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# Executive Orders

## EXECUTIVE ORDER EWE 86-12

WHEREAS, Act Number 38 or 1914 (R.S. 41:98) vested the Governor of Louisiana with the authority to withdraw from sale or entry any of the vacant and unappropriated public lands and lake beds or bottoms belonging to the state, whenever, in his opinion, they appear to be more valuable for mineral than for any other purpose, and to restore to sale or entry all withdrawn lands, at his discretion; and

WHEREAS, acting under the said authority, Honorable Ruffin G. Pleasant, then Governor of Louisiana, by executive order issued on March 20, 1917, withdrew from public sale and entry all state lands, except those adjudicated to the state for non-payment of taxes; and

WHEREAS, Section 4 of Article IX of the Constitution of Louisiana of 1974 provides that in all cases the mineral rights on any and all property sold by the state shall be reserved, except where the owner or other person having the right to redeem may buy or redeem property sold or adjudicated to the state for taxes; and

WHEREAS, the secretary of the Department of Natural Resources has recommended that the hereinafter described property be restored to sale, and inasmuch as protection of the state's ownership of the minerals underlying said lands once afforded by withdrawal of lands from sale is now provided by the constitutional requirement of reservation in all cases of the mineral rights on any and all property sold by the state, there is no longer any particular necessity why the lands hereinafter described should not be restored to sale.

NOW THEREFORE I, EDWIN EDWARDS, Governor of the State of Louisiana, do hereby order and direct the restoration to sale of the following described land, to be sold under the provisions of R.S. 41:131 et seq. The State of Louisiana shall reserve all minerals in the land so patented, and to it, or those authorized by it, the right to prospect for, mine and remove such deposits from the same, in accordance with Section 4 of Article IX of the Constitution of 1974. Excepted from the lands hereinafter described and not included in this sale, are the waters and beds of all bayous, lagoons, lakes and other water bodies, whether navigable or non-navigable, in conformity with the statutory law of this state dedicating such property to a public purpose; like exception and exclusion are made of the waters and beds of all inland navigable waters, as well as arms of the sea, pursuant to the statutory, codal or constitutional law of the state, viz

All of fractional Section 16, Township 13 South, Range 25 East, Louisiana Meridian, Plaquemines Parish Louisiana, estimated to contain 4.16 acres more or less according to the plat of said lands in the State Land Office approved August 19, 1853; sale subject to all existing servitudes, rights-of-ways, and encumbrances.

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 8th day of May, 1986.

Edwin Edwards  
Governor of Louisiana

ATTEST BY  
THE GOVERNOR  
Jim Brown  
Secretary of State

## EXECUTIVE ORDER EWE 86-13

WHEREAS, Section 622 of the Tax Reform Act of 1984 (the "Tax Reform Act") restricts the total principal amount of private activity bonds the interest on which is exempt from federal income taxation under Section 104 of the Internal Revenue Code of 1954, as amended (the "bonds"), which may be issued by any state of the United States during each calendar year; and

WHEREAS, the aggregate principal amount of bonds which may be issued in the State of Louisiana (the "state") during the calendar year 1985 is restricted by the Tax Reform Act to \$150 per person, based on the most recently published estimate of population obtained from the U.S. Department of Commerce - Bureau of Census, prior to January 1, 1985 (the "ceiling"); and

WHEREAS, Executive Order Number EWE 85-93 dated December 23, 1985, provides that the governor of the State of Louisiana is responsible for granting allocations from the ceiling for certain issues of bonds; and

WHEREAS, the governor of the State of Louisiana desires to grant allocations for the hereinafter described bonds;

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

SECTION 1: The bond issues described in this Section is hereby granted an allocation from the ceiling in the amount shown below.

AMOUNT OF ALLOCATIONS	NAME OF ISSUER	NAME OF PROJECT
\$ 1,800,000	La. Public Facilities Authority	Shannondale of Alexandria, Inc.

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

SECTION 3: The bonds granted an allocation hereunder must be delivered to the initial purchasers thereof on or before 60 days from the date hereof, unless an application for a 30-day extension under Section 5.8 of Executive Order Number EWE 85-93, is timely received by the State Bond Commission staff.

SECTION 4: Pursuant to Section 103(N)(12) of the Internal Revenue Code of 1954, as amended, the undersigned certifies, under penalty of perjury, that the allocations granted hereby were not made in consideration of any bribe, gift, gratuity, or direct or indirect contribution to any political campaign.

SECTION 5: All references herein to the singular shall include the plural and all plural references shall include the singular.

SECTION 6: This executive order shall be effective upon signature of the governor.

IN WITNESS WHEREOF, I have hereunder set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge on this 12th day of May, 1986.

Edwin Edwards  
Governor of Louisiana

ATTEST BY  
THE GOVERNOR  
Jim Brown  
Secretary of State

## EXECUTIVE ORDER EWE 86-14

WHEREAS, Executive Order EWE 85-60 created the Governor's Louisiana Housing Commission in an effort to inves-

tigate the issue of providing adequate and affordable housing to the citizens of this state; and

WHEREAS, the commission has produced some insight into this point of concern; however, budget cuts have precluded the Department of Urban and Community Affairs from continuing staff support for the commission;

NOW, THEREFORE, I, EDWIN W. EDWARDS, Governor of the State of Louisiana, do hereby rescind and recall Executive Order EWE 85-60 effective May 30, 1986.

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 the 14th day of May A.D., 1986.

Edwin Edwards  
Governor of Louisiana

ATTEST BY  
THE GOVERNOR  
Jim Brown  
Secretary of State

**EXECUTIVE ORDER EWE 86-15**

WHEREAS, Section 622 of the Tax Reform Act of 1984 (the "Tax Reform Act") restricts the total principal amount of private activity bonds the interest on which is exempt from federal income taxation under Section 104 of the Internal Revenue Code of 1954, as amended (the "bonds"), which may be issued by any state of the United States during each calendar year; and

WHEREAS, the aggregate principal amount of bonds which may be issued in the State of Louisiana (the "state") during the calendar year 1985 is restricted by the Tax Reform Act to \$150 per person, based on the most recently published estimate of population obtained from the U.S. Department of Commerce - Bureau of Census, prior to January 1, 1985 (the "ceiling"); and

WHEREAS, Executive Order Number EWE 85-93 dated December 23, 1985, provides that the governor of the State of Louisiana is responsible for granting allocations from the ceiling for certain issues of bonds; and

WHEREAS, the governor of the State of Louisiana desires to grant allocations for the hereinafter described bonds;

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

SECTION 1: The bond issues described in this Section is hereby granted an allocation from the ceiling in the amount shown below.

AMOUNT OF ALLOCATIONS	NAME OF ISSUER	NAME OF PROJECT
\$6,000,000	La. Public Facilities Authority	Essen Mall Partners, Ltd.

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

SECTION 3: The bonds granted an allocation hereunder must be delivered to the initial purchasers thereof on or before 60 days from the date hereof, unless an application for a 30-day extension under Section 5.8 of Executive Order Number EWE 85-93, is timely received by the State Bond Commission staff.

SECTION 4: Pursuant to Section 103(N)(12) of the Internal Revenue Code of 1954, as amended, the undersigned certifies, under penalty of perjury, that the allocations granted hereby were not made in consideration of any bribe, gift, gratuity, or direct or indirect contribution to any political campaign.

SECTION 5: All references herein to the singular shall in-

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

SECTION 6: This executive order shall be effective upon signature of the governor.

IN WITNESS WHEREOF, I have hereunder 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 23rd day of May, 1986.

Edwin Edwards  
Governor of Louisiana

ATTEST BY  
THE GOVERNOR  
Jim Brown  
Secretary of State

**EXECUTIVE ORDER EWE 86-16**

WHEREAS, Section 622 of the Tax Reform Act of 1984 (the "Tax Reform Act") restricts the total principal amount of private activity bonds the interest on which is exempt from federal income taxation under Section 104 of the Internal Revenue Code of 1954, as amended (the "bonds"), which may be issued by any state of the United States during each calendar year; and

WHEREAS, the aggregate principal amount of bonds which may be issued in the State of Louisiana (the "state") during the calendar year 1985 is restricted by the Tax Reform Act to \$150 per person, based on the most recently published estimate of population obtained from the U.S. Department of Commerce - Bureau of Census, prior to January 1, 1985 (the "ceiling"); and

WHEREAS, Executive Order Number EWE 85-93 dated December 23, 1985, provides that the governor of the State of Louisiana is responsible for granting allocations from the ceiling for certain issues of bonds; and

WHEREAS, the governor of the State of Louisiana desires to grant allocations for the hereinafter described bonds;

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

SECTION 1: The bond issues described in this section is hereby granted an allocation from the ceiling in the amount shown below.

AMOUNT OF ALLOCATIONS	NAME OF ISSUER	NAME OF PROJECT
\$10,000,000	La. Public Facilities Authority	Lafayette Centre-A Louisiana Partnership in Commendam and a Limited Partnership

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

SECTION 3: The bonds granted an allocation hereunder must be delivered to the initial purchaser thereof on or before 60 days from the date hereof, unless an application for a 30-day extension under Section 5.8 of Executive Order Number EWE 85-93 is timely received by the State Bond Commission staff.

SECTION 4: Pursuant to Section 103(N)(12) of the Internal Revenue Code of 1954, as amended, the undersigned certifies, under penalty of perjury, that the allocations granted hereby were not made in consideration of any bribe, gift, gratuity, or direct or indirect contribution to any political campaign.

SECTION 5: All references herein to the singular shall include the plural and all plural references shall include the singular.

SECTION 6: This executive order shall be effective upon signature of the governor.

IN WITNESS WHEREOF, I have hereunder 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 30th day of May, 1986.

Edwin Edwards  
Governor of Louisiana

ATTEST BY  
THE GOVERNOR  
Jim Brown  
Secretary of State

# Emergency Rules

## DECLARATION OF EMERGENCY

### Department of State Civil Service

At its June 3, 1986 meeting, the State Civil Service Commission adopted two emergency rule amendments, according to the provisions of Civil Service Rule 2.10(f). These two amendments will be proposed to be adopted on a regular basis at the July 2, 1986 Civil Service Commission meeting which will be held at 9 a.m. at the Hyatt Regency Hotel, Fourth Floor, Burgundy Rooms A and B, corner of Poydras and Loyola Streets, New Orleans, Louisiana.

The emergency rule amendments are as follows:

#### Chapter 1

Amended Rule 1.9.01 to read:

*Commuting Area* means that geographic area in which employees are subject to competition for a layoff. It shall encompass only the parish of the abolished position(s) and all bordering parishes.

#### EXPLANATION

Rule 1.9.01 was previously worded to have the official domicile of each employee affected by a layoff determine that employee's commuting area rather than having the parish of the abolished position(s) determine the commuting area. Use of the previous rule could result in great administrative difficulty in conducting a layoff, since there could be a significant "ripple effect" in areas of competition. Also, under the previous rule, when an approved layoff plan was shown employees, they had no way of knowing if the bumping would ultimately affect them. This amendment will still afford adequate bumping protection to employees, as they will still be able to compete with employees in the commuting area of the abolished position(s).

#### Chapter 17

Amended Rule 17.16 to read:

#### 17.16 Order of Layoff by Appointment and Status

The order of layoff in the affected class(es), career fields, organizational unit(s), and commuting area(s) shall be by the type of appointment as follows: restricted, job, provisional, probational, part-time permanent employees, full-time permanent employees.

(a) Within each permanent appointment status, layoff shall be according to length of state service; those with the least service shall be laid off first.

(b) Permanent employees, including those specified in Rule 7.11, who have veterans' preference and whose length of state service and efficiency ratings are at least equal to those of other

competing employees shall be retained in preference to all other competing employees.

#### EXPLANATION

With significant layoffs possible in the very near future, this amendment substituted the words "commuting area(s)" for the words "geographic area(s)" in the first sentence of the rule. This change is simply a clarification of the present meaning of the rule.

Persons interested in making comments relative to these emergency rules may do so by appearance at the public hearing or by writing to the director of the Department of State Civil Service at Box 94111, Baton Rouge, LA 70804-9111.

Herbert L. Sumrall  
Director

## DECLARATION OF EMERGENCY

### Department of Elementary and Secondary Education

The State Board of Elementary and Secondary Education, at its meeting of May 22, 1986, exercised those powers conferred by the emergency provisions of the Administrative Procedure Act, R.S. 49:950 and adopted the proposed Interim Certification requirements for foreign associate teachers (revised) as follows:

#### Interim Certification for Foreign Associate Teachers (Revised)

Interim Certification for Foreign Associate Teachers recruited under the auspices of the Council for the Development of French in Louisiana (CODOFIL) and the Cordell Hull Foundation for International Education—to be eligible for this limited certification, foreign associate teachers must meet the following requirements:

1. They must be recruited and selected by their respective governments and by either CODOFIL or the Cordell Hull Foundation.
2. They must be certified teachers in their home country.
3. They must have a minimum of one year of teaching or related experience.

The Interim Certification is valid for one year, and renewable for up to a maximum of four years, based on an annual evaluation.

For the first two years of service, while under a tax free status, associate teachers shall be employed at the same salary as a beginning teacher with a baccalaureate degree and a certificate. For these two years foreign teachers will not receive a parish differential or salary increment based upon Louisiana teaching experience; however, they would benefit from any statewide salary increase voted by the Legislature.

If hired in lieu of regular education teachers with funds allocated to the school systems through the Minimum Foundation Program foreign associate teachers would be considered as part of the total teacher allotment in the MFP and local systems would be reimbursed in the same manner as for regular teachers.

For the third year, foreign associate teachers are subject to both federal and state taxes. These teachers, if hired under the MFP, would receive the same salary as a beginning Louisiana teacher and would be eligible for the parish differential. They would be subject to payroll deduction for federal and state taxes.

For the fourth and final year, foreign associate teachers, if hired under the MFP, would receive the same salary as a beginning Louisiana teacher and would be eligible for the parish differential. They would be subject to payroll deductions for federal and state taxes.

As the maximum stay in Louisiana for a foreign teacher under the exchange visitor visa is four years, foreign teachers would

not come under the state tenure laws and would not be eligible for tenure in the parish of employment.

NOTE: Foreign associate teachers shall be employed only when a school system shows evidence that no certified Louisiana teacher is available (BESE Policy).

This emergency adoption is necessary in order for the local school systems to take the necessary steps to employ personnel for the next school year.

James V. Soileau  
Executive Director

## DECLARATION OF EMERGENCY

### Office of the Governor Office of Elderly Affairs

The Governor's Office of Elderly Affairs has exercised the emergency provision of the Administrative Procedure Act, R.S. 953-B to amend the Louisiana State Plan on Aging for the period beginning October 1, 1983 and ending September 30, 1987. A notice of intent to adopt this change as a final rule, effective August 20, 1986 appears in this issue of the *Louisiana Register*.

#### RULE

Effective July 1, 1986, St. Landry Parish is re-designated as a planning and service area. St. Landry Parish shall be included in the planning and service area served by Evangeline Economic Planning and Development District, including Lafayette, St. Mary, St. Martin, Iberia, Evangeline, Acadia, Jefferson Davis, and Vermilion parishes.

Sandra C. Adams  
Director

## DECLARATION OF EMERGENCY

### Department of Health and Human Resources Board of Nursing

In accordance with the emergency provisions of the Louisiana Administrative Procedure Act (LRS 49:953B), and under the authority of LRS 37:918K, the Louisiana State Board of Nursing has adopted the emergency amendment to its existing rules as set forth below. The necessity for this emergency action was determined because the absence of the definitions of complex and non-complex tasks has caused considerable confusion over the intent of the rule. The board intends to notice this amendment for adoption as a permanent rule amendment in the succeeding publication of the *Louisiana Register*.

LAC 46:XLVII.3703.A.12.d is hereby amended by adding:

i. A non-complex task is one that can safely be performed according to exact directions, with no need to alter the standard procedure, and the results are predictable.

ii. A complex task is one that requires judgment to safely alter the standard procedures in accordance with the needs of the patient; or requires the consideration of a number of factors in order to perform the procedure; or requires judgment to determine how to proceed from one step to the next.

iii. The administration of medications is a complex task because it requires consideration of a number of factors and the formulation of judgments according to those factors.

Merlyn M. Maillian, R.N.  
Executive Director

## DECLARATION OF EMERGENCY

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

The Louisiana Department of the Treasury, Board of Trustees of the State Employees Group Benefits Program exercised the emergency provision of the Administrative Procedure Act 49:953 B to adopt the following rules mandated by the enactment of Title X of P.L. 99-272, "Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA)," which was signed into law by President Reagan on April 7, 1986:

Article 1, Section III (C) on page 23, add the following language:

"4. The provisions of this Section III(C) are applicable to surviving dependents who elect to continue coverage following the death of an employee occurring on or before June 30, 1986. The provisions of Section III(F) are applicable to surviving dependents who elect to continue coverage following the death of an employee occurring on and after July 1, 1986."

Article 1, Section III(D) on page 23 on the fourth line, after the words "Article 1, Section I(I)2," and "and (3),"

Article 1, Section III on page 23, add the following language:

E. Active Employees (effective July 1, 1986)

Benefits under this contract for a covered active employee shall terminate at the end of the calendar month during which employment is terminated voluntarily or involuntarily (except for gross misconduct), the employee no longer meets the definition of an employee as defined in Article 1, Section I(E), or coverage pursuant to the provisions of Article 1, Section III(A) expires unless the covered employee elects to continue coverage AT HIS OR HER OWN EXPENSE. It shall be the responsibility of the participant employer to notify the program within 30 days of the date coverage would have terminated due to any of the foregoing events and the program shall notify the employee within 14 days of his or her right to continue coverage.

Application for continued coverage must be made in writing to the program within 60 days of receipt of notification and premium payment must be made within 45 days of the date the continuation option is exercised for coverage retroactive to the date coverage would have otherwise terminated.

Coverage under this Section III(E) will continue until the earliest of the following events occurs:

1. failure to pay the applicable premium;
2. coverage as an employee under another group health plan;
3. eligibility for Medicare; or
4. eighteen months from the date coverage would have terminated in the absence of this Section III(E).

F. Surviving Dependents (effective July 1, 1986)

Benefits under this contract for covered surviving dependents of a deceased covered employee or retiree shall terminate at the end of the calendar month during which the employee's or retiree's death occurs, unless the surviving covered dependents elect to continue coverage AT THEIR OWN EXPENSE. It shall be the responsibility of the participant employer or surviving dependent to notify the program within 60 days of the death of the employee or retiree and the program shall notify the surviving dependents of their right to continue coverage. Application for continued coverage must be made in writing to the program within 60 days of receipt of notification and premium payment must be made within 45 days of the date the continuation option is exercised for coverage retroactive to the date coverage would have otherwise terminated.

Coverage for the surviving spouse under this Section III(F) will continue until the earliest of the following events occurs:

1. failure to pay the applicable premium;
  2. remarriage and enrollment in another group health plan;
  3. coverage as an employee under any group health plan;
- or
4. death of the surviving spouse.

Coverage for a surviving dependent child under this Section III(F) will continue until the earliest of the following events occurs:

1. failure to pay the applicable premium;
2. coverage as an employee under any group health plan;

or

3. thirty-six months beyond the date coverage would otherwise have terminated under the provisions of Article 1, Section I(1)(2) and (3), and Article 2, Section II(C).

#### G. Divorced Spouse (effective July 1, 1986)

Coverage under this contract with respect to the covered spouse of a covered employee or retiree shall terminate at the end of the calendar month during which dissolution of the marriage occurs by virtue of the granting of a legal decree of divorce from the employee or retiree, unless the covered divorced spouse elects to continue coverage AT HIS OR HER OWN EXPENSE. It shall be the responsibility of the divorced spouse to notify the program within 30 days from the date coverage would have terminated due to the divorce and the program shall notify the divorced spouse within 14 days of his or her right to continue coverage. Application for continued coverage must be made in writing to the program within 60 days of receipt of notification and premium payment must be made within 45 days of the date the continuation option is exercised for coverage retroactive to the date coverage would have otherwise terminated due to the divorce. Coverage for the divorced spouse under this Section III(G) will continue until the earliest of the following events occurs:

1. failure to pay the applicable premium;
2. remarriage and enrollment in another group health plan;
3. coverage as an employee under any group health plan;

or

4. eligibility for Medicare.

#### H. Dependent Children (effective July 1, 1986)

Benefits under this contract for a covered dependent child of a covered active employee or retiree shall terminate at the end of the calendar month during which the child no longer meets the definition of an eligible covered dependent as defined in Article 1, Section I(1)(2) and (3) or Article 1, Section J unless the employee or retiree elects to continue coverage AT HIS OR HER OWN EXPENSE. It shall be the responsibility of the employee or retiree to notify the program within 30 days of the date coverage would have terminated due to the dependent child's loss of eligibility and the program shall notify the employee or retiree within 14 days of his or her right to continue coverage with respect to that child. Application for continued coverage must be made in writing to the program within 60 days of receipt of notification and premium payment must be made within 45 days of the date the continuation option is exercised for coverage retroactive to the date coverage would have otherwise terminated due to loss of eligibility.

Coverage for a Child under this Section III(H) will continue until the earliest of the following events occurs:

1. failure to pay the applicable premium;
2. coverage as an employee under any group health plan;
3. eligibility for Medicare; or
4. thirty-six months beyond the date coverage would otherwise have terminated under the provisions of Article 2, Section II(C).

#### I. Miscellaneous Provisions

1. The continuation provision set forth in Section III, C through H are applicable only to health and accident coverage as defined in Article 3.

2. The continuation provisions set forth in Section III, E through H are effective for loss of eligibility occurring on and after July 1, 1986.

3. For those covered persons who have elected to continue coverage pursuant to Section III, C through H, no new dependents may be added during the period of continued coverage. The only exception shall be that a newborn Child of a covered employee or spouse, conceive prior to the effective date of continuation, shall be eligible for coverage from date of birth, subject to the provisions of Article 1, Section IV, except that newborn children shall not be eligible as overdue applicants.

4. During the period of continuation, benefits shall be identical to those provided to plan members enrolled in the Group Benefits Program under the program's standard eligibility provisions for active and retired employees and their dependents.

James D. McElveen  
Executive Director

### **DECLARATION OF EMERGENCY**

#### **Department of the Treasury Bond Commission**

The State Bond Commission at a regular meeting on June 10, 1986, unanimously adopted an amendment to its rules as previously adopted and amended.

The commission exercised the emergency provisions of the Administrative Procedures Act R.S. 49:953B and adopted the following rule:

"Applications for preliminary approval for non-traditional purpose bonds (as previously defined herein) shall be assessed an application fee of \$1500 which shall be submitted prior to the deadline for filing the application. In addition, an amount equal to 1/8 of 1 percent of the face amount of the bonds to be issued for the respective project must be remitted within five days of the closing of said bonds. However, this rule shall not apply to such applications where security for the indebtedness or evidence thereof consists of, in whole or in part, tax revenues or the full faith and credit of the state or any of its departments, agencies or any of its political subdivisions."

Mary Evelyn Parker  
State Treasurer and Chairman

### **DECLARATION OF EMERGENCY**

#### **Department of Wildlife and Fisheries Wildlife and Fisheries Commission**

In accordance with the emergency provisions of R.S. 49:953(B), the Administrative Procedure Act, and under the authority of R.S. 56:317, the Louisiana Wildlife and Fisheries Commission hereby prohibits the use of gill nets, trammel nets, seines more than 30 feet in length, and trawls, from May 1 through September 15 of each year, along the seaward boundary of the main island Grand Isle, Louisiana. The boundaries of the closed area shall be: from the easternmost jetty at the Grand Isle State Park to the easternmost shoreline of Caminada Pass, seaward to a water depth of six feet. Emergency action is required because of the interference of commercial net use to recreational fishermen who are surf fishing in this relatively small area, and because of fish remains and trash being brought onto the beach by said nets and presenting a health hazard to children and other beach users. This emergency action by the Louisiana Wildlife and Fisheries Commission was requested by the City of Grand Isle who have also enacted a similar

netting prohibition (Resolution Number 852) in said described area.  
The emergency netting prohibition is to become effective June 7, 1986.

J. Burton Angelle  
Secretary

# Rules

## RULE

### Office of the Governor Office of Elderly Affairs

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Governor's Office of Elderly Affairs (GOEA) has revised LAC 4:VII.1197 of the GOEA Policy Manual to stipulate the allowable usage of program income by area agencies on aging and their subcontractors. Effective June 20, 1986, §1197 shall read as follows:

§1197. Program Income

Under the authority granted to the state by 45 CFR 74.42(b)(2), area agencies may use only the deduction alternative defined in 45 CFR 74.42(c). Under this method, state and federal funds can only be applied to net expenditures. Net expenditures are calculated by subtracting all program income collected from total allowable costs. All program income collected must be used for current period expenses unless the state unit authorizes deferral to a later period.

