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Executive Orders

EXECUTIVE ORDER BR 90-9

WHEREAS, Louisiana is subject to greater exposure to a major oil spill disaster than any other state as a result of large volumes of stored oil, over 15,000 miles of offshore pipeline, large numbers of inland barges, and heavy tanker traffic, including the LOOP superport which receives 15 percent of the oil imported to the United States; and

WHEREAS, 80 percent of the nation's offshore oil is produced off Louisiana's coast; and

WHEREAS, on June 26, 1990, the president of the United States announced his decision to ban further leasing and development of certain outer continental shelf tracts off the California and Florida coasts; and

WHEREAS, federal projections indicate that by the year 2007, nearly 220 million tons of crude oil are expected to be moved through Louisiana annually; and

WHEREAS, the Mega Borg spill resulted in the release of 3.9 million gallons of crude oil off the Louisiana and Texas coasts; and

WHEREAS, the inadequate highway accessibility to the coast and remote inland areas unsuitable for rapid transport of oil spill equipment, and the limited area available for staging facilities increase the potential for a major oil spill event and its consequences; and

WHEREAS, Louisiana harvests 26 percent of the nation's commercial fisheries, has the nation's highest marine recreational fishery catches, leads the nation in fur production, leads the world in alligator production and has more overwintering waterfowl than any other state; and

WHEREAS, commercial and recreational marine fisheries are concentrated within a few miles inshore and offshore of the Louisiana coastline where oil from a major coastal spill would concentrate; and

WHEREAS, the numerous shallow inter-connecting waterways, the gentle slope of the coastal areas and the unconsolidated marshes would allow deep penetration of oil; and

WHEREAS, effective spill response activities necessitate the coordination and cooperation of federal, state, local and private entities, and

WHEREAS, the means by which to minimize the occurrence of spills and further increase coordinated and efficient activities in responding to future spills should be pursued on a continual basis; and

WHEREAS, the release of oil into the environment presents a real and substantial threat to the public health and welfare, to the environment, to the wildlife and aquatic life, and to the economy of the state;

NOW, THEREFORE, I, Buddy Roemer, Governor of the State of Louisiana, by virtue of the power vested in me by the Constitution and the laws of this state, do hereby create the Governor's Oil Spill Prevention and Contingency Task Force, hereinafter referred to as the Oil Spill Task Force.

FURTHER, the Governor's Oil Spill Task Force shall be responsible for the following:

1. determining the needs and resources of the state and industry for responding to oil spills;
2. determining the response capabilities of the state, and the potential for cooperative interstate or regional response;
3. determining the potential for better coordinated interaction among federal, state, institutional, local, and private entities during a given spill response;
4. formulating training plans;
5. preparing a statewide oil spill prevention and contingency plan;
6. encouraging industrial and environmental participation and support;
7. identifying long-term and emergency funding sources.
8. recommending needed legislation and regulations.
9. undertaking any other actions which the Oil Spill Task Force deems appropriate.

FURTHER, the Oil Spill Task Force shall be composed of the following members appointed by the governor to serve at the pleasure of the governor:

1. Secretary, Department of Environmental Quality
2. Secretary, Department of Natural Resources
3. Secretary, Department of Wildlife and Fisheries
4. Governor's Executive Assistant for Coastal Activities
5. Governor's Executive Assistant for Environmental Affairs
6. Assistant Director, Office of Emergency Preparedness
7. Chairman, House Natural Resources Committee
8. Chairman, Senate Natural Resources Committee

FURTHER, the governor may appoint three members to serve at large.

FURTHER, each Oil Spill Task Force member may select a designee to serve in his/her absence.

FURTHER, the governor shall designate the chairperson and vice-chairperson of the Oil Spill Task Force.

FURTHER, the Oil Spill Task Force is empowered to seek input from advisory committees, groups and private industry as needed.

FURTHER, the Oil Spill Task Force shall meet at the call of the chairman and shall provide a progress report to the governor and legislature by September 30, 1990.

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 9th day of July, 1990.

Buddy Roemer
Governor of Louisiana

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State

Emergency Rules

WHEREAS, the construction of I-49 from Lafayette, Louisiana to Shreveport, Louisiana is nearing completion by the Department of Transportation, State of Louisiana; and

WHEREAS, the right-of-way of I-49 has been acquired through a particularly scenic area of the State of Louisiana; and

WHEREAS, it is to the benefit of the citizens of the State of Louisiana and the traveling public to preserve the uniquely scenic beauty of the countryside which adjoins Interstate Highway 49; and

WHEREAS, I-49 represents approximately one percent of the total state and federal highway mileage in Louisiana; and

WHEREAS, I-49 and possibly other Louisiana highways are currently being considered for inclusion in the National Scenic Highway Study to be conducted by the federal government and the construction of billboards along I-49 before that determination would be improper and premature;

NOW THEREFORE I, BUDDY ROEMER, Governor of the State of Louisiana, do hereby order and direct as follows:

Section 1. Executive Order No. BR 89-38 signed by me on December 8, 1989, is hereby revoked and rescinded in its entirety.

Section 2. The Louisiana Department of Transportation and Development shall not issue permits for the installation of outdoor advertising signs on I-49.

Section 3. Further, DOTD shall accelerate the signage along I-49 to provide information to the motoring public through the use of "destination" signs, "supplemental" signs, "logo" signs for food, gas lodging and camping and "directional" signs to indicate points of interest, all in conformance with existing federal regulations.

Section 4. Provided, however, that the directional signs authorized in "Section 3" shall not exceed an overall height of 20 linear feet from ground level and there shall not be more than one directional sign permitted per attraction per direction of travel with a minimum distance of two linear miles between signs.

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 July, 1990.

Buddy Roemer
Governor of Louisiana

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

Amend Bulletin 741 to Add Standard 1.124.16

The State Board of Elementary and Secondary Education, at its meeting of July 26, 1990, exercised those powers conferred by the emergency provisions of the Administrative Procedure Act R.S. 49:953B and approved an amendment to Bulletin 741 to add the following as Standard 1.124.16:

Standard 1.124.16

Public high school equivalency diplomas shall be signed by the State Superintendent of Education, the President of the Board of Elementary and Secondary Education, the local superintendent of schools, the local school board president and the local high school principal.

Emergency adoption of this rule is necessary because it affects the issuing of high school equivalency diplomas for the 1990-91 school year. Equivalency diplomas are issued throughout the entire year. Effective August 20, 1990.

Em Tampke
Executive Director

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

State-Established Scale for
Employment of School Librarians

The State Board of Elementary and Secondary Education, at its meeting of July 26, 1990, exercised those powers conferred by the emergency provisions of the Administrative Procedure Act R.S. 49:953B and approved a revision to Standard 2.071.08 of Bulletin 741 as listed below, which provides a state-established scale for the employment of school librarians.

2.071.08 Each secondary school shall have a library and shall have librarian(s) in accordance with the following state-established scale:

<u>Student Enrollment</u>	<u>Required Librarians</u>
299 or fewer	one half-time
300 - 999	one full-time
1,000 or higher	two full-time

Refer to Bulletin 1134 (Revised), Standards and Guidelines for Library Media Programs in Louisiana Schools for recommended clerical staff.

Emergency adoption is necessary since the amendment affects the operation of public schools for the 1990-91 school year. Effective August 20, 1990.

Em Tampke
Executive Director

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

Revised Policy on Drug Testing

The State Board of Elementary and Secondary Education, at its meeting of July 26, 1990, exercised those powers conferred by the emergency provisions of the Administrative Procedure Act, R.S. 49:953B, and approved the following revised Policy on Drug Testing for inclusion in Bulletin 1868, *BESE Personnel Manual*:

Emergency adoption of the drug policy is needed in order that employees under the jurisdiction of the board subject to the policy could be tested by the correctional facilities at which they work. This was necessary because the board had no policy. Effective August 20, 1990.

Chapter H. Safety, Health and Environmental Work Factors

§191: Programs

A. Safety

1. Each employee shall be provided a safe work environment. All schools under the jurisdiction of the board are to develop and administer a safety program.

2. Supervisors are responsible for identifying conditions and surroundings that would prove a threat to the safety of employees and take appropriate actions to provide a safe work environment.

3. Employees are to follow safe work practices and report all matters adversely affecting safety in the work place.

B. Communicable Diseases

1. Schools under the jurisdiction of the board shall work with the Department of Health and Hospitals for the prevention, control and containment of communicable diseases.

2. All schools under the jurisdiction of the board are to develop and administer procedures for the control of communicable diseases and management of staff in this regard.

C. Smoking in the Workplace

1. Schools under the jurisdiction of the board are to develop and administer procedures concerning smoking in the workplace.

2. Smoking shall be allowed only in clearly identified, specifically designated areas.

D. Hazardous Wastes

1. Schools under the jurisdiction of the board are charged with the development of procedures governing safe practices in storage, use, distribution and disposal of all chemicals and other hazardous wastes.

2. Schools are to establish a program for education of staff regarding chemicals and hazardous wastes.

E. Alcohol and Drug Abuse

1. Schools under the jurisdiction of the board shall

maintain an alcohol-free and drug-free workplace and must establish procedures implementing all applicable federal and state drug-free workplace/school statutes and regulations.

2. Employees are prohibited from engaging in the unlawful manufacture, distribution, dispensation, possession or unauthorized use of a controlled substance in the workplace.

3. Employees whose employment domicile is at a facility under the control of the Department of Public Safety and Corrections, hereinafter referred to as the Department of Corrections, shall be subject to drug testing. This policy applies to employees while they are on duty, during their official work day.

a. Employee Responsibility

It is the responsibility of each affected employee to read this policy and sign a statement, to be placed in the employee's official personnel file, which indicates the employee has read the policy.

b. Selection

(1) Random

Over a 12-month period the Department of Corrections, through use of a computer generated selection process, will identify for testing a minimum of 50 percent of the state employees whose employment domicile is at the correctional facility. Employees selected for random testing will be subject to future selection after each testing.

(2) Reasonable Cause

The decision to test an employee for reasonable cause must be based on the direct observation of specific physical, behavioral or performance indicators of possible drug use.

The decision should be based upon the direct observation of at least two supervisory level persons, if two are available; in cases where only one supervisory level person is available, the observation of that one individual shall be sufficient. The observation shall be documented and made available to the principal/institute director and appropriate Department of Corrections official.

(3) Post Accident

After an employee is involved in a work accident that results in a death, bodily injury, or property damage, the employee shall be subject to mandatory testing.

c. Initial Testing

(1) Testing shall be for any illegal drug, including but not limited to, marijuana, cocaine, PCP (phencyclidine), opiates and amphetamines.

(2) Kits used for testing must be approved by National Institute on Drug Abuse (NIDA) certified laboratories.

(3) Urine testing

(a) The EMIT (enzyme multiplied immunoassay technique) test will be administered; if appropriate, it will be followed by the GC/MS (gas chromatography/mass spectrometry) test.

(b) Guidelines established by NIDA or CAP (College of American Pathologists) must be followed in urine testing and analysis.

(4) Urine specimens shall be collected by trained collection technicians and/or trained medical personnel provided by the Department of Corrections. Collectors will insure privacy, security and maintenance of the chain of custody.

(5) A medical review officer provided by the Department of Corrections will review all test results and obtain a list of medication(s) used by the employee at the time of the

test. This person must be a licensed physician. The medical review officer will give an employee who fails a drug test the opportunity to provide a medical history and/or discuss the test results; the officer may request reanalysis. The medical review officer will give a copy of the results to the employee in the event of a positive test and will forward the results to the principal/institute director and the appropriate Department of Corrections official.

d. Retesting

A positive test result will lead to:

(1) retesting no sooner than 20 days and no later than 30 days following the test date on which a positive result was obtained;

(2) frequent, unscheduled follow-up testing may be conducted for up to two years from the test date on which a positive result was obtained.

e. Disciplinary Action

Refusal to take a drug test or a second positive test report will result in a suspension in accordance with Chapter C, Section 127 of this bulletin.

f. Record Keeping

(1) The following data on the testing of an employee shall be maintained in the employee's official personnel file:

- (a) date of test;
- (b) the name of the person(s) performing the test;
- (c) the name of the custodian of the detailed test results;

- (d) number of tests performed;
- (e) summary of the results for each type of test.

(2) Positive testing reports are to be kept for five years from the date of the test and negative reports are to be kept for one year.

(3) Medical records will be kept separately under secured conditions by the Department of Corrections.

g. Rehabilitation

While participating in a voluntary program of rehabilitation or upon return to work from suspension, an employee must agree to follow-up testing for up to two years.

h. Training

(1) A minimum of one hour of training is required for all employees on:

(a) the effects and consequences of controlled substance use on personal health and safety of the work environment, and

(b) indicators of substance use or abuse.

(2) All training will be documented and filed in the employee's official personnel file.

Em Tampke
Executive Director

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

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

The State Board of Elementary and Secondary Education, at its meeting of July 26, 1990, exercised those powers conferred by the emergency provisions of the Administrative

Procedure Act R.S. 49:953B and, in an effort to assist local education agencies experiencing extreme difficulty in providing certified personnel for the classroom, approved the following.

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

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

1. A signed affidavit by the local superintendent that the position could not be filled by a certified teacher;

2. Submission of names, educational background, subject matter and grade level being taught as an addendum to the Annual School Report; and

Documentation kept on file in the LEA's superintendent's/personnel office shall include:

1. Copies of transcripts showing the degree earned;

2. Documentation that efforts for recruitment for certified teachers have been made (e.g. newspaper advertisements, letters, contacts with colleges and so forth);

3. Documentation that the teacher is eligible for admission to a teacher education program.

In addition:

1. It is required that these teachers take the NTE at the earliest date that it is offered in their geographical area; and

2. These individuals must have a minimum of a baccalaureate degree from a regionally accredited institution and be eligible for admission to a teacher education program.

3. To be re-employed under this policy, an individual must have earned at least six semester hours toward completion of a teacher education program or six semester hours appropriate to the area of the NTE (General Knowledge, Professional Knowledge, Communication Skills, Specialty Area) in which the score was not achieved.

Emergency adoption is necessary because this interim policy affects the operation of public schools for the 1990-91 school year. Effective August 20, 1990.

Em Tampke
Executive Director

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

Vocational-Technical Salary Schedule

The State Board of Elementary and Secondary Education, at its meeting of July 26, 1990, exercised those powers conferred by the emergency provisions of the Administrative Procedure Act R.S. 49:953B and suspended the new salary schedule for vocational-technical personnel, and authorized the use of the board-approved September 1, 1984 salary schedule, with the following changes.

1. Raise each step 4 percent to comply with the cost-of-living raise for all state employees as approved by the 1990 Legislature.

2. Add two steps to the base plus 10-step salary schedule.

3. All ABE/GED instructors who are not on the 1984 salary schedule will receive a 4 percent cost-of-living raise and a one-step raise. (This will allow all unclassified employees to receive the 4 percent cost-of-living raise and a one-step raise.)

Emergency adoption of this salary schedule is neces-

sary since the new salary schedule was not funded by the Legislature. Funds are not available in the budget to implement the new salary schedule; therefore, it is necessary to continue the use of the board-approved September 1, 1984 salary schedule with the changes listed above. Effective date of this rule is August 20, 1990.

SALARY SCHEDULE FOR STATE TECHNICAL INSTITUTES

INSTRUCTOR				ASSISTANT DIRECTOR		DIRECTOR (1-13 Staff)		DIRECTOR (14-26 Staff)		DIRECTOR (27-40 Staff)		DIRECTOR (41-55 Staff)		DIRECTOR (56 + Staff)	
No Degree				B.S.	M.A.	B.S.	M.A.	B.S.	M.A.	B.S.	M.A.	B.S.	M.A.	B.S.	M.A.
8	22,298	23,315	23,992	27,583	28,260	34,370	34,986	35,110	35,726	35,849	36,465	36,589	37,204	37,328	37,944
1	22,975	23,992	24,669	28,397	29,074	35,110	35,726	35,849	36,465	36,589	37,204	37,328	37,944	38,068	38,683
2	23,652	24,669	25,346	29,210	29,887	35,849	36,465	36,589	37,204	37,328	37,944	38,068	38,683	38,807	39,423
3	24,329	25,346	26,023	30,023	30,700	36,589	37,204	37,328	37,944	38,068	38,683	38,807	39,423	39,546	40,162
4	25,006	26,023	26,700	30,836	31,514	37,328	37,944	38,068	38,683	38,807	39,423	39,546	40,162	40,286	40,902
5	25,683	26,700	27,377	31,650	32,327	38,068	38,683	38,807	39,423	39,546	40,162	40,286	40,902	41,025	41,641
6	26,360	27,377	28,054	32,463	33,140	38,807	39,423	39,546	40,162	40,286	40,902	41,025	41,641	41,765	42,380
7	27,037	28,054	28,732	33,276	33,953	39,546	40,162	40,286	40,902	41,025	41,641	41,765	42,380	42,504	43,120
8	27,714	28,732	29,409	34,090	34,767	40,286	40,902	41,025	41,641	41,765	42,380	42,504	43,120	43,244	43,859
9	28,391	29,409	30,086	34,903	35,580	41,025	41,641	41,765	42,380	42,504	43,120	43,244	43,859	43,983	44,599
10	29,068	30,086	30,763	35,716	36,393	41,765	42,380	42,504	43,120	43,244	43,859	43,983	44,599	44,723	45,338
11	29,746	30,763	31,440	36,529	37,206	42,504	43,120	43,244	43,859	43,983	44,599	44,723	45,338	45,462	46,078
12	30,423	31,440	32,117	37,343	38,020	43,244	43,859	43,983	44,599	44,723	45,338	45,462	46,078	46,201	46,817

COLLEGE CREDITS

3 hrs. \$ 39	57 hrs. \$475
6 hrs. 78	60 hrs. 495
9 hrs. 117	63 hrs. 515
12 hrs. 156	66 hrs. 535
15 hrs. 195	69 hrs. 555
18 hrs. 215	72 hrs. 575
21 hrs. 235	75 hrs. 595
24 hrs. 255	78 hrs. 615
27 hrs. 275	81 hrs. 635
30 hrs. 295	84 hrs. 655
33 hrs. 315	87 hrs. 675
36 hrs. 335	90 hrs. 695
39 hrs. 355	93 hrs. 715
42 hrs. 375	96 hrs. 735
45 hrs. 395	99 hrs. 755
48 hrs. 415	102 hrs. 775
51 hrs. 435	105 hrs. 795
54 hrs. 455	

INCREMENTS	INSTRUCTOR	ASSISTANT DIRECTOR	DIRECTOR	INCREMENT FOR DEPARTMENT HEAD
Specialist	977	977	889	4-6 (including head) \$651
Ph.D. or Ed.D.	1,302	1,302	1,185	7 + (including head) 782
R.M. Diploma (45)	395			

NOTE: Extension rate shall be \$15 per hour.

- In changing position from instructor, student personnel services officer, D. E. Coordinator or Supervisor Trainer to Assistant Director or from Assistant Director to Director, no reduction in salary will be given. The salary in the new position shall be determined by placing the employee's salary on the lowest step that will provide for an increase of at least one full increment of new position.
- All employees employed prior to July 1, 1990 will be placed on their present step.
- Beginning employees will be employed at base salary.
- Personnel transferring from one technical institute to another, from the La. Technical Resource Center to a technical institute or vice versa, will be considered lateral transferees with no pay adjustment necessary.
- Former employees when re-employed will not be considered new employees for pay purposes, but will be given credit for prior Louisiana technical institute experience, as follows: 1 year - 1 step; 2-4 years - 2 steps; 5-7 years - 3 steps; 8 and above - 4 steps. Personnel who left after July 1, 1984 and who are being re-employed will be placed on their former step.
- Eligible personnel may receive an educational increment for a specialized degree or a doctor's degree, but not both.
- To receive an increment, an employee must have been employed in a position for more than six months in the prior fiscal year.
- No increment for additional hours completed shall be added to a salary at any time other than July 1.

Em Tampke
Executive Director

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

Suspend Vo-Tech Salary Schedule
(Adopted February 1990)

The State Board of Elementary and Secondary Education, at its meeting of July 26, 1990, exercised those powers conferred by the emergency provisions of the Administrative Procedure Act, R.S. 49:953B, and suspended the new salary schedule for vocational-technical school personnel which

was adopted in February 1990.

Since the new salary schedule was not funded by the legislature, funds are not available in the budget to implement the plan. It will now be necessary to continue with the board-approved September 1, 1984, schedule with changes; therefore, the new plan must be suspended. Effective date of this emergency rule is July 26, 1990.

Em Tampke
Executive Director

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

Technical Institutes Tuition Fees

The State Board of Elementary and Secondary Education, at its meeting of July 26, 1990, exercised those powers conferred by the emergency provisions of the Administrative Procedure Act R.S. 49:953B and approved an increase of \$5 per month in tuition at all the technical institutes, effective October 1, 1990.

Emergency adoption is necessary in order for the tuition increase to become effective October 1, 1990. This tuition increase will allow the system to meet all the mandates of the 1990 Legislature and to cover all the shortfalls in the eight regional budgets for FY 1990-91.

Em Tampke
Executive Director

DECLARATION OF EMERGENCY

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

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953B to adopt the following rule in the Medical Assistance Program.

In accordance with Act 403 of the 1989 Legislature, the bureau eliminated its closed, restricted drug formulary expanding pharmacy program coverage of drugs. However, in listing drugs excluded from program coverage, no provision was made for changes in drug classification made by the Food and Drug Administration. Consequently, as FDA issues changes in drug classification and drug indications, the formulary adopted by the bureau must be amended to conform to the statutory requirements of state law and the technical requirements of the state's federal funding agreement. To eliminate the problem of technical noncompliance with state law and provide for changes in drug classification which occur, the bureau is amending its regulations on drug coverage to follow the statutory construction and provide full conformity with federal and state requirements.

Under this rule, the bureau will amend formulary coverage based upon recommendations made by the Medicaid Drug Program Committee and approved by the department. In addition, the program will continue to include coverage for a limited number of over-the-counter drugs, indwelling catheters, and catheterization trays when prescribed. Any changes in coverage shall also be subject to committee recommendation and department approval. Under this rule, there is no change in the reimbursement methodology for prescription drugs.

This rule is necessary for the bureau to remain in compliance with mandatory state law and federal regulations and shall be effective for services rendered on or after July 23, 1990.

RULE

Pharmacy Services

Drug Coverage Limits

Reimbursement for multi-source prescription drugs shall be limited in accordance with state and federal law, rules and regulations pertaining thereto, with the following exception:

Reimbursement shall be provided for any drug prescribed by a physician that, in his professional judgment and within the lawful scope of his practice, he considers appropriate for the diagnosis and treatment of the patient with the following limitations:

1. The prescribed drug has been approved and designated as safe and effective by the Food and Drug Administration;

2. The prescribed drug is not classified as a DESI Drug (drugs which have been identified by the FDA as lacking evidence of safety/effectiveness);

3. The prescribed drug is not a compounded prescription (mixtures of two or more ingredients);

4. The prescribed drug is not a narcotic prescribed only for narcotic addiction;

5. The prescription is not for medications which are included in the reimbursement to a Title XIX facility, including but not limited to:

a. hospitalized recipients;

b. recipients receiving benefits under Part A of Title XVIII in a Skilled Nursing Facility, or

c. resident/patients at Villa Feliciana or any state mental hospital;

6. The prescribed drug is not a cosmetic drug, an anorexic, cough and cold preparation, minor tranquilizer or a nonprescription drug, recommended for coverage by the Medicaid Drug Committee and approved by the department for reimbursement.

a. The prescribed drug is included in the classification of experimental drugs, which are generally labeled: "Caution — limited by Federal Law to investigational use," unless a specific exception has been granted by the federal government, recommended for coverage by the Medicaid Drug Program Committee, and approved by the department;

b. The prescribed drug is an Immunosuppressant drug prescribed and billed to Medicare within one year from the date of the transplant for a recipient who has Medicare Part B coverage. After Title XVIII has processed the claim, then the claim along with the Explanation of Medicare Benefits may be forwarded to the bureau's fiscal intermediary for payment of coinsurance or deductible where applicable. If the transplant date is more than one year, then pharmacy claims along with documentation of transplant date from either the physician or hospital should be forwarded to the bureau's fiscal intermediary, Provider Relations TPL Unit for processing and override of the Medicare eligible edit; and

c. The prescribed drug is an Immunosuppressant drug identified in the Title XIX provider manual as subject to special billing procedures, which is prescribed for a Non-Transplant Patient with Medicare Part B and is covered by Medicare Part B, payment shall be made only when billing requirements are met. Such requirements may include provision of a physician statement (or copy) verifying the diagnosis attached to each claim submittal.

Coverage Listing

A complete listing of covered drugs will be maintained

in the Title XIX provider manual for utilization by providers. The bureau's fiscal intermediary will provide coverage information on any specific drug. Providers should contact the fiscal intermediary's provider relations unit when a specific coverage question arises.

Exclusions

The Title XIX provider manual shall include a listing of examples of prescribed medications and/or supplies which are not payable under pharmaceutical services of the Medical Assistance Program.

David L. Ramsey
Secretary

DECLARATION OF EMERGENCY

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

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953B to adopt the following rule in the Medical Assistance Program.

Under current policies only physician services and prenatal clinic services are reimbursed to federally-qualified health centers. Effective April 1, 1990, BHSF will begin implementation of reimbursement based on allowable costs for federally-qualified health center services. This includes "core" services as well as any other services provided by a federally-qualified health center which are otherwise covered as reimbursable Medicaid services in Louisiana. Federally-qualified health centers are defined as those receiving a grant under Section 329, 330, or 340 of the Public Health Service Act or which, based on the recommendation of the Health Resources and Services Administration within the Public Health Service, are determined by the secretary to meet the requirements for receiving such a grant and have been recognized by the Health Care Financing Administration as eligible for Medicaid reimbursement.

Following implementation of these regulations, health services mandated to be covered when rendered by the federally-qualified health centers shall include the following "core services": physician and physician assistant services, medically necessary services including pneumococcal and influenza vaccines and supplies incident to physician services; nurse practitioners; and clinical psychologist and clinical social worker services. Any other ambulatory services covered by Title XIX in Louisiana may also be reimbursed when rendered by a qualified FQHC provider in accordance with state policy and procedures.

Implementation of this provision is mandated by the Omnibus Reconciliation Act of 1989, Section 6404 (P.L. 101-239). This rule is necessary to ensure compliance with mandated federal regulations and to avoid sanctions from HCFA. The emergency rulemaking provisions of the Administrative Procedure Act, R.S. 49:953B, were previously exercised effective April 1, 1990 and published in the *Louisiana Register* Vol. 16, Number 4, page 286 on April 20, 1990 relative to this provision.

RULE

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing shall begin implementation of reimbursement for "core" services and other ambulatory services covered under Medicaid and delivered by federally-qualified health centers as required by Section 6404 of the Omnibus Reconciliation Act of 1989. Reimbursement for these services shall be based on allowable costs in accordance with Medicare principles of cost reimbursement found at 42 CFR Part 413. Annual cost reporting and full cost settlement shall be required to participate in Title XIX as a federally-qualified health center.

David L. Ramsey
Secretary

DECLARATION OF EMERGENCY

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

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953B to adopt the following rule in the Medical Assistance Program.

The Health Care Financing Administration (HCFA) has established a new focus on the Nation's problem of infant mortality and morbidity. The number of low birthweight babies born in the United States continues to be too high, and this is an important factor leading to infant mortality and morbidity, costly intensive care for newborns and extremely expensive long-term care for children disabled by this poor beginning. Medicaid, a major source of financing health care for poor women and children, has been shown to improve perinatal outcomes by improving access to health care for indigent pregnant women and children.

In 1986, Louisiana's percentage of low birthweight babies (8.7 percent) was exceeded or equaled in the United States only by that of Washington, D.C. (12.2 percent) and Mississippi (8.7 percent). Louisiana's rate was 28 percent higher than the rate occurring in the U.S. as a whole (6.8 percent). Louisiana's infant mortality rate for 1986 (11.9 per 1000 live births) was 14 percent higher than that for the U.S. as a whole (10.4 per 1000) and Louisiana's rate for 1987 (11.8 per 1000) was 17 percent higher than the U.S. (10.1 per 1000).

The goal of HCFA's Medicaid maternal and infant health initiative is to help states reduce infant mortality and morbidity by maximizing Medicaid coverage and benefits for pregnant women and infants, in part by:

- a. bringing more low income eligible pregnant women into risk-specific prenatal care earlier; and
- b. bringing more infants and toddlers into early and continuing risk-specific health supervision.

P.L. 99-272, the Consolidated Omnibus Budget Reconciliation Act, gave Medicaid the ability to provide these enhanced services. These services include risk assessments for pregnant women to determine her level of risk, to determine which services are most needed to protect her health, to im-

prove the birth outcome and to enhance her chances of raising a healthy child. Such a service provided to indigent pregnant women, particularly in combination with case management services, may prevent or ameliorate infant mortality, morbidity, or disability and the enormous costs associated with these problems.

This rule is necessary in order to ensure that Medicaid-eligible pregnant women are able to continue to receive this cost effective, enhanced service. The emergency rulemaking provisions of the Administrative Procedure Act, R.S. 49:953B, were previously exercised effective April 1, 1990 and published in the *Louisiana Register* Vol. 16, Number 4, page 291 on April 20, 1990 relative to this provision. The rule was published as a notice of intent in the *Louisiana Register* on May 20, 1990 (Volume 16, No. 5, page 462).

RULE

The Medicaid Program shall implement a new prenatal service, risk assessment, to be extended to all Medicaid-eligible pregnant women in the state.

Risk assessment is defined as the systematic determination of factors which may compromise the health outcome for a pregnant woman or her infant. Such assessments should include, but are not limited to medical, social, and nutritional factors. The assessment may be done by a perinatal provider as defined below.

A risk assessment shall result in a baseline of information regarding the pregnant woman's needs or problems which will be used to guide the development of an interdisciplinary plan of care describing the type and level of intensity of services the recipient will require during her pregnancy. If the recipient is eligible for or receiving case management services, the risk assessment provider shall cooperate with the case management provider and other appropriate health care professionals in the development of the interdisciplinary plan of care.

A. Standards for Participation

The risk assessment provider shall:

1. enter into a provider agreement with the Bureau of Health Services Financing, including a supplement to the provider agreement which specifies the Bureau of Health Services Financing requirements for the provision of risk assessment services;

2. be licensed in the state as one of the following:

- a. a physician who has training in perinatal care;
- b. a physician assistant who has training in perinatal care;
- c. a certified nurse midwife;
- d. a licensed/certified pediatric or family nurse practitioner;
- e. a registered nurse, who has specialized training in perinatal nursing and a minimum of two years' experience providing perinatal nursing services. The registered nurse must be working under the direction of a physician specializing in perinatal care.

3. be certified as having the administrative capability to provide services effectively and efficiently.

B. Standards for Payment

In order to be reimbursed by the state, the provider of risk assessment services must:

1. assure that all risk assessment services are provided only to women whose pregnancy has been verified;
2. insure that the risk assessment instrument used is one approved by the Bureau of Health Services Financing;

3. insure that a second risk assessment is performed only if there is need to reevaluate the types and level of intensity of services the recipient will require during her pregnancy.

4. insure that a recipient agrees voluntarily to receive risk assessment services for which she is eligible;

5. insure that risk assessment services under this provision will not be used to restrict the access of the recipients to other services available under the State Plan;

6. insure that payment for risk assessment services under this provision will not duplicate payments made to public agencies or private entities under other program authorities for this same purpose;

7. insure that, if the recipient is eligible for or receiving case management services because of the risk level involved in her pregnancy, the provider will cooperate with the recipient's case management provider and other appropriate professionals in developing interdisciplinary service plan;

8. insure that each recipient has freedom of choice with regard to providers of any services necessary for her treatment;

9. abide by the articles of the provider agreement and the supplement to the provider agreement entered into with the Bureau of Health Services Financing.

C. Service Limits

The maximum units of service covered by this provision per individual per calendar year shall not exceed the limit of two set in accordance with the Title XIX State Plan agreement with the Health Care Financing Administration.

D. General Provisions

1. Providers of risk assessment services will be reimbursed on a unit of service basis. Reimbursement will be based on allowable cost not to exceed limitations established by the Bureau of Health Services Financing.

2. Providers of risk assessment services shall maintain adequate documentation of the provision of service in a separate record for each recipient. These records shall include:

- a. the date of service provision;
- b. the name of the perinatal service provider;
- c. a copy of the completed risk assessment instrument on the recipient;
- d. documentation of the need for a second risk assessment if performed.

These records shall be retained for audit as prescribed by the State Plan Standards for Payment.

3. Standard provisions concerning such procedures as audit, submittal of cost reports, etc. contained in the Title XIX State Plan Standards for Payment shall be adhered to by risk assessment providers.

David L. Ramsey
Secretary

DECLARATION OF EMERGENCY

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

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

cised the emergency provision of the Administrative Procedure Act, R.S. 49:953B to adopt the following rule in the Medical Assistance Program.

On February 20, 1990, the Supreme Court of the United States invalidated the Social Security Administration (SSA) regulations for determining the disability of a child applicant for SSI (*Sullivan v. Zebley et al*, No. 88-1377).

