman

9504#022

RULE

Department of Health and Hospitals Office of the Secretary

Health Care Authority

Annual Service Agreement—1994-95

Under Authority of Act 390 of 1991 and in accordance with the provisions of R.S. 49:950 et seq., the Department of Health and Hospitals is adopting the following rule.

Introduction

This Service Agreement for State Fiscal Year 1994-95 is entered into by the Department of Health and Hospitals (DHH) and the Louisiana Health Care Authority (LHCA) in compliance with R.S. 46:701 et seq., as amended and reenacted by Act 390 of 1991.

I. Definitions

A. *Medically Indigent*—any bona fide resident of the state of Louisiana whose family unit size and gross income is less

than or equal to 200 percent of the Federal Poverty Income Guidelines for that size family unit, rounded up to the nearest thousand dollars.

B. *Overcollections*—any monies from Medicare, Medicaid or other third party payor, or from direct patient payments, collected by or on behalf of the medical centers operated by the LHCA in excess of the amounts budgeted in the General Appropriations bill for FY 1994-95, as enacted, for operating expenses, as certified by the commissioner of administration and the Joint Legislative Committee on the Budget.

C. *Licensed Beds*—the number of beds in each medical center licensed by the Bureau of Health Services Financing and certified for participation in the Medicaid and Medicare programs.

II. General Agreement

The Department of Health and Hospitals is authorized by law to provide health and medical services for the uninsured and medically indigent citizens of Louisiana directly, through the operation of health care facilities, or indirectly by agreement with the Louisiana Health Care Authority.

The LHCA agrees to provide inpatient and outpatient hospital services on behalf of the Department of Health and Hospitals. The LHCA acknowledges that the provision of services to the medically indigent, to the uninsured and to others with problems of access to health care is its highest priority.

DHH agrees to work cooperatively with the Authority to provide acute mental health services at Authority facilities.

III. Provision of Adequate Health Care Services

In accordance with the intent of Act 390 of 1991, the Louisiana Health Care Authority will strive to provide health services of sufficient quality and volume to meet the needs of the uninsured and medically indigent citizens of Louisiana. The LHCA and DHH agree that for FY 1994-95, adequate services shall be considered to consist of the following:

A. Those major services that are available at the medical centers on June 30, 1994 to any bona fide resident and taxpayer of the state of Louisiana determined to be uninsured, underinsured, or medically indigent and that are funded in the General Appropriation bill for FY 1994-95, provided that such appropriated funds are made available to the medical centers.

B. Adequate service provision shall also require that the medical centers maintain policies of access to services governed by the following:

1. The medically indigent or uninsured shall be afforded first priority for admission for any form of treatment available at the particular medical center.

2. Those persons who are determined not to be medically indigent or uninsured shall be admitted on a space available basis and shall be reasonably charged for treatment or service received.

3. Emergency treatment shall not be denied to anyone.

IV. Elimination or Relocation of Services

A. The LHCA shall notify the secretary of DHH at least 60 days in advance of any elimination or relocation to another medical center of any major programs or services, or establishment of centers of excellence that require shifting of

major services provided on the date of this agreement.

B. DHH shall notify the chief executive officer of LHCA at least 60 days in advance of any elimination or relocation of its psychiatric units or other DHH programs or services provided in the LHCA medical centers.

C. The LHCA agrees not to construct, operate or fund a health care facility, or substantial portion thereof, which primarily treats insured patients other than those covered by Medicare and Medicaid.

V. Service Improvement and Development

A. The LHCA recognizes the need to improve and expand services in the medical centers in order to more fully meet the health care needs of the uninsured and medically indigent citizens of Louisiana. The Authority will work to improve access to care, placing highest priority on the following:

1. Reduced waiting times for all outpatient services for which there exist medically inappropriate delays in scheduling appointments.

2. Improved access to emergency services.

3. Improved access to prenatal and HIV clinics.

B. LHCA shall not develop new programs or major program expansions in the areas of public health, substance abuse, mental health, or mental retardation without the concurrence of DHH.

C. In accordance with recognized primary care needs, as identified by state and federal criteria, the DHH Primary Care Access Plan, the State Rural Health Care Plan, the LHCA Strategic Plan and other mutually agreed upon priorities, DHH and LHCA will work together to meet those needs. This shall be accomplished by a joint DHH/LHCA Planning Task Force.

VI. Financing Arrangements

A. DHH agrees not to adjust interim Medicaid payment rates, target rates, disproportionate share formulas, or to amend the Medicaid State Plan as it relates to inpatient and outpatient hospital services, without timely notice to the LHCA CEO.

B. LHCA agrees not to submit any budget adjustment (BA-7) request to DOA which increase the expenditure authority of its facilities without prior notice to the secretary of DHH.

C. DHH agrees not to submit any BA-7's to DOA where the means of financing would reflect use of unbudgeted overcollections from the LHCA without prior notice to the LHCA chief executive officer.

D. DHH and LHCA agree that prior to the March meeting of the Joint Legislative Committee on the Budget a meeting will be held to determine the amount of overcollections, if any, to be transferred from the Louisiana Health Care Authority to the Department of Health and Hospitals, as required by law.

E. LHCA agrees to adhere to DHH Policy No. 4600-77 (DHH Liability Limitation Policy), with regard to the liability for payment for services by those inpatients who are classified as self pay, until such time as a revised policy may be promulgated by the Authority through the Administrative Procedure Act.

F. LHCA is to provide a 90-day notice if they intend to cancel any operational service agreement with DHH facilities

that could adversely affect the DHH facilities budget.

G. DHH is to provide a 90-day notice if they intend to cancel any operational service agreement with LHCA facilities that could adversely affect the LHCA facilities budget.

VII. Annual Revision of Service Agreement

DHH and the LHCA agree to revise this Service Agreement on annual basis, as required by law, and to promulgate the agreement through the Administrative Procedure Act. The draft annual agreement shall be published in the *Louisiana Register* each year, in order for significant changes to be considered in the budget process for the ensuing fiscal year.

Rose V. Forrest
Secretary
Health and Hospitals

William A. Cherry, M.D.
Chief Executive Officer
Health Care Authority

9504#052

RULE

Department of Natural Resources Office of Conservation

Oilfield Site Restoration
(LAC 43:I.1901-2901)

In accordance with the Administrative Procedure Act, R.S.49:950 et seq., the Department of Natural Resources, Office of Conservation and the Oilfield Site Restoration Commission, hereby adopts the following rule.

TITLE 43

NATURAL RESOURCES

Part I. Office of the Secretary

Subpart 1. Oilfield Site Restoration

Chapter 19. Administration

§1901. Memorandum of Understanding

The Oilfield Site Restoration Commission, created within the Department of Natural Resources, the secretary, and the assistant secretary for the office of conservation have been delegated certain authority for the administration of this Part by Act 404 of the 1993 Regular Session of the Louisiana Legislature. A memorandum of understanding shall be prepared and signed by each of these entities for the purpose of delineating and agreeing on the authority and function to be served by and between each of them for the administration of this Part.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:80 et seq.

HISTORICAL NOTE: Promulgated by Department of Natural Resources, Office of Conservation, LR 21: (April 1995).

§1903. Oilfield Site Restoration Commission

A. The commission shall perform all duties and functions authorized or imposed upon it by the provisions of Act 404 of the 1993 Regular Session of the Louisiana Legislature. The

commission shall further enter into a memorandum of understanding in which it assumes the responsibilities and delegates the authority to the secretary according to the provisions of Act 404 of the 1993 Regular Session of the Louisiana Legislature.

B. The commission shall receive and administer the oilfield site restoration fund and the site-specific trust accounts within the fund, as provided by law, and is authorized to expend monies from the fund for its administration of this Part.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:80 et seq.

HISTORICAL NOTE: Promulgated by Department of Natural Resources, Office of Conservation, LR 21: (April 1995).

§1905. Office of the Secretary

A. The secretary shall perform all duties and functions authorized or imposed upon him by the provisions of Act 404 of the 1993 Regular Session of the Louisiana Legislature. The secretary shall further enter into a memorandum of understanding in which he assumes the responsibilities and delegation of authority according to the provisions of Act 404 of the 1993 Regular Session of the Louisiana Legislature.

B. The office of the secretary is authorized to expend a sum, not to exceed \$200,000 per annum, for the department's administration of this Part.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:80 et seq.

HISTORICAL NOTE: Promulgated by Department of Natural Resources, Office of Conservation, LR 21: (April 1995).

§1907. Office of Conservation-Assistant Secretary

A. The assistant secretary shall perform all duties and functions authorized or imposed upon him by the provisions of Act 404 of the 1993 Regular Session of the Louisiana Legislature. The assistant secretary shall further enter into a memorandum of understanding in which he assumes the responsibilities and delegation of authority according to the provisions of Act 404 of the 1993 Regular Session of the Louisiana Legislature.

B. After review of existing rules of the office of conservation, the assistant secretary, shall promulgate any additional rules necessary for implementation of this Part.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:80 et seq.

HISTORICAL NOTE: Promulgated by Department of Natural Resources, Office of Conservation, LR 21: (April 1995).

Chapter 21. Oilfield Site Restoration Fund

§2101. Establishment of the Fund

A. The commission, upon approval of the secretary, may enter into one or more agreements with a private legal entity to receive and administer the "Oilfield Site Restoration Fund," which shall be an interest bearing trust fund.

B. The fund shall be and remain the property of the commission.

C. The monies in the fund shall be used solely for the purposes of this Part.

D. The secretary shall:

1. certify to the secretary of the Department of Revenue and Taxation, the date on which the fund equals or exceeds

the sum of \$10 million (hereinafter referred to as the cap); and

2. the fees as provided for in R.S. 30:87 shall not be collected after the first day of the second month following certification that the cap has been reached; and

3. the secretary of the Department of Revenue and Taxation shall resume collection of the fees upon certification by the secretary that, based on expenditures or the commitment to expend monies, the fund has fallen below \$6 million;

4. site-specific trust account funds within the fund shall not be counted to determine the cap.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:80 et seq.

HISTORICAL NOTE: Promulgated by Department of Natural Resources, Office of Conservation, LR 21: (April 1995).

§2103. Assessment of Fees

A. Effective September 1, 1993, in order to establish the oilfield site restoration fund, the following fees shall be paid:

1. One cent on each barrel of oil and condensate from producing wells. Production shall be determined based on severance tax collections on each well.

2. One-half of one cent on each barrel of oil and condensate from incapable wells. Production shall be determined based on severance tax collections on each well.

3. One-fourth of one cent on each barrel of oil and condensate from stripper wells. Production shall be determined based on severance tax collections on each well.

4. One-fifth of one cent per thousand cubic feet on gas. Production shall be determined based on severance tax collections on each well.

B. Effective July 1, 1995 the fee shall be increased by five percent annually, in each of the above categories, until such time as the fee has been increased by 100 percent per site after which no further increases shall occur.

C. The royalty and overriding royalty owners shall not bear the burden of the fees imposed hereinabove.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:80 et seq.

HISTORICAL NOTE: Promulgated by Department of Natural Resources, Office of Conservation, LR 21: (April 1995).

§2105. Site-Specific Trust Accounts; Accounting Method

A. Prior to the establishment of the first site-specific trust account on any oilfield site, where there are one or more wells associated with a transfer of ownership interest, any party to the transfer may file an application with the secretary, on a form provided by the department, requesting approval of a site-specific trust account based on a site assessment estimate, for restoration of the site so transferred, in compliance with oilfield site restoration under LAC 43:XIX.101, et seq.

B. After a site-specific trust account has been established on any oilfield site, including one or more wells, any subsequent transfer of any interest in one or more wells included in the account shall be reported to the secretary, on a form provided by the department. The secretary shall review the reported transfer and determine whether any modifications or adjustments to the account shall be made.

Once a site-specific trust account has been approved the secretary shall issue a letter of determination to the transferror indicating that he shall be exempt from liability in accordance with this Part.

C. Upon application to the department, on a form provided by the department, by the seller and the purchaser of an oilfield site transferred prior to August 15, 1993, subject to agreement by the assistant secretary for the office of conservation, a site-specific trust account may be established, or, a prior established private trust account may be transferred to the oilfield site restoration fund. Any trust account being transferred shall be subject to review and may be modified to meet the requirements of these rules.

D. Once a site-specific trust account has been established the secretary may modify the funding requirements of the account at any time during the life of the oilfield site, upon recommendation of the commission, the assistant secretary, or upon his own determination, based upon changes in operation, site conditions, or trust account status. After approval and establishment of a site-specific trust account only the responsible party shall be liable for payment of any modifications or adjustments required by the secretary.

E. When a transfer of an ownership interest (where there is an existing trust account), is reported to the secretary, as required by this Part, the secretary may, after review, determine, based on the nonsubstantial nature of the interest being transferred or the adequacy of the trust account, that no adjustment or modification to the existing trust agreement is necessary. If this occurs the secretary shall issue a letter of determination to the transferror indicating that he shall be exempt from liability in accordance with this Part.

F. The party or parties to a transfer who propose to establish a site-specific trust account shall:

1. propose a funding schedule, based on the site restoration assessment, which will fully fund the site restoration at the end of the economic life of the oilfield site;

2. pay some contribution into the trust account at the time of transfer and make quarterly payments into the trust account throughout the economic life of the oilfield site.

G. Site-specific trust account funds shall only be used to restore the specific site to which they are dedicated.

H. At the end of the economic life of an oilfield site the responsible party shall restore the site according to the standards set forth in LAC 43:XIX.101, et seq. If the responsible party has restored the site, upon approval by the assistant-secretary, the monies in the site-specific trust account shall be returned to him.

I. The commission may establish accounting procedures which will enable every transfer, whether it be one well site, a group of well sites, or a field, to be set up in one account for purposes of payment to the account. However, each well site may be accounted for in sub-accounts for purposes of tracking the individual production for its adequacy in maintaining support of the trust. The accounting procedure may also provide for moving a sub-account to a new or existing trust account in the event of a partial transfer of properties subsequent to an initial trust being established thereby segregating the transferred properties.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:80 et seq.

HISTORICAL NOTE: Promulgated by Department of Natural Resources, Office of Conservation, LR 21: (April 1995).

§2107. Use of the Fund

In addition to the administrative cost provided for herein, the monies in the fund may be disbursed and expended as directed by the secretary for the following purposes:

1. any oilfield site assessments or restoration conducted by the department pursuant to this Part. Provided, however, that the amount of money expended for the cost of a site assessment shall not exceed 10 percent of the cost to restore the site;

2. any costs and fees associated with the recovery of site restoration costs and penalties pursuant to R.S. 30:93 and 94;

3. the costs of assessment or restoration of commercial facilities as defined in R.S. 30:73(4) not to exceed 25 percent of any sums deposited within the same calendar year in which the monies are expended.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:80 et seq.

HISTORICAL NOTE: Promulgated by Department of Natural Resources, Office of Conservation, LR 21: (April 1995).

Chapter 23. Oilfield Site Restoration

§2301. Office of the Secretary; Oilfield Site Assessments or Restoration

A. The secretary or his agents, upon proper identification and notification, may enter the land of another for purposes of oilfield site assessments or restoration.

B. The secretary may enter into contracts for the purposes of site assessments or restoration to carry out the provisions of this Part, under the following circumstances:

1. When the secretary has declared in writing an emergency, he may take informal, detailed written bids from at least three contractors without the necessity of meeting the requirements of the state public bid law. Before execution of a contract, under emergency declaration, a performance bond shall be furnished by the contractor and the contracts shall be reviewed by the commissioner of administration.

2. Where no emergency exists, all contracts shall be made pursuant to the state public bid law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:80 et seq.

HISTORICAL NOTE: Promulgated by Department of Natural Resources, Office of Conservation, LR 21: (April 1995).

§2303. Oilfield Site Restoration Assessments; Site-Specific Trust Accounts

A. In the event that the parties to the transfer of an oilfield site elect to establish a site-specific trust account an oilfield site restoration assessment may be made prior to the transfer, or within one year from the date of the transfer, as required by the secretary.

B. An oilfield site restoration assessment shall be performed by a contractor chosen from the list of contractors approved by the commission or a contractor who submits his credentials to the commission for approval and is subsequently added to the list.

C. A site restoration assessment shall specifically detail site restoration needs and shall provide an estimate of the site

restoration costs needed to restore the oilfield site, in accordance with the standards set forth in LAC 43:XIX.101, et seq., based on the conditions existing at the time of the transfer. The site restoration assessment shall be reported on a form provided by the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:80 et seq.

HISTORICAL NOTE: Promulgated by Department of Natural Resources, Office of Conservation, LR 21: (April 1995).

Chapter 25. Liability; Limitations

§2501. Non-Orphaned Oilfield Sites

A. The responsible party is liable for the site restoration of an unusable oilfield site.

B. If the responsible party fails to complete restoration of an oilfield site and the assistant secretary, after notice and hearing, has declared the site to be unusable, the secretary is authorized to disburse such funds as are necessary for site restoration from the site-specific trust account. After completion of the site restoration any remaining funds in the site-specific trust account shall be remitted to the responsible party.

C. If the site-specific trust account is depleted prior to the payment of all site restoration costs, the department shall attempt to collect the remainder of site restoration costs from the responsible party or ensure that the responsible party completes the site restoration to the satisfaction of the assistant secretary. If the responsible party is still unable to complete the site restoration, and the assistant-secretary declares the site to be orphaned, the Oilfield Site Restoration Fund shall contribute the balance of the restoration costs for the site.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:80 et seq.

HISTORICAL NOTE: Promulgated by Department of Natural Resources, Office of Conservation, LR 21: (April 1995).

§2503. Orphaned Oilfield Sites

A. If a party has transferred an oilfield site after May 1, 1993 for which a site-specific trust account was established and the transferror has remained in compliance with this Part he shall not be liable for any site restoration for the non-orphaned or orphaned oilfield site.

B. If the assistant secretary has declared an oilfield site to be orphaned which was transferred prior to May 1, 1993 the secretary may expend monies from the fund to fully restore the site. Except for the responsible party, the secretary shall not be authorized to recover the restoration costs from parties which formerly operated or held working interest in the orphaned site unless the costs to fully restore the site exceed \$200,000. Transfer of an oilfield site shall be deemed to have taken place prior to May 1, 1993 where a purchase and sale agreement has been executed prior to May 1, 1993 and closing takes place within 120 days of execution.

C. If the assistant secretary has declared an oilfield site to be orphaned which was transferred after May 1, 1993 for which no site-specific trust account was established no responsible party, prior operators, or working interest owners shall receive the exemptions provided for in this Part for the subject orphan site.

