

CONTENTS

I. EXECUTIVE ORDERS

EWE 87-34—Requires revised budgets to be submitted to commissioner of administration by August 15, 1987	425
EWE 87-35—Exempts PIPS from the five percent reduction order by EWE 87-34	425

II. POLICY AND PROCEDURE MEMORANDA

Governor's Office: Division of Administration—Commissioner's Office—PPM 71-Incentive Awards Program	425
--	-----

III. EMERGENCY RULES

Civil Service Department: Civil Service Commission—Pay upon promotion	427
Education Department: Board of Elementary and Secondary Education—Extends board policy 3.01.70.v(37) to July 1, 1988 (hiring of noncertified school personnel)	427
Temporary employment permit	428
Tuition exemption continuing education program for teachers	428
Health and Human Resources Department: Office of Family Security—Food Stamp Program—revises resource and income inclusions	429
MAP—Pharmacist utilization in conducting drug regimen reviews for SNF/ICF facilities	430
Wildlife and Fisheries Department: Alligator Harvest Program	430

IV. RULES

Agriculture and Forestry Department: Office of Forestry—Timber stumpage values, 1987 (LAC 7)	432
Tree seedling prices (LAC 7)	432
Commerce Department: Racing Commission—Furnish jockey's name; jockey's names on next race day program; rider named on two horses. (LAC 35:V.6357, 6358 and 6360)	432
When rider may choose not to ride (LAC 46:XLI.729)	433
Education Department: Board of Elementary and Secondary Education—Bulletin 741—Publications	433
Bulletin 1802—Introduction to Algebra	433
Special Education State Plan; State Preschool Grant	433
Environmental Quality Department Office of Solid and Hazardous Waste Division—Hazardous waste amendments	433
Governor's Office: Commission on Law Enforcement and Administration on Criminal Justice—Peace officers standards and training (LAC 22:III.Chapter 4)	434
Division of Administration—LCDBG Program—corrective and remedial actions	435
Health and Human Resources Department: Board of Embalmers and Funeral Directors—License renewal and reinstatement (LAC 46:XXXVII.701)	436
Board of Nursing—Licensure by examination (LAC 46:XLVII.3349.A.6) Repealed	436
Office of Family Security—AFDC—Child support payments	437
Food Stamp Program—Homeless recipients	437
Office of Management and Finance—State Health Plan—Health Care for AIDS patients (LAC 48:I.11535)	438
State Health Plan—Statewide health priorities; health resource requirements	439
Office of the Secretary—Block Grants	439
Rate setting for residential care system—appeals	439
Labor Department: Board of Barber Examiners—Shops (LAC 46:VII.111)	439
Revenue and Taxation Department: Tax Commission—Timber stumpage values, 1987	432
Treasury Department: Board of Trustees of the State Employees Group Benefits Program—Plan document	440
Wildlife and Fisheries—Wildlife and Fisheries Commission—Black drum pompano net length (LAC 76:VII.703)	440

This public document was published at a total cost of \$4,788.55. 1,475 copies of this public document were published in this monthly printing at a cost of \$2,788.55. The total cost of all printings of this document including reprints is \$4,788.55. This document was published by Bourque Printing, Inc., 13112 South Choctaw Drive, Baton Rouge, LA 70815, as a service to the state agencies in keeping them cognizant of the new rules and regulations under the authority of R.S. 49:950-970. This material was printed in accordance with standards for printing by state agencies established pursuant to R.S. 43:31. Printing of this material was purchased in accordance with the provisions of Title 43 of the Louisiana Revised Statutes.

V. NOTICES OF INTENT

Agriculture and Forestry Department:
Office of Management and Finance—Central Registry (LAC 7:XXXVII. Chapter 181) 440

Civil Service Department:
Civil Service Commission—Pay upon promotion 443

Education Department:
Board of Elementary and Secondary Education—Art I a prerequisite to Art II and Art III 443
Bulletin 746—Standards for certification of school personnel 444
Extend board policy 3.01.70.v (37) to July 1, 1988 444
Temporary employment permit 444
Tuition exemption continuing education program for teachers 445
Proprietary School Comission—Advertising policy 445
Agents 449
Cancellation and tuition refund policy for correspondence courses 451
Exemption from licensure 452

Environmental Quality Department:
Office of Air Quality and Nuclear Energy—Radiation regulations 452

Governor’s Office:
Division of Administration—Property Assistance Agency—Fleet management (LAC 34:XI.301) 453
Office of Elderly Affairs—Organization—Insurance requirements (LAC 4:VII.1167.G) 453
Organization—Membership of the Board of Directors (LAC 4:VII.1167.B) 454
Office of Minority Business Enterprise—Designation of a minority set-aside bid (LAC 19:III.1517.D): Consulting services (LAC 19:III.1703.A and E) 454
Veterans Affairs—Admission requirements (LAC 4:VII.937) 455

Health and Human Resources Department:
Office of Family Security—MAP—ICR/MR standards for payment 456
MAP—Provider claim requirements 456
MAP—Psychiatric hospitals standards for payment 457
MAP—SNF/ICF nurse/patient ratios 457
MAP—SNF/ICF utilization data requirements 458
Office of Human Development—Policy Manual 458
Office of Management and Finance—Home Health Services—expedited review (LAC 48:I.1531) 459
State Health Plan—Health resource requirements, long term care beds (LAC 48:I.11523) 460
Office of Preventive and Public Health Services—Sanitary Code—Camp sewerage treatment 461
State Sanitary Code—Shellfish transplant permits 462

Labor Department:
Board of Barber Examiners—Barber instructors (LAC 46:VII.Chapter 17) 462
Barber school standards (LAC 46:VII.1301) 464
Shop sterilization (LAC 46:VII.119) 465

Natural Resources Department:
Legal Division—Bohemia Spillway lands 466

Treasury Department:
Office of the State Treasurer—Board of Trustees of the State Employees Group Benefits Program—Plan document 466
Utilization review 467

Wildlife and Fisheries Department:
Wildlife and Fisheries Commission—Alligator harvest program-1987-88 468

VI. POTPOURRI

Agriculture Department:
Horticulture Commission—Floristry exam. 468

Health and Human Resources Department:
Office of Family Security—MAP-Rates for private SNF/ICF services 469

Labor Department:
Office of Employment Security—Average weekly wage to base workmen’s compensation benefits 469

Legislative Fiscal Office:
Fiscal and Economic Impact Statement form amendment 469

Natural Resources Department:
Fishermen’s Gear Compensation Fund—Claims 470

Executive Orders

EXECUTIVE ORDER EWE 87 - 34

WHEREAS, it has been reported to me by the commissioner of administration that receipts of the Treasury for fiscal year 1987-1988 will fall short of satisfying the needs of the general appropriations bill and other acts of the legislature which impact the state fisc; and

WHEREAS, it is my intention as governor to achieve a balanced budget;

NOW THEREFORE I, EDWIN EDWARDS, Governor of the State of Louisiana, pursuant to the authority granted to me by Section 10 of Act 18 of the 1987 Regular Session of the Legislature, R.S. 39:55, and Article IV, Section 5 of the Louisiana Constitution of 1974, do hereby order that all departments and all budget units as defined in R.S. 39:2(7) not within a department, submit revised budgets to the commissioner of administration for approval not later than August 15, 1987. The budgets shall reflect a five percent reduction of appropriations from the state general fund.

No reduction in appropriations shall be made for the following:

- Minimum Foundation Program
- Higher Education Institutions
- Governing Boards of University Systems
- Vocational-Technical Schools
- Special Schools
- Salaries of District Attorneys and Their Assistants
- Supplemental Pay as Provided by Law
- Loan Guarantees in the Department of Commerce
- The Ethanol Program in the Department of Agriculture and Forestry
- Food Distribution Centers in the Department of Agriculture and Forestry
- Retirement Contributions
- Department of Justice
- Private Extended Care in the Department of Health and Human Resources
- Veterans' Service Offices

If at any time it is made known that a restoration of all or a portion of the reduction is in the best interest of the state, the commissioner of administration is empowered to take the necessary action to effect such a restoration.

While reduction of the appropriation for the legislative and judicial branches is beyond the authority granted to me by statute, I urge these bodies to exercise every effort to effect savings.

Budget reductions pursuant to this order are effective as of July 1, 1987.

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 17th day of July, 1987.

Edwin Edwards
Governor of Louisiana

ATTEST BY
THE GOVERNOR
Jim Brown
Secretary of State

EXECUTIVE ORDER EWE 87 - 35

WHEREAS, Executive Order No. 87-34 ordered a five percent reduction of appropriations from the state general fund for various departments and budget units; and

WHEREAS, certain budget units were exempted from the five percent reduction; and

WHEREAS, to clarify my intentions that the Professional Improvement Program (PIPS) was to be included in the exemptions to the reduction;

NOW THEREFORE I, EDWIN EDWARDS, Governor of the State of Louisiana, do hereby specifically order that the PIPS program is exempt from the five percent reduction ordered by Executive Order No. 87-34.

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 23rd day of July, 1987.

Edwin Edwards
Governor of Louisiana

ATTEST BY
THE GOVERNOR
Jim Brown
Secretary of State

Policy and Procedure Memoranda

POLICY AND PROCEDURE MEMORANDUM

Office of the Governor
Division of Administration
Commissioners Office

Title 4
Administration

Part V. Policy and Procedure Memorandum

Chapter 37. Incentive Awards Program--PPM No. 71

§3701. Definitions

A. *Agency* means any or all department, boards, commissions, offices, officers or other instrumentalities within the executive branch of state government.

B. *Application* is the submittal of a suggestion, on the prescribed form, to the incentive awards program by any budget unit, agency or employee.

C. *Budget Unit* is a unit within the executive branch of state government which has: 1. an identifiable self-contained budget, or 2. maintains its financial records according to an accounting system which identifies, to the satisfaction of the legislative auditor, the expenditures and receipts properly attributable to that unit.

D. *Committee* is the State Employees Incentive Awards Committee created within the Office of the Governor, Division of Administration.

E. *Cost Savings or Economy* is an actual dollar savings, or a suggestion which would generate money for the state general fund if implemented.

F. *Employee* is an individual employed by an agency or budget unit at the time the suggestion is submitted to the committee.

G. *Evaluation* is the formal process by which the suggestion is reviewed. The evaluation process may include: preliminary review by the Incentive Awards Committee; review by the Legislative Fiscal Office and/or Legislative Auditor; reviewing the idea with the suggester; soliciting opinions and/or recommendations from supervisors or other state entities affected by the idea; and an agency or budget unit documentation of the cost savings or economies.

H. *Implementation* is putting to use, putting into operation, and/or placing in effect an employee's suggestion, by the budget unit, agency or state as a whole.

I. *Implemented Suggestion* is a suggestion that is actually implemented and results in cost savings or economy.

J. *Incentive Awards Program* shall mean that program which was established in accordance with R.S. 39:366.1 through 366.5.

K. *Non-implemented Suggestion* is a suggestion which is not actually implemented, but in the judgment of the committee could have resulted in substantial costs savings or other economy for one or more budget units or agencies, if it had been implemented.

L. *Staff* means those individuals that serve as staff personnel for the incentive awards committee.

M. *Suggester* is the budget unit, agency, or employee submitting a suggestion to the committee.

N. *Suggestion* is an idea which:

1. poses a problem, or opportunity;
2. presents a solution;
3. is written on the prescribed suggestion form;
4. is signed by the suggester and has the approval of the head of the department within which the budget unit is located; and

5. has been received for processing within the time period prescribed by the incentive awards program rules.

§3703. Submittal of Suggestions

A. All applications must be submitted on the prescribed form on or before September 30 of each year. Any application received after this date shall be returned to the suggester with the recommendation to resubmit the idea during the next application period.

B. When a budget unit or agency submits an application, the head of the budget unit or agency shall sign the applications form and list all participating employees from the unit. The committee shall rely on this application to determine employees eligible for an award. If an award is made, all participants shall share the award equally.

C. To qualify for an incentive award a suggestion must either result, or have the potential to result, in a cost savings or economy.

D. The suggestion, upon submittal, shall become the exclusive property of the state of Louisiana.

E. All suggestions shall be the suggester's idea and shall not be the result of professional consultation or upon advice of others.

F. All suggestions shall be thoroughly documented and shall contain necessary information so that a cost-benefit analysis can be done to determine the cost savings or economy. Also, information which indicates the feasibility of implementing the idea must be submitted. If the suggestion does not contain sufficient information for such determination, the staff may require the

suggester to submit supplemental information. If the suggester is unable or unwilling to submit the requested supplemental information, the staff shall recommend to the committee that the idea be declined.

§3705. Evaluation of Suggestions

A. Upon receipt of all suggestions the staff shall review the submittals for completeness. Those that are complete shall be evaluated by the staff to determine if the suggestion is eligible for the program. After staff evaluation, suggestions shall be referred to the committee with appropriate staff recommendations. If the committee declines an idea, the suggester shall be notified in writing. The remaining ideas shall be referred back to the staff to complete the evaluation process.