Until SSA develops new regulations for the determination of disability for a child, SSA has issued an interim standard for making such determinations. Until the publication of revised SSA regulations, the state is mandated to utilize the SSA interim standard in determining Medicaid eligibility of disabled children in three broad classifications: 1) all new applicants after February 20, 1990, 2) all applicants for SSI benefits who have a claim pending at any level of administrative review (initial, reconsideration, administrative law judge hearing, appeals council, or reopening), and 3) all applicants who request that the state reconsider a denied Medicaid application because of the Supreme Court's decision.

The Health Care Financing Administration has determined that an administrative emergency exists during which the state will not be considered out of compliance if action on a disabled child claim is not made within 90 days because of adherence to HCFA instructions. This decision was based on the unusual circumstances in the *Zebley* decision, the potential of a very large retroactive population, and the need for SSA to develop new medical, functional, and developmental criteria to evaluate disability for children.

The interim standard provides, in general, that adjudicators fully consider a child's functional limitations when evaluating the severity of impairment. In no circumstance shall a child be found "not disabled" solely because he or she does not have an impairment that meets a listing, or does not have an impairment or combination of impairments that equals a listing. When determining whether a child's impairment "meets" or "equals" a listing, adjudicators must consider the overall functional consequences of the impairment(s) upon the child's daily living activities and age-appropriate behavior. For any child whose impairment(s) does not "meet" or "equal" a listed impairment, it shall be determined whether the impact of the impairment(s) on the child's ability to function is comparable in severity to that which would make an adult unable to engage in substantial gainful activity. Individualized functional assessments shall be made including ones that also incorporate such additional factors as environmental limitations, pain, treatment and therapy which interferes with daily living activities, side effects of medication, periods of incapacity and hospitalization, and other relevant factors identified in Social Security Rulings (SSRs) 85-15 and 85-16. Functional assessments from treating sources and evidence from parents, caregivers, and teachers and other professionals who have observed and have knowledge of the child's functional limitations shall be utilized. This evidence shall be considered in conjunction with all other relevant evidence. Where an individualized functional assessment shows that the child is comparably restricted in his or her ability to engage in activities of daily living or behaviors appropriate to the child's age, the child will be considered disabled.

This rule is necessary to implement the mandatory instructions of the court and the Health Care Financing Administration.

RULE

The policy for determination of disability in children during the period pending promulgation of final federal regulations shall be the Social Security Administration interim standard.

Provisions concerning eligibility determination will be applied as follows.

1. For new applicants with no pending SSI application or controlling determination, the interim standard shall apply. Current policies concerning timely determination of eligibility and retroactive eligibility for Medicaid policies shall apply. Until further notice, listing of impairments and method for evaluating disabled children previously applicable do not apply.

2. For SSI applicants with pending claims at any level of review, Medicaid determinations shall be deferred until SSA has made a determination. Current policy regarding the retroactive eligibility period for Medicaid applies.

3. Applicants who ask that the state reconsider a Medicaid denial because of the Supreme Court's decision, but have not requested any action concerning a prior SSI denial of childhood disability shall be referred to SSA for a determination of SSI disability criteria.

David L. Ramsey
Secretary

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

In accordance with the emergency provision of R.S. 49:953 (B) of the Administrative Procedure Act, and under authority of R.S. 56:115, the secretary of the Department of Wildlife and Fisheries and the Louisiana Wildlife and Fisheries Commission hereby adopts the following emergency rule:

The hunting seasons for ducks, coots, and geese during the 1990-91 hunting season shall be as follows:

MIGRATORY GAME BIRDS

Ducks and Coots (Closed Season on Canvasbacks)

West Zone: November 17 - December 5

December 27 - January 6

East Zone: November 17 - November 25

December 17 - January 6

Daily Bag Limit: The daily bag limit on ducks is 3 and may include no more than 2 mallards (no more than 1 of which may be a female), 1 black duck, 2 wood ducks, 1 pintail and 1 redhead. Daily bag limit on coots is 15.

Mergansers: The daily bag limit for mergansers is 5, only 1 of which may be a hooded merganser. Merganser limits are in addition to the daily bag limit for ducks.

Possession Limit: The possession limit on ducks, coots and mergansers is twice the daily bag limit.

Geese: Statewide

November 17 - December 8

December 15 - January 31

February 1 - 10

MIGRATORY GAME BIRDS

Dove: Split Season, Statewide

Sept. 1-9

Oct. 13 - Nov. 11

Dec. 8 - Jan. 7

Daily bag limit 12, possession 24.

Shooting Hours: One-half hour before sunrise to sunset, except on the opening weekend of each split (Sept. 1-2, Oct. 13-14 and Dec. 8-9) when shooting hours will be 12:00 Noon to sunset.

Rail: Nov. 17 - Jan. 20

King and Clapper daily bag 15 in the aggregate, possession 30. Sora and Virginia daily bag and possession limit 25 in the aggregate.

Gallinule: Nov. 17 - Jan. 20 - daily bag limit 15, possession 30.

Snipe: Nov. 10 - Feb. 24 - daily bag limit 8, possession 16.

Woodcock: Dec. 1 - Feb. 3 - daily bag limit 5, possession 10.

Shooting hours for rail, gallinule, snipe and woodcock are one-half hour before sunrise to sunset.

A declaration of emergency is necessary because the U.S. Fish and Wildlife Service establishes the framework for all migratory species. In order for Louisiana to provide hunting opportunities to the 200,000 sportsmen, selection of season dates, bag limits and shooting hours must be established and presented to the U.S. Fish and Wildlife Service by August 9, 1990.

The aforementioned season dates, bag limits and shooting hours will become effective on September 1, 1990 and extend through sunset on February 24, 1991.

Warren Pol
Chairman

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

In accordance with the emergency provisions of the Administrative Procedure Act, R.S. 49:953 (B) and 967, and under the authority of R.S. 56:433 notice is hereby given that the secretary of the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission, hereby declares:

1. The 1990/91 Oyster Season on the public oyster seed grounds and the Hackberry Bay, Sister Lake and Bay Gardene Oyster Seed Reservations will open 1/2 hour before sunrise October 3, 1990

2. The 1990/91 Oyster Season on the Hackberry Bay, Sister Lake and Bay Gardene Oyster Seed Reservations will close 1/2 hour after sunset October 12, 1990.

3. The secretary of the Department of Wildlife and Fisheries is authorized to close areas if oyster mortalities are occurring, or to delay the season or close areas where significant spat catch has occurred with good probability of survival.

4. The Bay Junop Oyster Seed Reservation will remain closed for the 1990/91 Oyster Season.

5. Oyster bedding will not be allowed in sacks or any other type of container, but will consist of shoveling back on the deck of the vessel.

Daily Bag Limit: Daily bag limit is 7 in the aggregate of blue, snow and white-fronted geese of which not more than 2 may be white-fronted (specklebellies) except as noted below. During the last 10 days (February 1-February 10), only blue and snow geese may be taken. During the Experimental Canada Goose Season (January 23-January 31) the daily bag limit for Canada and white-fronted geese is 2, of which not more than 1 can be a Canada goose. Possession limit is twice the daily bag limit.

Experimental Canada Goose Season January 23-31 (NEW)

An experimental Canada goose season will be open in a portion of southwest Louisiana. The area shall be described as follows:

South of Hwy. 12 from the Texas line to Ragley; then south of Hwy. 190 to Opelousas; west of I-49 to Lafayette; west of Hwy. 167 to Abbeville; west and north of Hwy. 82 to the Texas line.

A special permit shall be required to participate in the Experimental Canada Goose Season. A permit is required of everyone, regardless of age, and a non-refundable \$5 administrative fee will be charged. This permit may be obtained from the Lake Charles, Opelousas and Baton Rouge offices.

Return of harvest information requested on permit is mandatory. Failure to submit this information to the department by February 15, 1991 will result in the hunter not being allowed to participate in the Experimental Canada Goose Season the following year.

Shooting Hours: Shooting hours for ducks, coots and geese are 1/2 hour before sunrise to sunset.

A declaration of emergency is necessary because the U. S. Fish and Wildlife Service establishes the framework for all migratory waterfowl species. In order to provide hunting opportunity for the 65,000 waterfowl hunters, Louisiana must make its selection of season dates, bag limits and shooting hours prior to September 1, 1990 and present this information for inclusion in the federal regulations.

The aforementioned season dates, bag limits and shooting hours will be in effect by emergency rule for 120 days beginning November 1, 1990 and extend through February 28, 1991.

Warren I. Pol
Chairman

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

In accordance with the emergency provision of R.S. 49:953(B) of the Administrative Procedure Act, and under authority of R.S. 56:115, the secretary of the Department of Wildlife and Fisheries and the Louisiana Wildlife and Fisheries Commission hereby adopts the following emergency rule.

The hunting seasons for webless migratory birds during the 1990-91 hunting season shall be as follows:

6. The notice of any opening delaying or closing of a season will be made by public notice at least 72 hours prior to such action.

This declaration of emergency is effective October 3, 1990.

Warren Pol
Chairman

Rules

RULE

Department of Economic Development Office of Financial Institutions

Title 64 SECURITIES

Chapter 7. Private Offering Exemptions

§701. Preliminary Notes

A. The exemption contained in §703 of this Chapter is intended to provide a state safe-harbor exemption for private placements similar to the federal exemption provided by Rules 501, 502, 503, 505, 506, 507 and 508 promulgated by the Securities and Exchange Commission under the Securities Act of 1933, as amended. The exemption contained in §705 of this Chapter is intended to provide a state exemption similar to the federal exemption provided by §4(2) of the Securities Act of 1933. As with the federal §4(2) exemption, the determination whether an offer or sale does not involve any public offering is to be made upon the basis of a consideration of all the relevant facts.

B. Nothing in Chapter 7 is intended to or should be construed as in any way relieving issuers or persons acting on behalf of issuers from providing disclosure to prospective investors adequate to satisfy the anti-fraud provisions of the Louisiana Securities Law.

C. In view of the objective of this Chapter and the purposes and policies underlying the Louisiana Securities Law, these exemptions are not available to any issuer with respect to any transaction that, although in technical compliance with this Chapter, is part of a plan or scheme to evade registration or the conditions or limitations explicitly stated in this Chapter.

D. Nothing in this Chapter is intended to relieve registered dealers or salesmen from the due diligence, suitability, or know-your-customer standards or any other requirements of law otherwise applicable to such registered persons.

E. Attempted compliance with the following sections of this Chapter does not act as an exclusive election; the seller can also claim the availability of any other applicable exemption.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:709(15).

HISTORICAL NOTE: Promulgated by the Department of Commerce, Office of Financial Institutions, LR 10:742 (October 1984), continued in effect by R.S. 709(15) enacted by Act 722 of 1985, amended by the Department of Economic Development, Office of Financial Institutions LR 16: (August 1990).

§703. Uniform Limited Offering Exemption

A. By authority delegated to the commissioner in R.S. 51:709(15) to promulgate rules thereunder, a transaction described in Subsection B is determined to be exempt from the registration provisions of R.S. 51:705.

B. Any offer or sale of securities offered or sold in compliance with the Securities Act of 1933, Regulation D, Rules 230.501-230.503 and 230.507-230.508, and any one of 230.505, or 230.506, as made effective in Release No. 33-6389 and as amended in Release Nos. 33-6437, 33-6663, 33-6758 and 33-6825 and as may be hereafter amended from time to time, and which satisfies the following further conditions and limitations:

1. No commission, fee or other remuneration shall be paid or given, directly or indirectly, to any person for soliciting any prospective purchaser in this state unless such person is appropriately registered in this state. It is a defense to a violation of this Paragraph B.1 if the issuer sustains the burden of proof to establish that it did not know and in the exercise of reasonable care could not have known that the person who received a commission, fee or other remuneration was not appropriately registered in this state.

2. No exemption under this section shall be available for the securities of any issuer if any of the parties described in Securities Act of 1933, Regulation A, Rule 230.252 sections (c), (d), (e) or (f):

a. has filed a registration statement which is the subject of a currently effective registration stop order entered pursuant to any state's securities law within five years prior to the filing of the notice required under this exemption;

b. has been convicted within five years prior to the filing of the notice required under this Section of any felony or misdemeanor in connection with the offer, purchase or sale of any security or any felony involving fraud or deceit, including but not limited to forgery, embezzlement, obtaining money under false pretenses, larceny or conspiracy to defraud;

c. is currently subject to any state administrative enforcement order or judgment entered by the state securities administrator within five years prior to the filing of the notice required under this Section or is subject to any state's administrative enforcement order judgment in which fraud or deceit, including but not limited to making untrue statements of material facts and omitting to state material facts, was found and the order or judgment was entered within five years prior to the filing of the notice required under this exemption;

d. is subject to any state's administrative enforcement order or judgment which prohibits, denies or revokes the use of any exemption from registration in connection with the offer, purchase or sale of securities;

e. is currently subject to any order, judgment, or decree of any court of competent jurisdiction temporarily or preliminarily restraining or enjoining such party from engaging in or continuing any conduct or practice in connection with the purchase or sale of any security or involving the making of false filing with the state entered within five years prior to the filing of the notice required under this Section.

i. The prohibitions of Subparagraphs 2a-c and -e above shall not apply if the person subject to the disqualification is duly licensed or registered to conduct securities-related business in the state in which the administrative order or judgment was entered against such person or if the broker/dealer employing such party is licensed or registered in this state and the Form B-D filed with this state discloses the order, conviction, judgment or decree relating to such person. No person disqualified under this Paragraph 2 may act in a capacity other than that for which the person is licensed or registered.

ii. Any disqualification caused by Paragraph 2 is automatically waived if the state securities administrator or agency of the state which created the basis for disqualification determines upon a showing of good cause that it is not necessary under the circumstances that the exemption be denied.

3. If notice on Form D is then required by Regulation D under the Securities Act of 1933 to be filed with the Securities and Exchange Commission by the issuer, then the issuer shall file with the commissioner a notice on Form D (17 CFR 239.500):

a. no later than 15 days after the receipt of consideration from an investor in this state that results from an offer being made in reliance upon this exemption and at such other times thereafter and in the form required under Regulation D, Rule 230.503 to be filed with the Securities and Exchange Commission;

b. the notice shall contain an undertaking by the issuer to furnish to the commissioner, upon written request, the information furnished by the issuer to offerees, except where the commissioner pursuant to regulation requires that the information be filed at the same time with the filing of the notice;

c. unless otherwise available, included with or in the initial notice shall be a consent to service of process;

d. a person filing the initial notice provided for in Subparagraph 3.a above shall pay a filing fee of \$300.

4. In all sales to non-accredited investors in this state the issuer and any person acting on its behalf shall have reasonable grounds to believe and after making reasonable inquiry shall believe that one of the following conditions is satisfied:

a. the investment is suitable for the purchaser upon the basis of the facts, if any, disclosed by the purchaser as to his other security holdings and as to his financial situation and needs. For the purpose of this condition only, it may be presumed that if the investment does not exceed 25 percent of the investor's net worth, it is suitable;

b. the purchaser either alone or with his/her purchaser representative(s) has such knowledge and experience in financial and business matters that he/she is or they are capable of evaluating the merits and risk of the prospective investment.

C. Transactions which are exempt under this Section may not be combined with offers and sales exempt under any other section of the Louisiana Securities Law; however, nothing in this limitation shall act as an election. Should for any reason the offer and sale fail to comply with all of the conditions for this exemption, the issuer may claim the availability of any other applicable exemption.

D. Any general partner, or executive officer of any general partner, of an issuer or executive officer of an issuer,

shall not be deemed to be in violation of Paragraph 703.B.1 so long as he is not paid or given, directly or indirectly, any commission, fee, or other remuneration for soliciting any prospective purchaser in this state and such solicitation activities do not constitute his principal service to such issuer or such partner of such issuer. Such persons shall not be deemed to have received a commission, fee, or other remuneration within the meaning of §703.B.1 by reason of having received payments from an issuer or from a partner of an issuer for services performed for the payor that are not directly related to the solicitation of prospective purchasers.

E. The commissioner may, by rule or order, increase the number of purchasers or waive any other conditions of the exemption.

F. The exemption authorized by this Section shall be known and may be cited as the "Uniform Limited Offering Exemption."

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:709(15).

HISTORICAL NOTE: Promulgated by the Department of Commerce, Office of Financial Institutions, LR 10:742 (October 1984), continued in effect by R.S. 709(15) enacted by Act 722 of 1985, amended by the Department of Economic Development, Office of Financial Institutions LR 16: (August 1990).

§705. Private Offering Exemption

A. By authority delegated to the commissioner in R.S. 51:709(15) to promulgate rules thereunder, a transaction described in Subsection B is determined to be exempt from the registration provisions of R.S. 51:705.

B. Any offer or sale of securities, other than an offer or sale described in §703.B., made in compliance with §4(2) of the Securities Act of 1933 and which satisfies the following further conditions and limitations.

1. The transaction meets the requirements of §703.B.1.

2. The transaction meets the requirements of §703.B.2.

3. Neither the issuer nor any person acting on its behalf shall offer or sell the securities by any form of general solicitation or general advertising, including, but not limited to, the following:

a. any advertisement, article, notice, or other communications published in any newspaper, magazine or similar media or broadcast over television or radio; and

b. any seminar or meeting whose attendees have been invited by any general solicitation or general advertising.

4. Any offer or sale not involving any public offering so long as (i) the issuer or other seller shall reasonably believe that there are no more than 35 purchasers of securities from the issuer or other seller in any offering during any period of 12 consecutive months and (ii) the buyers represent that they are buying for investment and not for public distribution or resale.

a. For purposes of calculating the number of purchasers under this Paragraph 4, Rule 501(e) promulgated by the Securities and Exchange Commission under the Securities Act of 1933, as amended, as that rule now exists and as it may hereafter be amended from time to time, shall apply.

b. For purposes of determining whether a purchaser is a resident of Louisiana within the meaning of this Paragraph 4, Rule 147(d) promulgated by the Securities and Exchange

Commission under the Securities Act of 1933, as amended, as that rule now exists and as it may hereafter be amended from time to time, shall apply.

5. The transaction meets the requirements of Rule 502(d) promulgated by the Securities and Exchange Commission under the Securities Act of 1933, as amended, as that rule now exists and as it may hereafter be amended from time to time.

C. Without excluding other types of communications which may not constitute general solicitation or general advertising, the following types of communications shall not be deemed to violate the prohibitions of §705.B.3 of this Section:

1. a notice, circular, advertisement, letter, article, or other communication published or transmitted by an issuer, a sponsor, a dealer or an affiliate of an issuer, whether or not such communication is published during the time when an offering (the "Current Offering") is being made by such issuer, sponsor, dealer, or affiliate, that another offering has been completed, that another program has sold property owned by such program, that another program has been completed, or any similar notice not making any reference to the Current Offering;

2. generic advertising by a dealer which refers to the types of investments offered by such dealer and which does not make reference to any specific offering sponsored by the dealer or an affiliate of the dealer;

3. a notice, circular, advertisement, letter, article or other communication concerning the business of the issuer, a sponsor or one or more of their affiliates or concerning the industry in which the issuer, a sponsor or one or more of their affiliates is engaged and which communication does not make reference to the offering of securities by the issuer, the sponsor or their affiliates;

4. an article, speech, letter or other communication concerning the issuer, a sponsor, a dealer or one or more of their affiliates which is not paid for by any of such persons, and which is by nature more educational or informative than solicitory, even though such article, speech, letter or other communication makes reference to offerings by such persons in general;

5. an article, speech, letter or other communication concerning the issuer, a sponsor, a dealer or one or more of their affiliates, which is not paid for by any of such persons, which is by nature more educational or informative than solicitory, and which is published by someone other than such issuer, sponsor, dealer or one or more of their affiliates, even though such article, speech, letter or other communication makes references to offerings of such persons in general and to specific offerings of such persons currently being made;

6. a seminar or meeting whose attendees have not been invited by any general solicitation or general advertising.

D.1. For purposes of this §705, offers and sales that are made more than six months before the start of an offering or are made more than six months after completion of an offering will not be considered part of that offering, so long as during those six-month periods there are no offers or sales of securities by or for the issuer that are of the same or similar class as those offered or sold under the offering, other than those offers or sales of securities under an employee benefit plan as defined in Rule 405 promulgated by the Securities and Exchange Commission under the Securities Act of 1933,

as amended.

2. For purposes of this §705, offers, offers to sell, offers for sale and sales of interests, including preformation interests, in a partnership shall be deemed to constitute a discrete offering not integrable with other offers or sales of interests in other entities involving the same sponsor or an affiliate thereof (a common sponsor), even if other safe harbor provisions provided by rule and administrative or judicial interpretation are not available, if all of the following conditions are met. No presumption shall arise as to whether offerings that do not meet all of the following conditions are integrable with other offerings, and the administrative and judicial interpretations on integration in effect at the time thereof shall apply.

a. *Separate entity.* The partnership shall be a separate legal entity with separate books and records, and funds received by or contributed to the partnership shall not be commingled with funds of a common sponsor or any other entity with a common sponsor.

b. *Economic independence.* The partnership shall, at the time interests therein are offered and sold, have an independent opportunity to meet its primary investment objectives, i.e., the economic results of its investments shall not be substantially dependent upon the creation, continued existence or economic results of the investments of another entity previously, simultaneously, or subsequently formed with a common sponsor.

c. *Application of proceeds.* Whether or not the assets in which the partnership proposes to invest are specifically identified to offerees, no material portion of the gross offering proceeds of the partnership shall be invested in properties in which another entity with a common sponsor shall invest, or shall have invested (and continue to hold invested) a material portion of its gross offering proceeds.

d. If the assets in which the partnership intends to invest at least 50 percent of its gross offering proceeds as its principal business or businesses are not specifically identified to offerees, then: (i) each other entity with a common sponsor previously formed to conduct the same general types of activities shall have invested or committed for investment the major portion of its gross offering proceeds prior to the commencement of the offering of the partnership interests; and (ii) no simultaneous or subsequent offering of interests in another entity with a common sponsor organized for the same general types of activities shall be commenced before the partnership has invested or committed for investment the major portion of its gross offering proceeds, unless the assets in which such other entity intends to invest at least 50 percent of its gross offering proceeds are specifically identified to its offerees.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:709(15).

HISTORICAL NOTE: Promulgated by the Department of Commerce, Office of Financial Institutions, LR 10:742 (October 1984), continued in effect by R.S. 709(15) as enacted by Act 722 of 1985, amended by the Department of Economic Development, Office of Financial Institutions LR 16: (August 1990).

§707. Effective Date of Chapter 7

This Chapter 7 shall become effective upon publication in the *Louisiana Register*. Sections 701 through 725, both inclusive, of Chapter 7 of Title 64 of the Louisiana Administrative Code, which includes the Private Offering Ex-

emption rules adopted by the commissioner effective October 20, 1984, as supplemented on March 20, 1987, are hereby rescinded in their entirety and shall be null and void on and after the effective date of this Chapter 7.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:709(15).

HISTORICAL NOTE: Promulgated by the Department of Commerce, Office of Financial Institutions, LR 10:742 (October 1984), continued in effect by R.S. 709(15) enacted by Act 722 of 1985, amended by the Department of Economic Development, Office of Financial Institutions LR 16: (August 1990).

Harry C. Stansbury
Deputy Commissioner of Securities

RULE

Department of Economic Development Real Estate Commission

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS Part LXVII. Real Estate

Chapter 59. Waiver of Renewal Requirements

§5903. Employees of the Commission

Repealed

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1435.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission LR 15:1057 (December 1989), repealed LR 16: (August 1990).

Jane H. Moody
Executive Director

RULE

Board of Elementary and Secondary Education

Post-Baccalaureate Certification Program

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to notice of intent published May 20, 1990, and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session, amended the rule as listed below.

Title 28 EDUCATION

Part I. Board of Elementary and Secondary Education

Chapter 9. Bulletins, Regulations, and State Plans

§903. Teacher Certification Standards and Regulations

A. - G. ...

H. Alternative Post-Baccalaureate program

(See May, 1990 issue of the *Louisiana Register* for complete text of Program.)

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7(6) and R.S. 17:7.1(C).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 16: (August 1990).

Em Tampke
Executive Director

RULE

Board of Elementary and Secondary Education

Agriculture I and II - Nonpublic Sector

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to the notice of intent published May 20, 1990, and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session, amended the rule listed below.

Bulletin 741 Amendment

Amend the nonpublic school standards to indicate that student credits earned in Agriculture I and II will satisfy one required unit in Science for high school credit.

Em Tampke
Executive Director

RULE

Board of Elementary and Secondary Education

Flexible Scheduling for Elementary Classes: Nonpublic Standards

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to notice of intent published May 20, 1990, and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session, amended the rule as listed below.

Amendment to Bulletin 741

Amend the nonpublic school standards to permit flexible scheduling of elementary classes.

Em Tampke
Executive Director

RULE

Board of Elementary and Secondary Education

Revisions to Certification Requirements for Teachers of the Hearing and Visually Impaired

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to notice of intent published May 20, 1990, and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session, amended the certification requirements for teachers of the hearing and visually

impaired as listed below.

Amendment to Bulletin 746, Louisiana Standards for State Certification of School Personnel

Specialized Academic Education: Secondary

The secondary teacher of hearing impaired who is to award Carnegie units in the secondary subject area(s) to hearing impaired students must meet the specialized academic requirements for the subject area(s) in which Carnegie units are awarded.

Specialized Academic Education: Secondary

The secondary teacher of visually impaired who is to award Carnegie units in the secondary subject area(s) to visually impaired students must meet the specialized academic requirements for the subject area(s) in which Carnegie units are awarded.

Em Tampke
Executive Director

RULE

Board of Elementary and Secondary Education

Health and Physical Education Requirements

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to notice of intent published May 20, 1990, and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session, amended the rule as listed below.

Amendment to Bulletin 746, Louisiana Standards for State Certification of School Personnel

Health and Physical Education

The minimal requirements for certification in health and physical education are a total of 37 semester hours.

Foundations of Health and

Physical Education 3 semester hours

Health Science Programs (Curriculum, Instruction and/or Management) 2 semester hours

Physical Education Programs (Curriculum, Instruction and/or Management) 3 semester hours

Exercise Physiology 3 semester hours

Kinesiology (Biomechanics) 3 semester hours

Motor Learning/Motor Development or

Adapted Physical Education 3 semester hours

Physical Education Skills and Techniques (selected from aquatics, dance, fitness and conditioning gymnastics, individual activities, recreational activities, team sports. Coaching courses are excluded.)
8 semester hours

Health Science Electives (selected from community health, consumer health, critical health problems, environmental health, family living and human sexuality, mental health, non-communicable diseases, nutrition, personal health, prevention and control of communicable diseases, safety education, substance abuse, wellness and personal fitness) . .
8 semester hours

Measurement and Evaluation in Health and

Physical Education 3 semester hours

Emergency Health Care

(First Aid, including CPR)1 semester hour

Em Tampke
Executive Director

RULE

Board of Elementary and Secondary Education

Amendment to Bulletin 746

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to notice of intent published May 20, 1990, and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session, amended the rule as listed below.

Amendment to Bulletin 746, Louisiana Standards for State Certification of School Personnel

Amend to reflect the changes mandated by Act 209 of the 1989 Legislature, by reducing the number of semester hours an applicant for teacher certification at the secondary level must complete in reading from six to three semester hours.

Em Tampke
Executive Director

RULE

Board of Elementary and Secondary Education

School Psychological Services - Bulletin 746

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to notice of intent published May 20, 1990, and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session, adopted as a rule the following endorsement to be placed on the ancillary certificates of those qualified school psychologists.

Amendment to Bulletin 746, Louisiana Standards for State Certification of School Personnel

Supervisor of School Psychological Services

1. applicant must hold a valid Louisiana Level A or B school psychologist certification under current requirements; and

2. must have had at least three years of supervised experience as a school psychologist, at least two of which have been in Louisiana.

(Endorsement to be placed on the ancillary certificates of those qualified school psychologists.)

Em Tampke
Executive Director

RULE

Board of Elementary and Secondary Education

Kindergarten Developmental
Readiness Screening Instruments

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to notice of intent published May 20, 1990, and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session, amended the rule as listed below.

**Title 28
EDUCATION**

Part I. Board of Elementary and Secondary Education

Chapter 9. Bulletins, Regulations, and State Plans

§901. School Approval Standards and Regulations

A. - B. ...

C. Kindergarten Developmental Readiness Screening Program

1. - 9. ...

10. Instruments

Four kindergarten developmental screening instruments for Cycle II of the state program listed below:

- a. Chicago EARLY Assessment;
- b. Miller Assessment of Preschools;
- c. Developing Skills Checklist (DSC);
- d. DIAL-R Developmental Indicators for the Assessment of Learning-Revised.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:151.3(C)(D) and R.S. 17:391.11.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 16: (August 1990).

Em Tampke
Executive Director

RULE

Board of Elementary and Secondary Education

Review of Kindergarten
Developmental Screening Instruments

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to notice of intent published May 20, 1990, and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session, amended the rule as listed below.

**Title 28
EDUCATION**

Part I. Board of Elementary and Secondary Education

Chapter 9. Bulletins, Regulations, and State Plans

§901. School Approval Standards and Regulations

A. - B. ...

C. Kindergarten Developmental Readiness Screening Program

1. - 10. ...

11. Adoption Cycle for Instruments

A review of kindergarten developmental readiness

screening instruments shall be on a five-year basis in lieu of the current three-year cycle as now provided in board policy.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7(5), R.S. 17:151.3(C)(D), R.S. 17:391.11.

HISTORICAL NOTE: Promulgated by the Board of Elementary of Secondary Education, LR 16: (August 1990).

Em Tampke
Executive Director

RULE

Board of Elementary and Secondary Education

Screening Instruments/Transition Year

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to notice of intent published May 20, 1990, and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session, amended the rule as listed below.

**Title 28
EDUCATION**

Part I. Board of Elementary and Secondary Education

Chapter 9. Bulletins, Regulations, and State Plans

§901. School Approval Standards and Regulations

A. - B. ...

C. Kindergarten Developmental Readiness Screening Program

1. - 10. ...

11. Adoption Cycle for Instruments

Fiscal Year 1990-91 will be a transition year so that local school districts may opt to select a kindergarten developmental readiness screening instrument from the current list or from the new adopted list and fully implement Cycle II no later than 1991-92.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7(5); R.S. 17:151.3(C)(D) and R.S. 17:391.11.

HISTORICAL NOTE: Amended by Board of Elementary and Secondary Education, LR 16: (August 1990).

Em Tampke
Executive Director

RULE

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

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 Hazardous Waste Regulations, LAC 33:V.109, 517, 709, 1905, 2703, 2721, 3326, 5109, 5117, 5119, and 5139 (Geotechnical Amendment I, Log No. HW23).

These amendments clarify the intent and purpose of

various regulations by deleting specific language from one section and adding the identical language to other sections. Also, various definitions are added to conform to the Code of Federal Regulations, Title 40.

Title 33

ENVIRONMENTAL QUALITY

Part V. Hazardous Waste and Hazardous Materials

Subpart 1. Department of Environmental Quality

- Hazardous Waste

Chapter 1. General Provisions and Definitions

* * * * *

§109. Definitions

* * * * *

Treatment Zone -- a soil area of the unsaturated zone of a land treatment unit within which hazardous constituents are degraded, transformed, or immobilized.

* * * * *

Existing Portion -- that land surface area of an existing waste management unit, included in the original Part I permit application, on which wastes have been placed prior to the issuance of a permit.

* * * * *

Well -- any shaft or pit dug or bored into the earth, generally of a cylindrical form, and often walled with bricks or tubing to prevent the earth from caving in.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, in LR 10:200 (March 1984), as amended in LR 10:496 (July 1984), LR 11:1139 (December 1985), LR 12:319 (May 1986), LR 13:84 (February 1987), LR 13:433 (August 1987), LR 13:651 (November 1987), LR 16: (August 1990).

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Chapter 5. Permit Application Contents

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Subchapter D. Part II General Permit Information Requirements

§517. Part II Information Requirements (the Formal Permit Application)

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T. Facility Location Information:

1. Seismic Standard

* * * * *

a. The owner or operator shall demonstrate compliance with the seismic standard. This demonstration may be made using either published geologic data (including federal hazardous waste regulations) or data obtained from field investigations carried out by the applicant. The information provided must be of such quality to be acceptable to geologists experienced in identifying and evaluating seismic activity. The information submitted must show that either:

* * * * *

ii. No faults pass within 200 feet of the portions of the facility where treatment, storage, or disposal of hazardous waste will be conducted based on data from a comprehensive geologic analysis of the site. Unless a site analysis is otherwise conclusive concerning the absence of faults within 200 feet of such portions of the facility, data shall be obtained from a subsurface exploration (trenching) of the area within a distance no less than 200 feet from portions of the facility

where treatment, storage, or disposal of hazardous waste will be conducted. Such trenching shall be performed in a direction that is perpendicular to known faults (which have had displacement in Holocene time) passing within 3,000 feet of the portions of the facility where treatment, storage, or disposal of hazardous waste will be conducted. Such investigation shall document with supporting maps and other analyses the location of any faults found, and shall be certified by an independent Louisiana registered professional engineer or geologist.