Sandra C. Adams  
Director

## RULE

### Office of the Governor Office of Elderly Affairs

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Governor's Office of Elderly Affairs (GOEA) has revised the current Louisiana State Plan on Aging (effective October 1, 1983 through September 30, 1987) to de-designate Assumption and Jefferson Davis Parishes as planning and services areas. Effective July 1, 1986, Jefferson Davis parish will be served by Evangeline Economic Development District Area Agency on Aging and Assumption parish will be served by Capital Area Agency on Aging.

Sandra C. Adams  
Director

## RULE

### Department of Health and Human Resources Board of Examiners for Nursing Home Administrators

In accordance with the notice of intent published in the April 1986 *Louisiana Register*, The Louisiana State Board of Examiners for Nursing Home Administrators announces the Amendment of LAC 46:XLIX.1105.A, effective June 20, 1986:

#### §1105. Refusal, Suspension and Revocation of License

A. \* \* \*

17. has directly or indirectly condoned, directed, or al-

lowed actions by his/her subordinates which are in violation of the aforementioned rules.

18. Failed to notify the board of change of employment and/or change of address.

Winborn E. Davis  
Executive Director

## RULE

### Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security, adopts the following rule in the Food Stamp Program.

The Office of Family Security responded to a Request for Proposal from USDA-FNS for a Food Stamp Work Registration/ Job Search Services pilot project. Maximum funds available to Louisiana are \$255,887. In accordance with 7 CFR 273.7, the Office of Family Security will implement a job search program in East Baton Rouge and Rapides Parishes.

## RULE

Effective July 1, 1986, the Office of Family Security, Food Stamp Program will provide job search services to a targeted group of mandatory work registrants who live in East Baton Rouge or Rapides Parish; have a three to six month food stamp certification period and all of the following: work experience within the last six months of the month of application or reapplication, employable skills as defined by the Service Delivery Area and an educational level of the eighth grade or above.

The services will consist of assessment for job readiness, training and job search with the intent of job placement.

The targeted work registrants who fail to comply with the job search requirements may be disqualified from participation in the food stamp program for a maximum period of two months. All participants in the job search activities will have the right to a fair hearing concerning any case decisions related to job search.

Sandra L. Robinson, M.D., M.P.H.  
Secretary and State Health Officer

## RULE

### Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security, shall adopt the following rule in the Food Stamp Program.

#### Summary

This rule is mandated by federal regulations as published in the *Federal Register*, Volume 51, Number 37, Tuesday, February 25, 1986, pages 6511-6514.

It was necessary to adopt this as an emergency rule to avoid sanctions as federal regulations mandate a March 27, 1986 implementation date. The emergency rule was published in the April 20, 1986 issue of the *Louisiana Register*.

#### Rule

Effective March 27, 1986, if the cost of producing self-employment income exceeds the income derived from self-employment as a farmer, such losses will be offset against other countable income in a household. To be considered a self-employed farmer, the farmer must receive or anticipate receiving annual gross proceeds of \$1000 or more from the farming enterprise. The same base that is used to determine income from self-employed farm



operations shall be used to determine any net loss. Losses should be prorated over the year in a manner comparable to that used to prorate farm self-employment income.

Also effective March 27, 1986, residents of publicly operated community mental health centers which provide the same type of residential programs for alcoholic or drug rehabilitation as private, non-profit institutions will be considered individual households and, if eligible, may participate in the Food Stamp Program.

Sandra L. Robinson, M.D., M.P.H.  
Secretary and State Health Officer

#### **RULE**

##### **Department of Health and Human Resources Office of the Secretary**

Effective upon publication, the Department of Health and Human Resources shall implement uniform (regardless of funding source) minimum standards for Residential Care Providers and Board and Care Providers in regards to life safety. This rule is the Life Safety Licensing Code.

Specifically, these standards apply to Community Homes (four beds to six beds), Group Homes (seven beds to 16 beds), Institutional Homes (17 beds or more) and Board and Care Homes (also known as Boarding Homes) as defined in R.S. 40:2153. This Life Safety Licensing Code is Chapter 21 of the National Fire Protection Association Life Safety Code 101 (most recent edition). In addition, because there is freedom of choice as to admissions, a two or more story building of a non fire resistive type construction shall have an approved sprinkler system. "Approved" means the sprinkler system is installed in accordance with National Fire Protection Association 13 or, where applicable, 13D.

The department is implementing this rule to comply with the following requirements:

1. Louisiana Revised Statutes 40:2155(B)(2);
2. 45 Code of Federal Regulations Part 1397;
3. 42 Code of Federal Regulations 442.507 and 442.508.

In the event this rule conflicts with any federal or other state department life safety requirement (e.g. State Fire Marshal), the stricter of the two conflicting rules will apply.

These uniform minimum standards are too bulky for publication but are available for review at the Division of Licensing and Certification, 333 Laurel Street, Room 620, Baton Rouge, LA; or available for purchase from the National Fire Protection Association, Batterymarch Park, Quincy, Massachusetts.

Sandra L. Robinson, M.D., M.P.H.  
Secretary and State Health Officer

#### **RULE**

##### **Department of Health and Human Resources Office of the Secretary**

The Louisiana Department of Health and Human Resources (DHHR) has adopted rules to administer Block Grant federal funding for Fiscal Year 1986-87. These federal funds will be administered in accordance with P.L. 97-35, the Omnibus Budget Reconciliation Act of 1981, and federal regulations as published in the *Federal Register*, Vol. 47, No. 129, Tuesday, July 6, 1982, pp. 29472-29493. The rules apply to the Low-Income Home Energy Assistance Block Grant and Title XX Social Services Block Grant which are adopted effective July 1, 1986 and the Alcohol and Drug Abuse and Mental Health Services Block Grant, the Maternal and Child Health Services Block Grant and the Preventive Health Services Block Grant, which is adopted effective October 1, 1986.

The DHHR Offices responsible for administration of programs and services in the Block Grants are as follows:

- (1) Alcohol and Drug Abuse and Mental Health Services - Office of Mental Health;
- (2) Maternal and Child Health Services - Office of Preventive and Public Health Services;
- (3) Preventative Health and Health Services - Office of Preventive and Public Health Services;
- (4) Low-Income Home Energy Assistance - Office of Human Development;
- (5) Title XX Social Services - Office of Human Development.

Copies of the entire block grant rules may be viewed at the Office of the State Register, 900 Riverside North, Baton Rouge, LA 70804.

Sandra L. Robinson, M.D., M.P.H.  
Secretary and State Health Officer

#### **RULE**

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

Pursuant to the authority granted by R.S. 42:871(c) and R.S. 42:874, the Board of Trustees of the State Employees Group Benefits Program has amended its rules, effective July 1, 1986, as follows:

Article 3, Section VIII (H) on page 44, to be amended as follows:

"Expenses incurred while a covered person in connection with cosmetic or reconstructive surgery, unless necessary for the immediate repair of a deformity caused by a non-occupational disease, illness, accident or injury which occurs while coverage is in force; provided, however, no payment shall be made for expenses incurred in connection with the treatment of any body part not affected by the non-occupational disease, illness, accident or injury."

Article 1, Section II (A) (2) on page 18, after the word "Plan" on the third line, insert the following language:  
"NOR MAY DEPENDENT BE COVERED BY MORE THAN ONE EMPLOYEE."

Article 3, Section I (I) on page 33, line 26, after the word "to" and before the word "two" insert the following language:  
"the first"

Article 2, Section II (C) on page 26, shall be amended to read as follows:

"C. On the date the dependent ceases to be an eligible dependent of the covered employee as defined in this contract;"

Article 3, Section VIII, on page 45, add the following section:

"DD. hearing aids;"

Article 3, Section VIII, on page 45, add the following section:

"EE. hair transplants."

Article 3, Section I (G) on page 28, the first three lines should be amended to read as follows:

"When a non-occupational disease, illness, accident or injury causes a covered person to receive treatment, the following shall be considered eligible expenses under Comprehensive Medical Benefits when prescribed by a physician and medically necessary for the treatment of a covered person.

Article 3, Section VIII (M) on page 44, should be amended as follows:

"Maternity expenses incurred by, or on behalf of, any person other

than the covered employee or the covered employee's legal spouse."

Article 3, Section I (I) on page 33, by adding a last paragraph to that section which shall read as follows:

"For purposes of this Section (Article 3, Section I (I) only, the term Confinement shall mean that period of time between the date of admission to a hospital or other medical facility or institution and the date of discharge from that same hospital, medical facility or institution."

James D. McElveen  
Executive Director

#### RULE

##### Department of Urban and Community Affairs Office of Planning and Technical Assistance

The Department of Urban and Community Affairs is amending the FY 1986 LCDBG Final Statement. The purpose of this amendment is to revise the ceiling amount for grant awards and to revise the administrative amounts available to the grant recipients. Section II.F.(1) and III.G.(6)i will read as follows:

II.F.(1) Ceilings. The state has established a funding ceiling of \$550,000 for single purpose housing grants and \$600,000 for single purpose public facilities grants with the exception of sewer grants which has a funding ceiling of \$750,000. The state has established a funding ceiling of \$750,000 for multi-purpose grants with the provision that each activity within cannot exceed the maximums established for single purpose. The state has established a funding ceiling of \$750,000 for economic development grants.

III.G(6)i. Based on review of the application, it is determined that general administrative costs not exceed the following maximums: housing rehabilitation—11.7 percent of total housing costs, economic development—5 percent of the LCDBG funds requested for project costs, and public facilities—6 percent of public facilities costs, except in cases where acquisition in excess of 10 parcels is involved, the maximum allowable will be 7.5 percent of public facilities costs.

These regulations are to be effective June 20, 1986, and are to remain in force until they are amended or rescinded. Anyone having comments should contact: Colby S. LaPlace, Assistant Secretary, Office of Planning and Technical Assistance, Department of Urban and Community Affairs, Box 94455, Baton Rouge, LA 70804.

Colby S. LaPlace  
Assistant Secretary

#### RULE

##### Department of Wildlife and Fisheries Wildlife and Fisheries Commission

The following rule was adopted by the Louisiana Wildlife and Fisheries Commission at its regular meeting held in Baton Rouge, Louisiana, June 6, 1986.

Closure of Fishing for Paddlefish (*Polyodon spathula*)  
for a Three-Year Period

The Wildlife and Fisheries Commission hereby establishes a rule prohibiting the taking of paddlefish, commonly referred to as spoonbill catfish, for a three-year period beginning July 1, 1986. This prohibition shall not apply to the incidental snagging and pos-

session of one paddlefish by recreational fishermen using a single line and hook.

J. Burton Angelle  
Secretary

## Notices of Intent

#### NOTICE OF INTENT

##### Department of Agriculture Agricultural Industry Board

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and R.S. 3:3701 et seq., the Department of Agriculture, Agricultural Industry Board, is hereby giving notice of its intention to adopt rules and regulations detailed below. Comments can be forwarded to John Compton, Deputy Commissioner, Box 44182, Capitol Station, Baton Rouge, LA 70804; phone (504) 292-3200. A public hearing has been scheduled for 10 a.m., Monday, July 7, 1986, in the Conservation Hearing Room, Natural Resources Building, Baton Rouge, LA. All interested persons will be afforded an opportunity to submit views in writing or present arguments at the public hearing.

#### Title 7

##### Agriculture and Animals

##### Part XXXVI. Agricultural Ethanol Production

##### Chapter 177. Agricultural Ethanol Productions

##### §17701. Definitions

In addition to definitions listed below and unless otherwise provided, the definitions in R.S. 3:3703 shall apply to these regulations.

*Act* means the Agricultural Ethanol Production Law.

*Adjudicatory proceeding* means an open public hearing by the board to determine whether violations of the Act or these regulations have occurred. Such proceedings are conducted in accordance with the Louisiana Administrative Procedure Act (R.S. 49:950, et seq.).

*Agency contract* is a contract between a certified market participant and a grain dealer or warehouseman.

*Agricultural products* means sugar, all agricultural products commonly classed as grain (rice, rough rice, corn, wheat, oats, rye, soybeans, barley, milo and grain sorghum), and any other agricultural product, other than cotton, which the board may declare to be an agricultural product subject to regulation under the Act.

*Applicant* means a person who applies for designation as a certified market participant.

*Authorized agent*, with reference to the authorized agent of a certified market participant, means any representative thereof whose name has been filed with the board as such. A person whose name has not been filed with the board as an authorized agent will not be recognized by the board as entitled to act for or on behalf of a certified market participant.

*Board* means the Agricultural Industry Board Established by R.S. 3:3704.

*Certified market participant* is an applicant approved by the board to participate in a cooperative endeavor authorized under this Chapter.

*Certified market participant contract* is a contract or coop-

erative endeavor between the board and a certified market participant.

*Cooperative endeavor* means a contractual relationship between the state of Louisiana through the board with a person for a public purpose.

*Ethanol* means an ethyl alcohol which meets all of the following conditions in that it:

1. has a purity of at least 99 percent, determined without regard to any added denaturants;
2. has been denatured in conformity with one of the approved methods set forth by the United States Bureau of Alcohol, Tobacco and Firearms;
3. has been derived from agricultural products; and
4. has been produced in the State of Louisiana wholly from fermentation and distillation in the State of Louisiana.

*Farm products* means products employed directly in the cultivation, production or harvesting of any agricultural products, such as fertilizers or pesticides, and/or containers for agricultural products or farm products.

*First point of sale* means: (1) the initial time when title to agricultural products or farm products passes from a seller to a buyer; or (2) the time when agricultural products or farm products are removed from storage.

*Fund* means the Agricultural Industry Incentive Fund established by R.S. 3:3706.

*Gasahol* means a fuel that contains not more than 90 percent gasoline and at least 10 percent ethanol.

*Gasahol multiplier* means the number 10, which reflects the fact that 10 gallons of gasahol contains at least one gallon of ethanol.

*Grain dealer* means any person who purchases agricultural commodities from producers, sells agricultural commodities for producers or represents producers in the purchase or sale of agricultural commodities. The term does not include producers who purchase grain commodities for their own use as feed or seed.

*Licensee* means any person holding a license as a warehouse or grain dealer issued by the board.

*Person* means any individual, partnership, association, corporation or other legal entity.

*Principal office* is where the records of the certified market participant will be maintained in the State of Louisiana.

*Producer* means a farmer, individual or person that engages in the production of an agricultural product.

*Producer contract* means a three party contract between and among a producer, certified market participant and a grain dealer or a warehouseman.

*Rules or regulations* means the rules or regulations adopted by the Agricultural Industry Board under the authority granted by the Act.

*Scale ticket* means the document issued to a producer when agricultural products are delivered to a warehouse or grain dealer.

*Settlement sheets* are documents which reconcile contracts, shipping tickets, charges, deductions and payments as a subsidiary accounts payable to determine the rate of product received.

*Shipping documents* are the written evidence of ethanol produced and shipped by a certified market participant.

*Spot or spot sale* means a transaction where title to agricultural products passes from the producer to the buyer on the day of delivery, in which transaction the producer is paid promptly at the market price established on the day of delivery.

*Storage* means the physical possession by a warehouse, in any manner and/or under any type of fee arrangement, of agricultural products belonging to any person other than the owner of the warehouse. The term "storage" does not apply to a transaction in which title passes from the seller to the buyer upon delivery.

*Taxes imposed on gasahol* means any state tax levied on gasahol and includes any tax levied on gasahol under the provisions of R.S. 47:711, R.S. 47:802, R.S. 47:302(A), R.S. 47:321(A), and R.S. 47:331(A).

*Under substantial construction* means that the applicant has expended 25 percent of their total capital budget for the land and construction of their ethanol manufacturing facility.

*Warehouse* means any building, structure or any other protected enclosure in which agricultural products or farm products are stored for the public for a fee. The term includes facilities which commingle commodities, facilities which preserve the identity of separate lots of agricultural products and facilities which dry and/or condition agricultural products belonging to any person other than the facility owner.

*Warehouseman or Warehouse operator* means any person or entity operating a warehouse.

### **§17703. Administration of the Agricultural Industry Board**

#### **A. Officers: Title and Functions**

1. The officers of the board shall be a chairman and a vice-chairman. The chairman shall be the commissioner of agriculture. The vice-chairman shall be elected for a one year term.

2. In the absence of the chairman at any meeting of the board, the vice-chairman shall preside.

#### **B. Meetings**

1. The board shall hold at least one regular meeting during each quarter of the year, but may meet more frequently upon the call of the chairman.

2. Meetings of the board shall normally be held in its domicile but may be held at other locations upon the determination of the chairman or the will of the board.

3. The quorum of the board is four members.

4. An affirmative vote of a majority of the members present shall be required for the adoption of any motion.

5. There shall be no voting by proxy.

#### **C. Director: Duties and Responsibilities**

1. The director shall provide clerical and other support services as may be required by the board and shall maintain and distribute appropriate records of the board.

2. The director shall draft and submit to the board all reporting forms required by the Act or the regulations.

#### **D. Confidentiality of Financial Information**

No member of the board or the staff shall disclose any financial information pertaining to any certified market participant or applicant for certified market participant unless such records or books are presented to an adjudicatory hearing or unless he acts pursuant to a court order.

### **§17705. Certified Market Participants: Procedures and Criteria for Approval**

#### **A. Criteria for Approving Certified Market Participants**

In approving certified market participants, the board shall apply the following criteria in considering the application, to wit:

1. the facility to produce ethanol must be located in the State of Louisiana;

2. the facility must be owned or leased and must be constructed or converted and operated for the purpose of producing ethanol as its primary product from agricultural products;

3. the entire production, fermentation and distillation process must occur in the state of Louisiana and must be in accordance with the terms and conditions set forth in the written agreement between the board and the certified market participant and entered into in accordance with the provisions of R.S. 3:3707(B);

4. the ethanol must be produced and sold for use in gasahol;

5. the applicant's financial ability to perform as a certified market participant; and

6. priority for designation as a certified market participant will be given to those applicants who are in production, under construction or have made application to the board prior to September 1, 1986 and will be under substantial construction by January 1, 1987.

#### B. Form and Contents of Application by Certified Market Participants

Applications for designation as a certified market participant must be filed no later than September 1 of each year. The following information must be furnished on the application form provided by the board to wit:

1. Date of submission.
2. Nature of applicant's business:
  - a. sole partnership;
  - b. partnership;
  - c. corporation;
  - d. association;
  - e. agricultural cooperative; or
  - f. other.
3. Name under which the business will operate.
4. Address of the principal office of the business, either in-state or out-of-state, including mailing address, physical location and phone number.
5. Name of the person in charge (e.g., manager or chief executive officer) and his residence address and phone number.
6. If the entity is a partnership, the name, address and interest of all partners.
7. If the entity is a corporation, the name and address of all officers and directors.
8. If the entity is an association, including an agricultural cooperative, the name and address of all members of the board of directors.
9. If not shown above, provide the following information for the owner(s):
  - a. name of the owner(s);
  - b. address of the principal office; and
  - c. provide name, address and phone number of all designated authorized agents.
10. Status of the facility in which the business will be operated:
  - a. owned by applicant;
  - b. leased by applicant (short term or long term);
  - c. rented by applicant and name and address of owner; or
  - d. other.
11. Type of agricultural product(s) that the applicant will use to make ethanol.
12. Bond status of the applicant:
  - a. amount of bond posted;
  - b. name and address of bonding company; and
  - c. period for which bond was written.
13. Name and residence address of all authorized agents.
14. If the business was previously operated under another name, show the name and address of previous business.
15. A statement that the applicant will abide by the requirements of the Act, these rules and regulations and all provisions of the cooperative agreements entered into with the board.
16. A certified statement that all representations contained in the application and in all required attachments are true and correct.

#### C. Financial Statements

1. For initial designation under the Act, each applicant must provide a financial statement as of the close of the applicant's most recent fiscal year. The financial statement must be prepared in accordance with generally accepted accounting principles and must include contracts covering the purchase of all agricultural prod-

ucts. Fixed assets must be presented at cost on financial statements.

2. The financial statement must contain:

- a. a balance sheet;
- b. a statement of income (profit and loss);
- c. a statement of retained earnings;
- d. a statement of changes in financial position; and
- e. a certificate by the applicant or the chief executive officer of the applicant, in the form of an authentic act, that the financial statement accurately reflects the financial condition of the applicant for the period covered in the financial statement. Whenever the certificate is executed by a representative of the applicant other than the owner or president, the board of directors must adopt a resolution authorizing such representative to execute the certificate.

3. Multi-state and/or multi-national corporations with subsidiary divisions located in Louisiana must either:

- a. submit a fully audited financial statement showing the position of the parent company, together with sufficient financial information pertaining to the Louisiana subsidiary, to reasonably reflect the corporation's ability to satisfy all obligations to Louisiana producers; or
- b. pay all expenses necessary for performance of a full audit, at one or more locations where pertinent corporation records are maintained, by the Department's Central Audit Committee.

4. After January 1, 1986, each certified market participant must file a financial statement conforming to the requirements of this rule within 90 days after the close of the certified market participant's fiscal year.

#### D. Procedures for Approval of Designation of Certified Market Participants

1. The board must vote in an open public meeting on each application.

2. A majority vote of a quorum must be necessary to act on any application.

3. At a meeting held to consider an application, the board, at its discretion, may permit the introduction of written materials or an oral presentation by the applicant or their representative.

#### E. Official Designation

1. After the board has voted to designate an applicant as a certified market participant, the commissioner shall sign and issue, in the name of the board, an official document evidencing the designation.

2. All documents indicating a designation shall contain the following:

- a. name and address of the certified market participant;
- b. location of the certified market participant's facilities; and
- c. amount of the bond.

### §17707. Cooperative Endeavor and Agreements

#### A. Written Contractual Agreements

1. All certified market participants who seek incentive payments shall enter into certified market participant contracts with the board. Certified market participants may enter into either producer contracts or agency contracts.

2. The certified market participant contract shall contain the following provisions, to wit:

- a. the name of both parties;
- b. the time period covered by the contract indicating a beginning and ending date;
- c. evidence that the certified market participant has complied with the bonding requirements of the Louisiana Department of Revenue;
- d. a requirement for the annual renewal of the contract;
- e. termination permitted by the board after an adjudica-

tory hearing in which the certified market participant has been held to be in violation of the Act or rules;

f. disclosure of information concerning agricultural products to be used (including, but not limited to, information and amounts of all brokerage and storage commissions, fees or other financial arrangements) in the manufacturing of ethanol indicating the type, quantity, origin and costs of agriculture products to be used, and the number of gallons of ethanol to be sold and the amount of incentive payments anticipated;

g. certification by the applicant that the financial and other records submitted to the board and required to be maintained by the Act and rules are accurate and shall be maintained on a current basis;

h. agreement to maintain records required by the Act and rules;

i. requirement that the certified market participant not enter into producer contracts or agency contracts without obtaining prior approval from the board of the form and content of such contracts;

j. substitution provisions that permit the certified market participant to change the type and origin of agriculture products used under specified limitations and conditions relating to availability of supply and costs; and

k. a statement of the dollar amount estimated to be paid from the fund and allowed to the contracting certified market participant and used for the cost of administration of the board, the commissioner, their employees, attorneys, and auditors.

3. A certified market participant may enter into an agency contract with a grain dealer or warehouse. Any agency contract shall be annexed to and made part of a certified market participant's contract. All agency contracts shall contain the following provisions, to wit:

a. name and address of both parties;

b. calendar year of contract;

c. date of contract;

d. terms of price, quantity, delivery and settlement (schedule of tariffs); and

e. agricultural product and financial records, including but not limited to information and amounts of all brokerage and storage commissions, fees or other financial arrangements.

4. A certified market participant may enter into a producer contract. Any producer contract must be amended to and made part of a certified market participant contract. All producer contracts shall contain the following provisions and information, to wit:

a. Name and address of all three parties.

b. Date and calendar year of contract.

c. Consecutively numbered and colored contracts for distribution of copies to all three parties.

d. The producer must attest and verify that the agricultural products delivered to the grain dealer were grown by the producer at a location in Louisiana specified in the contract.

e. Shipments to a grain dealer or warehouse shall not be comingled and separate scale ticket will be required.

f. Scale tickets must be given. The scale ticket must be in four parts. The grain dealers or warehouseman must maintain a file with consecutively numbered scale tickets with a copy attached to the producers contract. The grain dealer or warehouseman must send a copy to the producer and a copy to the certified market participant.

g. Settlement sheets must be kept by the grain dealer or warehouseman on forms specified by the commissioner.

h. Out-bound scale tickets (green in color) must be kept by the grain dealer or warehouseman and a copy must be sent to the certified market participant. The grain dealer or warehouseman and the certified market participant must keep these out-

bound scale tickets separate and in numerical order.

i. Producers must agree to permit board representatives to enter their property to examine the contracted crops and to inspect the producer's financial and agricultural product records.