B. The suggestions that are accepted by the committee shall be forwarded to the budget unit or agency affected by the suggestion for further documentation of the cost benefits or economy. The suggestion shall be sent to the head of the unit and shall contain a request for specific documentation. The agency evaluation must be returned within the time-frame established by the staff and must be in writing. If the budget unit or agency refuses or is unable to comply with the request in the time-frame allowed, the staff shall recommend to the committee that the idea be declined. If the committee concurs with the staff's recommendation, the suggestion shall be declined and the suggester so notified in writing.

C. Upon receipt of the budget unit or agency documentation, the staff shall determine if the idea was implemented or should be implemented. The staff's determination shall be reported to the committee. The committee shall make the final decision based on the information supplied it by the staff, applicant and department. The committee's decision shall be final.

D. Each committee member shall evaluate the suggestion based on the following evaluation criteria:

EVALUATION CATEGORY	POINTS
1. Originality	0 to 10
2. Within scope of applicant's responsibility	0 to 5
3. Savings/Revenue Enhancement	0 to 10
	Points
\$ 0 - 4,999	1
5,000 - 14,999	2
15,000 - 29,999	3
30,000 - 49,999	4
50,000 - 74,999	5
75,000 - 104,999	6
105,000 - 139,999	7
140,000 - 179,999	8
180,000 - 224,999	9
225,000 -	10
4. Transferability	0 to 5

§3707. Incentive Awards

A. After the suggestions are evaluated the committee member's evaluation shall be totaled and awards shall be made as follows:

IMPLEMENTED SUGGESTIONS		NON-IMPLEMENTED SUGGESTIONS	
AWARD	POINTS	AWARD	POINTS
\$ 200	4 - 8	\$ 100	4 - 8
250	9 - 10	150	9 - 10
500	11 - 13	300	11 - 13
750	14 - 16	500	14 - 16
1,000	17 - 19	750	17 - 19

Emergency Rules

DECLARATION OF EMERGENCY

Department of Civil Service Civil Service Commission

At its August 5, 1987 regular meeting, the State Civil Service Commission adopted an emergency rule, according to the provisions of Civil Service Rule 2.10(f). This rule will be proposed to be adopted on a regular basis at the September 9, 1987 Civil Service Commission meeting which will begin at 8 a.m. and be held in the Twelfth Floor Commission Hearing Room, Republic Tower Building, 5700 Florida Boulevard, Baton Rouge, LA.

The emergency rule is as follows:

6.7 Pay Upon Promotion

(a) When an employee is promoted to a position in a higher grade, his pay

1. shall increase by 7 percent if it is a one grade increase, or
2. shall increase by either 7 percent or 14 percent if it is a two grade increase, at the appointing authority's discretion, or
3. shall increase by either 7 percent, 14 percent, or 21 percent if it is a three or more grade increase, at the appointing authority's discretion.

(b) . . .

EXPLANATION

Because of the financial condition of the state, the 14 percent and 21 percent increases upon promotion are proposed to be made discretionary instead of mandatory.

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

Herbert L. Sumrall
Director

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

Extend Board Policy 3.01.70.v(37) to July 1, 1988

The State Board of Elementary and Secondary Education, at its meeting of July 23, 1987, exercised those powers conferred by the emergency provisions of the Administrative Procedure Act, R.S. 49:953(B) and approved the request from the State Department of Education to extend from July 1, 1987 to July 1, 1988, the board's policy for hiring full-time/part-time noncertified school personnel, except speech, language and hearing specialists. (Board Policy 3.01.70.v(37))

This emergency adoption is necessary in order for the school systems to begin employing personnel for the 1987-88 school year.

Dr. James Meza, Jr.
Executive Director

IMPLEMENTED SUGGESTIONS		NON-IMPLEMENTED SUGGESTIONS	
AWARD	POINTS	AWARD	POINTS
2,000	20 - 22	1,000	20 - 22
4,000	23 - 25	1,200	23 - 25
6,000	26 - 27	1,500	26 - 27
8,000	28 - 29	2,000	28 - 29
10,000	30	2,500	30

B. Those suggestions which do not receive enough points for a cash award, but are, in the opinion of the committee, meritorious shall receive a certificate of special recognition.

§3709. Post Award Activity

A. After the awards are made the records for each award year shall be closed. All closed files shall be maintained by the Division of Administration for a period of three years after closure in accordance with R.S. 44:36. Suggesters may request to review said records. All scoring tabulations on which an award is based shall be maintained in this file.

B. Non-implemented ideas may be kept active for one year after the year submitted. If the suggestion is implemented during this period it may be reevaluated to determine if an additional award is warranted. If an additional award is approved by the committee, the suggester shall receive the difference of the new recommendation and any award made in the original year. If an adjustment of an award is not recommended, or if the committee determines that the award is still a non-implemented idea the suggestion file shall be closed and the suggester so notified in writing.

C. After the file is closed, the suggester will not be entitled to any further consideration for that suggestion, as the idea is the property of the state. The suggestion may however be implemented any time thereafter without any cash award being made to the suggester. Ideas that have been previously suggested are not eligible for awards and shall be declined.

§3711. Miscellaneous

A. Any and all determinations made by the committee shall be final.

B. The committee reserves the right to amend its rules prior to any new suggestion period. All suggestions shall be evaluated under the rules in effect at the time of submittal.

C. The committee reserves the right to modify a suggestion to provide the suggester a greater opportunity to have his or her idea implemented.

D. The committee shall evaluate all applications using the following evaluation form:

(File Number)	(Committee Member)	Pts.
Originality	_____	_____
Within scope of responsibility	_____	_____
Savings/Revenue	_____	_____
Transferability	_____	_____

Signature of Committee Member

Stephanie L. Alexander
Commissioner

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

Temporary Employment Permit

The State Board of Elementary and Secondary Education, at its meeting of July 23, 1987, exercised those powers conferred by the emergency provisions of the Administrative Procedure Act, R.S. 49:953(B) and approved the request from the State Department of Education for extension of the temporary employment permit for the 1987-88 school year with the proviso that an individual can be reissued a permit under the board policy only if evidence is presented to the State Department of Education that the NTE has been retaken within one year from the date the permit was last issued and that the reissuance shall not occur but once.

This emergency adoption is necessary that the school systems may begin employing personnel for the 1987-88 school year.

Dr. James Meza, Jr.
Executive Director

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

Tuition Exemption Continuing Education Program for Teachers

The State Board of Elementary and Secondary Education, at its meeting of July 23, 1987, exercised those powers conferred by the emergency provisions of the Administrative Procedure Act, R. S. 49:953(B) and approved the guidelines for the Tuition Exemption Continuing Education Program for Teachers as presented by the Department of Education and amended by the board as follows:

Tuition Exemption Continuing Education Program for Teachers

I. Introduction

The Louisiana Legislature, during the Regular Session of 1986, passed Act 1010 (R.S. 17:7.3 (a) and (c)). This Statute provides a continuing education program at Louisiana colleges and universities under which degreed teachers may take courses in their fields or disciplines.

Regulations for the Tuition Exemption Program, adopted by the Board of Elementary and Secondary Education, are subject to administrative interpretation by the Louisiana Department of Education, Continuing Education Office, Box 94064, Baton Rouge, LA 70804-9064, telephone (504) 342-3414 or toll-free 1-800-272-9872.

II. Application Forms

A. Distribution

-The Louisiana Department of Education prepares and distributes the forms.

-Participating parish or city school systems obtain forms from the Department of Education.

-Participating schools obtain forms from either the parish or city school board office.

-Participating applicants obtain forms from either the employing school or school board office. Regulations are to be posted at the employing school.

B. Completion

-Read the directions on the application.

-Complete Section I and sign.

-Have employing authority complete Section II and sign.

-Have university official complete Section III and sign.

-Present application to appropriate university officials at the time of official university registration. (You must inquire at the Registrar's office at the university in which you plan to enroll as to the specific university official to whom this form is submitted.)

C. If the application form is incomplete, inaccurate, or submitted to the university past the deadline date, the applicant will be declared ineligible and must pay the tuition costs.

III. Deadlines

A. Applications and courses

1. Regular Semester or Quarter

-Application forms must be submitted to the specific university official no later than the fifth official university class day.

-Courses to be reimbursed shall be courses for credit that begin and end within a regular semester or quarter session and that meet the time requirements established by the Board of Trustees for the state's colleges and universities.

2. Summer Session

-Application forms must be submitted to the specific university official no later than the fifth official university class day.

-Courses to be reimbursed shall be courses for credit that begin and end within a semester, summer, or quarter session and that meet the time requirements established by the Board of Trustees for the state's colleges and universities.

3. Application forms for classes for which registration is held at a time later than regular registration must be submitted during registration or on the first day of the class. Universities will submit these application forms as a supplemental billing.

B. Unsuccessfully Completed Courses

1. By the end of the semester, applicants who do not successfully complete the course for which tuition exemption was applied *must pay* the tuition as determined by the college or university in which the applicant was enrolled.

2. Applicants who drop, withdraw, or resign from courses will be billed the tuition amount as determined by the university by whatever means the respective university employs to recover such funds.

IV. Eligibility

A. Participants

Any full-time, degreed, elementary or secondary classroom teacher who is regularly employed or on approved leave from a state-approved public or nonpublic elementary or secondary school, listed on the annual school report as a member of the faculty of a state-approved public or nonpublic elementary or secondary school under the jurisdiction of the State Board of Elementary and Secondary Education, is eligible.

B. Colleges and Universities

Tuition reimbursement shall be limited to the following Louisiana colleges and universities: Delgado College, Grambling State University, Louisiana State University, Louisiana Tech University, McNeese State University, Northeast Louisiana University, Northwestern State University, Southeastern Louisiana University, Southern University, University of New Orleans, Nicholls State University, Centenary College, Dillard University, Louisiana College, Xavier University, University of Southwestern Louisiana, Our Lady of Holy Cross College, Tulane University, and Loyola University.

Application for admission to colleges and universities must be in compliance with the colleges' or universities' regulations, entrance requirements, deadlines, and any other conditions for admissions.

C. Courses

1. Credit courses in the subject matter area in which the applicant is currently teaching, or courses outside the subject matter area, specifically in the area(s) of critical shortage, provided the principal, appropriate supervisor, and college official recommend, in writing, the area of instruction in which the applicant shall enroll. Said recommendations shall be attached to the application. Final *review/approval* of courses shall be the responsibility of the Louisiana Department of Education, Office of Continuing Education.

2. Course load shall not exceed one regular semester or quarter course offering for each fall or spring session nor two course offerings in the summer session.

3. Course load for applicants who are on approved sabbatical leave for educational purposes shall not exceed nine semester hours, or its equivalent in quarter hours, for each fall/spring session that the applicant is on leave.

4. Any coursework required of an applicant as a result of an unsatisfactory evaluation pursuant to direction from his employing school board.

D. Tuition

1. Tuition, for the purposes of this program, is defined as the building use fee per semester hour. The state will not reimburse for student activity fees. Tuition exemption shall be limited to the amount of tuition assessed for on-campus courses.

2. Reimbursement shall be made to the colleges and universities by the State Department of Education from state-appropriated funds.

3. Tuition paid to colleges and universities shall be equal to, but not greater than, the highest tuition charged by public colleges or universities of Louisiana. The difference in the amount of tuition charged by the colleges and the amount of tuition paid by the state shall be paid by the applicant.

V. Ineligibility

Reimbursement shall not be paid on the following:

1. courses that are not successfully completed by the end of the semester or quarter;
2. non-credit courses or audit courses;
3. non-instructional credit courses such as examination courses;
4. courses in theology or divinity;
5. correspondence courses;
6. dropped, incomplete, or failed courses;
7. courses for which application forms were submitted to the university past the deadline date;
8. courses for which application forms were incomplete or inaccurate;
9. courses for applicants who are declared ineligible to participate;
10. courses for which funds are not appropriated;
11. courses for applicants who are receiving retirement funds from a state retirement system;
12. courses that do not meet the time/class meeting requirements set forth by the Board of Trustees for the state's colleges and universities;
13. courses taken by independent study;
14. courses for which the participant is not eligible under these guidelines;
15. courses involving infractions of the tuition exemption regulations or university policy; and
16. courses taken by teachers who are in default to the State of Louisiana for the Professional Improvement Program (PIP) or the Tuition Exemption Program as it existed prior to July

1, 1985.

VI. Appeals

1. Any applicant who is denied tuition exemption for a college course may appeal to the Louisiana Department of Education, Bureau of Continuing Education, Box 94064, Baton Rouge, LA 70804-9064, no later than 15 days following the date of notification of denial.

2. Any applicant who is denied tuition exemption by the Department of Education for a college course shall have a right to a due process appeal before the State Board of Elementary and Secondary Education. The applicant should contact the executive director of the State Board of Elementary and Secondary Education, Box 94064, Baton Rouge, LA 70804-9064, no later than 15 days following the notification of denial from the Department of Education.

VII. College and University Procedures

A. At the time of registration, the applicant shall be exempt from paying tuition for eligible course work covered in this program.

B. The last date for the colleges and the universities to accept applications for tuition exemption shall be the fifth official university class day of a regular semester or quarter or summer session.

C. Each college and university shall submit to the Department of Education, on the first day of class of each fall/spring/summer session, an invoice equal to *one-half* of the amount of tuition assessed for an on-campus course \times the number of applications submitted to that university. As soon as possible after the close of the semester, the college/university shall submit a final billing together with (a) an alphabetical list of the names of applicants who successfully completed course work, and (b) an alphabetical list of the names and addresses of applicants who received a W, F, or I grade. Tuition claimed by individuals who failed to successfully complete course work shall be deducted from the final payment to the university.