* * * * *

3. Site geology, including:

a. certification by a geologist or independent Louisiana registered professional engineer specializing in geotechnical engineering that the ground and subsurface conditions at the site are acceptable for the planned purposes of the facility;

* * * * *

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, in LR 10:200 (March 1984), as amended by LR 10:280 (April 1984), LR 13:433 (August 1987), as amended LR 16: (August 1990).

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Chapter 7. Administrative Procedures for Treatment, Storage, and Disposal Facility Permits

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Subchapter B. Hearings

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§709. Adjudicatory Hearings

A. Adjudicatory or adjudicative hearings shall be conducted in accordance with the Administrative Procedure Act (RS 49:950 et seq.) for the following:

1. all permit applications for commercial hazardous waste treatment, storage, and/or disposal facilities and commercial recyclers, after technical review of the application but prior to deciding to prepare a draft permit for public comment; and

* * * * *

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, in LR 10:200 (March 1984), as amended LR 16: (August 1990).

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Chapter 19. Tanks

* * * * *

§1905. Design and Installation of New Tank Systems or Components

* * * * *

B. The owner or operator of a new tank system must ensure that proper handling procedures are adhered to in order to prevent damage to the system during installation. Prior to covering, enclosing, or placing a new tank system or component in use, an independent, qualified installation inspector or an independent, qualified, Louisiana registered professional engineer, either of whom is trained and experienced in the proper installation of tank systems or components, must inspect the system for the presence of any of the following items:

* * * * *

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, in LR 10:200 (March 1984), as amended LR 13:651 (November 1987), LR 16: (August 1990).

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Chapter 27. Land Treatment

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§2703. Design and Operating Requirements

* * * * *

I. Landfarms shall be isolated from contact with public, private, irrigation, or livestock water supplies, both surface and underground. A permit application shall address the technical requirements of LAC 33:V. Chapters 15, 27, 33, 35, and 37.

J. Requirements

1. Soils shall be fine-grained with high clay or organic content (e.g., CL, OL, MH, CH, and OH under the Unified Soil Classification System).

2. Soils shall maintain a high cation exchange capacity to absorb metallic elements in the waste by natural (pH range of the soil) or artificial means (additives).

3. Landfarms shall be located in a hydrologic section where the historic high water table is at a safe depth below the zone of incorporation, or the water table at the site shall be controlled to a safe depth below this zone (see LAC 33:V.2705.C.2).

4. Topography shall provide for drainage to prevent ponding.

5. Land slope shall be controlled to prevent erosion.

6. Run-off shall be collected and contained and disposed of by irrigation through reapplication to the treatment zone during drought periods, evaporation, or treatment. Any discharge into the off-site environment shall be governed by a NPDES permit.

7. Groundwater monitoring systems shall be installed that meet with the approval of the administrative authority.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), as amended LR 16: (August 1990).

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§2721. Landfarming

Repealed

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), repealed LR 16: (August 1990).

Chapter 33. Groundwater Protection

* * * * *

§3326. Fees

Repealed

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Ground Water Division, LR 14:620

(September 1988), amended by Hazardous Waste Division, LR 16:399 (May 1990), repealed LR 16: (August 1990).

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Chapter 51. Fee Schedules

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§5109. Application Fees

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B. Each application thereto for which a fee is prescribed shall be accompanied by a remittance in the full amount of the fee. No application or amendments thereto shall be accepted or processed prior to payment of the full amount specified unless approved by the administrative authority. Major amendments of applications for operating permits, closure/post-closure permits, and Class 2 and 3 modifications of permits may be considered as separate applications for purposes of calculating fees.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 10:200 (March 1984), amended LR 11:533 (May 1985), LR 12:676 (October 1986), LR 16: (August 1990).

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§5117. Annual Monitoring and Maintenance Fees - Treaters, Storers, and/or Disposers

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), as amended LR 11:533 (May 1985), LR 12:321 (May, 1986) LR 12:676 (October 1986), LR 13:433 (August 1987), LR 16: (August 1990).

§5119. Calculation of Annual Maintenance Fees

A. Formula to apportion fees

Annual Fee = fee per site + fee per facility + fee based on volume + annual research and development fee + administrative cost fee + land disposal prohibitions fee + groundwater protection annual fee.

Off-site Disposer (Commercial)	\$48,800
Off-site Disposer (Non-commercial)	\$ 9,760
On-site Disposer	\$ 4,880

B. Fee Per Hazardous Waste Facility Type

Unit Type	New Fee
Container/Storage Tanks	\$ 1,273
Incinerators	\$ 2,270
Landfills/Treatment, etc.	\$ 3,270

C. Fee Based on Volume

Less than 1,000 tons	\$ 1,952
Less than 10,000 tons	\$ 3,904
Less than 100,000 tons	\$ 5,856
Less than 1,000,000 tons	\$ 7,808
More than 1,000,000 tons	\$ 9,760

D. Annual Research and Development Fee

(Fee per site + fee per facility + fee based on volume) x 0.25 = Annual Research and Development Fee

E. Administrative Cost Fee

(Fee per site + fee per facility + fee based on volume) x 0.30 = Administrative Cost Fee

[Note: The higher fee for off-site disposal is due to cost of the manifest system and emergency response to

transport spills. (Neither cost is applicable to on-site disposers.)]

F. Land Disposal Prohibitions Fee

Treatment, processing (including use, reuse, recycling), and/or disposal facility annual fee (not on storage facilities). This fee applies to facilities handling wastes subject to the land disposal prohibitions in LAC 33:V. Chapter 22.

On-site	\$1,000
Off-site Non-commercial	\$2,000
Off-site Commercial	\$5,000

G. Groundwater Protection Fee (applies only to sites with groundwater monitoring) in accordance with LAC 33:V.5139.

* * * * *

AUTHORITY NOTE: Promulgated in accordance with RS 30:1051 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984) as amended LR 11:533 (May 1985), LR 12:318 (May 1986), LR 12:676 (October 1986), LR 13:433 (August 1987), LR 16: (August 1990).

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§5139. Groundwater Protection Fee

A. Groundwater Fee

1. Annual Report Review Fee

This fee covers the cost of reviewing the groundwater annual report required by both the Hazardous and Solid Waste Regulations.

Hazardous Waste Facilities	\$1,000 each
Solid Waste Facilities	\$ 250 each

2. Permit Review Fee

This fee covers the cost of reviewing permits for geology, geotechnical design, and groundwater protection aspects.

Hazardous Waste Facilities (1 time)	\$5,000 each
Permit Modifications Class 1	\$ 200 each
Class 2 and 3	\$ 750 each
Solid Waste Facilities (1 time)	\$2,000 each
Permit Modifications Major	\$ 500 each
Minor	\$ 200 each

3. Corrective Action Oversight (annual)

This fee covers the cost of review and approval of plans and actions to clean up groundwater that has been contaminated by a facility.

Hazardous Waste Facilities	\$10,000 each
Solid Waste Facilities	\$ 5,000 each

4. Facility Inspection Fee (annual)

This fee covers the cost of inspecting the various facilities to assure compliance with the groundwater protection aspects of the facilities' permits

Hazardous Waste Facilities with sampling	\$1,000 each \$7,500 each
Solid Waste Facilities with sampling	\$ 500 each \$1,500 each

5. Groundwater Monitoring Systems Installation Permit

This fee covers the cost of reviewing the geology and design of proposed groundwater monitoring systems to en-

sure compliance with department specifications.

Each Well	\$500
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6. Groundwater Monitoring Systems Inspection Fee (Annual)

This fee covers the cost of inspecting monitoring systems to ensure that they are functioning properly and continue to maintain their integrity.

Each Well	\$250
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7. Oversight of Abandonment Procedures

This fee covers the cost of reviewing plans to plug and abandon all groundwater monitoring systems (monitoring wells, piezometers, observation wells, and recovery wells) to ensure that they do not pose a potential threat to ground water.

Casing pulled	\$100 each
Casing reamed out	\$200 each
Casing left in place	\$500 each

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Ground Water Division, LR 14:620 (September 1988), amended, Office of Solid and Hazardous Waste, LR 16:399 (May 1990), LR 16: (August 1990).

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Timothy W. Hardy
Assistant Secretary

RULE

**Board of Trustees of the
Firefighters' Pension and Relief Fund
For The City of New Orleans**

(Editor's Note: This rule is being republished to make corrections in the application forms as published in the *Louisiana Register*, June 20, 1990.)

Procedural Rules and Regulations
of
The Board of Trustees

Rule I. Definitions

§1. Applicant or Claimant. An individual participant applying for a pension, or a surviving spouse or child applying for a survivor pension or death benefit.

§2. Board. The Board of Trustees of the Firefighters' Pension and Relief Fund for the City of New Orleans.

§3. Committee. The Pension and Relief Committee.

§4. Participant. An employee of the New Orleans Fire Department who is eligible to and does participate in the Pension and Relief Fund in accordance with R.S. 33:2101 and 2103.2.

§5. Secretary-Treasurer. Secretary-Treasurer of the Board of Trustees.

Rule II. Organization, Rules and Procedures of the Board

§1. Organization of the Board

1.1 Election of President. The board shall, at the regular meeting held after the election of members to the board

as set forth in R.S. 33:2102, elect from its members a president for the term of two years, or until a successor is duly elected. If because of death, resignation or otherwise, the office of president is vacated before the expiration of the term of office, the board shall elect a successor at its next regular meeting.

1.2 Election of Secretary-Treasurer. The board shall, at the regular meeting held as set forth in §1.1 above, elect solely from the elected members of the board as set forth in §2102 (3) (4) of Title 33 a secretary-treasurer for a term of two years or until a successor is duly elected. If because of death, resignation or otherwise, the office of secretary-treasurer is vacated before the expiration of the term of office, the board shall elect a successor at its next regular meeting.

1.3 There is established in accordance with R.S. 33:2103 a Pension and Relief Committee consisting of the secretary-treasurer and one or more other members elected from the board.

1.4 Rules of Order. The board and the committee shall not be bound by any rules of order, evidence or procedure at its meetings, hearings or investigations, except such as it may itself establish.

§2. Rules

2.1 Adoption of Amendment. These rules may be adopted or amended by the board only after public hearing as set forth in R.S. 49:953.

2.2 Effective Date of Amendments. An amendment to the rule shall become effective on the 1st day of the month following the date of adoption by the board unless otherwise specifically provided.

§3. Meetings

3.1 At least one regular meeting of the board shall be held each month.

3.2 Special meetings may be held at times and places specified by call of the president, or three other members of the board.

3.3 Regular meetings may be held on any day of the month as determined by the board. Notice of the time and place of all regular meetings shall be given in writing to each member of the board by the secretary-treasurer.

3.4 Five elected members of the board shall constitute a quorum for the transaction of business.

3.5 The board shall maintain its records at the fund office.

Rule III. Application Procedure, Initial Determination and Notice

§1.1 All applications for disability pension and relief benefits must be made 45 days in advance of the regular monthly meeting at which the application is to be heard.

1.2 Application shall be made on a form made available by the Board of Trustees. A copy of said form follows these rules and is approved as the official form of the Board of Trustees of the Firefighters' Pension and Relief Fund for the City of New Orleans.

1.3 Documentary evidence. Documentary evidence in support of disability applications shall be submitted in addition to the application, and may be in the form of doctors' reports, medical reports or any other medical evidence or statements acceptable to the board which the claimant wishes to present to assist the board in making its initial determination of benefits payable in accordance with R.S.

33:2101 et seq. Said documentary evidence shall include a medical report from the department physician.

1.4 Application for death benefits shall be made on a form provided for by the Board of Trustees of the Firefighters' Pension and Relief Fund for the City of New Orleans. A copy of said form follows and is adopted as the official form of this Board of Trustees.

1.5 Surviving spouses' applications. In addition to providing medical evidence and any other statements presented to assist the board in making an initial determination, all surviving spouses who apply for pension benefits shall do so on a form furnished by the Board of Trustees of the Firefighters' Pension and Relief Fund. A copy of said form follows and is made part hereof and is adopted as the official form of the Board of Trustees. In addition, surviving spouses shall furnish the board with a certified copy of the member's death certificate and a notarized affidavit to the effect that the surviving spouse was married to the decedent at the time of his death and has not remarried, and also listing the names of any and all surviving children under 18 years of age. Accompanying this affidavit shall be a certified copy of the marriage certificate of the decedent and surviving spouse, and birth certificates of all children under 18 years of age.

1.6 Any applicant for a death benefit or survivor pension shall be awarded benefits in accordance with any other rules and regulations adopted by the board from time to time concerning entitlement thereto, and shall abide by any additional requirements set forth thereunder, as applicable.

§2. Initial Determination

2.1 The Board of Trustees shall meet and make an initial determination on any application filed in accordance with these rules based upon the evidence that is presented by the claimant in support of that application.

2.2 After the board makes its initial determination, the applicant shall be notified of the board's determination by certified mail, return receipt requested, as to what action the board has taken. In the event the application or any part of it is denied, the member shall be advised of his right to appeal the initial determination of the Board of Trustees by filing such a request, in writing, within 30 days of the claimant's receipt of the advice of initial determination.

2.3 If a member files such an appeal, the board shall schedule a hearing within 60 days thereof before the Pension and Relief Committee established pursuant to these rules.

Rule IV. Hearing Procedures, Appeal, Oath, Testimony, Production of Records and Depositions

§1. Hearings before the Pension and Relief Committee

1.1 The Pension and Relief Committee shall conduct a hearing in accordance with R.S. 49:956 et seq. and these rules. The applicant may represent himself or may be represented by an attorney or any other person he may designate.

1.2 Depositions may be used at the hearing conducted by the Pension and Relief Committee in accordance with R.S. 49:956 (6).

1.3 The Pension and Relief Committee, after hearing all of the evidence and considering all of the facts presented, shall then prepare a recommended decision which shall be submitted to the Board of Trustees of the Firefighters' Pension and Relief Fund of the City of New Orleans.

1.4 The recommended decision of the Pension and Relief Committee shall be submitted to the board within 60

days after the close of the hearing, unless, in the committee's determination, intervening circumstances preclude such prompt determination. The Board of Trustees shall meet to consider said recommendation and all facts and evidence offered in support thereof and shall either adopt said recommendation as its own or shall take such other action as it shall determine. Said decision shall be decided within 30 days after the Pension and Relief Committee submits its report, except where further documentation or evidence is required by the board to enable it to reach a decision, or due to any other unforeseeable circumstances. The applicant shall be notified of the decision of the Board of Trustees by certified mail, return receipt requested.

§2. Oaths, Testimony, Production of Records and Depositions

2.1 The Pension and Relief Committee and each member thereof may administer oaths, subpoena witnesses and compel production of books and papers pertinent to any investigation or hearing authorized by the board pursuant to R.S. 49:956. All applications by the claimant for the issuance of subpoenas must be in the hands of the secretary-treasurer

of the Board of Trustees in sufficient time to permit service prior to the date established for the hearing.

2.2 Whenever a party to a hearing now or hereafter pending before the board desires to take the testimony of a witness who resides outside of the state or who resides within the state but outside the Parish of Orleans, or who is unable to attend the hearing, the testimony of the witness, after due notice in writing to the opposing counsel or his party, a copy of which said notice shall be furnished to the Pension and Relief Committee, may be taken in a manner and form as clearly consonant as possible with the provisions of the Louisiana Code of Civil Procedure.

Rule V. Judicial Review

Judicial review of any final decision by the Pension and Relief Committee and/or the full Board of Trustees shall be reviewable in the District Court of the domicile of the board as set forth in R.S. 49:964. No such petition for judicial review shall be filed, however, unless and until the applicant shall have first exhausted all internal fund remedies available hereunder, including the filing of an appeal contesting an adverse determination by the board.

**FIREFIGHTERS PENSION AND RELIEF FUND
FOR THE CITY OF NEW ORLEANS
329 So. Dorgenois Street
New Orleans, Louisiana 70119**

APPLICATION FOR RETIREMENT BENEFITS

Please Complete Fully — Print or type answers, then sign, date and return this form to the Firefighters Pension and Relief Fund Office

**If application is for Normal or Early Retirement Pension,
you must submit proof of age for your spouse and copy of marriage license.**

1. Name _____
 Last First Middle Telephone No.

Name of Spouse _____
 Last First Middle

Date of Marriage _____
 Month Day Year

Spouse's Date of Birth _____
 Month Day Year

2. Address _____
 Number and Street City State Zip Code

3. Social Security No. _____

4. Date of Birth _____
 Submit Proof of Age - Attach Certified Copy of Birth Certificate

5. Beginning Date of Employment as Firefighter _____
 Month Date Year

6. Date you retired or intend to retire _____

7. Have you ever served in the Armed Forces of the United States?
 _____ Yes _____ No. If yes, fill in the information below

Branch of Service	Date Entered	Date Discharged or Separated
_____	_____	_____

* * * * *

I hereby apply for a pension from the Firefighters Pension and Relief Fund for the City of New Orleans and certify all statements in this application are true to the best of my knowledge and belief. If a pension is granted to me, I agree to be bound by all the Rules and Regulations of the Pension Fund and will personally endorse all pension checks received by me.

_____ _____
 Date Signature

noff/doc.64

**FIREFIGHTERS PENSION AND RELIEF FUND
FOR THE CITY OF NEW ORLEANS
329 So. Dorgenois Street
New Orleans, Louisiana 70119**

APPLICATION FOR DEATH BENEFITS

(Complete and Return to Above Address)

PLEASE PRINT OR TYPE

NAME OF DECEASED PARTICIPANT _____
Last First Middle

ADDRESS _____
Number and Street City State Zip Code

SOCIAL SECURITY NO. _____ DATE OF BIRTH _____
Month Day Year

BEGINNING DATE OF EMPLOYMENT AS FIREFIGHTER _____
Month Day Year

DATE RETIRED (If applicable) _____
Month Day Year

DATE OF DEATH _____
Month Day Year

I hereby certify that the above person has died and make application to receive the Death Benefit payable to the designated beneficiary from the Firefighters Pension and Relief Fund for the City of New Orleans.

NAME OF DESIGNATED BENEFICIARY _____
Last First Middle

ADDRESS _____
Number and Street City State Zip Code

DESIGNATED BENEFICIARY OR ESTATE'S SOCIAL SECURITY NO. _____

DESIGNATED BENEFICIARY'S DATE OF BIRTH _____
Month Day Year

ATTACHMENTS:

1. A certified copy of the death certificate.
2. If the designated beneficiary is the surviving spouse of decedent, attach the following:
 - (a) a notarized affidavit certifying that the surviving spouse was married to the decedent at the time of his death, and also listing the names and ages of all surviving children under 18 years of age;
 - (b) a certified copy of the surviving spouse's birth certificate.

Date SIGNATURE OF APPLICANT

William M. Carrouche
Chairman

RULE

**Office of the Governor
Division of Administration
Federal Property Assistance Agency**

Notice is hereby given that Louisiana Federal Property Assistance Agency amended its Plan of Operation as adopted in the *Louisiana Register* of December 20, 1983, Volume 9, Number 12, as follows:

Title 34

**GOVERNMENT CONTRACTS,
PROCUREMENT AND PROPERTY CONTROL
Part IX. Federal Property Assistance Agency**

Chapter 9. Financing and Service Charges

§903. Service Charges

A. Service charges are established for items at the time of receipt of the property and are designed to effect full recovery of the cost of operations of the state agency. The service charges shall be clearly marked on each item or lot. The service charges are based on the prorated expenses incurred annually by the agency including, but not limited to, the following major cost areas: personnel, transportation, utilities, fuels, telephone, warehousing, storage, compliance, insurance, printing, supplies and travel.

B. The service charges assessed each item shall be reasonable and fair in relation to the cost incurred and the services performed by the state agency. Emphasis will be placed on keeping the service charges to a minimum but at the same time providing the necessary service. Other factors considered in determining service charges are original acquisition cost, present value, screening cost, quantity, condition, desirability of property, transportation cost, loading and unloading cost, packing and crating, administrative cost, utilization and compliance, and delivery to donees when required.

C. The service and handling charge will be determined by applying zero to 50 percent of original acquisition cost or fair market value, taking into consideration factors listed in B-2, B-4, B-5, C, D, E, and F. The total of the service charges for all property donated by the agency during any given fiscal year shall not exceed 15 percent of the original government acquisition cost of the property.

D. Special or extraordinary costs may be added to the service charges as follows.

1. Rehabilitated property - direct costs for rehabilitating property will be added to the service charge.
2. Overseas property - additional direct costs for returning the property may be added.
3. Long-haul property - charges for major items with unusual costs may be added. Any such costs which are anticipated will be discussed with the donee prior to shipment.
4. Special handling - an additional charge may be made for dismantling, packing, crating, shipping, delivery, and other extraordinary handling charges.
5. Screening - extraordinary costs incurred in screening property may be added.
6. Homeless - property provided to homeless activities (Public Law 110-77 Stewart B. McKinney Homeless Assistance Act enacted July 22, 1987) will be provided at a nominal fee.

E. The director has the authority to reduce the service charges due to property condition. The director may request

the GSA Regional Office for a reduction on high-acquisition-cost items when in poor condition, or when the item is to be used for secondary purposes.

AUTHORITY NOTE: Promulgated in accordance with 41 CFR 101-44 and Public Law 94-519.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Federal Property Assistance Agency, LR 3:413 (October 1977), repromulgated LR 9:841 (December 1983), amended LR 16: (August 1990).

Dennis Stine
Commissioner of Administration

RULE

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

The Louisiana State Board of Nursing hereby gives notice that the board, at its July 19-20, 1990 meeting adopted the following rule.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XLVII. Nurses

Subpart 2. Registered Nurses

Chapter 35. Nursing Educational Programs

§3534. Procedure for Restructuring an Existing Program Into/Within Higher Education

- A. Step I. Phasing out an Existing Nursing Program
 1. Notification of Intent For Restructuring an Existing Program
 - a. A letter of intent shall be submitted to phase out an existing nursing program and phase in a new nursing program not less than one year prior to the planned implementation date. Twelve copies of the letter are to be submitted.
 2. Termination of an Existing Nursing Program
 - a. A plan shall be submitted to phase out the existing nursing program to include:
 - i. dateline for final admission of students to the existing program;
 - ii. plan for the normal progression of students in the existing program;
 - iii. contingency plan for students who cannot follow the normal progression sequence in the existing program (i.e. failures, illness, etc);
 - iv. the projected date of graduation for the final class of the existing program.
 - b. All board's standards shall be maintained by the existing program until all students have transferred to another program or graduated.
 - c. All students shall have assistance with transfers to the new nursing programs or to another program of choice. A list of the names of these students shall be submitted to the board.
 - d. The following records of the existing program shall be retained:
 - i. students' application to the program (when applicable);
 - ii. students' final transcripts;
 - iii. all curricula plans offered, including catalog course descriptions;

iv. rosters of all graduation classes and dates of graduations.

e. The board shall be notified of the arrangements for the administrative control and safe storage of the permanent program and student records.

B. Step II. Phasing in a New Nursing Program

1. A plan for phasing in the new nursing program shall be submitted (12 copies) to include the following:

a. a written notice of intent to establish a new program in nursing stating the purpose and type of program;

b. documented evidence of approval from the parent institution to award the appropriate degree or diploma and a copy of the current bulletin or catalog; and

c. a report of a feasibility study documenting a need for the program. The study shall include evidence of:

i. nurse manpower studies which validate the need for the program as it relates to total state resources and nursing education in the state, and the potential impact on other nursing education programs within a geographical area of 100 miles;

ii. availability of qualified nursing faculty and support faculty;

iii. adequate academic and clinical facilities to meet the needs of the program, validated through cooperative arrangements with existing nursing programs utilizing those facilities;

iv. adequate financial resources for planning, implementing and continuing the program;

v. commitment of administration to support the program;

vi. community support;

vii. a proposed time schedule for phasing in the new program; and

viii. an available pool of potential students.

d. An articulation plan shall be submitted for students who are presently enrolled in the existing program for matriculation into the new program.

e. Representative of the parent institution shall meet with the board at a regularly scheduled board meeting to review the notice of intent, the report of the feasibility study, and any other information requested.

f. Based on its review, the board shall give written notification to the parent institution that:

i. supplementary information is needed; or,

ii. the notice of intent to establish a new program is sanctioned with stipulated contingencies; or

iii. the notice of intent to establish a new program is sanctioned and the parent institution may continue with the plan to establish the program; or

iv. the notice of intent is not sanctioned, the reasons thereof, and all planning must cease.

g. Public announcements of the opening of the proposed program and pre-admission of students shall not occur prior to the sanctioning of the notice of intent fulfillment of all contingency(ies).

C. Step III. Developing the Nursing Program

1. If the parent institution is sanctioned by the board to proceed with the development of the program, a qualified program head shall be employed a minimum of 12 months prior to the admission of the first class of students.

2. The program head shall have the authority and responsibility to develop:

a. an organizational structure and chart;

b. a constitution and bylaws;

c. administrative policies and procedures;

d. policies for screening and recommending candidates for faculty appointments, retention, and promotion; (See Standard 3515)

e. a budget;

f. a plan for the use of clinical and cooperating agencies;

g. a sample contractual agreement with clinical and cooperative agencies; and

h. a plan for the use of academic facilities and resources.

3. The program head shall appoint a minimum of four full-time nurse faculty whose backgrounds include:

a. experience in curriculum design;

b. previous teaching experience in a nursing education program of the same academic level as the proposed program; and

c. all faculty qualifications as outlined in Standard 3515.B. 1 thru 5.

4. The faculty shall be appointed at least six months prior to the admission of students to the program and be responsible only to the new program.

5. The nurse faculty shall develop the proposed program and plan for its implementation. The faculty shall develop the:

a. philosophy, purpose and objectives;

b. curriculum plan;

c. course objectives;

d. course outlines and syllabi;

e. evaluation plan(s) and methods for evaluating nursing courses;

f. program evaluation plan (refer to 3523.A.1 thru 8);

g. admission, progression and graduation criteria;

h. policies for protecting students' rights, safety and welfare, guidance and counseling; and

i. plan for utilization of clinical facilities and cooperating agencies for student learning activities.

6. Upon completion of this phase of the development of the proposed program, the program head may petition the board for an initial survey visit.

D. Step IV. Initial Approval of the Nursing Program

1. Initial approval may be requested after an on-site survey by a representative of the board.

2. After initial approval is granted, students may be admitted to the program.

E. Step V. Evaluation of the Nursing Program

1. Within three months following the implementation of the first academic year, the program head shall submit a progress report which addresses those areas outlined in Step III.C.5. a through i, and any proposed anticipated changes for the continued implementation of the program.

F. Step VI. Full Approval of the Nursing Program

1. After members of the first class of graduates receive the results of the licensure examination, an on-site survey shall be conducted to evaluate the program's compliance with LAC 46:XLVII.3523.A and B.

2. Following the board's review of the on-site survey report, the board may grant:

a. continuation of initial approval;

or

b. full approval of the nursing program.

3. Initial approval shall not be continued for more than

two consecutive one-year periods following the nursing program's eligibility to apply for full approval.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Louisiana State Board of Nursing, LR 16: (August 1990).

Betty N. Adams MN, RN
Associate Director/
Nursing Consultant
for Education

Health Services Epidemiology Section, at (504) 568-5005. The referral form contains instructions for proper completion and routing to the review board for their consideration for program participation.

The review board shall review all applications on a first come first serve basis using the above criteria to determine eligibility for approved participation in the program at no cost to patients.

AUTHORITY NOTE: Promulgated in accordance with Public Health Services Act, Section 319, PL. 100-71.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Preventive and Public Health Services, LR 14:2 (January, 1988), Re-promulgated by the Department of Health and Hospitals, Office of Public Health, LR 16: (August 1990).

David L. Ramsey
Secretary and State Health Officer

RULE

**Department of Health and Hospitals
Office of Public Health**

Title 48

PUBLIC HEALTH GENERAL

Part V. Preventive Health Services

Subpart 47 - Epidemiology Services

**Chapter 129. AIDS Drug Reimbursement Program
§12901 - Eligibility**

A. State residents who are low income individuals who are not covered under the state Medicaid program or another third party payor, whose state Medicaid program does not provide this coverage, shall be targeted as recipients of state purchased Azidothymidine (AZT). Louisiana Department of Health and Hospitals has defined low-income for purposes of this program and to establish medical eligibility criteria for potential recipients of the drug. In order to develop these eligibility criteria, the state health officer established financial and medical criteria and to grant approval status to applicants. The review board has met and established the following criteria for use in determining potential recipients of AZT.

B. Criteria for Patient Eligibility for Azidothymidine (AZT)

1. The patient must have been diagnosed with AIDS or patient must be HIV positive and have a T4-cell count of 500 or less.

2. The patient must be willing to be followed as felt necessary by his/her physician. Poor patient compliance can be reason for discontinuing medication.

3. The patient's financial status is within the definition of 200 percent of the federal poverty level as follows:

1 person household	\$1,047/month
2 person household	\$1,404/month
3 person household	\$1,761/month
4 person household	\$2,116/month

4. The patient must have no other financial means for access to AZT.

C. Program Referral Procedures

All referrals of potential recipients shall be directed to the program review board by the patient's physician. The referring physician shall assure that the patient meets all of the above stated eligibility criteria.

A referral form for use by the referring physician has been developed and will be distributed through the Parish Health Units or by calling the Office of Preventive and Public

RULE

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

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, is adopting the following rule in the Title XIX (Medicaid) Program. The rule was published as a notice of intent in the *Louisiana Register* on June 20, 1990 (Volume 16, No. 6, page 558).

RULE

Documentation of medical necessity for non-emergency ambulance transport of Medicaid-eligible Long Term Care patients shall be the responsibility of the nursing facility, with concurrence by a physician.

For those recipients residing in a nursing facility, the facility director of nursing shall specify:

1. the medical condition which requires that the recipient be transported by ambulance;

2. transport to the medical facility specified as the destination is necessary to receive appropriate medical service;

3. whether emergency or non-emergency ambulance transport is necessary.

Physician concurrence with the decision recorded by the facility's director of nursing is necessary. Disagreement by the physician shall constitute sufficient grounds for denial of payment for transport at the non-emergency ambulance rate. Payment may be made at a reduced rate not to exceed the non-emergency non-ambulance transportation rate.

Documentation for the facility shall consist of a copy of the medical transportation certification filed in the patient's facility record.

Ambulance providers who submit paper claims shall submit with the claim the medical certification form, including a copy of the physician's written orders, if applicable. Every paper claim shall have attached documentation of medical necessity including physician's statement. Ambulance providers who tape bill shall retain the medical certifi-

cation form, including a copy of the physician's written orders, if applicable. Forms shall be retained in the provider's place of business for a period of three years, and available for review upon request.

David L. Ramsey
Secretary

RULE

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

(Editor's Note:) The department published a rule in Volume 16, Number 4 of the *Louisiana Register* dated April 20, 1990, relating to the Pharmacy Program in the Title XIX Medicaid Program. The final paragraph of the rule on page 315 is corrected to read as follows:

III. Dispensing Fee

The bureau shall pay a dispensing fee on each Title XIX prescription of no more than \$4.41. The dispensing fee paid on a prescription shall be subject to reimbursement limitations adopted by the bureau for payment of Title XIX prescription drug services.

David Ramsey
Secretary

RULE

Department of Public Safety and Corrections Corrections Services

In accordance with the provisions of R.S. 49:950 et seq., the Administrative Procedure Act, the Department of Public Safety and Corrections, Corrections Services, hereby promulgates rules and regulations relative to the regulation of air traffic at its institutions.

Title 22 CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT Part I. Corrections

Chapter 1. Secretary's Office §105. Regulation of Air Traffic

A. Purpose

The purpose of this regulation is to establish the policy of the Department of Public Safety and Corrections, Corrections Services, with regard to air traffic at each adult correctional institution.

B. Responsibility

It is the responsibility of the warden of each adult correctional institution to ensure compliance with this regulation and to advise their respective employees who are affected by the contents. Each warden is responsible for working with the control center of the institution to ensure proper implementation.

C. General

It is the policy of Corrections Services to monitor all incoming and outgoing aircraft to and from the institutions.

D. Procedures

1. Individuals who have reason to come to the institutions via aircraft must request permission and receive authorization in advance, by telephone or in writing, to land at the institution, and specifically to land on the airstrip at the Louisiana State Penitentiary.

2. The request will be directed to the warden's office during regular office hours Monday through Friday. Calls received after hours or on weekends or holidays will be handled by the duty warden.

3. The individual requesting permission to land must provide the following information:

- a. reason for coming to the institution;
- b. date and expected time of arrival;
- c. number and names of people aboard aircraft;
- d. type of aircraft, color and registration number.

4. The warden's office will notify the control center of approved air traffic. The control center will notify the prison towers to inform the officer of the incoming air traffic, the expected time of arrival and description of the aircraft. The tower officer will in turn inform the control center when the aircraft arrives. The control center will then dispatch roving security to meet the incoming aircraft and to verify the identification of the occupants and provide ground transportation when necessary.