D. If the assistant secretary has declared an oilfield site to

be orphaned which was transferred after May 1, 1993 for which a site specific trust account was established the site shall be restored in the following manner:

1. the secretary shall expend the site-specific trust account funds; and

2. the assistant secretary shall collect any deficiencies from the responsible party; and

3. the secretary shall expend a maximum of \$200,000 from the general oilfield site restoration fund if there are remaining deficiencies; and

4. if there are still further deficiencies the secretary shall recover any remaining costs from any non-exempt prior operators and working interest owners in inverse chronological order from the date on which the oilfield site has been declared orphaned according to procedures established by the assistant secretary.

E. The state shall be exempt from the provisions of this Part.

F. The commission, the secretary, and the assistant secretary, and their agents, shall not be liable for any damages arising from an act or omission if the act or omission is part of a good faith effort to carry out the purpose of this Part.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:80 et seq.

HISTORICAL NOTE: Promulgated by Department of Natural Resources, Office of Conservation, LR 21: (April 1995).

Chapter 27. Hearings; Appeals

§2701. Aggrieved Parties; Right to Hearing

A. The secretary shall not unreasonably withhold approval of a site-specific trust account. Any party who applies for a site-specific trust account and who is aggrieved by the decision of the secretary may request a hearing and finally judicial review in accordance with the hearings and appeal process established in Part I Chapter I of Title 43 of the Louisiana Administrative Code in the general rules and regulations in the Office of the Secretary.

B. Any party who is aggrieved by a decision under this Part by the commission, the secretary, or the assistant secretary, shall be entitled to a hearing and appeal process as set forth above.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:80 et seq.

HISTORICAL NOTE: Promulgated by Department of Natural Resources, Office of Conservation, LR 21: (April 1995).

Chapter 29. Penalties

§2901. Violations of this Part

Any violations of this Part shall be subject to the penalties as provided by law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:80 et seq.

HISTORICAL NOTE: Promulgated by Department of Natural Resources, Office of Conservation, LR 21: (April 1995).

Jack McClanahan
Secretary

Ernest A. Burguières, III,
Commissioner

9504#053

RULE

Department of Revenue and Taxation Sales Tax Division

Pesticides Used for Agricultural Purposes (LAC 61:I.4408)

Under the authority of R.S. 47:305.8 and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue and Taxation, Sales Tax Division, has amended LAC 61:I.4408 pertaining to the exemption for pesticides used for agricultural purposes.

The use of crop oils, surfactants, drift control agents, and other solutions in applying qualifying pesticides has been at issue for some time. Pesticides are generally purchased in a concentrated form and mixed with an agent that allows the maximum effect of the pesticide when applied or distributed. This proposed amendment will exempt these agents when used to apply qualifying pesticides. This amendment further defines pesticides as those specified under state statutes and regulations by the Louisiana Department of Agriculture and Forestry and registration numbers assigned by the U.S. Environmental Protection Agency under the Federal Insecticide, Fungicide, and Rodenticide Act.

Title 61

REVENUE AND TAXATION

Part I. Taxes Collected and Administered by the Secretary of Revenue and Taxation

Chapter 44. Sales and Use Tax Exemptions

§4408. Pesticides Used for Agricultural Purposes

A. General. R.S. 47:305.8 provides an exemption from the taxes imposed by this Chapter for the sale at retail of pesticides used for agricultural purposes, including particularly, but not limited to, insecticides, herbicides, and fungicides used for agricultural purposes.

B. Definitions

Agricultural Purposes—any purpose directly connected with the operation of any farm, including poultry, fish, and crawfish farms, ranch, orchard or any other operation by which products are grown on the land in sufficient quantity to constitute a commercial operation. The exemption is not intended to cover the sale of pesticides for use in private family vegetable gardens or in protecting ornamental plants used for landscape purposes.

Pesticides—include any preparation useful in the control of insects, plant life, fungus, or any other pests detrimental to agricultural crops, including the control of animal pests that meets the definition of a pesticide in accordance with the Department of Agriculture and Forestry of the State of Louisiana under R.S. 3:3202. Qualifying pesticides must be registered with the U.S. Environmental Protection Agency (EPA) and the Louisiana Department of Agriculture and Forestry or any other appropriate governmental agency and must carry a valid EPA FIFRA (Federal Insecticide, Fungicide, and Rodenticide Act) number issued by the U.S. Environmental Protection Agency or a special label number assigned by the Louisiana Department of Agriculture and

Forestry. The exemption also includes any solution mixed with a qualifying pesticide to allow for the proper distribution and application of the pesticide, including but not limited to crop oils, surfactants, adjuvants, emulsions, soaps, and drift agents.

C. Dealer Requirements. The dealer who fails to collect sales tax on the sale of pesticides covered by this Section must be able to show that they were used for legitimate commercial agricultural purposes as defined herein. The dealer must also be able to fully identify any purchaser from whom the tax was not collected. In the absence of this information, the dealer will be liable for the tax.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:305.8.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, LR 13:107 (February 1987), amended by the Sales Tax Division, LR 21: (April 1995).

Raymond Tangney
Director

9504#047

RULE

Department of Social Services Office of Community Services

Homeless Trust Fund Advisory Council (LAC 48:I.Chapter 18)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Department of Social Services is adopting the following rule to amend Part I of Title 48 of the Louisiana Administrative Code by establishing a procedure to disburse funds from the Louisiana Trust Fund.

Title 48

PUBLIC HEALTH

Part I. General Administration

Chapter 18. Homeless Trust Fund

§1801. Definitions

In this Chapter:

Council—the Homeless Trust Fund Advisory Council.

Fund—the "Louisiana Homeless Trust Fund" established by R.S. 46:591-46:595.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:591 et seq.

HISTORICAL NOTE: Promulgated by the Department of Social Services, LR 21: (April 1995).

§1803. Application Requests

A. To receive an application, an organization that aids the homeless must submit a written request to the council containing the following information:

1. name of the organization;
2. mailing address of the organization;
3. phone number of the organization;
4. contact person within the organization; and
5. proof of the organization's nonprofit and tax exempt

status or of nonprofit application pending.

B. An organization that submits an application request will be added to the council's mailing list and the council shall mail the organization information about application requirements and deadlines.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:591 et seq.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Community Services, LR 21: (April 1995).

§1805. Application Requirements and Deadlines

A. The application for funds must contain:

1. name and mailing address of the organization;
2. names and addresses of the organization's board of directors;
3. certification of the organization's nonprofit and tax exempt status or of nonprofit application pending;
4. brief history of the organization and its programs;
5. description of the proposed use of the requested funds;
6. description of the unmet needs of the homeless in the organization's community, including the source of the information;
7. itemized budget and budget justification for the Trust Fund proposal;
8. summary of organization's annual budget and sources of income;
9. documentation of the availability of matching funds for the proposal.

B. The council will issue solicitations for grant applications after the end of the state fiscal year when the balance in the Fund is determined. The solicitation for grant applications will outline application deadlines and describe the eligible projects that the council will fund.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:591 et seq.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Community Services, LR 21: (April 1995).

§1807. Review of Applications

A. The council will review complete applications in the order the applications are received.

B. The council shall evaluate each application according to the following factors:

1. the extent to which the proposal meets the needs of the homeless in the organization's service community, as identified by the most recent report of the Louisiana Interagency Council on the Homeless;
2. the extent to which the organization requires Homeless Trust Fund monies as an equivalent match for other homeless assistance funding;
3. the demonstrated success of the program in meeting the needs of the homeless, if the proposal concerns an existing program;
4. the extent to which the proposal provides for direct services or housing needs, rather than administrative services; and
5. other factors as identified in the council's annual solicitation for grant applications.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:591 et seq.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Community Services, LR 21: (April 1995).

§1809. Notification and Appeals

A. The council shall notify applicants of award decisions no later than 30 days after the date of the council's decision.

B. An organization shall notify the council in writing and by mail of whether the organization accepts the award no later than 30 days after the date the organization received the council's notification.

C. The council shall publish annually in the *Louisiana Register* a list of all projects funded during the previous state fiscal year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:591 et seq.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Community Services, LR 21: (April 1995).

§1811. Emergency Grants

At any time, the council may authorize an emergency grant of up to \$2,000 to an organization that aids the homeless, as long as funding is available in accordance with §1813 of this rule. A request for an emergency grant must state the immediate nature of the request and comply with §1805.A of this rule.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:591 et seq.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Community Services, LR 21: (April 1995).

§1813. Residual Funds in the Homeless Trust Fund

The council will retain not less than \$5,000 in the fund. The availability of funds for disbursement will be determined by the council, but will not deplete the fund below this amount.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:591 et seq.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Community Services, LR 21: (April 1995).

Gloria Bryant-Banks
Secretary

9504#061

RULE

Department of Social Services Office of Family Support

Individual and Family Grant Program (LAC 67:III.6501-6502)

The Department of Social Services, Office of Family Support, has amended the Louisiana Administrative Code, Title 67, Part III, Subpart 10, Individual and Family Grant (IFG) Program.

Pursuant to Public Law 93-288 which prescribes that grant amounts and related flood insurance amounts be adjusted annually, and to prevent the necessity of publishing rules every year, the department has revised language in appropriate sections.

Title 67

SOCIAL SERVICES

Part III. Office of Family Support

Subpart 10. Individual and Family Grant Program

Chapter 47. Application, Eligibility, and Furnishing Assistance

Subchapter A. Need and Amount of Assistance

§4701. Maximum Grant Amount

The maximum grant amount in the IFG Program is adjusted at the beginning of each federal fiscal year to reflect changes in the *Consumer Price Index for All Urban Consumers* as published by the U. S. Department of Labor.

AUTHORITY NOTE: Promulgated in accordance with 44 CFR 206.131, P.L. 93-288 and F.R. 54:58378.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Eligibility Determinations, LR 15:444 (June 1989), LR 15:744 (September 1989). Amended by the Department of Social Services, Office of Family Support, LR 17:474 (May 1991), LR 17:766 (August 1991), LR 17:888 (September 1991), LR 18:939 (September 1992), LR 18:1352 (December 1992), LR 19:167 (February 1993), LR 19:213 (February 1993), LR 19:606 (May 1993), LR 19:784 (June 1993), LR 20:449 (April 1994), LR 21: (April 1995).

§4702. Flood Insurance

* * *

B. The dollar value of the required flood insurance policy for housing and personal property grants where the applicant resides in a flood zone is also adjusted at the beginning of each federal fiscal year to reflect changes in the *Consumer Price Index for All Urban Consumers*.

AUTHORITY NOTE: Promulgated in accordance with 44 CFR 206.131 and P.L. 93-288.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Eligibility Determinations, LR 15:444 (June 1989), LR 15:744 (September 1989). Amended by the Department of Social Services, Office of Family Support, LR 17:474 (May 1991), LR 17:766 (August 1991), LR 17:888 (September 1991), LR 18:939 (September 1992), LR 18:1351 (December 1992), LR 19:167, (February 1993), LR 19:213 (February 1993), LR 19:606 (May 1993), LR 19:784 (June 1993), LR 20:449 (April 1994), LR 21: (April 1995).

Gloria Bryant-Banks
Secretary

9504#064

RULE

Department of Treasury

Board of Trustees of the State Employees Group Benefits Program

Plan Document—Payment of Benefits

In accordance with the applicable provisions of R.S. 49:950 et seq., the Administrative Procedure Act, and R.S. 42:871(C) and 874(A)(2), vesting the board of trustees with the sole

responsibility for administration of the State Employees Group Benefits Program and granting the power to adopt and promulgate rules with respect thereto, the Board of Trustees of the State Employees Group Benefits Program has adopted the following amendments to the plan document in order to avoid disruption or curtailment of services to state employees and their dependents who are covered by the State Employees Group Benefits Program.

The purpose, intent, effect and text of these amendments may be viewed in the emergency rule section of this issue of the *Louisiana Register*.

James R. Plaisance
Executive Director

9504#038

RULE

Department of Treasury

Board of Trustees of the State Employees Group Benefits Program

Retiree 100 Rate Change

In accordance with the applicable provisions of R.S. 49:950 et seq., the Administrative Procedure Act, and R.S. 42:871(C) and 874(A)(2), vesting the Board of Trustees with the sole responsibility for administration of the State Employees Group Benefits Program and granting the power to adopt and promulgate rules with respect thereto, the Board of Trustees has adopted the following rule relative to the rate for Retiree 100 coverage in order to avoid disruption or curtailment of services to members of the State Employees Group Benefits Program who are enrolled for this optional coverage.

The purpose, intent, and effect of this rate adjustment is to reduce the amount paid by retirees for this optional coverage.

Effective immediately, the rate for the Retiree 100 coverage option with the State Employees Group Benefits Program (available only to retirees with Medicare) will be \$39 per person per month. There is no employer contribution for Retiree 100. The full premium is payable by the plan member/covered person.

James R. Plaisance
Executive Director

9504#039

RULE

**Department of Treasury
Bond Commission**

Multi-family Housing Applications (HS2-1993) (LAC 71:III)

The State Bond Commission (the "commission") has found it necessary to address the concerns of very low, low and/or

moderate income families in multi-family housing units financed with tax exempt and/or taxable municipal bonds subject to the approval of the commission.

The commission hereby adopts the following rule which shall apply to all such applications submitted to the commission for new construction, acquisition and/or rehabilitation, or refunding of multi-family housing units.

Multi-family housing applications must include defined tenant benefit programs for those units set-aside for very low, low and/or moderate income families. Those applications that do not include evidence of such programs will not be docketed for consideration.

The staff of the State Bond Commission shall use the following criteria when evaluating defined tenant benefit programs.

A. Nonspecial Needs Multifamily Housing. A developer shall select at a minimum two of the seven options listed below for the set-aside units.

1. Material Rent Differentials. In order to be deemed material, a rent differential must satisfy the federal tax credit guidelines which specify that rent for set-aside units should not exceed 30 percent of the imputed income limit for the set aside unit.

2. Deposit Waivers and/or Application Fee Waivers. Deposit or application fee waivers may be applied to either an application fee, a security deposit, or both.

3. Rent Cap. Rent caps may be applied which limit the dollar and/or percentage of increase in rent upon renewal of a lease. Such rent caps must be equal to or less than one-half the scheduled rent increase for such lease renewal.

4. Rent Deferral. Rent deferral programs would apply to those tenants which become unemployed during the term of their lease. Rent deferral programs can reschedule rent payments at reduced amounts or have a 100 percent deferral either until six months after the resident is no longer receiving unemployment compensation. This program may be funded with a reserve set aside for this specific purpose and clearly delineated in the bond documents.

5. Educational Programs or Other Socialization Programs. These programs may include literacy or tutorial programs, re-education assistance for the unemployed or other such assistance which would increase opportunities for the targeted income class.

6. Day-care Related Programs. These programs may either be located on site or subsidized off site day care centers. Programs may include after school care and/or supervision for the children of working parents.

7. Other such benefit programs as may be proposed by the developer, such as:

- a. tenant security programs;
- b. energy conservation programs.

B. Special Needs Multifamily Housing. The commission recognizes the development of special needs housing for the elderly, disabled, homeless, etc., is essential to the welfare of the citizens of the state. Therefore, the criteria for the defined tenant benefit program shall be based on the total package to

be offered to the special needs group, including, but not limited to the following:

1. Meals Programs. Depending upon the special needs group targeted, this benefit can include one or more meals provided in a central dining area or some other meal program included as part of the total benefit package.

2. Transportation Assistance
3. On-site Health Services
4. House Keeping Services
5. Social Activities
6. Trained and Certified Staff
7. Rent Differentials

C. Multifamily Housing in Qualified Redevelopment Areas. The commission recognizes the importance of encouraging the redevelopment and/or revitalization of urban and inner city areas. Therefore, additional consideration will be given to the following:

1. A Qualified Redevelopment Area. A qualified redevelopment area shall be defined by the governing authority of the local jurisdiction and as approved by the State Bond Commission.

2. Project Plan. The project plan must include whether it is new construction or a redevelopment of an existing property. The plan must also include a defined tenant benefit package if the project targets a special income class. If the project requires the relocation of current residents, the plan must show how the relocation will be addressed.

In all instances, the final decision as to the acceptance of the defined tenant benefit package shall rest with the commission. Inclusion of a defined tenant benefit package does not guarantee approval. Other factors will be considered including: the total financial package; other means of financing including historical and housing tax credits; the nature (for profit or nonprofit), experience and track record of the developer; and, the experience and track record of the proposed property manager.

A complete application must be filed with the Office of the State Bond Commission no later than 20 working days prior to the meeting date at which the application is to be considered in accordance with the rules of the commission.

Mary Landrieu
State Treasurer

9504#010

RULE

Department of Treasury
Bond Commission

Reimbursement Contracts (LAC 71:III)

The Omnibus Bond Authorization Act, in order to facilitate the funding of capital improvements by certain governmental units and political subdivisions of the state, has authorized the issuance of general obligation bonds contingent upon the

applicable management board, governing body or state agency entering into and executing a reimbursement contract with the State Bond Commission pertaining to the reimbursement payments and reimbursement reserve account payments for such projects.

The execution of such reimbursement contracts does not in any way affect, restrict or limit the pledge of the full faith and credit of the State of Louisiana to the payment of the general obligation bonds issued pursuant to the authority of such Act.

The State of Louisiana is obligated to the general obligation bondholder regardless of the existence of any reimbursement contracts between the state and any of its governmental units or political subdivisions, and likewise the governmental unit or political subdivision is obligated to make payment to the state of the money loaned under the reimbursement contracts, regardless of the current status of any general obligation bonds.

In some instances the prepayment of such reimbursement contracts can result in savings to such governmental units and political subdivisions, and to that end a clear and orderly process for entering into and prepaying reimbursement contracts will benefit both the state and the governmental units and political subdivisions utilizing such tax-exempt funds by insuring that funds are handled in such a manner as to maintain the tax-exempt status of any bonds issued in connection with the transaction. Therefore, the following is the policy of the Department of the Treasury, office of the State Bond Commission relative to reimbursement contracts:

Title 71

TREASURY

Part III. Bond Commission

1. Any governmental entity or political subdivision borrowing money from the proceeds of a state general obligation bond issue shall, at the time the money is borrowed from the state, enter into a reimbursement contract as provided in the Omnibus Bond Authorization Act pursuant to which the bonds were issued, which reimbursement contract shall provide for the terms and conditions under which these funds shall be repaid by the governmental entity or political subdivision. At the time a reimbursement contract is executed for the underlying tax-exempt obligation, an IRS Form 8038G or Form 8038GC shall be prepared by the attorney general and shall be executed by the recipient of the bond proceeds.

2. Any governmental unit or political subdivision which has entered into a reimbursement contract shall be allowed to prepay the reimbursement contract if the prepayment would result in a minimum net present value savings in accordance with Schedule A. In addition, all of the other conditions of this policy and procedure must be met in order to qualify for prepayment.