This emergency adoption is necessary in order for the colleges and universities to accept these teachers for the fall semester.

Dr. James Meza, Jr.
Executive Director

DECLARATION OF EMERGENCY

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security, has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953(B) to adopt the following rule in the Food Stamp Program.

These revisions are mandated by federal regulations as published in the *Federal Register*, Vol. 52, No. 137, Friday, July 17, 1987, pages 26937-26942. It is necessary to adopt this as an emergency rule as an April 1, 1987 implementation date is mandated.

Proposed Rule

Exclusions From Resources

The following items shall not be counted as a resource in the Food Stamp Program:

(1) Non-liquid asset(s) against which a lien has been placed as a result of taking out a business loan and the house-

hold is prohibited by the security or lien agreement with the lien holder (creditor) from selling the assets.

(2) Property, real or personal, to the extent that it is directly related to the maintenance or use of an income producing vehicle or a vehicle necessary to transport a physically disabled household member. Only that portion of real property determined necessary for maintenance or use is excludable under this provision.

Income

Earnings to individuals who are participating in on-the-job training programs under the Job Training Partnership Act shall be counted as income. This provision does not apply to household members under 19 years of age who are under the parental control of another adult member.

Verification

In addition to federally required verification, the Office of Family Security may mandate verification of any other factor which affects household eligibility or allotment level, including household size where not questionable.

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

DECLARATION OF EMERGENCY

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security, has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953B to adopt the following rule in the Medical Assistance Program.

Currently, drug regimen reviews are performed by registered nurses in Intermediate Care Facilities (ICF) and pharmacists in Skilled Nursing Facilities (SNF). Federal Regulations published in the *Federal Register*, Vol. 52, No. 114, dated June 15, 1987 mandate that pharmacists must begin conducting such reviews for SNF and ICF facilities effective July 15, 1987. Under this rule, Intermediate Care Facilities enrolled in Title XIX (Medicaid) shall be required to begin utilizing pharmacists to conduct drug regimen reviews beginning July 15, 1987. This rule is authorized under R.S. 49:953(B) based upon the Medical Assistance Program's receipt of mandatory federal regulations which require immediate implementation.

EMERGENCY RULE

SNF and ICF facilities participating in Rule XIX reimbursement shall utilize pharmacists to perform drug regimen reviews.

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

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries

In order to satisfy provisions of the Endangered Species Act a finding of no detriment for the alligator harvest program is necessary. A no detriment finding can only be rendered after exact procedures for harvesting including season dates, methods of take, open area, tagging, shipment, records, etc. are ap-

proved. All of those criteria are available now but the harvest quotas cannot be calculated until actual nest counts are made. Alligator nests do not appear until early July at which time counts and calculations will result in quotas for different land types. The alligator season is set to occur after the opening of nests by females in late August with the harvest program to commence September 5, 1987 and extend through October 5, 1987. Therefore, a declaration of an emergency is necessary to comply with federal and state laws (Administrative Procedure Act).

Alligator Harvest Program

The Louisiana Department of Wildlife and Fisheries recommends that an alligator season be hereby established in accordance with the following regulations: No exceptions of these procedures will be permitted, and anyone taking alligators contrary to these regulations will be charged in accordance with Title 56 of the Louisiana laws pertaining to wildlife and fisheries, appropriate federal laws, Wildlife and Fisheries Commission regulations, and/or Louisiana Department of Health and Human Resources.

1. *Open Area* - Alligator habitat in the state of Louisiana. Harvest quotas will be rigidly controlled according to alligator population estimates within all of the state's wetland habitat types.

2. *Harvest season* - The open season shall run for a 31-day period beginning on September 5, 1987 and continue through October 5, 1987. It is legal to take, possess, or sell alligators or their skins under four feet in length as provided for by rules and regulations of the commission. A special department permit shall be issued to alligator hide dealers/farmers in order to ship alligator skins below four feet in length.

3. *Harvest methods* - Alligators may be taken only during daylight hours, between official sunrise and official sunset. If a licensed hunter is cited for hunting alligators out of season, at night or on property other than that for which tags were assigned, all tags and skins for the current season will be confiscated in addition to revocation of the alligator hunting license. Special instructions will be issued to the holders of alligator hunter licenses shortly before the opening of the season describing detailed methods regarding the skinning of alligators. Skins processed contrary to the specific requirements of the department will be considered illegal and will be confiscated by department personnel. Pole hunting is prohibited to protect the nesting female population. Hooks and lines may be set no more than one day prior to the season opening. No hook and line shall remain set after the closing day of the alligator season. All alligator hooks and lines must be checked daily and all hooks and lines must be removed when a hunter's tag quota is reached. Alligators cannot be cut loose from hooks and lines for purposes of selecting larger alligators.

4. *Licenses* - An alligator hunter must have in possession a valid commercial alligator hunter license to take or sell alligators or their skins or other alligator parts. The fee for the resident license is \$25 per year and for the non-resident \$150. These licenses are non-transferable. In order to obtain a resident license, the hunter must have established bona fide residence in the state. A hunter must complete application forms provided by the department and furnish proof that he owns the land or has an agreement with the landowner or another authorized hunter to hunt alligators on the specified property. Information as to the location and acreage of the property must be provided (all land descriptions must include parish, township, range, and section delineation figures).

Applications must be submitted beginning August 1, 1987. Property ownership and description requirements do not apply to public lake hunters. The alligator hunter license will be issued only after the hunter has satisfactorily complied with the above requirements. Commercial alligator hunter licenses will not be issued after September 14, 1987. Alligator sport hunter licenses may be issued throughout the season. Non-resident hunters and resident sport hunters must coordinate their hunt through landowners and licensed resident hunters. A non-resident hunter may take no more than three alligators per season. A fur buyer license or fur dealer license is required for purchasing and handling raw alligator skins in Louisiana. An alligator parts dealer license is required of any person who deals in alligator parts other than hides and who: (a) buys from an alligator hunter or farmer for the purpose of resale; or (b) manufacturers within the state alligator parts into a finished product; or (c) purchases, cans, processes, or distributes alligator meat for wholesale or retail. A retailer selling canned alligator parts or a retailer purchasing alligator parts from an alligator parts dealer or restaurant selling prepared alligator meat for human consumption shall not be classified as an alligator parts dealer. The fee for the parts dealer license is \$50 per year. Persons or firms entering alligators or alligator skins and/or parts in interstate/foreign commerce in the course of a commercial activity must be licensed in accordance with state and federal regulations. Persons shipping alligators, or alligator skins and/or parts to another state or country must do so in accordance with the regulations of that state or country. Each retailer selling canned alligator parts or purchasing alligator parts and each restaurant selling prepared alligator meat for human consumption shall secure a license from the department before commencing business. The license shall be secured annually and shall be furnished upon the payment of \$5.

5. *Tagging* - In addition to a valid commercial alligator hunting license, the hunter must also obtain from the department, and have in his possession while hunting, official tags which must be firmly attached to each alligator immediately upon taking. Numbered tags will only be issued in the name of license holders for a sum of \$5 (one fee charged regardless of the number of tags involved). Alligator tags will not be issued after September 14, 1987. The tags must be attached and locked in the last six inches of the tail. The tag must remain attached to the skin until finally processed by the fabricator. It shall be illegal to possess alligators/or alligator skins in Louisiana without valid official tags attached. Failure to properly tag an alligator or skin will result in confiscation of both the alligator or skin and tag. Official alligator tags will be issued only to alligator hunters, and farmers and only to those who have authorized applications. The number of tags will be issued on the basis of the quantity and quality of the habitat, and the rate per acre will be fixed based on extensive population estimates. Tags will be issued for alligator habitat only, based on final decision of department biologists. Tags issued on public lakes are non-transferable and limited to five per hunter. No more than this fixed number of tags will be issued. Each official tag will bear a characteristic number, and the tag number issued to each hunter will be recorded. Hunters will be held accountable for all alligator tags issued to them. Unused tags must be returned by the hunter to the department no later than 15 days following the close of the season. Department personnel must be notified, within 15 days following the season, of any alligator hides not sold to a commercial buyer or dealer on official Louisiana Department of Wildlife and Fisheries forms provided. Lost or stolen tags will not be

replaced but must be reported within 15 days of close of season. Tags can be used only on the lands applied for and approved on the application. Tags furnished by the Louisiana Department of Wildlife and Fisheries must be attached to all alligator meat/parts upon transfer by a hunter or farmer.

6. *Alligator Farmers and Breeders* - Licensed alligator farmers or breeders must have department authorization to kill and skin their alligators but must follow the same rules and regulations which apply to wild alligators (except farm alligators can be harvested during closed season with department approval). Alligator farmers or breeders must have department authorization to sell or transfer live alligators or alligator eggs.

7. *Sale of Alligator Skins* - All alligator skins taken during the alligator season must be validated by personnel of the Louisiana Department of Wildlife and Fisheries prior to the hides leaving the state. Special skinning instructions will be verified, and any skins not prepared according to instructions issued in advance of season will be considered illegal. Buyers/dealers must abide by special skinning instructions or be subject to forfeiture of improperly skinned hides.

8. *Buyer/Dealer Hide Records* - All buyers and dealers making purchases of alligator hides shall maintain a complete set of records of all purchases and sales. Such records will include names and addresses of buyers and/or sellers, alligator hide tag number and length, and date purchased. Dealers will submit reports as required by the department for all hides purchased/sold. Every buyer or dealer having raw alligator hides in his possession shall file with the department within 60 days after the close of the alligator season, or prior to shipping out-of-state, a complete report as specified on forms provided by the department.

9. *Shipment* - All interstate shipments of raw alligator skins must be tagged with official out-of-state shipping tags provided by the department. All shipments of skins within the state must be tagged with official Louisiana Department of Wildlife and Fisheries in-state shipping tags. A severance tax of 25 cents per hide must be paid on all out-of-state shipments at the time skins are transported or shipped.

10. *Sale of Meats and Parts* - Meat and other parts from lawfully taken alligators can only be sold according to Louisiana Department of Health and Human Resources regulations, Louisiana Department of Wildlife and Fisheries regulations, and federal laws. Alligator meat sold for human food must be processed in a licensed facility, approved by the Louisiana Department of Health and Human Resources. If a person or firm is cited for buying or selling alligator meat that was not processed through a licensed alligator processing plant, all alligator meat in possession will be confiscated. Alligator hunters, farmers, and parts dealers shall maintain records of all transactions, purchases, and sales on forms provided by the department. These forms shall be submitted to the department within 30 days following the close of the season and thereafter at 60-day intervals until all parts are sold. All alligator meat and parts, excluding hides, shall be tagged an official alligator parts tag (color: blue) to be furnished by the department. Hunters, farmers, and alligator parts dealers shall furnish a bill of sale to all retailers and restaurants purchasing alligator parts. This bill of sale shall be maintained for a period of six months.

11. *Nuisance Removal Program* - A statewide alligator nuisance removal program will be administered on an annual basis. This program will allow the taking of problem alligators within the confines of municipal, ward, parish, or state responsibility where there are alligator-people conflicts. Alligators taken

under this program must be taken in accordance with state regulations and local regulations/ordinances. Skinning instructions issued by the department will be valid for one year, until the next year's skinning instructions are issued. This nuisance removal program depends upon close cooperation of state, parish, and local authorities. Tags may be issued by the department to an approved licensed hunter who has been designated by department supervisory personnel or officials of a local governing body. The number of tags issued will be based on the number of complaints received and the quantity and quality of alligator habitat involved. The commission is hopeful this program will lessen the threat to people and property by reducing human/alligator contact.

12. *Hunting on Public Lakes* - The department may select public lakes for an experimental alligator hunting program. The harvest will be controlled by a tag allotment for each lake as determined by population surveys by department personnel. An alligator hunter can receive tags for and hunt on only one public lake each season. The tag quota for a public lake is five per hunter. Alligator tags issued on public lakes are non-transferable. Applicants for public lake hunting must be 16 years of age or older. Applications for public lake hunting must be received at least 10 days prior to the season opening date. In the event that the number of applicants for any particular public lake exceeds the number of allowable hunters; a public drawing will be held to select hunters. Only the applicants whose names are drawn will be eligible to hunt public lakes.

13. *Harvest Rates* - Harvest rates are presently being calculated and will be determined by biologists of the fur and refuge division. Aerial nest counts and night count surveys will be completed on 10 July, 1987. This data will be analyzed, harvest rates figured, and alligator tag allotments will be presented to department/commission administrators for their consideration.

14. The department secretary shall be authorized to close, extend or reopen the alligator season as biologically justifiable; harvest rates will be approved when available by the department secretary.

This is to certify that the above and foregoing is a true copy of the excerpt of the meeting of the Louisiana Wildlife and Fisheries Commission held in Baton Rouge, LA on June 5, 1987.