5. All contracts (certified market participant contracts, agency contracts or producer contracts) and any modifications or amendments to the contracts must be in writing and will be subject to the prior approval of the board.

B. Authority to Approve Written Contractual Agreements

The board shall have absolute discretion to approve or disapprove all certified market participant contracts, agency contracts or producer contracts.

C. Procedure for Approval of Written Contractual Agreements

1. All contracts must be submitted to the commissioner for his review.

2. The board shall vote in a public meeting on each certified market participant contract, agency contract and producer contract. A majority vote of a quorum shall be required to approve or disapprove any contract.

#### **§17709. Incentive Payments to Certified Market Participants**

A. Conditions for Approval of Incentive Payments

1. A request for incentive payments must be submitted in writing on the forms approved by the board.

2. The request for incentive payment form shall contain the following information:

a. name, address and phone number of certified market participant;

b. signature of authorized agent;

c. date submitted;

d. month for payment;

e. ethanol buyer's name, address, and quantity;

f. number of gallons of ethanol sold;

g. copies of scale tickets (ethanol production and sales information must be attached); and

h. certification by authorized agent that the information reported on the form is true, correct, and complete.

3. The incentive payments may be made only to certified market participants who have contracts approved by the board.

B. Procedures for Payment of Certified Market Participants

1. Certified market participants must submit a written request for payment which shall be reviewed and approved by the commissioner or his designee.

2. The commissioner is authorized on behalf of the board to take all necessary steps to make payments to certified market participants from the Agricultural Industry Incentive Fund.

#### **§17711. Records Requirements**

A. Each certified market participant must maintain the following records on a current basis in the company's principal office in this state at all times:

1. bank statements;

2. bank reconciliations;

3. broker's statement;

4. copies of all outstanding contracts with producers, grain dealers and warehousemen or warehouse operators including, but not limited to agency contracts, producer contracts, and certified market participant contracts;

5. copies of all outstanding notes and mortgages affecting the business;

6. current financial statements;

7. daily production records;

8. record of all sales;

9. scale tickets: in-bound and out-bound (Each scale ticket

shall be of a design approved by the board. Each warehouseman must use sequentially pre-numbered scale tickets which must have an original and not less than four copies. Each scale ticket shall contain the following information:

- a. name and location of the grain dealer or warehouse where the commodity is delivered;
- b. name and other information sufficient to identify the owner of the agricultural product or other farm product;
- c. type, quantity, and grade or applicable grade factors necessary to determine the net value of the product received;
- d. date the product was delivered; and
- e. one of the following as appropriate:
  - i. If the commodity is to be deposited on a "spot" basis, the words "spot" or "spot sale", and when so marked the scale ticket shall serve as written confirmation of the sale; or
  - ii. If the product is deposited for any type of storage, the word "storage".
- f. sequential record of all scale tickets;
- g. sequential record of all warehouse receipts; and
- h. settlement sheets.

#### **§17713. Audits and Inspections**

A. Each certified market participant shall permit any officer or authorized representative of the board or the commissioner to enter all locations listed on the application for designation as a certified market participant and inspect, examine and/or audit all contents, facilities, equipment records, books and accounts relating thereto at any time during normal working hours, with or without notice.

B. Audits shall be done at least once a year and may be done at any time that the commissioner deems it appropriate.

C. The certified market participant shall provide the necessary assistance required for any inspection, examination and/or audit made in accordance with the Act.

#### **§17715. Adjudicatory Proceedings**

1. The chairman shall designate a hearing officer, who may or may not be a member of the board, to preside at all adjudicatory proceedings of the board. The chairman may, if he so desires, serve as hearing officer at any adjudicatory proceeding.

2. The board shall serve as the hearing body in all adjudicatory proceedings and shall make the final determination with regard to the disposition of all matters coming to adjudication.

3. No member of the board shall participate in any discussion or vote concerning any matter before the board in which such member has a personal or commercial interest.

#### **§17717. Penalties**

A. The board may impose a civil penalty of up to \$50,000 for each violation of the provisions of the Act or rules.

B. The board may revoke the designation of a certified market participant and terminate the cooperative agreement if there is a violation of the Act or rules.

C. No penalty shall be imposed until the board has held an adjudicatory hearing in accordance with the provisions of the Louisiana Administrative Procedure Act.

Bob Odom  
Commissioner

### **Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Agricultural Ethanol Production**

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

Besides the expenditures detailed in R.S. 3:3706, no additional costs are anticipated to implement these rules and regulations.

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

Besides the revenues detailed in R.S. 3:3706, no additional fiscal impact is anticipated with regard to revenue collections.

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

The cost and economic benefit of the Agricultural Ethanol Production Law was considered when Act 917 was enacted in 1985. These rules and regulations will not have any fiscal impact on costs or economic benefits which will directly affect persons regulated by these regulations.

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

The effect on competition and employment was considered when Act 917 was enacted in 1985. These rules and regulations will not have any fiscal impact on competition and employment.

Carol H. Guidry  
Fiscal Officer

Mark C. Drennen  
Legislative Fiscal Officer

### **NOTICE OF INTENT**

#### **Department of Agriculture Office of Animal Health Services Livestock Sanitary Board**

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and R.S. 3:2093, the Department of Agriculture, Livestock Sanitary Board, is hereby giving notice of its intention to adopt the amendment detailed below. Comments should be forwarded to Dr. William B. Fairchild, Director, Livestock Sanitary Board, Box 1951, Baton Rouge, LA 70821. All interested persons will be afforded an opportunity to submit views in writing through July 9, 1986.

Amend LAC 7:XXI. 11735.A.5.b. as follows:

b. Suspect animal(s) adult vaccinated or calfhood vaccinated animals which are card test positive and rivanol test negative on the market test can be "S" branded and sold for slaughter or at the owner's choice returned to the farm of origin under quarantine for retest in no less than 30 days. Additional animals in the same consignment with the vaccinated suspect(s) which are negative on the brucellosis test may move without restriction provided they are in compliance with other appropriate regulations.

Bob Odom  
Commissioner

### **Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Livestock Sanitary Board**

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

This amendment would not require any implementation costs to state and local governmental units.

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

This amendment would not have any impact 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)**

This amendment will not have any effect on persons or non-governmental groups.

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

This amendment will not have any effect on competition and employment.

Richard Allen  
Assistant Commissioner

Mark C. Drennen  
Legislative Fiscal Officer

NOTICE OF INTENT

Department of State Civil Service

The State Civil Service Commission will hold a public hearing on July 2, 1986 for the purpose of considering proposed amendments to Civil Service Rules 6.4(c), 9.1, 9.2, 9.3, 11.18(d), 11.23.1 and 12.8(a); the adoption of newly proposed Rule 6.11.1 and the repeal of Rule 9.4.

The hearing will be held at 9 a.m. and will be held at the Hyatt Regency Hotel, Fourth Floor, Burgundy Rooms A and B, Corner of Poydras and Loyola Streets, New Orleans, Louisiana.

Consideration will be given to the following:

PROPOSAL A

Chapter 6

Present Rule

6.4 Rate of Pay Upon Employment

- (a) . . .
- (b) . . .

(c) Subject to the provisions of Subsection (a) of this rule, the pay of an employee reentering the classified service, other than one being restored to duty following military service, may be fixed at a rate within the range for the new position which does not exceed the highest salary he previously earned while serving with permanent status in a classified position under other than detail to special duty provided:

Proposed Change

Amend and reenact to read:

(c) Subject to the provisions of Subsection (a) of this rule, the pay of an employee reentering the classified service within five years from separation, other than one being restored to duty following military service, may be fixed at a rate within the range for the new position which does not exceed the highest salary earned during the five-year period immediately prior to separation while serving with permanent status in a classified position under other than detail to special duty, provided:

EXPLANATION

The five-year limitation in the proposed change makes this rule compatible with Rule 8.18 "Noncompetitive Reemployment" which also has a five-year limitation. Furthermore, the change will make it easier for agencies to compute prior service rates of pay for employees reentering the classified service because they will not be required to research records further back than five years prior to separation. This change would result in savings to the state.

PROPOSAL B

Chapter 6

Present Rule

NONE

Proposed New Rule

6.11.1 Compensation for Holidays

Employees shall be eligible for compensation on holidays observed except:

- (a) when the employee's regular work schedule averages less than 20 hours a week;
- (b) when the employee is on restricted appointment;
- (c) when the employee is on leave without pay immediately preceding and following the holiday period.

EXPLANATION

Chapter 6 of the Civil Service Rules contains provisions for pay and compensation for most situations. However, there is no rule that specifically provides for or denies compensation of classified employees on holidays. A rule is necessary to provide for standardized procedures for all state agencies and to eliminate confusion and numerous inquiries to the Department of Civil Service each time a holiday is observed. Costs to the State are reduced by not compensating employees on LWOP, on restricted appointment or those working less than 20 hours per week for holidays. This provision will also eliminate administrative waste of time and money for those agencies which currently terminate employees on restricted appointments before a holiday and then process new appointments on the same employees following the holiday. Statewide, the savings are significant.

PROPOSAL C

Chapter 9

Present Rule

9.1 Probationary Period

(a) The following appointments shall be made for a probationary period of six months following appointment:

- 1. Appointments to permanent positions following certification from an open competitive eligible list.
- 2. Original appointments to permanent positions in non-competitive classes.
- 3. Non-competitive re-employments based on prior service, except as provided in Rules 8.23 and 9.3.

The probationary period shall be an essential part of the examination process and shall be utilized for the most effective adjustment of a new employee and for the elimination of any probationary employee whose performance does not meet the required standard of work.

(b) A permanent employee who is promoted, transferred, reassigned or demoted to another position shall not be required to serve a probationary period in the new position.

(c) A permanent or probationary employee who is appointed to another position following certification from an open competitive eligible list is considered a new employee in the new position and shall serve a probationary period of six months in such new position.

(d) A probationary employee who is permanently transferred, reassigned, or demoted to another position shall acquire permanent status in the new position at the end of the probationary period which he was serving at the time of change to the other position.

(e) A probationary employee may be removed by the appointing authority at any time, provided that the appointing authority shall furnish the director reasons therefor in writing.

(f) A former employee who is appointed from a department preferred re-employment list is not required to serve a probationary period in the new position.

(g) The probationary period of a part-time employee shall be computed on the same calendar basis as though he were employed full time.

9.2 Permanent Appointment Following Probationary Period

Permanent appointment of a probationary employee shall begin when the probationary period ends if the employee has not been previously removed by the appointing authority.

9.3 Interruption of Probationary Period

A probationary employee who is absent for military training, military active duty or leave without pay, in excess of thirty consecutive calendar days, shall be returned to duty in the probationary status at the point he reached in the probationary period before leaving. Absences of 30 consecutive calendar days or less shall be counted as part of the six months probationary period.

#### 9.4 Extension of Probationary Period

Upon written request made by the appointing authority and a showing of good reason therefor, the length of an employee's probationary period may be extended by the director for an additional period or periods, provided,

(a) No probationary period shall extend beyond 12 months from the date of the probationary appointment involved, except for reasons of military duty under the provisions of Rules 8.19 and 11.26; and,

(b) No extension may be granted after the expiration of the probationary period.

#### 9.5

An employee cannot attain permanent status or acquire other rights and benefits of permanent appointment for more than one full-time equivalent position in state service.

#### *Proposed Change*

Amend and Reenact to read:

##### 9.1 Probationary Period

(a) Probationary periods of no less than six months or more than 12 months shall be served by employees following appointments to:

1. permanent positions following certification from an open competitive eligible list;
2. original appointments to permanent positions in non-competitive classes;
3. non-competitive re-employments based on prior service, except as provided in Rules 17.26 and 9.3.

The probationary period shall be an essential part of the examination process and shall be used for the most effective adjustment of a new employee and for the elimination of any probationary employee whose performance does not meet the required standard of work.

(b) A permanent employee who is promoted, transferred, reassigned or demoted to another position shall not be required to serve a probationary period in the new position.

(c) A permanent or probationary employee who is appointed to another position following certification from an open competitive eligible list is considered a new employee in the new position and shall serve a probationary period no less than six months or more than 12 months in such new position.

(d) A probationary employee who is permanently transferred, reassigned, or demoted to another position shall acquire permanent status in the new position at the end of the probationary period which he was serving at the time of change to the other position.

(e) A probationary employee may be removed by the appointing authority at any time, provided that the appointing authority shall furnish the director reasons therefor in writing.

(f) A former employee who is appointed from a department preferred re-employment list is not required to serve a probationary period in the new position.

(g) The probationary period of a part-time employee shall be computed on the same calendar basis as though he were employed full time.

##### 9.2 Permanent Appointment Action Following Probationary Period

(a) Permanent appointment of a probationary employee shall begin upon certification by the appointing authority. Certification will consist of a statement in the "remarks" section of the Standard Form 1 "I certify that this employee has met the required standard of work during the probationary period."

(b) A permanent appointment must be reported by Standard Form 1.

(c) The appointing authority shall remove employees who have not been certified as permanent at the end of the 12 month

probationary period in accordance with the provisions of Rule 9.1(e).

##### 9.3 Interruption of Probationary Period

A probationary employee who is absent for military training, military active duty or leave without pay, in excess of 30 consecutive calendar days, shall be returned to duty in the probationary status at the point he reached in the probationary period before leaving. Absences of 30 consecutive calendar days or less shall be counted as part of the probationary period.

##### 9.4 Repealed

#### EXPLANATION

Rule 9.1(a) is modified to show the probationary period as being a period from six to 12 months following probationary appointment rather than only a period of six months. The wording in Rule 9.1(c) is also modified to reflect the wording in Rule 9.1(a). Rule 9.2 has been significantly changed to remove the automatic provision of an employee becoming permanent at the end of the six-month period. It requires the appointing authority to certify on a Standard Form 1 that the employee has met the required standard of work during some point in the last half of the 12 month probationary period, before the employee can receive a permanent appointment. The rule requires that the permanent appointment be reported by Standard Form 1. However, it may be in conjunction with a request for approval of a step increase, provided the certification statement is in the "remarks" section of the SF-1. Rule 9.2(c) provides for removal by the appointing authority when the employee reaches 12 months on probationary appointment and has not been certified as permanent. In Rule 9.3, reference to a "six month" probationary period was removed. Rule 9.4 is repealed. There is no longer any requirement for a probationary extension.

#### PROPOSAL D

##### Chapter 11

##### *Present Rule*

##### 11.18 Cancellation or Continuance of Annual and Sick Leave

(a) . . .

(b) . . .

(c) . . .

(d) Subject to the provisions of Rule 11.19(c), all annual leave accrued by an employee for which he is not paid upon resignation and all unused sick leave accumulated by him shall again be credited to him if he is reemployed in the Classified Service within a period of five years from date of separation; provided, that the privileges of this rule shall not extend to any employee whose last separation from the Classified Service was by resignation to escape possible disciplinary action.

##### *Proposed Change*

Amend and reenact to read:

(d) Subject to the provisions of Rule 11.19(c), all annual leave accrued by an employee for which he is not paid upon resignation and all unused sick leave accumulated by him shall again be credited to him if he is later employed with probationary, or permanent appointment status in the classified service within a period of five years from date of separation; provided, that the privileges of this rule shall not extend to any employee whose last separation from the Classified Service was by resignation to escape possible disciplinary action.

#### EXPLANATION

Paragraph (d) is revised to limit the recrediting of leave to probationary, and permanent employees only. Persons reemployed on job, provisional and restricted appointment would not be recredited with any leave balances earned during former employment. This change will result in a savings to the state.



## PROPOSAL E

### Chapter 11 Present Rule 11.23.1

An employee may be given time off without loss of pay, annual leave or sick leave when attending the obsequies of a relative within the fourth degree of relationship by blood or affinity; provided such time off shall not exceed two days on any one occasion.

#### Proposed Change

11.23.1 Add title to read: "Funeral Leave".

Amend and reenact to read:

Probationary and permanent employees may be granted time off without loss of pay, annual leave or sick leave when attending the funeral or burial rites of a parent, step-parent, child, step-child, brother, step-brother, sister, step-sister, spouse, mother-in-law, father-in-law, grand-parent, or grand-child; provided such time off shall not exceed two days on any one occasion.

#### EXPLANATION

Many state agencies and other states restrict the use of this rule to immediate family. This change would provide for more uniform application of the rule for all employees statewide.

## PROPOSAL F

### Chapter 12 Present Rule

#### 12.8 Voluntary Resignations

(a) Whenever the services of a permanent or probationary employee are terminated by voluntary resignation, the appointing authority shall request the employee to submit a letter of resignation. A copy of such letter shall be attached to the personnel status change form submitted to the director. In any case where it is impossible or impracticable to secure the letter, the appointing authority shall explain in writing to the director the reason why the letter was not furnished.

#### Proposed Change

Amend and reenact to read:

(a) Whenever the services of a permanent or probationary employee are terminated by voluntary resignation, the appointing authority shall request that the employee submit a letter of resignation or complete other appropriate agency forms. Where it is impossible to secure the letter or form, the appointing authority shall prepare and maintain a written explanation of the reason(s), if known, and why the letter or form was not obtained.

#### EXPLANATION

This change would same time by eliminating the requirement to submit a copy of a resignation letter or to explain the absence of such letter or form to the Department of Civil Service.

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

Herbert L. Sumrall  
Director

## NOTICE OF INTENT

### Department of State Civil Service

The State Civil Service Commission will hold a public hearing on July 2, 1986 for the purpose of considering proposed amendments to Civil Service Rules 1.9.01, 1.13, 17.16, 17.17, 17.24, the repeal of Rule 1.25.2 and the adoption of newly pro-

posed Rule 17.16.1. The public hearing will be held at 9 a.m. at the Hyatt Regency Hotel, Fourth Floor, Burgundy Rooms A and B, Corner of Poydras and Loyola Streets, New Orleans, LA.

At its June 3, 1986 meeting the Civil Service Commission adopted on an emergency rule basis, according to the provisions of Civil Service Rule 2.10(f), amendments to Rules 1.9.01 and 17.16. Those emergency amendments will be proposed to be adopted on a regular basis at the July 2, 1986 meeting.

Consideration will be given to the following:

#### Chapter 1

Amend Rule 1.9.01 to read:

*Commuting Area* means that geographic area in which employees are subject to competition for a layoff. It shall encompass only the parish of the abolished position(s) and all bordering parishes.

#### EXPLANATION

Rule 1.9.01 was worded, before an emergency rule change on June 3, 1986, to have the official domicile of each employee affected by a layoff determine that employees commuting area rather than having the parish of the abolished position(s) determine the commuting area. This resulted in great administrative difficulty in conducting a layoff, since there could be a significant "ripple effect" in areas of competition. Also, under the previous rule, when an approved layoff plan was shown employees, they had no way of knowing if the bumping would ultimately affect them. This amendment will still afford adequate bumping protection to employees, as they will still be able to compete with employees in the commuting area of the abolished position(s).

Amend Rule 1.13 to read:

*Department Preferred Reemployment List* means a list of employees who have been laid off or otherwise affected by a layoff (e.g., displaced and/or demoted in lieu of layoff, changed in duty station, reassigned). Employees on such a list are given preferential hiring rights in the department or agency affected by a layoff.

#### EXPLANATION

The current wording of Rule 1.13 conflicts with the meaning of Rule 8.18 concerning noncompetitive reemployment eligibility. There is no list as presently defined by this rule. The proposed amendment defines this list for layoff purposes, moving the current definition for 'Preferred Reemployment List' (Rule 1.25.2) to Rule 1.13. Thus, the proposed repeal of Rule 1.25.2 is also included in this report.

Repeal Rule 1.25.2

Repeal this rule and move this definition, in its entirety, to be Rule 1.13.

#### EXPLANATION

See "Explanation" immediately above for Rule 1.13.

#### Chapter 17

Amend Rule 17.16 to read:

#### 17.16 Order of Layoff by Appointment and Status

The order of layoff in the affected class(es), career fields, organizational unit(s), and commuting area(s) shall be by the type of appointment as follows: restricted, job, provisional, probational, part-time permanent employees, full-time permanent employees.

(a) Within each permanent appointment status, layoff shall be according to length of state service; those with the least service shall be laid off first, subject to Rule 17.16.1.

(b) . . .

#### EXPLANATION

In Subsection (a), the words "subject to Rule 17.16.1" have been added because Rule 17.16.1 is newly proposed and qualifies what length of state service is possessed by permanent employees with "Unsatisfactory" service ratings.

Proposed Rule 17.16.1

17.16.1 Employees With Unsatisfactory Service Ratings

(a) Within the affected class, commuting area and organizational unit affected by a layoff, permanent employees whose most recent service ratings were unsatisfactory shall be laid off before any other permanent employee is laid off.

(b) In the event that the number of permanent employees whose most recent service ratings were unsatisfactory exceeds the number of positions to be abolished, the least senior employees with unsatisfactory service ratings shall be laid off first.

(c) Within each class, commuting area and organizational unit impacted by a layoff, permanent employees whose most recent service ratings were unsatisfactory shall be displaced before any other permanent employee is displaced.

(d) In the event that the number of permanent employees whose most recent service ratings were unsatisfactory exceeds the number of persons to be displaced, the least senior employees with unsatisfactory service ratings shall be displaced first.

(e) Permanent employees whose most recent service ratings were unsatisfactory may only displace employees who do not have permanent status.

(f) For purposes of this rule, an employee is considered as having an unsatisfactory service rating when the delays for appealing the rating have expired and the employee has not appealed the rating or, if the rating has been appealed, when a final decision of the commission has been rendered on the appeal.

(g) Exceptions to this rule may be granted in accordance with Rule 17.3(b) upon adequate written justification presented by the appointing authority.

EXPLANATION

This rule is proposed so that an agency is not forced to lay off employees with "Satisfactory" service ratings while keeping those with "Unsatisfactory" service ratings just because poor work performers have more state service.

Amend Rule 17.17 to read:

17.17 Displacement Rights of Permanent Employees

Subject to the following provisions, a permanent employee who is affected by a layoff has the right to displace another employee who occupies the same, an equivalent, or lower class position in the same career field and is in the organizational unit(s) and commuting area(s) affected by a layoff, subject to the provisions of Rule 17.16.1. An employee who displaces another, must meet the class qualifications for the position involved. A part-time permanent employee shall not displace a full-time permanent employee.

- (a) . . .
(b) . . .
(c) . . .
(d) . . .
(e) . . .

EXPLANATION

The words "commuting area(s)" have been substituted for the words "geographic area(s)" in the first sentence of this rule. This change is simply a clarification of the present meaning of the rule.

The words "subject to the provisions of Rule 17.16.1" have been added because Rule 17.16.1 is a proposed new rule which qualifies how the displacement process works regarding permanent employees whose most recent service rating was "Unsatisfactory."

The last sentence of the first paragraph has been changed to clarify the present intent of the rule.

Amend Rule 17.24 to read:

17.24 Department Preferred Reemployment Lists

Eligibility for the department preferred reemployment list

does not extend to any person whose most recent service rating was "Unsatisfactory" when he was affected by a layoff action. Also, such eligibility does not extend to any person who, after being affected by a layoff action, is terminated for disciplinary reasons or resigns to avoid disciplinary action.

- (a) . . .
(b) . . .
(c) . . .
(d) . . .
(e) . . .
(f) . . .
(g) . . .
(h) . . .

EXPLANATION

The first sentence has been added to this rule to mean that a person whose most recent service rating was "Unsatisfactory" when he was affected by a layoff action is not eligible to be placed on a department preferred reemployment list(s). Also, the privilege of this list will not extend to those who, after being affected by a layoff, are terminated for disciplinary reasons or resign to avoid disciplinary action.

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

Herbert L. Sumrall
Director

NOTICE OF INTENT

Department of Commerce
Real Estate Commission

Notice is hereby given that the Louisiana Real Estate Commission will consider amendments to LAC 46:LXVII, as follows.

Chapter 65, §6521-C prohibiting school owners, directors, instructors or licensees in any way affiliated with the school from hiring from that school for one year; E. clarifies the rule to include classes, instruction, telephone and office space as doing business; and F (added) no real estate school may provide lists of students or potential licensees to any one other than the Louisiana Real Estate Commission.

Chapter 65, §6525—(added) G- all advertising shall be free of misleading statements which do not enhance the integrity of the real estate profession; H. no advertisement shall offer a guarantee to pass the real estate license examination; and I. all advertisement shall include the specific items included in the tuition cost. Optional items to be charged separately must be clearly and separately listed.

Chapter 15, §1509—Amends the rule to require that notification of salesperson or associate broker termination on the part of the sponsoring broker must be in writing by certified mail.

Chapter 67, §6701 through 6726—timeshare rules to clarify the requirements established in the timeshare law.