3. A governmental unit or political subdivision wishing to prepay a reimbursement contract shall make such request in writing to the office of the State Bond Commission. The staff shall determine the amount due for prepayment, including principal and interest due plus the redemption premium, if any, and less the amount of any reimbursement reserves.

4. The staff of the office of the State Bond Commission

shall then send written notification to the chief financial officer or other appropriate official for the entity requesting prepayment setting forth the amount owed for prepayment. Copies of the notice shall be forwarded to the fiscal officer of the Department of the Treasury, the attorney general, and the Division of Administration. The chief financial officer or other official to whom the notice is sent shall verify in writing that they concur with the figures submitted in the written notice.

5. If application is made to the State Bond Commission for the issuance of refunding bonds, the proceeds of which are to be used for the prepayment of a reimbursement contract, a copy of the notification submitted pursuant to Section 4 above must be attached to the application. Upon receipt of such an application, the state debt analyst shall be immediately notified. The total amount due in order to prepay the reimbursement contract must be verified by the state debt analyst and made a part of the file. Once the amounts have been verified the usual procedure for approval of bond applications shall be followed.

6. After the recipient's refunding bonds have been sold, the applicant must contact the office of the State Bond Commission to arrange payment of the reimbursement contract. Prepayments must be accompanied by a certificate of the chief financial officer or bond counsel for the prepaying entity attesting to the correct arbitrage yield on the refunding bonds.

7. Upon delivery of the prepayment check, the state debt analyst shall fill out the Parish and Local Government Reimbursement Contract Prepayment Receipt Log showing receipt of the money, where it is to be deposited and whether it is to be yield restricted to the rate of arbitrage yield certified to by the bond counsel for the prepaying entity (in the case of prepayments funded by a tax-exempt bond issue) or to the rate of the state bond issue (in the case of prepayments not funded with the proceeds of a tax-exempt bond issue, such as those funded from tax revenues or user fees). The proceeds received as prepayment of reimbursement contracts shall be deposited by the Fiscal Office, Department of the Treasury, into the State Treasury in accordance with the designation shown on the form and shall be placed in the Capital Outlay Escrow Fund. Such funds shall be yield restricted as indicated above or yield reduction payments shall be made as necessary until such funds are expended in accordance with law. All interest earnings on such funds shall remain in the Capital Outlay Escrow Fund and shall be restricted to the same yield as the original prepayment deposit or yield reduction payments shall be made as necessary until all such earnings are expended along with the principal prepayment amount.

8. Upon deposit of the prepayment proceeds, the Fiscal Control Section of the Department of the Treasury shall notify the Division of Administration that funds are now available to be used in accordance with the Capital Outlay Bill for the current fiscal year. Such notification shall include a copy of the Reimbursement Prepayment Receipt Form.

9. The Division of Administration shall notify the Fiscal Control Section of the Department of Treasury when these

funds have been allocated to a particular project. Such notification shall include the name of the project and the amount allocated.

THE APPROPRIATE THRESHOLD OF SAVINGS THAT SHOULD EXIST FOR AN ECONOMIC REFUNDING:

Months To Call	Minimum Present Value Savings To Refund
0 — 12	Net Present Value Savings > 0
13 — 24	Net Present Value Savings > 1.5%
25 — 48	Net Present Value Savings > 3.0%
> 48	Net Present Value Savings > 5.0%

CHECKLIST FOR COMPLIANCE WITH POLICY AND PROCEDURES FOR PREPAYMENT OF REIMBURSEMENT CONTRACTS

- Name of entity _____
- Identifying information on reimbursement contract
 Name _____
 Series _____ Issue Date _____
 Amount of Original Issue _____
 Principal and Interest Payment Dates: P _____ I _____
- IRS Form 8038G or 8038GC executed? Yes _____ No _____
- Net present value savings _____
- Date request for prepayment approval received _____
- Forwarded to State Debt Analyst II (date) _____
- Cost of prepayment:
 - Principal \$ _____
 - Interest \$ _____
 - Redemption premium, if any \$ _____
 - Less Reserves \$ _____
 - Total amount due for prepayment \$ _____
- Request for verification forwarded to Chief Financial Officer _____
 (Copies to Division of Administration; Attorney General; Fiscal Control Section)
- Verification received from Chief Financial Officer _____
- Prepayment received on (date) _____
- Arbitrage yield certificate attached Yes _____ No _____
- Reimbursement Prepayment Receipt Form completed _____
- Funds deposited into Capital Outlay Escrow Account on _____
- Yield restricted to rate of _____
- Division of Administration notified of deposit on _____

CHECKLIST FOR BOND APPLICATIONS WHEN BOND PROCEEDS ARE TO BE USED FOR PREPAYMENT OF REIMBURSEMENT CONTRACTS

- Name of entity _____
- Identifying information on reimbursement contract to be prepaid with bond proceeds
 Name _____
 Series _____ Issue Date _____
 Amount of Original Issue _____
 Principal and Interest Payment Dates: P _____ I _____
- State Debt Analyst notified of bond application (date) _____
- Verification of prepayment amount received from SDA (date) _____

NOTIFICATION OF AMOUNT DUE FOR PREPAYMENT OF REIMBURSEMENT CONTRACT

YOU ARE HEREBY NOTIFIED THAT THE OFFICE OF THE STATE BOND COMMISSION HAS RECEIVED YOUR REQUEST FOR PREPAYMENT OF THE FOLLOWING REIMBURSEMENT CONTRACT:

- Name of entity _____
- Identifying information on reimbursement contract to be prepaid with bond proceeds
 Name _____
 Series _____ Issue Date _____
 Amount of Original Issue _____
 Principal and Interest Payment Dates: P _____ I _____

A REVIEW OF OUR RECORDS INDICATES THAT THE FOLLOWING AMOUNTS ARE DUE IN ORDER TO PREPAY THE REIMBURSEMENT CONTRACT ON OR BEFORE THE FOLLOWING DATE _____

Cost of prepayment:

- Principal \$ _____
- Interest \$ _____
- Redemption premium, if any \$ _____
- Less Reserves \$ _____
- Total amount due for prepayment \$ _____

IF YOU CONCUR WITH THE ABOVE FIGURES, SIGN AND RETURN THE ORIGINAL OF THIS NOTICE TO THE ADDRESS SHOWN ABOVE. IF YOU DISAGREE WITH THE ABOVE FIGURES, CONTACT THE FOLLOWING PERSON AT THE STATE BOND COMMISSION:

 State Debt Analyst

 Chief Financial Officer

**PARISH AND LOCAL GOVERNMENT
REIMBURSEMENT CONTRACT PREPAYMENT
RECEIPT LOG**

1. Name of prepaying entity _____
2. Identifying information on reimbursement contract to be prepaid
 Name _____
 Series _____ Issue Date _____
 Amount of Original Issue _____
 Principal and Interest Payment Dates: P _____ I _____
3. Check No. _____
4. Dated _____
5. Amount Received _____
6. Date Received _____
7. Deposited into: _____
 (Account Name)
8. Yield restricted or yield reduction payments owed in accordance with the following rates:
 Rate of arbitrage yield for prepaying entity _____
 Rate of arbitrage yield for state bond issue _____
9. Source of Funding
 a. Local Bond Issue? _____
 b. Tax-Revenue? _____

Mary L. Landrieu
State Treasurer

9504#011

NOTICES OF INTENT

NOTICE OF INTENT

**Department of Agriculture and Forestry
Office of Agricultural and Environmental Sciences
Advisory Commission on Pesticides**

Pesticide Restriction (LAC 7:XXIII.13139)

In accordance with provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Agriculture and Forestry, Advisory Commission on Pesticides, proposes to amend regulations regarding the restrictions on application of certain pesticides. These rules comply with and are enabled by R.S. 3:3203.

Title 7

AGRICULTURE AND ANIMALS

Part XXIII. Pesticides

Chapter 131. Louisiana Advisory Commission on Pesticides

Subchapter I. Regulations Governing Application of Pesticides

§13139. Restrictions on Application of Certain Pesticides

A. - B. ...

C. The pesticides listed in LAC 7:XXIII.13139.B shall not be applied by commercial applicators between March 15 and September 15 in the following parishes:

1. Avoyelles	14. Madison
2. Bossier	15. Morehouse
3. Caddo	16. Natchitoches
4. Caldwell	17. Ouachita
5. Catahoula	18. Pointe Coupee, Ward 2
6. Claiborne, Ward 4	19. Rapides
7. Concordia	20. Red River
8. DeSoto, Ward 7	21. Richland
9. East Carroll	22. St. Landry, Wards 4 and 5
10. Evangeline, Wards 1 and 5	23. Tensas
11. Franklin	24. Union
12. Grant	25. West Carroll
13. LaSalle	26. Winn, Ward 7

* * *

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

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Advisory Commission on Pesticides, LR 9:169 (April 1983), amended LR 10:193 (March 1984), LR 11:219 (March 1985), LR 11:942 (October 1985), amended by the Department of Agriculture and Forestry, Office of Agriculture and Environmental Sciences, LR 18:953 (September 1992), amended LR 19:791 (June 1993), amended LR 21:

Interested persons should submit written comments on the proposed rules to Bobby Simoneaux through May 26, 1995 at 5825 Florida Boulevard, Baton Rouge, LA 70806. A public hearing will be held on these rules on May 26, 1995 at 9 a.m. at the address listed above. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing, at the hearing. No preamble regarding these rules is available.

Bob Odom
Commissioner

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

- 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 to state or local governmental units is anticipated to result from implementation of the proposed rule amendment.

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

No costs or economic benefits are anticipated to result to directly affected persons as a result of the implementation of the proposed rule amendment.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No effect on competition or employment is anticipated.

Richard Allen
Assistant Commissioner
9504#058

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

Department of Agriculture and Forestry Office of Agricultural and Environmental Sciences Boll Weevil Eradication Commission

Program Participation, Fee Payment and Penalties (LAC 7:XV.9921)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Agriculture and Forestry, Boll Weevil Eradication Commission, is amending the following rule regarding program participation, fee payment and penalties in the Boll Weevil Eradication Program. These rules comply with and are enabled by R.S. 3:3613.

Title 7

AGRICULTURE AND ANIMALS

Part XV. Plant Protection and Quarantine

Chapter 99. Boll Weevil

§9921. Program Participation, Fee Payment and Penalties

Upon passage of the referendum, all cotton producers growing cotton in an eradication zone shall be required to participate in the eradication program as follows:

1. Each year, during the first five years of the program, cotton producers shall submit to the ASCS office the annual assessment as set by the commission following the adjudicatory procedure of the Administrative Procedure Act, which assessment shall not exceed \$10 per acre the first year and \$30 per acre for each of the remaining years, for each acre of certified cotton acreage on file with ASCS. The assessment shall be paid to the commission by the later of July 1 or final certification of the current growing season. ASCS shall promptly forward all collected assessments to the commission.

a. Any cotton producer planting a fraction of an acre

shall be assessed at a prorated assessment rate for that fractional acre.

b. Any cotton producer failing to file a completed Cotton Acreage Reporting Form by the later of July 1 or final certification of the current growing season shall, in addition to the assessment fee and other penalties provided in the Boll Weevil Eradication Law and these regulations, be subject to a penalty fee of \$2 per acre.

c. Any cotton producer failing to pay all assessments by the later of July 1 or final certification of the current growing season shall, in addition to the assessment fee and other penalties provided in the Boll Weevil Eradication Law and these regulations, be subject to a penalty fee of \$3 per acre.

d. Beginning with the second year of the program and continuing for subsequent years, any cotton producer whose ASCS certified acreage exceeds his reported acreage by more than 10 percent shall, for each ASCS certified acre in excess of that reported, be subject to a penalty fee of \$5 per acre in addition to the assessment fee, payable on or before September 1 of the current growing season.

e. Failure to pay all program costs, including assessments and penalty fees shall be a violation of these regulations. Any cotton growing on a cotton producer's acreage which is subject to the assessment shall be subject to destruction by the commissioner should said cotton producer fail to pay all program costs, including assessments and penalty fees, within 30 days of notification of the default.

2. The commission shall have the right to collect some or all of the program costs, including assessments and penalty fees, by contracting with another entity, public or private, for assessment collection. All cotton producers in an eradication zone shall be notified of such a decision by the commission.

3. Cotton producers shall destroy cotton stalks in every field location planted to cotton, on or before December 31 of each year. Cotton stalk destruction shall consist of shredding or disking to the extent of eliminating standing cotton stalks. Failure to destroy stalks by December 31 of each year shall be a violation of these regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1609, 1612, 1613.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Boll Weevil Eradication Commission, LR 21:17 (January 1995), amended LR 21:

Interested persons should submit written comments on the proposed rules to Craig Roussel through May 30, 1995, at 5825 Florida Boulevard, Baton Rouge, LA 70806. A public hearing will be held on these rules on May 30, 1995 at 10 a.m. at the address listed above. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing, at the hearing. No preamble regarding these rules is available.

Bob Odom
Commissioner

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

RULE TITLE: Boll Weevil Eradication

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

The cost to state governmental units will be \$3,700,000. All costs will be paid from producer assessments. Funds will be used to pay debt service on the program.

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

The estimated effect on revenue collections to state governmental units will be \$4,400,000. This is based on an assessment increased from \$125 to \$130 per acre on approximately 880,000 acres of cotton.

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

The estimated cost to directly affected persons is \$3,700,000. This estimate is based on an assessment increased from \$125 to \$130 per acre over the five-year lifetime of the program. The estimate assumes approximately 880,000 acres of cotton each year.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There should be no effect on competition.

Richard Allen
Assistant Commissioner
9504#060

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

**Department of Agriculture and Forestry
Structural Pest Control Commission**

Approved Termiticides (LAC 7:XXV.14153)

In accordance with provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Agriculture and Forestry, Structural Pest Control Commission, proposes to amend regulations regarding the list of approved termiticides. These rules comply with and are enabled by R.S. 3:3366.

Title 7

AGRICULTURE AND ANIMALS

Part XXV. Structural Pest Control

Chapter 141. Structural Pest Control Commission

§14153. List of Approved Termiticides

Termiticide	Percentage	Termiticide	Percentage
Biflex TC	.06% - .12%	Prevail	.30% - .60%
Demon	.25% - .50%	Pryfon	.75%
Dragnet FT	.50% - 1.0%	Tenure	.75% - 1.0%
Dursban TC	1.0%	Torpedo	.50% - 1.0%
Equity	.75% - 1.0%	Tribute	5.0% - 1.0%
Chlorpyrifos TC	1.0%		

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3306.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Structural Pest Control Commission, LR 11:330 (April 1985), amended by the Department of Agriculture and Forestry, Structural Pest Control Commission, LR 20:644 (June 1994), LR 21:

Interested persons should submit written comments on the proposed rules to Bobby Simoneaux through May 26, 1995, at 5825 Florida Boulevard, Baton Rouge, LA 70806. A public hearing will be held on these rules on May 26, 1995 at 9 a.m. at the address listed above. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing, at the hearing. No preamble regarding these rules is available.

Bob Odom
Commissioner

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

RULE TITLE: Approved Termiticides

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 to state or local governmental units is anticipated to result from implementation of the proposed rule amendment.

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

No costs or economic benefits are anticipated to result to directly affected persons as a result of the implementation of the proposed rule amendment.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No effect on competition or employment is anticipated.

Richard Allen
Assistant Commissioner
9504#057

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

**Department of Agriculture and Forestry
Office of Forestry
Forestry Commission**

Forest Tree Seedling Prices (LAC 7:XXXIX.20301)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Department of Agriculture and Forestry, Office of Forestry, and the Louisiana Forestry Commission intends to amend LAC 7:XXXIX.20301, Seedling Prices. The proposed rule creates

the category of Advanced Generation Pine Seedlings, and establishes a price of \$40 per thousand for that product. The proposed rule also increases the prices for hardwood seedlings and Baldcypress seedlings to \$175 per thousand. These price changes are designed to allow the Office of Forestry to recover production costs for these seedlings. These rules comply with and are enabled by R.S. 3:4303.

Title 7

AGRICULTURE AND ANIMALS

Part XXXIX. Forestry

Chapter 203. Tree Seedlings

§20301. Seedling Prices

A. The Louisiana Forestry Commission adopts the following prices for forest tree seedlings:

- | | |
|---------------------------------------|-------------------|
| 1. Improved Pine Seedlings | \$30 per thousand |
| 2. Advanced Generation Pine Seedlings | 40 per thousand |
| 3. Special Pine Seedlings | 50 per thousand |
| 4. Hardwood Seedlings | 175 per thousand |
| 5. Baldcypress Seedlings | 175 per thousand |

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1503, redesignated R.S. 3:4303.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Forestry, Forestry Commission, LR 8:285 (June 1982), amended LR 10:458 (June 1984), amended by the Department of Agriculture and Forestry, Office of Forestry, Forestry Commission, LR 13:432 (August 1987), LR 19:610 (May, 1993), LR 21:

Interested persons should submit written comments on the proposed rules to Charles Matherne through May 30, 1995, at 5825 Florida Boulevard, Baton Rouge, LA 70806.

A public hearing will be held on these rules on May 30, 1995 at 11 a.m. at the address listed above. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing, at the hearing. No preamble regarding these rules is available.

Bob Odom
Commissioner

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

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)

If future sales and production equal those of recent years, Office of Forestry revenue would increase by approximately \$100,000.

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

Customers who choose to purchase those Advanced Generation Pine Seedling, Hardwood Seedlings, or Baldcypress Seedlings from the Office of Forestry would pay the additional costs that this rule would create.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated impact from the proposed action on any in-state company providing similar services.

Maintaining a fiscally sound seedling production operation will allow us to keep all three nurseries operating. Closure of any of these nurseries would greatly impact the local economy of these areas by eliminating a source of employment for residents and revenue for local business.

Richard Allen
Assistant Commissioner
9504#059

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

**Department of Economic Development
Office of Financial Institutions**

Exchange of Other Real Estate (LAC 10:III.545)

Under the authority of the Louisiana Administrative Procedure Act, R.S. 49:950 et seq., and in accordance with R.S. 6:243(B)(5), the commissioner hereby gives notice of his intent to amend the following rule, originally promulgated in LR 19:35 (January 1993), to implement the provisions of Act 789 of 1992, to provide for changes to the rule in order to clarify a number of its provisions. A new Subsection has been added which will allow exchanges of other real estate for property to be used for future expansion of bank premises.

Title 10

**FINANCIAL INSTITUTIONS, CONSUMER CREDIT,
INVESTMENT SECURITIES and UCC**

Part III. Banks

Chapter 5. Powers of Banks

Subchapter C. Exchange of Other Real Estate

§545. Regulation

A. - A.1. ...

2. The exchange must be supported by current appraisals of both the exchanged property and the property acquired in the exchange. The appraisals must be performed by an independent appraiser and contain sufficient documentation to support the value derived.