J. Burton Angelle, Sr.
Secretary

Rules

RULE

Department of Agriculture and Forestry Office of Forestry and Department of Revenue and Taxation Tax Commission

The Louisiana Forestry Commission and Tax Commission, as required by R.S. 56:1543, has adopted the following timber stumpage values based on current average stumpage

market values to be used for severance tax computations for 1987:

- | | |
|----------------------|----------------------|
| 1. Pine Sawtimber | \$ 120 per M bd. ft. |
| 2. All Hardwoods | \$ 67 per M bd. ft. |
| 3. Pine Pulpwood | \$ 17 per Cord |
| 4. Hardwood Pulpwood | \$ 4 per Cord |

Bob Odom
Commissioner

Jamar W. Adcock, Chairman
Louisiana Tax Commission

RULE

Department of Agriculture and Forestry Office of Forestry

The Louisiana Forestry Commission, in accordance with R.S. 56:1503, has adopted the following tree seedling prices:

Hardwood Seedlings - \$125 per M for quantities of 500 or more per species; \$150 per M for quantities of under 500 per species.

Improved Pine Seedlings - remains the same, at \$30 per M.

Special Pine Seedlings - remains the same, at \$50 per M.

Michael P. Mety
State Forester

RULE

Department of Commerce Racing Commission

Title 35 Horse Racing Part V. Racing Procedures

Chapter 63. Entries

§6357. Furnish Jockey's Name (Formal Amendment)

Any authorized person entering a horse in any given race shall, at the time of making such an entry, name the jockey for said horse.

§6358. Jockeys' Names on Next Race Day Program (Formal Adoption)

The names of all jockeys who are to ride on the next race day's program shall have alongside their names on the overnight 1) indicating first call, and 2) indicating second call.

§6360. Rider Named on Two Horses (Formal Adoption)

A rider may be named on two horses in a race provided one is on the also-eligible list.

Albert M. Stall
Chairman

RULE

**Department of Commerce
Racing Commission**

Title 46

**Professional and Occupational Standards
Part XLI: Horseracing Occupations**

Chapter 7. Jockeys and Apprentice Jockeys

§729. When Rider May Choose Not to Ride (FORMAL AMENDMENT)

Every rider shall fulfill his duly scheduled riding engagements, unless excused by the stewards. No rider shall be forced to ride neither a horse he believes to be unsound, nor over a racing strip he believes to be unsafe. However, (1) if a rider voluntarily cancels a duly scheduled riding engagement for any reason other than the aforementioned, he shall not be permitted to fulfill any riding engagements thereafter on that race day and (2) if the stewards find a rider's refusal to fulfill a riding engagement is based on a personal belief unwarranted by facts and circumstances, such rider may be subject to disciplinary action.

Albert M. Stall
Chairman

1979 Regular Session, adopted the rule listed below:
Rule 3.01.51.hh

The board adopted an amendment to Bulletin 741 to add the following standards:

2.090.08 - Beginning with the 1988-89 school year, Introduction to Algebra (Bulletin 1802) shall be required in the area of mathematics for those students who are academically able in mathematics. Other students shall take the curriculum prescribed for grade 8 (Bulletin 1609).

An academically able student in mathematics is defined as one who is functioning at grade level or above in mathematics as determined by the local school system. For special education students identified in accordance with Bulletin 1508, *Pupil Appraisal Handbook*, the I.E.P. shall determine the student's eligibility to receive instruction in Introduction to Algebra instead of the regular mathematics curriculum provided the student is performing at or above grade level.

When awarding high school credits to elementary students please refer to Standard 2.101.01. Credit or credit examinations may be given in the following mathematics courses: Advanced Mathematics, Algebra I-II, Calculus, Geometry, and Trigonometry.

Dr. James Meza, Jr.
Executive Director

RULE

Board of Elementary and Secondary Education

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to Notice of Intent published May 20, 1987 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session adopted the rule listed below:
Rule 3.01.51.ii

The board adopted a new standard for placement in Bulletin 741 to permit the offering of credit for the courses Publications I and II as indicated below and to clarify certification requirements for teachers.

Insert new standard in Bulletin 741 to read:

Publications

Publications course offerings shall be as follows:

Course Title	Unit(s)	Refer to Bulletin
Publications I (yearbook)	1	#
Publications II (yearbook)	1	#

Publications I is a prerequisite to Publications II.

Teachers certified in the areas of Journalism, English and/or Business Education are qualified to teach Publications I and II. NOTE: Standard and Bulletin numbers will be assigned at a later date.

Dr. James Meza, Jr.
Executive Director

RULE

Board of Elementary and Secondary Education

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to Notice of Intent published May 20, 1987 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session adopted the rule listed below:
Rule 4.02.01.a

The board adopted the Louisiana Annual Special Education Program Plan and the State Preschool Grant for fiscal year 1988-89.

Dr. James Meza, Jr.
Executive Director

RULE

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

Under authority of Sections 1139, 1140 and 1141 of the Louisiana Environmental Quality Act, R.S. 30:1051 et seq., and in accordance with the Administrative Procedure Act, R.S. 49:950, et seq., the secretary, Department of Environmental Quality, adopted revisions to the Louisiana Hazardous Waste Regulations. Preceding the secretary's final adoption of the revisions, the revisions were forwarded to, and found acceptable by, the Joint Committees on Natural Resources. The effective date of these regulations is August 20, 1987.

The secretary initiated rulemaking procedures to adopt this rule on June 9, 1987 and adopted the rule on August 20, 1987.

Person(s) requesting copies and/or further information concerning the rule may contact Bill Greenwich, Department of

Martha A. Madden
Secretary

RULE

Office of the Governor Louisiana Commission on Law Enforcement and Administration of Criminal Justice

Pursuant to the notice of intent published in the *Louisiana Register*, Vol. 13, N. 6, page 368, dated June 20, 1987, the Louisiana Commission on Law Enforcement is adopting the following rules which will apply for basic and inservice training of Louisiana peace officers as prescribed by the Peace Officer Standards and Training (POST) Act, revised statutes 40:2401 through 40:2405.

Title 22 Corrections, Criminal Justice and Law Enforcement Part III. Commission on Law Enforcement and Administration of Criminal Justice Subpart IV. Peace Officers

Chapter 47. Standards and Training

§4701. Basic Certification

A. All full-time peace officers, as defined in R.S. 40:2402, shall complete a minimum 240-hour basic training course certified by the POST Council. Reserve officers may be eligible for certification if they successfully complete the 240-hour training course prescribed for full-time peace officers. All training shall be completed at a law enforcement training center accredited by the POST Council.

B. Students shall qualify with an approved service weapon on the POST-approved firearms qualification course and all scoring will be computed and recorded by a firearms instructor certified by the POST Council.

C. Students shall be required to pass the POST statewide examination for peace officers as prescribed by state law. Seventy percent shall constitute a passing score.

D. In the event a student fails the examination, one retest may be administered if the agency head so desires. If said student fails the retest, the student shall be required to complete another academy and satisfy all POST requirements to obtain certification. R.S. 40:2405 gives the POST Council the authority to seek and injunction prohibiting such an individual from exercising the authority of a peace officer if all POST requirements are not met.

E. To maintain certification, officer shall be required to requalify yearly on the POST firearms qualification course, demonstrating at least 75 percent proficiency. Scoring shall be computed and verified by a firearms instructor certified by the POST Council. If the period between qualifying exceeds 18 months for any reason, the officer will be required to complete a basic firearms course at an accredited academy.

§4703. Registration of Officers

A. Registration may be granted in lieu of certification to those officers who were hired prior to January 1, 1986, who did not attend POST-certified basic training.

1. Officers hired prior to January 1, 1986 may be eligible

to receive POST registration by completing the following requirements:

a. A letter from the agency head shall be submitted to the POST Council indicating a desire to have the officer registered with the state.

b. Documentation shall accompany the letter regarding initial employment date and continuous law enforcement service.

c. POST registration shall not apply to reserve/auxiliary officers.

§4705. Out-of-State Transfers

A. Out-of-state transfers shall be eligible for certification by meeting the following criteria at an accredited academy:

1. present a valid out-of-state POST certificate;

2. successfully complete Section Two of the *Louisiana Law Enforcement Basic Training Manual*, "Legal Aspects" Section;

3. qualify on the POST firearms qualification course, as attested to by a certified firearms instructor;

4. pass the statewide examination for peace officers with a minimum score of 70 percent;

5. if there has been an interruption of service in excess of three years, the officer shall be required to attend the full basic training course at an accredited academy.

§4707. Interruption of Full-Time Service

A. Any peace officer hired prior to January 1, 1986 who interrupts his full-time law enforcement service for a period in excess of three years and is thereafter rehired, shall be required to meet the basic training requirements for new peace officers. However, if such officer has already completed a certified basic course, he shall be required to complete the Legal Aspects portion of the course, qualify on the firearms qualification course, and pass the statewide examination, all at an accredited academy. Proof of basic training will be required.

B. Any officer hired after January 1, 1986 who interrupts his full-time law enforcement service for a period in excess of three years and is thereafter rehired, shall be required to meet the requirements outlined in the Subsection above.

§4709. Instructor Qualifications

A. Full-time academy instructors must meet the following qualifications:

1. shall possess two years college and/or practical experience in law enforcement or corrections;

2. each two years experience may be substituted for one year of college. Any combination of above will be acceptable;

3. shall have completed the instructor development course conducted by the Federal Bureau of Investigation. If the course is not available within Louisiana within one year, POST may waive this requirement until such time as a course becomes available;

4. shall have completed three years practical experience in law enforcement or corrections field.

B. Specialized instructors shall meet the following qualifications:

1. shall be a full-time employee of a public criminal justice agency;

2. shall have recommendation of an academy director or agency head;

3. shall successfully complete all aspects of specialized instructor school as presented by POST and the Federal Bureau of Investigation (FBI);

4. shall attend POST-sponsored instructor retrainers on

an annual basis.

§4711. Firearms Qualification

A. Basic Firearms Qualification

1. On a 25-yard range equipped with B-27 silhouette targets, the student, given a pistol or revolver, holster and 240 rounds of ammunition, will fire the POST firearms qualification course at least four times. Scores must be averaged and the student must:

- a. fire all courses in the required stage time;
- b. use the correct body position for each course of fire;
- c. fire the entire course using double action only, except in the case of single action only semi-automatic pistols;
- d. fire no more than the specified number of rounds per stage;
- e. fire each course at a distance not appreciably lessor nor greater than that specified;
- f. achieve an average score of not less than 225 out of a possible 300 points, which is 75 percent or above;
- g. have all targets graded and final score computed by a POST-certified firearms instructor.

B. Annual Requalification

1. The requirements for annual requalification are the same as for basic qualification, with one exception. If the firearms qualification course must be fired more than once, the scores shall be averaged as designated in basic firearms qualification.

§4713. POST Firearms Qualification Course

A. Stage one

At the 25-yard line, student will fire six rounds right-hand barricade standing and six rounds right-hand barricade kneeling, in sixty seconds.

B. Stage two

At the 25-yard line, student will fire six rounds left-hand barricade standing and six rounds left-hand barricade kneeling, in sixty seconds.

C. Stage three

At the seven-yard line, student will fire 12 rounds, point shooting, in 25 seconds.

D. Stage four

At the four-yard line, student will fire three rounds, one-hand hip shooting, in three seconds. Student will hold, and not reholster. Again, student will fire three rounds in three seconds.

E. Stage five

At the four-yard line, student will fire three rounds, one or two-hand hip shooting, in three seconds. Student will hold, and not reholster. Again, student will fire three rounds in three seconds.

F. Stage six

At the two-yard line, one-hand close quarters, student will fire two rounds in two seconds. Student will hold and not reholster. This is repeated twice.

G. Stage seven:

Repeat stage six.

H. On ranges where 15 yards is maximum target distance, a B-29 target will be utilized when the course above calls for a distance of 25 yards. At other distances, the B-27 will be utilized. The entire course is fired with a hot line, meaning the officer shall automatically reload as soon as his weapon is empty.

Michael A. Ranatza
Executive Director

RULE

Division of Administration Office of State Planning

Louisiana Community Development Block Grant (LCDBG) Program Corrective and Remedial Actions

Introduction

This policy describes the types of administrative actions that can be taken by the Louisiana Division of Administration (DOA) in cases of improper or inadequate performance by recipients of Louisiana Community Development Block Grant (LCDBG) Program grants. In each instance, to the extent possible under the circumstances, the action taken will be intended, first, to prevent a continuation of the deficiency; second, to mitigate any adverse effects or consequences of the deficiency; and third, to prevent a recurrence of the same or similar deficiencies.

Types of Deficiencies

A deficiency is an instance of non-performance of activities or non-compliance with requirements as set forth in the grant contract between the state of Louisiana and the grant recipient. Examples of deficiencies are the following:

1. Failure to clear monitoring findings. On-site monitoring covers these program aspects: financial management, environmental, labor standards, fair housing/equal opportunity, acquisition, relocation, rehabilitation, citizen participation, procurement, program progress, public improvements, and compliance with national objectives. An on-site monitoring visit may be conducted as a matter of routine monitoring or whenever problems come to the attention of the DOA. Once the monitoring visit has been made, a letter is written to the recipient which lists each finding made, the corrective action required, and a target date for the corrective action to be accomplished. Upon receipt of the recipient's response, the state determines whether or not the information is sufficient to resolve the findings. A status letter is then prepared for the recipient which addresses each finding. Findings which are not properly resolved remain outstanding, and a new target date is given to the recipient.
2. Failure to file reports as required. Examples: Minority Business Report, Semi-Annual Budget and Reconciliation Report, Economic Development Quarterly Reports, Developer's Financial Statements, the Performance Assessment Report, Audits, etc.
3. Failure to resolve an audit finding within 120 days.
4. Incurring of ineligible cost. These costs are described in the regulations for HUD entitlements, 24 CFR Part 570.207.
5. Lack of continuing capacity to administer the program.
6. Failure to execute planned activities in accordance with the implementation schedule included in the contract between the state and the recipient.
7. The implementation of a project change without prior state approval.