Chapter 12, §1201—to allow real estate salesperson and broker applicants from other states to count the course work taken in the other state, or nationally recognized institutes in the case of broker applicants, for the education licensing requirement in Louisiana. In addition, each applicant would be required to complete an approved 30-hour course of study in Louisiana.

Chapter 27, §2701—require that all escrow accounts be opened in the exact form shown on the broker license and, for the sake of clarity, the type of account may also be noted.

Chapter 27, §2717—sets stipulations for withdrawal from escrow to include: for the purpose of depositing money in the reg-

istry of the court or mutually agreed upon by all parties for availability of funds at closing.

Chapter 15, §1519—to provide a 60-day deadline for transferring under the exemption from paying the transfer fee rule. A delay beyond this time would result in payment of the transfer fee and in applicable cases a delinquent fee.

Chapter 15, §1517—transfer is complete and effective upon receipt in the commission office of all proper documents and fees as required by law and rule.

Copies of the proposed rules will be available for public inspection between the hours of 8 a.m. and 4:30 p.m. on any working day at the office of the Louisiana Real Estate Commission, 9071 Interline Avenue, Baton Rouge, La. 70808, and may be obtained by writing Bert Bernard, Staff Development Specialist, Louisiana Real Estate Commission, Box 14785, Baton Rouge, La. 70808. Interested parties may direct inquiries and present their views in writing at this time.

Anna Kathryn Williams  
Executive Director

- STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
There is no effect on revenue to state or local government by adoption of this rule.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

Proposed rule would provide clear, concise and accurate information in all school advertisements. No way to estimate the cost to the certified schools as advertising rates vary from city to city and size of advertising space is up to individual choice.

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

Proposed rule should not have any effect on competition and employment since the rule would require that each school's advertising space contain accurate information on the course.

Anna Kathryn Williams  
Executive Director

Mark C. Drennen  
Legislative Fiscal Officer

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Real Estate Schools**

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

There is no impact on the expenditures of state or local government by adoption of this rule

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

There is no impact on revenue of state or local government by adoption of this rule.

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

The rule will impose additional costs on schools/affiliated brokers, since affiliated brokers under the proposed rule will not be able to use their offices as a site for administrative activities. As an alternative, the affiliated broker could forego sponsorship of the school in the broker's area.

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

The proposed rule prohibiting a broker affiliated with a school from hiring any student of that school for one year will provide other brokers with better opportunity to hire qualified students. However, it will reduce the employment opportunities of the student as well as restrict access of the school affiliated broker to qualified students. The rule prohibiting real estate schools from releasing names of students/licensees may make it more difficult for all brokers to be able to recruit new salespeople.

Anna Kathryn Williams  
Executive Director

Mark C. Drennen  
Legislative Fiscal Officer

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Real Estate Schools**

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

There is no effect on expenditure to state or local government by adoption of this rule.

- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF

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

**Rule Title: Salesman and Associate Broker License  
Transfer & Termination**

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

This rule change will have no impact on expenditures to state or local government.

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

This rule change will have no impact on revenue to state or local government.

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

No way to determine cost. The proposed rule would require an additional minimal charge for a certified letter to the salesperson or affiliated broker for notification of return of the license.

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

No effect on competition and employment.

Anna Kathryn Williams  
Executive Director

Mark C. Drennen  
Legislative Fiscal Officer

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Waiver**

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

There is no impact on expenditures to state or local government by adoption of this rule.

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

There is no impact on revenues to state or local government by adoption of this rule.

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

Proposed rule would benefit salespersons and brokers moving from another state and electing to be licensed in Lou-

isiana by lowering the hourly requirement in Louisiana to qualify for licensing. The rule requires 30 hours of education as opposed to 90 or 150 and schools usually have tuition charges based on hourly costs.

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

The proposed rule will have no impact on competition and employment.

Anna Kathryn Williams  
Executive Director

Mark C. Drennen  
Legislative Fiscal Officer

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Escrow Accounts**

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

This rule has no impact on the expenditures to state or local government.

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

This rule has no impact on the revenue to state or local government.

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

No additional cost to directly affected persons, such as brokers and salespersons, through adoption of this rule. Adoption of section 2717 merely clarifies normal business practice not directly addressed in the law. Section 2701 is proposed for clarity of records.

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

None.

Anna Kathryn Williams  
Executive Director

Mark C. Drennen  
Legislative Fiscal Officer

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Salesman and Associated Broker License  
Transfers and Terminations**

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

There is no impact on the expenditures of state or local government by enactment of this rule.

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

There is no impact on the revenues of state or local government by enactment of this rule.

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

There is no additional economic benefit to the persons directly affected by enactment of this rule. The exemption of the transfer fee under certain stated circumstances is already in force, the adoption of the scheduled time frame for such

transfer would just clarify and establish a deadline for such transactions.

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

There is no anticipated impact on competition or employment.

Anna Kathryn Williams  
Executive Director

Mark C. Drennen  
Legislative Fiscal Officer

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Timeshare**

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

The proposed rule will have no impact on the expenditures to state or local government.

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

The proposed rule would affect revenue of the agency only in fees collected for timeshare certificates and filing fees for advertising. No way to estimate the numbers to be certified or renewed.

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

The proposed rules would not have an additional cost to the timeshare developers and salespersons. All fees and filing costs, bond requirements, have been stipulated in the law. The rules merely outline the procedure for compliance with this law.

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

No effect on competition and employment.

Anna Kathryn Williams  
Executive Director

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education  
Amendment to Board Policy 5.00.50.f**

In accordance with R.S. 48:950 et seq., The Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved the following amendment to Board Policy 5.00.50.f:

“The funds provided to local education agencies from the 15 percent discretionary monies under Education of the Handicapped Act, Part B., P. L. 94-142, shall not be used for local school construction programs, procurement of temporary buildings, or for the acquisition of school buses, vans, or other vehicles except as follows:

1. Renovations and repairs necessary for reasons of health and safety of handicapped students and staff.

2. Modifications required to make special and regular education programs accessible to handicapped students including, but not limited to, such items as ramps, widened doorways, handrails, special water fountains, and modified bathrooms. This exception specifically excludes modifications for the purpose of compliance with Section 504 of the Rehabilitation Act.

3. The purchase of building materials for construction as

part of an ongoing vocational education program for the handicapped students.

4. Adaptations of existing buses to provide for the safe loading, transporting, and unloading of handicapped students.

Interested persons may comment on the proposed policy change and/or additions, in writing, until 4:30 p.m., July 29, 1986 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

James Meza, Jr., Ed.D.  
Executive Director

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

#### **Rule Title: Amend Board Policy 5.00.50.f**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
There will be no cost.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
There will be no effect.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)  
There will neither be costs nor economic benefits.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)  
There will be no effect.

Joseph F. Kyle  
Deputy Superintendent  
For Management and Finance

Mark C. Drennen  
Legislative Fiscal Officer

tus, associate teachers shall be employed at the same salary as a beginning teacher with a baccalaureate degree and a certificate. For these two years foreign teachers will not receive a parish differential or salary increment based upon Louisiana teaching experience; however, they would benefit from any statewide salary increase voted by the Legislature.

If hired in lieu of regular education teachers with funds allocated to the school system through the Minimum Foundation Program foreign associate teachers would be considered as part of the total teacher allotment in the MFP and local systems would be reimbursed in the same manner as for regular teachers.

For the third year, foreign associate teachers are subject to both federal and state taxes. These teachers, if hired under the MFP, would receive the same salary as a beginning Louisiana teacher and would be eligible for the parish differential. They would be subject to payroll deduction for federal and state taxes.

For the fourth and final year, foreign associate teachers, if hired under the MFP, would receive the same salary as a beginning Louisiana teacher and would be eligible for the parish differential. They would be subject to payroll deductions for federal and state taxes.

As the maximum stay in Louisiana for a foreign teacher under the exchange visitor visa is four years, foreign teachers would not come under the state tenure laws and would not be eligible for tenure in the parish of employment.

NOTE: Foreign associate teachers shall be employed only when a school system shows evidence that no certified Louisiana teacher is available (BESE Policy).

Interested persons may comment on the proposed policy change and/or additions, in writing, until 4:30 p.m., July 29, 1986 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

James Meza, Jr., Ed.D.  
Executive Director

### **NOTICE OF INTENT**

#### **Board of Elementary and Secondary Education**

#### **Interim Certification for Foreign Associate Teachers**

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 revised interim certification requirements for foreign associate teachers. (Revision to Board Policy 3.01.70.u(9)c)

#### **Interim Certification for Foreign Associate Teachers (Revised)**

Interim Certification for Foreign Associate Teachers recruited under the auspices of the Council for the Development of French in Louisiana (CODOFIL) and the Cordell Hull Foundation for International Education—To be eligible for this limited certification, foreign associate teachers must meet the following requirements:

1. They must be recruited and selected by their respective governments and by either CODOFIL or the Cordell Hull Foundation.
2. They must be certified teachers in their home country.
3. They must have a minimum of one year of teaching or related experience.

The Interim Certification is valid for one year, and renewable for up to a maximum of four years, based on an annual evaluation.

For the first two years of service, while under a tax free sta-

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

#### **Rule Title: Interim Certification for Foreign Associate Teachers**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
There would be no savings to state or local governmental units. The only costs involved would be the cost of upgrading the SDE's certification bulletin.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
There would be no effect on revenue collections.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)  
Foreign associate teachers under the revised certification would be eligible for the parish differential, however, the parish would have to hire the teacher from its regular teacher allotments in the Minimum Foundation Program.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)  
There would be very little, if any, effect on competition and employment.

Joseph F. Kyle  
Deputy Superintendent  
For Management and Finance

Mark C. Drennen  
Legislative Fiscal Officer

## NOTICE OF INTENT

### Office of the Governor Office of Elderly Affairs

In accordance with R.S. 49:950 et seq., The Administrative Procedure Act, notice is hereby given that the Governor's Office of Elderly Affairs (GOEA) intends to amend the current Louisiana State plan on Aging (effective October 1, 1983 through September 30, 1987). The purpose of the amendment is to de-designate St. Landry parish as a planning and service area (PSA) and incorporate it into the PSA now being served by Evangeline Economic Development District Area Agency on Aging, including Lafayette, St. Mary, St. Martin, Iberia, Acadia, Evangeline, Jefferson Davis, and Vermilion parishes. A declaration of emergency adopting this amendment, effective July 1, 1986, appears in this issue of the *Louisiana Register*.

The GOEA will conduct a public hearing to receive oral testimony concerning the proposed amendment on Friday, June 27, 1986. The meeting will be held at the St. Landry Senior Center, 626 West Landry, Opelousas, LA beginning at 2 p.m.

Written comments concerning the proposed amendment of the State Plan on Aging will be accepted until Thursday, July 10, 1986. All comments received will be considered by the GOEA in deciding whether to adopt the proposed amendment. Interested parties are encouraged to submit oral testimony at the hearing.

To submit written comments or to obtain additional information concerning this proposed action, please contact Betty Johnson, Planning Analyst III, Governor's Office of Elderly Affairs, Box 70898-0374.

Sandra C. Adams  
Director

### Fiscal and Economic Impact Statement For Administrative Rules Rule Title: State Plan Amendment

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
There will be no costs or savings to state or local governmental units resulting from this action.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
There will be no effect on revenue collections of state or local governmental units resulting from this action.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)  
St. Landry Parish Council on Aging will no longer receive funds for the development and administration of an area plan for aging services. Instead, the funds will go to Evangeline Economic Development District Area Agency on Aging.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)  
The proposed revision of the State Plan on Aging is not expected to affect competition or employment in the public or private sectors. Staffing changes at the affected agencies are expected to be minimal.

Sandra C. Adams  
Director

Mark C. Drennen  
Legislative Fiscal Officer

## NOTICE OF INTENT

### Department of Health and Human Resources Board of Examiners for Nursing Home Administrators

The State Board of Examiners for Nursing Home Administrators intends to adopt the following changes to LAC 46:XLIX, Chapter 7.

Chapter 7. ADMINISTRATOR-IN-TRAINING (AIT)

#### **§701. Program**

An applicant must serve as a full-time (40 hours per week) administrator-in-training for a minimum of six consecutive months. The program may be completed or begun before or after taking examinations so long as it is carried out strictly according to this chapter. During this time the AIT must work under close, direct, personal, on-site supervision of a full-time preceptor who shall be administrator of record in the facility in which the AIT undertakes training.

##### A. Facility

The AIT receives all training in the nursing home designated in his initial report unless the board grants prior approval for a change.

##### B. Schedule

The AIT rotates through each department of the nursing home spending on a continuous basis the entire period of time required in each department. He must serve at least once on all shifts in departments where shifts are used and at least two week-ends. The major portion of training must be during the normal work week (7 a.m. to 5 p.m.) of key personnel of the home.

##### C. Rotation

The preceptor assigns these rotation intervals in the sequence he desires and may assign the AIT for a longer period in any or all departments:

Department	Weeks	Hours
Administration	9	360
Nursing	5	200
Dietary	4	160
Patient activity	2	80
Social work	2	80
Medical records	2	80
Housekeeping and laundry	2	80

A week is defined as seven days, Sunday through the following Saturday.

##### D. Interruptions

If for any reason—illness, resignation of preceptor, etc.—the AIT must interrupt training, the AIT and/or the preceptor notifies the board office immediately.

#### **§703. Preceptor**

The preceptor is a duly licensed nursing home administrator who has completed three years of work experience as a full-time practicing nursing home administrator. The preceptor applies for board approval as a preceptor on forms provided by the board. He undergoes orientation and other designated training conducted by the executive director, a board member, or other authorized person and cannot practice as a preceptor until he has specific approval of the board.

##### A. Time

The preceptor is on-site and available to supervise at least 20 hours per week, and is available at least by the telephone at all other times.

##### B. Number of AIT's

A preceptor may train no more than two AIT's at a given time. A preceptor serving as administrator of more than one facility may train no more than one AIT at a given time.

##### C. Duties

The preceptor carries out these duties:

1. Schedules the AIT's rotation through departments and

assigns AIT duties in a manner that provides the best quality of training.

2. Monitors AIT's performance on a regular basis.
3. Instructs the AIT on management principles and standards established by DHHS, Medicare and Medicaid, State Divisions of Licensing and Certification, Office of Family Security, O.S.H.A, ANSI, Life Safety Code, the Board of Examiner's rules and regulations, and others pertaining to nursing homes.
4. Includes AIT in meetings of the facility board, department heads, staff, and others involving administration.
5. Evaluates AIT's performance with him at least monthly.
6. Ensures that AIT reports are properly completed and mailed as required.
7. Notifies the board in writing, in advance whenever possible, if the need to terminate an AIT arises, giving reasons and requesting board approval before final action is taken.

D. Change in Preceptor

No change in preceptor may be made without prior approval of the board. Preceptor and/or AIT notify the board, in advance, when any changes must be made.

**§705. Reports**

The following reports must be filed with the board on forms supplied by the board.

A. Initial Report and Orientation

The initial report is filled out and signed under oath by both AIT and preceptor prior to the beginning of the program. It is a contract between the AIT, the preceptor, and the board. The board reviews and approves the program. Following this the AIT undergoes orientation conducted by the executive director, a board member or other authorized person.

B. Departmental Reports

The board furnishes the preceptor with a report form for each department, specifying the basic topic areas that must be covered. The report is signed by the AIT and the appropriate department head. The preceptor writes an evaluation on each report, signs and mails it to the board immediately upon the AIT's completion of rotation in a department.

C. Certificate of Completion.

At the end of the program a Certificate of Completion Form is signed under oath by AIT and preceptor and forwarded to the board.

**§707. Board Monitoring**

The AIT's program may be monitored by on-site visit one or more times by the executive director, a board member, or other authorized person.

**§709. Oral Examination**

Upon completion of the program and receipt of the Certificate of Completion the AIT undergoes an oral examination to ensure she/he is sufficiently knowledgeable to be licensed. The examination is conducted by the executive director, a board member, or other authorized person. When the AIT passes the oral examination his license is issued.

**§711. Time Limitation**

Failure to begin the six-months AIT within one year of the date an applicant passes the licensing examinations results in loss of all accomplishments and fees.

**§713. Waivers**

Provisions for the six-month AIT, or portions thereof, may be waived on the basis of:

A. Education

Full waiver is granted if applicant has a degree in health care administration that included an internship or the internship was waived by the college or university on the basis of experience.

B. Experience

Waiver may be granted for any portion of the AIT for ex-

perience in the health care field that meets or exceeds AIT requirements in his/her specialty and/or other areas as approved by the board. Request for waivers are to be submitted with the application and properly documented on forms supplied by the board.

Interested persons may submit written comments on the proposed changes until 3:30 p.m., July 15, 1986, at the following address: Winborn E. Davis, Executive Director, Louisiana State Board of Examiners for Nursing Home Administrators, Suite 205, 4550 N. Blvd., Baton Rouge, LA 70806.

Winborn E. Davis  
Executive Director

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Rules and Regulations**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
The only cost to the board will be travel expenses for staff or a board member to make an occasional visit to the training site. It is estimated this will cost \$200 or \$300 per year.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
There will be no additional revenues generated by this proposal.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)  
The proposed changes will cost each applicant the expense of two trips to Baton Rouge, one for orientation and one for the oral examination.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)  
There will be no effect on competition or employment.

Winborn E. Davis  
Executive Director

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Health and Human Resources  
Board of Examiners for Psychologists**

Rules for Disciplinary Action

- I. Applicability.
  - A. These rules shall be applicable to any action of the Louisiana State Board of Examiners of Psychologists (Board) to withhold, deny, revoke or suspend any psychologist license on any of the grounds set forth in R.S. 37:2360 or under any other applicable law, regulation or rule.
  - B. These rules shall not be applicable to the licensure of psychologists pursuant to R.S. 37:2356, unless licensure is denied on one of the grounds set forth in R.S. 37:2360.
  - C. Unless otherwise provided by law, the board may delegate its authority and responsibility under these rules to a committee of one or more board members, to a hearing officer, or to other persons.
- II. Complaints.
  - A. A complaint is defined as the receipt of any information by the board indicating that there may be grounds for disciplinary action against a psychologist under the provisions of R.S. 37:2360 or other applicable law, regulation or rule.
  - B. Complaints may be initiated by the board, by any licensed psychologist or by any other person.

C. Upon receipt of information of a possible violation, the board may initiate and take such action as it deems appropriate.

D. Upon receipt of complaints from other persons, the board will forward its complaint form. Ordinarily, the board will not take additional action until the form is satisfactorily completed.

1. Except under unusual circumstances, the board will take no action on anonymous complaints.

2. If the information furnished in the written complaint form is not sufficient, the board may request additional information before further consideration of the complaint.

E. All complaints received shall be assigned a sequentially ordered complaint code which shall be utilized in all official references.

F. The board shall determine whether the complaint warrants further investigation.

### III. Investigation.

A. If the board determines that a complaint warrants further investigation, the board shall notify the licensee or applicant against whom the complaint has been made (hereinafter referred to as "respondent"). The notice to the respondent shall include the following:

1. notice that a complaint has been filed;
2. a short and plain statement of the nature of the complaint;
3. a reference to the particular sections of the statutes, rules or ethical standards which may be involved;
4. copies of the applicable laws, rules and regulations of the board, and
5. a request for cooperation in obtaining a full understanding of the circumstances.

B. The respondent shall provide the board, within 30 days, a written statement giving the respondent's view of the circumstances which are the subject of the complaint.

C. The board may conduct such other investigation as it deems appropriate.

D. During the investigation phase, the board may communicate with the complainant and with the respondent in an effort to seek a resolution of the complaint satisfactory to the board without the necessity of a formal hearing.

### IV. Formal Hearing.

A. If, after completion of its investigation, the board determines that the circumstances may warrant the withholding, denial, revocation or suspension of a psychologist's license, the board shall initiate a formal hearing.

B. The formal hearing shall be conducted in accordance with the adjudication procedures set forth in the Louisiana Administrative Procedure Act R.S. 49:950 et seq.).

Upon completion of the adjudication hearing procedures set forth in the Louisiana Administrative Procedure Act, the board shall take such action as it deems appropriate on the record of the proceeding. Disciplinary action under R.S. 37:2360 requires the affirmative vote of at least four of the members of the board.

D. The form of the decision and order, application for re-hearing and judicial review shall be governed by the provisions of the Louisiana Administrative Procedure Act.

E. The board shall have the authority at anytime to determine that a formal hearing should be initiated immediately on any complaint. The complaint and investigation procedures set forth above shall not create any due process rights for a respondent who shall be entitled only to the due process provided under the Louisiana Administrative Procedure Act.

### V. Impaired Psychologist Procedure.

A. At any time during the investigation and hearing process, the board, at its sole discretion, shall have the authority to

offer the respondent the opportunity to participate in the impaired psychologist procedure.

B. If the board determines that a respondent should be offered the opportunity to participate in the impaired psychologist procedure, the board shall give written notice to the respondent of the following two options:

1. the respondent may acknowledge "impairment" in a form provided by the board, and submit to evaluation and treatment as set forth below, or

2. the respondent may reject the opportunity to participate in the impaired psychologist procedure, and the board will continue to process the complaint in accordance with the procedures set forth above.

C. If the respondent elects to participate in the impaired psychologist procedure, disciplinary action against the respondent shall be suspended so long as respondent cooperates fully in his/her evaluation and treatment as set forth below.

D. The impaired psychologist procedure shall include the following:

1. The respondent shall acknowledge his/her "impairment" on a form provided by the board, and the respondent shall agree to submit to an evaluation.

2. The respondent may be required to provide the board with proof that he/she has arranged appropriate referrals of patients or that he/she is receiving supervision from another psychologist who is aware of the impairment.

3. The respondent shall submit to an evaluation by an appropriate professional selected by the board. Unless waived by the board and the respondent, the evaluator shall not be either an associate of or a professional in direct competition with the respondent, and the evaluator will not treat the respondent if the evaluation yields positive findings. The respondent must agree to pay the evaluator for the evaluation.

4. The evaluator will be requested to render an opinion within 24 hours of the evaluation regarding whether the respondent appears to be impaired by some condition which may benefit from intervention. Such impairment is defined to include only the Axis I and/or Axis III diagnosis of the current Diagnostic and Statistical Manual of Mental Disorders. (Presently that manual is the Third Edition and will hereinafter be referred as DSM III). As subsequent Diagnostic and Statistical Manuals are anticipated, Axis I diagnoses are operationally defined as "Clinical Syndromes, Conditions Not Attributable to a Mental Disorder That Are a Focus of Attention or Treatment, and Additional Codes,"\* and Axis III diagnoses are operationally defined as "Physical Disorders and Conditions"\* (\*American Psychiatric Association; Desk Reference to the Diagnostic Criteria from Diagnostic and Statistical Manual of Mental Disorders, Third Edition, Washington, D.C., APA, 1982, pg. 5).

5. If the above respondent is found not to be impaired as defined above, the impaired psychologist procedure is terminated, and the board may renew disciplinary action.

6. If the respondent is found to be impaired as defined above, the respondent shall have the option of undergoing treatment provided by a qualified professional. The treatment plan must be approved by the board, and may include the protections set forth in subpart 2 above. The treatment plan and protections may be revised from time to time as permitted or required by the progress of the respondent. Treatment will be at the expense of the respondent.

7. If the respondent rejects the recommendation for treatment or fails to cooperate fully with a treatment plan and other protections approved by the board (including any revisions thereof), disciplinary action may be renewed.

8. Upon successful completion of the treatment plan, based



upon such reasonable evaluation as the board may require and upon determination that the respondent has the status and ability to function professionally without supervision, the disciplinary action based upon the former complaint shall be terminated, and no further action shall be taken with respect to that complaint.

Interested persons may comment on the proposed rule in writing until July 7, 1986, at the following address: George E. Hearn, Ph.D., Chairman, Board of Examiners of Psychologists, Box 14782, Baton Rouge, LA 70898.

George E. Hearn, Ph.D.  
Chairman

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Rules for Disciplinary Action**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
There will be no estimated implementation costs.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
There will be no estimated effect on revenue collections for 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.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)  
There will be no estimated effect on competition and employment.

George E. Hearn, Ph.D.  
Chairman

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Health and Human Resources  
Board of Examiners for Psychologists**

**RULES ON TRAINING AND CREDENTIALING**

I. A graduate of a program that is accredited by the American Psychological Association is recognized as holding a doctoral degree with a major in psychology from a university offering a full-time graduate course of study in psychology. The criteria for accreditation serve as a model for professional psychology training.

II. Graduates of programs that are not accredited by the American Psychological Association must meet the following criteria, A through K.

A. Training in professional psychology is doctoral training offered in a regionally accredited institution of higher education.

B. The program, wherever it may be administratively housed, must be clearly identified and labeled as a psychology program. Such a program must specify in pertinent institutional catalogues and brochures its intent to educate and train professional psychologists.