3. The bank must maintain on file for examiner review, supporting documentation of any exchange made since the previous examination, including the bank's marketing efforts to dispose of the previously held and exchanged parcel of real estate.

4. - 5. ...

B. In an attempt to achieve its strategic plan, a bank may exchange property held in an other real estate account for property to be used as premises or for future expansion. However, the approval of the commissioner must

be obtained prior to the exchange of the properties. Also, the exchange must comply with the provisions of §545.A.1 and 2.

C. All requests for prior written approval of the commissioner must contain sufficient documentation to support the bank's request. Transactions requiring prior written approval of the commissioner include:

1. Transactions which directly or indirectly involve insiders, affiliates, or their related interests, as defined by Federal Reserve Board's Regulation O and Section 23 A of the Federal Reserve Act. A request for approval must include documentation to show the transaction is an arms-length transaction and will not violate state or federal laws, rules or regulations.

2. Transactions which include any additional cash investment made by the bank to facilitate the exchange.

3. Transactions which include the exchange of other real estate for property which is not in the bank's normal trade area, as defined by the bank's board of directors policy.

D. Property exchanged in violation of this Rule, in addition to any other actions authorized by law or regulation, may result in the following:

1. a requirement that the bank remove the exchanged real estate from its books and the citation of violation of R.S. 6:243 until such time as the bank disposes of the exchanged real estate;

2. a requirement that the directors directly responsible for the exchange in violation of this rule be required to purchase or otherwise dispose of the property and be responsible for any loss sustained by the bank.

E. The commissioner has the authority to either waive or grant an exception to any provision of this rule provided a request is first made in writing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:243(B)(5).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Financial Institutions, LR 19:35 (January 1993), amended LR 21:

Larry L. Murray
Commissioner

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

RULE TITLE: Exchange of Other Real Estate

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

The estimated implementation cost for this regulation will be \$260, which consists entirely of publication fees for the Louisiana Register.

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

There should be no effect upon revenue collections of state or local governmental units.

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

This amendment to the existing rule should add no additional cost to the institutions impacted. Economic benefits relate to a

possible waiver by the commissioner of the requirement that the exchanged real estate be removed from the bank's books.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No significant change in competition or employment in the public or private sector is anticipated.

Larry L. Murray
Commissioner
9504#021

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

Board of Elementary and Secondary Education

8(g) Policy and Procedure Manual

In accordance with R.S. 49:950 et. seq., the Administrative Procedure Act, notice is hereby given that the State Board of Elementary and Secondary Education has approved for advertisement, the 8(g) Annual Program and Budget for Fiscal Year 1995-96 as stated below. Section IV:124 of the 8(g) Policy and Procedure Manual directed that the 8(g) Annual Program and Budget be published in the *Louisiana Register*.

8(g) Annual Program and Budget FY 1995-96

(Final Adoption - January 26, 1995)

Competitive Allocation

I. Exemplary Competitive Programs Designed to Improve Student Academic Achievement or Vo-Tech Skills

A. Elementary/Secondary Education

(Grades Pre-K - 12) \$ 4,349,680

B. Vocational Technical Education

(Public Postsecondary) 750,000

Block Grant Allocation

II. Exemplary Block Grant Programs Designed to Improve Student Academic Achievement or Vo-Tech Skills

A. Elementary and Secondary Allocation 11,470,039

1. Preschool/Early Childhood Programs 3,570,039

2. Student Enhancement Programs 6,900,000

3. Instructional Enhancement Programs 1,000,000

B. Vocational Technical Allocation 900,000

1. Extension

2. Accreditation/Certification

Statewide Allocation

III. Exemplary Statewide Programs Designed to Improve Student Academic Achievement or Vo-Tech Skills

A. Elementary/Secondary

1. Creative/Academic Scholars Programs 150,000

2. Mini Grant Awards of Excellence 300,000

3. Statewide Distance Learning Network 1,225,000

4. Academic/Vocational Enhancement of

BESE Special Schools 120,000

5. Multisensory Arts Program 450,000

B. Vocational Education

1. Educate America/School to Work

Program 50,000

2. VTIE Certification Program 125,000

3. Statewide Quickstart Programs	500,000
4. Vocational Skills Enhancement Programs	1,500,000
C. Professional Development	
1. Administrative Leadership Academy	100,000
2. Principal Internship Program	300,000
3. Tuition Exemption Basic Program	2,125,000
4. Innovative Professional Development Program	2,000,000
5. LaSIP Math/Science Initiative	1,000,000
6. Rural Systemic Initiative	200,000
7. Louisiana Geography Education Alliance	50,000
IV. Research or Pilot Programs Designed to Improve Student Academic Achievement	
A. Louisiana Educational Assessment Program	800,000
B. Accelerated Schools Program	375,000
C. High Schools That Work Program	575,000
V. Purchase of Superior Textbooks, Library Books, Equipment, and Other Instructional Materials	
A. Purchase of Superior Textbooks, Library Books, and/or Reference Materials	3,000,000
B. LA Advanced Math Program	320,000
VI. Teaching of Foreign Languages in Elementary and Secondary Schools	
	175,000
VII. Scholarships or Stipends to Prospective Teachers in Critical Shortage Areas	
A. Education Majors/Post Baccalaureate Scholarship Program	320,000
Management and Oversight	
Administration (1 percent)	283,550
Fiscal/Programmatic Evaluation (1 percent)	484,610
TOTAL	<u>\$33,997,879</u>

AUTHORITY NOTE: Promulgated in accordance with LA Constitution, Art. VII, Section 10.0, R.S. 17:3801.

HISTORICAL NOTE: Amended by the Board of Elementary and Secondary Education, LR 21:

Interested persons may submit comments on the proposed policy until 4:30 p.m., June 9, 1995 to: Eileen Bickham, State 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: Amendment to 8(g) Policy and Procedure Manual**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There are no implementation costs or savings to state or local governmental units associated with this rule.
BESE's estimated cost for printing this policy change and first page of fiscal and economic impact statement in the *Louisiana Register* is approximately \$75. Funds are available.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF

STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no effect on revenue collections of state or local governmental units.

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

There are no costs or economic benefits to directly affected persons or nongovernmental units associated with this rule.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment associated with this rule.

Carole Wallin
Executive Director
9504#043

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 1943—Teacher Assessment (LAC 28:I.917)

The State Board of Elementary and Secondary Education, at its meeting of June 23, 1994, exercised those powers conferred by the Administrative Procedure Act, R.S. 49:953(B) and approved for advertisement Bulletin 1943, the Louisiana Teacher Assessment Program, Policies and Procedures for Louisiana Teacher Assessment, which is part of the Louisiana Teacher Appraisal Instrument Panel Report (Panel IV).

The policies and procedures were printed as part of the Louisiana Teacher Assessment Program Training Manual and were disseminated to the local education agencies (LEAs) and all public schools statewide.

These policies and procedures were adopted as an emergency rule in order for the LEAs to have copies before the beginning of school year 1994-95, since full implementation of the Louisiana Teacher Assessment Program began with the 1994-95 school year and is mandated by the Louisiana Legislature, Third Extraordinary Session, 1994. The effective date of this emergency rule was June 23, 1994.

This document may be viewed in its entirety in the Office of the State Register, 1051 North Third Street, Fifth Floor, Baton Rouge, LA 70802; in the Office of Research and Development, State Department of Education; or in the Office of the Board of Elementary and Secondary Education, located in the Education Building in Baton Rouge, LA. Bulletin 1943, the Policies and Procedures for Louisiana Teacher Assessment will be 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
§917. Personnel Evaluation Standards and Regulations**

B. Teacher Assessment and Evaluation

2. Bulletin 1943, Policies and Procedures for Louisiana Teacher Assessment (June, 1994) are adopted.

The Louisiana Teacher Assessment Program, which provides for the support and assessment of new teachers, was mandated by the Louisiana Legislature in the Third Extraordinary Session of 1994. The Policies and Procedures for the Louisiana Teacher Assessment are the guidelines by which a teacher teaching in Louisiana public schools for the first time will be assessed. The policies and procedures set forth the philosophy and purposes of the Louisiana Teacher Assessment Program as well as the timelines for conducting the assessments.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3881-3884, R.S. 17:3891-3896 and R.S. 17:3901-3904.

HISTORICAL NOTE: Amended by the Board of Elementary and Secondary Education, LR 21:

Carole Wallin
Executive Director

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

RULE TITLE: Bulletin 1943—Teacher Assessment

- I. **ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**
The budget for the Teacher Assessment Program for Professional Services and other charges FY 94-95 is \$2,235,578 in state general funds.
The estimated costs for FY 94-95 are for printing of the *Policies and Procedures for Louisiana Teacher Assessment, Bulletin 1943*, (\$4,056 at the state level and none at the local level).
In addition, copies will be mailed to all public school principals and one copy will be mailed to each superintendent, to the Louisiana Teacher Assessment Program contact person for the central office, to all assessor trainers, and assessors. Postage costs are estimated at \$800 to mail copies of the *Policies and Procedures for Louisiana Teacher Assessment, Bulletin 1943*.
Contingent on revisions being made to Bulletin 1943, the estimate for printing and mailing revisions in FY 95-96 is \$3,000.
The SBESE's estimated cost for printing this policy change and first page of fiscal and economic impact statement in the *Louisiana Register* is approximately \$100. Funds are available.
- II. **ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**
There is no effect on revenue collections of state or local governmental units.
- III. **ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)**
There is no cost and/or economic benefit to directly affect persons or nongovernmental groups.
- IV. **ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

The printing of the *Policies and Procedures for Louisiana Teacher Assessment, Bulletin 1943* does not affect competition.

Marlyn Langley
Deputy Superintendent
Management and Finance
9504#042

David W. Hood
Senior Fiscal Officer

NOTICE OF INTENT

Board of Elementary and Secondary Education

**Cooperative Programs for Technical Institutes
(LAC 28:I.1527)**

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 the guidelines for cooperative programs in the Technical Institute System. This is an amendment to LAC 28:I.1527.D as stated below.

Title 28

EDUCATION

**Part I. Board of Elementary and Secondary Education
Chapter 15. Vocational and Vocational-Technical
Education**

§1527. Courses; Classes; Programs; Visits

D. Cooperative Programs. General guidelines to be followed for cooperative programs are:

1. A written training plan shall be developed cooperatively by the instructor and employer for both the classroom and on-the-job training. It shall include length of training: skills to be learned through on-the-job training and work experience: and skills and knowledge to be taught in the classroom. A completed training plan must be maintained in each cooperative student's folder.

2. After satisfactorily completing 50 percent of program training hours, students will be permitted to participate in cooperative education programs for no more than 50 percent of the remaining training time (no more than one-fourth of total training hours).

3. Students must receive appropriate compensation for student-learners, i.e., at least minimum wage.

4. The instructor shall be required to visit students where employed, to observe the students at work and to confer with the employers.

5. There should be a written evaluation of each student's on-the-job training completed by the instructor. The responsibility for determining grades lies with the instructor.

6. The student must be covered by the applicable work permit and/or student learner permit as required by state and federal labor laws. The instructor should make every effort to assist the employer in complying with labor laws as they apply to minors in cooperative programs as well as all other state and federal regulations pertaining to vocational education.

7. The student must complete the necessary prerequisite

courses and have completed a minimum of 50 percent of the course requirements in the program which he/she is enrolled. The student must also meet other institute requirements.

8. Cooperative agreements between employers and technical institutes for on the job training of students shall be handled administratively by the State Department of Education, Office of the Technical Institute System.

9. In cooperative education programs, the vocational-technical institute and the employer must comply with civil rights laws that prohibit discrimination on the basis of race, color, national origin, sex and handicapping conditions. It is the school's/institute's responsibility to obtain written assurance from each employer that work assignments, selection of students, and employment practices shall be free from discrimination.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10); R.S. 17:7(5).

HISTORICAL NOTE: Amended by the Board of Elementary and Secondary Education, LR 21:

Interested persons may submit comments on the proposed policy until 4:30 p.m., June 9, 1995 to: Eileen Bickham, State 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: Cooperative Programs for Technical Institutes

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
BESE's estimated cost for printing this policy approval and first page of fiscal and economic impact statement in the *Louisiana Register* is approximately \$130. Funds are available. The only additional cost is \$100 to cover the cost of printing and mailing to disseminate this policy to the technical institutes.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no effect on revenue collections of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
There will be no effect on costs and/or economic benefits to directly affected persons or nongovernmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There will be no effect on competition or employment.

Marlyn J. Langley
Deputy Superintendent
Management and Finance
9504#045

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

Board of Elementary and Secondary Education

Administration of Funds Raised by Student Organizations in Technical Institutes (LAC 28:I.1521)

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, a policy on administration of funds raised by student organizations in technical institutes. This policy will be included in the Administrative Code, Title 28, Section 1521 and stated below:

Title 28 EDUCATION

Part I. Board of Elementary and Secondary Education Chapter 15. Vocational and Vocational-Technical Education

§1521. Operations

* * *

D. Administration of Funds - Student Organizations

1. Administration of Funds Raised by Student Organizations in Technical Institutes. A student organization, as recognized in Policy of the United States Department of Education for vocational student organizations, is an integral part of the curriculum. "A student organization is a group of students organized (functioning constitution and by-laws) for a stated purpose related to the vocational school's purposes and approved by the school's administrator."

2. It shall be the policy of the Board of Elementary and Secondary Education that all funds raised by vocational student organizations in the technical institutes shall be deposited in a single bank account titled as Vocational Student Organization (VSO) account for each school and shall be administered by vote of the club, approval of club president, treasurer and club advisor(s) and or technical institute director. These funds shall be administered according to the following procedures:

- a. Each technical institute having vocational student organizations, shall have a general school account for vocational student organization funds maintained in a cash journal and have a general ledger to record the monthly total of the cash journal. Example: VICA, PBL, etc. If there is only one campus organization, the official national, state, and/or local organization name may be used as the account name.
- b. The general account shall have two sections: (a) receipt section, and (b) disbursement section.
- c. The receipt section shall provide all information concerning money received and deposited.
- d. The disbursement section shall show the date paid, to whom paid, check number, purpose of disbursement, amount of check, for all disbursements. No checks will be issued for cash.
- e. Each vocational student organization having money in the general account shall have a subsidiary account set up in the general ledger under their subsidiary organization name.

f. Each vocational student organization turning in money for deposit shall receive a numbered receipt for all money turned in. The receipt shall indicate how the money was raised, for example, sale of candy, bake sale, raffle, dues, etc. If the receipt is for dues paid by a student, the student's name shall be listed on the receipt.

g. Each vocational student organization account shall be posted monthly from the cash journal.

h. Disbursements for bills shall be made in accordance with normal business procedures.

i. The institute shall receive invoices for all student organization accounts.

j. The faculty sponsor(s) and club officers shall be responsible to the director for all transactions pertaining to his/her organization.

k. All disbursements shall have prior approval by vote of the club, club president, club officers and club advisor(s) and or technical institute director before any transaction is made.

l. Once disbursement has been approved, a check request shall be completed by the faculty sponsors and club officers and shall be signed by dual signature on checks by the director and the faculty sponsor(s) and/or club officer(s).

m. The check request, properly executed, along with an invoice and a receiving report that the goods have been received, shall authorize the issuance of a check. To facilitate overnight activities, receipts and invoices shall be submitted upon return.

n. All bills shall be paid by check, prepared by the technical institute accountant, and shall be signed by dual signature by the director and the faculty sponsor(s) and or club officer(s).

o. At the end of the month, a financial statement of cash receipts and disbursements shall be made and signed by the director and the faculty sponsor(s) of each organization.

p. At the end of each fiscal year, the faculty sponsor(s) shall initial the financial statement balance for his/her club or organization. These initials indicate that the balance is correct and agrees with the organization treasury report.

q. These accounts shall be available for audit and included in the technical institute annual report.

3. The school shall accept no gifts from school organizations unless the full ownership, operation, and/or control of the donation is vested entirely with the school.

* * *

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

HISTORICAL NOTE: Amended by the Board of Elementary and Secondary Education, LR 21:

Interested persons may submit comments on the proposed policy until 4:30 p.m., June 9, 1995 to: Eileen Bickham, State 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: Administration of Funds Raised by Student
Organizations in Technical Institutes**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
BESE's estimated cost for printing this policy approval and first page of fiscal and economic impact statement in the *Louisiana Register* is approximately \$130. Funds are available. The only additional cost is \$100 to cover the cost of printing and mailing to disseminate this policy to the technical institutes.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no effect on revenue collections of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
There will be no effect on costs and/or economic benefits to directly affected persons or nongovernmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There will be no effect on competition or employment.

Marlyn Langley
Deputy Superintendent
Management and Finance
9504#044

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

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

**Continuous Monitoring Systems Reporting Requirements
(LAC 33:III.3113)(AQ119)**

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950, et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Air Quality Division regulations, LAC 33:III.3113.C (AQ119).

The reporting requirements for each owner or operator required to install a continuous emission monitor are proposed for amendment to make them consistent with the federal regulations.

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

**Chapter 31. Standards of Performance for New
Stationary Sources**

**Subchapter A. General Provisions and Modifications
§3113. Notification and Recordkeeping**

* * *

[See Prior Text in A-B]

C. Each owner or operator required to install a continuous monitoring system (CMS) or monitoring device shall submit

an excess emissions and monitoring systems performance report (excess emissions are defined in applicable subchapters) to the administrative authority semiannually, except when: more frequent reporting is specifically required by an applicable subchapter; or the CMS data are to be used directly for compliance determination, in which case quarterly reports shall be submitted; or the administrative authority, on a case-by-case basis, determines that more frequent reporting is necessary to accurately assess the compliance status of the source. All reports shall be postmarked by the 30th day following the end of each calendar half (or quarter, as appropriate). Written reports of excess emissions shall include the following information:

* * *

[See Prior Text in C.1-D]

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 by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 21:

These proposed regulations are to become effective upon publication in the *Louisiana Register*.

A public hearing will be held on May 25, 1995, at 1:30 p.m. in the Maynard Ketcham Building, Room 326, 7290 Bluebonnet Boulevard, Baton Rouge, LA 70810. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate please contact Patsy Deaville at the address given below or at (504) 765-0399.

All interested persons are invited to submit written comments on the proposed regulations. Commentors should reference this proposed regulation by Log AQ119. Such comments should be submitted no later than June 1, 1995, at 4:30 p.m., to Patsy Deaville, Investigations and Regulation Development Division, Box 82282, Baton Rouge, LA 70884-2282 or to 7290 Bluebonnet Boulevard, Fourth Floor, Baton Rouge, LA 70810 or to FAX number (504) 765-0486.