Notice of Deficiency

The first step in the corrective procedure is for the DOA to send a Notice of Deficiency to the grant recipient. The notice describes the deficiency specifically and objectively, describes action the recipient must take in order to remedy the deficiency (with a deadline for doing so), and describes the consequences of failure to remedy the deficiency (that is, administrative sanctions or legal action).

Sanctions

If the deficiency remains uncorrected, one or more sanctions are imposed. The choice of sanction(s) to be applied is governed by the objectives stated in the Introduction, the type of deficiency, and the term of the grant contract. The possible sanctions are as follows:

1. Required administrative change. Example: If the consultant who is administering the program is doing a poor job, but the recipient has the continuing capacity to administer, the recipient may be required to discharge the consultant and engage someone else to administer the program.
2. Suspension of grant payments.
3. Reduction of grants.
4. Termination of grant.
5. Reimbursement of disallowed cost.
6. Disqualification from consideration for other LCDBG grants. Criteria for disqualification shall be consistent with/but not limited to the state's threshold requirements for funding.
7. The state may pursue legal action.

If the recipient does not comply with the sanction imposed, or if the recipient's response does not remedy the problem, additional sanctions may be imposed, or the matter may be referred for legal action.

Appeals

The final determination to impose any of the above sanctions shall be subject to review by the assistant commissioner of administration supervising CDBG activities. Any recipient that desires such review shall submit a detailed written request to the assistant commissioner with 20 days of receipt of notification of sanction(s). A decision shall be rendered within 20 days of receipt of the request for review, unless a greater length of time is agreed to by recipient.

Stephanie L. Alexander
Commissioner

RULE

**Department of Health and Human Resources
Board of Embalmers and Funeral Directors**

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) the Louisiana State Board of Embalmers and Funeral Directors in accordance with the authority granted under R.S. 37:840 and pursuant to the notice of intent published June 20, 1987 adopted the following amendments:

Title 46

**Professional and Occupational Standards
Part XXXVII. Embalmers and Funeral Directors**

**Chapter 7. License
§701. Renewal and Reinstatement**

A. All individual licenses issued by the board shall expire on the thirty-first day of December of each year and must be renewed on or before that date. All establishment licenses and pre-need affidavits shall also expire on the thirty-first day of December and must be renewed on or before that date. Applications for renewal of licenses must be made to the secretary of the board upon forms furnished by said board and must be accompanied by a renewal fee of \$25 for individual licenses for em-

balancers and/or funeral directors and not more than \$300 for funeral establishments. There is no fee for the annual report of prepaid funeral services or merchandise.

B. Application for renewal of individual licenses and establishment licenses may be submitted to the board any time after October 1 of each year. For each renewal application submitted between the period October 1 and November 30, the renewal application fees may be submitted and paid in cash, check or money order. Any and all renewal applications for licenses postmarked and received after November 30 must be paid by either cash, money order or cashier's check. When a licensed funeral establishment or individual licensee renews the license, if, for any reason, the check or money order received is not paid by the bank for non-sufficient funds (NSF) or any other reason, the licensee of the firm forwarding the funds shall be assessed a penalty of \$10 for individual license and \$25 for establishment license. In either event, the license fee and penalty must be in the office within 10 days after the notice of NSF or nonpayment is received.

C. When a funeral director or embalmer has failed to renew his license on or before December 31 of each year, said license shall lapse. However, same may be reinstated provided application is made to the board along with regular application and fee of \$150. If the funeral director or embalmer has failed to renew within the specified time, he must present his request in person to the board, which may, at its discretion, renew or refuse to renew the lapsed license. In any event, no license will be reinstated without a payment of all fees delinquent from date of lapse to date of reinstatement.

D. When a licensed funeral establishment fails to renew its license on or before December 31 of each year, said license shall lapse. However, same may be reinstated provided that the applicant shall submit to an inspection; and if the board is satisfied that the applying establishment meets all requirements, it shall issue a renewal license for the remaining portion of the current year upon payment of regular application fee of \$500.

E. As all license applications are received, the board will process same in a timely fashion and will begin mailing the licenses to the individuals and establishments so applying on December 15 of each year.

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

Lloyd E. Eagan
Secretary

RULE

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

(Editor's Note: §3349 was repealed in its entirety in the July Register when in fact only §3349.A.6 should have been repealed as follows:)

Title 46

**Professional and Occupational Standards
Part XLVII. Nurses**

**Chapter 33. General Rules
§3349.A.6 Repealed.**

Merlyn M. Maillian, R.N.
Executive Director

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 Aid to Families with Dependent Children Program (AFDC) and the Child Support Enforcement Services effective January 1, 1988.

Presently, when assigned child support payments are received and retained by an AFDC applicant or recipient, under 45 CFR 302.31 and 45 CFR 233.20(a)(3)(V) the IV-D agency (Child Support Enforcement) shall notify the IV-A agency (AFDC program) when it discovers that directly received payments are being or have been retained. Assigned support received and retained by an AFDC applicant/recipient is then budgeted in AFDC in determining monthly benefits.

The state has the federal regulation option of selecting another method of handling directly received and retained assigned child support. The other option is offered at 45 CFR 302.31(a)(3)(ii), such that the IV-D agency shall recover the retained support payments. This recovery by the IV-D agency is to be carried out in accordance with standards for program operations in 45 CFR 303.80.

RULE

When assigned child support payments are received and retained by the AFDC applicant/recipient, responsibility is now placed with the IV-D agency (Child Support Enforcement Services) to recover all such payments in accordance with 45 CFR 303.80. The only exception is a direct payment retained by the recipient during the period when the sanction for failure to cooperate is in effect, as provided at 45 CFR 232.12(d).

In providing for this policy the IV-D staff must:

- (1) document that the recipient has received and retained direct payments, and the amounts,
- (2) provide a written notice of intent to recover the payments to the recipient including:
 - (a) an explanation of the recipient's responsibility to cooperate by turning over direct payments as a condition of eligibility for AFDC, and a sanction for failure to cooperate as provided at 45 CFR 232.12(d),
 - (b) a detailed list of the direct payments as documented by IV-D, including dates and amounts of payments and description of documentary evidence possessed by IV-D,
 - (c) a proposal for a repayment agreement related to the recipient's income and resources including the AFDC grant and the total amount of retained support,
 - (d) providing the opportunity for the recipient to have an informal meeting to clarify his responsibilities and to resolve any differences regarding repayment.

The IV-D Agency (Child Support Enforcement Services) must refer the case to IV-A (AFDC Program) with evidence of failure to cooperate if the recipient refuses to sign a repayment agreement or signs an agreement but subsequently fails to make a payment. IV-D must also notify IV-A if a recipient later consents to an agreement or if the recipient who defaulted on the agreement begins making regularly scheduled payments.

To recover amount due from any period of default, the IV-D agency (Child Support Enforcement Services) must extend the duration of the agreement.

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.

These revisions are mandated by federal regulations as published in the *Federal Register*, Vol. 52, No. 47, Wednesday, March 11, 1987, pages 7554-7558. It was necessary to adopt this as an Emergency Rule as an April 1, 1987 implementation date was mandated.

Effective May 1, 1987 homeless food stamp recipients (including newly eligible residents of temporary shelters for the homeless) may use their food stamps to purchase prepared meals served by an authorized public or nonprofit establishment that feeds homeless people.

A "homeless food stamp household" is an eligible food stamp household which has no fixed mailing address or does not reside in a permanent dwelling. The "homeless meal provider" is a public or private nonprofit establishment (e.g., soup kitchen, temporary shelter) approved by the Office of Family Security that feeds homeless food stamp households. To be eligible to accept food stamps, a meal provider must also be authorized by Food and Nutrition Service (FNS) after the Office of Family Security approves them. This rule changes the definition of residents of institutions to exclude those residents of public or private nonprofit shelters for homeless persons.

The provider must serve meals that include food purchased by the establishment. A meal provider serving only meals which consist wholly of donated foods will not be eligible for authorization.

Only those food stamp households determined to be homeless shall be permitted to use food stamp benefits to purchase prepared meals served by authorized homeless meal providers. To ensure that the use of food stamps for prepared meals is restricted to homeless persons, homeless meal providers shall establish that person's right to use coupons to purchase meals.

Applicant meal providers must apply for approval at the Office of Family Security in their parish. An approval review at the provider's establishment will be conducted by the Regional Food Stamp Consultant. After approval has been granted by OFS, the provider must make application to an FNS Field Office to receive authorization to accept food coupons. The two FNS Field Offices are located at 2156 Wooddale Boulevard, Suite 400, Baton Rouge, LA 70806, Phone Number 504-389-0491 and at 211 North Third Street, Room 102, Monroe, LA 71201, Phone Number 318-387-3634.

The homeless meal providers may not redeem food stamps through financial institutions for cash. Meal providers will therefore be restricted to redeeming food stamps received from homeless persons through authorized wholesale food outlets and through authorized retail food stores for food only.

The use of food stamps to purchase meals from homeless meal providers is voluntary on the part of food stamp recipients. Food stamp recipients must continue to be given the option of using cash if payment for a meal is required. In addition, if others have the option of eating free or making a monetary donation, homeless food stamp recipients must be given the same option (eat free, or donate money or food stamps). The amount requested from homeless food stamp recipients using food stamps to purchase meals may not exceed the average cost to the homeless meal provider of the food contained in a meal served to the patrons of the meal provider. If a homeless recipient voluntarily

pays more than the average cost of food contained in a meal served, such payment may be accepted by the meal provider.

However, neither cash, change nor credit slips shall be returned for coupons used for the purchase of prepared meals from authorized homeless meal providers. Such meal providers may use uncanceled and unmarked \$1 coupons which were previously accepted for meals served to food stamp recipients when change is required for \$5 and \$10 coupons.

Homeless meal providers will not be permitted to serve as "Authorized Representatives" for homeless food stamp households.

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

RULE

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 has adopted the following changes to the Louisiana State Health Plan to be effective August 20, 1987 pursuant to the notice of intent published in Volume 13, Number 6 of the *Louisiana Register*, June 20, 1987 and LAC 48:I.11535.

The following Section is added to Chapter 9 of the State Health Plan-Health Resource Requirement.

Title 48 Public Health - General Part I. General Administration Subpart 5. Health Planning

Chapter 115. Health Resource Requirements Subchapter B. Facility or Service - Specific Criteria and Standards

§11535. Acquired Immunodeficiency Syndrome

A. Health Care for Persons with Acquired Immunodeficiency Syndrome

1. It is recognized that certain factors may limit accessibility of health care facility beds to persons who have been diagnosed as having Acquired Immunodeficiency Syndrome (AIDS) or even persons who have tested positive for evidence of the virus (HIV) in the body. Many times persons must remain in a hospital for a significant number of days at \$450-\$800 per day because of the inaccessibility of nursing home care. Sixty percent of the cases documented to date are from Orleans Parish. For these reasons, a need exists for 100 beds which may be approved to care for these patients, not necessarily in the same facility. The Section 1122 approval process will consider the following priorities:

- a. using existing beds in several health care facilities (acute or long term care) which can be converted to meet the standards for this care;
- b. converting an entire existing facility to provide care for these patients; or
- c. developing a new facility for this use.

2. Current estimates predict uninterrupted growth in the

size of the AIDS population since no effective medical intervention exists. Each 12 - 14 months the total number of cases doubles. Since 1981, when these cases were first officially counted, there have been 419 diagnosed AIDS cases and 65 percent of those patients are now deceased. From July 1, 1987 to June 30, 1988, an additional 400 or more new cases are expected to develop.

Of the new cases, some patients will experience fulminant disease resulting in early death, while others may remain relatively well or in need of episodic care with some periods of relative wellness. Others will survive hospitalization and will experience a partial recovery, but will need varying levels of nursing or personal care. It is estimated that 35-40 percent of these new patients (140-160) will need institutional care at some time. With the addition of some of the AIDS patients still living from the cases occurring before FY 1988 (currently approximately 147), the significance of appropriate planning and providing for health care for these individuals is critical.

B. Applications for Proposals to Serve Patients with Acquired Immunodeficiency Syndrome.

1. Section 1122 applications for health facility beds specifically for patients with Acquired Immunodeficiency Syndrome shall be submitted on the full review application form (nine copies) and shall be accepted by the Division of Policy, Planning and Evaluation on a schedule to be announced in the Potpourri Section of the *Louisiana Register*. All the policies and procedures contained in the Policies and Guidelines for the Section 1122 Program will be applied to these applications. Neither the beds nor the ongoing utilization in this facility will be counted in determining the need for other nursing home facilities. The Section 1122 approval for these specialized beds is limited for the purpose of serving the AIDS population, except, if an existing facility converts beds for this purpose, the Section 1122 approval will be reinstated upon discontinuance of the need to serve this population.