5. A log will be maintained by roving security of all aircraft that land at or depart from the institution. This log will contain the date, time of arrival, type of aircraft, color, registration number and the names of the passengers.

6. Low flying aircraft attempting to land anywhere within any of the institutions will be reported to the control center immediately. The control center will notify roving security and other appropriate personnel.

7. Each warden is responsible for developing written procedures for handling unauthorized and/or emergency landing situations, and for securing inmates in the immediate area.

8. Each warden shall develop a procedure for the implementation of this regulation and submit the procedure to the secretary for approval.

E. The effective date of this regulation is August 20, 1990.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:823.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Corrections Services, LR 16: (August, 1990).

Bruce N. Lynn
Secretary

RULE

Department of Public Safety and Corrections Corrections Services

In accordance with the provisions of R.S. 49:950 et seq., the Administrative Procedure Act, the Department of Public Safety and Corrections, Corrections Services, hereby

promulgates rules and regulations relative to the release of offenders to sheriffs to attend funerals and the policy for regulation.

Title 22
CORRECTIONS, CRIMINAL JUSTICE
AND LAW ENFORCEMENT
Part I. Corrections

Chapter 3. Adult and Juvenile Services

§306. Release of Offenders to Sheriffs to Attend Funerals

A. Purpose

The purpose of this regulation is to establish procedures for the release of adult offenders in the custody of the Department of Public Safety and Corrections to sheriffs for the purpose of attending the funeral of a family member.

B. Responsibility

It is the responsibility of the assistant secretary of the office of adult services and all wardens of each adult correctional institution to ensure compliance with this regulation and to advise their respective employees who are affected by the contents.

C. General

Department Regulation 30-7C, Escorted Inmate Absences, gives the wardens a great deal of latitude in granting this privilege. When the warden, at his discretion, denies a request for an escorted absence for an offender to attend the funeral/wake of a close family member as described in Department Regulation 30-7, there are occasions when the sheriff of the parish where the funeral is taking place requests permission to provide this service.

D. Procedures

1. In order for the sheriff to be allowed to provide the escort, the following criteria must be met.

a. The warden and the Office of Adult Services must ascertain and agree that releasing the offender to the custody of the sheriff does not pose a risk to the general public or to the transporting officers.

b. The warden and the Office of Adult Services must ascertain and agree that the offender is not a significant escape risk.

c. The offender's presence at the funeral is not likely to evoke adverse public reaction.

d. The offender does not suffer from any medical or psychological problems which would preclude an escorted absence.

2. If the above criteria are met, the Office of Adult Services must advise the institution, in writing, that they are authorized to release the offender to the custody of the sheriff's office per Department Regulation 30-7E.

3. Before releasing the offender to the transporting officers, the officers must sign a form labeled Release to Custody of Sheriff.

4. Under no circumstance is the release to exceed 72 hours.

E. The effective date of this regulation is August 20, 1990.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:833.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Corrections Services, LR 16: (August 1990).

Bruce N. Lynn
Secretary

RULE

Department of Public Safety and Corrections
Liquefied Petroleum Gas Commission

In accordance with the provisions of R.S. 49:950 et seq., the Administrative Procedure Act, and R.S. 40:1846 relative to the authority of the Liquefied Petroleum Gas Commission to make and enforce rules and regulations, the commission adopted the following changes to its rules and regulations.

Title 55
PUBLIC SAFETY

Part IX. Liquefied Petroleum Gas

Chapter 7. Cylinder Systems

§713. Retest Requirements and Methods

A. Water Jacket Expansion Method: Each cylinder must be subjected, at least once in 12 years, to a test by interior hydrostatic pressure in a water jacket, or other apparatus of suitable form, for the determination of the expansion of the cylinder. The test apparatus must be approved as to type and operation by the Bureau of Explosives. This periodic retest must include a careful external examination.

B. 1. Modified Hydrostatic Method: In lieu of the above, each cylinder may be subjected to an internal hydrostatic pressure equal to at least two times the marked service pressure without determination of expansion but this type of test must be repeated each seven years after the expiration of the first 12-year period. When subjected to this latter test, cylinders must be carefully examined under test pressure and removed from service if leaks or other harmful defects exist.

2. Cylinder tested by the modified hydrostatic method shall be marked after each retest with the date of test as otherwise required but followed by the symbol S; for example, 8-46S, indicating retest by modified method in August, 1946.

C. 1. Recorded Visual Examination Method: In lieu of the above, each cylinder may be subjected to a recorded visual examination in order to requalify that cylinder for five years, after the expiration of the first 12-year period. When subjected to this test, cylinders must be carefully examined as required by DOT regulations by a competent person and removed from service if leaks or harmful defects exist.

2. Cylinders which pass the recorded visual examination method shall be marked after each retest with the date of test followed by the symbol E; for example 7-70E indicating retest by recorded visual examination in July, 1970.

D. Inspection At Time of Filling: All test must be supplemented by a very careful examination of the cylinder at each filling, and must be rejected if evidence is found of bad dents, corroded areas, a leak or other conditions that indicate possible weakness which would render the cylinder unfit for service.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, LR 7:635 (December 1981), amended LR 16: (August 1990).

Jimmy Long
Director

RULE

**Department of Transportation and Development
Division of Flood Control and Water Management**

Port Construction and Development Priority Program
Interim Rules and Regulations for Submission of Proposals

Title 70

**DEPARTMENT OF TRANSPORTATION
AND DEVELOPMENT**

**Part XV. Division of Flood Control
and Water Management**

**Chapter 1. Port Construction and Development Priority
Program**

§101. Submission of Proposals

A. The Louisiana Department of Transportation and Development will evaluate requests for port project funding under the Port Construction and Development Priority Program for FY 1991. The evaluations must be comprehensive and the department will be developing a special methodology for this purpose. However, for this year such a methodology will not be available and the funding decisions will, therefore, be based on an interim approach similar to that used for the Capital Outlay Program, supplemented as necessary to insure that the funding allocations are based on a proper assessment of the various requests. Funding of the construction program is subject to final approval by the state legislature, as stipulated in Act 452 of the 1989 Regular Session of the Legislature.

B. In reviewing the data currently available to the department under the Capital Outlay requests, it has become clear that, for the objectives of this program, additional types of information is needed. The purpose of this document is to indicate the information being requested and to provide the prerequisites for submission of a proposal for funding under the Port Priority Program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3451-3463.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Division of Flood Control and Water Management, LR 16:489 (Emergency Rule) (June, 1990) and LR 16: (August 1990).

§103. Prerequisites for Submission

A. The following prerequisites for submission should be carefully reviewed in order to determine whether your project can be considered for funding this year:

1. An application prepared by the port authority in accordance with these guidelines must be received by the Department of Transportation and Development by 4 p.m. on June 14, 1990.

2. Each port must submit verifiable evidence that local cost-sharing funds equal to 25 percent of the cost of the project are in hand or are readily available. The 25 percent local cost share may be in the form of dedicated tax revenues, loan guarantees, repayable debt, gifts, grants, or expenditures for construction of port and related facilities at ports and port-related industrial parks as stipulated in Item 3 below; funds obtained from federal sources may also be used. No state funds can be used as local cost sharing funds.

3. Any port authority which expended funds from a non-state funding source on a capital project, new construction or rehabilitation between July 1, 1988 and July 1, 1990 shall establish the total amount of such funds expended on

such project or projects by furnishing to the Department of Transportation and Development documentation of the amounts so spent. In connection with any new project forming an integral part of the facility on which said funds were expended and submitted by such port authority in accordance with these guidelines and approved to be funded by the Transportation Trust Fund, amounts established in accordance with the above shall be treated as expenditures in discharge of the port authority's agreement to provide a 25 percent local match.

4. No funds from the Port Priority Program will be available for land acquisition projects this funding year.

5. Funding will be provided only for functioning ports, as opposed to functioning commissions; functional ports are defined as ports at which maritime-related activities are presently occurring at public and/or private facilities and at which a commission is currently exercising its jurisdiction and providing services to the local maritime community.

6. The responsibility to provide complete, accurate, and documented data on each project, as defined below, rests solely with the port submitting the proposal for funding.

7. If a port submits more than one project for funding, the port must prioritize these projects. Due to time constraints and the total number of projects submitted, the evaluation process may be restricted to only the top two priority projects per port.

8. Any cost overrun on any project for any reason will be the sole responsibility of the local port that submitted the project for funding.

9. Funding from the Port Priority Program shall be limited to the construction, improvement, capital facility rehabilitation, and expansion of publicly owned port facilities including intermodal facilities and maritime-related industrial park infrastructure development, such as wharves, dock cargo handling capital equipment, utilities, railroads, roads, and buildings which can be shown to be integral components of any port project submitted for funding.

10. Funding from the Port Priority Program will not be integrated with or used for the state sponsorship (state matching basis for federal appropriation) for new construction and/or maintenance dredging on Corps of Engineers sponsored navigable waterways.

11. Funding from the Port Priority Program will be shared on a proportional 2:1 ratio between deep draft and shallow draft ports. Any balance in either fund will be rolled over to the other category.

12. All projects must be developed sufficiently to allow award of construction contract within one year of funding.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3451-3463.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Division of Flood Control and Water Management, LR 16:489 (Emergency Rule) (June, 1990) and LR 16: (August 1990).

§105. General Approach

A. In order to make a proper allocation of funds among the port project requests, it is necessary to have a clear understanding, for each project, of its expected net benefits to the state. The term "net benefits" means the difference between total costs and benefits associated with the proposed project (the "with project" condition) vs. those which would occur if the project were not undertaken (the "without project" condition).

B. For example, if the port project goes forward, there is usually a higher level of facility costs, mostly for construction. This is offset by the benefits including a reduced level of other costs (vessel operating costs, cargo handling costs, maintenance costs, etc.); there may also be increased economic activity, improved (or worsened) environmental consequences, etc.

C. All of these benefits are relative, i.e., they are based on the spread between what would happen with the new project vs. what would happen without the new project. In other words, to determine the benefits of any proposed project, it is necessary to evaluate the cargo flow projection, transportation cost savings, impact on other Louisiana ports, etc., without the project as well as with the project. Only then can the costs and gains under both scenarios be compared. The difference is the net benefit to be derived from the project.

D. Examination of the data currently available shows that, for many ports, this type of comparison between the "without" and the "with" project condition has not been done in a manner sufficient enough to determine the true net benefits of the proposed projects, with the degree of confidence required for Port Priority Program. Consequently, we are asking applicants to revise and supplement the information to meet the requirements listed below. If your port has not submitted projects for the Capital Outlay Program, then you must provide all of the information requested below with your request for funding under the Port Priority Program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3451-3463.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Division of Flood Control and Water Management, LR 16:489 (Emergency Rule) (June, 1990) and LR 16: (August 1990).

§107. Application Format

The following items must be addressed and documented in order to make the necessary evaluations. Please be certain that the information you are presently providing addresses the following:

A. Instructions for Format of Title Page. The title page of the application shall be as follows:

1. Parish - In the upper right hand corner of the page, indicate the name of the parish in which the port is located.

2. Project Name - Directly below the parish, enter the project name. The name will be used in all future references to the project.

3. Application Title - The title "Application to the Louisiana Port Construction and Development Priority Program" should be centered in the upper one-third of the page.

4. Name of Port Authority - Below the title, provide the name of the sponsoring port authority, address, telephone and fax numbers, and contact person.

5. Legislative Delegation - In the lower one-third of the page, provide the names and district numbers of the senators and representatives within whose districts the proposed project appears.

6. Preparer - If different from the contact person, provide the name and telephone number of the person who prepared this application.

7. Date - Centered at the bottom of the page, state the month and year in which the application was submitted.

B. Project Description

1. The nature and goals of the project to include a

concise description of the project.

2. Anticipated construction period (beginning and the end) by project phases, if applicable.

3. Indicate status (preliminary or final) of construction plans and provide a copy of the plans.

4. Engineering report (preliminary or final) with itemized unit cost of project and recurring maintenance costs.

5. Layout of existing and proposed facilities.

6. Port master plan and project conformance with the master plan, if available.

C. Forecast of Demand and Demonstration of Immediate Need

1. Total cargo and revenue cargo handled last five years by type (bulk, break-bulk, neo-bulk, containers) and volumes.

2. Forecasts of the cargo which would use the project, including type and volume for at least 10 years in the future with presentation of market analysis and justification of market share.

3. Major origins/destinations of forecasted cargoes.

4. Letters of commitment from users (if available and not confidential).

5. List of prospective industrial tenants (if available and not confidential).

6. Provide a copy of your port's financial statements for the last five years.

7. Any additional factors supporting justification of project.

D. Benefits to the State

1. Describe the with and without project condition and identify the cost and benefit impacts in moving from the without to the with project conditions.

2. The impact of the project on other ports in the state, (e.g., diversion of cargoes or industrial activities, etc., from other state's ports).

3. By what route the goods would move if the project isn't built (via another facility at the port, via another port in Louisiana, via a port outside of Louisiana, via a non-water transport means).

4. The difference in shipping cost of the goods with the project as compared with shipping costs without the project.

5. Future facility operating costs with/without the project (e.g., labor, utilities).

6. Port revenue with and without project.

7. What new industrial development would result from the project; without the project, where would this development otherwise occur?

8. How many permanent new jobs would be created and/or existing jobs retained in the port as a result of the project, how many industrial jobs, how much total payroll for both; without the project, where would these jobs otherwise be created?

9. Other benefits resulting from the project.

10. Tabulate the project's costs and benefits.

E. Other Information

1. Sources of funding, including local share; an estimate of expenditures made to date for the projects which represent continuation of previously initiated improvements.

2. List necessary permits, indicate status of permit acquisition, and indicate project compliance with these requirements.

3. Is your 25 percent local share available? Each ap-

plication must include a resolution similar to the draft resolution. (Exhibit A)

4. If multi-year program is necessary, summarize your anticipated investment schedule for full completion of the proposed project and prioritize your projects.

F. Attachments

1. Resolution
2. Construction Plans
3. Engineering Report
4. Layout of Facility
5. Other Attachments, as needed

G. Note that, for a valid analysis, the "project" to be analyzed must be properly defined. The analysis must cover the whole project, not just a part (e.g., a construction of a bulkhead to support a subsequent yard development must be analyzed in terms of the costs and benefits of the total development; an analysis of the bulkhead alone, in this case, would be meaningless.) Similarly, each distinct project must be analyzed separately; it is not valid to aggregate distinct projects (e.g., an elevator and a general cargo dock) into a single analysis.

H. With respect to rehabilitation projects, presumably the benefit relates to the fact that if the facilities are allowed to continue deteriorating the operating costs will increase, capacity will diminish, and, eventually, the facilities will go out of service and cause some disruption. The applicant should document this disruption and its net cost and lost employment (the avoidance of which is the benefit.) If the applicant wishes to assert that the full value of the services lost to the port should be credited as a benefit to the proposed project, it should also document that the business would otherwise leave the state; if it would move elsewhere in the state, then the benefit would be the higher costs necessary at the other state location.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3451-3463.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Division of Flood Control and Water Management, LR 16:489 (Emergency Rule) (June, 1990) and LR 16: (August 1990).

§109. Specific Points You Should Address

A. In reviewing the data that we have available concerning your proposed projects, we find that in addition to the information discussed above, we would like to have more information focusing specifically on the following areas: [Specific points to be addressed will be listed here]

B. In order for your project to be considered for funding, submit the data requested as follows:

1. TO: Louisiana Department of Transportation and Development, Ports Construction and Development Priority Program, Room 401, Box 94245, Baton Rouge, LA 70804-9245.
2. BY: 4 p.m. on June 14, 1990.
3. WHAT: three copies of each application and attachments.

C. If you need assistance in clarifying the information that is requested, you may contact Dot McConnell at (504) 379-1473. If you so desire, you may request a visit from a representative of the Louisiana State University's Ports and Waterways Institute to assist you.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3451-3463.

HISTORICAL NOTE: Promulgated by the Department

of Transportation and Development, Division of Flood Control and Water Management, LR 16:489 (Emergency Rule) (June, 1990) and LR 16: (August 1990).

EXHIBIT A
RESOLUTION

A Resolution authorizing the (port authority) to prepare and submit an application to the Louisiana Ports Construction and Development Priority Program for assistance in the implementation of a ports improvements project; providing for the necessary documentation of the need for the ports improvement; and providing for other matters in connection therewith.

WHEREAS, (port authority) has a need for ports improvements; and

WHEREAS, (port authority) desires to apply for state matching funds pursuant to Chapter 47 of Title 34 of the Louisiana Revised Statutes of 1950, as amended, to implement a project to improve its ports operation and the (port authority) is fully aware of its obligations under said Statute and the requirements of the Interim Guidelines; and

WHEREAS, (port authority) is a political body duly organized and existing under the laws of the state of Louisiana and is eligible to apply for funds under said Statute,

NOW, THEREFORE, BE IT RESOLVED by the (port authority) as follows:

Section 1. That at the appropriate time and upon approval of funding assistance and prior to commencement of work on the project (port authority) agrees to execute an Agreement and a Statement of Sponsorship pursuant to the Statute.

Section 2. That (authorized representative) (title) is hereby designated Authorized Representative for (port authority) to effect the preparation of an application to the Louisiana Ports Construction and Development Priority Program for funding assistance of a port improvement project.

Section 3. That said Authorized Representative's responsibilities shall pertain to technical matters only and shall not include any official act on behalf of the (port authority).

This _____ day of _____, 19 ____.

Secretary

Presiding Officer

(Port Authority)

I. EVALUATION

ANALYSIS

In determining a score to prioritize the request for funds, the following factors will be considered:

- Technical Feasibility
- Financial Feasibility
- Economic Impacts
- Environmental and Other Impacts
- Management of Port

1. Technical Feasibility

Indicators of technical feasibility are as follows:
completeness of project design;
appropriate consideration of alternatives;
compatibility of project to port's master plan;

level of detail of preliminary plans must be adequate to allow award of a construction contract within a year but still allow input from the department;

items of work as shown in the cost estimate are at a level of detail that may be readily verified.

2. Financial Feasibility
The primary factor in determining financial feasibility is the benefit cost ratio. Other elements are as follows:
historical operations;
how verifiable are projections of revenue and expenses;
supporting documentation.
3. Economic Impacts
The economic impacts are to be analyzed by the following:
the number of permanent jobs created by the port improvement after construction;
the annual payroll to accommodate these new permanent jobs.
4. Environmental and Other Impacts
The parameters used to evaluate the environmental and other impacts are as follows:
no adverse impact on significant historical, archaeological, geological features, or environmentally sensitive areas;
no wetland loss;
letters of support from legislative delegation;
no letters of objection.
5. Management of Port
The primary factor in appraising the management of the port is the average cost per ton to move cargo through the port.

II. DISTRIBUTION OF FUNDS

The distribution of program funds shall be based on a one-tier system. There shall be a division between deep draft ports and shallow draft ports.

A. Deep Draft Ports

Two-thirds of the Louisiana Ports Construction and Development Priority Program funds shall be allocated to deep draft ports. However, no more than 30 percent of the total amount of funds available to finance a project in the deep draft port funding group shall be allocated to any single project in a given fiscal year.

B. Shallow Draft Ports

Shallow draft ports shall be allocated one-third of the program funds. No more than 30 percent of the total amount of funds available to finance a project in the shallow draft port funding group shall be allocated to any single project in a given fiscal year.

C. Redistribution Procedure

If there are insufficient approved applications in a funding group to utilize the program funds in that funding group, then the remaining funds shall be redistributed on a pro rata basis to the other funding groups within its tier. If excess funds remain, they will be redistributed to the other tier. For example, any excess funds in a shallow draft port funding district shall be redistributed to the deep draft ports funding group.

D.J. Webre, Jr., P.E.
Project Support Chief

RULE

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

The black drum measures are as follows:

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 3. Saltwater Sport and Commercial Fishing

§331. Black Drum Size Limits, Daily Take and Possession Limits, Quotas and Special Permit Requirements

The Wildlife and Fisheries Commission does hereby adopt the following rules and regulations for the taking of black drum (*Pogonias cromis*):

The daily take and possession limit for black drum caught recreationally within or without Louisiana waters shall be five fish per day and in possession.

The minimum legal size for the recreational or commercial taking of black drum shall be 16 inches total length.

The maximum legal size for the recreational or commercial taking of black drum shall be 27 inches total length; provided however that recreational fishermen shall be allowed to take and possess one black drum per day over 27 inches. It is provided further that commercial fishermen, when in possession of a "Special Black Drum Permit", shall be allowed to take and possess black drum over 27 inches in unlimited quantities until the annual quota has been met.

The annual commercial quota for 16 to 27 inch black drum shall be 3,250,000 pounds.

The annual commercial quota for black drum over 27 inches shall be 300,000 fish.

The fishing year for black drum shall begin on September 1, 1990 and every September 1 thereafter.

A "Special Black Drum Permit" shall be annually required for persons commercially taking black drum over 27 inches and each "Special Black Drum Permit" holder shall on or before the tenth of each month make a return to the department on forms provided or approved for the purpose, the number of black drum over 27 inches taken commercially during the preceding month.

Once the black drum commercial quota(s) has been met; the purchase barter, trade or sale of black drum taken in Louisiana after the closure is prohibited. The commercial taking or landing of black drum in Louisiana, whether caught within or without the territorial waters of Louisiana after the closure is prohibited. Nothing in this rule shall be deemed to prohibit the possession of fish legally taken prior to the closure order.

The secretary of the Department of Wildlife and Fisheries shall, by public notice, close the commercial fishery(s) for black drum when the quota(s) has been met or is projected to be met. The closure shall not take effect for at least 72 hours after notice to the public.

AUTHORITY NOTE: Promulgated in accordance with 56:6(10)326.1, 326.3.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 16: (August 1990).

Warren I. Pol
Chairman

Notices of Intent

NOTICE OF INTENT

Department of Culture, Recreation and Tourism Office of Cultural Development Division of the Arts

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Division of the Arts announces intent to amend the "Guide to Arts Programs."

Title 25

CULTURAL RESOURCES

Part I. Office of Cultural Development

Chapter 3. Division of the Arts

§305. Guidelines for Application to Grant Programs

A. - B. ...

C. Arts in Education Program

1. Purpose. The Arts in Education Program is intended to strengthen the role of the arts in the educational process and to demonstrate the value of the artist within that process with the idea that development of aesthetic awareness and participation in the arts should be an integral part of every student's learning process. The program provides support for Arts in Education residencies, projects, and presenters.

a. Residencies place professional artists who have been accepted into the Louisiana Artist Roster in state public and private, elementary and secondary schools to work and demonstrate their art forms and to share their ideas, talents, and creativity. The program enriches the educational experience of those it brings together: artists, students, teachers, parents, administrators, and members of the community.

b. Projects are designed to provide students and teachers with the opportunity to participate in arts experiences in educational settings, including but not limited to schools.

c. The Arts in Education Presenter category is intended to defray costs of booking and touring of in-school performances or exhibitions. Applicants sponsoring touring events available through the Southern Arts Federation (SAF) should notify the division of their intent to apply for SAF support.

2. Grant Amounts and Matching Requirements. Grants may be requested for up to 50 percent of the total cost of a project or artist residency. Grants must be matched at least dollar for dollar in cash or a combination of cash and in-kind contributions. At least 50 percent of the amount requested must be matched with cash.

a. Applicants for Arts in Education Presenter projects may request not more than 50 percent of the engagement fee of a performing arts company or 50 percent of the combined cost of the fee, shipping, and insurance for an exhibi-

tion. Arts in Education Presenter grants must be matched at least dollar for dollar in cash.

b. Applicants may submit no more than three applications with the total request not to exceed \$25,000. Applicants submitting more than one application to this program must rank the applications by priority.

c. Applicants should work to make Arts in Education Projects and Residencies self-supporting after three consecutive years of division funding.

3. Eligibility. See the General Eligibility requirements stated in §303 of this Chapter.

4. The Council and the Division Do Not Fund:

a. recurring or traditional school activities;

b. payment of administrative or teaching staff for any school or school system

c. resident artists filling teacher vacancies;

d. residencies that do not allow for contact between the resident artist and students during regular school hours;

e. residencies during which the school or school system does not provide studio time and space for the growth and development of the artist;

f. projects which involve university students in teaching or performing activities.

5. Arts In Education Residencies. The Arts in Education Residency Program places professional artists or folklorists in educational settings to teach the elements of their disciplines to students and teachers and, when it is appropriate, to relate their art forms to other curriculum areas. The program is intended to provide sustained interaction among artists, students, teachers, administrators, and members of the community and to stimulate continuing collaboration for the support of arts programs.

a. Placement in a school system is considered a residency when the artist or folklorist is employed by a school or school system for a minimum of one semester and serving a maximum of four schools per semester. Both long-term (40+ days per site or school and short-term (11-40 days) residencies are funded in this program area.

b. To be eligible to receive division funding in the Arts in Education Residency Program schools must obtain approval from their school boards for all residency applications. A letter of such approval must accompany all residency applications. Applicants must hire an artist or folklorist listed on the approved Louisiana Artist Roster. To ensure quality arts experiences and to assist artists, schools, and school systems, the division has compiled the Louisiana Artist Roster for the use of grant applicants. A professional advisory panel identifies and approves professional artists or folklorists for residencies in schools throughout the state. Contact the division for a copy of the Louisiana Artist Roster. See "Individual Artist Programs" for application procedures to the Louisiana Artist Roster. Requests for residencies involving the same artist and site for more than three years will be ineligible.

c. Residencies must be designed to involve artists in educational settings to complement rather than to replace teachers in the arts or in any other academic discipline.

d. Visiting Artists (1-10 days per site) are also funded in this category. Visiting Artists, however, are not required to be on the Louisiana Artist Roster.

e. Types of Residencies. Residencies (11+ days per site) may involve any of the following disciplines: crafts, dance, design arts, folklife, literature, media arts, music, theater, or visual arts.

i. A visiting artist in one discipline (e.g., music) may be integrated into a long-term residency in another discipline (e.g., dance or literature).

ii. A visiting artist series (1-10 days per site) may be integrated into educational settings.

iii. A trained folklorist or cultural anthropologist may serve in residence to present visiting folk artists, interpret their traditions, and help to integrate folklife into various curriculum areas.

f. Evaluation Criteria

i. Impact of the proposed activity on the school or school system.

ii. Degree of broad-based planning reflecting student, teacher, parent, administration, and artist participation in the development and design of the proposal.

iii. Extent to which a proposal addresses teacher training and curriculum development or enhancement.

iv. Extent to which professional artists are involved in program implementation.

v. Process by which artist(s) is selected.

vi. Qualifications of individuals directly responsible for implementing the proposal.

vii. Extent to which the proposal has been designed to assure maximum student participation.

viii. Potential artistic quality of the proposed activity.

ix. Duration (number of days per site) of residency or project activity.

x. Appropriateness of proposed budget.

xi. Amount of financial commitment by the organization, school board, or school.

xii. Clarity and strength of objectives.

xiii. Extent of long-range planning.

xiv. Past record of assuming responsibility for funding artist residencies after three consecutive years of funding from the Division of the Arts.

xv. Strength of the proposed documentation and evaluation.

xvi. Degree to which a project will involve and benefit the diverse geographic cultural, ethnic or special populations of the state.

6. Arts in Basic Education Projects. This category supports planning or programming grants which assist in making the arts basic to the K-12 curriculum in Louisiana schools.

a. Eligibility. The Division's Arts in Basic Education Program will consider requests from schools, school districts, education cooperatives, institutions of higher learning, arts councils and other non-profit cultural organizations. Projects must be designed to directly serve some segment of K-12 students and teachers. Applicants other than elementary and secondary schools and school systems must prove collaboration or joint sponsorship with elementary or secondary schools.

b. Types of Projects

i. Collaborative proposals from schools and cultural organizations or schools and universities.

ii. In-service and staff development activities for classroom teachers in areas of sequential arts education.

iii. Development of curriculum materials in arts education which involve sequential approaches and evaluation methods for student accomplishment in the arts.

iv. Educational efforts aimed at generating school and citizen support toward establishing financial and administrative basis for arts education in the schools.

v. Costs of planning, designing, or implementing workshops, seminars, conferences, or other events related to arts in education programs (e.g., teacher training, artist residency training, etc.).

vi. Special arts projects by schools designed, coordinated and implemented with cooperation among schools, teachers, artists, and parents (e.g., art works in public school areas, environmental design, professional artist workshops, arts festivals, etc.).

vii. Consultants or advisors on methods to incorporate the arts in comprehensive curriculum development and school programming.

viii. Workshops or lecture-demonstrations involving professional artists.

c. Evaluation Criteria

i. Impact of the proposed activity on the school or school system.

ii. Extent to which the proposal addresses teacher training and curriculum development or enhancement.

iii. Qualifications of individuals directly responsible for implementing the proposal.

iv. Degree of direct benefit to students and/or teachers.

v. Amount of financial commitment by the organization, school, or school board.

vi. Appropriateness of proposed budget.

vii. Degree of broad-based planning reflecting student, teacher, parent, administrative, and artist participation in the development and design of the proposal.

viii. Clarity and strengths of objectives.

ix. Administrative support for the project and plans for continuation of the project beyond the division's funding.

x. Appropriateness of proposed evaluation procedures.

xi. Extent of collaboration with community cultural organizations, institutions of higher education, or professional artists.

xii. Degree to which a project will involve and benefit the diverse geographic cultural, ethnic or special populations of the state.

7. Arts in Education Presenters. Arts in Education Presenter applicants must meet all the requirements for the Presenter Program, but they must submit applications under the Arts in Education Program.

a. Types of Projects

i. Presentation of in-school performances with educational components.

ii. Touring of specific projects (When an arts-producing organization applies for support of touring activities, signed letters of intent from the presenting or sponsoring organization must accompany each application).

b. Evaluation Criteria

i. Quality of the company, performers, or exhibiting artists to be sponsored by the school or school system.

ii. Strength of educational component associated with the performance or the exhibit.

iii. Impact of the proposed activity on the school or school system.

iv. Administrative ability of the presenting organization to sponsor successfully the performance or exhibit.

v. Appropriateness of fees and overall budget.

vi. Extent to which the proposal has been designed to permit maximum student participation.

vii. Amount of financial commitment by the organization, school board or school.

viii. Degree to which a project will involve and benefit the diverse geographic cultural, ethnic or special populations of the state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 20:894.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of Cultural Development, Division of the Arts, LR 7:625 (December 1981), amended LR 8:510 (October 1982), LR 9:684 (October 1983), LR 11:341 (April 1985), LR 11:1137 (December 1985), LR 13:740 (December 1987), LR 15:720 (September 1989), LR 16:

Interested persons may submit written comments to the following address: Emma Burnett, Division of the Arts, Box 44247, Baton Rouge, LA 70804. She is the person responsible for responding to inquiries regarding this proposed rule.

Henry A. Truxillo
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Title 25, Part I, Section 305 C**

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

The Louisiana Division of the Arts anticipates no net changes in implementation costs associated with the amending of Title 25, Section 305 C. Each year the division publishes its complete "Guide to Arts Programs" for distribution to eligible organizations and individuals. The cost of preparing, printing, and distributing this document is approximately \$3,000. These costs will be incurred this year and in succeeding years with or without this amendment. The amended rule will have no direct costs associated with it, as it redirects grant monies among eligible, approved applicant organizations, rather than altering the total funds which are granted.

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

The proposed amendment will have no effect on the revenue collections of the state or local governmental units. The Division of the Arts and the Louisiana State Arts Council award grant monies to organizations and individuals based on a yearly review of applications. The effect of the proposed amendment makes schools, school boards, and universities eligible to apply for grant funds for long-range planning and development projects. Whether any of these newly eligible organizations actually receive funding will depend on a review of their application(s). All eligible organizations are exempt from federal, state and local taxation. (LR 15:721 303 A 3a-d).

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

The proposed amendment will enable schools, school boards, and universities to compete for a larger share of the grant funds available each year in the Arts in Education Program. These monies have, in the past, been

awarded exclusively to help fund projects which introduced quality performing and visual arts experiences students in the K-12- 12 grade range. The effect of the amendment could reduce the percentage of total Arts in Education Program funds which is directed to these projects in favor of developing long-range curriculum and projects for making the arts a basic part of the educational experience in Louisiana Schools.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

While the net fiscal effect on individual organizations is impossible to quantify (see Part I of this form), it is anticipated that in the short term (1-3 years) it will reduce the monies applicant organizations have available to hire professional artists and arts delivery organizations (musical, theatrical, and dance companies). Over a longer period the development of long range, sustainable curriculum and projects is expected to increase the availability of funding that these organizations will have to procure the services of artists and arts delivery organizations. Some of the arts delivery organizations depend on these projects for the majority of their income. The percentage change in the amount of funds available will be directly dependent on the number of funded applications in the new Arts in Basic Education Projects (Amended Section 305 C 5), but are not expected to be large.