James B. Thompson, III
Assistant Secretary

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

**RULE TITLE: Continuous Monitoring Systems Reporting
Requirements**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There are no costs or savings accruing to state or local government units.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There isn't any effect on revenue collections of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR

NONGOVERNMENTAL GROUPS (Summary)

There are no costs and/or economic benefits accruing to directly affected persons or nongovernmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There isn't any effect on competition and employment.

Gus Von Bodungen
Assistant Secretary
9504#026

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

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

**Storage of Volatile Organic Compounds
(LAC 33:III.2103)(AQ117)**

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950, et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Air Quality Division regulations, LAC 33:III.2103 (AQ117).

This amendment will correct an error and reword part of LAC 33:III.2103.D.4. The proposed rule applies to sources in Ascension, East Baton Rouge, Iberville, Livingston, Point Coupee, West Baton Rouge, and Calcasieu Parishes that emit at least 50 tons per year of volatile organic compounds (VOCs).

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

**Chapter 21. Control of Emission of Organic
Compounds**

Subchapter A. General

§2103. Storage of Volatile Organic Compounds

* * *

[See Prior Text in A-D.2.e]

3. Requirements for Covering Openings. All openings in the external floating roof, except for automatic bleeder vents, rim space vent, and leg sleeves, are to provide a projection below the liquid surface. The openings must be equipped with a gasketed cover, seal, or lid which must be in a closed position at all times except when the device is in actual use. Automatic bleeder vents must be closed at all times except when the roof is floated off or landed on the roof leg supports. Rim vents must be set to open when the roof is being floated off the roof leg supports or at the manufacturer's recommended setting. Any emergency roof drain must be equipped with a slotted membrane fabric cover or equivalent cover that covers at least 90 percent of the opening.

4. Requirements for Guide Poles and Stilling Well Systems. Emissions from guide pole systems must be controlled for external floating roof storage tanks with a

capacity greater than 40,000 gallons (approximately 151 m³) and storing a liquid having a total vapor pressure of 1.5 psia or greater. The description of the method of control and supporting calculations based upon the Addendum to American Petroleum Institute Publication Number 2517 Evaporative Loss from External Floating Roof Tanks (dated May 1994) shall be submitted to the administrative authority for approval prior to installation. Controls for nonslotted guide poles and stilling wells shall include pole wiper and gasketing between the well and sliding cover. Controls for slotted guide poles shall include a float with wiper, pole wiper and gasketing between the well and sliding cover. Alternate methods of controls are acceptable if demonstrated to be equivalent to the controls in this Section. The administrative authority* must approve alternate methods of control. Installation of controls required by this Subsection shall be required by November 15, 1996. Requests for extension of the November 15, 1996, compliance date will be considered on a case-by-case basis for situations which require the tank to be removed from service to install the controls and must be approved by the administrative authority*. The requirements of this Subsection shall only apply in ozone nonattainment areas classified marginal or higher. Controls systems required by this Subsection shall be inspected semiannually for rips, tears, visible gaps in the pole or float wiper, and/or missing sliding cover gaskets. Any rips, tears, visible gaps in the pole or float wiper, and/or missing sliding cover gaskets shall be repaired in accordance with this Section in order to avoid noncompliance with this Section. Repairs necessary to be in compliance must be initiated within seven working days of identification by ordering appropriate parts. Repairs shall be completed within three months of the ordering of the repair parts. However, if it can be demonstrated that additional time for repair is needed, the administrative authority may extend this deadline.

[See Prior Text in E-I.5]

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 15:1061 (December 1989), amended by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:360 (April 1991), LR 18:1121 (October 1992), LR 20:1376 (December 1994), LR 21:

A public hearing will be held on May 25, 1995, at 1:30 p.m. in the Maynard Ketcham Building, Room 326, 7290 Bluebonnet Boulevard, Baton Rouge, LA 70810. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate please contact Patsy Deaville at the address given below or at (504) 765-0399.

All interested persons are invited to submit written comments on the proposed regulations. Commentors should reference this proposed regulation by Log AQ117. Such comments should be submitted no later than June 1, 1995, at 4:30 p.m., to Patsy Deaville, Investigations and Regulation

Development Division, Box 82282, Baton Rouge, LA 70884-2282 or to 7290 Bluebonnet Boulevard, Fourth Floor, Baton Rouge, LA 70810, or to FAX number (504) 765-0486.

James B. Thompson, III
Assistant Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Storage of Volatile Organic Compounds**

- I. **ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**
There are no implementation costs/savings to state or local governmental units.
- II. **ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**
There aren't any effects on revenue collections of state or local governmental units.
- III. **ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)**
There are no costs and/or economic benefits to directly affected persons or nongovernmental groups.
- IV. **ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**
There isn't any effect on competition and employment.

Gustave A. Von Bodungen
Assistant Secretary
9504#025

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

**Department of Health and Hospitals
Board of Board Certified Social Work Examiners**

Minimum Supervision Requirement (LAC 46:XXV.111)

The Board of Board Certified Social Work Examiners proposes to adopt the following rule to amend LAC 46:XXV.111, which will require that Board Certified Social Workers, board approved to supervise, attend a board sponsored supervision workshop or other supervision workshop or supervision course pre-approved by the board once every five years to maintain the board approved supervisor status.

Title 46

**PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part XXV. Certified Social Workers

Chapter 1. General Provisions

§111. Minimum Supervision Requirement

A. Supervisor's Qualifications

1. Maintenance of licensure or certification in accordance with LSA-R.S. 37:2706.
2. - 4. ...

5. Participation, once every five years after receipt of the Board Approved Supervisor status, beginning with the period July 1, 1995 through June 30, 2000, and every five years thereafter, in a board sponsored supervision workshop or other supervision workshop or supervision course pre-approved by the board.

B. - K. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705(C).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Certified Social Work Examiners, LR 10:203 (March 1984), repromulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 14:863 (December 1988), amended LR 21:

Interested persons may submit written comments to Suzanne L. Pevey, Administrator, Board of Board Certified Social Work Examiners, Box 345, Prairieville, LA 70769. She is the person responsible for responding to inquiries regarding the proposed rule.

Carmencita C. Edwards, BCSW
Chairperson

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

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

The costs associated with the implementation of the supervision rule will be the cost of promulgation of the rule, e.g., copy cost, postage, open meeting expenses. The board will provide or pre-approve two supervision workshops each calendar year to be held in different areas of the state, and with the requirement that each BCSW attend one supervision workshop once every five years, the board expects attendance to increase at the workshops. The board could realize approximately \$8300 annually in revenues from the workshops once the rule is implemented.

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

The rule is directed at BCSWs who wish to maintain the Board Approved Supervisor (BAS) status so that they can supervise MSWs trying to qualify for the BCSW license. BCSWs may raise their fee to MSW for supervision in order to meet the costs of attending a specialized supervision workshop once every five years, however, that increase should be minimal, if any, when prorated over a five-year period.

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

Board Certified Social Workers are required, at present, to collect 20 clock hours of continuing education per fiscal year for renewal of their license. The board plans to require that once every five years, BCSWs, board-approved to supervise, be required to attend a 10-hour workshop on supervision to maintain their Board Approved Supervisor status. The board will present or pre-approve two supervision workshops annually in different locations in the stat to allow all BCSWs easy access to a supervision workshop. The only cost to licensees will be

the workshop fee and any travel expenses to attend the workshop.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There should be no financial impact on the general public as a result of the board's proposed supervision rule. The consumer/general public, BCSWs with the Board Approved Supervisor (BAS) status and MSWs working to acquire the BCSW License, should benefit from BCSWs increasing their supervisory skills and staying abreast of new techniques and theories in regard to social work supervision.

Suzanne L. Pevey
Administrator
9504#031

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

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

Community-Based Experiences
(LAC 46:XLVII.3539, 3942)

Notice is hereby given, in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., and pursuant to the authority of R.S. 37:911, and R.S. 37:918(B)(K), the Louisiana State Board of Nursing (board) intends to adopt rules amending the professional and occupational standards for: (1) procedures for submitting required forms and reports and (2) community-based learning experiences. The proposed rules are set forth below.

Title 46

**PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part XLVII. Nurses

Subpart 2. Registered Nurses

Chapter 35. Nursing Educational Programs

§3539. Procedures for Submitting Required Forms and Reports

A. - B.1. ...

2. Clinical Agencies

a. The nursing education program submits a "Clinical Facility Survey" form requesting approval of new clinical facilities needed for students' clinical practice areas except as provided for in §3539.B.2.b. Board approval shall be secured in accord with §3529.B prior to the time students are assigned to the new facility.

b. A "Community-Based Agency Review Form" shall be submitted by the nursing education program to the board describing facilities in which a student receives less than 10 percent of the total clinical experience in a given course. This form must be received by the board prior to completion of the educational term in which the experience took place.

B.3. - C.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918.

HISTORICAL NOTE: Promulgated by the Department of Health

and Human Resources, Board of Nursing, LR 10:1028 (December 1984), amended by the Department of Health and Hospitals, Board of Nursing, LR 19:1150 (September 1993), LR 21:

* * *

§3542. Community-Based Learning Experiences

A. "Community-Based Experiences" involve the community as a whole, exclusive of acute care facilities, with nursing care of individuals, families, and groups being provided within the context of promoting and preserving the health of the community.

B. There shall be outcome criteria which clearly state the purpose(s) for the community-based learning experiences selected, within the overall framework of the specific nursing course within the nursing program's curriculum.

C. There shall be qualified faculty available to provide a safe, effective faculty/student/client ratio not to exceed 10 students to one faculty member (10:1). (Reference LAC 46:XLVII.3515.A. "Faculty Body")

D. Nurse faculty shall retain the responsibility for the selection and guidance of student community-based learning experiences and for the evaluation of student performance.

E. Students may not participate in invasive or complex nursing activities in a community setting without the direct supervision of the faculty member or an approved RN preceptor.

1. Students, under the overall direction of a faculty member, may participate in noninvasive or noncomplex nursing activities in structured community nursing settings where RNs are present (e.g., out-patient clinics). Students shall have the skills appropriate to the experiences planned.

2. Students, under the verbal direction of a faculty member, may participate in basic care activities, such as, assessment of vital signs, and collection of data, and assistance with activities of daily living, in community settings where a RN is not present.

F. Nonhealth care related agencies utilized for community-based learning experiences for students must have an identifiable sponsoring agency with a clearly defined purpose(s).

G. Preceptors may be utilized for the student participating in community-based learning experiences with the following guidelines:

1. Preceptors shall be selected according to written criteria jointly developed by faculty, nursing administration in the clinical facility, and in accordance with guidelines established by the Board of Nursing.

2. A faculty member shall be available to preceptors while students are involved in a preceptorship experience.

3. The educational program shall maintain a ratio of not more than 12 students to one faculty member for the preceptorship experience.

4. The community-based learning preceptorship experience shall not exceed 50 percent of the total clinical time allotted to community-based clinical experiences within the curriculum.

5. The faculty member shall confer with each preceptor and preceptee at least weekly during said learning experience.

6. The preceptor preferably has earned no less than a

BSN and shall have at least two years of practice as a RN with a minimum of one year in the clinical area in which the experience occurs. An individual RN, who does not possess a BSN may be utilized as a preceptor provided said RN has had no less than three years experience as a RN with a minimum of one year in the clinical area in which the experience occurs and has the requisite skills to guide the student to meet the desired course outcomes for the specific clinical experiences.

7. There shall be no more than three preceptees per preceptor.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Nursing, LR 21:

Inquiries concerning the proposed rules may be directed in writing to: Barbara L. Morvant, Executive Director, Louisiana State Board of Nursing, at the address set forth below.

Interested persons may submit data, views, arguments, information or comments on the proposed rules, in writing, to the Louisiana State Board of Nursing, at 912 Pere Marquette Building, 150 Baronne Street, New Orleans, LA 70112. Written comments must be submitted to and received by the board within 60 days of the date of this notice. A request pursuant to R.S.49:953(A)(2) for oral presentation, argument or public hearing must be made in writing and received by the board within 20 days of the date of this notice.

Barbara L. Morvant
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Forms/Reports Submittal and Community-Based Learning Experiences

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

There is no anticipated implementation cost or savings to the Louisiana State Board of Nursing.

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

There is no anticipated effect on revenue collections by the Louisiana State Board of Nursing.

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

The primary persons affected are educational programs and faculty. It is anticipated that these rules will not have an economic benefit to the programs directly. Some benefit will be achieved through better utilization of faculty resources and broader opportunities for clinical experience for nursing students.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no direct effect on competition and employment.

Barbara L. Morvant, RN, MN
Executive Director
9504#035

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

Department of Health and Hospitals Board of Nursing

Licensure by Examination and Endorsement (LAC 46:XLVII.3349-3351)

Notice is hereby given, in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and pursuant to the authority of R.S. 37:911 and R.S. 37:918 (A)(B)(E)(K), the Louisiana State Board of Nursing (board) intends to adopt rules amending the Professional and Occupational Standards for licensure as a registered nurse by examination and endorsement. The proposed rules are set forth below.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XLVII. Nurses

Subpart 2. Registered Nurses

Chapter 33. General Rules

Subchapter D. Registration and Licensure

§3349. Licensure by Examination

* * *

B. Requirements for eligibility to take the NCLEX-RN in Louisiana include:

1. completion of a nursing education program approved by the board, or completion of a nursing education program located in another country or approved by another board of nursing which program meets or exceeds the educational standards for nursing education programs in Louisiana.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918, 920, 921.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Nursing, LR 7:77 (March 1981), amended LR 11:348 (April 1985), amended by the Department of Health and Hospitals, Board of Nursing, LR 19:1572 (December 1993), LR 21:

§3351. Licensure by Endorsement

A. Requirements of the applicant for licensure by endorsement include:

1. must be duly licensed under the laws of another state, territory, or country; and

2. must have successfully completed a nursing education program approved by the board, or must have successfully completed a nursing education program located in another country or approved by another board of nursing which program meets or exceeds the educational standards for nursing education programs in Louisiana; and

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918, 920, 921.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Nursing, LR 7:77 (March 1981), amended by the Department of Health and Hospitals, Board of Nursing, LR 19:1572 (December 1993), LR 21:

Inquiries concerning the proposed rules may be directed in writing to: Barbara L. Morvant, Executive Director, Louisiana State Board of Nursing, at the address set forth below.

Interested persons may submit data, views, arguments, information or comments on the proposed rules, in writing, to the Louisiana State Board of Nursing, at 912 Pere Marquette Building, 150 Baronne Street, New Orleans, LA, 70112. Written comments must be submitted to and received by the board within 60 days of the date of this notice. A request pursuant to R.S.49:953(A)(2) for oral presentation, argument or public hearing must be made in writing and received by the board within 20 days of the date of this notice.

Barbara L. Morvant
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Licensure by Examination

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no anticipated implementation cost or savings to the Louisiana State Board of Nursing.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no anticipated effect on revenue collections by the Louisiana State Board of Nursing.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
Only graduates of nursing education programs that either have not been approved by the board, or do not meet or exceed the educational standards for nursing education programs in Louisiana would be affected by these changes. Those individuals would not be eligible for licensure and practice as a registered nurse in Louisiana. This change would affect their income, as they would not be able to seek employment as a registered nurse in Louisiana. The costs to those affected individuals would vary in relation to their decision to be employed in a field other than nursing, their training if needed, or their need to go to an approved school of nursing or nursing education program which meets or exceeds the educational standards for nursing programs in Louisiana.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
Competition and employment would be affected slightly. The numbers of individuals who would be affected by these amendments are few compared to the numbers of applicants who complete a nursing education program which meets these requirements. It is anticipated that most states require nursing education programs to meet similar educational standards as those required of nursing education programs in this state. Therefore, the numbers of applicants these actions would affect are believed to be few.

Barbara L. Morvant, RN, MN
Executive Director
9504#034

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

**Department of Health and Hospitals
Board of Practical Nurse Examiners**

Faculty (LAC 46:XLVII.901)

Notice is hereby given that the Board of Practical Nurse Examiners, under the authority vested in R.S. 37:961-979, plans to amend LAC 46:XLVII.901 at its meeting on October 13, 1995 as follows:

**Title 46
PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part XLVII. Nurses

Subpart 1. Practical Nurses

Chapter 9. Program Projection

Subchapter A. Faculty and Staff

§901. Faculty

A. At no time shall a faculty consist of less than two full-time nurse members, one of whom shall be designated as coordinator/department head.

The maximum enrollment of each class shall be 36 student admissions. The board may, upon application by the school administrator, permit program expansion. Expansion approval must be obtained in writing from the board.

B. Qualifications

1. Licensure

a. Each nurse faculty member shall hold a current, valid license to practice as a registered nurse in the state of Louisiana, which license shall be witnessed annually by each school's administrative personnel.

b. The board may deny and/or rescind approval to a faculty applicant and/or current faculty member whose license has been or is currently being disciplined in any jurisdiction.

2.-5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:969 and 37:976.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Practical Nurse Examiners, LR 3:194 (April 1977), amended LR 10:338 (April 1984), amended by the Department of Health and Hospitals, Board of Practical Nurse Examiners, LR 16:33 (February 1990), LR 18:1127 (October 1992), repromulgated LR 18:1260 (November 1992), amended LR 21:

Comments should be submitted to the Louisiana State Board of Practical Nurse Examiners, 3421 North Causeway Boulevard, Suite 203, Metairie, LA 70002 by May 31, 1995.

Terry L. DeMarcay, RN
Executive Director

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

RULE TITLE: Education and Licensure to Practice

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

There is no estimated cost (savings) 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
NONGOVERNMENTAL GROUPS (Summary)**

There is no estimated cost and/or economic benefit to directly affected persons or nongovernmental groups.

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

This rule may affect employment of individuals (RNs) whose licenses are being or have been disciplined.

Terry L. DeMarcay
Executive Director
9504#032

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

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

**Contracted Vocational and Habilitative Services
(LAC 48:IX.Chapter 1)**

In accordance with R.S. 49:950 et seq., the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities (OCDD) proposes to adopt the following rule which provides for programmatic standards for the operation of Vocational and Habilitative Services contracted under the auspices of the office. R.S. 28:380-444 authorizes the OCDD to establish a mental retardation and developmental disabilities services system which includes the provision of adult day services and vocational services. This proposed rule is submitted in response to program changes which have evolved over the past years. The standards set both minimum and quality standards which provide recognition for provider agencies dedicated to excellence.

The proposed rule obsoletes in its entirety and replaces the Adult Day standards published in LAC Title 48 Public Health—General, Part IX. Mental Retardation/Developmental Disabilities Services, Chapter 1. Adult Day Services. Chapter 1 will now be entitled "Contracted Vocational and Habilitative Services."