2. The applications will be considered on a comparative basis and will be referred to a committee of knowledgeable professionals who will review the applications and provide written comments to the Division. The following will be members of the committee: The assistant secretary of the Office of Family Security, the assistant secretary of the Office of Preventive and Public Health Services, and the assistant secretary of the Office of Charity Hospital at New Orleans, the administrator of the Division of Licensing and Certification, the chair of the Statewide Health Coordinating Council, the ombudsman coordinator of the Governor's Office of Elderly Affairs and the director of the Bureau of Civil Rights of DHHR.

3. Division of Policy, Planning and Evaluation shall forward copies of the applications to be reviewed to the above noted committee members after such applications are declared complete. The transmittal will include the date of the public hearing and the decision due date. The Division shall also forward a summary of the public hearing comments to the committee members. Each committee member shall forward comments and recommendations to the Division of Policy, Planning and Evaluation. These shall be received by the Division at least five working days prior to the decision due date.

NOTE: The long term care and acute care sections are revised to reference this additional section.

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

RULE

**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 has adopted the following changes to the Louisiana State Health Plan effective August 20, 1987 pursuant to the notice of intent published in Volume 13, Number 6 of the *Louisiana Register*, June 20, 1987 and to LAC 48:I. Chapters 105 and 115. The changes are as follows:

**Title 48
Public Health - General
Part I. General Administration
Subpart 5. Health Planning**

**Chapter 105. Statewide Health Priorities
§10505. Use of Statewide Health Priorities**

Chapter 4 of the State Health Plan, "Statewide Health Priorities," has been updated to describe a survey conducted in 1986 which reaffirmed the priority health needs in Louisiana as being: a) cost containment; b) alternatives to institutionalization; and c) health promotion.

**Chapter 115. Health Resource Requirements
§§11501 - 11533**

2) The need-related resource goals contained in Chapter IX of the State Health Plan have been revised in order to explicitly state the intent of the Plan; that is, in all cases where the word "should" is used, the word "shall" will be substituted. "Shall" is defined as "must" and more clearly reflects the department's intent and practice of using the resource goals as mandatory standards.

Example: Page 9-60 of the State Plan states that the nursing home bed supply should not be more than 80 per 1000 population age 65 +; the words "shall not" will replace "should not" in this sentence.

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 1987-88. 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 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.

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) Preventive Health and Health Services - Office of Pre-

ventive and Public Health Services.

Copies of the entire Block Grant Rules may be viewed at the Department of Health and Human Resources, Office of the Secretary, 200 Lafayette Street, Room 406, Baton Rouge, LA.

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

RULE

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

The Department of Health and Human Resources has adopted changes to the "Rate Setting for Residential Care System Manual" in the area of requirements for the filing of appeals. This change is in accordance with R.S. 15:1081-1086 and R.S. 36:254 A (3). The changes involve the following:

1. On page 1.8-1 of the DHHR Residential Care Rate Setting Manual, change Paragraph C.1 to:

"Appeal must be filed within 60 days of the receipt of the rate determined. The appeal must be in writing and submitted to the Appeals Section, Attention: Appeals Judge, Box 2944, Baton Rouge, LA 70821-9118. The appeal must:

- a. specify the grounds for appeal;
- b. specify the rule or rules being appealed;
- c. provide written arguments or justification to support the position being taken by the appellant; and
- d. be accompanied by a \$100 filing fee which will be refunded if the appeal is won by the appellant."

2. On page 1.8-2 of the DHHR Residential Care Rate Setting Manual, delete the first sentence of the first paragraph.

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

RULE

**Department of Labor
Board of Barber Examiners**

**Title 46
Professional and Occupational Standards
Part VII. Barbers**

**Chapter 1. Shops
§111. Proper Quarters**

C. Furniture, fixtures and apparatus shall be kept clean, in good condition, mechanically sound and with acceptable upholstery. Not less than one lavatory or shampoo bowl shall be provided for every three barber chairs and shall be kept clean and sanitary at all times. Brooms, mops, and any other articles used in cleaning shall not be left exposed. All residue, cut hair, dirt, etc., must be swept off the floor and placed in covered containers until properly disposed of.

Kathy Berry
Secretary

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 adopted the Plan Document:

A copy of the Plan Document may be viewed at the offices of the State Employees Group Benefits Program at 2634 Wooddale Boulevard, Baton Rouge, LA.

James D. McElveen
Executive Director

RULE

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

**Title 76
Wildlife and Fisheries
Part VII. Fish and Other Aquatic Life**

**Chapter 7. Experimental Fisheries Program
§701. Permits**

The Louisiana Wildlife and Fisheries Commission does hereby adopt rules and regulations establishing the maximum legal length of nets permissible for use to capture pompano and black drum under the permits program at 2400 feet.

Authority for adoption of this rule is included in R.S. 56:406.

J. Burton Angelle, Sr.
Secretary

Notices of Intent

NOTICE OF INTENT

**Department of Agriculture and Forestry
Office of Management and Finance
Central Registry**

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.), R.S. 3:3355 and Public Law 99-198 (Food Security Act of 1985), the Department of Agriculture and Forestry, Central Registry, is hereby giving notice of its intention to repeal current rules and regulations pertaining to the administration of the Central Registry and to adopt the attached rules and regulations pertaining to the administration of a Central Registry (R.S. 3:3651 et seq.) for security devices that encumber farm products. A public hearing will be held on Sep-

tember 1, 1987 at the Louisiana Department of Agriculture and Forestry, 12055 Airline Highway, Baton Rouge, Louisiana at 9 a.m. All inquiries should be sent to Richard Allen, Assistant Commissioner, Office of Management and Finance, Box 44306, Capitol Station, Baton Rouge, LA 70804-4182. Comments will be accepted through September 1, 1987.

**Title 7
AGRICULTURE AND ANIMALS
Part XXXVII. Security Devices**

**Chapter 181. Central Registry
§18101. Definitions**

Buyer in the ordinary course of business means a person who, in the ordinary course of business, buys farm products from a person engaged in farming operations who is in the business of selling farm products.

Central Registry means the place of recordation of all security devices which establish a security interest in farm products, and the place for recordation of assignments, amendments, extensions, and cancellations of security devices which have been filed with the central registry.

Commission merchant means any person engaged in the business of receiving any farm product for sale, on commission, or for or on behalf of another person.

Commissioner means the Louisiana Commissioner of Agriculture and Forestry, or his duly authorized agent.

Creditor means any person who holds a security interest in a farm product.

Crop year means:

1. for a crop grown in soil, the calendar year in which it is harvested or to be harvested;
2. for animals, the calendar year in which they are born or acquired; or
3. for poultry or eggs, the calendar year in which they are sold or to be sold.

Cumulative addendum means a document listing all filings with the Central Registry as of the date of issuance that are not listed on the most recent master list.

Debtor means any person who owns or has an ownership interest in farm products which are subject to a security interest of creditors.

Department means the Louisiana Department of Agriculture and Forestry.

Effective Financing Statement (EFS) means a written instrument which is an abstract of a security device and which complies with the provisions of R.S. 3:3654(F).

Encumbrance certificate means a written document signed by the commissioner which lists all security devices affecting a person which have been filed with the central registry on the date and at the time the certificate is issued and which complies with the provision of R.S. 3:3654(F).

Farm product means an agricultural commodity such as wheat, corn, soybeans or a species of livestock, such as cattle, hogs, sheep, horses or poultry, used or produced in farming operations or a product of such crop or livestock in its unmanufactured state, such as ginned cotton, wool-clip, maple syrup, milk and eggs, that is in the possession of a person engaged in farming operations.

Farm product encumbrance list (master list) means a document listing all effective financing statements, amendments, assignments and extensions of effective financing statements which:

1. is organized according to farm product; and
2. is arranged within each such product in alphabetical order according to the last name of the individual debtors, or, in the case of debtors doing business other than as individuals, the first word in the name of such debtors; in numerical order according to the social security number of the individual debtors, or, in the case of debtors doing business other than as individuals, the Internal Revenue Service taxpayer identification number of such debtors; geographically by parish; and by crop year.

Filing means the receipt of any EFS, amendment, assignment, extension or cancellation of an EFS with any other security devices accompanied by a related EFS by the Central Registry stamped with the date and time received and assigned a file number.

Knows or Knowledge means actual knowledge.

Person means any individual, partnership, corporation, trust or any other business entity.

Registrant means any person who has made application with the Central Registry, has paid the required registration fee and received written notice that his application has been accepted.

Regular business day means any day that the department is open for routine business.

Secured party means a creditor with a security interest in farm products.

Security device is a written instrument that establishes a creditor's security interests in farm products.

Security interest means an interest in farm products that secures payment or performance of an obligation.

Selling agent means any person, other than a commission merchant, who is engaged in the business of negotiating the sale and purchase of any farm product on behalf of a person engaged in farm operations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3652, R.S. 3:3654 and Public Law 99-198 (Food Security Act of 1985).

§18103. Administration

The Central Registry will be administered by the commissioner and operated by the Office of Management and Finance of the department. All filings, notices, petitions, documents or other correspondence shall be addressed to the Louisiana Department of Agriculture and Forestry, Office of Management and Finance, Central Registry, Box 44306, Capitol Station, Baton Rouge, LA 70804.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3654 and Public Law 99-198 (Food Security Act of 1985).

§18105. Filing Procedures

A. Any person holding a security interest in a farm product may file security devices which are accompanied by a related EFS with the Central Registry. All security devices must be originals or a certified copy.

B. All effective financing statements must be submitted on Form CR-1 as prescribed by the commissioner.

C. All amendments, assignments, extensions and cancellations of an EFS must be submitted on Form CR-2 as prescribed by the commissioner.

D. All effective financing statements or amendments, assignments, extensions and cancellations of effective financing statements must be accompanied by the required fee and completed in accordance with the instructions on the form.

E. The Central Registry will notify the secured party in writing at the address provided by the secured party of the time and date of filing of any EFS or an amendment, extension or cancellation of an EFS. In the case of assignments to an EFS, the Central Registry will notify the assignee at the address provided on the assignment form (CR-2).

F. Any EFS or amendment, assignment, extension or cancellation of an EFS that does not conform to all provisions of this Section will be rejected and returned to the secured party.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3655, R.S. 3:3656 and Public Law 99-198 (Food Security Act of 1985).

§18107. Procedures for Amendment, Assignment, Extension and Cancellation of an EFS

A. All amendments to security devices which are accompanied by a related EFS shall be filed in writing (Form CR-2) within three months of amendment.

B. All assignments of security devices which are accompanied by a related EFS shall become effective at time and date of filing with the Central Registry.

C. All extensions to security devices which are accompanied by a related EFS must be filed with the Central Registry within six months before the expiration of the initial five-year period.

D. Each person who files security devices which are accompanied by a related EFS with the Central Registry shall request cancellation of the EFS within 10 calendar days after the date the person who has granted or who is affected by the security device requests in writing, cancellation of the security device, provided the security device is then no longer in effect.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3655, R.S. 3:3656 and Public Law 99-198 (Food Security Act of 1985).

§18109. Registrations

A. Any person may register with the Central Registry to receive the master list or a portion thereof. Applications for registration shall consist of two types, namely initial registrations and renewal registrations. An initial registration application may be filed at any time of the year. A renewal registration application shall be filed by December 15 of each year. Failure to make application for renewal by December 15 shall result in termination of service by the Central Registry and loss of registrant status.

B. An initial application for registration may be filed at any time during the year. Within 30 days of notification of acceptance by the Central Registry, the registrant will receive the most recent master list and cumulative addendum or portion thereof for which registrant has registered.

C. Initial registration application forms (CR-3 as prescribed by the commissioner) will be provided by the Central Registry upon request. The form must be completed in its entirety and submitted with the required fee.

D. The Central Registry will notify each registrant that a renewal application is due and provide the renewal application to the registrant by October 10 of each year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3655, R.S. 3:3656 and Public Law 99-198 (Food Security Act of 1985).

§18111. Farm Product Encumbrance List (Master List)

A. The Central Registry shall compile all filings into a master list. The master list or portions thereof will be distributed

to each registrant based on farm products and parishes as indicated on each registration application (Form CR-3).

B. The master list will be compiled on the first regular business day of each quarter beginning January 1, 1987 and distributed within five regular business days. Each master list shall contain all filings prior to close of business on the last regular business day of the previous quarter. Cumulative addenda shall be compiled on the first and fifteenth day of each month and distributed within three regular business days. The Central Registry will not distribute cumulative addenda on the first of each month in which there is a distribution of a master list.

C. The department shall allow interested parties to obtain direct access to the computerized information in the Central Registry. Request for direct access will be considered on a case by case basis. Method of access, terms, costs and conditions will be stipulated by contract between the department and the interested party. The cost of direct access to the interested party will be limited to the actual cost to the Central Registry.

D. All registrants shall be deemed to have received any master list or cumulative addendum distributed by the Central Registry on the seventh day following the date of mailing to the intended recipient or the date of actual delivery, whichever occurs first. The Central Registry shall maintain accurate records so that such dates can be readily determined.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3655 and Public Law 99-198 (Food Security Act of 1985).