Emma H. Burnett
Executive Director

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

**Department of Economic Development
Racing Commission**

**Title 35
HORSE RACING**

Part I. General Provisions

**Chapter 17. Corrupt and Prohibited Practices
§1791. Testing for Dangerous Substance Abuse**

A. No person licensed by the commission shall use any controlled dangerous substances as defined in the "Louisiana Controlled Dangerous Substance Act," R.S. 40:961 et seq., or any prescription legend drug, unless such substance was obtained directly, or pursuant to a valid prescription or ordered from a licensed physician, while acting in the course of his professional practice. It shall be the responsibility of the person licensed by the commission to give notice to the state steward that he is using a controlled dangerous substance or prescription legend drug pursuant to a valid prescription or order from a licensed physician when requested. Failure of a licensed person to secure a written prescription from his doctor or physician within 10 days of being notified by the stewards of a finding for a prescription drug shall be treated as a positive and having the person subject to a penalty as contained herein.

B. - C. . . .

D. A positive controlled dangerous substance or prescription drug result shall be reported in writing to the com-

mission or its designee. On receiving written notice from the official chemist that a specimen has been found positive for a controlled dangerous substance or prescription legend drug, the commission or its designee shall proceed as follows.

1. The licensed person shall, as quickly as possible, be notified in writing and a hearing scheduled with the stewards.

2. For a licensed person's first violation, he shall be suspended 30 days and denied access to all racetracks, off-track wagering facilities, and approved training facilities in Louisiana. His reinstatement shall be contingent upon evaluation by a commission-approved board certified drug evaluator or counselor, and after providing a negative urine report.

3. For a licensed person's second violation, he shall be suspended six months and denied access to all race-tracks, off-track wagering facilities, and approved training facilities in Louisiana. His reinstatement may be allowed upon proof of enrollment, and continued attendance in a commission-approved drug rehabilitation program.

4. For a licensed person's third violation, he shall be suspended for 15 years and denied access to all racetracks, off-track wagering facilities, and approved training facilities in Louisiana.

- 5. The Stewards and/or
- 6. Unexcused absences from
- 7. Excused absences from
- 8. Amphetamines are not permitted
- E. - F. . .

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and R.S. 4:148.

HISTORICAL NOTE: Promulgated by the Racing Commission LR 13:289 (May 1987), amended LR 15:620 (August 1989), LR 16:

The office of the Racing Commission is open from 9 a.m. to 4 p.m. and interested parties may contact Claude P. Williams, Executive Director, or Tom Trenchard, Administrative Services Assistant at (504) 483-4000 or LINC 635-4000 holidays and weekends excluded, for more information. All interested persons may submit written comments relative to this rule through Monday, September 5, 1990 to 320 North Carrollton Avenue, Suite 2-B, New Orleans, LA 70119-5111.

Claude P. Williams
Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: Testing for Dangerous Substance Abuse

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There are no costs to implement this rule.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no effect on revenue collections.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
The proposed rule change benefits horsemen and patrons by assuring drug-free personnel involved in the racing industry on the race tracks.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no effect on competition nor employment other than lost employment as a result of repeated drug abuse and being under the influence while performing duties on the race track.

Claude P. Williams
Executive Director

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

Board of Elementary and Secondary Education

Amendments to Bulletin 741,
Louisiana School Administrators' Handbook

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved the following amendments to Bulletin 741, *Louisiana School Administrators' Handbook*. (These amendments were adopted as an emergency rule - see July, 1990 issue of the *Louisiana Register*).

- 1. Delete Standard 1.006.04 and the procedural block following and delete Standard 1.006.05.
- 2. Delete Standard 1.006.08 and the procedural block following it.
- 3. Amend Standard 1.009.04 to state the following:

The local educational governing authority shall provide for and offer in every school having a first grade or in a parish kindergarten center a full day kindergarten program in accordance with standards set in this bulletin.

Refer to R.S. 17:151.3

- 4. Under Standard 1.010.02 - Operations Policies, substitute the following for letter J:
J. The discipline of handicapped students.
- 5. Amend Standard 1.015.05 and add two new standards, 1.015.06 and 1.015.07 which state the following:
1.015.05 The system shall assign a full-time, on-site principal to each school.

A full-time principal may also be assigned teaching responsibilities.

- 1.015.06 The system shall assign a principal to only one school.
- 1.015.07 The system shall assign a Title IX Coordinator.
- 6. Amend Standard 2.015.05 and add a new Standard 2.015.06 which states as follows:
2.015.05 Each school shall employ a full-time, on-site principal.

A full-time principal may also be assigned teaching responsibilities.

- 2.015.06 A principal shall be assigned to only one school.
- 7. Add two new standards following policy number 2.037.00 which state the following:
2.037.01 Prior to student registration, each middle, junior, or high school shall provide parents/guardians with a

listing of course offerings and descriptions and high school graduation requirements where appropriate.

Refer to R.S. 17:175

2.037.02 Prior to course registration each year, every middle, junior, or high school shall require that the parent/guardian of each student sign his child's student registration form.

Refer to R.S. 17:175

8. Add a new Standard following Standard 2.055.16: 2.055.17 Beginning with the 1991-92 school year every child, as a prerequisite to enrollment in any first grade of a public school, shall meet one of the following criteria:

1. Have attended a full day public or private kindergarten for a full year; and/or
2. Satisfactorily passes academic readiness screening administered by the school system at the time of enrollment for first grade.

Refer to R.S. 17:151.3

9. Add a new Standard following Standard 1.055.16: 1.055.17 Beginning with the 1991-92 school year every child, as a prerequisite to enrollment in any first grade of a public school, shall meet one of the following criteria:

1. Have attended a full day public or private kindergarten for a full year; and/or
2. Satisfactorily passes academic readiness screening administered by the school system at the time of enrollment for first grade.

Refer to R.S. 17:151.3

10. Reword Standard 1.055.18 to state the following: 1.055.18 The school system shall have the option to provide preschool special education to handicapped students aged 0 through 2 years.

11. Reword Standard 1.081.02 to state the following: 1.081.02 Parents of students attending public and nonpublic schools shall be reimbursed according to state guidelines provided funds are appropriated by the legislature.

Refer to Bulletin 1191

12. Reword the procedural block following Standard 1.093.01 to state:

Refer to Bulletin 1706, Regulations for Implementation of the Exceptional Children's Act (R.S. 17:1941 et seq.) Bulletin 1508, Pupil Appraisal Handbook, and Bulletin 1503, the IEP Handbook.

13. Reword the procedural block following Standard 2.093.01 to state:

Refer to Bulletin 1706, Regulations for Implementation of the Exceptional Children's Act (R.S. 17:1941 et seq.), Bulletin 1508, Pupil Appraisal Handbook, and Bulletin 1503, The IEP Handbook.

Interested persons may comment on the proposed policy change and/or additions in writing, until 4:30 p.m., October 8, 1990 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

PROPOSED REVISIONS FOR REFERENCED BULLETIN IN BULLETIN 741

The following deletions, additions, and revisions of bulletins have been made and should be included in the revision of the list of referenced bulletins in Bulletin 741.

Deletions

- 1474 Consumer Education Curriculum Guide
- 1589 English Language Arts Curriculum Guide 6-9
- 1590 English Language Arts Curriculum Guide 9-12
- 1661 Physics Curriculum Guide (Rev. '89 - name changed to Secondary Physical (1589 and 1590 were combined to form Bulletin 1795, English Language Arts 7-12)

Additions

- 1530 The IEP Handbook
- 1645 General Science (84)
- 1661 Secondary Physics (Rev. '89 - name changed from Physics Curriculum Guide)
- 1664 Child Development Curriculum Guide, Home Economics
- 1674 General Safety Manual for Vo-Tech Education and Industrial Arts Program
- 1682 Industrial Arts Curriculum Guide 6-8
- 1687 Louisiana Industrial Arts Curriculum Project
- 1698 Energy Efficient Homes and Small Buildings
- 1725 Advanced Programs of Vocational Agriculture in Louisiana
- 1722 Elementary Environmental Science Resource Unit
- 1729 Introduction to Business Guide
- 1737 Fine Arts Survey ('84)
- 1739 Computer Literacy ('85)
- 1740 Marketing and Distributive Education I
- 1758 World History ('87)
- 1759 Western Civilization ('85)
- 1780 Acadians of Louisiana
- 1795 English Language Arts 7-12 (Rev. '86 - Combined Bulletin 1589 and Bulletin 1590)
- 1814 Business Math Curriculum Guide
- 1815 Entrepreneurship for Marketing
- 1821 Home and Family Curriculum Guide, Home Economics
- 1835 Chemistry II ('89)

Revisions

The proposed revisions include editorial title changes and supplements.

CURRENT TITLE	REVISED TITLE
1595 Curriculum Guide Food and Nutrition Home Economics	Food and Nutrition Curriculum Guide, Home Economics
1662 Curriculum Guide, Competency-Based Business Education (9-12)	Competency-Based Business Education, Curriculum Guide 9-12
1664 Home Economics Curriculum Guide, Child Development	
1695 Curriculum Guide, Parenthood Education	Parenthood Education Curriculum Guide, Home Economics
1700 Clothing and Textiles Curriculum Guide	Clothing and Textiles Curriculum Guide
1710 Adult Responsibilities Curriculum Guide	Adult Responsibilities Curriculum Guide, Home Economics
1727 World Geography Curriculum Guide	World Geography Curriculum Guide Map Supplement ('85)
1771 Competency Based Data Processing Curriculum Guide	Data Processing Curriculum Guide
1775 Child Care Curriculum Guide	Child Care Curriculum Guide, Home Economics
1778 Exploratory Homemaking Curriculum Guide	Exploratory Homemaking Curriculum Guide 7-8
1781 Competency Based Record Keeping Guide	Record Keeping Guide
1803 Advanced Electricity Curriculum Guide	Advanced Electricity Micro Processors and Robotics Curriculum Guide

Em Tampke
Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Amendments to Bulletin 741**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The minimum estimated cost to the state and local government is \$400 to reprint and distribute pages 4, 5, 6, 7, 12, 14, 28, 40, 58, 61, 72, 211, 212, 213 and 214 of Bulletin 741 for public schools.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
No effect on revenue collections of state and local government is expected.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
No cost is anticipated.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
No effect is anticipated.

Graig A. Luscombe
Deputy Superintendent

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

Board of Elementary and Secondary Education

Revised Bulletin 1134, Standards and Guidelines
for Library Media Programs in Louisiana

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved the revisions to Bulletin 1134, Standards and Guidelines for Library Media Programs in Louisiana, including the standards listed below, with the exclusion of the proposed standard that 20 percent of the total allocation for textbooks be spent solely on library books and supplies, and with the addition of the amendments on pages 12 and 14 offered by the School Library Association.

Print Collection for Elementary Schools K-5

Books - Each elementary library media center shall have a basic minimum collection of 10 current and appropriate titles per pupil. One-fifth of the titles in the sciences, social studies, technology, and geography areas must be within the last five years.

Basic - Ten books per pupil or 2,000 separate titles, whichever is greater.

Reference - Each elementary library media center shall provide a basic collection of reference materials to match the curriculum of the school.

Encyclopedias - Three different general encyclopedia titles - - - one set for primary grades - - - two sets for upper grades. Latest copyright no more than five years old. Oldest copyright no more than 10 years old.

Dictionaries - One unabridged; one abridged

Atlases - One United States atlas. One world atlas, copyright no more than five years old.

Almanacs - One current general almanac; one current

state almanac.

Print Collection for Secondary Schools Grades 6 - 12

Books - Each secondary library media center shall have a basic minimum collection of 10 current and appropriate titles per pupil in acceptable condition. One-fifth of the titles in the sciences, social studies, technology and geography areas must be within the last five years.

Reference - Each secondary library media center shall provide a basic collection of reference materials to match the curriculum and meet the information needs of students and teachers.

Encyclopedias - Four different general encyclopedia titles. Latest copyright no more than three years old. Oldest copyright no more than 10 years old.

Dictionaries - One unabridged; two abridged

Atlases - One United States atlas; two world atlases, latest copyright no more five years old

Almanacs - Two general current almanacs; one current state almanac.

Magazines - Each elementary (K-5) library media center shall provide a basic minimum collection of appropriate and useful current magazines.

Basic - Three titles per 100 pupils. No more than 15 magazines are required.

Each secondary library media center shall provide a collection of appropriate current magazines.

Basic - Four titles per 100 pupils. No more than 30 magazines are required.

Newspapers - Each elementary (K-5) library media center shall provide a daily newspaper that provides coverage of local, state, and national news.

Basic - One newspaper

Each secondary library media center shall provide newspapers that provide coverage of local, state, national and international news.

Basic - Two newspapers

Information File - Each elementary (K-5) library media center shall provide an organized collection of local and supplementary materials.

Each secondary library media center shall provide an organized collection of local and supplementary materials.

Professional

Collection - Each elementary (K-5) library media center shall provide a central collection of professional materials.

Basic - 50-100 books, 5-10 magazines, other print and nonprint material as needed.

Each secondary library media center shall provide an organized, easily accessible collection of professional materials for teachers.

Basic - 100-200 books, 5-10 magazines, other print and nonprint materials as needed.

Guidelines for Selection - No change.

Copyright - Each school district shall adopt a written statement of procedures concerning adherence to federal copyright law (PL 94-553), the 1980 Computer Software Copyright Act, and the Off-Air Broadcast Guidelines.

Weeding - A portion of the collection shall be analyzed each year with all items reviewed every five years.

Amendments offered by the School Library Association.

Page 12 - Under Professional Materials, insert:
...about community resources.

These school districts which have centralized profes-

sional collections shall provide sufficient numbers of materials to meet the needs of the teachers.

Page 14 - ...professional materials. (Add the following) School districts with centralized professional collections shall provide sufficient numbers of materials to meet the needs of the teachers.

The document may be seen in its entirety in the Office of the Board of Elementary and Secondary Education located in the education building in Baton Rouge, LA or in the Office of Special Projects in the State Department of Education.

Interested persons may comment on the proposed policy change and/or additions in writing, until 4:30 p.m., October 8, 1990 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Em Tampke
Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Revisions to Bulletin 1134**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The estimated cost to state government is \$1,368. This cost represents the printing of 600 copies of Bulletin 1134.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no estimated effect on revenue collections of state or local government units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
There will be no estimated costs and/or economic benefits to directly affect persons or non-governmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There will be no effect on competition and employment. This change in rule is just to update Bulletin 1134 from the 1978 edition.

Graig A. Luscombe
Deputy Superintendent

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

Board of Elementary and Secondary Education

Amendment to Bulletin 1213

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved an amendment to Bulletin 1213, Minimum Standards for School Buses in Louisiana to add an option for using low profile tires on 35-passenger handicapped buses (special education) (225/70 R 19.5) as recommended by the Department of Education.

The complete motor and chassis specifications may be viewed in the Office of the State Register, the Office of the Board of Elementary and Secondary Education located in the education building in Baton Rouge, Louisiana, or in the Office of Special Projects in the State Department of Education.

Interested persons may comment on the proposed policy change and/or additions in writing, until 4:30 p.m., October 8, 1990 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Em Tampke
Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Amendment to Bulletin 1213**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no implementation cost in that the low profile tires are standard equipment on most newer buses.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no estimated effect on revenue collections of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
Approximately 55 percent of the 7,000 buses are privately owned. There would be no additional cost to them because the low profile tires comes as standard equipment on most newer buses.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There will be no effect on competition and employment as a result of this action.

Graig A. Luscombe
Deputy Superintendent

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

Board of Elementary and Secondary Education

Amendment to Bulletin 1794

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved the following amendment to Bulletin 1794, Textbook Adoption Policy and Procedures. This amendment was also adopted as an emergency rule - see July, 1990 issue of the *Louisiana Register*.

In the 1990-91 adoption and all other adoptions thereafter, all titles approved through the state textbook adoption process will carry a definite contract not to exceed seven years.

Interested persons may comment on the proposed policy change and/or additions in writing, until 4:30 p.m., Oc-

tober 8, 1990 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Em Tampke
Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Definite Contract (Seven Years)**

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

It is estimated that the cost to revise Bulletin 1794 and print new contracts will be \$315.

\$0.03 per contract for 300 publishers \$ 9
\$1.02 per bulletin for 300 copies 306

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

There will be no estimated effect on revenue of state or local governmental units.

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

There will be no estimated costs and/or economic benefits to directly affect persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment as a result of this change in rule.

Graig A. Luscombe
Deputy Superintendent

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

Board of Elementary and Secondary Education

Amendment to Bulletin 1794,
Textbook Adoption Policy and Procedures

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved the following amendment to Bulletin 1794, Textbook Adoption Policy and Procedures. This amendment was also adopted as an emergency rule - see July, 1990 issue of the *Louisiana Register*.

Beginning with the 1990-91 adoption and all other adoptions thereafter, materials presented to the state textbook adoption committees, except for special education, will be limited to basal textbooks and ancillary materials that accompany the basal program; that, except for special education, no supplementary material will be adopted by the state textbook adoption committees; and a parish may use up to, but not exceed, 10 percent of the textbook allotment for non-adopted supplementary materials.

Interested persons may comment on the proposed policy change and/or additions in writing, until 4:30 p.m., Oc-

tober 8, 1990 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Em Tampke
Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: Amendments to Textbooks Adoption Procedure (Bulletin 1794)

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

It is estimated that the approximate cost to revise Bulletin 1794 will be \$306 (300 copies at \$1.02 per copy).

This cost will be taken care of through proposed rule addressing the definite contract (seven years).

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

There will be no estimated effect on revenue collections of state and local governmental units.

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

Publishers with supplementing materials will now be able to offer their materials to LEA's for purchase without having to go through the State Adoption Process. LEA's can use up to but not to exceed 10 percent of allocation for these purchases.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on employment. Competition will probably increase among those publishers of supplementary materials because they will have to market their products at the local level.

Graig A. Luscombe
Deputy Superintendent

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

Board of Elementary and Secondary Education

Amendments to Bulletin 1822, Competency Based
Postsecondary Curriculum Outlines

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved amendments to Bulletin 1822, Competency Based Post-Secondary Curriculum Outlines which included changes in titles and course lengths in various vocational-technical programs as listed on the next page:

CURRENTLY APPROVED		RECOMMENDED REVISION	
TITLE	LENGTH	TITLE	LENGTH
Air Conditioning/Refrigeration	2700 Hrs., 24 Mos.	Air Conditioning and Refrigeration	
		Residential Heating, A/C and Ref.	1350 Hrs., 12 Mos.
		Commercial Refrigeration	1350 Hrs., 12 Mos.
		Air Conditioning and Refrigeration	2700 Hrs., 24 Mos.
Auto Body Repair	2025 Hrs., 18 Mos.	No Change	No Change
Band and Circular Saw Filing	2025 Hrs., 18 Mos.	No Change	No Change
Drafting and Design Technology	2700 Hrs., 24 Mos.	Drafting and Design Technology (Instructor Guide Book 1: Basic Drafting Technology only)	
Masonry	1800 Hrs., 16 Mos.	No Change	No Change
Plumbing	1350 Hrs., 12 Mos.	No Change	No Change
Process Technician	1350 Hrs., 12 Mos.	No Change	No Change
Appliance Repair	1350 Hrs., 12 Mos.	No Change	No Change
Automotive Technician	2700 Hrs., 24 Mos.	No Change	No Change
Carpentry	2025 Hrs., 18 Mos.	No Change	No Change
Communications Electronics	2700 Hrs., 24 Mos.	No Change	No Change
Industrial Maintenance Technician	2700 Hrs., 24 Mos.	No Change	No Change

The amendment to the course lengths for the Air Conditioning/Refrigeration Course supersedes the amendment to Bulletin 1822 previously adopted which indicated no change in the course length for the Air Conditioning/Refrigeration Course.

Interested persons may comment on the proposed policy change and/or additions in writing, until 4:30 p.m., October 8, 1990 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Em Tampke
Executive Director

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Amendments to Bulletin 1822, Competency Based Postsecondary Curriculum Outlines

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
In 1983 the Board of Elementary and Secondary Education adopted the implementation of uniform course titles and time requirements. These amendments to this bulletin are updates on title names, course lengths and content. The cost to implement this change would be approximately \$75. This would be for printing and postage to mail out the revisions.
- 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 NON-GOVERNMENTAL GROUPS (Summary)

There will be no costs or economic benefits to the affected groups. We will, however, produce better trained people for business and industry.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

All technical education students will receive the same minimum curriculum from each technical institute attended. If a student transfers from one institute to another institute, there will be no lost time. The technical institutes will be producing better products as a result of up-to-date curricula.

Graig A. Luscombe
Deputy Superintendent

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 1868, BESE Personnel Manual

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved Bulletin 1868, Personnel Manual for the State Board of Elementary and Secondary Education, effective July 1, 1990.

Policies in Bulletin 1868, apply to personnel under the jurisdiction of the state board in the Board Special Schools, in the entities comprising Special School District #1, exclusive of the central office staff; and in entities of the vocational-technical system, exclusive of the assistant superintendent for vocational education and related state department staff.

Bulletin 1868 was also adopted as an emergency rule. See the July, 1990 issue of the *Louisiana Register* for the rule. This document may be seen in its entirety in the Office

of the State Register, the Office of the State Board of Elementary and Secondary Education located in the Department of Education building in Baton Rouge, Louisiana or in the Office of SSD #1 or the Office of Vocational Education, both of which are located in the Education Building.

Interested persons may comment on the proposed policy and/or additions, in writing until 4:30 p.m., October 8, 1990 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Em Tampke
Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: Bulletin 1868, BESE Personnel Manual

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

The estimated implementation cost for FY 90-91 for printing and mailing of Bulletin 1868 to the Vocational-Technical institutes, the Board of Elementary and Secondary Special Schools and Special School District #1 programs is approximately \$4,770.

The estimate payment of the expense will be provided by the FY 90-91 budget and no additional appropriation will be required.

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

There will be no estimated effect on revenue collection of state or local governmental units.

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

There will be no costs or economic benefits to directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment.

Graig A. Luscombe
Deputy Superintendent

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

Board of Elementary and Secondary Education

Louisiana Teacher Internship Program and
Louisiana Teacher Evaluation Program Implementation
Guides

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved the Louisiana Teacher Internship Program (LTIP) and the Louisiana Teacher Evaluation Program (LaTEP) Policy and Implementation Guide which includes the due process component policy and implementation guide.

The LTIP/LaTEP Policy and Implementation Guide is established by the Louisiana Department of Education to incorporate the requirements of the Louisiana Teaching Internship Law and the Teacher Evaluation Program mandated by the "Children First" Act. The policies and procedures in the guide are designed to facilitate the implementation of LTIP and LaTEP.

This guide was also adopted as an emergency rule. See July, 1990 issue of the *Louisiana Register* for complete text of the guide. Also, the guide may be seen in its entirety in the Office of Research and Development in the State Department of Education or in the Office of the State Board of Elementary and Secondary Education located in the Education Building in Baton Rouge, LA.

Interested persons may comment on the proposed policy change and/or additions in writing, until 4:30 p.m., October 8, 1990 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Em Tampke
Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules**

**Rule Title: The due process component LTIP and LTEP
Policy and Implementation Guide**

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

The legislature appropriated \$7,547,569 in Fiscal Year 1990-91 to the Department of Education for the implementation of the Louisiana Teacher Evaluation Program and the Louisiana Teacher Internship Program. Approximately \$300,000 of these funds will be utilized for the due process component of the programs.

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

Costs to local governments (school boards) are not determinable and are expected to be minimal.

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

Teachers can be affected either positively or negatively depending on the outcome of the due process procedure.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Competition in the teaching profession should be heightened as salaries have been raised along with the requirement of evaluation.

Graig A. Luscombe
Deputy Superintendent

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

Board of Elementary and Secondary Education

OSIRIS-Statewide Standard for School Management Software

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education adopted "OSIRIS" as the statewide standard for school management software.

The adoption of a standard school management software package will result in: (1) significant cost savings to schools and school districts at no cost to the state for software purchase, maintenance and training; (2) consistent and successful information management capabilities; and (3) improved capacity to transfer data among school sites, school districts, and the state. (This was adopted as an emergency rule in the July, 1990 issue of the *Louisiana Register*.)

Interested persons may comment on the proposed policy change and/or additions in writing, until 4:30 p.m., October 8, 1990 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Em Tampke
Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: To adopt OSIRIS as the school management software standard

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 by the adoption of OSIRIS as the standard school management software package.

Potential savings are available to local education agencies (LEAs) and schools if they choose to purchase the software package.

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 NON-GOVERNMENTAL GROUPS (Summary)

There are no estimated costs and/or economic benefits to directly affected persons or non-governmental groups by the adoption of the standard.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Vendors of other school management software packages will continue to compete against the standard software package for school and LEA business.

Graig A. Luscombe
Deputy Superintendent

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

Board of Elementary and Secondary Education

System for Teaching and Learning Assessment and Review (STAR)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the board approved the System for Teaching and Learning Assessment and Review (STAR), Assessment Instrument for the Teaching Internship (TIP) and Teacher Evaluation Program (TEP).

This document is designed for use by educators as they participate in professional development programs to be certified as STAR assessors and as they work with teachers to make assessment decisions about the quality of teaching and learning. It includes information about the conceptual basis, content and structure of the STAR, pertinent research and development activities designed to support the professional credibility of the STAR, and information about the STAR assessment process as well.

This document may be seen in its entirety in the Office of the State Register, the Office of the State Board of Elementary and Secondary Education located in the education building in Baton Rouge, LA or in the Office of Research and Development located in the State Department of Education.

The System for Teaching and Learning Assessment and Review (STAR) was also adopted as an emergency rule. See the July, 1990 issue of the *Louisiana Register* for the rule.

Interested persons may comment on the proposed policy change and/or additions in writing, until 4:30 p.m., October 8, 1990 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Em Tampke
Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: To Adopt the System for Teaching and Learning Assessment and Review Instrument

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

The cost to the state will be for printing and distribution of the System for Teaching and Learning Assessment and Review Instrument is estimated at \$1.75 per guide for 15,000 guides for all teachers to be evaluated or trained in FY 90-91 or \$26,250. There are no costs to local governmental units.

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

There is no effect on revenue.

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

The educator affected by evaluation or training in FY 90-91 will now have the approved instrument.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no effect on employment.

Graig A. Luscombe
Deputy Superintendent

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

Department of Employment and Training Office of Workers' Compensation

In accordance with the provisions of R.S. 49:950 et seq., of the Louisiana Administrative Procedure Act, under the authority of R.S. 23:1034.2 and R.S. 23:1203 of Act 938 of the 1988 Louisiana Regular Legislative Session, the Office of Workers' Compensation, through the Department of Employment and Training, hereby gives notice of its intent to adopt a rule for the establishment of a medical reimbursement fee schedule for services rendered by physicians and all health care providers using CPT Codes (Current Procedural Terminology). The fee schedule shall provide the basis for billing and payment of medical services provided injured employees under the workers' compensation laws of the state of Louisiana.

The Office of Workers' Compensation previously promulgated a rule for a fee schedule for physicians that is applicable exclusively to state employees. Said schedule was previously used by the Office of Risk Management. On the effective date of this rule, the prior rule applicable exclusively to state employees shall be repealed.

The legal section of the Office of Workers' Compensation shall make available for public scrutiny a copy of the medical fee schedule at 1001 North 23rd Street, Baton Rouge, LA 70804. Written comments regarding this proposed rule should be forwarded to Mr. Stephen W. Cavanaugh, Director, Office of Workers' Compensation, Box 94040, Baton Rouge, LA 70804-9040. Verbal comments may be presented at a hearing on September 4, 1990, 10 a.m., in the 4th Floor Conference Room of the Department of Employment and Training, Annex Building, 1001 North 23rd Street, Baton Rouge, LA 70804.

Stephen W. Cavanaugh
Director

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Medical Fee Reimbursement Schedule

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

Implementation costs to produce the fee schedule was \$26,730 as prepared by Martin Segal Company, Inc., for the Office of Workers' Compensation. This contract was approved by the Office of Contractual Review. The cost to the Office of Workers' Compensation to reproduce one copy of the fee schedule is \$4.50.

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

Copies of this rule (fee schedule) will be provided by the Office of Workers' Compensation at a charge of \$31.23 per copy. Anticipated revenue of \$31,230 will be generated by amounts derived from the copies at 1,000 copies, which represents a "break even" amount for the copies and the costs to prepare and implement the schedule by Martin Segal, Inc.

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

The fee schedule will provide a limit on the amount physicians may charge workers' compensation insurers for services rendered to an injured employee. It shall control the cost for physician services rendered to government and non-government employees who are injured on the job. The precise economic benefit is not ascertainable.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

None. The medical fee reimbursement schedule is designed to provide guidance to health care providers when rendering services to injured employees. The impact is not directly felt on employment or competition. Employers through their insurance companies will realize a reduction in medical payments because health care providers will be limited to the schedule's provisions when charging for medical services as a result of an on-the-job injury.

Stephen W. Cavanaugh
Director

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

Office of the Governor Division of Administration Commissioner's Office

Title 4 ADMINISTRATION

Part V. Policy and Procedure Memorandum

Chapter 15. General Travel Regulations — PPM No. 49 Subchapter A. Introduction

§1501. Authorization and Legal Basis

A. In accordance with the authority vested in the commissioner of administration by Section 231 of Title 39 of the Revised Statutes of 1950 and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950-968 as amended, notice is hereby given of the revision of Policy and Procedure Memorandum No. 49, the state general travel regulations, effective July 1, 1990. These amendments are both technical and substantive in nature and are intended to clarify certain portions of the previous regulations or provide for more efficient administration of travel policies. These regulations apply to all state departments, boards and commissions created by the legislature or executive order and operating from funds appropriated, dedicated, or self-sustaining; federal funds; or funds generated from any other source.

B. Legal Basis--R.S. 39:231--"The commissioner, with the approval of the governor, shall prescribe rules defining the conditions under which each of various forms of transportation may be used by state officers and employees and used by them in the discharge of the duties of their respective offices and positions in the state service and he shall define the conditions under which allowances will be granted for all other classes of traveling expenses and the maximum amount allowable for expenses of each class."

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:231.

HISTORICAL NOTE: Written by the Office of the Governor, Division of Administration, November 1, 1972, promulgated LR 1:179 (April 1975), amended LR 1:338 (August 1975), LR 2:312 (October 1976), LR 5:93 (May 1979), LR 6:405 (August 1980), LR 7:7 (January 1981), LR 8:406 (August 1982), LR 15:820 (October 1989), LR 16:

§1503. General Specifications

A. Department Policies

1. Department heads may establish travel regulations within their respective agencies, but such regulations shall not exceed the maximum limitations established by the commissioner of administration. Three copies of such regulations shall be submitted for prior review and approval by the commissioner of administration.

2. Department and agency heads will take whatever action necessary to minimize all travel to carry on the department mission.

3. Contracted Travel Services

The state has contracted for travel-related services which must be used unless exemptions have been granted by the Division of Administration. Reservations for in-state hotel/motel accommodations are not required to be made through the contracted travel agencies.

4. Authorization to Travel

a. All travel must be authorized and approved in writing by the head of the department, board, or commission from whose funds the traveler is paid. A department head may delegate this authority in writing to one designated person. Additional persons within a department may be designated with approval from the commissioner of administration. A file shall be maintained on all approved travel authorizations.

b. An annual authorization for routine travel shall not cover travel between an employee's home and workplace, out-of-state travel, or travel to conferences or conventions.

5. Funds for Travel Expenses. Persons traveling on official business will provide themselves with sufficient funds for all routine travel expenses that can be covered by the corporate credit card. Advances of funds for travel shall be made only for extraordinary travel and should be punctually repaid when submitting the travel voucher covering the related travel, not later than the fifteenth day of the month following the completion of travel. EXEMPTIONS: Cash advances may be allowed for:

a. employees whose salary is less than \$15,000/year;

b. employees who applied for the state-sponsored corporate credit card program but were rejected (proof of rejection must be available in agency travel file);

c. employees who accompany and/or are responsible for students on group or client travel;

d. new employees who have not had time to apply for and receive the card;

e. employees traveling for extended periods;

f. employees traveling to remote destinations in foreign countries, such as jungles of Peru or Bolivia;

g. advance ticket purchase (until a business travel account with a corporate credit card can be established);

h. registration for seminars, conferences, and conventions;

i. incidental costs not covered by the corporate credit card i.e. taxi fares, tolls, registration fees; conference fees

may be submitted on a preliminary request for reimbursement when paid in advance;

j. any ticket booked by a traveler 30 days or more in advance and for which the traveler has been billed, may be reimbursed by the agency to the traveler on a preliminary expense reimbursement request. The traveler should submit the request with a copy of the bill or invoice. All backup data (ticket stub or traveler's copy) must be attached to the final reimbursement request.

6. Expenses Incurred on State Business

Traveling expenses of travelers shall be limited to those expenses necessarily incurred by them in the performance of a public purpose authorized by law to be performed by the agency and must be within the limitations prescribed herein.

7. State Credit Cards (Issued in the name of the agency only)

Credit cards issued in the name of the state agency are not to be used for the purpose of securing transportation, lodging, meals, or telephone and telegraph service, unless prior written permission has been obtained from the commissioner of administration.

8. No Reimbursement when no Cost Incurred by Traveler

No claim for reimbursement shall be made for any lodging and/or meals furnished at a state institution or other state agency, or furnished by any other party at no cost to the traveler. In no case will a traveler be allowed mileage or transportation when he/she is gratuitously transported by another person.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:231.