The text of this proposed rule may be obtained from the Office for Citizens with Developmental Disabilities at the address listed below, or from the Office of the State Register, 1051 North Third Street, Baton Rouge, LA.

Interested persons may submit written comments to Susan E. Bowman, M.S., CCC-SLP, Assistant Secretary, Office for Citizens with Developmental Disabilities, Box 3117, Bin 21, Baton Rouge, LA 70821-3117. She is responsible for responding to inquiries regarding this proposed rule. A public hearing is scheduled for Friday, May 26, 1995, at 9:30 a.m., in the auditorium of the Department of Transportation and Development at 1201 Capitol Access Road, Baton Rouge, LA.

At that time interested parties will be afforded an opportunity to submit data, views, or arguments, orally or in writing at said hearing. Written comments will be received until 4:00 p.m. on the day of the public hearing.

Rose V. Forrest
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Contracted Vocational and Habilitative Services**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
This rule is fiscally neutral.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
This rule has no effect on revenue collections.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
No significant effect is anticipated. Some consumers of OCDD services may experience an increase in wages related to working in real jobs as opposed to working in a sheltered environment.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
The rule focuses on obtaining real work for persons with developmental disabilities. An increase in real employment may result for these individuals.

Susan E. Bowman, M.S., CCC-SLP
Assistant Secretary
9504#055

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

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

Home Health Services—Homebound Criteria

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

The Bureau of Health Services Financing is proposing to adopt the following criteria for the determination of homebound status upon which the necessity for home health services is established for Medicaid recipients under the Medical Assistance Program. This definition is adapted from the Medicare definition and is being published in order to establish this as the official policy of this agency.

Proposed Rule

The Bureau of Health Services Financing will provide reimbursement for approved home health services for Medicaid recipients based upon the certification of a licensed physician that the recipient is homebound and upon the determination of the Medicaid Program that the recipient meets the bureau's homebound criteria under the Medicaid Program.

Homebound Criteria for Medicaid Recipients

Homebound status is determined by the recipient's illness and functional limitations. A recipient is considered to be homebound if the individual:

- 1) experiences a normal inability to leave home; or
- 2) is unable to leave home without expending a considerable and taxing effort; and
- 3) whose absences from the home are infrequent, of short duration, or to receive medical services which may be unavailable in the home setting, such as ongoing treatment of outpatient kidney dialysis or outpatient chemotherapy or radiation therapy.

The bureau allows an exception to the third requirement of being unable to leave home for EPSDT recipients, up to age 21, who attend school. These recipients may be considered to meet the homebound criteria while attending school if prior authorization has approved the individual for multiple daily home visits for skilled nursing services in accordance with the certifying physician's orders which must document and meet the following criteria:

- 1) the medical condition of the child meets the medical necessity requirement for the skilled nursing services in the home and that the provision of these services in the home is the most appropriate level of medical care;
- 2) that the failure to receive skilled nursing services in the home would place the recipient at risk of developing additional medical problems or could cause further debilitation; and
- 3) that the recipient/student requires skilled nursing services on a regular basis and that these services cannot be obtained in an outpatient setting before or after normal school hours.

In addition the following conditions must be met.

1) The recipient/student is determined to be medically fragile. A medically fragile individual is one who has a medically complex condition characterized by multiple, significant medical problems, which require extended care. Examples of medically fragile patients are patients whose care requires most or all of the following services/aides: use of home monitoring equipment, IV therapy, ventilator or tracheostomy care, feeding tube and nutritional support, frequent respiratory care or medication administration, catheter care, frequent positioning needs, etc.

2) Special accommodations such as specially equipped vehicles or medical devices and/or personal care attendants or nurses are needed to accompany the patient/student to and from school and/or to assist the patient/student at school.

The responsibilities of the home health agency:

The home health agency must provide to the bureau upon

request the supporting documentation used to determine the recipient's homebound status.

The home health agency must report a complaint of abuse or neglect of home health recipient(s) to the appropriate authorities if the agency has knowledge that a minor child, or a nonconsenting adult or mentally incompetent adult, has been abused or not receiving the proper medical care due to neglect or lack of cooperation on the part of the legal guardians or caretakers. This includes knowledge that a patient is routinely being taken out of the home by a legal guardian or caretaker against medical advise, or when it is obviously medically contraindicated.

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 proposed rule. A public hearing will be held on this matter at 9:30 a.m., Wednesday, May 24, 1995, 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. The deadline for the receipt of all comments is 4:30 p.m. of the day of the public hearing.

Rose V. Forrest
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Homebound Criteria for Home Health Services

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

It is anticipated that implementation of this proposed rule will not increase or decrease program expenditures from current levels as this proposal would establish the existing homebound criteria as a rule under the Administrative Procedure Act.

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

Implementation of this rule will increase or decrease federal revenue collections.

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

There are no estimated costs or economic benefits to directly affected persons or nongovernmental units.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no known effect on competition and employment.

Thomas D. Collins
Director
9504#056

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

Department of Health and Hospitals Office of the Secretary Medical Disclosure Panel

Informed Consent—Cervical, Thoracic or Lumbar Manipulation/Adjustment; Plastic Surgery (LAC 48:I.2347, 2440, 2442)

As authorized by R.S. 40:1299.40(E), as enacted by Act 1093 of 1990 and later amended by Act 962 of 1991, and Act 633 of 1993, the Department of Health and Hospitals, Office of the Secretary, in consultation with the Louisiana Medical Disclosure Panel, is proposing to amend rules which require which risks must be disclosed under the Doctrine of Informed Consent to patients undergoing medical treatments or procedures and the Consent Form to be signed by the patient and physician before undergoing any such treatment or procedure. These rules amend and add to those promulgated in December 1992, December 1993, June 1994, August 1994, and October 1994.

Title 48

PUBLIC HEALTH

Part I. General Administration

Chapter 23. Informed Consent

§2347. Plastic Surgery

* * *

D. Augmentation Mammoplasty with Implant Use or Breast Reconstruction following Mastectomy with Implant Use

Note: When silicone gel implants are used, FDA consent is required. Risks specific to this product have, therefore, been excluded from this list.

1. Capsule formation (scar formation around implant resulting in hard breasts and/or pain).
2. Deflation of implant.
3. Loss of sensation to the nipple and breast.
4. Persistent pain in breast.
5. Distortion of breast mound at rest and with activities.
6. Palpable implant.
7. Infection possibly requiring removal of implants.
8. Leakage of implant contents.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Medical Disclosure Panel, LR 18:1391 (December 1992), repromulgated LR 19:1581 (December 1993), amended LR 21:

§2440. Cervical Manipulation/Adjustment

Note: Itemization of the procedures and risks under a particular specialty does not preclude other qualified practitioners from using those risks identified for that particular procedure.

- A. Stroke.
- B. Disc herniation.
- C. Soft tissue injury.
- D. Rib fracture.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Medical Disclosure Panel, LR 21:

§2442. Thoracic or Lumbar Manipulation/Adjustment

Note: Itemization of the procedures and risks under a particular specialty does not preclude other qualified practitioners from using those risks identified for that particular procedure.

- A. Disc herniation.
- B. Soft tissue injury.
- C. Rib fractures.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Medical Disclosure Panel, LR 21:

Interested persons may submit written comments by May 24, 1995, to Donald J. Palmisano, M.D., J.D., Chairman, Louisiana Medical Disclosure Panel, Department of Health and Hospitals, Box 1349, Baton Rouge, LA 70821-1349. He is responsible for responding to inquiries regarding this proposed rule.

A public hearing on the proposed rule will be held at 10 a.m., May 24, 1995, Department of Health and Hospitals, Third Floor Education/Training Room, 1201 Capitol Access Road, Baton Rouge, LA 70802. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing, at said hearing.

Rose V. Forrest
Secretary

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

RULE TITLE: Informed Consent—Cervical, Thoracic or Lumbar Manipulation/Adjustment; Plastic Surgery

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There are no implementation costs anticipated from the adoption of these rules.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The proposed rules 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 NONGOVERNMENTAL GROUPS (Summary)
There will be no costs and/or economic benefits to directly affected persons or nongovernmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There is no effect projected on competition and employment from implementation of these rules.

Charles F. Castille
Deputy Secretary
9504#073

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

**Department of Natural Resources
Office of Conservation**

Statewide Order 29-O-1
Revegetation Standard for Success
(LAC 43:XV.5423)

Under the authority of the Louisiana Surface Mining and Reclamation Act, particularly R.S. 30:901 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Louisiana Surface Mining Regulations, Statewide Order 29-O-1.

The federal Office of Surface Mining Reclamation and Enforcement, under the provisions of 30 CFR 732.17(d), has notified the Louisiana Office of Conservation, Injection and Mining Division of changes in Public Law 95-87, the Surface Mining Control and Reclamation Act of 1977 (SMCRA), and the federal regulations promulgated pursuant to SMCRA which make it necessary for Louisiana to modify its Surface Mining Regulatory Program to remain consistent with all federal regulations. The director of the Office of Surface Mining Reclamation and Enforcement approved the proposed amendments in *Federal Register*, vol. 60, number 15, January 24, 1995, pp. 4542-4544.

Title 43

NATURAL RESOURCES

**Part XV. Office of Conservation - Surface Mining
Subpart 5. Permanent Program Performance Standards
Chapter 53. Permanent Program Performance
Standards Surface Mining Activities**

§5423. Revegetation: Standards for Success

A.1. - 5. ...

B. Standards for success shall be applied in accordance with the approved post-mining land use and shall be selected from the following:

1. - 3.c. ...

4. For areas developed for forestry, the ground cover and live stems per acre on the revegetated area shall be at least equal to the following standard for success:

a. At the time of final bond release there shall be 450 well-distributed free-to-grow live pine trees of the same age per acre or 250 well-distributed free-to-grow live hardwood trees of the same age per acre. Countable stems shall have utility for the approved post-mining land use, be healthy, and be a minimum of three years old. This standard has been developed after consultation and approval by the Louisiana Department of Agriculture and Forestry.

Free-to-grow—pine seedlings or saplings without significant hardwood competition. Competing vegetation shades the pine's crown on less than 30 percent of the crown's circumference and the pines are judged to have better than a 90 percent chance of capturing a place in the crown canopy.

(a). This standard has been developed after

consultation and approval by the Louisiana Department of Agriculture and Forestry.

(b). Vegetative ground cover shall not be less than 70 percent. This standard has been developed after consultation and approval by the Louisiana Department of Agriculture and Forestry.

Well-distributed—uniform stocking levels over an entire planting site.

5. - 10. ...

C.1. - 3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:901-932.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 5:395 (December 1979), amended LR 6:177 (May 1980), LR 14:441 (July 1988), LR 20:447 (April 1994), LR 21:

These proposed regulations are to become effective upon final rule publication in the *Louisiana Register*.

A public hearing will be held at 10 a.m., Thursday, May 25, 1995, in the Conservation Hearing Room located on the first floor of the State Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA, at which time all interested persons will be afforded an opportunity to submit oral and written comments regarding the amendment to Statewide Order 29-O-1, Louisiana Surface Mining Regulations.

All interested persons are invited to submit written comments on the proposed amendment. Such comments must be submitted no later than 4 p.m., May 25, 1995, to James H. Welsh, Injection and Mining Division, Office of Conservation, Box 94275, Baton Rouge, LA 70804-9275.

Ernest A. Burguières, III
Commissioner

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Statewide Order 29-O-1**

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

There will be no implementation costs or savings to state or local governmental units since Louisiana presently has surface mining rules in effect and the proposed change will keep Louisiana's Surface Mining Program in compliance with federal regulations.

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

Louisiana presently receives \$201,000 in federal funds and \$255,000 in state matching funds to administer the Surface Mining Program. Failure to amend the Louisiana rules to make them consistent with federal regulations would cause the state to lose this funding.

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

There are no estimated costs to directly affected persons or surface coal mine operators. Benefits will be realized by persons in the vicinity of the surface mining operations and the state's citizens generally due to the reclamation of the surface

mining property according to state and federal standards.
IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule amendment will bring the Louisiana Surface Mining Program into compliance with federal Surface Mining Control and Reclamation regulations and will insure the continued operation of surface mining in Louisiana.

Ernest A. Burguières, III
Commissioner
9504#030

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

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

License, Permit, Compliance,
Inspections, and Investigations
(LAC 42:XIII.Chapters 17-45)

The Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, in accordance with R.S. 49:950 et seq., and R.S. 4:501 et seq., gives notice of its intent to adopt rules and regulations pertaining to the operating standards of riverboat gaming. This notice of intent amends the rules contained in Chapters 17-23 published in the September, 1993 *Louisiana Register*, page 1176. This notice of intent also adopts as rules Chapters 25-45. An identical emergency rule is referenced in this issue of the *Louisiana Register*.

Copies of the full text of these proposed rules and regulations may be obtained from the Office of State Police, Riverboat Gaming Enforcement Division, 265 South Foster, Baton Rouge, LA 70806, (504) 922-2155; or from the Office of the State Register, 1051 North Riverside, Baton Rouge, LA 70804.

A public hearing on the proposed rule will be held on May 25, 1995, commencing at 9:30 a.m., at the Louisiana State Police Training Academy Auditorium, 7901 Independence Boulevard, Baton Rouge, LA.

Interested persons may submit written comments to: Lieutenant Marcal Poullard, Office of State Police, Riverboat Gaming Enforcement Division, Box 66614, Baton Rouge, Louisiana 70896. Written comments will be accepted through May 20, 1995.

Paul W. Fontenot
Deputy Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Riverboat Gaming License, Permit,
Compliance, Inspections, and Investigations**

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

The division will incur minimal expenditures related to

additional administrative requirements, which can be carried out with existing staff and resources.

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

\$1,423,200 in revenues has been collected by the state in registration fees for electronic gaming devices. There is an estimated \$180,000 in revenues still to be collected. A total of \$1,603,200 overall will be generated in revenues for this rule. Local governmental units will not be affected.

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

All riverboat licensees and permittees and future applicants for a riverboat gaming license and/or permit will be affected by investigative fees which may be incurred. Additional funds may be required of the licensees to insure compliance with Chapter 27 of the rules which mandates certain accounting procedures and Chapter 33 which specifies equipment for surveillance and security purposes. Chapter 43 requires a \$100 nonrecurring registration fee per gaming device to be shipped into the state.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no measurable economic impact on competition and employment as a result of this change in the Riverboat Gaming Division regulations.

Rex McDonald
Undersecretary
9504#065

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

**Department of Public Safety and Corrections
Riverboat Gaming Commission**

**Time Periods for Placing Items on Agenda
(LAC 42:XIII.109)**

Under the authority of the Louisiana Riverboat Economic Development and Gaming Control Act, particularly R.S. 4:501 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the chairwoman gives notice that the rulemaking procedures have been initiated to amend the Louisiana Riverboat Gaming Commission's rules, LAC 42:XIII.109.

The current rule is nonspecific as to whether or not there are any time limitations for a person to request that an item be placed on the Louisiana Riverboat Gaming Commission's agenda, nor does it provide a time limitation for the filing of supporting documentation. The following proposed rule change will specify the time limitations.

LAC 42:XIII.109 is being revised by adding a new Subsection E to reflect the Riverboat Gaming Commission's authority to promulgate rules concerning procedures for meetings and scheduling.

Title 42

LOUISIANA GAMING

Part XIII. Riverboat Gaming

Subpart 1. Riverboat Gaming Commission

Chapter 1. Issuing and Construction of Regulations and Administrative Matters

§109. Delegation to Chairman

* * *

E. Any person desiring to have a matter heard or decided upon by the commission at a regularly scheduled meeting shall submit a written request to the chairman no less than 10 days prior to the scheduled date of the meeting. These requests shall be sent to the chairman's business address with a copy mailed to the commission's office. Facsimile transmittal shall not be accepted. Such requests shall state in detail the matter submitted and shall include all supporting documentation to be presented at the meeting. In the event the matter is placed on the meeting agenda, copies of the supporting documentation shall be submitted to each commission member's address no less than 72 hours prior to the date and time of the meeting at which the matter is scheduled to be heard.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Riverboat Gaming Commission, LR 21:

All interested persons are invited to submit written comments on the proposed rule. Such comments should be submitted no later than May 26, 1994, at 5 p.m., to GERALYN COLEMAN, Louisiana Riverboat Gaming Commission, Box 44307, Baton Rouge, LA, 70804-4307.

Georgia P. Kosmitis
Chairwoman

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

RULE TITLE: Time Periods for Placing Items on Agenda

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

No additional costs and/or savings to the state or local governmental units are anticipated.

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

There will be no effect on revenue collections of state or local governmental units.

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

No additional costs and/or economic benefits to directly affected persons or nongovernmental groups are anticipated.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no significant impact on competition and/or employment.

Georgia P. Kosmitis
Chairwoman
9504#063

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

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

**Sign Language Interpreter Certification
(LAC 67:VII.1301)**

In accordance with the provisions of R.S. 49:950 et seq., the Administrative Procedure Act, the Department of Social Services, Louisiana Rehabilitation Services (LRS), Louisiana Commission for the Deaf is amending rules affecting the certification of sign language interpreters.

The purpose of this notice of intent is to provide revisions to the rules governing the procedures/standards used in the evaluation and certification of sign language interpreters and list the qualifications of individuals who are eligible for certification at various skill levels.

Title 67

SOCIAL SERVICES

Part VII. Rehabilitation Services

Chapter 13. State Sign Language Interpreter

Certification Standards

§1301. Certification Standards

* * *

B. Examinations. The State Certification Program includes the following:

1. **Screening.** To begin the certification process, the candidate must rate an advanced level or higher of Sign Language skills, as measured by the Sign Language Proficiency Interview or Sign Communication Proficiency Interview.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S.46:2351-2354.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Rehabilitation Services, Commission for the Deaf, LR 17:389 (April 1991), amended LR 18:968 (September 1992), LR 19: (April 1993), LR 21:

Public hearings beginning at 10 a.m. will be conducted on April 25, 26 and 27, 1995, in Shreveport, Alexandria, and New Orleans respectively. The hearing locations are as follows: Shreveport at 1525 Fairfield; Alexandria at 900 Murray Street; New Orleans 2026 St. Charles Avenue.

Individuals with disabilities who require special services should contact Louisiana Rehabilitation Services at least seven working days prior to the hearing they wish to attend. For assistance call 504-925-4131 or 1-800-737-2958 or for Voice and TDD, 1-800-256-1523.

Interested persons may submit written comments by May 4, 1995 to May Nelson at the address below. She is responsible for responding to inquiries regarding the proposed rule.