§18113. Oral Requests

A. The Central Registry shall furnish oral confirmation to any person of the existence of an EFS filed in the Central Registry. The request shall contain:

1. the name, address and telephone number of the person making the request; and
2. the request shall contain the complete name, address (including the parish of residence), and social security number or federal tax identification number of the person who is the subject of the request.

B. Oral confirmation will be provided no later than the regular business day following the day on which the request is received, at the time of day when it was received.

C. All oral requests and responses will be recorded and will be kept on file at the Central Registry.

D. All oral confirmations will be followed by written confirmation in the form of an encumbrance certificate, except when the person making the request is delinquent on any fee due the Central Registry.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3655 and Public Law 99-198 (Food Security Act of 1985).

§18115. Encumbrance Certificates

Any person may request an encumbrance certificate from the Central Registry. The request may be oral or written. Each request shall be subject to the following provisions:

1. The request shall contain the name and address of the person making the request.
2. The request shall contain the complete name, address, and parish of residence of the person who is the subject of the request.
3. The request may contain the nickname, initials, or other appellation by which the person who is the subject of the request is sometimes or commonly known.
4. The request shall contain the social security number or federal tax identification number of the person who is the subject

of the request.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3654 and R.S. 3:3655 and Public Law 99-198 (Food Security Act of 1985).

§18117. Farm Products List and Codes

A. In accordance with R.S. 3:3655 (B) and Section 1324 of the Food Security Act of 1985, Public Law 99-198 as amended, and regulations issued thereunder as applicable, only those products listed below shall be deemed farm products by the Central Registry.

CODE	PRODUCT	CODE	PRODUCT
1010	Cabbage	1200	Peanuts
1020	Cantaloupes	1210	Peas
1030	Cauliflower	1220	Pecans
1040	Corn	1230	Peppers
1050	Cotton	1240	Rice
1060	Cucumbers	1250	Rye Grass Seed
1070	Cushaw	1260	Sorghum Grain
1080	Flowers, Shrubs & Ornamentals	1270	Soybeans
1090	Garlic	1280	Squash
1100	Grapes	1290	Strawberries
1110	Grass	1300	Sugarcane
1120	Greens	1310	Sunflower Seed
1130	Hay	1320	Sweet Potatoes (Yams)
1150	Mushrooms	1330	Sweet Sorghum
1160	Oats	1340	Tomatoes
1170	Onions	1350	Watermelons
1180	Oranges	1360	Wheat
1190	Peaches	3010	Alligators
		3020	Catfish
		3030	Cattle
		3040	Chickens
		3050	Crawfish
		3060	Goats
		3070	Hogs
2010	Cheese	3080	Honeybees
2020	Eggs	3090	Horses
2030	Honey	3100	Mink
2040	Milk	3110	Oysters
		3120	Quail
		3130	Prawns
		3140	Sheep (Lamb)
		3150	Shrimp
		3160	Turkeys

B. Louisiana shall be deemed to be a state that has established a Central Registry as to those farm products listed above and shall be deemed not to be such a state as to all other farm products.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3655 and Public Law 99-198 (Food Security Act of 1985).

§18119. Fees

A. In accordance with R.S. 3:3657, the commissioner is authorized to establish fees for the operation of the Central Registry. The fees are as follows:

1. Filing fee (for effective financing statements, amendments, assignments, extensions and cancellations of Effective Financing Statements and security devices accompanied by a related EFS) - \$ 5
2. Encumbrance certificates - \$ 5 per encumbrance certificate

3. Certified copies of security devices - \$2 recordation fee plus \$.25 per page of the security device

4. Registration (initial and renewal) - all registrations are for one calendar year

FARM PRODUCTS	1 - 3	4 - 7	Over 7
1 - 10 parishes	\$ 25	\$ 50	\$ 75
11 - 30 parishes	\$ 50	\$100	\$150
31 - 45 parishes	\$ 75	\$150	\$200
46 - 64 parishes	\$100	\$200	\$300

B. Failure by any person to pay any fee as required shall result in termination of service by the Central Registry.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3655, R.S. 3:3657 and Public Law 99-198 (Food Security Act of 1985).

Bob Odom
Commissioner

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

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

There will not be any implementation costs.

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

It is estimated that revenue resulting from filing crop liens and providing certified copies of these liens will decrease by \$27,570. These revenues are currently received by local Clerk of Courts.

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

It is estimated that individuals will not file crop liens at the local level as a result of this rule. This will result in a savings of \$27,570 to individuals due to the discontinuance of filing at the local level and also with Central Registry.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition or employment.

Richard Allen
Assistant Commissioner

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

**Department of Civil Service
Civil Service Commission**

The State Civil Service Commission will hold a public hearing on Wednesday, September 9, 1987 to consider an amendment to Civil Service Rule 6.7(a). This amendment was adopted as an emergency rule by the commission at its regular meeting on August 5, 1987. The public hearing will begin at 8 a.m. in the Twelfth Floor Commission Hearing Room, Republic Tower Building, 5700 Florida Boulevard, Baton Rouge, Louisiana.

Consideration will be given to the following:

PROPOSAL

6.7 Pay Upon Promotion

(a) When an employee is promoted to a position in a higher grade, his pay

1. shall increase by 7 percent if it is a one grade increase, or

2. shall increase by either 7 percent or 14 percent if it is a two grade increase, at the appointing authority's discretion, or

3. shall increase by either 7 percent, 14 percent, or 21 percent if it is a three or more grade increase, at the appointing authority's discretion.

(b) . . .

EXPLANATION

Because of the financial condition of the state, the 14 percent and 21 percent increases upon promotion are proposed to be made discretionary instead of mandatory.

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

Herbert L. Sumrall
Director

NOTICE OF INTENT

Board of Elementary and Secondary Education

Art I is a Prerequisite to Art II and Art II

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 request from the State Department of Education that a procedural block be added to Bulletin 741 as follows:

Art I is a prerequisite to Art II and Art III.

Interested persons may comment on the proposed policy change and/or additions, in writing, until 4:30 p.m. October 8, 1987 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Dr. James Meza, Jr.
Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Procedural Block Addition to 741**

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

It is estimated that \$50 will cover costs of printing and mailing one paper sheet to parish boards of education.

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

None. 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)

None. There will be no costs or economic benefits.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

None. There will be no effect on competition and employment.

Joseph F. Kyle
Deputy Superintendent for
Management and Finance

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

Board of Elementary and Secondary Education

Amendment to Bulletin 746, Page 21

In accordance with R.S. 49:950 et seq, the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved an amendment to Bulletin 746, Page 21 to add the following language as the last sentence of each of the three *Notes* to clarify certification in computer literacy and computer science:

...entitling him/her to teach (computer literacy) (computer science) at either the elementary or the secondary level, depending upon the area of certification.

Interested persons may comment on the proposed policy change and/or additions, in writing, until 4:30 p.m., October 8, 1987 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Dr. James Meza, Jr.
Executive Director

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

Rule Title: Amend Bulletin 746 Page 21

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

There is no cost anticipated for this certification clarification.

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

This clarification will not have an effect on revenue collection.

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

This will have no fiscal impact or economic benefits to teachers affected by this clarification.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This policy has no effect on teachers in Louisiana since it does not change policy only clarifies it.

Joseph F. Kyle
Deputy Superintendent for
Management and Finance

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

Board of Elementary and Secondary Education

Extended Board Policy 3.01.70.v(37) to July 1, 1988

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 request from the State Department of Education to extend from July 1, 1987 to July 1, 1988, the Board's policy for hiring full-time/part-time noncertified school personnel, except speech, language and hearing specialists. (Board Policy 3.01.70.v(37)).

This rule is being published in the Emergency Rule section of this issue of the *Louisiana Register*.

Interested persons may comment on the proposed policy change and/or additions, in writing, until 4:30 p.m., October 8, 1987 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Dr. James Meza, Jr.
Executive Director

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

Rule Title: Extend Board Policy 3.01.70.v(37) to 7/1/88

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

No implementation cost to the Dept. of Education is anticipated.

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

This policy will have no effect on revenue collections.

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

This policy will allow local school superintendents to fill vacant teaching positions and not necessitate combining classes.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This policy will have no effect on employment and competition among certified teachers since the employment superintendent must verify that no certified teacher is available to fill the vacant position.

Joseph F. Kyle
Deputy Superintendent for
Management and Finance

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

Board of Elementary and Secondary Education

Temporary Employment Permit

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 request from the State Department of Education for extension of the tempo-

rary employment permit for the 1987-88 school year with the proviso that an individual can be reissued a permit under the board policy only if evidence is presented to the State Department of Education that the NTE has been retaken within one year from the date the permit was last issued and that the reissuance shall not occur but once.

This rule is being published in the Emergency Rule section of this issue of the *Louisiana Register*.

Interested persons may comment on the proposed policy change and/or additions, in writing, until 4:30 p.m., October 8, 1987 at the following address: State Board of Elementary and Secondary Education, Box 94064, Baton Rouge, LA 70804-9064.

Dr. James Meza, Jr.
Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Temporary Employment Permit**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The adoption of this policy will cost the Dept. of Education approximately \$25 for printing the temporary employment permits.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The adoption of this policy should result in approximately \$1,500 being collected for the State General Fund.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
Individuals applying for temporary employment permits will be required to submit a \$15 certification fee to the Louisiana Dept. of Education.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
Since many local school systems are experiencing difficulty in filling all vacancies in their schools, this should have no effect on competition among teachers across the State.

Joseph F. Kyle
Deputy Superintendent for
Management and Finance

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

Board of Elementary and Secondary Education

Tuition Exemption Continuing Education Program for 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 proposed regulations for the Tuition Exemption Continuing Education Program for Teachers as presented by the Department of Education and amended by the board and as published in their entirety in the Emergency Rule section of this issue of the *Louisiana Register*.

Interested persons may comment on the proposed policy

change and/or additions, in writing, until 4:30 p.m., October 8, 1987 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Dr. James Meza, Jr.
Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Tuition Exemption Guidelines**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Implementation costs have been provided by an appropriation of \$2,000,000 from the Louisiana Quality Education Support Fund. A total of four positions will be required to implement and administer Act 868 at a cost of \$108,000 for salaries, retirement and related benefits. Approximately \$11,500 will be needed in printing, postage, telephone and travel. These costs are funded through the original proposal as presented to BESE by L.F.T.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no estimated effect on revenue collections of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
Teachers will receive a partial or complete waiver of college tuition fees, depending on funding.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There is no estimated effect on competition and employment.

Joseph F. Kyle
Deputy Superintendent for
Management and Finance

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

Department of Education

Proprietary School Commission

Add Title VI to the Advisory Commission on Proprietary Schools, Louisiana State Department of Education, Rules and Regulations, Bulletin 1443.

ADVERTISING POLICY FOR PROPRIETARY SCHOOLS

In the solicitation of students, a school shall not directly, or by implication, misrepresent the services it renders. All advertisements and promotional literature used shall be truthful, informative and constructive; and avoid conveying any false, misleading or exaggerated impressions with respect to the school, its personnel, its courses and services, or the occupational opportunities for its graduates. The true purpose and nature of a school's offerings shall be evident in all advertising. Every advertisement shall constitute to the reader a clear statement of a bona fide offer or announcement made in good faith.

It shall be written to its anticipated readership, normally persons unsophisticated in the traditional word usage of the education industry. Therefore, words and emphasis must be truthful and selected with extreme care.

All advertising shall forthrightly disclose the purpose of the advertising--that education or training, not a job, is offered, and that the advertiser is a school.

Definition

Advertising includes any form of public notice however disseminated or utilized. Within this definition would be virtually all publications and promotional items and efforts which could normally be expected to be seen or encountered by significant numbers of prospective students or their sponsors. Examples include catalogs and other school publications, signs, mailing pieces, specialties, radio, television, audio-visual, newspaper, or any other form of public notice resulting from the school's recruiting and promotional activities.

Name

The correct name of the school is to appear in all advertising. Blind ads are considered misleading and unethical and shall not be used.

The name itself is not to be misleading. It must clearly identify the organization as a school and have no tendency to exaggerate the size, scope, organizational status, or offerings of the school. There may be no implication the school is governmentally owned or supported, unless such is factual.

Location

The location of the available training facility shall be indicated for each advertised offerings, except in limited-space media ads when the location is not subject to being easily misunderstood.

Advertising for multiple locations shall disclose which offerings, if any, are not available at each listed location.

Age

Mention of a date of founding or establishment or other reference to the age of the institution will refer only to the age of the school itself and its period of continuous operation as a school, not to its parent organization or affiliates.

Accreditation

Reference in advertising to accreditation is limited to official accreditation achieved and currently held by the school through nationally-recognized accrediting agencies and associations as defined and listed by the United States Department of Education.

An accredited school may refer to its accreditation by imprinting the official seal of the accrediting agency on or within advertising, literature or publications, or by other statements specifically authorized by the accrediting agency. The following statement may also be used immediately following authorized references:

"The (name of accrediting agency) is listed by the U.S. Department of Education as a nationally-recognized accrediting agency under the provisions of Chapter 33, Title 38, U.S. Code, and subsequent legislation."