HISTORICAL NOTE: Written by the Office of the Governor, Division of Administration, November 1, 1972, promulgated LR 1:179 (April 1975), amended LR 1:338 (August 1975), LR 2:312 (October 1976), LR 5:93 (May 1979), LR 8:405 (August 1980), LR 7:7 (January 1981), LR 8:406 (August 1982), LR 15:820 (October 1989), LR 16:

§1505. Claims for Reimbursement

A. All claims for reimbursement for travel shall be submitted on state Form BA-12, unless exception has been granted by the commissioner of administration, and shall include all details provided for on the form. It must be signed by the person claiming reimbursement and approved by his/her immediate supervisor. The purpose for extra and unusual travel must be stated in the space provided on the front of the form. In all cases the date and hour of departure from and return to domicile must be shown.

B. Excepting where the cost of air transportation, conference, or seminar is invoiced directly to the agency/department, all expenses incurred on any official trip shall be paid by the traveler and his travel voucher shall show all such expenses in detail to the end that the total cost of the trip shall be reflected by the travel voucher. If the cost of air transportation is paid directly by the agency/department, a notation will be indicated on the travel voucher indicating the date of travel, destination, amount, and the fact that it has been paid by the agency/department. The traveler's copy of the passenger ticket shall be attached to the travel voucher.

C. In all cases, and under any travel status, cost of meals and lodging shall be paid by the traveler and claimed on the travel voucher for reimbursement, and not charged to the state department, unless otherwise authorized by the Di-

vision of Administration.

D. Claims should be submitted within the month following the travel, but preferably held until a reimbursement of at least \$10 is due. In no case shall reimbursement for travel in a previous fiscal year be paid from current year appropriations unless funds have been specifically reserved for that purpose.

E. Any person who submits a claim pursuant to these regulations and who willfully makes and subscribes to any claim which he/she does not believe to be true and correct as to every material matter, or who willfully aids or assists in, or procures, counsels or advises the preparation or presentation of a claim which is fraudulent or is false as to any material matter shall be guilty of official misconduct. Whoever shall receive an allowance or reimbursement by means of a false claim shall be subject to severe disciplinary action as well as being criminally and civilly liable within the provisions of state law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:231.

HISTORICAL NOTE: Written by the Office of the Governor, Division of Administration, November 1, 1972, promulgated LR 1:179 (April 1975), amended LR 1:338 (August 1975), LR 2:312 (October 1976), LR 5:93 (May 1979), LR 8:405 (August 1980), LR 7:7 (January 1981), LR 8:406 (August 1982), LR 15:820 (October 1989), LR 16:

Subchapter B. Definitions

§1507. Definitions

For the purposes of this PPM, the following words have the meaning indicated.

A. State Officer

1. State elected officials.

2. Department head as defined by Title 36 of the Louisiana Revised Statutes (secretary, deputy secretary, undersecretary, assistant secretary, and the equivalent positions in higher education and the office of elected officials).

B. State Employee — Employees below the level of state officer.

C. Authorized Persons

1. Advisors, consultants, or other persons who are called upon to contribute time and services to the state who are not otherwise required to be reimbursed through a contract for professional, personal, or consulting services in accordance with R.S. 39:1481 et seq.

2. Members of boards, commissions, and advisory councils required by federal or state legislation or regulation. Travel allowance levels for all such members and any staff shall be those authorized for state employees unless specific allowances are legislatively provided.

D. Official Domicile

Every state officer, employee, and authorized person, except those on temporary assignment, shall be assigned an official domicile.

2. Except where fixed by law, official domicile of an officer or employee assigned to an office shall be, at a minimum, the city limits in which the office is located. The department head or his designee should determine the extent of any surrounding area to be included, such as parish or region. As a guideline, a radius of at least 30 miles is recommended. The official domicile of an authorized person shall be the city in which the person resides, except when the department head has designated another location (such as the person's workplace).

3. A traveler whose residence is other than the office domicile of his/her office shall not receive travel and subsistence while at his/her official domicile nor shall he/she receive reimbursement for travel to and from his/her residence.

4. The official domicile of a person located in the field shall be the city or town nearest to the area where the majority of work is performed, or such city, town, or area as may be designated by the department head, provided that in all cases such designation must be in the best interests of the agency and not for the convenience of the person.

E. Temporary Assignment

Any assignment made for a period of less than 31 consecutive days at a place other than the official domicile.

F. Traveler — A state officer, state employee, or authorized person when performing authorized travel.

G. Travel Period — A period of time between the time of departure and the time of return.

H. Travel Routes — The most direct and usually traveled route must be used by official state travelers. All mileage shall be computed on the basis of odometer readings from point of origin to point of return.

I. In-State Travel — All travel within the borders of Louisiana or travel through adjacent states between points within Louisiana when such is the most efficient route.

J. Out-of-State Travel — Travel to any of the other 49 states plus District of Columbia, Puerto Rico and the Virgin Islands.

K. Emergency Travel — Under extraordinary circumstances where the best interests of the state require that travel be undertaken not in compliance with these regulations, approval after the fact by the commissioner of administration may be given if appropriate documentation is presented promptly. Each department shall establish internal procedures for authorizing travel in emergency situations.

L. International Travel — All travel to destinations outside the 50 United States, District of Columbia, Puerto Rico and the Virgin Islands.

M. Per Diem — A flat rate paid in lieu of travel reimbursement for people on extended stays.

N. Conference/Convention — A conference/convention is herein defined as a meeting for a specific purpose and/or objective. Documentation required is a formal agenda and/or program.

O. Extended Stays — Any assignment made for a period of 31 or more consecutive days at a place other than the official domicile.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:231.

HISTORICAL NOTE: Written by the Office of the Governor, Division of Administration, November 1, 1972, promulgated LR 1:179 (April 1975), amended LR 1:338 (August 1975), LR 2:312 (October 1976), LR 5:93 (May 1979), LR 8:405 (August 1980), LR 7:7 (January 1981), LR 8:406 (August 1982), LR 15:820 (October 1989), LR 16:

Subchapter C. Methods of Transportation

The most cost-effective method of transportation that will accomplish the purpose of the travel shall be selected. Among the factors to be considered should be length of travel time, cost of operation of a vehicle, cost and availability of common carrier services, etc.

§1509. Air

A. Common carrier shall be used for out-of-state travel unless it is documented that utilization of another method of

travel is more cost-efficient or practical and approved in accordance with these regulations.

B. Before travel by privately-owned or by chartered aircraft is authorized by a department head, the traveler shall certify that: 1) at least one hour of working time will be saved by such travel and 2) no other form of transportation, such as commercial air travel or a state plane, will serve this same purpose.

C. 1. Chartering a privately-owned aircraft must be in accordance with the Procurement Code.

2. Reimbursement for use of a chartered or unchartered privately-owned aircraft under the above guidelines will be made on the basis of 24 cents per mile or the lesser of commercial air at state contract rate or coach/economy rates unless there are extenuating circumstances which must be approved by the commissioner of administration.

3. When common carrier services are unavailable and time is at a premium, travel via state aircraft shall be investigated, and such investigation shall be documented and readily available in the department's travel reimbursement files. Optimum utilization will be the responsibility of the department head.

D. Commercial air travel will not be reimbursed in excess of state contract air rates when available, or coach/economy class rates when contract rates are not available. The difference between contract or coach/economy class rates and first class or business class rates will be paid by the traveler. If space is not available in less than first or business class air accommodations in time to carry out the purpose of the travel, the traveler will secure a certification from the airline indicating this fact. The certification will be attached to the travel voucher.

1. The state encourages but does not require use of lowest priced airfares where circumstances which can be documented dictate otherwise.

2. Where a stopover is required to qualify for a low-priced airfare, the state will pay additional lodging and meals expense subject to applicable limits where a net savings in total trip expenses results from use of the low-priced airfare. For determining whether there is a savings, the state contract airfare should be used for comparison, or coach/economy fare if there is no contract rate. The comparison must be shown on the travel voucher.

3. The policy regarding airfare penalties is the state will pay the penalty incurred for a change in plans or cancellation only when the change or cancellation is required by the state. Certification of the requirement for the change or cancellation by the traveler's department head is required on the travel voucher.

4. For international travel only, when an international flight segment is more than 10 hours in duration, the state will allow the business class rate not to exceed 10 percent of the coach rate. The traveler's itinerary provided by the travel agency must document the flight segment as more than 10 hours and must be attached to the travel voucher.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:231.

HISTORICAL NOTE: Written by the Office of the Governor, Division of Administration, November 1, 1972, promulgated LR 1:179 (April 1975), amended LR 1:338 (August 1975), LR 2:312 (October 1976), LR 5:93 (May 1979), LR 8:405 (August 1980), LR 7:7 (January 1981), LR 8:406 (August 1982), LR 15:820 (October 1989), LR 16:

§1511. Motor Vehicle

A. No vehicle may be operated in violation of state or local laws. No traveler may operate a vehicle without having in his/her possession a valid state driver's license.

B. If available, safety restraints shall be used by the driver and passengers of vehicles. All accidents, major and minor, shall be reported first to the local police department or appropriate law enforcement agency. An accident report form, available from the Office of Risk Management (ORM) of the Division of Administration, should be completed as soon as possible and returned to ORM, together with names and addresses of principals and witnesses. Any questions about this should be addressed to the Office of Risk Management of the Division of Administration. These reports shall be in addition to reporting the accident to the Department of Public Safety as required by law.

1. State-Owned Vehicles

a. All purchases made on state gasoline credit cards must be signed for by the approved traveler making the purchase. The license number and the unit price and quantity of the commodity purchases must be noted on the delivery ticket by the vendor. Items incidental to the operation of the vehicle may be purchased via state gasoline credit cards only when away from official domicile on travel status. In all instances where a credit card is used to purchase items or services which are incidental to the operation of a vehicle, the tissue copy of the credit ticket along with a written explanation of the reason for the purchase will be attached to the monthly report mentioned in this Subsection.

State-owned credit cards will not be issued to travelers for use in the operation of privately-owned vehicles.

b. Travelers in state-owned automobiles who purchase needed repairs and equipment while on travel status shall make use of all fleet discount allowances and state bulk purchasing contracts where applicable. Each agency/department shall familiarize itself with the existence of such allowances and/or contracts and location of vendors by contacting the Purchasing Office, Division of Administration.

c. The travel coordinator/officer/user of each state-owned automobile shall submit a monthly report to the department head, board, or commission indicating the number of miles traveled, odometer reading, credit card charges, dates, and places visited.

d. State-owned vehicles may be used for out-of-state travel only if permission of the department head has been given prior to departure. If a state-owned vehicle is to be used to travel to a destination more than 500 miles from its usual location, documentation that this is the most cost-effective means of travel should be readily available in the department's travel reimbursement files.

e. Unauthorized persons should not be transported in state vehicles. Approval of exceptions to this policy may be made by the traveler's supervisor if he determines that the best interest of the state will be served and if the passenger (or passenger's guardian) signs a statement acknowledging the fact that the state assumes no liability for any loss, injury, or death resulting from said travel.

2. Personally-Owned Vehicles

a. When two or more persons travel in the same personally-owned vehicle, only one charge will be allowed for the expense of the vehicle. The person claiming reimbursement shall report the names of the other passengers.

b. A mileage allowance shall be authorized for trav-

elers approved to use personally-owned vehicles while in the conduct of official state business. Mileage shall be reimbursable on the basis of 24 cents per mile.

c. The department head or his designee may approve an authorization for routine travel for an employee who must travel in the course of performing his/her duties; this may include domicile travel if such is a regular and necessary part of the employee's duties, but not for attendance at infrequent or irregular meetings, etc. Within the city limits where his/her office is located, the employee may be reimbursed for mileage only.

d. When the use of a privately-owned vehicle has been approved by the department head for out-of-state travel, the traveler will be reimbursed for in-route expenses inclusive of meals, lodging, and mileage on the basis of 24 cents per mile. The total cost may not exceed the cost of travel by State Contract air rates or coach rate if no contract rate is available.

e. When a traveler is required to regularly use his/her personally-owned vehicle for agency activities, the agency head may request authorization from the commissioner of administration for a lump sum allowance for transportation or reimbursement for transportation (mileage). Request for lump sum allowance must be accompanied by a detailed account of routine travel listing exact mileage for each such route. Miscellaneous travel must be justified by at least a three-month travel history to include a complete mileage log for all travel incurred, showing all points traveled to or from and the exact mileage. Requests for lump sum allowance shall be granted for periods not to exceed one fiscal year.

f. The traveler shall be required to pay all operating expenses of the vehicle including fuel, repairs, and insurance.

3. Rented Motor Vehicles

a. Written approval of the department head prior to departure is required for the rental of vehicles. Such approval may be given when it is shown that vehicle rental is the only or most economical means by which the purpose of the trip can be accomplished. In each instance, documentation showing cost effectiveness of available options must be readily available in the department's travel reimbursement files. This authority shall not be delegated to any other person.

b. Only the cost of rental of subcompact or compact models is reimbursable, unless 1) non-availability is documented, 2) the vehicle will be used to transport more than three persons or 3) the cost of a larger vehicle is no more than the rental rate for a subcompact or compact.

c. Collision Deductible Waiver (CDW) is not reimbursable for domestic travel. At the discretion of the department head, CDW costs may be reimbursed for international travel. Should a collision occur while on official state business, the cost of the deductible should be paid by the traveler and reimbursement claimed on a travel expense voucher. The accident should also be reported to the Office of Risk Management (see methods of transportation-motor vehicles).

d. Personal accident insurance when renting a vehicle is not reimbursable. Employees are covered under workmen's compensation while on official state business.

e. Any personal mileage on a vehicle rented for official state business is not reimbursable and shall be deducted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:231.

HISTORICAL NOTE: Written by the Office of the Gov-

ernor, Division of Administration, November 1, 1972, promulgated LR 1:179 (April 1975), amended LR 1:338 (August 1975), LR 2:312 (October 1976), LR 5:93 (May 1979), LR 8:405 (August 1980), LR 7:7 (January 1981), LR 8:406 (August 1982), LR 15:820 (October 1989), LR 16:

§1513. Public Ground Transportation

The cost of public ground transportation such as buses, subways, airport limousines, and taxis is reimbursable when the expenses are incurred as part of approved state travel. For each transaction over \$15, a receipt is required.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:231.

HISTORICAL NOTE: Written by the Office of the Governor, Division of Administration, November 1, 1972, promulgated LR 1:179 (April 1975), amended LR 1:338 (August 1975), LR 2:312 (October 1976), LR 5:93 (May 1979), LR 8:405 (August 1980), LR 7:7 (January 1981), LR 8:406 (August 1982), LR 15:820 (October 1989), LR 16:

Subchapter D. Lodging and Meals

§1515. Reimbursements

A. Eligibility

1. Official Domicile/Temporary Assignment. Travelers are eligible to receive reimbursement for travel only when away from "official domicile" or on temporary assignment unless exception is granted in accordance with these regulations. Temporary assignments will be deemed to have ceased after a period of 31 calendar days, and after such period the place of assignment shall be deemed to be his/her official domicile. He/She shall not be allowed travel and subsistence unless permission to extend the 31-day period has been previously secured from the commissioner of administration.

2. Travel Period. Travelers may be reimbursed for meals according to the following schedule:

a. Breakfast: When travel begins at/or before 6 a.m. on the first day of travel, or extends beyond 9 a.m. on the last day of travel, and for any intervening days.

b. Lunch: No reimbursement shall be made for lunch for travel except when travel extends over at least one night or if traveler is eligible for both the breakfast and dinner meals. If travel extends overnight, lunch may be reimbursed for those days where travel begins at/or before 10 a.m. on the first day of travel, or extends beyond 2 p.m. on the last day of travel, and for any intervening days.

c. Dinner: When travel begins at/or before 4 p.m. on the first day of travel, or extends beyond 8 p.m. on the last day of travel and for any intervening days.

B. Exceptions

1. Twenty Percent Over Allowances. Department heads may allow their employees to exceed the lodging and meal provisions of these regulations by no more than 20 percent on a case-by-case basis. Each case must be fully documented as to necessity (e.g. proximity to meeting place) and cost effectiveness of alternative options. Documentation must be readily available in the department's travel reimbursement files. This authority shall not be delegated to any other person. Reimbursement requests must be accompanied by receipts.

2. Actual Expenses for State Officers. State officers and others so authorized by statute or individual exception will be reimbursed on an actual expenses basis for meals and lodging except in cases where other provisions for reim-

bursement have been made by statute. The request for reimbursement must be accompanied by a receipt or other supporting document for each item claimed and shall not be extravagant and will be reasonable in relationship to the purpose of the travel.

C. Meals (Including Tips)

1. Travelers may be reimbursed up to the following amounts for meals:

	In-State	Out-of-State (including New Orleans)
Breakfast	\$ 5	\$ 6
Lunch	\$ 6	\$ 8
Dinner	\$10	\$16
	\$21	\$30

2. Receipts are not required for routine meals within these allowances. Number of meals claimed must be shown on travel voucher. If meals of state officials exceed these allowances, receipts are required.

D. Lodging (Plus Tax, Receipts Required)

Actual-not to exceed

\$40 In-state (except New Orleans)

\$55 Out-of-state (including New Orleans)

\$80 High cost (Baltimore, Atlanta, Cleveland, Dallas, Denver, Detroit, Los Angeles, Miami, Philadelphia, Phoenix, Pittsburgh, San Diego, St. Louis, Seattle, all of Hawaii)*

\$95 Extra high cost (Boston, Chicago, San Francisco, Washington D.C.)*

\$125 New York City*

* The inclusion of suburbs of these cities shall be determined by the department head on a case-by-case basis.

E. Conference Lodging

Travelers may be reimbursed actual expenses for conference lodging not to exceed the following rates per day. Receipts from a bona fide hotel or motel for lodging shall be submitted and attached to the travel voucher.

\$ 95 Boston, Chicago, San Francisco, Washington,

D.C.

\$125 New York City

\$ 50 In-state

\$ 65 New Orleans

\$ 80 All other out-of-state

F. Extended Stays

For travel assignment involving duty for extended periods at a fixed location, the reimbursement rates indicated should be adjusted downward whenever possible. Claims for meals and lodging may be reported on a per diem basis supported by lodging receipts. Care should be exercised to prevent allowing rates in excess of those required to meet the necessary authorized subsistence expenses. It is the responsibility of each agency head to authorize only such travel allowances as are justified by the circumstances affecting the travel.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:231.

HISTORICAL NOTE: Written by the Office of the Governor, Division of Administration, November 1, 1972, promulgated LR 1:179 (April 1975), amended LR 1:338 (August 1975), LR 2:312 (October 1976), LR 5:93 (May 1979), LR 8:405 (August 1980), LR 7:7 (January 1981), LR 8:406 (August 1982), LR 15:820 (October 1989), LR 16:

Subchapter E. Other Expenses

§1517. Reimbursement for Other Expenses

The following expenses incidental to travel may be reimbursed:

A. communications expense relative to official state business (receipts required for over \$3);

B. charges for storage and handling of equipment;

C. tips for baggage handling not to exceed \$1.00 per bag;

D. travelers using motor vehicles on official state business will be reimbursed for necessary storage and parking fees, ferry fares, and road and bridge tolls. For each transaction over \$5, a receipt is required.

E. room rental for a conference meeting using:

1. Procurement Code or

2. state contracted travel services;

F. registration fees at conferences (meals that are a designated integral part of the conference may be reimbursed on an actual expense basis with prior approval by the department head).

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:231.

HISTORICAL NOTE: Written by the Office of the Governor, Division of Administration, November 1, 1972, promulgated LR 1:179 (April 1975), amended LR 1:338 (August 1975), LR 2:312 (October 1976), LR 5:93 (May 1979), LR 8:405 (August 1980), LR 7:7 (January 1981), LR 8:406 (August 1982), LR 15:820 (October 1989), LR 16:

§1519. Special Meals

A. Reimbursement designed for those occasions when, as a matter of extraordinary courtesy or necessity, it is appropriate and in the best interest of the state to use public funds for provision of a meal to a person who is not otherwise eligible for such reimbursement and where reimbursement is not available from another source.

1. Visiting dignitaries or executive-level persons from other governmental units, and persons providing identified gratuity services to the state. This explicitly does not include normal visits, meetings, reviews, etc., by federal or local representatives.

2. Bona fide official business meetings at which a meal is served and it is required to meet during a meal hour.

3. Extraordinary situations when state employees are required by their supervisor to work more than a 12-hour weekday or a six-hour weekend (when such are not normal working hours to meet crucial deadlines or to handle emergencies).

B. All special meals must have prior approval from the commissioner of administration in order to be reimbursed, unless specific authority for approval has been delegated to a department head for a period not to exceed one fiscal year.

C. In such cases, the department will report on a semi-annual basis to the commissioner of administration all special meal reimbursements made during the previous six months. These reports must include, for each special meal, the name and title of the person receiving reimbursement, the name and title of each recipient, the cost of each meal and an explanation as to why the meal was in the best interest of the state. Renewal of such delegation will depend upon a review of all special meals authorized and paid during the period. Request to the commissioner for special meal authorization must include, under signature of the department head:

1. name and position/title of the state officer of employee requesting authority to incur expenses and assuming responsibility for such;

2. clear justification of the necessity and appropriateness of the request;

3. names, official titles and affiliations of all persons for whom reimbursement of meal expenses is being requested;

4. statement that allowances for meal reimbursement according to these regulations will be followed unless specific approval is received from the commissioner of administration to exceed this reimbursement limitation.

All of the following must be submitted for review and approval of the department head or their designee prior to reimbursement:

- a. detailed breakdown of all expenses incurred, with appropriate receipt(s);
- b. subtraction of cost of any alcoholic beverages;
- c. copy of prior written approval from the commissioner of administration;
- d. receipts.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:231.

HISTORICAL NOTE: Written by the Office of the Governor, Division of Administration, November 1, 1972, promulgated LR 1:179 (April 1975), amended LR 1:338 (August 1975), LR 2:312 (October 1976), LR 5:93 (May 1979), LR 8:405 (August 1980), LR 7:7 (January 1981), LR 8:406 (August 1982), LR 15:820 (October 1989), LR 16:

§1521. International Travel

A. All international travel must be approved by the commissioner of administration prior to departure, unless specific authority for approval has been delegated to a department head. Requests for approval must be accompanied by a detailed account of expected expenditures (such as room rate/day, meals, local transportation, etc.), the funding source from which reimbursement will be made, and an assessment of the adequacy of this source to meet such expenditures without curtailing subsequent travel plans.

B. International travelers will be reimbursed at the extra high-cost area rates for lodging and for meals at out-of-state rates, unless the necessity for incurring higher expenses is fully documented and approved by the commissioner of administration prior to departure. Receipts are required for lodging and for meals over the allowed rate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:231.

HISTORICAL NOTE: Written by the Office of the Governor, Division of Administration, November 1, 1972, promulgated LR 1:179 (April 1975), amended LR 1:338 (August 1975), LR 2:312 (October 1976), LR 5:93 (May 1979), LR 8:405 (August 1980), LR 7:7 (January 1981), LR 8:406 (August 1982), LR 15:820 (October 1989), LR 16:

§1523. Waivers

The commissioner of administration may waive in writing any provision in these regulations when the best interest of the state will be served.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:231.

HISTORICAL NOTE: Written by the Office of the Governor, Division of Administration, November 1, 1972, promulgated LR 1:179 (April 1975), amended LR 1:338 (August 1975), LR 2:312 (October 1976), LR 5:93 (May 1979), LR 8:405 (August 1980), LR 7:7 (January 1981), LR 8:406 (August 1982), LR 15:820 (October 1989), LR 16:

Interested persons may submit written comments on these proposed rules to Edna Fisher, Travel Manager, Divi-

sion of Administration, State Purchasing, Box 94095, Baton Rouge, LA 70804-9095.

Dennis Stine
Commissioner

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: General Travel Regulations PPM 49

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There are no implementation costs to the state in FY 90-91 since there were no increased appropriations made for travel in agency budgets. However, based on the same travel patterns as 89-90 reimbursement would increase approximately \$900,000 for mileage and approximately \$300,000 for food and lodging.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no estimated effect on revenue collection of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
There are no estimated costs associated with proposed rule in current FY 90-91. Practical effect may be that fewer units of travel will occur. However, the state may incur additional cost in ensuing years because of this increase.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There will be no effect on competition or employment by this rule change.

Edgar Jordan
Assistant Commissioner
of Administration

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

Department of Health and Hospitals Office of Public Health

In accordance with R.S. 40:5.6 (Act #213 of the 1990 regular session), notice is hereby given that the Department of Health and Hospitals, Office of Public Health is establishing a fee of \$75 for the collection and analysis of bacteriological water samples from individual, privately owned water wells, when requested to do so by the and in agreement with the owner.

Interested persons may submit written comments until 4:30 p.m., September 7, 1990 to Dr. Joel L. Nitzkin, Director, Office of Public Health, Box 60630, New Orleans, LA 70160.

David L. Ramsey
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Private Water Well Sampling Fee**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The estimated implementation costs to the state are \$11,620 in FY 90-91, \$14,698 in FY 91-92, and \$17,899 in FY 92-93.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
In FY's 90-91, 91-92, and 92-93, we estimate \$112,500 will be collected in self-generated funds from private water well owners who request this service.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
A one-time charge of \$75 per well inspection as requested by the owner would be the only cost involved in this program. The one-time fee of \$75 is an annual charge.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There will be no effect on competition and employment.

Joel L. Nitzkin
Director

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

**Department of Health and Hospitals
Office of Public Health**

The Office of Public Health hereby gives notice in accordance with law that it intends to amend Chapters IX, XXII, XXIII, and XXIII A of the State Sanitary Code, as follows:

**Chapter IX
Seafood**

Add to 9:001:

SEAFOOD includes but is not limited to fish, shellfish, edible crustaceans, marine and freshwater animal food products.

Change 9:045 to read:

Any and all establishments that sell raw molluskan shellfish (oysters, clams and mussels) must display a sign (to be furnished by the Department of Health and Hospitals/Office of Public Health or one approved by the Office of Public Health) in plain view of all patrons with the following wording:

**"WARNING: RAW OYSTERS, RAW
CLAMS, AND RAW MUSSELS CAN
CAUSE SERIOUS ILLNESS IN PERSONS
WITH LIVER, STOMACH, BLOOD, OR
IMMUNE SYSTEM DISORDERS.
FOR MORE DETAILS, ASK FOR THE
INFORMATION LEAFLET."**

In addition, this same warning must appear on the principal display panel of all pre-packaged and bulk packaged molluskan shellfish (oysters, clams and mussels). This may be accomplished by printing on the label or by pressure sensitive "add on" labels.

Change 9:045 to 9:046
Change 9:046 to 9:047
Change 9:047 to 9:048
Change 9:048 to 9:049
Change 9:049 to 9:050
Change 9:050 to 9:051
Change 9:050-1 to 9:051-1
Add to 9:051-1:

Additionally, the following statement must appear on the tag:

**"WARNING: RAW OYSTERS, RAW
CLAMS, AND RAW MUSSELS CAN
CAUSE SERIOUS ILLNESS IN PERSONS
WITH LIVER, STOMACH, BLOOD, OR
IMMUNE SYSTEM DISORDERS.
FOR MORE DETAILS, ASK FOR THE
INFORMATION LEAFLET."**

Change 9:050-2 to 9:051-2
Change 9:051 to 9:052

Chapter XXII

Retail Food Establishments: Markets

Add to 22:001:

SEAFOOD includes but is not limited to fish, shellfish, edible crustaceans, marine and freshwater animal food products.

Change 22:018 to read LABELING:
Renumber existing 22:018 to 22:018-1.

Add 22:018-2 Any and all establishments that sell raw molluskan shellfish such as oysters, clams and mussels must display a sign (to be furnished by the Department of Health and Hospitals/Office of Public Health or one approved by the Office of Public Health) in plain view of all patrons with the following wording:

**"WARNING: RAW OYSTERS, RAW
CLAMS, AND RAW MUSSELS CAN
CAUSE SERIOUS ILLNESS IN PERSONS
WITH LIVER, STOMACH, BLOOD, OR
IMMUNE SYSTEM DISORDERS.
FOR MORE DETAILS, ASK FOR THE
INFORMATION LEAFLET."**

In addition, this same warning must appear on the principal display panel of all pre-packaged and bulk packaged raw molluskan shellfish (oysters, clams and mussels). This may be accomplished by printing on the label or by pressure sensitive "add on" labels.

Chapter XXIII

Eating and Drinking Establishments

Add to 23:001:

SEAFOOD includes but is not limited to fish, shellfish, edible crustaceans, marine and freshwater animal food products.

Add 23:006-4 Any and all establishments that sell raw molluskan shellfish such as oysters, clams and mussels must display a sign (to be furnished by the Department of Health and Hospitals or one approved by the Office of Public Health) in plain view of all patrons with the following wording:

**"WARNING: RAW OYSTERS, RAW
CLAMS, AND RAW MUSSELS CAN
CAUSE SERIOUS ILLNESS IN PERSONS
WITH LIVER, STOMACH, BLOOD, OR
IMMUNE SYSTEM DISORDERS.
FOR MORE DETAILS, ASK FOR THE
INFORMATION LEAFLET."**

In addition, this same warning must appear on all menus in letters at least the same size printing as used to list items for sale on the menu. This may be accomplished by printing on the menu or by affixing a pressure sensitive label. The use of "table tents" may be used in lieu of the menu warning only.

Chapter XXIII A
Temporary Food Service

Add to 23A:001:

SEAFOOD includes but is not limited to fish, shellfish, edible crustaceans, marine and freshwater animal food products.

Add 23A:005-4 Any and all establishments that sell raw molluskan shellfish such as oysters, clams and mussels must display a sign (to be furnished by the Department of Health and Hospitals/Office of Public Health or one approved by the Office of Public Health) in plain view of all patrons with the following wording:

"WARNING: RAW OYSTERS, RAW CLAMS, AND RAW MUSSELS CAN CAUSE SERIOUS ILLNESS IN PERSONS WITH LIVER, STOMACH, BLOOD, OR IMMUNE SYSTEM DISORDERS. FOR MORE DETAILS, ASK FOR THE INFORMATION LEAFLET."

In addition, this same warning must appear on all menus in letters at least the same size printing as used to list items for sale on the menu. This may be accomplished by printing on the menu or by affixing a pressure sensitive label. The use of "table tents" may be used in lieu of the menu warning only.

Due to the impact of *Vibrio vulnificus* disease in persons with certain underlying medical conditions, the Office of Public Health would like to inform the public of the incidence of this disease in Louisiana. The cases listed below are associated with eating raw shellfish or coming into contact with sea water which contains this bacteria.

Vibrio vulnificus Case Summary 1977 - 1989 (LA)

Disease Type	No. Deaths	Outcome		Mortality Rate
		Unknown		
Primary septicemia	35	24	2	68.5%
Wound infections	32	2	2	6.3%
Diarrhea disease	5	0	0	0
unknown	2	0	2	0
Totals	74	26	6	

Overall mortality rate 35%

Persons interested in commenting on the notice of intent may submit written comments until September 20, 1990 to the following address: Joel L. Nitzkin, M.D., D.P.A., Director, Office of Public Health, Box 60630, New Orleans, LA 70160.

David L. Ramsey
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: Amend Chapters IX, XXII, XXIII and XXIII A of the State Sanitary Code

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

The estimated implementation costs to the state will be approximately \$6,000 in FY 90-91, \$3,000 in FY 91-92, and \$3,000 in FY 92-93.

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

There would be no effect on revenue collections of state or local governmental units.

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

Consumption of raw molluskan shellfish (oysters, clams, and mussels) can cause serious illness in persons with liver, stomach, blood, or immune system disorders. Therefore, the lives of those persons in that high risk group will be saved.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There would be no effect on competition and employment.

Joel L. Nitzkin
Director

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

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

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, proposes to adopt the following rule.

SUMMARY

Final approval of plans for new construction of hospitals, other than minor alterations, has been the responsibility of the Division of Licensing and Certification, with approval by the Office of Preventive and Public Health Services and the State Fire Marshal also necessary, as recorded in the Louisiana Administrative Code (LAC 48:6707). Under current procedures, three sets of plans are submitted to the department, which forwards one copy to the State Fire Marshal and one copy to the Office of Preventive and Public Health Services. Approval or disapproval by both must be received prior to the Department of Health and Hospitals rendering a final decision.

Under the proposed rule, approval or disapproval of new construction and major alterations shall be the responsibility of the Department of Health and Hospitals. One copy of the final working drawings and specifications is sent to the Department of Health and Hospitals and one copy to the State Fire Marshal. The department's decision shall be made in accordance with the publication entitled "Guidelines for Construction and Equipment of Hospital and Medical Facilities - 1987 Edition" published by the American Institute of Architects Press, Box 753, Waldorf, MD. 20601. In the event that items do not appear to satisfactorily comply with required guidelines, the department shall request further explanation and/or confirmation of necessary modifications. Construction must begin within 180 days of the date of notice of satisfactory review.

Louisiana Administrative Code (LAC) 48:6707 is hereby amended to incorporate these new regulations.