Copies of the entire text of amended §1301 may be obtained at Louisiana 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

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

**RULE TITLE: Language Interpreter Certification
of LCD**

- I. **ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**
There is no projected implementation cost.
- II. **ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**
There is no effect on revenue collections of state or local governmental units.
- III. **ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)**
There is no estimated cost and/or economic benefit.
- IV. **ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**
There is no proposed change in competition and employment in the public and private sectors.

May Nelson
Director
9504#068

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

**Department of Transportation and Development
Utility and Permit Section**

**Utility Notification Subscription Requirement
(LAC 70:III.1701-1705)**

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 "Requirement for Utility Companies to Subscribe to Louisiana Regional Notification Center" in accordance with R.S. 48:381.

Title 70

TRANSPORTATION AND DEVELOPMENT

Part III. Highways

**Chapter 17. Requirement for Utility Companies to
Subscribe to Louisiana Regional
Notification Center**

§1701. General

No underground facility shall be permitted within highway right-of-way under the jurisdiction of the Louisiana Department of Transportation and Development unless and

until the facility owner subscribes to the services of the Louisiana Regional Notification Center as provided for in R.S. 40:1749 et seq. This subscription must be continued throughout the duration of the permit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:381.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, LR 21:

§1703. Exceptions

A. Owners of utility distribution facilities serving less than 100 customers shall be exempt from the requirement of subscription to the Regional Notification Center for purposes of installation in rights-of-way controlled by the Department of Transportation and Development.

B. The Department of Transportation and Development Headquarters Utility and Permit Engineer may exempt owners of utility distribution facilities within highway project limits when said owners are required to relocate their facilities in order to accommodate highway construction. This exemption shall be determined on a project-by-project basis.

C. Municipalities or parish governments which adopted ordinances exercising their options not to participate in the regional notification program, in accordance with the provisions of R.S. 40:1749.19, shall be exempt from the requirement of subscription to the Regional Notification Center for purposes of installation in rights-of-way controlled by the Department of Transportation and Development.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:381.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, LR 21:

§1705. Sanctions

Unless specifically exempted, each owner of utility distribution facilities who does not comply with the requirements set forth herein shall be unable to obtain a permit for activity within highway rights-of-way under the jurisdiction and control of the Department of Transportation and Development. This suspension of the permitting process may be lifted if the owner comes into compliance.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:381.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, LR 21:

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 Engineer, 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 Notification Subscription Requirement

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.

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

There will be no effect on revenue collections for the Department of Transportation and Development.

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

All parties affected are already required by law to be members of a "call-before-you-dig" service, so there will be no increase in cost to nongovernmental groups. The cost to subscribe to the Louisiana Regional Notification Center is \$30 per month.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition or employment.

Jude W. P. Patin
Secretary
9504#069

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

Department of Transportation and Development Weights and Measures

Lab Manuals—Fee Schedule (LAC 73:III.301)

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 amend the fee schedule originally adopted on January 20, 1989, that will apply to manuals produced by the Department of Transportation and Development Materials and Testing Section, all in accordance with the provisions of R.S. 36:504 (A)(3), (B)(5) and R.S. 48:265.

Title 73

WEIGHTS, MEASURES AND STANDARDS

Part III. Weights and Measures

Chapter 3. Materials and Testing

§301. Manuals

The department shall publish the following manuals and make them available to the public for the following prices:

1. Testing Procedure Manual (2-volume set) \$50 set
2. Field Testing Procedures Manual \$25 each
3. Materials Sampling Manual \$25 each
4. Qualified Products List \$25 each
5. MATT System Field Handbook \$25 each

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:504(A)(3), (B)(5) and R.S. 48:265.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, LR 15:15 (January 1989), amended LR 21:

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: Mr. Jarvis J. Poche, DOTD Materials Engineer Administrator, Materials and Testing Section, 5080 Florida Boulevard, Baton Rouge, LA 70806; phone (504) 929-9131

Jude W. P. Patin
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Lab Manuals—Fee Schedule**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
No implementation costs are required.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Revenue collections for the sale of DOTD Materials and Testing Manuals will increase \$1,339 per year.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
The increased costs to directly affected persons or entities will be approximately \$1,339 per year.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
The proposed fee increase should have no effect on competition or employment.

Jude W. P. Patin
Secretary
9504#070

David W. Hood
Senior Fiscal Analyst

ADMINISTRATIVE CODE UPDATE

**CUMULATIVE ADMINISTRATIVE CODE UPDATE
January - March, 1995**

LAC Title	Part.Section	Effect	Location LR 20 Month Page
7	XV.Chapter 99	Adopted	Jan 17
13	I.201	Adopted	Mar 258

28	I.915	Amended	Feb 163
	I.915	Amended	Mar 259
	I.929	Adopted	Mar 260
	I.952	Adopted	Feb 167
	I.1515	Amended	Mar 259
	I.1523	Amended	Feb 168
	IX.103,105,301-327	Amended	Feb 168
31	II.601,603,605	Adopted	Mar 262
33	III.223	Amended	Jan 22
	III.509	Amended	Feb 170
	III.2120	Amended	Jan 23
	III.Chapter 31	Amended	Mar 263
	V.Chapters 1-49	Amended	Mar 266
	V.Chapters 11-51	Amended	Mar 267
	XV.1401-1420	Amended	Jan 24
40	I.1106	Amended	Mar 272
	I.1123-1129	Adopted	Jan 36
	I.1131	Adopted	Mar 272
	XI.Chapter 24	Committee Report	Feb 235
43	I.101*	Adopted	Feb 182
	I.1901	Repromulgated	Mar 273
46	XXI.513,515,517	Adopted	Jan 21
	XXV.119	Amended	Feb 174
	XXXVII.709	Repromulgated	Feb 175
	XLVII.3331	Amended	Mar 271
	XLVII.3356	Amended	Mar 267
	XLVII.Chapter 34	Adopted	Mar 269
	XLIX.701	Repromulgated	Feb 175
	LXV.Chapter 1	Amended	Feb 159
	LXV.Chapters 3,5	Repealed	Feb 162
	LXVI.Chapter 12	Adopted	Feb 178
48	I.Chapter 91	Adopted	Feb 177
	I.Chapter 93	Adopted	Feb 177
55	III.129-141	Adopted	Feb 182
	III.701	Adopted	Feb 184
61	I.4373	Adopted	Feb 185
	V.Chapters 3-31	Amended	Feb 186
67	III.201	Amended	Mar 273
	III.Chapter 19	Amended	Feb 186
	VII.101	Repromulgated	Feb 189
	VII.101	Repromulgated	Feb 191
76	III.323	Adopted	Feb 194
	VII.161	Amended	Feb 193
	VII.343	Amended	Jan 37

* incorrect codification--see §1901, March 1995

POTPOURRI

POTPOURRI

Department of Agriculture and Forestry
Office of Agricultural and Environmental Sciences

Plant Pest Quarantines

In accordance with LAC 7:XV.9507 and 9509, we are hereby publishing the annual quarantine.

1.0 Sweetpotato Weevil (*Cylas formicarius elegantulus* Sum)

(a) In the United States: the states of Alabama, Florida, Georgia, Mississippi, South Carolina, and Texas; in Arkansas, Ouachita County; in California, Merced and Stanislaus counties.

(b) In the state of Louisiana:

1) The entire parishes of: Acadia, Allen, Ascension, Assumption, Avoyelles, Beauregard, Bienville, Calcasieu, Cameron, East Baton Rouge, East Feliciana, Evangeline, Iberia, Iberville, Jefferson, Jefferson Davis, Lafayette, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, Rapides, Sabine, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Landry, St. Martin, St. Mary, St. Tammany, Tangipahoa, Terrebonne, Vermilion, Vernon, Washington, Webster, West Baton Rouge, West Feliciana.

2) That portion of Natchitoches Parish lying south and west of the Red River.

3) The following areas are non-sweet potato areas:

(a) Those portions of Claiborne Parish as follows:

The property of V.O. Seal in the Northwest corner of Section 10, Township 21 North, Range 6 West; and all properties within a one-mile radius thereof.

(b) Those portions of Grant Parish as follows:

The property of Rance Robertson in the Southeast corner of Section 30, Township 5 North, Range 1 East; the property of Rance Robertson in the Southwest corner of Section 31, Township 5 North, Range 1 East; the property of Rance Robertson in the Southeast corner of Section 31, Township 5 North, Range 1 East; the property of Milton Stewart in the Southwest corner of Section 30, Township 5 North, Range 1 East; the property of Walter Dobernig in the Southeast corner of Section 35, Township 5 North, Range 1 West; and all properties within a one-mile radius thereof.

2.0 Pink Bollworm (*Pectinophora gossypiella* Saunders)

Pink bollworm quarantined areas are divided into generally infested and/or suppressive areas as described by USDA-PPQ.

ARIZONA

(1) Generally infested area: the entire state.

ARKANSAS

(1) Generally infested area: None

(2) Suppressive area: The entire counties of: Clay, Craighead, Crittenden, Cross, Greene, Mississippi, Monroe, Poinsett, and St. Francis.

CALIFORNIA

(1) Generally infested area: The entire counties of: Imperial, Inyo, Los Angeles, Orange, Riverside, San Bernardino, and San Diego.

(2) Suppressive area: The entire counties of: Fresno, Kern, Kings, Madera, Merced, San Benito, and Tulare.

MISSOURI

(1) Generally infested area: the entire state.

MISSISSIPPI

(1) Generally infested area: None

(2) Suppressive area: That portion of Washington County as follows:

That portion of the county lying within Township 18 North, Range 7 West, Sections 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 16, 21, 22, 23, and 24; and Township 18 North, Range 6 West, Sections 3, 4, 5, 6, 7, 8, 9, 10, 15, 16, 17, and 18.

NEW MEXICO

(1) Generally infested area: The entire state.

OKLAHOMA

(1) Generally infested area: The entire state.

TEXAS

(1) Generally infested area: The entire state.

3.0 Phytophagous Snails

The entire states of California and Arizona.

4.0 Leaf Scald (*Xanthomonas albilineans*)

All areas of the country where sugarcane is grown.

5.0 Lethal Yellowing

The states of Florida and Texas.

6.0 Sweet Potato Mosaic

The states of Alabama and Georgia and any other state which may hereafter be found to be infected with sweet potato mosaic; and all other states which do not maintain restrictions against the movement of regulated products from the quarantined area.

7.0 Tristeza, Xyloporosis, Psorosis, Exocortis

All citrus-growing areas of the United States.

8.0 Burrowing Nematode (*Radopholus similis*)

The states of Florida and Hawaii and the Commonwealth of Puerto Rico.

9.0 Oak Wilt (*Ceratocystis fagacearum*)

ARKANSAS

Infected counties: Baxter, Benton, Boone, Carroll, Clay, Craighead, Crawford, Franklin, Fulton, Independence, Izard, Johnson, Lawrence, Logan, Madison, Marion, Mississippi, Nevada, Newton, Poinsett, Pope, Randolph, Scott, Searcy, Sharp, Stone, Washington, and Yell.

ILLINOIS

Entire state.

INDIANA

Entire state.

IOWA

Entire state.

KANSAS

Infected counties: Anderson, Atchison, Cherokee, Doniphan, Douglas, Franklin, Jackson, Jefferson, Johnson, Leavenworth, Linn, Miami, Neosho, Pottawatomie, Shawnee, and Wyandotte.

KENTUCKY

Infected counties: Adair, Allen, Ballard, Bath, Bell, Boyd, Breathitt, Breckinridge, Bullitt, Butler, Caldwell, Calloway, Carter, Casey, Christian, Clay, Clinton, Cumberland, Daviess, Edmonson, Elliott, Estill, Fleming, Floyd, Graves, Grayson, Green, Greenup, Hancock, Hardin, Harlan, Hart, Henderson, Hopkins, Jefferson, Johnson, Knott, Knox, Lawrence, Lee, Leslie, Letcher, Lewis, Logan, McCracken, McLean, Magoffin, Marshall, Martin, Menifee, Metcalfe, Montgomery, Morgan, Muhlenberg, Nelson, Ohio, Oldham, Owsley, Perry, Pike, Powell, Pulaski, Rowan, Russell, Taylor, Todd, Trigg, Union, Warren, Wayne, and Webster.

MARYLAND

Infected Counties: Allegany, Frederick, Garrett, and Washington.

MICHIGAN

Infected counties: Barry, Barrien, Calhoun, Cass, Clare, Clinton, Grand Traverse, Kalamazoo, Kent, Lake, Livingston, Manistee, Missaukee, Muskegon, Oakland, Roscommon, St. Joseph, Van Buren, Washtenaw, Wyne, and Menominee.

MINNESOTA

Infected counties: Anoka, Aitkin, Blue Earth, Carver, Cass, Chicago, Crow Wing, Dakota, Dodge, Fillmore, Freeborn, Goodhue, Hennepin, Houston, Le Sueur, McLeod, Mille Lacs, Morrison, Mower, Nicollet, Olmsted, Ramsey, Rice, Scott, Sherburne, Sibley, Steele, Wabasha, Waseca, Washington, Winona, and Wright.

MISSOURI

Entire state.

NEBRASKA

Infected counties: Cass, Douglas, Nemaha, Otoe, Richardson, and Sarpy.

NORTH CAROLINA

Infected counties: Buncombe, Burke, Haywood, Jackson, Lenoir, Macon, Madison, and Swain.

OHIO

Entire state.

OKLAHOMA

Infected counties: Adair, Cherokee, Craig, Delaware, Haskell, Latimer, LeFlore, Mayes, McCurtain, McIntosh, Ottawa, Pittsburg, Rogers, Sequoyah, and Wagoner.

PENNSYLVANIA

Infected counties: Adams, Allegheny, Armstrong, Beaver, Bedford, Blair, Butler, Cambria, Centre, Clarion, Clinton, Cumberland, Erie, Fayette, Franklin, Fulton, Greene, Huntingdon, Indiana, Jefferson, Juniata, Lawrence, Mifflin, Perry, Somerset, Venango, Washington, and Westmoreland.

SOUTH CAROLINA

Infected counties: Chesterfield, Kershaw, Lancaster, Lee, and Richland.

TENNESSEE

Infected Counties: Blount, Carter, Cocke, Cumberland, Grainger, Greene, Hamblen, Hancock, Hardeman, Hawkins, Jefferson, Knox, Lincoln, Loudon, Montgomery, Rhea, Roane, Robertson, Sevier, Sullivan, Union, Washington, and White.

TEXAS

Infected counties: Bandera, Bastrop, Bexar, Blanco, Basque, Burnett, Dallas, Erath, Fayette, Gillespie, Hamilton, Kendall, Kerr, Lampasas, Lavaca, McLennan, Midland, Tarrant, Travis, Williamson.

VIRGINIA

Infected counties: Aleghany, Augusta, Bath, Botetoust, Clarke, Frederick, Giles, Highland, Lee, Loudoun, Montgomery, Page, Rockbridge, Rockingham, Scott, Shenandoah, Smyth, Warren, Washington, Wise, and Wythe.

WEST VIRGINIA

Infected counties: all counties *except* Tucker and Webster.

WISCONSIN

Infected counties: Adams, Brown, Buffalo, Chippewa, Clark, Columbia, Crawford, Dane, Dodge, Dunn, Eau Claire, Fond du Lac, Grant, Green, Green Lake, Iowa, Jackson, Jefferson, Juneau, Kenosha, La Crosse, Lafayette, Lincoln, Marquette, Milwaukee, Monroe, Oconto, Outagamie, Ozaukee, Pepin, Pierce, Polk, Portage, Racine, Richland, Rock, St. Croix, Sauk, Shawano, Trempealeau, Vernon, Walworth, Washington, Waukesha, Waupaca, Waushara, Winnebago, and Wood.

10.0 Phony Peach

ALABAMA

Entire state.

ARKANSAS

Counties of Arkansas, Ashley, Bradley, Chicot, Columbia, Crittendon, Cross, Desha, Drew, Hempstead, Howard, Jefferson, Lafayette, Lee, Lincoln, Little River, Miller, Monroe, Nevada, Phillips, Pike, Poinsett, St. Francis, Sevier, Union, and Woodruff.

FLORIDA

Entire state.

GEORGIA

Entire state.

KENTUCKY

County of McCracken.

LOUISIANA

Parishes of Bienville, Bossier, Caddo, Claiborne, DeSoto, Jackson, Lincoln, Morehouse, Natchitoches, Ouachita, Red River and Union.

MISSISSIPPI

Entire state.

MISSOURI

County of Dunklin.

NORTH CAROLINA

Counties of Anson, Cumberland, Gaston, Hoke, Polk and Rutherford.

SOUTH CAROLINA

Counties of Aiken, Allendale, Bamberg, Barnwell, Cherokee, Chesterfield, Edgefield, Greenville, Lancaster, Laurens, Lexington, Marlboro, Orangeburg, Richland, Saluda, Spartanburg, Sumter, and York.

TENNESSEE

Counties of Chester, Crockett, Dyer, Fayette, Hardman, Hardin, Lake, Lauderdale, McNairy, Madison, and Weakley.

TEXAS

Counties of Anderson, Bexar, Brazos, Cherokee, Freestone, Limestone, McLennan, Milan, Rusk, San Augustine, Smith, and Upshur.

11.0 Citrus Canker [*Xanthomonas campestris pv citri* (Hasse) Dawson]

Any areas designated as quarantined under the Federal Citrus Canker quarantine 7 CFR 301.75, et seq.

12.0 Pine Shoot Beetle [*Tomicus piniperda* (L.)]

ILLINOIS

Counties of Cook, Du Page, Iroquois, Kane, Kankakee, Livingston and Will.

INDIANA

Counties of Allen, Benton, De Kalb, Delaware, Elkhart, Fulton, Grant, Huntington, Jasper, Kosciusko, Lagrange, Lake, La Porte, Marshall, Miama, Newton, Noble, Porter, Pulaski, St. Joseph, Starke, Steuben, Tippecanoe, Wells, White, and Whitley.

MICHIGAN

Counties of Allegan, Barry, Berrien, Branch, Calhoun, Cass, Clinton, Eaton, Genesee, Gratiot, Hillsdale, Ingham, Ionia, Isabella, Jackson, Kalamazoo, Lenawee, Livingston, Macomb, Midland, Monroe, Montcalm, Oakland, Saginaw, St. Joseph, Shiawassee, Tuscola, Van Buren, Washtenaw, and Wayne.

NEW YORK

Counties of Chautauqua, Cattaraugus, Erie, Genessee, Livingston, Monroe, Niagara, Ontario, Orleans, and Wyoming.

OHIO

Counties of Ashland, Ashtabula, Cuyahoga, Erie, Geauga, Huron, Knox, Lake, Lorain, Mahoning, Medina, Portage, Richland, Summit, Trumbull, and Wayne.

PENNSYLVANIA

Counties of Crawford, Erie, and Lawrence.