C. The psychology program must stand as a recognizable, coherent organizational entity within the institution.

D. There must be a clear authority and primary responsibility for the core and specialty areas whether or not the program cuts across administrative lines.

E. The program must be an integrated, organized sequence of study.

F. There must be an identifiable psychology faculty and a psychologist responsible for the program.

G. The program must have an identifiable body of students who are matriculated in that program for a degree.

H. The program must include supervised practicum, internship, field or laboratory training appropriate to the practice of psychology.

I. The doctoral program shall involve at least one continuous academic year of full-time residency on the campus of the institution at which the degree is granted.

J. The program shall be an internal degree program (as opposed to an external degree program) unless it is approved by the American Psychological Association.

K. The curriculum shall encompass a minimum of three academic years of full-time graduate study. In addition to instruction in scientific and professional ethics and standards, research design and methodology, statistics and psychometrics, the core program shall require each student to demonstrate competence in each of the following substantive content areas. This typically will be met by including a minimum of three or more graduate semester hours (five or more graduate quarter hours) in each of the four substantive content areas. Graduates who cannot document competence in all substantive content areas (1-4 below), may demonstrate competence by taking additional course work or examination, not to exceed one substantive content area. Graduates who are deficient in more than one substantive content area will be considered as not having a "major in psychology."

1. Biological bases of behavior: Physiological psychology, comparative psychology, neuropsychology, sensation and perception, psychopharmacology.

2. Cognitive-affective bases of behavior: Learning, thinking, motivation, emotion.

3. Social Bases of behavior: Social psychology, group processes, organizational and systems theory.

4. Individual differences: Personality theory, human development, abnormal psychology.

Interested persons may comment on the amended rule in writing until May 20, 1986, at the following address: George E. Hearn, Ph.D., Chair, Board of Examiners of Psychologists, Box 14782, Baton Rouge, LA 70898.

George E. Hearn, Ph.D.  
Chairman

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Rules on Training and Credentials**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
There will be no costs or savings to state or local government units.
- 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 are no estimated costs or benefits to directly affected persons or nongovernmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)  
There is no estimated impact on competition and employment. Graduates of non-APA-approved programs will still

be eligible for licensure and will continue to undergo the same review process that is currently in effect.

George E. Hearn, Ph.D.  
Chairman

Mark C. Drennen  
Legislative Fiscal Officer

## NOTICE OF INTENT

### Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security, proposes to adopt the following rule in the Medical Assistance Program.

#### Summary

The Medical Assistance Program proposes to make the following changes in the Transportation Program to improve services and delete unnecessary requirements placed on providers.

1. Three new classes of non-emergency medical transportation providers will be added to those already available to provide medical transportation to Medicaid recipients. This change will allow the Transportation Program more flexibility in choosing the types of providers to be used.

2. The Transportation Program will no longer require drivers of non-emergency medical transportation vehicles to complete a First Aid Course and a Defensive Driving Course.

3. The Transportation Program will allow for freedom of choice of medical transportation providers except when such services can be provided by a local transit authority or contract provider.

4. The Transportation Program will no longer require medical transportation providers to submit an Annual Cost Report. These reports are not used to determine reimbursement. The completion of these reports is an unnecessary administrative burden on providers.

#### Proposed Rule

The following changes in the Transportation Program are effective September 1, 1986.

1. The following classes of non-emergency medical transportation providers are authorized to provide medical transportation to Medicaid recipients:

A. Flat Rate Providers—Profit providers may negotiate with the Medical Assistance Program to provide medical transportation services in a specified area for a flat rate which includes mileage. The flat rate for the area may not exceed an average of the cost per service or profit providers in the area who bill pick-up fee and mileage. Providers will be reimbursed for mileage outside the specified area at the rate of 50 cents per Title XIX mile traveled.

B. Contract Providers—The Medical Assistance Program may at its discretion choose to contract out the provision of medical transportation services in a specified area such as a town, parish or multi-parish area. Transportation providers would be given an opportunity to submit a bid for the provision of services in the area. One provider would be chosen to provide all medical transportation services in the area except transportation which may be arranged through public transit systems. Providers will be reimbursed for mileage outside the contract area at a rate of 50 cents per Title XIX mile traveled.

C. Public Transit System—The Medical Assistance Program may arrange with the public transit authority in a specified area to provide medical transportation services to Medicaid recipients in that area.

2. Drivers of medical transportation vehicles will no longer

be required to complete an approved defensive driving course and an approved basic first aid course in order to be certified by the Transportation Program.

3. Recipients of Title XIX Transportation Program services shall not have freedom of choice of providers when such services can be provided by a contract provider or a local transit authority. In instances when the local transit authority or a contract provider can provide transportation the recipient does not have a choice.

4. The Medical Assistance Program shall no longer require medical transportation providers to submit an Annual Cost Report. All penalties for failure to submit a cost report are hereby repealed.

#### Comments

Interested persons may submit written comments through July 9, 1986, to the following address: Marjorie T. Stewart, Assistant Secretary, Box 94065, Baton Rouge, LA 70804. She is the person responsible for responding to inquiries regarding this proposed rule. A copy of the proposed rule and its fiscal and economic impact statement is available for review in each local Office of Family Security.

#### Notice of Public Hearing

A public hearing on this proposed rule will be held on July 9, 1986, in the Louisiana State Library Auditorium, 760 Riverside, 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.

#### Regulatory Exception

Implementation of this rule is dependent on the approval of the Health Care Financing Administration (HCFA). Disapproval of the change by HCFA will automatically cancel the provisions of this rule and current policy will remain in effect.

Sandra L. Robinson, M.D., M.P.H.  
Secretary and State Health Officer

### Fiscal and Economic Impact Statement For Administrative Rules

#### Rule Title: Transportation Program Changes

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

This proposed rule will not increase program expenditures and may ultimately result in a savings to the state.

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

There is no effect on state revenue resulting from implementation of this proposed rule.

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

This proposed rule may ultimately reduce the number of medical transportation providers statewide and reduce recipients' freedom of choice in selecting a provider. However, there is no data available which would allow the agency to predict the number of providers or recipients which may be affected by this rule.

#### IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

This proposed rule will increase competition among providers and may ultimately reduce the number of Title XIX providers statewide.

Marjorie T. Stewart  
Assistant Secretary

Mark C. Drennen  
Legislative Fiscal Officer

## NOTICE OF INTENT

### Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security, proposes to adopt the following rule in the Medical Assistance Program.

Current policy established under the Deficit Reduction Act (DEFRA), precludes payments for revaluation of nursing home assets at the time of a re-sale. Section 9509 of the Consolidated Omnibus Budget Reconciliation Act. (Public Law 99-272) Provides for revaluation of facilities' assets at the time of sale, limiting such revaluation to the acquisition costs of the previous owner increased by 50 percent of the Dodge nursing home cost index or 50 percent of the consumer price index, whichever is lower. This change in federal law is effective retroactive to October 1, 1985, in respect to changes in ownership occurring on or after that date.

The Medical Assistance Program proposes to amend the standards for payment to implement Public Law 99-272 effective for changes in ownership which occurred on or after October 1, 1985.

This proposed rule amends a rule previously published in the *Louisiana Register*, Volume 12, Number 3, Dated March 20, 1986.

#### Proposed Rule

#### TITLE 50

#### PART III

#### SUBPART C: Standards for Payment of Skilled Nursing and Intermediate Care Facility Services other than Facilities for the Mentally Retarded.

#### §3109. Related Party Transactions

Chapter 10 of HIM-15 explains the treatment of costs applicable to services, facilities, and supplies provided to the facility by organizations related by common ownership or control. The medical assistance cost report can only include the actual cost(s) to the related organization for those services, facilities, and supplies. The cost(s) must not exceed the price of comparable services, facilities, or supplies that could be purchased elsewhere. Any costs in excess of these regulations will not be allowed by the state agency.

Furthermore, when a facility changes ownership on or after October 1, 1985, the Consolidated Omnibus Budget Reconciliation Act limits revaluation of facility assets to the acquisition costs of the previous owner increased by 50 percent of the Consumer Price Index or 50 percent of the Dodge Nursing Home Cost Index, whichever is lower.

In auditing cost reports, the state agency OFS will apply HIM-15 regulations in determining actual costs applicable to sales.

If a full disclosure of the facts have not been made to the state agency and the agency approves a transaction, such approval is qualified on the basis of the facts present. Any questions concerning a relatedness situation should be directed, in writing, to the Office of Family Security, Long Term Care Program.

Authority Note: Promulgated in accordance with 42 CFR 447.252 and P.L. 99-272.

#### Comments

Interested persons may submit written comments through July 9, 1986, to the following address: Marjorie T. Stewart, Assistant Secretary, Box 94065, Baton Rouge, LA 70804. She is the person responsible for responding to inquiries regarding this proposed rule. A copy of the proposed rule and its fiscal and economic impact statement is available for review in each local office of Family Security.

#### Notice of Public Hearing

A public hearing on this proposed rule will be held on July 9, 1986, in the Louisiana State Library Auditorium, 760 Riverside, 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.

#### Regulatory Exception

Upon final state approval of this proposed rule, implementation shall be dependent on the approval of the Health Care Financing Administration (HCFA). Disapproval of this proposal by HCFA will automatically cancel the provisions of this rule and current policy will remain in effect.

Sandra L. Robinson, M.D., M.P.H.  
Secretary and State Health Officer

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

##### Rule Title: Amendment of the Standards for Payments

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

Total state expenditures under this proposed rule will be unaffected. This amendment to the standards for payment is not expected to result in either an increase or decrease in the current rate.

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

There is no effect on state revenue resulting from this proposed rule.

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

This proposed rule limits revaluation of provider assets when a facility is sold.

##### IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

There is no known effect on competition and employment.

Marjorie T. Stewart  
Assistant Secretary

Mark C. Drennen  
Legislative Fiscal Officer

## NOTICE OF INTENT

### Department of Health and Human Resources Office of Management and Finance Division of Policy, Planning and Evaluation

The Department of Health and Human Resources, Office of Management and Finance, Division of Policy, Planning and Evaluation proposes to adopt the following changes to the policies and guidelines for Section 1122 capital expenditure reviews to be effective August 20, 1986. The proposed changes will be made to the rule published in Volume 11, Number 4 of the *Louisiana Register*, April 20, 1985 and to LAC 48:I.12503.

The first proposed change will add two criteria for expedited review (p. 7-8) which will read as follows:

11. The cost of site preparation for a mobile CT scanner which is the only capitalized expenditure the Section 1122 health care facility incurs to provide CT services.

12. Acquisition of an additional CT scanner which is not a replacement or backup CT scanner.

The second proposed change will revise one of the Criteria for Section 1122 Review (pp. 17-18) as follows:

3b. Current and projected availability of beds/services/fa-

ilities. DPPE will count as available:

—all health care facility beds as defined in the applicable State Health Plan section.

—all health care facilities, as defined for Section 1122 Review purposes

—all services and equipment in health care facilities

(Data sources to be used include information compiled by the Bureau of Research and Development, DPPE as published, and the middle population projections recognized by the State Planning Office as official projections.)

1) number and distribution of similar facilities, services, or beds within the service area;

2) bed to population ratio in the service area;

3) Comparison of bed to population ratio in the service area to that of other service areas in the state.

A public hearing will be held on July 15, 1986 at 10 a.m. in the Auditorium of the State Library, 760 Riverside, Baton Rouge, LA. Interested persons may submit written comments on the proposed change until July 20, 1986 at the following address: Joseph Ross, Division of Policy, Planning and Evaluation, 200 Lafayette St., Suite 406, Baton Rouge, La. 70801.

#### Proposed Rule

10. A reduction in approved beds or a discontinuance of an approved service.

11. The cost of site preparation for a mobile CT scanner which is the only capitalized expenditure the Section 1122 health care facility incurs to provide CT services.

12. Acquisition of an additional CT scanner which is not a replacement or backup CT scanner.

An applicant proposing a capital expenditure which may qualify for an expedited review must submit a written request to DPPE. DPPE will review the request, determine whether a full review or an expedited review will be conducted, and send the appropriate application forms to the applicant.

#### PRE-APPLICATION CONFERENCE

At any time prior to submitting an application, an applicant may request a formal conference with DPPE to discuss the proposed project. A mutually acceptable meeting time will be established between the applicant and the agency.

#### REVIEW PROCEDURES

Applicants may request application forms in writing or by telephone from DPPE. The DPPE will promptly provide the applicant with the appropriate forms and a copy of the policies and guidelines. A pre-application appointment may be requested, to be scheduled at a time which is mutually acceptable to the applicant and the agency.

Applications must be submitted on 8½" × 11" paper in triplicate (original & 2 copies), except as specified in the section of this document entitled Procedures for Requests for Adjustments to Long Term Care Resource Goals. The contact person specified on the application will be the only person to whom DPPE sends notification in matters relative to the status of the application during the review process. If the contact person (or his address) changes at any time during the review process, the applicant shall notify DPPE in writing.

#### EXPEDITED REVIEW PROCEDURES

Within 15 days of receipt of an application for an expedited review, DPPE shall review the application for completeness. The application is deemed complete for review purposes as of the date on which all required information is received.

—If DPPE fails to notify the applicant within 15 days that additional information is required, the application is deemed complete as of the date received.

—After an application is submitted, each time the applicant submits additional information subsequent to the date the original

application was submitted, but prior to the application being declared complete, DPPE shall have 15 days from the date the most recent information was submitted to declare the application complete or incomplete.

3. The need of the service area population for the proposed facility/services.

NOTE: In reviewing the need for beds, all proposed beds shall be considered available as of one projected opening date for the project. DPPE does not recognize the concept of "phasing in" beds, whereby an applicant provides two or more opening dates.

a. Delineation of the service area for the proposal (the definition of "service area" will be governed by the State Health Plan's definition for each particular type of service or facility).

b. Current and projected availability of beds/services/facilities. DPPE will count as available:

—all health care facility beds as defined in the applicable State Health Plan section.

—all health care facilities, as defined for Section 1122 Review purposes

—all services and equipment in health care facilities.

(Data sources to be used include information compiled by the Bureau of Research and Development, DPPE, as published, and the middle population projections recognized by the State Planning Office as official projections.)

1) Number and distribution of similar facilities, services, or beds within the service area;

2) Bed to population ratio in the service area;

3) Comparison of bed to population ratio in the service area to that of other service areas in the state.

c. Physical accessibility of the target population to existing and proposed facilities/services.

d. Current and projected measures of utilization of existing facilities/services (i.e. occupancy or other appropriate utilization data).

e. Demographics of the service area for the proposal.

4. The availability or potential availability of less costly or more effective alternatives to the proposal.

5. The immediate and long-term financial feasibility of the proposal, and the availability of funds. (DPPE will consider but not be limited to the following: (1) for proposed expenditures exceeding \$6,000,000, documentation of net assets exceeding 25 percent of the proposed expenditure; and (2) a commitment for financing from a reputable lending institution, including effective date and duration of commitment, amount and terms of loan, approximate beginning and ending dates of loan, and amount and type of collateral pledged; or (3) documentation of available internal funds equivalent to the proposed expenditure. (4) documentation of the financial feasibility through the use of tax-exempt bonds.)

Sandra L. Robinson, M.D., M.P.H.  
Secretary and State Health Officer

### **Fiscal and Economic Impact Statement For Administrative Rules Rule Title: 1122 Policies and Guidelines Expedited Review Criteria**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
No implementation costs are anticipated.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
No effect on revenue collections is anticipated.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERN-

MENTAL GROUPS - (Summary)

Providing for the possible reimbursement of site preparation costs to hospitals where CT scanner utilization is anticipated to be low, encourages the use of cost-effective mobile CT scanner services. This helps to contain health care costs.

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

These amendments may assist small rural hospitals to be more competitive with larger urban hospitals.

Sandra L. Robinson, M.D.  
Secretary and State Health Officer

Mark C. Drennen  
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Health and Human Resources  
Office of Management and Finance  
Division of Policy, Planning and Evaluation

The Department of Health and Human Resources, Office of Management and Finance, Division of Policy, Planning and Evaluation proposes to amend the Table of Contents and Chapters 2, 3, 5, 9 and 12 of the Louisiana State Health Plan to be effective August 20, 1986. The proposed changes will be made to the Rule published in Volume 11, Number 4 of the Louisiana Register, April 20, 1985 and to LAC 48:I.101, 10301-10307, 107, 11503, 11505, 11507, 11509, 11517, 11523, 11525 and 121.

The proposed changes may be summarized as follows:

Chapter 2, the "Introduction" to the State Health Plan will be amended to improve the syntax, update the described organization structure of the State Health Planning and Development Agency, and to correctly state the number of members of the Statewide Health Coordinating Council that are appointed by the governor.

In Chapter 3, "Overview of the State," amendments will replace the current sections pertaining to geographic and demographic characteristics of the state, will remove all references to Health Systems Agencies and will provide updated statistical data.

Chapter 5 of the State Health Plan "Program Inventory: Priority Areas," describes programs and services offered by state and private agencies around the state to meet priority health care needs. The revised version of this Chapter, which will replace the current iteration, includes syntax and content changes including an updated list of state agency programs and services. The section on Private Sector Initiatives has been edited but has not been updated.

Chapter 9 of the State Health Plan will be revised in the following ways:

1) The list of General Criteria and Standards for Section 1122 Review will be revised as follows:

3.b. Current and projected availability of beds/services/facilities. DPPE will count as available:

—all health care facility beds as defined in the applicable State Health Plan section.

—all health care facilities, as defined for Section 1122 Review purposes.

—all services and equipment in health care facilities.

The Division will consider, as part of the review:

1) Number and distribution of similar facilities, services, or beds within the service area;

2) Bed to population ratio in the service area;

3) Comparison of bed to population ratio in the service area to that of other service areas in the state.

12. Evidence of ownership or legally executed option to acquire an appropriately zoned site.

14. Whether the project will foster cost containment or improved quality of care through improved efficiency and productivity or through increased competition between different health services delivery systems.

2) The Table of Contents and Chapter 9 of the State Health Plan will be reworded to convey the fact that, although chemical dependency facilities, per se, are not subject to section 1122 review, applications for such beds made by general acute care or psychiatric hospitals are reviewable, as they represent capital expenditures by health care facilities which are subject to review. Further, such applications must meet the resource goals for both CDU services as well as for either general acute care hospital beds or psychiatric beds.

3) The section of Chapter 9 on General Acute Care Hospital beds will be further modified to include hospital - based, medicare certified skilled nursing beds and "swing" beds in the list of types of beds considered to be general acute care hospital beds.

4) The next proposed amendment will change the section on psychiatric beds. It will provide that Resource Goal 2 which states occupancy rate requirements for the addition of psychiatric beds shall be modified to require that free-standing psychiatric hospital bed proposals will be compared to other free standing psychiatric hospitals in the health planning district and bed proposals for psychiatric units of general hospitals will be compared to other psychiatric units in general hospitals.

The proposed amendment will replace Resource Goal 2 on page 9-24 of the current State Health Plan and shall read as follows:

2. Occupancy:

Free-standing Psychiatric Hospitals

A free-standing psychiatric hospital shall maintain annual occupancy rates relative to the number of beds in the facility:

0-39	50%
50-99	60%
100-199	70%
200 +	75%

In determining occupancy rates, beds used in the calculations include (a) licensed but not Section 1122 approved beds which are in use or could be put into use within 24 hours\*, and (2) 1122 approved and licensed beds which are in use or could be put into use within 24 hours.\*

\*Beds that can be brought into service within 24 hours shall be construed to mean the appropriate number of beds in rooms originally constructed and equipped as hospital rooms that either (1) have not been converted to other uses, or (2) retain all essential nonmovable equipment and connections necessary for patient care in accordance with licensing standards. "Nonmovable" equipment shall include equipment which can be removed only through reconstruction or renovation.

For any additional free-standing psychiatric beds to be approved:

A. The bed to population ratio shall not exceed 104.0 per 100,000 population

And

B. Either optimal occupancy must be reached by all free-standing psychiatric hospitals in all bed size categories or a 75 percent occupancy of all psychiatric hospitals in the health planning district must be attained.

Psychiatric Units in General Hospitals

A psychiatric unit in a general hospital shall maintain annual occupancy rates relative to the number of beds in the facility:

0-49	50%
50-99	60%
100-199	70%
200 +	75%

In determining occupancy rates, beds used in the calculations include: (a) licensed but not Section 1122 approved beds

which are in use or could be put into use within 24 hours\*, and (b) 1122 approved and licensed beds which are in use or could be put into use within 24 hours\*.

\* Beds that can be brought into service within 24 hours shall be construed to mean the appropriate number of beds in rooms originally constructed and equipped as hospital rooms that either (1) have not been converted to other uses, or (2) retain all essential nonmovable equipment and connections necessary for patient care in accordance with licensing standards. "Nonmovable" equipment shall include equipment which can be removed only through reconstruction or renovation.

For any additional psychiatric beds in a general hospital to be approved:

A. The bed to population ratio shall not exceed 104.0 psychiatric beds per 100,000 population.

AND

B. Either optimal occupancy must be reached by all psychiatric units of general hospitals in all bed size categories or a 75 percent occupancy of all psychiatric units of all general hospitals in the health planning district must be attained.

Adjustment

An existing psychiatric hospital or psychiatric unit of a general hospital which has operated at a level of 10 percent or more above its optimal occupancy, as determined by bed size category, for a period of 12 consecutive months, will be allowed to add a number of beds that would bring its occupancy down to the optimal occupancy level for its bed size. The occupancy rate for the 12 consecutive months shall be determined by DPPE from the four most recent quarters of data due to have been reported by the hospital to the Division of Licensing and Certification.

5) An amended Computed Tomography section of Chapter 9 will replace the current section. Changes include editorial changes to the first parts of the section. The parts on "Service Area" and "Resource Goals" have been revised to read as follows:

Service Area

The service area for a fixed CT scanner is the health planning district in which the CT scanner is or will be located. The service area for a mobile CT scanner is the health planning district in which the applicant facility is located.

Resource Goals

The following criteria and standards are applicable to CT scanners for Section 1122 review, as a type of major medical equipment.

An initial CT scanner (if purchased or leased, when the expenditure is capitalized) is subject to full 1122 review, regardless of the cost of the equipment. An additional CT scanner, which is not a back-up or replacement scanner, is subject to expedited review.

1. The applicant must project that, within two years after initiation, an initial CT scanner (head or body) will operate at a minimum of 1000 medically necessary patient procedures a year. The applicant should document the anticipated caseload and the source of new patients expected to be served by the proposed CT scanner service. If the anticipated caseload assumes referrals from other facilities, documentation of the linkage agreements must be provided. The documentation shall be quantified and approved by the referring facility's governing body.

2. The applicant must document that the following personnel will be available to the institution:

a. A board-certified or board-eligible radiologist formally trained in the interpretation of CT scanning must be available when the unit is available for patient use and on call at other times.

b. A radiologic technologist trained in the operation of CT scanning equipment should be available when the unit is available for patient use and on call at other times.

c. Facilities should document the availability of specialists in the following areas: neurology, general and orthopedic surgery, and internal medicine.

Back-up or Replacement Scanners

An applicant institution may request that an existing scanner be declared obsolete, even though it will be used as a back-up for a replacement unit. The existing scanner will only be considered as a backup CT unit for planning and review purposes if documentation is supplied to the effect that the existing scanner is subject to extraordinary down time or if other special circumstances apply.

6) The next amendments will replace the current section on Intermediate Care Facilities for the Mentally Retarded in Chapter 9 of the State Health Plan. A summary of the changes is as follows:

Editorial and syntax changes were made in the Definition and Description of Services section.

Under the section entitled "Elements of an ICF/MR", an item "d" has been added requiring potential providers to publish a legal notice in the local newspaper of the community where the project is to be developed. The notice shall be published prior to the development of the site and shall give the proposed site to be used.

A new section entitled "Quality of Care" has been added. This section describes the mechanisms by which the Department of Health and Human Resources', Office of Family Security, Office of Mental Retardation/Developmental Disabilities, and Division of Licensing and Certification will cooperate through an inter-agency agreement to insure that those persons residing in ICF/MR's receive proper care.

The section entitled "Service Area" and "Resource Goals" 1 through 6 of this section will be amended to read as follows:

Service Area

The service area for a proposed or existing facility is designated as the one of 8 OMR/DD planning regions in which the facility or proposed facility is or will be located. See the map on following page.

Resource Goals

1. In accordance with the department's policy of least restrictive environment, there is no currently identified need for additional facilities with 16 or more beds. Beds may be transferred from one existing residential facility to another.

2. The bed to population ratio for community and group homes may at no time exceed .36 per 1000 population in each service area. In determining the bed to population ratio for a proposal, Division of Policy, Planning and Evaluation will use population projections for the anticipated opening date (year) of the facility, which in no case shall exceed two years from the date the application is declared complete.