RULE

LAC 48:6707 is amended to read as follows:

A. All new construction, other than minor alterations, shall be done in accordance with the specific requirements of the State Fire Marshal and the Department of Health and Hospitals covering new construction in hospitals, including submission of preliminary plans and the submission of final working drawings and specifications to each of these agencies.

B. No new hospital shall hereafter be constructed, nor shall major alterations be made to existing hospitals, without the prior written approval of, and unless in accordance with plans and specifications approved in advance by the Department of Health and Hospitals. The review and approval of plans and specifications shall be made in accordance with the publication entitled "Guidelines for Construction and Equipment of Hospital and Medical Facilities 1987 Edition" published by the American Institute of Architects Press, Box 753, Waldorf, MD. 20601.

C. Before any new hospital is licensed or before any alteration or expansion of a licensed hospital can be approved, the applicant must furnish one complete set of plans and specifications to the Department of Health and Hospitals and one complete set of plans and specifications to the State Fire Marshal, together with fees and other information as may be required. Plans and specifications for new construction other than minor alterations shall be prepared by or under the direction of a licensed architect and/or a qualified licensed engineer.

D. In the event that submitted materials do not appear to satisfactorily comply with the "Guidelines for Construction and Equipment of Hospital and Medical Facilities - 1987 Edition", the Department of Health and Hospitals shall furnish a letter to the party submitting the plans which shall list the particular items in question and request further explanation and/or confirmation of necessary modifications.

E. Notice of satisfactory review from the Department of Health and Hospitals and the State Fire Marshal constitutes compliance with this Part if construction begins within 180 days of the date of such notice. This approval shall in no way permit and/or authorize any omission or deviation from the requirements of any restrictions, laws, regulations, ordinances, codes or rules of any responsible agency.

Interested persons may submit written comments to the following address: Carolyn O. Maggio, Office of the Secretary, Bureau of Health Services Financing, Box 91030, Baton Rouge, LA 70821-9030. She is the person responsible for responding to inquiries regarding this proposed rule.

A public hearing on this proposed rule will be held on September 6, 1990 in the Department of Transportation and Development Auditorium, 1201 Capitol Access Road, Baton Rouge, LA beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing at said hearing.

David L. Ramsey
Secretary

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Revised Regulations for Hospital Plans Review

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
No appreciable implementation costs or savings to state or local governmental units are anticipated as the result of adoption of this proposed rule. No effect on those projects now in the design stage are foreseen as a result of these changes.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no anticipated effect on revenue collections as the result of promulgation of this rule.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
No estimated costs and/or economic benefits to any persons or non-governmental groups are anticipated.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
This proposed rule will have no impact on competition or employment.

Carolyn O. Maggio
Director

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

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

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.
SUMMARY

Current federal law requires states to offer Early and Periodic Screening, Diagnosis, and Treatment services (EPSDT) to children meeting the requirements of Medicaid eligibility. Under the mandatory provisions of the Omnibus Budget Reconciliation Act of 1989, additional regulations pertinent to the EPSDT Program are specified. The new EPSDT requirements are an attempt to improve both access to EPSDT and the health status of low-income children by requiring that states provide medically necessary follow-up or treatment services.

Current requirements for a complete screening include comprehensive health and developmental history (including assessment of both physical and mental health development), a comprehensive unclothed physical exam, appropriate immunizations according to age and health history, and laboratory tests (including blood lead level assessment appropriate for age and risk factors). The new regulations add health education to the listing of required services to be included in a complete screening, with anticipatory guidance specified as a component of the health education activity. The department is required to develop and implement guidelines for service provision.

This rule is necessary to implement mandatory federal regulations and prevent issuance of disallowances for EPSDT.

RULE

Screening services reimbursable under the Early and Periodic Screening, Diagnostic, and Treatment Program to Medicaid-eligible children under 21 years of age shall include health education (including anticipatory guidance) as a minimum component in addition to a comprehensive health and developmental history (including assessment of both physical and mental health development, a comprehensive unclothed physical exam, appropriate immunizations according to age and health history, and laboratory tests (including blood lead level assessment appropriate for age and risk factors)).

Interested persons may submit written comments to the following address: Carolyn Maggio, Office of the Secretary, Bureau of Health Services Financing, Box 91020, Baton Rouge, LA 70821-9030. She is the person responsible for responding to inquiries regarding this proposed rule.

A public hearing on this proposed rule will be held on September 6, 1990 in the Department of Transportation and Development Auditorium, 1201 Capitol Access Road, Baton Rouge, LA beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing at said hearing.

David L. Ramsey
Secretary

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Addition of Health Education to EPSDT Screenings

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

*Implementation costs to the state are estimated to be \$389,804 for FY 90/91, \$410,567 for FY 91/92 and \$437,254 for FY 92/93.

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

*Under this proposed rule, federal funding is estimated to increase by \$999,646 for FY 90/91, \$1,069,197 for FY 91/92 and \$1,138,695 for FY 92/93.

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

*Economic benefits to eligible children are estimated at \$1,263,136 for FY 90/91, \$1,345,240 for FY 91/92 and \$2,432,681 for FY 92/93.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This proposed rule will have no impact on competition or employment.

Carolyn O. Maggio
Director

David W. Hood
Senior Fiscal Analyst

*The estimates contained in the impact statement are based on general provisions in the Omnibus Reconciliation

Act of 1989 as well as HCFA policy issuance and technical assistance. Specific regulations concerning the level and extent of services to be provided under these provisions have not yet been promulgated by the Health Care Financing Administration (HCFA) in the form of federal regulations. Therefore, estimates of the cost of implementation are subject to change (increase or decrease) as directives and regulations are issued by HCFA.

NOTICE OF INTENT

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

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.

SUMMARY

Previous federal regulations required states to offer Early and Periodic Screening, Diagnosis, and Treatment services (EPSDT) to children meeting the requirements of Medicaid eligibility. Under the mandatory provisions of the Omnibus Budget Reconciliation Act of 1989 (OBRA '89), additional regulations pertinent to the EPSDT Program are specified. The new EPSDT requirements are an attempt to improve both access to EPSDT and the health status of low-income children by requiring that states provide medically necessary follow-up or treatment services. Any service that a state is allowed to cover with federal matching funds under Medicaid that is required to treat a condition identified during a screening whether or not the service is included in the state's Medicaid plan must be covered.

Rehabilitation services for Medicaid recipients under the age of 21 designated as EPSDT Health Services are covered under the Title XIX State Plan when pre-approved by the bureau's Prior Authorization Unit. Physical therapy, occupational therapy, and speech therapy are the services included under this heading. Under previous procedures, approval was dependent on the expectation of continued improvement, and authorization was not issued for maintenance of the optimum functional level. Medically necessary occupational therapy, physical therapy, and speech therapy services to maintain functional levels may now be approved under the OBRA '89 regulations. The determination of medical necessity for these services shall continue to be the responsibility of the Bureau of Health Services Financing.

For those children with special needs being served under the Education for All Handicapped Children Act (P.L. 94-142 as amended by P.L. 99-457), the provisions of the Medicare Catastrophic Coverage Act shall continue to be applicable. Under that legislation, Medicaid is required to provide reimbursement if therapy is included in the child's Individual Family Service Plan or Individual Education Plan, with no other prior authorization required.

This rule is necessary to implement mandatory federal regulations and prevent issuance of disallowances for EPSDT. This rule was adopted under the emergency rule-making provisions of R.S. 49:953 B effective May 1, 1990 and published in the *Louisiana Register* Vol. 16, No. 5 on May 20, 1990.

RULE

Medically necessary physical therapy, occupational therapy, and speech therapy required for maintenance of optimum functional levels shall be reimbursed under the EPSDT Health Services Program when such services are rendered to Medicaid-eligible recipients under the age of 21. Prior authorization for these services shall be required and a determination of medical necessity shall be made by the Bureau of Health Services Financing prior to approval.

Interested persons may submit written comments to the following address: Carolyn Maggio, Office of the Secretary, Bureau of Health Services Financing, Box 91030, Baton Rouge, LA 70821-9030. She is the person responsible for responding to inquiries regarding this proposed rule.

A public hearing on this proposed rule will be held on September 6, 1990 in the Department of Transportation and Development Auditorium, 1201 Capitol Access Road, Baton Rouge, LA beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing at said hearing.

David L. Ramsey
Secretary

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Addition of Maintenance Services for PT, OT, ST for Under 21

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
*Implementation costs to the state are estimated to be \$147,994 for FY 89/90, \$564,012 for FY 90/91, \$594,054 for FY 91/92 and \$632,668 for FY 92/93.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
*Under this proposed rule, federal funding is estimated to increase by \$354,609 for FY 89/90, \$1,446,399 for FY 90/91, \$1,547,032 for FY 91/92 and \$1,647,589 for FY 92/93.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
*Economic benefits to eligible children are estimated to be \$456,911 for FY 89/90, \$1,827,645 for FY 90/91, \$1,946,442 for FY 91/92 and \$2,072,961 for FY 92/93.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
This proposed rule will have no impact on competition or employment.

Carolyn O. Maggio
Director

David W. Hood
Senior Fiscal Analyst

*The estimates contained in the impact statement are based on general provisions in the Omnibus Reconciliation Act of 1989 as well as HCFA policy issuance and technical assistance. Specific regulations concerning the level and extent of services to be provided under these provisions have not yet been promulgated by the Health Care Financing Administration (HCFA) in the form of federal regulations. There-

fore, estimates of the cost of implementation are subject to change (increase or decrease) as directives and regulations are issued by HCFA.

NOTICE OF INTENT

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

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.

SUMMARY

Previous federal regulations required states to offer Early and Periodic Screening, Diagnosis, and Treatment services (EPSDT) to children meeting the requirements of Medicaid eligibility. Under the mandatory provisions of the Omnibus Budget Reconciliation Act of 1989 (OBRA '89), additional regulations pertinent to the EPSDT Program are specified. The new EPSDT requirements are an attempt to improve both access to EPSDT and the health status of low-income children by requiring that states provide medically necessary follow-up or treatment services. Any service that a state is allowed to cover with federal matching funds under Medicaid that is required to treat a condition identified during a screening whether or not the service is included in the State's Medicaid plan must be covered.

Durable Medical Equipment policy specifies the equipment and supplies available through that program, and the conditions under which pre-approval by the bureau's Prior Authorization Unit is granted. However, under the provisions of OBRA '89, it is anticipated that devices not previously reimbursable will be requested and must be approved when medically necessary for Medicaid-eligible children. As durable medical equipment and related services are identified by the bureau, providers shall be given written notification. Rates for such equipment and related services shall continue to be set under the established methodology approved by the federal government. The bureau shall provide updated lists to provider and local offices.

This rule is necessary to implement mandatory federal regulations and prevent issuance of disallowances for EPSDT. This rule was adopted under the emergency rule-making provisions of R.S. 49:953 B effective May 1, 1990 and published in the *Louisiana Register*, Vol. 16, No. 5 on May 20, 1990.

PROPOSED RULE

Medically necessary durable medical equipment required for Medicaid-eligible recipients under the age of 21 shall be reimbursed when required to treat a medical condition. Prior authorization for these products shall continue to be required and a determination of medical necessity shall be made by the Bureau of Health Services Financing prior to approval. As durable medical equipment and related services are identified by the bureau, providers shall be given written notification. Rates for such equipment and related services shall continue to be set under the established methodology approved by the federal government. The bureau shall provide updated lists to provider and local offices.

Interested persons may submit written comments to the following address: Carolyn Maggio, Office of the Secretary, Bureau of Health Services Financing, Box 91030, Baton Rouge, LA 70821-9030. She is the person responsible for responding to inquiries regarding this proposed rule.

A public hearing on this proposed rule will be held on September 6, 1990 in the Department of Transportation and Development Auditorium, 1201 Capitol Access Road, Baton Rouge, LA beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing at said hearing.

David L. Ramsey
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Expansion of DME Services
for EPSDT Children**

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

*Implementation costs to the state are estimated to be \$221,991 for FY 89/90, \$846,017 for FY 90/91, \$891,081 for FY 91/92 and \$949,001 for FY 92/93.

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

*Under this proposed rule, federal funding is estimated to increase by \$531,914 for FY 89/90, \$2,169,598 for FY 90/91, \$2,320,547 for FY 91/92 and \$2,471,383 for FY 92/93.

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

*Economic benefits to EPSDT children are estimated to be \$685,367 for FY 89/90, \$2,741,467 for FY 90/91, \$2,919,662 for FY 91/92 and \$3,109,440 for FY 92/93.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This proposed rule will have no impact on competition or employment.

Carolyn O. Maggio
Director

David W. Hood
Senior Fiscal Analyst

*The estimates contained in the impact statement are based on general provisions in the Omnibus Reconciliation Act of 1989 as well as HCFA policy insurance and technical assistance. Specific regulations concerning the level and extent of services to be provided under these provisions have not yet been promulgated by the Health Care Financing Administration (HCFA) in the form of federal regulations. Therefore, estimates of the cost of implementation are subject to change (increase or decrease) as directives and regulations are issued by HCFA.

NOTICE OF INTENT

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

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.
SUMMARY

In accordance with Act 403 of the 1989 Legislature, the bureau eliminated its closed, restricted drug formulary expanding pharmacy program coverage of drugs. However, in listing drugs excluded from program coverage, no provision was made for changes in drug classification made by the Food and Drug Administration. Consequently, as FDA issued changes in drug classification and drug indications, the formulary adopted by the bureau must be amended to conform to the statutory requirements of state law and the technical requirements of the state's federal funding agreement. To eliminate the problem of technical noncompliance with state law and provide for changes in drug classification which occur, the bureau is amending its regulations on drug coverage to follow the statutory construction and provide full conformity with federal and state requirements.

Under this rule, the bureau will amend formulary coverage based upon recommendations made by the Medicaid Drug Program Committee and approved by the department. In addition, the program will continue to include coverage for a limited number of over-the-counter drugs, indwelling catheters, and catheterization trays when prescribed. Any changes in coverage shall also be subject to committee recommendation and department approval. Under this rule, there is no change in the reimbursement methodology for prescription drugs.

This rule is necessary for the bureau to remain in compliance with mandatory state law and federal regulations and is published as an emergency rule in this issue of the *Louisiana Register*, Vol. 16, No. 8 dated August 20, 1990.

PROPOSED RULE

**Pharmacy Services
Drug Coverage Limits**

Reimbursement for multi-source prescription drugs shall be limited in accordance with state and federal law, rules and regulations pertaining thereto, with the following exception:

Reimbursement shall be provided for any drug prescribed by a physician that, in his professional judgment and within the lawful scope of his practice, he considers appropriate for the diagnosis and treatment of the patient with the following limitations:

- The prescribed drug has been approved and designated as safe and effective by the Food and Drug Administration;
- The prescribed drug is not classified as a DESI Drug (Drugs which have been identified by the FDA as lacking evidence of safety/effectiveness);
- The prescribed drug is not a compounded prescription (mixtures of two or more ingredients);
- The prescribed drug is not a narcotic prescribed only for narcotic addiction;
- The prescription is not for medications which are included in the reimbursement to Title XIX facilities, including but not limited to:

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Technical Amendment in Pharmacy Program**

1. hospitalized recipients;
2. recipients receiving benefits under Part A of Title XVIII in a Skilled Nursing Facility; or
3. resident/patients at Villa Feliciano or any state mental hospital.

The prescribed drug is not a cosmetic drug, anorexic, cough and cold preparation, minor tranquilizer, or nonprescription drug, recommended for coverage by the Medicaid drug Committee and approved by the department for reimbursement.

The prescribed drug is included in the classification of experimental drugs, which are generally labeled: "Caution—limited by Federal Law to investigational use," unless a specific exception has been granted by the federal government, recommended for coverage by the Medicaid Drug Program Committee, and approved by the department.

The prescribed drug is an Immunosuppressant drug prescribed and billed to Medicare within one year from the date of the transplant for a recipient who has Medicare Part B coverage. After Title XVIII has processed the claim, then the claim along with the Explanation of Medicare Benefits may be forwarded to the bureau's fiscal intermediary for payment of coinsurance or deductible where applicable. If the transplant date is more than one year, then pharmacy claims along with documentation of transplant date from either the physician or hospital should be forwarded to the bureau's fiscal intermediary, Provider Relations TPL Unit for processing and override of the Medicare eligible edit; and

The prescribed drug is an Immunosuppressant drug identified in the Title XIX provider manual as subject to special billing procedures, which is prescribed for a Non-Transplant Patient with Medicare Part B and is covered by Medicare Part B, payment shall be made only when billing requirements are met. Such requirements may include provisions of a physician statement (or copy) verifying the diagnosis attached to each claim submittal.

A complete listing of covered drugs will be maintained in the Title XIX provider manual for utilization by providers. The bureau's fiscal intermediary will provide coverage information on any specific drug. Providers should contact the fiscal intermediary's provider relations unit when a specific coverage question arises.

The Title XIX provider manual shall include a listing of examples of prescribed medications and/or supplies which are not payable under pharmaceutical services of the Medical Assistance Program.

Interested persons may submit written comments to the following address: Carolyn Maggio, Office of the Secretary, Bureau of Health Services Financing, Box 91030, Baton Rouge, LA 70821-9030. She is the person responsible for responding to inquiries regarding this proposed rule.

A public hearing on this proposed rule will be held on September 6, 1990 in the Auditorium, First Floor, Department of Transportation and Development, 1201 Capitol Access Road, Baton Rouge, LA beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing at said hearing.

David L. Ramsey
Secretary

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

The estimated implementation cost will be \$100 for manual revisions of which \$50 is the project cost to the state for SFY 90-91. There is no expenditure increase or decrease projected for Program services in FY 91-92 and FY 92-93.

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

Implementation of the proposed rule increases federal matching funds for Title XIX administrative expenditures by \$50 for issuance of Chapter XIX policy to clarify that this proposed rule is a technical amendment to eliminate the necessity of rulemaking in the pharmacy program every time FDA issues a change in drug classification and drug indications. There is no projected impact on revenues for FY 91-92 and FY 92-93.

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

There is no projected impact on other groups resulting from this rule in FY 90-91, FY 91-92, and FY 92-93.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This proposed rule will have no known impact on competition or employment.

Carolyn O. Maggio
Director

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

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

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.
SUMMARY

Current federal law requires states to offer Early and Periodic Screening, Diagnosis, and Treatment services (EPSDT) to children meeting the requirements of Medicaid eligibility. Under the mandatory provisions of the Omnibus Budget Reconciliation Act of 1989, additional regulations pertinent to the EPSDT Program are specified. The new EPSDT requirements are an attempt to improve both access to EPSDT and the health status of low-income children by requiring that states provide medically necessary follow-up or treatment services. Any service that a state is allowed to cover with federal matching funds under Medicaid that is required to treat a condition identified during a screen whether or not the service is included in the state's Medicaid plan must be covered.

A number of the services covered under Title XIX State Plan contain service limitations which must, under the new regulations, no longer be applicable to the under-21

population of Medicaid recipients. Among the service limits to be removed for this group are the inpatient hospital stay limitations of 15 days, the outpatient hospital emergency room limitation of three visits annually, the physician office visit maximum of 12 visits annually and physician hospital visit maximum of one per day, and the home health maximums of 50 visits annually and daily limitations of one nurse and one nurse aide visit per day.

This rule is necessary to implement mandatory federal regulations and prevent issuance of disallowances for EPSDT. This rule was adopted under the emergency rule-making provisions of R.S. 49:953B effective May 1, 1990 and published in the *Louisiana Register* Vol. 16, No. 5 on May 20, 1990.

RULE

The following limitations on services shall not apply to Medicaid-eligible recipients under the age of 21:

- Inpatient Hospitalization Stay Limits
- Outpatient Hospital Emergency Room Limits
- Physician Office Visit Limits
- Physician Hospital Visit Limits
- Home Health Annual Visit Limits
- Home Health Daily Limits on Nursing and Nurse Aid Services

Interested persons may submit written comments to the following address: Carolyn Maggio, Office of the Secretary, Bureau of Health Services Financing, Box 91030, Baton Rouge, LA 70821-9030. She is the person responsible for responding to inquiries regarding this proposed rule.

A public hearing on this proposed rule will be held on September 6, 1990 in the Department of Transportation and Development Auditorium, 1201 Capitol Access Road, Baton Rouge, LA beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing at said hearing.

David L. Ramsey
Secretary

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Removal of Services Limits for EPSDT Children

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
*Implementation costs to the state are estimated to be \$369,984 for FY 89/90, \$1,410,028 for FY 90/91, \$1,485,135 for FY 91/92 and \$1,581,669 for FY 92/93.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
*Under this proposed rule, federal funding is estimated to increase by \$886,522 for FY 89/90, \$3,615,996 for FY 90/91, \$3,186,579 for FY 91/92 and \$4,118,972 for FY 92/93.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
*Economic benefits to EPSDT children are estimated to be \$1,142,278 for FY 89/90, \$4,569,112 for FY 90/91,

\$4,866,104 for FY 91/92 and \$5,182,401 for FY 92/93.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This proposed rule will have no impact on competition or employment.

Carolyn O. Maggio
Director

David W. Hood
Senior Fiscal Analyst

*The estimates contained in this impact statement are based on general provisions in the Omnibus Reconciliation Act of 1989 as well as HCFA policy issuance and technical assistance. Specific regulations concerning the level and extent of services to be provided under these provisions have not yet been promulgated by the Health Care Financing Administration (HCFA) in the form of federal regulations. Therefore, estimates of the cost of implementation are subject to change (increase or decrease) as directives and regulations are issued by HCFA.

NOTICE OF INTENT

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

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, proposed to adopt the following rule in the Medical Assistance Program.

SUMMARY

Current federal law requires states to offer Early and Periodic Screening, Diagnosis, and Treatment services (EPSDT) to children meeting the requirements of Medicaid eligibility. Under the mandatory provisions of the Omnibus Budget Reconciliation Act of 1989, additional regulations pertinent to the EPSDT Program are specified. The new EPSDT requirements are an attempt to improve both access to EPSDT and the health status of low-income children by requiring that states provide medically necessary follow-up or treatment services. Under OBRA '89, screenings, vision services, dental services, and hearing services must have distinct periodicity schedules which met reasonable standards of medical practice, as determined by the state after consultation with recognized medical organizations involved in child health care. Louisiana has not had a distinct screening schedule for vision and hearing although it is included in the medical screening protocol.

This rule is necessary to implement mandatory federal regulations and prevent issuance of disallowances for EPSDT. This rule was adopted under the emergency rule-making provisions of R.S. 49:953 effective May 1, 1990 and published in the *Louisiana Register* Vol. 16, No. 5 on May 20, 1990.

RULE

Vision and hearing services for Medicaid-eligible Early and Periodic Screening, Diagnosis, and Treatment recipients under the age of 21 shall be performed according to distinct periodicity schedules which meet reasonable standards of medical practice, as determined after consultation with recognized medical organizations involved in child health care.

Interested persons may submit written comments to

the following address: Carolyn Maggio, Office of the Secretary, Bureau of Health Services Financing, Box 91030, Baton Rouge, LA 70821-9030. She is the person responsible for responding to inquiries regarding this proposed rule.

A public hearing on this proposed rule will be held on September 6, 1990 in the Department of Transportation and Development Auditorium, 1201 Capitol Access Road, Baton Rouge, LA beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing at said hearing.

David L. Ramsey
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Periodicity Schedules for Vision
and Hearing Screenings**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
*Implementation costs to the state are estimated to be \$33,062 for FY 89/90, \$126,001 for FY 90/91, \$132,713 for FY 91/92 and \$141,340 for FY 92-93.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
*Under this proposed rule, federal funding is estimated to increase by \$79,221 for FY 89/90, \$323,129 for FY 90/91, \$345,611 for FY 91/92 and \$368,077 for FY 92-93.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
*Economic benefits to eligible children are estimated at \$102,075 for FY 89/90, \$408,300 for FY 90/91, \$434,840 for FY 91/92 and \$463,105 for FY 92-93.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
This proposed rule will have no impact on competition or employment.

Carolyn O. Maggio
Director

David W. Hood
Senior Fiscal Analyst

*The estimates contained in the impact statement are based on general provisions in the Omnibus Reconciliation Act of 1989 as well as HCFA policy issuance and technical assistance. Specific regulations concerning the level and extent of services to be provided under these provisions have not yet been promulgated by the Health Care Financing Administration (HCFA) in the form of federal regulations. Therefore, estimates of the cost of implementation are subject to change (increase or decrease) as directives and regulations are issued by HCFA.

NOTICE OF INTENT

**Department of Public Safety and Corrections
Office of State Police
Transportation and Environmental Safety Section**

The Department of Public Safety and Corrections announces its intent to adopt revisions of current rules to enforce the requirements of R.S. 30:2361 et seq. relating to the Hazardous Material Information Development, Preparedness, and Response Act. This Act was passed in 1985 as the enabling legislation for the state's first "Right-to-Know" Law. The passage by Congress in 1986 of the Superfund Amendments and Reauthorization Act (SARA) necessitated substantially amending Louisiana's "Right-to-Know" law in 1987 and existing rules in 1987 and 1988. The purpose of these changes in 1990 is to further fine tune the state rules in the area of release reporting and to make the state and federal requirements even more compatible.

To submit written comments or to request further information on these rules, please contact: Lieutenant Kendall J. Fellon, Transportation and Environmental Safety Section, Office of State Police, Box 66614, Baton Rouge, LA 70896. 504/925-6113.

Title 33

ENVIRONMENTAL QUALITY

**Part V. Hazardous Materials and Hazardous Waste
Subpart 2. Department of Public Safety
and Corrections - Hazardous Materials**

Chapter 101. Hazardous Materials Information Development, Preparedness, and Response Act

§10101. Declaration of Authority, Background, Policy and Purpose

A. The following rules are hereby promulgated pursuant to the authority provided in R.S. 30:2361-2379 regarding the Hazardous Materials Information Development Preparedness and Response Act.

§10105. Definitions

A. The following terms as used in this Chapter shall have the following meanings:

6. *Hazardous Material* means any substance deemed a hazardous material and included on the most recent list developed as a result of the Comprehensive Environmental Response Compensation Liability Act or certain substances included on the most recent United States Department of Transportation Hazardous Material List. *Hazardous material* also means any substance designated by the deputy secretary in these rules or, on recommendation by the commission which meets criteria established for adding other materials to the list or any material deemed a physical or health hazard in the Occupational Safety and Health Act (OSHA) as found in 29 CFR Part 1910.1200 et seq.

§10107. Alternate Means of Compliance

A. - B. ...

C. Reporting Procedures (Alternate Means of Compliance)

1. - 2. ...

3. Pipelines (not within the fence line of a facility)

a. One inventory form will be submitted for each parish. The form must list all pipelines operated by a facility in

that parish, and must show the name of the material carried the diameter and the maximum operating pressure for each listed pipeline.

b. A map for each parish indicating the location of each pipeline and transmission and control station must be provided by each company to the Emergency Response Commission and the Local Emergency Planning Committee. If the pipeline is shown on the most current Dewitt map, no map submission is required. Facilities are responsible for updating any changes in location of pipelines and/or product by submitting new map(s). If a facility has already submitted a map to the Emergency Response Commission and the Local Emergency Planning Committee, and there are no changes, the annual map submission is not necessary.

c. Natural gas distribution lines are exempt from this inventory reporting. Distribution lines are those pipes that carry the gas to individual buildings, residences, etc.

d. Crude oil and natural gas gathering lines are exempt from inventory reporting under these rules. Gathering lines are those pipelines eight inches or less in nominal diameter that transport petroleum and natural gas from a production facility to the main pipeline.

e. All releases, including those from natural gas distribution lines and crude oil and natural gas gathering lines must be reported immediately to the Local Emergency Planning Committee and the Emergency Response Commission.

§10109. Inventory Reporting

A. - B. ...

C. The materials regulated by Part B above of these rules are also regulated under the inventory reporting provision of Section 312 of Title III of the Superfund Amendments and Reauthorization Act Incorporated in the federal reporting provisions was an initial temporary threshold for reporting quantities of these materials such that for 1987, 1988 and 1989 inventory quantities which met or exceeded 10,000 pounds were reportable. In 1990 EPA published its final threshold regulations setting the final threshold (inventory) quantity for 1990 and beyond at 10,000 pounds. In this area, the Louisiana law and federal law differ. The state requires reporting of all regulated materials at the 500-pound level unless the threshold quantity for an extremely hazardous substance is lower.

D. Mixtures will be reported as follows: If a chemical is part of a mixture you have the option of reporting either the weight of the entire mixture or only the portion of the mixture that is a particular hazardous chemical (e.g. if a hazardous solution weighs 100 pounds but is composed of only five percent of a particular hazardous chemical, you can indicate either 100 pounds of the mixture or five pounds of the chemical.

§10111. Release Reporting

A. A release of any of the following substances must be reported immediately if the release meets or exceeds the (release) reportable quantity (RQ) established for that substance by the appropriate federal agency and the release escapes beyond the site of the facility. Also a release of a material regulated by the Occupational Safety and Health Administration's Hazard Communication Standard as found in 29 CFR 1910.1200 et seq., must be reported if any quantity escapes beyond the site of a facility. (NOTE: RQ's are not established for the OSHA materials. Therefore, any quantity that escapes the site of the facility would be reportable un-

less the material is also regulated by any of the lists mentioned in Parts 1, 2 and 3 below - in which case, the RQ would prevail.) Therefore, regulated materials are as follows:

1. Any material and its RQ appearing on the most current list of Extremely Hazardous Substances as established by the Environmental Protection Agency (40 CFR Part 355, Appendix A)

2. Any material and its RQ appearing on the most current list of CERCLA Hazardous Substances as established by the Environmental Protection Agency (40 CFR Part 302, Table 302.4)

3. Any material and its RQ appearing on the most current list of Hazardous Substances and Reportable Quantities as established by the Department of Transportation, Research and Special Programs Administration (49 CFR Part 172, Appendix to 172.101)

4. Any material which is regulated under the Occupational Safety and Health Administration's Hazard Communication Standard as found in 29 CFR 1910.1200 et seq., and does not appear on any of the lists found in Parts 1, 2 or 3 above must be reported if the material escapes beyond the site of the facility.

5. However, facilities must report immediately any on-site incidents involving injury (requiring hospitalization) or any death resulting from an accident involving any of the materials regulated under items 1, 2, 3 or 4 above.

B. All releases as defined above must be reported immediately. They must be reported to:

1. Emergency Response Commission via Office of State Police, Transportation and Environmental Safety Section using the Hazardous Materials Hotline phone number 504/925-6595 (collect calls accepted 24 hours a day).

2. Local Emergency Planning Committee with jurisdiction over a facility.

3. Depending on the nature of the material and medium into which the release occurs, other agencies such as the state Department of Environmental Quality (DEQ), National Response Center (NRC), Environmental Protection Agency (EPA), Coast Guard, etc., may need to be notified. Facilities and transporters are responsible for determining the appropriate parties to be contacted.

C. Facilities must also make follow-up written reports for all releases within five days after the release occurs. This report must be made to the Local Emergency Planning Committee with jurisdiction over a facility and to the Emergency Response Commission via the Department of Public Safety and Corrections, Office of State Police, Transportation and Environmental Safety Section, Box 66614, Baton Rouge, LA 70896. The format for this report should be as outlined in Title III of the Superfund Amendments and Reauthorization Act (SARA).

D. As per the authority granted in R.S. 30:2376 the Office of State Police - Transportation and Environmental Safety Section will coordinate emergency response activities arising as a result of releases of material regulated by these rules.

§10117. Failure to Report; Penalties

A. Failure to report any regulated material, as provided in these rules and under the authority of R.S. 30:2361-2379, may result in the levying of Civil Penalties up to \$25,000 for each regulated hazardous material not reported and/or for each non-reported release of a regulated hazardous material.

B. The burden of proof shall be on the owner or opera-

tor of a facility to show that the failure to report a hazardous material or release was inadvertent.

C. Small businesses, as defined by these rules, which have any omission from the inventory reporting forms will receive on first offense, a warning rather than a Civil Penalty.

§10119. Inventory Form

The "Tier Two - Emergency and Hazardous Chemical Inventory" form is the official inventory form for compliance with R.S. 30:2361-2379 - Louisiana's Right-to-Know law and is the form selected by the Louisiana Emergency Response Commission for inventory reporting as required under Section 312 of SARA. When filling out the Tier Two inventory form follow all applicable instructions printed on the form. The form has been slightly modified in Louisiana to accommodate certain materials regulated in this state that may not be regulated under federal law. See the supplemental instructions included with the Tier Two form for details. The inventory form can be obtained upon request to the Department of Public Safety and Corrections, Office of State Police, Transportation and Environmental Safety Section, Box 66614, Baton Rouge LA 70896.

Colonel Marlin A. Flores
Deputy Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules**

**Rule Title: Hazardous Materials Information
Development, Preparedness and Response Act**

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

It is estimated that the implementation costs involved in these rule changes will be minimal (i.e., the cost of publishing additional rule booklets and reporting forms). Sufficient funds have been appropriated within this department to absorb the cost of implementing these rule changes. These funds are self-generated and result from the collection of filing fees authorized by R.S. 30:2361-2379.