Any other areas designated as quarantined under the Federal Pine Shoot Beetle quarantine 7 CFR 301.50, et seq.

Bob Odom
Commissioner

9405#046

POTPOURRI

Department of Environmental Quality
Office of Legal Affairs and Enforcement
Investigations and Regulation Development Division

Agenda

The Department of Environmental Quality wishes to announce the availability of the Spring 1995 edition of the Semiannual Regulatory Agenda prepared by the Investigations and Regulation Development Division. The current agenda contains information on rules which have been proposed but have not been published as final and rules which are scheduled

to be proposed in 1995. Check or money order is required in advance for each copy of the agenda. Interested persons may obtain a copy by contacting Cora James, Department of Environmental Quality, Office of Legal Affairs and Enforcement, Investigations and Regulation Development Division, Box 82282, Baton Rouge, Louisiana 70884-2282 or by calling (504) 765-0399.

James H. Brent, Ph.D.
Administrator

9504#024

POTPOURRI

Department of Health and Hospitals
Board of Embalmers and Funeral Directors

Embalmer/Funeral Director Examinations

The Board of Embalmers and Funeral Directors will give the National Board Funeral Director and Embalmer/Funeral Director exams on Saturday, May 6, 1995, at Delgado Community College, 615 City Park Avenue, New Orleans, LA.

Interested persons may obtain further information from the Board of Examiners and Funeral Directors, Box 8757, Metairie, LA 70011, telephone 504-838-5109

Dawn Scardino
Executive Director

9504#020

POTPOURRI

Department of Natural Resources
Office of Conservation

Orphaned Oilfield Sites

Office of Conservation records indicate that the oilfield sites listed in the table below have met the requirements as set forth by Section 91 of Act 404, R.S. 30:80 et seq., and as such are being declared orphaned oilfield sites.

Operator	Field	Well Name	Well Number	Serial Number
B and F Oil Enterprises	Caddo Pine Island	Hale	001	182581
B and F Oil Enterprises	Caddo Pine Island	Hale	002	182582
B and F Oil Enterprises	Caddo Pine Island	Hale	003	182583
B and F Oil Enterprises	Caddo Pine Island	Hale	004	182584
B and F Oil Enterprises	Caddo Pine Island	Hale	005	182585
B and F Oil Enterprises	Caddo Pine Island	Hale	006	185995
B and F Oil Enterprises	Caddo Pine Island	Hale	007	185996
B and F Oil Enterprises	Caddo Pine Island	Fuller	001	184178
B and F Oil Enterprises	Caddo Pine Island	Fuller	002	187675
B and F Oil Enterprises	Caddo Pine Island	Texaco-Jolley B	001	194870
B and F Oil Enterprises	Caddo Pine Island	Texaco-Jolley B	002	199941
Delta Oil Corporation	Monroe	Harrell SU 401; Ward	001	200264
Energy Finders Inc.	Red River-Bull Bayou	Walter Taylor	001	162904
LA Gorce Oil Company	Napoleonville	Gus J Labarre Unit	001	045869
Major Corporation	Dixie	Mrs Carrie Ford Gayle	001	066935
MAP Associates, L.P.	Caddo Pine Island	Lane	001	209541
MAP Associates, L.P.	Cottage Grove	BUCK RA SUC; Hawkins	001	206777

Nelson Oil and Gas Inc.	Minden	J F Jones	002	164549
Nestor Petroleum Company	Bayou du Large	Mahler et al	001	184558
Petro Energy Inc.	Caddo Pine Island	Pardue Weaver A	001	200467
Petro Energy Inc.	Caddo Pine Island	Pardue Weaver A	002	201613
Petro Energy Inc.	Caddo Pine Island	Pardue Weaver A	003	201614
Petro Energy Inc.	Caddo Pine Island	Gault	016	213863
Petro Energy Inc.	Caddo Pine Island	Gault	018	213864
Pioneer Oil and Gas Company, Inc.	Bee Brake	B A Carothers	001	053241
Sunchase Exploration Inc.	North Cankton	VUA; L Credeur etal	001	195440
Sunchase Exploration Inc.	North Cankton	L Credeur SWD	001	971499
Sunchase Exploration Inc.	Egan	BATH 1 RA SUA; Regan	001	196645
Sunchase Exploration Inc.	Grand River	LT RA SUA; Schwing-Levert	001	120453
Sunchase Exploration Inc.	Grand River	M I SUA; Schwing-Levert	1-D	121454
Sunchase Exploration Inc.	Grand River	Schwing-Levert	002	123040
Sunchase Exploration Inc.	Grand River	Hawkins SWD	001	089806
Sunchase Exploration Inc.	Lawson	L Hoffpauir Loving etal	001	205122
Sunchase Exploration Inc.	Maurice	Thibodeaux RA SUA; Trahan	001	196157
Sunchase Exploration Inc.	Maurice	J Trahan SWD	001	972288
Sunchase Exploration Inc.	Shuteston	L N 2 SUE; Miller etal	001	192836

Texas Gulf Sulphur Co. - Pel Tex Co	Orange Grove	L D Riggs	002	125179
Vermilion Energy and Dev. Corp.	Lake Hatch	Pelto Oil Co	001	179737

Ernest A. Burguieres, III
Assistant Secretary

9504#071

POTPOURRI

**Department of Revenue and Taxation
Severance Tax Division**

Natural Gas Base Rate Adjustment

Pursuant to the authority granted by R.S. 47:633 (9) (d) (ii), the Department of Natural Resources has determined the "gas base rate adjustment" for the 12-month period ending March 31, 1995, to be .9478. When this rate is multiplied by the \$.07 base rate, the result is less than the \$.07 per MCF minimum provided for in the statute. Accordingly, the Department of Revenue and Taxation has determined the severance tax rate on natural gas and related products described in R.S. 47:633(9)(a) to be \$.07 per thousand cubic feet measured at a base pressure of 15.025 pounds per square inch absolute and at the temperature base of 60° Fahrenheit, effective July 1, 1995.

The reduced rates provided for in R.S. 47:633(9)(b) and (c) remain the same.

The determination of this "gas base rate adjustment" and corresponding tax rate and their "publication in the *Louisiana Register* shall not be considered rule making within the intendment of the Administrative Procedure Act, R.S. 49:950 et seq., and particularly R.S. 49:953." Thus, neither a fiscal impact statement nor a notice of intent is required.

Questions should be directed to Linda Denney, Director of the Severance Tax Division at (504) 925-7497.

Ralph Slaughter, CPA
Secretary

9504#019

POTPOURRI

**Department of Revenue and Taxation
Tax Commission**

Whole Property Sales Ratio Study

Pursuant to R.S. 47:1837 the following is the result of the Tax Commission's measurement of the level of appraisal and/

or assessment and the degree of uniformity for Whole Property Sales Ratio Study for the year 1994 (1995 Orleans Parish). This data shall constitute prima facie evidence of the uniformity or lack of uniformity with constitutional and/or statutory requirements of each parish in the state.

PARISH	MEAN(%)	MEDIAN(%)	COEFFICIENT OF DISPERSION (%)
ACADIA	9.8	9.8	11.5
ALLEN	10.4	10.0	7.4
ASCENSION	9.2	9.1	11.3
ASSUMPTION	10.4	10.0	6.9
AVOYELLES	10.2	10.0	6.2
BEAUREGARD	9.8	9.7	11.3
BIENVILLE	9.2	9.1	12.6
BOSSIER	9.3	9.5	10.8
CADDO	10.2	9.9	11.0
CALCASIEU	8.8	9.0	13.5
CALDWELL	9.8	10.0	8.6
CAMERON	9.9	10.0	10.4
CATAHOULA	9.5	9.9	12.3
CLAIBORNE	11.7	10.0	18.3
CONCORDIA	10.2	10.0	8.7
DESOTO	10.5	10.5	9.0
E. BATON ROUGE	10.0	10.0	2.0
E. CARROLL	10.6	11.0	17.1
E. FELICIANA	10.7	10.7	18.5
EVANGELINE	10.3	10.0	6.3
FRANKLIN	11.1	10.6	18.1
GRANT	9.4	10.0	7.5
IBERIA	10.0	10.0	1.0
IBERVILLE	10.0	10.0	1.6
JACKSON	10.4	10.0	10.0
JEFFERSON	10.0	10.0	0.5
JEFFERSON DAVIS	10.6	10.0	11.4
LAFAYETTE	9.6	9.5	5.2
LAFORCHE	10.2	10.0	11.1
LASALLE	10.0	10.0	4.0
LINCOLN	10.4	10.0	4.5
LIVINGSTON	9.0	8.8	15.7
MADISON	10.0	10.0	5.4
MOREHOUSE	10.5	10.0	11.2
NATCHITOCHE	10.0	9.7	17.7
ORLEANS 1ST	9.0	10.0	12.6
2ND	10.4	10.0	9.7
3RD	10.1	10.0	6.5
4TH	9.5	9.8	15.6
5TH	10.2	10.0	3.8
6TH	10.6	10.0	8.9
7TH	10.0	9.3	14.1
OUACHITA	9.9	9.9	14.3
PLAQUEMINES	10.2	10.1	6.9
POINTE COUPEE	10.5	10.0	13.3
RAPIDES	10.3	10.0	5.4
RED RIVER	10.7	10.5	7.4
RICHLAND	10.2	10.0	3.1
SABINE	9.7	9.3	11.9
ST. BERNARD	9.9	10.0	1.8
ST. CHARLES	10.0	10.0	0.7
ST. HELENA	10.7	10.0	8.5
ST. JAMES	9.8	9.9	6.7
ST. JOHN	9.6	10.0	4.4
ST. LANDRY	10.4	10.0	8.9
ST. MARTIN	10.1	10.0	8.1
ST. MARY	9.6	10.0	11.1
ST. TAMMANY	9.2	9.0	3.8
TANGIPAHOA	10.0	10.0	8.8
TENSAS	10.3	10.1	8.1
TERREBONNE	9.3	9.4	9.9

UNION	9.6	9.4	9.8
VERMILION	10.6	10.0	12.0
VERNON	10.0	9.9	7.4
WASHINGTON	9.6	9.2	15.9
WEBSTER	10.2	10.0	3.5
W. BATON ROUGE	10.2	10.0	3.6
W. CARROLL	11.0	10.4	11.9
W. FELICIANA	9.1	9.3	13.5
WINN	10.1	10.0	7.3

Malcolm B. Price, Jr.
Chairman

9504#050

POTPOURRI

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

Social Services Block Grant (SSBG)

The Louisiana Department of Social Services (DSS) announces opportunities for public review of the state's pre-expenditure report on intended uses of Social Services Block Grant (SSBG) funds for the state fiscal year (FY) beginning July 1, 1995 and ending June 30, 1996. The proposed FY 95-96 SSBG Intended Use Report has been developed in compliance with the requirements of Section 2004 of the Social Security Act, as amended, and includes information on the types of activities to be supported and the categories or characteristics of individuals to be served through use of the state's allocation of SSBG funds. Section 2004 of the Social Security Act further requires that the SSBG pre-expenditure report shall be "made public within the state in such manner as to facilitate comment by any person." The Department of Social Services (DSS) as the designated state services agency will continue to administer programs funded under the Social Services Block Grant in accordance with applicable statutory requirements and federal regulations. The DSS/Office of Community Services (OCS) will be responsible for provision of social services, by direct delivery and vendor purchase, through use of federal SSBG funds. Estimated SSBG expenditures for FY 1995-96 total \$46,475,020.

Louisiana through the DSS Office of Community Services will utilize its allotted funds to provide comprehensive social services on behalf of children and families in fulfillment of legislative mandates for child protection and child welfare programs. These mandated services, and certain other essential social services, are proposed for provision without regard to income (WRI) to individuals in need. Individuals to be served also include low-income persons as defined in the Intended Use Report who meet eligibility criteria for services provided through SSBG funding.

Services designated for provision through SSBG funding for State Fiscal Year 1995-96 are:

Adoption (pre-placement to termination of parental rights)

Child Protection (investigation of child abuse/neglect reports, assessment, evaluation, social work intervention,

shelter care, counseling, referrals, and follow-up)

Day Care for Children (direct care for portion of the 24-hour day)

Family Services (social work intervention subsequent to validation of a report of child abuse/neglect, counseling to high risk groups)

Foster Care/Residential Habilitation Services (foster, residential care and treatment on a 24-hour basis)

Definitions for the proposed services are set forth in the Intended Use Report.

Persons eligible for SSBG funded services include:

1. persons without regard to income, who are in need of Adoption Services, Child Protection, Family Services, and Foster Care/Residential Habilitation services;

2. individuals without regard to income who are recipients of Title IV-E Adoption Assistance;

3. recipients of Supplemental Security Income (SSI) and recipients of Aid to Families with Dependent Children (AFDC) and those persons whose needs were taken into account in determining the needs of AFDC recipients;

4. low-income persons (income eligibles) whose gross monthly income is not more than 125 percent of the poverty level. A family of four with gross monthly income of not more than \$1,578 would qualify as income eligible for services;

5. persons receiving Title XIX (Medicaid) benefits and certain Medicaid applicants identified in the proposed plan as group eligibles.

The proposed SSBG Intended Use Report for FY 1995-96 is available for public review at OCS parish and regional offices Monday through Friday from 8:30 a.m. to 4 p.m. Copies are available without charge by telephone request to (504) 342-6640 or by writing the assistant secretary, Office of Community Services, Box 3318, Baton Rouge, LA 70821. Inquiries and comments on the proposed plan may be submitted until May 31, 1995 to the assistant secretary, OCS, at the above address.

A public hearing on the proposed SSBG Intended Use Report for FY 1995-96 is scheduled for 10 a.m. on Wednesday, May 10, 1995 at the Office of Community Services, Conference Room 806, Commerce Building, 333 Laurel Street, Baton Rouge, LA. At the public hearing all interested persons will have the opportunity to provide recommendations on the proposed SSBG plan, orally or in writing. Written comments will be accepted through May 31, 1995.

Post expenditure reports for the SSBG program for state fiscal years 1992-93 and 1993-94 are included in the SSBG Intended Use Report for FY 95-96 and are available for public review at the Office of Community Services, 333 Laurel Street, Room 802, Baton Rouge.

Gloria Bryant-Banks
Secretary

9504#072

POTPOURRI

Department of Transportation and Development Sabine River Compact Administration

Spring Meeting Notice

The spring meeting of the Sabine River Compact Administration will be held at the Maison Dupuy Hotel, New Orleans, LA on Friday June 16, 1995, at 9:30 a.m.

The purpose of the meeting will be to conduct business as programmed in Article IV of the bylaws of the Sabine River Compact Administration.

The fall meeting will be held at a site in Texas to be designated at the above described meeting.

Contact person concerning this meeting is Mary H. Gibson, Secretary, Sabine River Compact Administration, 15091 Texas Highway, Many, LA 71449, telephone (318) 256-4112.

Mary H. Gibson
Secretary

9504#074

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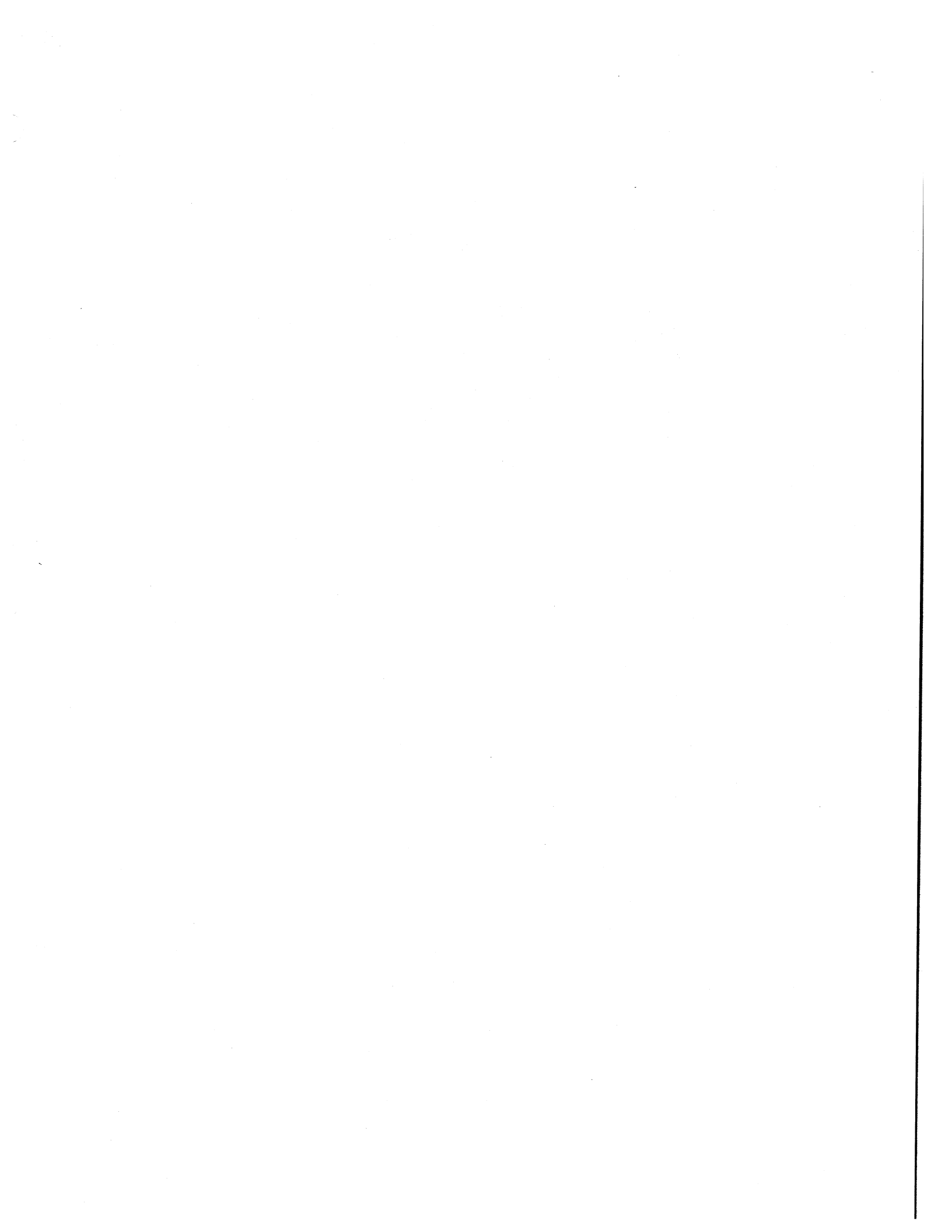
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CR—Committee Report
ER—Emergency Rule
N—Notice of Intent
PPM—Policy and Procedure Memorandum

EO—Executive Order
L—Legislation
P—Potpourri
R—Rule



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