3. The occupancy rate for community homes in the service area must be 80 percent or greater in order for another community home to be approved.

4. The occupancy rate for group homes in the service area must be 85 percent or greater in order for another group home to be approved. In determining the occupancy rate, beds used in the calculations are 1122 approved and licensed beds.

5. Community or group homes will be determined to meet the above resource goals where mandated by the courts.

6. A distinct part of a publically supported facility other than an intermediate care facility will be determined to meet the above resource goals provided that the distinct part:

- a) meets all requirements for an intermediate care facility;
- b) is an identifiable unit, such as an entire ward or contiguous ward, a wing, floor, or building;
- c) consists of all beds and related facilities in the unit;

d) houses all recipients for whom Title XIX payments are being claimed; and

e) is clearly identified.

Last, a seventh resource goal will be added to the ICF/MR section requiring that capital costs not exceed the amount that a cost-conscious buyer would pay. The methodology used to calculate this level of cost is explicated in the statement of the resource goal and is set forth below.

The Division of Policy, Planning and Evaluation shall, at the beginning of each fiscal year, obtain from the Division of Rate Administration, Office of Management and Finance, statistics on budgeted annual capital costs of newly approved facilities over the previous three year period grouped by urban/rural setting, facility type, facility size, and ownership arrangement.

"Reasonable Capital Cost" will be computed by generating categories of facilities based on setting, facility type, facility size, and ownership arrangement; computing the mean budgeted capital cost for each category; and adding the value of one standard deviation.

There are two adjustments which are made in the procedure described above for computing reasonable capital cost when warranted by circumstances.

Whenever a category of facilities contains a Department of Housing and Urban Development sponsored facility, the capital cost of that facility will not be considered in computing the mean value for the category.

On those infrequent occasions when an application is received for a facility in a category containing fewer than three values, reasonable capital costs can not validly be based on the mean and standard deviation. In this circumstance allowable capital costs will be determined in one of two ways, depending on whether the facility and equipment are owned or leased.

In the case of owned property and building, allowable capital costs shall be based on fair market value, including conversion costs and development costs, provided that the nature and size of the building and property are consistent with the nature of the programs to be provided. In the event that the fair market value is not known, it shall be established as the competitive market value. In the event that neither of these values can be determined, fair market value shall be estimated in consultation with an appropriate vendor other than one utilized by the applicant. These three values will be applied in the same sequence to establish the allowable cost of equipment.

In the case of leased facilities and equipment in a category containing fewer than three values, reasonable cost shall be established as 16 percent of the fair market value plus an inflation factor (see definitions). When the lease is for land and/or buildings, an additional 11 percent of annual rent shall be added to cover vacancy time and property management and an amount equal to conversion costs amortized over the term of the lease shall be added. In the event that there is a lease for furnishings, equipment or chattel properly considered a capital expense item, the amount of the lease shall be averaged over its term to arrive at the amount to be budgeted as a capital cost.

Section 1122 certification shall be for actual capital costs only up to the reasonable cost limit unless the provider can provide clear evidence that higher costs can not be avoided.

An applicant whose capital costs exceed the reasonable capital cost limit is not limited in the kinds and amounts of evidence which he may present to prove the higher costs can not be avoided. However, the following types of evidence shall be considered "clear evidence" when they support the applicant's claim.

Documentation of special or unique program features that demand costly equipment, specially designed features of physical plant, expanded grounds, or other requirements that will drive

capital costs up.

Construction industry recognition that construction costs in the geographic location of the applicant facility are significantly higher than in other areas of the state, such as the "Locality Adjustments" of the Dodge Construction Systems Costs.

7) The Ambulatory Surgery section of Chapter 9 of the State Health Plan has been amended to clarify the definition of an ambulatory surgery facility. For section 1122 purposes, an ambulatory surgery facility is a facility, not a part of a hospital, which provides surgical treatment to patients not requiring hospitalization. The term does not include offices of private physicians or dentists, whether for individual or group practice. Ambulatory surgery facilities can be either hospital-based or free-standing. Hospital-based ambulatory surgery facilities are distinguished from same day surgery services provided in hospitals in that hospital-based ambulatory surgery facilities are used solely for ambulatory surgery and are licensed as hospital-based ambulatory surgery facilities.

Finally, Chapter 12, which inventories health care education programs in the State, will be amended to update the existing inventories and to add inventories of health care education programs in Louisiana secondary schools and proprietary schools. The format of the section on vocational-technical schools will be changed from tabular form to a listing.

A public hearing will be held on July 15, 1986 at 10 a.m. in the Auditorium of the State Library, 760 Riverside, Baton Rouge, LA. Interested persons may submit written comments on the proposed change or obtain copies until July 20, 1986 at the following address: Mr. Joseph Ross, Division of Policy, Planning and Evaluation, 200 Lafayette St., Suite 406, Baton Rouge, LA 70801.

Sandra L. Robinson, M.D., M.P.H.  
Secretary and State Health Officer

### **Fiscal and Economic Impact Statement For Administrative Rules Rule Title: State Health Plan Revisions**

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

No additional state agency administrative expenditures will be required to implement these changes. It is anticipated that only the revisions to the ICF/MR section will result in changes in state expenditures and that these changes will be savings to the state in the following amounts: FY 86/87 - \$21,744 state funds and \$38,274 federal; FY 87/88 - \$26,303 state and \$46,315 federal; FY 88/89 - \$32,453 state and \$57,169 federal. These estimates assume that the rate of application for ICF/MR facilities will remain consistent with the prior 64 month period.

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

No impact on revenue collections is anticipated.

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

The rule change will require applicants for Section 1122 approval of ICF/MR facilities to exercise cost consciousness in planning capital expenditures. It may be necessary for a few applicants to present clear evidence that capital costs are unavoidable. The cost of organizing such evidence can not be predicted.

#### **IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOY-**

MENT - (Summary)

No impact on competition and employment is anticipated.

Sandra L. Robinson, M.D.  
Secretary and State Health Officer

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Health and Human Resources  
Office of Preventive and Public Health Services**

The Department of Health and Human Resources, Office of Preventive and Public Health Services, proposes to adopt the following rule pursuant to LSA - R.S. 40:33 and LSA - R.S. 40:49, 40:54, 40:55 and 40:56 and pertaining to preparation of birth certificates, death certificates, burial permits and marriage license/certificates.

**Proposed Rule**

The certificate forms referenced above and completion thereof delineated hereinbelow are formally adopted. Only those forms prescribed and printed by the State Registrar shall be used for reporting births, deaths, marriages and issuing burial transit permits. Forms shall be typewritten in black type or printed in permanent black ink. If errors are made in preparation, a new document shall be prepared; "white outs", erasures or other alterations shall not be permitted. Only those documents completed and executed properly shall be acceptable for registration and/or processing.

**I. CERTIFICATE OF LIVE BIRTH PREPARATION**

**SECTION—This Child**

**Item 1A. Last Name**

Enter the surname of the child as required by LSA - R.S. 40:34. Identifications, e.g., Jr. II, III, etc., shall appear immediately following and as a part of the surname.

**Item 1B. First Name**

Enter the first name of the child.

**Item 1C. Second Name**

Enter the second name of the child.

**Item 2A. Date of Birth**

Enter the month, day and year of birth utilizing the following monthly abbreviations: Jan., Feb., Mar., Apr., Aug., Sept., Oct., Nov., and Dec. Enter the complete spelling for the months of May, June and July.

A birth occurring on January 1, 1986, shall appear as Jan. 1, 1986.

**Item 2B. Hour of Birth**

Enter the hour of birth indicating A.M. or P.M. If the institution is on 24 hour or military time, the hour of birth may be so expressed.

**Item 3. Sex**

Enter male or female. In instances where sex is not readily determined, enter the sex of the child based upon the predominant indicator or hold the certificate until a determination is made.

**Item 4. This Birth**

Check the appropriate block.

**Item 5. If Twin or Triplet, was Child Born**

Check the appropriate block, if applicable. If not applicable, leave blank.

**SECTION—Place of Birth**

**Item 6A. Place of Birth (City, Town or Location)**

Enter the full name of the city, town or location where the birth occurred, regardless of size.

**Item 6B. Parish of Birth**

Enter the name of the parish in full.

**Item 6C. Name of Hospital or Institution**

If the birth occurred in a hospital or institution, enter the name of the facility.

If the birth did not occur in a hospital or institution, enter the street address or location where the birth occurred.

**Item 6D. Is Place of Birth Inside City Limits?**

Check the appropriate block.

**SECTION—Usual Residence of Mother**

**Item 7A. Usual Residence of Mother (City, Town or Location)**

Enter the city, town or location where the mother usually resides. Include the zip code.

**Item 7B. Parish**

Enter the full name of the parish.

**Item 7C. State**

Enter the full name of the state.

**Item 7D. Street Address**

Enter the street address, rural route, location or other applicable designation.

**Item 7E. Is Residence Inside City Limits?**

Check the appropriate block.

**SECTION—Father of Child**

The name of the father shall refer to the husband of the mother only, if the mother is married or divorced or widowed less than 300 days at the birth of the child.

If the mother is unmarried, neither a father's name nor any other information pertaining to the father shall appear in this section.

**Item 8A., 8B., 8C. Father's Name**

Enter last, first and second name of the father of the child.

**Item 8D. City and State of Birth**

Enter city and state of birth of the father of the child. If the father was not born in the United States, enter country of birth.

**Item 8E. Age**

Enter age of father's last birthday.

**SECTION—Mother of Child**

**Items 9A., 9B. and 9C. Mother's Name**

Enter the mother's surname before marriage, if married, or birth surname, first name and second name.

**Item 9D. City and State of Birth**

Enter the city and state of birth of the mother of the child. If the mother was not born in the United States, enter the country of birth.

**Item 9E. Age**

Enter the age of the mother in years.

**SECTION—Informant's Certification**

**Item 10. Signature of Parent or Other Informant**

Enter the signature of the mother or father (if a father's name appears in Items 8A., 8B. and 8C). and check "parent." A person, other than the mother or husband of the mother, whose signature appears in this area shall check "other." The informant shall limit his signature to the space provided.

**Item 11. Date of Signature**

Enter in numerals the month, day and year of the signature in Item 10.

**Item 12A. Address of Parent or Other Informant**

Enter the street address, rural route or otherwise indicate the residence of the person whose signature appears in Item 10.

**Item 12B. Relation to child**

Enter the relationship of the person whose signature appears in Item 10 to the person whose name appears in Item 1A., 1B. and 1C. If the person is not a relative, enter "none."

**SECTION—Attendant's Certification**

**Item 13. Signature and Address of Attendant**

Enter the signature of the person attending this birth in permanent black ink. Do not print or utilize a facsimile signature or



stamp. The attendant shall limit his signature to the space provided.

For births occurring in institutions, the administrator of the institution or his designee may sign if the attendant is not available.

For births occurring outside institutions, the midwife or other person managing the birth shall complete this item.

Check the appropriate block to the right of signature and address.

Item 14. Date of Signature

Enter the date of the signature appearing in Item 13.

#### SECTION—Registrar's Certification

(To be completed only by the State Registrar or his designee.)

Item 15. Date Accepted by Local Registrar

Enter the date accepted by the Local Registrar expressing the month as set forth in Item 2A., example: Mar. 1, 1986.

Item 16. Signature of Local Registrar

Enter the signature of the local registrar. If another employee signs for the local registrar, that person shall write the Registrar's name per his/her initials.

Item 17. Date Filed by State Registrar

Enter the date filed in the Vital Records Registry expressing the date as set forth in Item 2A.

#### SECTION—Confidential Information for Medical and Health Use Only

Item 18A. Race of Mother

Enter race as provided by the informant, e.g., White, Black, American Indian (indicate tribe if known). For non-white groups other than Black or American Indian, enter the national origin, e.g., Chinese, Japanese, Puerto Rican, etc. Generic designations of Oriental, Polynesian, European, etc., are not acceptable.

Item 18B. Race of Father

If a father's name appears in Items 8A., 8B. and 8C., enter race as provided by the informant, e.g., White, Black, American Indian (indicate tribe if known). For non-white groups other than Black or American Indian, enter the national origin, e.g., Japanese, Puerto Rican, etc. Generic designations of Oriental, Polynesian, European, etc., are not acceptable.

Item 19. Birth Weight

Enter the birth weight in grams or pounds and ounces, specify.

Item 20. If Delivered at Home

Complete this item only if the birth occurred at home; specify whether the home delivery was intentional.

Item 21. Is Mother Married

Indicate the marital status of the mother at the time of the child's birth by entering "yes" or "no." If the mother had not been legally divorced or widowed at the time of this child's birth, enter "yes."

If divorced or widowed, enter "no" in this space and the date of the divorce or death of the spouse in the left hand margin.

Item 22A. Live Births (Now Living)

Excluding this child, enter the number of children born to this mother who are now living, or enter "none."

Item 22B. Live Births (Now Dead)

Excluding this child, enter the number or "none."

Item 22C. Date of Last Live Birth

Enter the date of the last live birth, if applicable.

Item 22D. Other Terminations (Before 20 Weeks)

If applicable, enter the number or check "none."

Item 22E. Other Terminations (After 20 Weeks)

If applicable, enter the number or check "none."

Item 22F. Date of Last Other Termination

Enter the date, if applicable, or enter "none."

Items 23. and 24. Education-Mother, -Father

Enter only one number for each item indicating the highest grade completed at elementary or college level. If a parent's education attainment exceeded 1 year of graduate work, enter "5+."

Item 25A. Date Normal Menses Began

Enter the month, day and year.

Item 25B. Month of Pregnancy Prenatal Care Began

Enter the month in full. If the patient did not receive prenatal care, enter "none."

Item 25C. Prenatal Visits

Enter the total number of prenatal visits if applicable, or enter "none."

Items 25D. and 25E. APGAR Score

If tests were conducted, enter the scores at one and five minutes or enter "none."

Items 26. through 29.

Under each of these items, provide a description or enter "none."

Item 30.

Complete this item only if labor was managed at more than one location.

## II. CERTIFICATE OF DEATH PREPARATION

### SECTION—Personal Data of Deceased

Item 1A. Last Name

Enter the surname of the deceased. Identifications, e.g., Jr. II, III, etc., shall appear immediately following and as a part of the surname. The surname of a married woman may be either her maiden name or that of her husband.

Item 1B. First Name

Enter the first name of the deceased.

Item 1C. Second Name

Enter the second name of the deceased. If the name is not known or cannot be determined, enter "unknown".

Item 2A. Date of Death

Enter the month, day and year using the following abbreviations: Jan., Feb., Mar., Apr., Aug., Sept., Oct., Nov., and Dec. Enter the complete spelling for the months of May, June and July.

Item 2B. Hour of Death

Enter the hour of death indicating A.M. or P.M. If the institution operates on 24 hour or military time, the hour of death may be so expressed.

Item 3. Sex

Enter male or female.

Item 4. Color or Race

Enter race as provided by informant, e.g., White, Black, American Indian (indicate tribe if known). For non-white groups other than black or American Indian, enter the national origin, e.g., Chinese, Japanese, Puerto Rican, etc. Generic designations of Oriental, Polynesian, European, etc., are not acceptable.

Item 5. Marital Status

Check the appropriate blank.

Item 6. Surviving Spouse

If the decedent was legally married at death, enter the name (maiden name in the case of a widow) of the survivor. If the deceased was single at death, enter "none."

Item 7. Date of Birth of Deceased

Enter the month, day and year per instructions for Item 2A. If the birthday is not known, enter "unknown" in full. If the birth date represents an approximation, enter birth date as "Approx." then date, example - "Approx. Mar. 12, 1935."

Item 8. Age of Deceased

Enter the age of the deceased in years, months and days. If the exact information is not known, enter an approximation of age. If the deceased was under 24 hours old, enter hours and minutes. Place dashes (-) in blocks that are not applicable.

Item 9A. Birthplace

Enter the city and state in full. If the deceased was born outside of the United States, enter the name of country in full.

Item 9B. Citizen of What Country

If the deceased was a citizen of the United States, enter "U.S.A." Enter the name of the country in full if deceased was not a citizen of the United States. If citizenship is not known, enter "unknown."

Item 10A. Usual Occupation

Notwithstanding the decedent's occupation at the time of death or that the deceased was retired, enter the type of occupation performed during the longest period of his/her working life. If the deceased had never been employed, enter "never employed." Enter "unknown" if the information is not available.

If the deceased was under 14 years of age, a dash (-) should be entered.

Item 10B. Kind of Business or Industry

Enter as specifically as possible the kind of business or industry in which the deceased was employed. Do not enter the name of the company.

Avoid unclear designations, e.g., "factory" or "mill." Instead enter "paint factory" or "saw mill."

Item 10C. Ever in U.S. Armed Forces?

Check the appropriate block.

Item 11. Social Security Number

Enter the Social Security Number; if it is not known, enter "unknown."

SECTION—Place of Death

Item 12A. City, Town, or Location of Death

Enter the full name of city, town or location where death occurred, regardless of size.

Item 12B. Parish of Death

Enter the name of the parish in full.

Item 12C. Name of Hospital or Institution

If death occurred in a hospital or institution, enter the name of the facility. If death did not occur in a hospital or institution, enter the street address or otherwise enter location.

Item 12D. Death in Hospital

Complete this item only if death occurred in a hospital; check the appropriate block.

Item 12E. Is Place of Death Inside City Limits?

Check "yes" or "no" as appropriate.

SECTION—Usual Residence of Deceased

Item 13A. City, Town or Location

Enter the city, town or location of usual residence.

Item 13B. Parish

Enter the name of the parish of usual residence.

Item 13C. State

Enter the name of the state in full.

Item 13D. Street Address

Enter the street address of the urban community or location, if rural.

Item 13E. Is Residence Inside City Limits?

Check "yes" or "no" as appropriate.

SECTION—Parents

Item 14A. Father's Name

The name of the father shall refer to the husband of the mother of the deceased, unless the biological father had formally acknowledged or legitimated the deceased prior to his/her death. Enter the last, first and second name of the father; if not known, enter "unknown."

Item 14B. Father's Place of Birth

If the father was born in the United States, enter the city and state. If born outside the United States, enter the name of that country in full.

If the father's place of birth is not known, enter "unknown."

Item 15A. Mother's Maiden Name

Enter the last, first and second name of the mother. If the name is not known, enter "unknown."

Item 15B. Mother's Place of Birth

If the mother was born in the United States, enter the city and state. If born outside the United States, enter the name of that country in full.

SECTION—Informant's Certification

Item 16A. Signature and Address of Informant

The signature and address of the person providing information contained in Items 1A through 15B should appear in this space. If the informant is unable to write, his "X" and two witnesses are required. The informant shall limit his signature to the space provided.

If the event information is taken from institutional records, the entry shall read "Hospital (or name of institution) Records" and be signed by the custodian of those records.

Another person may sign the informant's name with permission as follows: John Doe/initials of the third party.

Item 16B. Date of Signature

Enter the date of signature in Item 16A.

SECTION—Cause of Death

THIS SECTION IS TO BE COMPLETED ONLY BY THE ATTENDING PHYSICIAN OR CORONER CERTIFYING IN ITEM 21A.

Item 17 (Part I). Death Was Caused By:

(A) Immediate cause

Enter the disease or condition which caused death.

(B) and (C) Due to or as a consequence of:

Enter on these lines in appropriate sequence those causes, if any, in existence prior to death which may have given rise to the cause entered in (A).

If (B) and (C) do not apply, enter "none" or leave blank.

For each cause appearing on lines (A), (B) or (C) use as accurate terminology as is possible. Approximate intervals between onset of the cause and death.

Item 17 (Part II). Other Significant Conditions

Enter any other conditions unrelated to those appearing in Part I that contributed unfavorably to the fatal outcome.

Example: A complication of pregnancy might be reported in Part I. But, if pregnancy was without complication and within 3 months of the date of death, it should be reported in Part II.

Item 18A. Autopsy

Check "yes" or "no" as appropriate.

Item 18B. If yes -

Complete this item only if yes is checked in Item 18A.

SECTION—Death Due to External Violence

Item 19A.

Complete this section only for deaths due to other than natural causes.

Item 19B. Describe How Injury Occurred

Enter the nature and description of the injury if injury appears in Part I or II of Item 17.

Item 19C. Time of Injury

Enter the time and date of injury, if applicable.

Item 19D. Injury Occurred

If applicable, indicate whether the injury occurred on or off the job.

Item 19E. Place of Injury

Specify where the injury occurred, if applicable.

Item 19F.

If appropriate, enter the street address or location, city and state where the injury occurred.

SECTION—Physician's Certification

Item 20. Certification (Attendance)

Enter dates of medical attendance of the deceased.

Item 21A. Signature and Address of Physician

The person legally responsible, physician or coroner, shall personally sign in this space in permanent black ink indicating professional status, i.e., M.D. or Coroner. The physician or coroner shall limit his signature to the space provided. Enter the address of the signatory.

NOTE: This section shall only be completed by the attending physician or coroner (including assistants) certifying death. No one else may sign for him and facsimiles or stamps shall not be acceptable.

If accident, suicide or homicide is checked, the signature shall be that of the coroner or his assistant in the parish where death due to external violence occurred.

Item 21B. Date

Enter date Item 21A was completed.

SECTION—Funeral Director: Certification

Immediately below the word "CERTIFICATION" enter the funeral director's facility license number. This is in addition to the license number to appear in Item 23B. If a person other than a funeral director is managing the body of the deceased, enter "not applicable" in this space.

Item 22A.

Enter the manner of disposal and the date thereof.

Item 22B. Name and Location

Enter the official name and address or location, including city or location and state of the cemetery or crematory where final disposition is to be made.

Item 23A. Signature and Address of Funeral Director

The person authorized to act in the name of the funeral director, or other person managing the body shall sign in black, permanent ink and include the business address.

Item 23B. License Number

Enter the Embalmer's license number. If the body is not embalmed, enter "not applicable."

SECTION—Burial Transit Permit Number

Item 24. Burial Transit Permit Number

The number of the burial-transit permit issued is entered here by the person issuing the permit at the time of issuance.

Note that permits are to be issued *only* upon presentation of a properly completed death certificate. However, if a funeral director presents a death certificate completed to the limits of his ability and resources and for reasons beyond his control he is unable to present an entirely completed death certificate, a permit shall be issued. The permit is issued with the provision and understanding that the funeral director will present a completed document as soon as humanly possible. In the event that the funeral director abuses his privilege, the privilege is to be withdrawn.

Item 25. Parish of Issue

Enter the parish name in full where the permit was issued.

Item 26. Date of Issue

Enter the date the permit was issued.

Item 27. Signature of Local Registrar

Enter the name of the Local Registrar of the parish where the certificate is filed. The signature shall be in permanent black ink.

III. CERTIFICATE OF MARRIAGE PREPARATION

The marriage license/certificate shall be prepared in duplicate for those issued in Orleans Parish (PHS 5-A) and in triplicate for those issued in other parishes (PHS-5). At the point of license issue, the original and souvenir copy shall be provided to the bride and groom. Upon completion of the certificate, distribution instructions appearing on the lower right are to be followed.

At least one of the applicants shall be a resident of the par-

ish in which the license is purchased.

Side I

SECTION—Groom

This section as well as all information pertaining to the bride and groom shall be prepared on the basis of the applicants' birth certificate and/or statements.

Item 1A. Last Name of Groom

Enter the last name of the groom.

Item 1B. First Name

Enter the first name of the groom.

Item 1C. Second Name

Enter the second name of the groom.

Item 2. Usual Residence

Enter the street address, rural route and city and state.

Item 3. Is Residence Inside City Limits?

Check the appropriate block.

Item 4. Parish

Enter the parish of residence.

Item 5. State

Enter the state of residence.

Item 6. Race or Color

Enter the race or color as it appears on the applicant's birth certificate. In cases wherein race does not appear on the birth certificate or a waiver was presented as permitted by R.S. 9:242, the statement of the applicant shall be accepted.

Item 7. Date of Birth

Enter the date of birth as it appears on the applicant's birth certificate or as it is provided by the applicant if a waiver pursuant to R.S. 9:242 is presented. Enter the applicant's age in years.

Item 8. State of Birth

Enter the information as shown on the birth certificate. If birth occurred outside the United States, enter the name of the country.

Item 9. Father-Name

The name of the father shall be the husband of the mother of the groom, otherwise, a father's name shall not be entered. If a father's name is to be entered, complete this item as it appears on the applicant's birth certificate or accept the statement of the applicant.

Item 10. State of Birth

If a father's name is entered in Item 9, enter the state of birth, or if outside the United States, the name of the country of birth.

Item 11. Mother-Maiden Name

Enter the maiden name of mother.

Item 12. State of Birth

Enter the state of birth, or if outside of the U.S.A., the name of the country of birth.

SECTION—Bride

This section shall be completed per instructions outlined in the previous section.