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

The proposed rule changes are technical in nature and reference current release reportable quantity amounts which trigger immediate telephone notifications from industries/businesses manufacturing, using or storing hazardous materials. These notifications are made to the Louisiana Emergency Response Commission and Local Emergency Planning Committee in the parish where the release occurs. No fees are charged for filing these notifications. Therefore, revenue collections of state or local governmental units will not be affected.

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

The proposed rule changes align the state Right-to-Know rules on release reporting more closely with federal regulations published pursuant to SARA Title III. They lessen the burden on business and industry by requiring release reporting under the same reportable quantities mandated under federal law if there are any established. Consequently, the reporting burden on industries under

the current more restrictive state rules is lessened and costs are reduced.

**IV. ESTIMATED EFFECT ON COMPETITION AND EM-
PLOYMENT (Summary)**

Amendment of these rules will have no effect on competition and employment.

Rex McDonald
Undersecretary

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

**Department of Social Services
Rehabilitation Services**

The Department of Social Services has adopted the following notice of intent for proposal to amend the State Use Law.

Modifications required for the continuation and implementation of the State Use Law are as follows.

PROPOSED RULE

Effective November 1, 1990, the following modifications of the State Use Law are as follows:

1. The purpose of this program is to further the State of Louisiana/D.S.S. policy of encouraging and assisting citizens with disabilities to achieve maximum personal independence by engaging in useful and productive activities, to furnish products and services to the state, and to reduce the need for institutionalization. This program will provide job opportunities for persons with severe disabilities thereby reducing their need for financial and other forms of assistance from government.

2. The program for the Purchase of Products and Services of Severely Disabled Persons is designed to facilitate R.S. 39:1595.4, Act 109 of 1984 which provides that: every governmental body shall give preference in its purchasing practices to goods manufactured and services performed by individuals with severe handicaps in state operated and state supported sheltered workshops, and Act 291 of 1986, R.S. 39:1594(I) which allows for: 1594 Competitive sealed bidding.

EXEMPTION: Purchases of goods manufactured by or services performed by individuals with severe handicaps in state operated or state supported workshops as defined in R.S. 39:1595.4 shall be exempt from the provisions of this Section.

3. The Council on the Purchase of Products and Services of Severely Disabled Persons, established by the secretary of the Department of Social Services (D.S.S.) shall be responsible for the implementation, policies, supervision, and monitoring of the program.

4. All suitable products or services approved by the Council in accordance with applicable specifications by or for any state agency shall be procured from such nonprofit workshops where such products or services are available within the period specified at the fair market price unless otherwise excluded.

A public hearing for the State Use Law is scheduled for: Thursday, September 6, 1990, 2 p.m., Baton Rouge Regional Office Conference Room, 2097 Beaumont Drive, Baton Rouge, LA.

Interested persons may submit written comments to:
Alton Toms, Director, Louisiana Rehabilitation Services, 1755
Florida Boulevard, Baton Rouge, LA 70804.

May Nelson
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: State Use Law**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no anticipated implementation costs or savings.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Louisiana Rehabilitation Services has sufficient funds to administer the State Use Law as Act 21 was approved by the Louisiana Legislature.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
The program regulated by this rule indirectly creates employment for severely disabled citizens of Louisiana.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There has been no adverse effect on competition indicated in the three years the program regulated under this rule has been in operation. Over 300 severely disabled persons have been employed as a result of the program.

Alton Toms
Director

David W. Hood
Senior Fiscal Analyst

**NOTICE OF INTENT
Department of Social Services
Rehabilitation Services**

The Department of Social Services, Rehabilitation Services, has adopted the following notice of intent for proposal to amend the Three-Year State Plan.

Modifications required for the Fiscal Year 1989-91 Three-Year State Plan are as follows.

PROPOSED RULE

Effective November 1, 1990, the following required updates are:

1. 8.4A — Methods to Expand and Improve Services to Individuals with the most Severe Handicaps.
2. 9.7(b) (a) — Designated State Unit's Plans, Policies, and Methods Relating to Transition from School to Work.
3. 1.7A — Description of Quality, Scope and Extent of Supported Employment Services.
4. 1.8A — State's Goals and Plans Regarding Distribution of Funds Received under Title VI, Part C.
5. 8.3A — Order of Selection, Goals for Service Delivery.

The Louisiana Department of Social Services will conduct public hearings on the modifications of this Three-Year State Plan in September, 1990 in the major metropolitan areas of the state.

Public hearings for the Three-Year State Plan are scheduled as follows:

Tuesday, September 4, 1990, Shreveport, 1 p.m., Shreveport Regional Conference Room, Room 711, 1525 Fairfield, Shreveport, LA.

Wednesday, September 5, 1990, Alexandria, 10 a.m., Alexandria Regional Office Conference Room, 900 Murray Street, Alexandria, LA.

Thursday, September 6, 1990, Baton Rouge, 10 a.m., Baton Rouge Regional Office Conference Room, 2097 Beaumont Drive, Baton Rouge, LA.

Friday, September 7, 1990, New Orleans, 10 a.m., New Orleans Regional Office, 2026 St. Charles Street, Fourth Floor Conference Room, New Orleans, LA.

Interested persons may submit written comments to:
Alton Toms, Director, Louisiana Rehabilitation Services, 1755 Florida Boulevard, Baton Rouge, LA 70804.

May Nelson
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: LRS Three-Year State Plan**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no anticipated implementation costs or savings.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Louisiana Rehabilitation Services has sufficient funds to provide client services and administer the program as Act 21 was approved by the Louisiana Legislature.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
Louisiana Rehabilitation Services has sufficient funds to provide client services to individuals in Selection Group 1.
Individuals in Selection Group 2 and 3 will not be provided planned cost services unless funds are determined to be available as has been the case since March, 1988.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There is no proposed change in competition and employment in the public and private sectors.

Alton Toms
Director

David W. Hood
Senior Fiscal Analyst

**NOTICE OF INTENT
Department of Wildlife and Fisheries
Wildlife and Fisheries Commission**

The alligator industry of Louisiana represents a renewable resource, valuable to the economy providing income to

approximately 110 alligator farmers and in excess of 1,500 alligator hunters. The alligator farming program and the annual harvest of surplus wild and nuisance alligators is in keeping with wise wildlife management techniques based upon scientific research conducted by the Department of Wildlife and Fisheries.

The department does hereby give notice of its intent to adopt LAC 76:V.701, Alligator Regulations. The regulations governing the alligator harvest program and the alligator farming program may be viewed at Wildlife and Fisheries Headquarters, 2000 Quail Drive, Baton Rouge, LA, phone: (504) 765-2811.

Interested persons may submit written comments on the proposed regulations to Johnnie W. Tarver, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:260, 262, 262.1 and 262.2.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 16:

Warren Pol
Chairman

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Alligator Regulations**

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

The implementation of this rule will not result in any added costs to the operation of the department nor to any other branch of state or local government.

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

In 1989, \$361,050 in revenue was generated by alligator tag fees (84,953 alligators × \$4/skin = \$339,812) and the severance tax on alligator skins (84,953 skins × \$.25/skin = \$21,238).

This rule would generate approximately \$541,250, or an increase in net revenue of \$180,200. It is estimated that approximately 125,000 alligators would be harvested and subject to the \$4 tag/label fee and the \$.25/skin severance tax. Approximately 400 Agent Collection Permits would be issued at \$25 each.

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

This enables the department to regulate alligator harvesting and thereby provides indirect economic impact to those people who participate. The marginal costs associated with the Agent Collection Permit fee and ongoing tag/label and severance tax will be borne by this same group.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition. Increased revenue to the Department of Wildlife and Fisheries could have a positive impact on employment opportunities. Additionally, increased fur production will stimulate local economics.

Bettsie Baker
Undersecretary

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

**Department of Wildlife and Fisheries
Wildlife and Fisheries Commission**

The fur industry of Louisiana is the result of a major wildlife resource and provides supplemental income for many of the citizens of our state. As this resource is a renewable natural one, which has proven under wise management to increase in importance, annual harvest of the surplus animals is in keeping with sound wildlife management principles.

The creation of a north and south trapping zone continues to allow for the most efficient harvest of prime furbearers in these two diverse habitat types within the state. Therefore, the Department of Wildlife and Fisheries does hereby establish the 1990-91 furbearer trapping season for the south zone as being December 1990 through February 28, 1991. After carefully considering the market situation for some upland species, especially the raccoon, the department, in an attempt to provide more opportunity for trapping of bobcat and fox after deer hunting seasons are closed, does hereby establish the 1990-91 furbearer trapping season for the north zone as November 20, 1990 through February 15, 1991, with the addition of an experimental season in the north zone from February 16, 1991 through March 15, 1991, with trapping techniques restricted to the use of Soft-Catch traps (padded jaw traps) or their equivalent. The department secretary shall be authorized to close or extend the trapping season in any portion of the state as biologically justifiable.

Federal restrictions imposed by the CITES Scientific Authority for otter and bobcat furs continue to require attachment of an export tag on each of these species prior to out-of-state shipment.

The regulations governing the annual statewide trapping program adopted for the 1990-91 trapping season may be viewed at Wildlife and Fisheries Headquarters, 2000 Quail Drive, Baton Rouge, LA, phone: (504) 765-2811.

Interested persons may submit written comments on the proposed rule to Johnnie Tarver, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000.

CITATION: None - Changes Annually.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:260.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, L.R. 16:

Warren Pol
Chairman

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: 1990-91 Fur Harvest Program**

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

Annual cost of implementation is approximately \$500 which is a minimum expense of supplying green shipping tags (R.S. 56:254C) by the Department of Wildlife and Fisheries.

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

Severance taxes are collected by the Department of

Wildlife and Fisheries on each furbearer pelt leaving the state (R.S. 56:257B) and average approximately \$20,000 annually.

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

The 1989-90 fur harvest season resulted in 364,665 furs being placed on the market at an estimated value of approximately \$1 million dollars. Although the 10-year average is considerably above that level (\$6 million), trends in nutria marketing have been depressed. The income received at the trapper level is an important source for trappers, landowners, fur dealers and associated industries. Early indications for the 1990-91 fur harvest season indicate an improved marketing situation for nutria with prices for other species probably remaining depressed.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The annual trapping season stimulates employment in the entire state and provides a supplemental source of income for several thousand families with approximately 2,000 licenses sold in 1989-90 (estimate).

Bettie Baker
Undersecretary

David W. Hood
Senior Fiscal Analyst

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Jewfish Harvest Prohibition**

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

There will be no state or local governmental implementation costs.

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 NON-GOVERNMENTAL GROUPS (Summary)

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

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment.

Bettie Baker
Undersecretary

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

**Department of Wildlife and Fisheries
Wildlife and Fisheries Commission**

The Louisiana Wildlife and Fisheries Commission hereby expresses intent to adopt rules and regulations to prohibit the harvest and possession of jewfish (*Epinephelus itajara*) within or without Louisiana's territorial waters. The measures are to be consistent with federal regulations which were designed to restore the declining jewfish resource.

The proposed rule will read as follows:

**Title 76
WILDLIFE AND FISHERIES
Part VII. Fish and Other Aquatic Life**

**Chapter 3. Saltwater Sport and Commercial Fishing
§337. Taking and Possession of Jewfish Prohibited**

The Louisiana Wildlife and Fisheries Commission hereby prohibits the taking and possession of jewfish (*Epinephelus itajara*) from within or without Louisiana waters for the three-year period November 1, 1990 to October 31, 1993.

Authority for adoption of this rule is contained in Section 22 of Title 56 of the Louisiana Revised Statutes.

Interested persons may submit comments relative to the proposed rule to: John E. Roussel, Marine Fish Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:22.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 16:

Warren Pol
Chairman

Administrative Code Update

**ADMINISTRATIVE CODE UPDATE
Administrative Code Update
April, 1990 through July, 1990**

Vol. Title:Part.Section	Effect	Location	
		Month	Page
1 LAC 35			
	I.1791	May	394
	I.1763	Jul	603
2 LAC 7			
	XV.9523	Apr	294
	XXI.11701	May	391
	V.1511	May	393
	XIII.8719	Jun	492
	XV.9537	Jul	600
3 LAC 46			
	LX.503	Apr	302
	I.1109	May	393
	XXI.Chapters 1 and 3	May	393
	XLIX.103	May	409
	LXXV.301-305	May	409
	I.1111	Jun	493

Vol. Title:Part.Section	Effect	Location LR 16	Month	Page
LXVII.Chapter 103	Amended		Jun	493
XXXIII.501	Amended		Jun	505
XXXIII.1001	Adopted		Jun	506
XXXIII.601	Adopted		Jun	507
XLV.Chapter 99	Adopted		Jun	507
XLV.Chapter 31	Adopted		Jun	510
XLV.301-431	Amended		Jun	513
V.3703.B	Adopted		Jun	525
XXIX.Chapters 1-5	Amended		Jul	601
4 LAC 4				
VII.1737	Amended		Apr	302
III.Chapter 1	Amended		May	402
VII.1143	Amended		Jun	503
VII.1223	Amended		Jun	505
5 LAC 76				
VII.703	Amended		Apr	322
VII.333	Adopted		May	421
VII.145	Adopted		May	421
VII.335	Adopted		Jun	539
6 LAC 22				
I.314	Adopted		Jun	536
I.201	Adopted		Jun	537
LAC 55				
V.301	Amended		Apr	320
7 LAC 25				
III.103	Adopted		Apr	295
LAC 37				
I.3301	Adopted		May	400
I.Chapter 51	Amended		May	401
I.3107	Adopted		May	401
I.301	Amended		Jul	614
LAC 40				
I.Chapter 15	Adopted		Apr	297
IV.329	Amended		Jul	608
IV.361	Amended		Jul	609
8 LAC 48				
V.12307	Amended		Apr	307
11 LAC 33				
III.Chapter 27	Amended		May	397
III.2131-2137	Amended		Jul	609
III.509	Amended		Jul	612
13 LAC 33				
V.Chapters 1, 11, 22	Amended		May	398
V.Subpart 1	Amended		May	399
V.4901	Amended		May	399
V.Subpart I	Amended		Jul	614
14 LAC 33				
XI.Chapters 1- 15	Amended		Jul	614
16 LAC 70				
IX.Chapter 7	Adopted		Jun	538
17 LAC 43				
I.1305	Amended		May	414
I.1511	Amended		May	416
XIII.Chapter 31	Amended		Jun	532
I.723	Amended		Jul	625
18 LAC 28				
I.921	Adopted		Apr	296
I.903	Adopted		Apr	297
I.	Adopted		Apr	297
I.1715	Adopted		May	395

Vol. Title:Part.Section	Effect	Location LR 16	Month	Page
I.313	Amended		May	396
I.901	Amended		May	396
I.1709	Amended		May	397
I.901	Amended		Jul	605
I.925	Adopted		Jul	605
I.1521	Adopted		Jul	605

Potpourri

POTPOURRI

Department of Agriculture and Forestry Horticulture Commission

The next retail floristry examinations will be given at 10 a.m. daily at the Louisiana State University at Alexandria/ University Center, 8100 Hwy. 715, Alexandria, LA. The deadline for getting in application and fee is October 1, 1990. All applications and fees must be in the Horticulture Commission office no later than 4:30 p.m. on the deadline date. The test dates will be October 23-26, 1990.

Further information concerning examinations may be obtained from Craig M. Roussel, Director, Horticulture Commission, Box 3118, Baton Rouge, LA 70821-3118, phone 504/925-7772.

Bob Odom
Commissioner

POTPOURRI

Department of Agriculture and Forestry Office of Forestry

The Office of Forestry announces a meeting to be held at the Alexander State Forest, on August 23, 1990, at 10 a.m., to discuss increases in certain usage fees at Indian Creek Recreation Area.

Paul D. Frey
State Forester

POTPOURRI

Department of Employment and Training Office of Employment Security

Pursuant to Act No. 583 of the Regular Session of the 1975 Louisiana Legislature, the state's average weekly wage upon which the maximum workers' compensation weekly benefit amount will be based effective September 1, 1990 has been determined by the Louisiana Department of Employment and Training to be \$376.02.

Oliver S. Robinson, III
Director

POTPOURRI

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

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. particularly R.S. 49:968(H)(2), the secretary gives notice that substantive changes have been made to the proposed amendments to the Air Quality Regulations LAC 33:III, Sections 2101, 2108, 2115, 2121, 2125, 2129, 2143 and 2145. (Log # AQ14)

A public hearing will be held at 1:30 p.m., September 26, 1990, at the Mineral Board Hearing Room, State Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA. Interested persons are invited to attend and submit oral comments on the proposed substantive changes.

A copy of the proposed rule with the substantive changes incorporated is available at the Office of Legal Affairs and Enforcement, Enforcement and Regulatory Compliance Division, 333 Laurel Street, Suite 620, Baton Rouge, LA. For information regarding the substantive changes or other locations where copies may be obtained, contact Joan Albritton or Beth Scardina at (504) 342-9163.

Paul Temple
Secretary

POTPOURRI

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

In accordance with requirements of the Omnibus Budget Reconciliation Act of 1987 (OBRA '87), the Bureau of Health Services Financing is hereby adopting the designation nursing facilities in referring to all current ICF I, ICF II, and SNF facilities effective October 1, 1990.

The Health Care Financing Administration (HCFA) contends that implementation of OBRA '87 regulations constitutes a significant proposed change in reimbursement methodology. Thus, in conformity with the public notice re-

quirements of 42 CFR 447.205, the following information is provided.

Payment Methodology

Reimbursement shall be based on patient-specific classifications of care rather than the current facility-specific levels of care. Methodology for rate computation shall remain unchanged, and will continue to utilize Consumer Price Index and Wage Index indicators in computing adjustments to base rates. Temporary adjustment provisions have been expanded to allow for lump-sum payments in order to provide reimbursement for extraordinary non-recurring expenses anticipated under the OBRA '87 regulations. Information regarding methods of computation and how to obtain the data used in establishing base rate factors is available in the Louisiana Title XIX State Plan.

Current level of care per diem rates shall be applicable to corresponding classifications of care, with additional base rate adjustments and lump-sum payments providing the necessary reimbursement to allow provision of services in conformity with OBRA '87 regulations. Copies of the proposed changes and information regarding data used in establishing the rate adjustments may be obtained by contacting any parish Department of Social Services Office of Eligibility Determinations.

Standards

Quality of Life

NF must

1. promote the maintenance/enhancement of patient quality of life;

2. maintain quality assessment and assurance committee - composed of nursing director, physician, and 3 other staff members; committee must meet quarterly to identify quality assurance activities and implement plans to correct deficiencies.

Plan of Care

Services must be provided according to a plan of care. Plan to be developed by attending physician, RN, and resident or representative. Plan must describe patient's medical, nursing, and psychosocial needs, and how needs will be met. Plan must be reviewed/revise periodically following resident assessment.

Residents' Assessment

Resident assessment must be conducted by RN no later than four days following admission. Assessment must:

1. describe resident capabilities and significant impairments in forming ADLs;

2. be based on uniform minimum data set prescribed by HHS;

3. identify medical problems of Medicare-eligible residents;

4. use state-specified instrument for Medicaid-eligible residents;

5. be performed at least once every 12 months, or after significant change in condition; and

6. be coordinated with PAS to avoid duplication.

Pre-admission screening (PAS) - MR/MI residents must not be admitted to NF without state MR/MI authority concurrence.

Provision of Services and Activities

NF must provide for necessary services that meet professional quality standards, including:

1. nursing/specialized rehab;

2. medically-related social services;

3. pharmaceutical services;
4. dietary services;
5. on-going activities program;
6. routine/emergency dental services to the extent covered under the State Plan.

24-Hour Nursing Services

24-hour nursing required of all NFs. RN required for eight consecutive hours, seven days per week. Waivers to the nursing services requirements available if:

1. no danger to health and safety;
2. NF demonstrated it is unable to recruit;
3. RN/physician is obligated to respond immediately to telephone calls.

Required Training of Nurse Aides

Within first four months of employment, nurse aide must:

1. complete a state-approved training and competency evaluation program;
2. be determined competent.

Nurse aides employed as of 7/1/89 must complete training and competency evaluation by 1/1/90. Retraining required for aides who have not performed nursing-related services for a 24-month period. NF to provide regular inservice education. NR must query state nurse aide registry to determine competency prior to employing aides.

Physician Supervision and Clinical Records

Physician must:

1. supervise the health care of each patient;
2. be available in emergencies.

NF must maintain clinical records on all residents, including plans of care and assessments.

Social Services Requirements

NFs with more than 120 beds must employ a full time, degreed (or similarly credentialed) social worker.

Specified Rights

NF must assure resident:

1. choice of physician;
2. involvement in plan of treatment;
3. freedom from chemical and physical restraint;
4. privacy in accommodations, treatment, communications, visits, and meetings;
5. confidentiality of records;
6. reasonable living accommodations;
7. equitable grievance process;
8. right to gather with family or organize in groups;
9. right to participate in social, religious or community activities;
10. access to state survey results.

Notices of Rights and Services

NF must inform resident of:

1. legal rights of resident;
2. available services and charges;
3. services not covered by Medicaid or Medicare.

NF must provide written statement, upon request, or:

1. legal rights of residents;
2. description of protection of personal funds;
3. fact that complaints may be filed with state survey agency, regarding resident abuse, neglect or misappropriation of resident property.

Rights of Incompetent Residents

The rights of residents judged incompetent under state law shall be exercised by the person appointed by the court to act on the resident's behalf.

Use of Psychopharmacologic Drugs

NF must not administer psychopharmacologic drugs to Medicaid recipients unless:

1. ordered by physician, and
2. as part of a plan designed to eliminate or modify symptoms for which the drugs are prescribed, and
3. only if appropriateness is reviewed annually by an independent consultant.

Transfer and Discharge Rights

NF must not transfer or discharge resident unless:

1. necessary for resident's welfare;
2. improve in resident's health precludes continued need for facility's services;
3. health or safety of resident is endangered;
4. resident has failed, after notice, to pay allowable charges;
5. facility has closed.

NF must notify resident and known family member at least 30 days in advance of transfer or discharge unless:

1. resident's health or safety is endangered;
2. health improvements have made continued stay unnecessary;
3. urgent needs require more immediate transfer or discharge;
4. resident has not been in facility for 30 days.

Effective 10/1/90, each notice must include resident's right to appeal, name, mailing address and telephone number of the state long-term care ombudsman.

NF must provide sufficient preparation to residents to ensure a safe and orderly transfer or discharge.

Access and Visitation Rights

NF must:

1. permit immediate access to any resident by any representative of the secretary or state, an ombudsman, specified agencies, or resident's individual physician;
2. permit immediate access to a resident, subject to a resident's right to deny or withdraw consent, by the resident's family or relatives;
3. permit immediate access to a resident, subject to reasonable restrictions and his/her right to deny or withdraw consent, by others who are visiting resident;
4. permit reasonable access to a resident by any entity that provides health, social, legal, or other services to the resident subject to the resident's right to deny or withdraw consent;
5. permit representatives of the state ombudsman, with the permission of the resident, and consistent with state law, to examine a resident's clinical records.

Equal Access to Quality Care

NF must maintain identical policies and practices regarding transfer, discharge and covered Medicare services for all individuals regardless of payment source.

Admission Policy

NF must not require, as a prerequisite to admission:

1. applicants or residents to waive their rights to Medicaid or Medicare benefits;
2. oral or written assurance that such individuals are not eligible for and will not apply for Medicare or Medicaid.

NF must provide oral and display written information about:

1. how to apply for and use benefits;
2. how to receive refunds for previous payment covered by Medicare or Medicaid.

The NF cannot require third party guarantee of payment as condition of admission or continued stay.

Medicaid Only

NF must not charge, solicit, accept or receive, in addition to any amount otherwise required to be paid under the state plan, any gift, money, donation or other consideration as a precondition for admission of an individual. NF may charge for items or services the resident has requested and received that are not specified in the state plan as "nursing facility services."

Protection of Resident Funds

NF may not require residents to deposit personal funds with the facility. NF must, if it accepts the written authorization to manage and account for personal funds:

1. deposit all amounts \$50 and over in an interest-bearing account separate from the facility's operating account;
2. Credit interest to the separate account;
3. maintain other personal funds in a non-interest bearing account or petty cash fund;
4. keep separate accounting for each resident's personal funds and make the written records accessible to residents;
5. upon death of resident, promptly convey personal funds and final accounting to administrator of resident's estate;
6. insure that personal funds are not charged for anything payable under Medicare or Medicaid.

Medicaid Only

NF must notify residents when their personal funds account reaches \$200 less than the resource eligibility guideline and advise that Medicaid eligibility is jeopardized if the account exceeds the guideline.

Administration

NF must be administered to utilize resources effectively and efficiently. NF must notify state licensing agency of changes in:

1. ownership, controlling interest;
2. officers, directors, agents, managing employees;
3. corporation, association or management company;
4. administrator; and
5. director of nursing.

NF administrator must meet standards set by HHS.

Licensing and Safety Code

NF must:

1. be licensed under applicable life state law;
2. meet applicable life safety code (subject to waivers by HHS if hardship on NF, and no adverse effect on health and safety).

Sanitary and Infection Control, and Physical Environment

NF must:

1. maintain infection control program;
2. be designed, constructed, equipped and maintained to protect health and safety of residents, staff and public.

Nurse Aide Training and Competency Evaluation Program

The state must specify training and evaluation programs for nurse aides by March 1, 1989 (Medicaid effective date: Sept. 1, 1988). The state must provide for review and approval of such programs with specified methodologies and at specified frequencies by March 1, 1990 (Medicaid effective date: Sept. 1, 1990). Note OBRA '89 amended the previ-

ously extended effective date from Jan. 1, 1990 until Oct. 1, 1990 for completion of the programs.

Annual Aggregate Expenditures

Following are standards that have been determined to be financially significant and the expected increase in annual aggregate expenditures:

1. Comprehensive and Annual Assessment	\$1,500,000
2. Physician/Medical Director	\$390,400
3. RN Coverage - 7 days/week	\$5,075,200
4. Social Worker (+ 120 beds)	\$1,916,000
5. Utilization Review Committee	\$585,600
6. Nurse Aide Wager After Training	\$3,120,000
7. Hearing Impaired Telephone Rental	\$8,100
8. Generator Upgrade	\$3,087,500
9. Rewiring for Receptacles	\$1,302,250
10. Privacy Curtains	\$1,425,000
11. Nurse Aide Training	<u>\$2,800,000</u>
TOTAL	\$21,210,000

Reason for Changes

Methods and standards as described above are being changed to comply with OBRA '87 requirements effective October 1, 1990.

Comments

Written comments regarding implementation of the OBRA '87 requirements may be forwarded to Bureau of Health Services Financing, Carolyn O. Maggio, Director, Box 91030, Baton Rouge, LA 70821-1030. Such comments must be received by September 20, 1990, and may be reviewed by the public.

David L. Ramsey
Secretary

POTPOURRI

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

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, is providing notice of application of inflation adjustment factors to ICF-MR facility rates as required under its flat rate methodology. For services provided on or after July 1, 1990, rates will be as follows:

Facility Size	Level		Facility Size	Level	
	Of Care	Rate Amount		Of Care	Rate Amount
1-8 beds	2	\$90.15	9-32 Beds	2	\$61.63
	3	\$99.49		3	\$66.94
	4	\$99.49		4	\$81.82
	5	\$111.38		5	\$91.38
	6	\$119.91		6	\$104.13
	7	\$143.86		7	\$112.63

Facility Size	Level Of Care	Rate Amount
33 + Beds	2	\$58.45
	3	\$63.76
	4	\$69.08
	5	\$74.39
	6	\$91.39
	7	\$94.58

David L. Ramsey
Secretary

POTPOURRI

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

In accordance with state plan provisions for increases in the cost per discharge limitations for inpatient hospital operating costs, the following target rate percentage increases shall be applied to current limits as specified:

Cost reporting periods beginning 7/1/90 5.5%
Cost reporting periods beginning 9/1/90 5.3%

These percentage rates are based on the Health Care Financing Administration's target rate percentages for hospitals exempt from Medicare's Prospective Payment System (PPS).

Additionally, as Medicaid tracks Medicare regulations for allowable costs, and certain costs which were previously included in inpatient operating costs are now excluded, adjustment of the cost per discharge limits are necessary. The bureau is currently calculating adjustments to remove the costs for certified registered nurse anesthetists and hospital-based physicians to ensure adherence to Medicare principles of cost reimbursement in Medicaid settlements. To the extent such costs are below the target rate percentage increases projected by HCFA for periods subsequent to this change, no reduction in a facility's target rate shall be made.

Adjusted cost per discharge limits for hospitals with such costs in their base period shall be issued to affected providers.

David L. Ramsey
Secretary

POTPOURRI

**Department of Natural Resources
Office of the Secretary
Fishermen's Gear Compensation Fund**

In accordance with the provisions of R.S. 56:700.1 et seq., notice is given that 41 claims in the amount of \$103,789.67 were received in the month of July, 1990, 42

claims in the amount of \$79,510.04 were paid, and two claims were denied.

Loran C. coordinates of reported underwater obstructions are:

28870	46933
29008	46925
28560	46865
28668	46870
28037	46837
28652	46869
29032	46875
46850	27941
29009	46873
29030	46932
28715	47042
28669	47029

Anyone may obtain a list of claimants, and amounts paid, by submitting a request to Fishermen's Gear Compensation Fund, Box 94396, Baton Rouge, LA 70804, or by telephone (504) 342-0122.

Ron Gomez
Secretary

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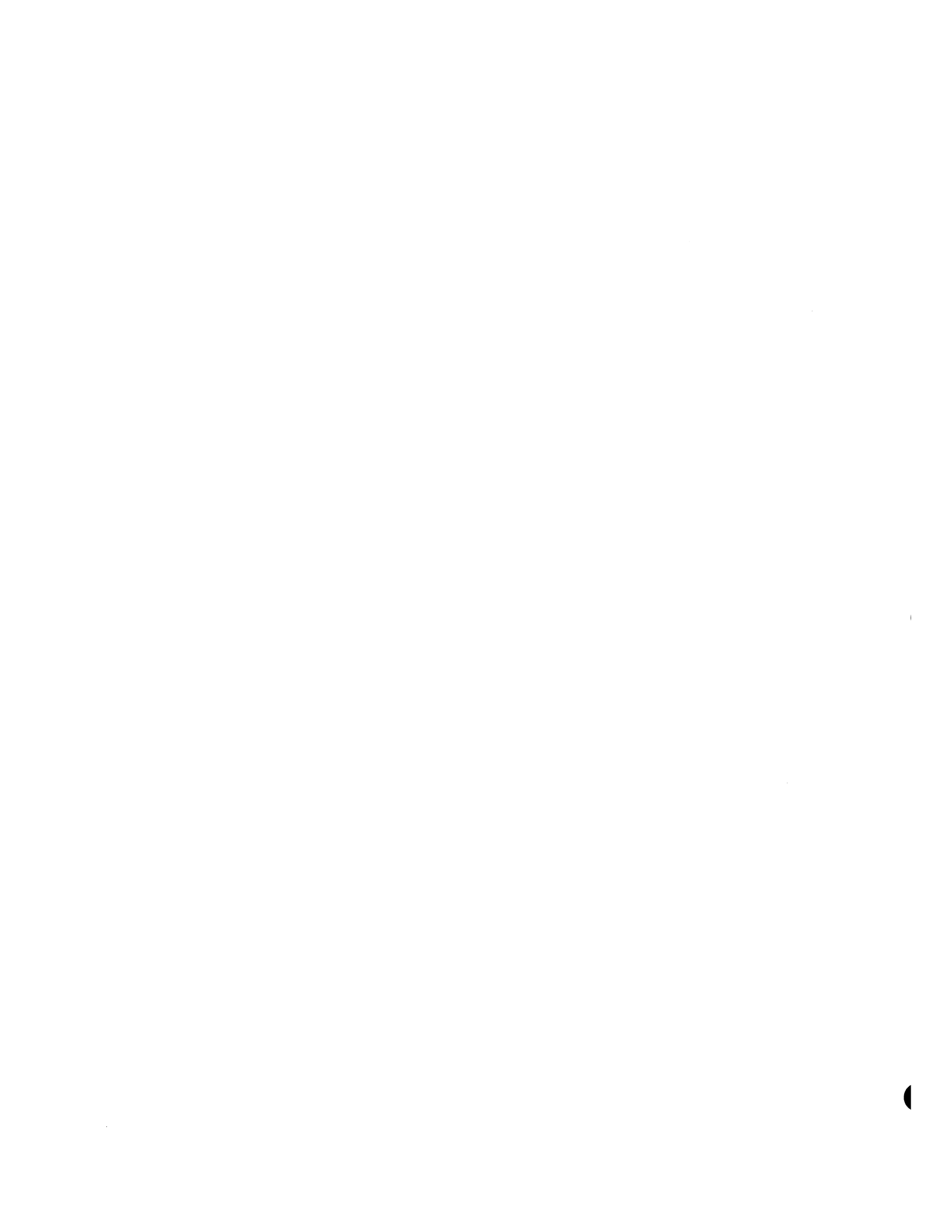
EO—Executive Order

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