SECTION—Place of Issue of Certificate

Item 25. Parish

Enter the parish of issue.

Item 26. City or Town

Enter the city or town of issue.

Item 27. Date of Issue

Enter the month, day and year of issuance in numerals.

SECTION—Marriage Certification

Item 28 shall be completed by the officiant certifying that he/she officiated at the marriage ceremony of the bride and groom whose names appear on the license. The officiant shall ensure that all the essential signatures are affixed before the officiant signs in Item 34.

Item 29. Signature of Witness

The signature of one of the witnesses shall appear in this item.

Item 30. Signature of Groom

The signature of the groom shall appear in this item.

Item 31. Signature of Witness

The signature of one of the witnesses shall appear in this item.

Item 32. Signature of Bride

The signature of the bride shall appear in this item.

Item 33. Signature of Witness

This item shall be left blank; see Act 817, 1984 Regular Session.

Item 34. Signature and Title of Officiant

Enter the signature of the person completing the certification in Item 28 and indicate his/her title.

Item 35. Local Recording Officer's Signature

Enter the signature of the parish recording officer authorized to issue the license. Stamps or facsimilies are permissible.

Item 36. Title

Enter the title of the person whose signature appears in Item 35.

SECTION—Confidential Information Groom and Bride

Enter the following information on the groom and bride:

1. Number of this marriage

2. If previously married—If the applicant was previously married, the applicant shall provide a certified copy of a judgment of divorce or a certified copy of a death certificate, whichever is applicable.

3. Date—If the applicant was previously married, enter the date the marriage was dissolved.

4. Education—Circle the highest grade completed.

5. If the bride had been married before, enter the full name of the previous husband.

Side II

Applicant's Affidavit

This section shall be completed by the licensing official and signed by the applicant and the licensing official or his designee.

Officiant's Authorization

This section shall be completed and signed by the licensing official or his designee.

IV. BURIAL TRANSIT PERMIT PREPARATION

Burial transit permits shall be issued as required by LSA - R.S. 40:52, 40:53 and prepared as set forth in Chapter XXVI of the Sanitary Code, State of Louisiana.

The burial transit permit shall be issued only on forms provided by the State Registrar of Vital Records and shall consist of three sections: the first section shall be prepared by the State Registrar or his designee to whom the certificate of death is presented, and shall be prepared as follows.

Name of Deceased

Enter the name of the deceased as it appears on the certificate of death. In the event of a stillbirth (fetal death), enter "still-birth of" and the mother's name.

Sex

Enter the sex of the deceased as it appears on the certificate of death.

Color

Enter the racial identity of the deceased as it appears on the certificate of death.

Age

Enter the age of the deceased as it appears on the certificate of death.

Place of Death

Enter the city, town or location of death as it appears on the certificate of death.

Parish

Enter the parish of death as it appears on the certificate of death.

Ward - Omit.

Date of Death

Enter the date of death as it appears on the certificate of death.

Issued To

Enter the name of the funeral director or person acting as such and the business address of that person.

Issued By

The signature of the local registrar, parish and date of issue are to be entered.

The second section of the permit shall be completed and signed by the funeral director or other person designated as custodian of the body, and shall contain a statement as to the method of embalming or preparation for final disposition and the date thereof.

The third section shall be filled out and signed by the sexton or person in charge of burial or other disposition, and shall contain a statement as to the method of final disposal, date and name and location of the cemetery or crematory and the lot number if burial is in a cemetery.

The burial transit permit shall be prepared in duplicate with the carbon retained by the local registrar. The sexton or person in charge of the final disposal of the body or remains shall return the original burial transit permit to the parish of burial within 10 days. The burial transit permits shall be retained by the local registrar for a period of not less than three years at the end of which time they shall be shipped to the Vital Records Registry.

Interested persons may submit written comments on the proposed rules to Daneta Daniel Bardsley, Ed.D., Office of Preventive and Public Health Services, Box 60630, New Orleans, LA 70160, phone: (504) 568-5052.

Sandra L. Robinson, M.D., M.P.H.  
Secretary and State Health Officer

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Vital Records Forms**

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

There are no implementation costs to be considered.

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

This rule will not affect revenue collections.

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

There is no estimated impact on competition and employment.

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

There are no estimated costs and/or economic benefits to directly affected persons or nongovernmental groups.

Daneta Daniel Bardsley, Ed.D.  
Assistant Secretary

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT  
Department of Natural Resources  
Office of Conservation**

The Louisiana Department of Natural Resources, Office of Conservation, does hereby give notice in accordance with the Ad-

ministrative Procedure Act that it intends to amend its "Rules of Procedure for Conducting Hearings Before the Commissioner of Conservation of the State of Louisiana" to include new provisions governing the conduct of adjudicatory hearings. Copies of the proposed rule may be obtained by calling the Office of Conservation at (504) 342-5540 or by writing to P. O. Box 44275, Baton Rouge, La. 70804, or may be viewed at the Department of Natural Resources, Office of Conservation, 625 North Fourth Street, Second Floor, Baton Rouge, LA 70804. The Office of Conservation will be opened from 8 a.m. to 4:30 p.m. and interested persons may call James Welsh, at this time, holidays and weekends excluded, for a copy of this rule. Any interested persons wishing to submit written comments relative to this rule may do so by submitting the same to the office at the address set forth in this notice on or before the close of business hours, July 7, 1986.

Cuthbert H. Mandell  
General Counsel

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Adjudicatory Hearing Rules**

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

The Office of Conservation already holds adjudicatory hearings to enforce provisions to Title 30, and the adoption of these rules may result in some savings to the state by reason of there being expedited or shorter hearings with a corresponding reduction in transcribing costs. There should be no difference in the costs or savings to local governmental units from adjudications currently held under the APA and existing rules, and the adjudications held under these rules.

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

There may be some slight increase in the number of fines which may be assessed as a result of shorter or more expedited adjudicatory hearings, as distinguished from the hearings which are currently held pursuant to the APA and existing Rules. The collection of these penalties, given the current economic situation in the oil and gas industry, will not be improved by the adoption of these rules. Revenue collections of local governmental units are not affected by these rules.

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

The procedure and guidelines contained in these rules as distinguished from the procedures currently followed under the APA and existing rules will not cause any change in cost and/or economic benefits to persons directly affected by these rules and against whom enforcement actions are taken.

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

The Office of Conservation currently holds adjudicatory hearings for enforcement proceedings under Title 30 of the Revised Statutes, and adoption of these rules will not increase or decrease the personnel or employment requirements of the office. Neither current hearing practices nor these rules have no impact upon any form of competition.

James Welsh  
Director, Injection & Mining Divis.

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Transportation and Development  
Office of Public Works**

The Department of Transportation and Development, Office of Public Works (OPW) in cooperation with the Louisiana Geological Survey of the Department of Natural Resources, and the State Planning Office of the Office of the Governor, intends to amend the "Guidelines and Procedures" for applications for state funding assistance under the Louisiana Statewide Flood Control Program as authorized by R.S. 38:90. An amendment is necessary to incorporate a time schedule into project development as follows:

**STATEWIDE FLOOD CONTROL PROGRAM  
AMENDMENT NO. 1**

The requests for Statewide Flood Control Program funds far exceed the amount of money made available each year. In an effort to best utilize the available funds, the following time schedules shall be incorporated into project development:

TASK	MAXIMUM TIME, YEARS
1. Execution of Agreement Between DOTD and Sponsor	1/2
2. Application for Permits	1
3. Submittal of Preliminary Plans	2
4. Submittal of Draft of Final Plans, Specifications and Cost Estimate	3
5. Acquisition of Rights-of-Way, Permits and Utility Relocation and securing the funding for the Sponsor's portion of the project	3 1/2
6. Advertising for Bids and Awarding of Contract	4

The date of the letter from the chairman of the Flood Control Evaluation Committee advising the sponsor that his project has been funded shall be used as the beginning point in determining the amount of time that has elapsed.

In the event a task is not completed within the maximum time allotted, the agreement between the DOTD and the sponsor shall be cancelled and the state funds that were allocated for the proposed project shall be reallocated.

Inquiries concerning the proposed amendment may be made in writing to Arthur R. Theis, Deputy Chief Engineer, Department of Transportation and Development, Box 94245, Baton Rouge, LA 70804-9245. Written comments may be submitted to Arthur Theis until July 20, 1986.

Robert G. Graves  
Secretary

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Statewide Flood Control Program**

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

Implementation of this amendment will not cause the agency to incur additional costs or realize any savings as it merely amends the "Guidelines and Procedures" for funding assistance through the Statewide Flood Control Program to incorporate a time schedule into project development.

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

No Effect.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERN-**

MENTAL GROUPS - (Summary)

No Effect.

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

No Effect.

Marty Chabert  
Assistant Secretary

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**

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

Notice is hereby given that the Louisiana Department of the Treasury, Board of Trustees of the State Employees Group Benefits Program intends to adopt the following rules mandated by the enactment of Title X of P. L. 99-272, "Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA)," which was signed into law by President Reagan on April 7, 1986:

Article 1, Section III (C) on page 23, add the following language:

"4. The provisions of this Section III (C) are applicable to surviving dependents who elect to continue coverage following the death of an Employee occurring on or before June 30, 1986. The provisions of Section III(F) are applicable to surviving dependents who elect to continue coverage following the death of an employee occurring on and after July 1, 1986."

Article 1, Section III(D) on page 23 on the fourth line, after the words "Article 1, Section I(I)2," add "and (3),"

Article 1, Section III on page 23, add the following language:

**E. Active Employees (effective July 1, 1986)**

Benefits under this contract for a covered active employee shall terminate at the end of the calendar month during which employment is terminated voluntarily or involuntarily (except for gross misconduct), the employee no longer meets the definition of an employee as defined in Article 1, Section I(E), or coverage pursuant to the provisions of Article 1, Section III(A) expires unless the covered employee elects to continue coverage AT HIS OR HER OWN EXPENSE. It shall be the responsibility of the participant employer to notify the program within 30 days of the date coverage would have terminated due to any of the foregoing events and the program shall notify the employee within 14 days of his or her right to continue coverage.

Application for continued coverage must be made in writing to the program within 60 days of receipt of notification and premium payment must be made within 45 days of the date the continuation option is exercised for coverage retroactive to the date coverage would have otherwise terminated.

Coverage under this Section III(E) will continue until the earliest of the following events occurs:

1. failure to pay the applicable premium;
2. coverage as an employee under another group health plan;
3. eligibility for Medicare; or
4. eighteen months from the date coverage would have terminated in the absence of this Section III(E).

**F. Surviving Dependents (effective July 1, 1986)**

Benefits under this contract for covered surviving dependents of a deceased covered employee or retiree shall terminate at the end of the calendar month during which the employee's or retiree's death occurs, unless the surviving covered dependents

elect to continue coverage AT THEIR OWN EXPENSE. It shall be the responsibility of the participant employer or surviving dependent to notify the program within 60 days of the death of the employee or retiree and the program shall notify the surviving dependents of their right to continue coverage. Application for continued coverage must be made in writing to the program within 60 days of receipt of notification and premium payment must be made within 45 days of the date the continuation option is exercised for coverage retroactive to the date coverage would have otherwise terminated.

Coverage for the surviving spouse under this Section III(F) will continue until the earliest of the following events occurs:

1. failure to pay the applicable premium;
2. remarriage and enrollment in another group health plan;
3. coverage as an employee under any group health plan;

or

4. death of the surviving spouse.

Coverage for a surviving dependent child under this Section III(F) will continue until the earliest of the following events occurs:

1. failure to pay the applicable premium;
2. coverage as an employee under any group health plan;

or

3. Thirty-six months beyond the date coverage would otherwise have terminated under the provisions of Article 1, Section I(I)(2) and (3), and Article 2, Section II(C).

**G. Divorced Spouse (effective July 1, 1986)**

Coverage under this contract with respect to the covered spouse of a covered employee or retiree shall terminate at the end of the calendar month during which dissolution of the marriage occurs by virtue of the granting of a legal decree of divorce from the employee or retiree, unless the covered divorced spouse elects to continue coverage AT HIS OR HER OWN EXPENSE. It shall be the responsibility of the divorced spouse to notify the program within 30 days from the date coverage would have terminated due to the divorce and the program shall notify the divorced spouse within 14 days of his or her right to continue coverage. Application for continued coverage must be made in writing to the program within 60 days of receipt of notification and premium payment must be made within 45 days of the date the continuation option is exercised for coverage retroactive to the date coverage would have otherwise terminated due to the divorce. Coverage for the divorced spouse under this Section III(G) will continue until the earliest of the following events occurs:

1. failure to pay the applicable premium;
2. remarriage and enrollment in another group health plan;
3. coverage as an employee under any group health plan;

or

4. eligibility for Medicare.

**H. Dependent Children (effective July 1, 1986)**

Benefits under this contract for a covered dependent Child of a covered active employee or retiree shall terminate at the end of the calendar month during which the child no longer meets the definition of an eligible covered dependent as defined in Article 1, Section I(I)(2) and (3) or Article 1, Section J unless the Employee or Retiree elects to continue coverage AT HIS OR HER OWN EXPENSE. It shall be the responsibility of the employee or retiree to notify the program within 30 days of the date coverage would have terminated due to the dependent child's loss of eligibility and the program shall notify the employee or retiree within 14 days of his or her right to continue coverage with respect to that child. Application for continued coverage must be made in writing to the program within 60 days of receipt of notification and premium payment must be made within 45 days of the date the continuation option is exercised for coverage retroactive to the date coverage would have otherwise terminated due to loss of eligibility.

Coverage for a child under this Section III(H) will continue until the earliest of the following events occurs:

1. failure to pay the applicable premium;
2. coverage as an employee under any group health plan;
3. eligibility for Medicare; or
4. thirty-six months beyond the date coverage would otherwise have terminated under the provisions of Article 2, Section II(C).

#### I. Miscellaneous Provisions

1. The continuation provisions set forth in Section III, C through H are applicable only to health and accident coverage as defined in Article 3.

2. The continuation provisions set forth in Section III, E through H are effective for loss of eligibility occurring on and after July 1, 1986.

3. For those covered persons who have elected to continue coverage pursuant to Section III, C through H, no new dependents may be added during the period of continued coverage. The only exception shall be that a newborn child of a covered employee or spouse, conceived prior to the effective date of continuation, shall be eligible for coverage from date of birth, subject to the provisions of Article 1, Section IV, except that newborn children shall not be eligible as overdue applicants.

4. During the period of continuation, benefits shall be identical to those provided to plan members enrolled in the Group Benefits Program under the program's standard eligibility provisions for active and retired employees and their dependents.

Comments or objections will be accepted, in writing, by the executive director of the State Employees Group Benefits Program until 4:30 p.m. on August 9, 1986, at the following address: Dr. James D. McElveen, Executive Director, State Employees Group Benefits Program, Box 44036, Baton Rouge, LA 70804.

James D. McElveen  
Executive Director

### **Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Cobra**

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

Member employer agencies will be required to notify this program of certain events which would result in loss of eligibility and to collect 100 percent of the monthly medical insurance premium from those individuals electing continuation of insurance coverage. There will naturally be a cost associated with this increased administrative responsibility. If this results in an increase in an agency's budgetary requirements, state general funds could be adversely impacted.

It is impossible to estimate the extent of the adverse impact on the State General Fund as there is no way of predicting the number of individuals who will elect to continue their medical insurance coverage with this program.

In addition, this program will incur additional administrative costs in notifications to beneficiaries, processing of applications for continued coverage, expansion of eligibility files and an increase in inquiries on eligibility provisions. The fiscal impact on the State Employees Group Benefits Program is impossible to predict. It is anticipated that several additional clerical employees will be required due to the tremendous increase in administrative responsibilities.

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

Title X of P.L. 99-272, COBRA, will increase the revenue collections of the State Employees Group Benefits Pro-

gram to some extent. The amount of the increase will be dependent upon how many individuals electing to continue coverage pay a premium in excess of the premiums paid before the occurrence of the event which makes continuation possible.

COBRA will not affect the revenue collections of other state or local governmental units.

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

Directly affected persons, those who elect continuation of medical insurance coverage under COBRA, will be required to pay 100 percent of the medical insurance premiums. There will be no state match on the premium.

Those directly affected persons will receive an economic benefit in the form of continued medical insurance coverage.

#### IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

The provisions of COBRA will not effect employment or competition.

James D. McElveen  
Executive Director

Mark C. Drennen  
Legislative Fiscal Officer

### **NOTICE OF INTENT**

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

Pursuant to the authority granted by R.S. 42:871(c) and R.S. 42:874 the Board of Trustees of the State Employees Group Benefits Program has amended its rules relative to Health Maintenance Organizations.

(1) Any health maintenance organization (HMO) or other prepaid medical benefits plan seeking to solicit the membership of employees of the state, its agencies or political subdivisions shall be subject to the regulations and requirements as set forth below, unless:

(a) the HMO provides evidence of federal qualification under Section 1301 of P.L. 93-222 (Health Maintenance Organization Act of 1973, as amended), and unless

(b) the HMO has activated the dual-choice mandate as provided for in Section 1310 of the Act.

(2) For purposes of these regulations the term "HMO" is defined as any legal entity which provides either directly or through arrangements with providers or other persons, health care services, or arranges for the provision of such services to enrollees on the basis of a fixed prepaid sum.

(3) The Board of Trustees of the State Employees Group Benefits Program specifically reserves the right to disapprove the application of any HMO if, in the opinion of the Board, the approval of the application would not serve the best interests of state employees, retirees, and their dependents.

(4) In the event the HMO seeks to solicit the membership of employees of the state, its agencies or political subdivisions who reside in a service area other than one previously approved by the Board of Trustees, a separate application for the additional service area shall be required.

#### **GENERAL INFORMATION**

The HMO shall furnish the following information:

(1) a list of the names and official positions of all members of the board of directors and the principal officers of the organization, which list shall contain a full disclosure of the extent and

nature of any contractual or financial arrangements between them and the state, or any of its agencies or political subdivisions;

(2) if the HMO is sponsored by another organization, the foregoing information relative to the directors and principal officers of the sponsoring organization or parent company;

(3) any changes in (1) or (2) above which may take place for the duration of the contract between the HMO and the state. Additionally, in the event of merger, consolidation, takeover or buy out of or by the HMO or by another entity, a separate application for approval shall be submitted by the successor controlling entity. In the event that such merger, consolidation, takeover or buy out does not alter any provisions of the application previously approved on behalf of the predecessor HMO, the successor controlling entity may, as an alternative to a separate application, submit to the Board of Trustees a notarized affidavit to that effect;

(4) a current balance sheet or income/expense statement;

(5) evidence of protection for members in the event of insolvency or medical catastrophe; which evidence may be a demonstration of the HMO's capacity to produce a cash flow sufficient to cover normal operating expenses for a minimum of 90 days, or a contractual agreement with a third-party insurer indicating such protection; and which evidence shall be updated on an annual basis;

(6) a copy of the form for each booklet or certificate of coverage to be issued to the members, and any changes or amendments as may be made from time to time;

(7) a description of the proposed method of marketing the HMO benefits, including marketing material to be used and a list of current premium charges;

(8) an accurate comparison of benefits offered by the HMO and the State Employees Group Benefits Plan;

(9) a statement describing the HMO's service area by zip code;

(10) a description of complaint procedures the HMO utilizes for resolving grievances between a member and the HMO or any provider of services;

(11) if the HMO is a group or staff model, a description of the medical care facilities to include:

(a) location;

(b) hours of operation;

(c) provisions for after-hours emergency services;

(d) on-sight facilities such as x-ray, laboratory, pharmacy, etc.;

(12) for all models, a list of participating physicians, to include the area of practice or specialty of each;

(13) a statement indicating which person or persons are responsible for final medical adjudication of questioned claims;

(14) the information required in (1-4) above shall be updated annually on January 1.

(15) advise whether HMO is proprietary or not for profit.

In addition, the applicant shall provide the following information:

a. total membership covered at the time of application;

b. notice of pending or actual change in status relative to federal qualification within 10 days from the date such notification is received by the HMO from the appropriate regulatory authority and the reasons for such change;

c. a description of the HMO's current conversion policy or policies and premium structure, and any changes as may be made from time to time;

d. a description of the HMO's quality assurance program.

The State of Louisiana shall have the right during the existence of the contract to audit from time to time such fiscal records of the HMO as may pertain to the financial security of state employees enrolled as members.

If, for any reason, a provider fails or is unable to render services it has agreed to provide through a contract with the HMO, the HMO shall agree to pay benefits for services equivalent to those set for in its contract with the state while an individual continues to be a member.

The Board of Trustees of the State Employees Group Benefits Program shall not be held liable for claims for damages relating to any treatment rendered or arranged for by the HMO.

The HMO shall agree to hold the Board of Trustees of the State Employees Group Benefits Program harmless from all claims for damages relating to any act or omission by the HMO, including any claims relating to failure of the HMO to provide services as specified in its contract with the State of Louisiana due to financial hardship or insolvency.

The HMO shall agree to hold any plan member or dependent harmless from any liability or cost for health maintenance services rendered during enrollment in the HMO, except as may be specifically provided for in the group contract and individual certificates of coverage.

#### INITIAL ENROLLMENT AND EFFECTIVE DATE

(1) The initial enrollment period shall be that 60-day period beginning on the October 1 coinciding with or immediately following the approval of the HMO by the Board of Trustees. The initial effective date shall be the January 1 next following the completion of this enrollment period.

(2) The state shall furnish the HMO with a list of agency personnel officers and their addresses to facilitate agency contact.

(3) The state shall provide a letter of introduction by the executive director to the personnel officers encouraging their cooperation with the HMO in scheduling meetings and making the offer to eligible employees.

(4) The state shall permit the HMO to use its enrollment form to enroll employees who are currently members of the State Employees Group Benefits Program.

(5) The HMO shall use the State Employees Group Benefits Enrollment Document if the employee is not a member of the State Plan at the time he elects HMO membership.

(6) All documents shall be processed at the State Employees Group Benefits office, including data entry into the billing and eligibility system.

(7) The HMO shall secure any information it may need which is not on the enrollment document independently of the State Employees Group Benefits Program.

#### COMPUTER INTERFACING

(1) The state shall provide the HMO with a monthly exception tape, detailing by agency: additions, deletions, and changes.

(2) The HMO shall maintain all billing records by agency billing codes as established by the State Employees Group Benefits Program.

(3) The HMO shall furnish utilization reports on a monthly basis, the format of which as shall be mutually agreed on by the state and the HMO.

(4) The HMO shall furnish quarterly utilization reports to the Program which shall include the number of hospital visits per 1000 members and the number of physician encounters per 1000 members, separated as to state employees and overall membership.

(5) The HMO shall furnish an annual report of membership statistics to include number of employer contracts with total number of enrollees, total enrollment at the beginning of the calendar year and at the end of the year, including information on additions and deletions during the year.

#### PREMIUM BILLING AND TRANSFER

(1) The HMO shall bill membership fees in a regular



monthly invoice, detailed by agency billing codes as established by the State Employees Group Benefits Program.

(2) The state shall transfer the reconciled membership fees to the HMO by the fifteenth of each month for the previous month's billing. Remittance will be itemized by agency.

(3) The state shall retain a monthly administrative fee for each individual contract, which fee shall be negotiated prior to the initial effective date of the master contract between the state and the HMO. Adjustment of the administrative fee will be made no more often than once a year and only on the annual re-enrollment date (January 1).

#### RATES

(1) The HMO shall charge membership fees that are divisible by a number as shall be set forth in the contract.

(2) Rates shall be guaranteed for no less than a 12-month period following initial effective date and thereafter shall be increased no more often than once a year and only on the annual re-enrollment date, unless otherwise approved by the Board of Trustees 90 days prior to the effective date of such increase.

(3) Notice of premium adjustments shall be given the state at least 90 days prior to the proposed effective date of such adjustment.

(4) Membership fees shall not be adjusted based on the utilization of health care services by state employees or their dependents. Rate adjustments shall be reflected in similar adjustments for other groups enrolled in the HMO service area.

(5) The HMO shall use a rate structure with classifications compatible with those used by the State Employee Group Benefit Program.

#### ELIGIBILITY

(1) The HMO shall maintain identical eligibility regulations as the State Employees Group Benefits Program with the exception of sponsored adult dependents, who need not be eligible for membership.

(2) The HMO shall enroll new employees who choose membership during their initial period of eligibility for an effective date that is compatible with the eligibility requirements of the state program.

(3) The HMO shall provide for continuation of membership for surviving spouses and dependents of deceased employees who are HMO members at the time of death. Such continuation provisions shall be identical to those of the Group Benefits Program. Such continuation shall be provided at the benefit level of the group contract and at a cost no greater than comparable monthly premiums charged by the HMO for like classes of group membership. The HMO shall also provide for continuation of coverage under other circumstances as may be required by the program's eligibility provisions or as may be required by state or federal regulations.

(4) During initial enrollment and each subsequent annual re-enrollment, the HMO shall offer membership to eligible active employees and eligible retirees on an equal basis.

#### PRE-EXISTING CONDITIONS

(1) The HMO shall impose no limits on coverage for pre-existing conditions for state employees electing membership during their initial period of eligibility.

(2) If a state employee fails to elect HMO membership for himself or his dependents during his initial period of eligibility, the HMO, unless prohibited by federal law or regulation, shall impose limitations on coverage for pre-existing conditions as a requirement for membership, in accordance with the existing regulations of the State Employees Group Benefits Program.

#### TRANSFERS AND TERMINATIONS

(1) The HMO shall hold an annual re-enrollment each November for an effective date of January 1 for employees elect-

ing to enter or leave HMO membership. This shall include both active and retired employees.

(2) The HMO shall participate in any other open enrollments as may be mandated by legislative action, if such action involves the HMO's service area.

(3) Transfer of coverage from the State Employees Group Benefits Program to the HMO or vice-versa shall be allowed only during the annual re-enrollment period, for an effective date of January 1. Transfer of coverage shall also be allowed as a consequence of the employee's being transferred into or out of the HMO service area, with an effective date of the first of the month following transfer.

(4) The HMO shall provide benefits up to but not beyond date of discharge in the event a member or his dependents are hospital confined at the time his membership terminates.

(5) The HMO shall allow individual conversions for a 30-day period following the end of the month during which an employee terminates his group membership. The conversion may be an individual HMO membership or fully-insured health contract, but shall be offered without regard to existing medical conditions and at the then-current rate for all other similar conversions. Termination of the group contract shall not constitute individual termination for purposes of conversion.

(6) No individual membership shall be terminated by the HMO except for the following reasons:

- a. termination of the group contract;
- b. termination of a member's employment with the state;
- c. an employee's moving his domicile out of the HMO service area;
- d. failure of the individual to make required copayments to an HMO provider;
- e. statements made by an individual on applying for membership which are material and knowingly false relative to the eligibility of himself or any dependent; or, if applicable, relative to the health status of himself or any dependent;
- f. refusal of a member to cooperate with an HMO provider to such a degree as to render a satisfactory physician-patient relationship impossible.

(i) Should the member refuse to accept procedures or courses of treatment recommended by an HMO physician, the physician shall use his best efforts to render all necessary and appropriate professional services in a manner compatible with the member's wishes insofar as this can be done consistent with the physician's judgment as to the requirements of proper medical practice.

(ii) Should the member continue to refuse to cooperate with the provider, and the physician believes that no acceptable professional alternative exists, such member shall be so advised, and if upon being so advised, the member still refuses to follow the recommended treatment or procedure, then the HMO shall have the right to terminate that individual's membership.

(iii) Should the HMO elect to terminate or not renew the member's coverage due to the above provision, the HMO shall notify the employee in writing no less than 30 days prior to termination date.

(iv) The employee shall have the right to appeal such termination of coverage to the Benefits Committee of the Board of Trustees, which committee shall refer its recommendation to the board for final decision, which decision shall be binding on the HMO;

(7) Should the HMO discontinue services for all of its membership in general or for state employees and their dependents in specific, notification shall be given to the Board of Trustees by the HMO not less than 90 days prior to the discontinuance of services. The board shall declare an open enrollment for at least a 30-day period preceding discontinuance during which all other

HMOs providing benefits to employees residing in the affected service area shall agree to accept subscribers wishing to transfer membership, without regard to health status or pre-existing conditions. During such open enrollment period the Program shall accept transfers under the same terms and conditions. Neither the HMO nor the program shall be responsible for costs for medical services incurred prior to the effective date of transfer.

(8) The Board of Trustees specifically reserves the right to cancel any contract between the board and the HMO, with or without cause, with notification to be furnished the HMO not less than 90 days prior to the annual re-enrollment date (January 1).

#### NONDUPLICATION OF COVERAGE

(1) If a husband and wife are both state employees and both are eligible for family coverage under the State Employees Group Benefits Program, both must elect membership in the HMO or the state program. Neither split contracts nor dual membership shall be allowed.

(2) If a husband and wife are both state employees and have elected single coverage, each may choose membership in either the HMO or the state program.

(3) Regardless of any provision of the State Employees Group Benefits Program contract to the contrary, the following apply to any state employee or dependent enrolled in an HMO:

a. The person shall neither be a member of the state program nor a qualified dependent covered under the state program.

b. No benefits will be payable under the state program with respect to charges for services and supplies furnished while the person is enrolled in the HMO.

#### BENEFIT STRUCTURE

(1) The HMO shall provide basic and supplemental comprehensive health maintenance services which state employees and their dependents might reasonably require to be maintained in good health, without regard to the frequency or extent of services furnished to any particular enrollee except for allowable exclusions and limitations as noted herein.

(2) Basic comprehensive health maintenance services shall include, but need not be limited to:

a. provisions for in-area emergency health care services which shall be available 24 hours a day, seven days a week and which shall be provided by physicians or other licensed medical personnel;

b. coverage for out-of-area emergency services.

c. preventive health services such as immunizations, routine physical examinations, and diagnostic studies;

d. in-patient hospital care, to include semi-private accommodations and other ancillary services;

e. in-patient physician services;

f. out-patient health services.

(3) Supplemental comprehensive health maintenance services shall include, but need not be limited to benefits for:

a. out-patient prescription medication;

b. private-duty nursing prescribed by a physician;

c. emergency ambulance services;

d. durable medical equipment;

e. prosthetic appliances.

(4) The HMO may impose reasonable limitations on and/or exclusions from such services as cosmetic surgery, dental treatment, custodial care, experimental procedures, home health care, services not medically necessary, personal convenience items, luxury accommodations, and services not rendered or prescribed by HMO physicians (except for out-of-area emergency care).

(5) The HMO may exclude from coverage those items as are normally and routinely considered excludable under group health coverage such as injuries or disease covered by workmen's compensation laws or veteran's benefits; self-inflicted injuries or those sustained as a result of war or civil disobedience.

(6) Treatment for mental and nervous disorders, and alcohol or other substance abuse may not be excluded, but may be limited. Coverage shall be provided to include at least:

a. in-patient-hospital benefits and physicians services for a minimum of 30 days per year;

b. out-patient-physician services covered at least 50 percent for a minimum of 15 visits per year at no less than \$40 per visit.

(7) Basic and supplemental comprehensive health maintenance services shall have a lifetime maximum of no less than \$500,000 per person. Reasonable copayments may be placed on out-patient services and out-of-area services, but in no instance shall the copayment exceed 25 percent of the value of the service rendered.

(8) Subsequent to initial approval of the benefit structure by the Board of Trustees, the HMO shall not amend benefits available to state employees and their dependents except on the annual re-enrollment date (January 1). Proposed benefit modifications must be submitted to the program not less than 90 days prior to their effective date and shall not become effective until approved by the Board of Trustees.

#### DISCLOSURE

(1) The HMO shall issue to each employee a description of benefits to which he is entitled under the contract between the HMO and the State of Louisiana.

(2) The evidence of coverage shall contain a clear, concise and complete statement of:

a. the health care services and the insurance or other benefits, if any, to which the member is entitled;

b. any exclusions or limitations on the services as benefits to be provided, including any deductibles and/or copayment provisions;

c. where and in what manner information is available as how services, including emergency and out-of-area services, may be obtained;

d. the HMO's method for resolving enrollee complaints;

e. conditions of eligibility for employees and their dependents;

f. conditions under which an individual's membership may be terminated.

Comments or objections will be accepted, in writing, by the executive director of the State Employees Group Benefits Program until 4:30 p.m. on August 9, 1986, at the following address: Dr. James D. McElveen, Executive Director, State Employees Group Benefits Program, Box 44036, Baton Rouge, LA 70804.

James D. McElveen  
Executive Director

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

#### **Rule Title: Health Maintenance Authority**

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

This rule change will not impact costs or savings of state or local governmental units.

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

Revenue collections of state or local governmental units will not be affected by this rule change.

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

This rule change will have no effect on the economic

costs and/or benefits of those directly affected persons or non-governmental groups.

#### IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

Competition and employment will not be affected.

James D. McElveen  
Executive Director

Mark C. Drennen  
Legislative Fiscal Officer

### NOTICE OF INTENT

#### Department of the Treasury Bond Commission

In accordance with the application provisions of the Administrative Procedure Act, R.S. 49:950, et seq., notice is hereby given that the Louisiana State Bond Commission intends to amend the commission's rules as originally adopted on November 20, 1976, and amended as of October 20, 1978, November 20, 1979, January 20, 1981, February 20, 1981, October 20, 1982, November 20, 1982, April 20, 1983, May 20, 1984, November 20, 1984, June 20, 1985 and October 20, 1985.

The Commission proposes to amend its fee rule as follows:

"Applications for preliminary approval for non-traditional purpose bonds (as previously defined herein) shall be assessed an application fee of \$1500 which shall be submitted prior to the deadline for filing the application. In addition, an amount equal to  $\frac{1}{8}$  of 1 percent of the face amount of the bonds to be issued for the respective project must be remitted within five days of the closing of said bonds. However, this rule shall not apply to such applications where security for the indebtedness or evidence thereof consists of, in whole or in part, tax revenues or the full faith and credit of the state or any of its departments, agencies or any of its political subdivisions."

The proposed rule amendment will be made available for public inspection between the hours of 8 a.m. and 4:30 p.m. on any working day after June 10, 1986 at the Office of the State Bond Commission, Third Floor, State Capitol Building, Baton Rouge, Louisiana.

Interested persons may submit their views and opinions through June 30, 1986 to Annette R. Seng, Secretary and Director of the State Bond Commission, Third Floor, State Capitol Building, Box 44154, Baton Rouge, LA 70804. The State Bond Commission will hold a public hearing on July 1, 1986 at a time and place established in a notice posted twenty-four hours in advance.

The State Bond Commission shall prior to the adoption, amendment or repeal of any rule, afford all interested persons reasonable opportunity to submit data, views, or arguments, orally or in writing. In case of substantive rules, opportunity for oral presentation or argument shall be granted if requested by twenty-five persons, by a governmental subdivision or agency, by a committee of either house of the Legislature to which the proposed rule change has been referred, as required under the provisions of Section 968 of Title 40.

At least eight working days prior to the meeting of the State Bond Commission at which a rule or rules are proposed to be adopted, amended or repealed, notice of any intention to make an oral or written presentation shall be given to the director of the State Bond Commission. If the presentation is to be oral, such notice shall contain the name or names, telephone numbers, and mailing addresses of the person or persons who will make such oral presentation, who they are representing, the estimated time needed for the presentation, and a brief summary of the presentation. Notice of such oral presentation may be sent to all State Bond Commission members prior to the meeting. If the presentation is to be

written, such notice shall contain the name or names of the person or persons submitting such written statement, who they are representing, and a copy of the statement itself. Such written statement will be sent to all State Bond Commission members prior to the meeting.

The commission shall consider all written and oral submissions concerning the proposed rules. Upon adoption of a rule, the commission if requested to do so by an interested person either prior to the adoption or within thirty days thereafter, shall issue a concise statement of the principal reasons for or against its adoption.

Mary Evelyn Parker  
State Treasurer and Chairman

#### Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Fee Increase Rule

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
None.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
It is estimated at present that revenue collections will increase by approximately \$543,164 for 1986-87.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)  
Beneficiaries of tax-exempt financings will pay this increase amount.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)  
None.

Annette R. Seng  
Secretary and Director

Mark C. Drennen  
Legislative Fiscal Officer

### NOTICE OF INTENT

#### Department of Wildlife and Fisheries Wildlife and Fisheries Commission

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et. seq.) the Louisiana Wildlife and Fisheries Commission in cooperation with the Office of State Parks has proposed a closed season for hunting resident game quadrupeds and all game birds on all lands within the boundaries of Fountainebleau State Park in St. Tammany Parish effective September 1, 1986. This action is exempt from legislative oversight and was taken at a public hearing on June 6, 1986 at the Quail Drive Office of the Louisiana Department of Wildlife and Fisheries in Baton Rouge, Louisiana. Authority to take this action is vested in the commission by Section 5C of Title 56 of the Louisiana Revised Statutes of 1950. The secretary of the Department of Wildlife and Fisheries has the authority to close seasons or alter any rule or regulation in emergency situations to protect the wildlife resources of the state.

The proposal has been made as a result of a request by the Department of Culture, Recreation and Tourism, Office of State Parks, who have outlined a situation where legal hunting is taking place on two small private inholdings within Fountainebleau State Park at Mandeville, Louisiana in St. Tammany Parish. Our department employees visited the park, reviewed the circumstances

and concur that hunting with firearms on these properties does pose a considerable safety hazard to park visitors and employees.

Interested parties may submit their views in writing to Hugh A. Bateman, Chief, Game Division, Louisiana Department of Wildlife and Fisheries, Box 15570, Baton Rouge, LA 70895.

J. Burton Angelle  
Secretary

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

**Rule Title: R.S. 56, Sec. 5C**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
NONE
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
NONE
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)  
NONE
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)  
NONE

Mary Mitchell  
Chief Fiscal Officer

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Wildlife and Fisheries  
Wildlife and Fisheries Commission**

The Louisiana Wildlife and Fisheries Commission hereby expresses intent to prohibit the use of gill nets, trammel nets, seines more than 30 feet in length, and trawls, from May 1 through September 15 of each year, along the seaward boundary of the main island, Grand Isle, Louisiana. The boundaries of the closed area shall be: from the easternmost jetty at the Grand Isle State Park to the easternmost shoreline of Caminada Pass, seaward to a water depth of six feet. Such commission action has been requested by the City of Grand Isle who have also effected a similar ordinance, entitled, Resolution Number 852. The action is necessary to curb interference of commercial net use to recreational fishermen who are surf fishing in this relatively small area; and, because of fish remains and trash being brought onto the beach, by use of said nets, and presenting a health hazard to children and other beach users.

Interested persons may submit written comments on the proposed rule until 4:30 p.m., July 8, 1986 at the following address: J. Burton Angelle, Secretary, Louisiana Department of Wildlife and Fisheries, Box 15570, Baton Rouge, LA 70895.

J. Burton Angelle  
Secretary

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

**Rule Title: Netting Prohibition - Grand Isle Beach Area**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
Not applicable. Department enforcement agents already employed in Jefferson Parish will enforce this rule as part of their routine duties.

- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
Not applicable.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)  
Not applicable. The relatively small area to be closed to netting during May 1 through September 15 along the Grand Isle Beach will not affect the commercial fishery.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)  
No effect.

Mary Mitchell  
Chief Fiscal Officer

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Wildlife and Fisheries  
Wildlife and Fisheries Commission**

The Louisiana Wildlife and Fisheries Commission hereby expresses intent to continue the present netting ban on Toledo Bend Reservoir after its expiration date of October 20, 1986. The netting prohibition presently in effect on Toledo Bend Reservoir includes the following: gill nets, trammel nets, flag webbing and fish seines are prohibited in the Louisiana portion of Toledo Bend Reservoir, and hoop nets are prohibited during March 1 through May 15 each year only in that portion of Toledo Bend Reservoir from a point north of Logansport where the lake enters Texas, and south to a point on the Lake where the Texas Duck Refuge Canal intersects the old channel of the Sabine River.

Interested persons may submit written comments on the proposed rule until 4:30 p.m., July 8, 1986, at the following address: J. Burton Angelle, Secretary, Department of Wildlife and Fisheries, Box 15570, Baton Rouge, LA 70895.

J. Burton Angelle  
Secretary

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

**Rule Title: Netting Prohibition Extension - Toledo Bend Reservoir**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
Not applicable. DeSoto and Sabine Parishes Enforcement Agents are presently employed to patrol Toledo Bend as part of their routine duties in said parishes.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
No effect.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)  
Since catfish are the primary commercial species sought after and since catfish can still be harvested adequately with permitted gear, costs and benefits to affected commercial fishermen will still demonstrate no significant change. Recreational fishermen will enjoy more successful fishing trips due to gamefish population enhancements.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)  
Negligible or no effect on commercial fishermen.

Hopefully, marina businesses will be improved by more use of recreational fishermen.

Mary Mitchell  
Chief Fiscal Officer

Mark C. Drennen  
Legislative Fiscal Officer

### NOTICE OF INTENT

#### Department of Wildlife and Fisheries Wildlife and Fisheries Commission

The Louisiana Wildlife and Fisheries Commission hereby expresses intent to prohibit the use of fish nets (gill nets, trammel nets, hoop nets, fish seines), in Caney Creek Reservoir, Jackson Parish, Louisiana. Such action by the commission has been requested by the Jackson Parish Watershed Commission, who are the governing body for Caney Creek Reservoir; and, by technical staff of the Fish Division, Louisiana Department of Wildlife and Fisheries.

Interested persons may submit written comments on the proposed rule until 4:30 p.m., July 8, 1986, at the following address: J. Burton Angelle, Secretary, Louisiana Department of Wildlife and Fisheries, Box 15570, Baton Rouge, LA 70895.

J. Burton Angelle  
Secretary

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

##### Rule Title: Caney Creek Reservoir - Netting Prohibitions

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
Not applicable. Department Enforcement Agents already employed in Jackson Parish will enforce this rule as part of their routine duties.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
Not applicable.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)  
Not applicable.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)  
No effect.

Mary Mitchell  
Chief Fiscal Officer

Mark C. Drennen  
Legislative Fiscal Officer

### NOTICE OF INTENT

#### Department of Wildlife and Fisheries Wildlife and Fisheries Commission

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et. seq.) the Louisiana Wildlife and Fisheries Commission has developed proposed open seasons, rules and regulations for hunting resident game quadrupeds and birds during the period October 1, 1986 to April 30, 1987. This action is exempt from legislative oversight and was taken at a public hearing on May 2, 1986 at the Airport Hilton Inn in Kenner, Louisiana. Authority to establish these rules is vested in the commission by Section 115 of Title 56 of the Louisiana Revised Statutes of 1950. The secretary of the Department of Wildlife and Fisheries has the

authority to close seasons or alter any rule or regulation in emergency situations to protect the wildlife resources of the state.

In general these proposals include dates for open hunting seasons and bag limits for all resident game quadrupeds and birds provided for by law. Also proposed are regulations establishing legal methods of taking as well as special open hunting seasons for department controlled wildlife management areas. A summary of the 1986-87 hunting seasons and bag limits for resident game species is listed below. A more detailed copy of the proposed rules and regulations are available upon request at the address listed below.

Interested parties may submit their views in writing to Hugh A. Bateman, Chief, Game Division, Louisiana Department of Wildlife and Fisheries, Box 15570, Baton Rouge, LA 70895.

QUAIL: Nov. 27-Feb. 28. Daily bag limit 10, possession 20.

RABBIT: Oct. 4-Feb. 28. Daily bag limit 8, possession 16.

SQUIRREL: Oct. 4-Jan. 18. Daily bag limit 8, possession 16.

BEAR: Nov. 8-16. One per season (Restricted to small area of Atchafalaya Basin. CLOSED ON SHERBURNE WMA.)

DEER: One per day, 6 per season.

AREA 1, 53 DAYS

9 days still hunting only: Nov. 22-30.

44 days with or without dogs: Dec. 6- Jan. 18.

AREA 2, 48 DAYS

23 days still hunting only: Nov. 8-30.

9 days with or without dogs: Dec. 6-14.

16 days with or without dogs: Dec. 20-Jan. 4.

AREA 3, 48 DAYS

23 days still hunting only: Nov. 8-30.

9 days with or without dogs: Dec. 6-14.

16 days with or without dogs: Dec. 20-Jan. 4.

AREA 4, 48 DAYS

23 days still hunting only: Nov. 8-30.

9 days still hunting only: Dec. 6-14.

16 days still hunting only: Dec. 20-Jan. 4.

AREA 5, 41 DAYS

9 days still hunting only: Nov. 22-30.

9 days still hunting only: Dec. 6-14.

23 days still hunting only: Dec. 20-Jan. 11.

ARCHERY SEASON: Oct. 1-Jan. 20.

TURKEY: One per day, 3 per season.

AREA A, 30 days: March 21-April 19.

AREA B, 30 days: March 21-April 19.

AREA C, 37 days: March 21-April 26.

AREA D, 37 days: March 14-April 19.

AREA E, 27 days: April 4-30.

AREA F, 37 days: March 14-April 19.

AREA G, 30 days: March 21-April 19.

AREA H, 30 days: March 21-April 19.

J. Burton Angelle  
Secretary

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

##### Rule Title: R.S. 56-Sec. 115

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
None
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
Annual receipts from the sale of hunting licenses to the department totalled 2.8 million in 1984-85. This amount would be lost to the department if these rules and regulations were not adopted for 1986-87.

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

There are no exact criteria by which the monetary effects of failure to adopt would have on the 400,000 sportsmen in Louisiana. Retail and wholesale sporting goods and hardware stores, land leases, commercial hunting businesses and guides would obviously be seriously and negatively affected. Economic impact loss in Louisiana would surpass 100 million easily.

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

There is no reliable method by which this Department can estimate the effect on employment or competition.

Mary Mitchell  
Chief Fiscal Officer

Mark C. Drennen  
Legislative Fiscal Officer

## Committee Reports

### COMMITTEE REPORT

#### House of Representatives Committee on Appropriations Oversight Review

May 29, 1986

Dear Governor Edwards:

This letter is to inform you that on May 27, 1986, the Subcommittee on Oversight of the House Committee on Appropriations voted to disapprove two rules promulgated by the Board of Trustees of the State Employees Group Benefits Program purporting to amend the Plan to allow retirees as defined in Article I, Section I, Item G of the Plan to enroll for group life insurance benefits and for health and accident as overdue applicants subject to evidence of insurability.

The intended effect of the disapproval of the above quoted rule is to eliminate the negative impact on the State General Fund. If this rule passes, it will cause eventual rate increases for the current members of the program and it will cost the State General Fund millions to pay the state's share of the health and accident premiums.

The committee asked the Board of Trustees to study the possibility of implementing these rules in such a way as to cover the retirees and not have the negative impact on the State General Fund.

Thank you for your attention in this matter. If you desire any further information on the subcommittee's action, please contact Noel Hunt, House Committee on Appropriations (342-6292).

Elias Ackal, Jr.,  
Chairman

### COMMITTEE REPORT

#### House of Representatives House Natural Resources Committee Oversight Review

Pursuant to the provisions of R.S. 49:968, the House of Representatives Natural Resources Committee met on May 29, 1986 and reviewed certain changes in state regulations proposed by the Louisiana Department of Wildlife and Fisheries for which notice of intent was published in the April *Louisiana Register* with the following results:

- 1) Proposal to prohibit fishing for paddlefish.  
Approved by a vote of 6-0.

Clyde W. Kimball  
Chairman

### COMMITTEE REPORT

#### House of Representatives House Natural Resources Committee Oversight Review

Pursuant to the provisions of R.S. 49:968, the House of Representatives Natural Resources Committee met on May 29, 1986 and reviewed certain changes in state regulations proposed by the Louisiana Department of Wildlife and Fisheries for which notice of intent was published in the April *Louisiana Register* with the following results:

- 1) Proposal to correct boundary of Sister Lake Oyster Seed Reservation.

Approved by a vote of 6-0.

Clyde W. Kimball  
Chairman

## Potpourri

### POTPOURRI

#### Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security, Medical Assistance Program hereby rescinds the rule published in the *Louisiana Register*, Vol. 11, No. 6, Page 637, dated June 20, 1985 which established a freeze in rates for Skilled Nursing and Intermediate Care Facilities. This action is required because the agency has been notified by the Health Care Financing Administration (HCFA) that the rate freeze requested for FY 85-86 is disapproved. This action is allowed under the agency's regulatory exception provision published in the *Louisiana Register*, Vol. 11, No. 4, Page 478, dated April 20, 1985.

Effective July 1, 1985 the rates for Medicaid SNF and ICF services are as follows:

Skilled Nursing Facility	\$38.19 per day of care.
Intermediate Care Facility I	\$32.56 per day of care.
Intermediate Care Facility II	\$26.06 per day of care.

Sandra L. Robinson, M.D., M.P.H.  
Secretary and State Health Officer

**POTPOURRI**  
**Department of Natural Resources**  
**Fishermen's Gear Compensation Fund**

In accordance with the provisions of the Fishermen's Gear Compensation Fund, R.S. 56:700.1 through 56:700.5, and regulations adopted for the fund as published in the *Louisiana Reg-*

*ister* on August 20, 1980, notice is given that 42 claims amounting to \$72,142.01 were received during the month of May, 1986. During the same month 64 claims amounting to \$81,821.59 were paid.

No hearings are scheduled for the month of July, 1986.

B. Jim Porter  
Secretary

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