An organization consisting of accredited and non-accredited schools or divisions may mention the fact of accreditation in joint advertising, literature, publications, or other promotions only if the accredited status of each school or division is clearly indicated.

The word *accredited* is not to exceed in size or boldness that of the remainder of the statement referring to the accredited status of the school.

Approvals and Affiliations

Advertising of any approvals must disclose the nature of such recognition and by whom.

Schools affiliated with or owned by other organizations may not overemphasize the relationship in a manner which would tend to exaggerate the relevance of benefits which might be generally expected to accrue to the students of the school as a result of the affiliations.

Advertising affiliations with other schools or allowances of transfer credits must disclose any limitations to open transfer between the institutions and the option of the student.

When other firms or organizations are listed in advertising, it is to be done with permission and in compliance with any policies or restrictions which that organization imposes on the use of its name and may not exaggerate the nature of relevance of the recognition.

Advertising credentials, memberships, or accomplishments of individuals associated with the school shall be identified as such and not imply endorsement of the school by other organizations.

No trade name, address, insignia, illustration, emblem, or any other means may be used when it might tend to create a false impression that the school is connected with or is an agency of government unless such is fact.

The school is responsible for knowing restrictions when mentioning a governmental department or agency. Limitations in mentioning federal programs are apparent in the following statements issued by the appropriate federal agencies:

a. "A claim that a course is approved by the Veterans Administration is a misrepresentation of a material fact."

b. "Any advertising statement concerning approval for attendance by nonimmigrant students shall be limited solely to the following: This school is authorized under federal law to enroll nonimmigrant alien students."

c. "It would be inaccurate for a school to state that it has been approved for social security purposes."

Organizations with more than one type of school at the same location using the same name may find it necessary to identify the separate divisions when referring to various approvals or recognitions which would not encompass the entire organization.

Catalogs

A prospective student is entitled to sufficient data to make an informed decision on training opportunities and institutions. A school is therefore obligated to provide sufficiently detailed data in advance of enrollment to enable prospective students to clearly understand their opportunities, limitations, and obligations.

Each school shall prepare and make available a publication which is readily identifiable as a catalog. The catalog shall be designed and written to convey accurate impressions of the school. It shall avoid false, misleading, or exaggerated statements.

The following items shall be listed in catalogs. If any of these items are omitted, the catalog should refer to the specific published documents containing items or data not included in the catalog:

1. name and address of school;
2. date of publication;
3. a statement of institutional philosophy;
4. the admissions requirements and procedures;
5. the educational objectives of each course, including the name, nature and level of occupations for which training is provided;

6. the number of clock or clock and credit hours of instruction in each course and the length of time in weeks or months normally required for completion;

7. the scope and sequence of courses offered specifying sufficiently the subjects included in each course to clearly identify the coverage of the program;

8. a brief description of the school's physical facilities, equipment to be used in class, and the maximum or usual class size;

9. policies relative to tardiness, absences, make-up work, conduct, termination, re-entry, and other rules and regulations of the school;

10. the grading system, including a definition of ratings and credit units, if any;

11. the required levels of performance for graduation;

12. a statement of certificates, diplomas or degrees awarded upon graduation;

13. a statement of tuition and other student charges related to the enrollment, such as deposits, fees, books and supplies, tools, and equipment, room and board, transportation, and any other charges for which a student may be responsible;

14. a statement of the cancellation and refund policy of the school;

15. a detailed and explicit description of the extent and nature of part-time or full-time job placement assistance, if any, available to students and/or graduates;

16. specifics describing the availability of housing, counseling, scholarships, and the extent or other student services;

17. a school calendar including beginning and ending dates of classes and programs (if appropriate), holidays, and other dates of importance;

18. any other material facts, concerning the school and the courses of instruction, which are reasonably likely to affect the decision-making of the potential student.

Advertising Space Limitations

Although it is recognized that advertising space limitations might restrict desirable explanations, the text shall avoid abbreviated claims which might tend to be easily misunderstood. If an item is considered important enough to be included in advertising, it shall be presented in a manner clearly understandable to anticipated readers.

A school may not claim space limitations as a reasonable excuse for limited disclosure which could tend to obscure, conceal, mislead, omit, deceive, confuse, distract, or otherwise contrive to create substantial misunderstanding or criticism.

Emphasis

Emphasis shall be on the education and training offered by the school.

Exaggeration, overenthusiasm, or overemphasis on the various advertising positives could distort the realities of what can be attained by typical students and graduates. Relative position and type sizes, proximity to illustrations and other significant features of the message, color, and other forms of modification can sometimes tend to overemphasize points of lesser relevance.

During a general decline in hiring within an industry, emphasis on employment might be considered to be deceiving to unsophisticated prospective students.

Objectives

Impressions of objectives as read in advertising must be consistent with the school's stated objectives as based on the reasonably expected attainment of graduates.

Overstated objectives of a school and its training have been found in course and job titles, types of completion certifica-

tion, mention of credit transfer, non-offered courses, class size, and comprehensiveness of instruction.

Agents

A school's officials must accept full responsibility for advertising prepared and placed by its representatives, advertising agencies, or others involved by the school in its recruiting and promotional efforts, and should therefore review and approve of such advertising in advance of its use.

Disclosure

Catalogs and other brochures published by the school shall clearly disclose, in advance of enrollment, normal and traditional limitations and restrictions, if any, on admissions and employment opportunities, such as medical requirements, licensing, internship, apprenticeship, union, age, education, examination, and experience requirements.

Documentation

An affirmative claim shall not be used unless there is a reasonable basis for making such a claim. Advertising claims are to be used only when they are supported by previously documented factual data or research which are available on the school premises for review by interested persons.

A relatively insignificant number of cases shall not be used as a basis for advertising claims. The incidental achievements of a few persons, which perhaps providing an aura of great promise, are not sufficient grounds for embellishments in advertising.

Overstatements, Superlatives, Exclusives

Superiority claims, measurable or unmeasurable, are not considered to be appropriate for the intangible services offered by schools when the student's ultimate degree of success often depends to a great extent on factors which are not under the direct control of the school.

Irrelevant factors such as "oldest" or "largest" shall not be used.

Generally, subjective superlatives cannot be satisfactorily documented and shall not be used. Objective statements or claims which tend to imply superiority may be used only when truthful and measurements are made by independent experts in accordance with generally understood and acceptable standards, and supportive evidence is available at the school for review.

The word "the," when improperly used, has been considered as part of a claim of exclusivity when it tends to limit the offering to the advertiser. However, "one of the" might be used when appropriate and documentable.

Bait Advertising

So-called "bait-and-switch" advertising is unacceptable. No course or service may be advertised when the offer is not a bona fide effort to sell it. Course listings are to be limited to those courses which are currently available and scheduled.

Use of a recruiting plan which tends to prevent or discourage recruiting personnel from selling certain advertised services would normally indicate that such services shall not be advertised.

Even though the true facts are subsequently made known to the prospective student, the first contact or interview may not be secured by deception. For example, solicitations shall not use such words as "survey" or "research."

Free

The word "free" shall not be used for items or services provided "without additional charge," but only when there is unconditional access without cost or obligation of any type. Almost everything a school offers to its students is normally paid for, at least in part, by students.

Endorsements

A testimonial or endorsement shall be dated and must be current, factual, and contain no misleading or exaggerated claims. Segments shall not be taken out of context or combined so as to alter the meanings of the original statement. It may not be fictitious or make statements or conclusions known by the advertiser to be incorrect. It must be from a reliable person and contain no misstatement of facts or misleading implications and it must reflect current conditions and the current opinion of the author. Documentation supporting any use of testimonials and endorsements must be maintained on the school premises for review.

Individual names and photographs may be used in advertising only when authorized by the individual person in writing.

Use of trademarks or mention of endorsements from persons or organizations may be used only as authorized after receiving written permission.

When a connection exists between the endorser and the school, and when that connection could be considered a material fact in the context of the advertisement, such connection shall be fully disclosed.

When using endorsements which are purported to be those of "typical" students and graduates, the advertising shall reflect the average and ordinary experiences of students and graduates generally.

Quotations

Statements from outside sources shall be used only when they portray an accurate reflection of opportunities available to the school's typical prospective students without need for further education or training, unless the additional requirements are clearly disclosed. Disclaimers or other qualifying limitations made by the quoted source should be disclosed.

Language and Word Usage

Clarity is a most important element of school advertising. Advertising shall be directly relevant to student solicitation and is to be written to its anticipated readership. Therefore, words must be clearly selected with extreme care.

Advertising claims which might be constructed as literally true must be literally true. If there is doubt, the burden will be on the advertiser to document the claim and prove the point.

Schools shall avoid the use of sensitive words which might mislead, confuse, offend, or which might be subject to easy misunderstanding or considered to have a double meaning.

Illustrations

Schools shall use no illustrations or accompanying statement which might tend to convey a false or exaggerated impression.

Illustrations and other copy should be accurately prepared and pertain directly to the institution and to its typical students and graduates.

Illustrations from any source which might incorrectly imply portrayal of the school facilities, equipment, or other conditions shall not be used unless captioned with illustration sources or other clear disclosures to avoid any false or exaggerated impressions in the minds of readers.

Unless an entire building or facility being illustrated is normally used exclusively by the school, captions must clearly disclose the portion occupied by the school.

A photograph of an individual may be used only after receiving his written permission.

Financial Aid

Advertising of "outside" financial aid programs sponsored by others is to be in accordance with the advertising limitations of

the sponsors and shall not be shown in a manner which indicates those programs are generally accessible and available to the readership unless such is a fact.

Tuition fees and any other costs for which students or their sponsors are responsible shall not be represented in any way as being less than they actually are.

"Student loans" shall not be used to describe financial arrangements, but only to identify specific funds available for borrowing by the student.

If third parties, such as finance or collection agencies, are to be involved in advertising financial arrangements, such involvement shall be disclosed.

Advertisements shall not be used to sell loans, for example: "learn now, pay later, Government Loans Available."

Mention of institutional eligibility for federal grants, loans, or other student financial aid programs in newspaper, TV, or other common media advertising shall be limited to the announcement, "Eligible institution under the (name of program)."

Scholarship programs are to be advertised only when bona fide awards are offered with conditions and limitations being clearly disclosed.

Employment

Vocational school advertisements shall clearly indicate that occupational training, and not employment, is being offered. There shall be no overt or implied claim of any employment guarantee either during the training or upon completion of training.

Advertisements shall not tend to imply they are "help-wanted" ads or otherwise imply that any specific jobs are available now, or will be available or offered after completion of the course.

Advertising of salaries and other occupational opportunities shall clearly disclose the normal range of salaries and opportunities available to typical students immediately after graduation. The normal range would be expected to exclude the top 10 percent and bottom 10 percent of the graduates. Claims should also avoid "high starting salaries," "top paying jobs," "high pay," and other exaggerated approaches. Large earnings shall not be implied.

Listing of potential employers, if used, shall include only those organizations which have previously employed a student of the specific school and which can be reasonably expected to employ additional students immediately upon their graduation.

Mention of job titles in advertising shall avoid misrepresentation of the level of employment available to typical students immediately upon graduation.

Emphasis on placement assistance or other services should clearly reveal their nature and scope, and not exaggerate the degree of aid and success which a typical student or graduate may reasonably expect.

Placement assistance or other services provided as no additional cost shall not be described as "free." Use of terms such as "nationally" and "lifetime" are generally considered to be exaggerations in describing placement assistance and shall not be used.

Disparagements

Advertising shall emphasize the merits of the school in a manner which will not cast derogatory or inaccurate implications or disparage other schools, their activities, or their students. It shall not discredit or tend to criticize directly or by implication any school, program, or person connected therewith; and shall not attack any individual, race, creed, religion, sex, organization, institution, business, profession, or occupation.

A school shall not encourage a student to leave another educational institution nor to change his plans after he has signed an enrollment agreement and paid the application or registration fee of another school.

Irrelevance

The emphasis in advertising shall be on the education and training being offered by the school, omitting irrelevant and extraneous matter.

Classified Advertising

A school shall not request a misclassification of its advertising or allow others to use its name or offerings in inappropriate classifications.

Help wanted or employment classifications shall be used only to procure employees or agents for the school, never to attract students.

Statements shall be carefully directed to those prospective students whom the specific advertising medium is expected to reach; and schools shall be prepared to verify from their own records everything said in their advertising.

Classified advertising seeking prospective students must appear under "schools," "instruction," "education," "training," or a similarly titled classification and shall not be published under any "help wanted" or "employment" classification.

Every display-type newspaper advertisement, or other advertisement placed by the school or its representatives, through direct mail, radio, television, or directories seeking prospective students, must clearly indicate that training is being offered, and shall not, either by actual statement, omission, or intimation, imply that prospective employees are being sought.

All advertisements placed by the school or its representatives seeking prospective students must include and clearly indicate the full and correct name of the school, its address, and the city where the school is located.

No advertisements of any type shall use the word "wanted," "help wanted" or the word "trainee," either in the headline or the body of the advertisement, nor shall any advertisement indicate in any manner that the school has or knows of jobs or employment of any nature available to prospective students; only "placement assistance" if offered, may be advertised.

No statement or representation shall be made that students will be guaranteed employment while enrolled in the school or that employment will be guaranteed for students after graduation, nor shall any school or representative thereof falsely represent opportunities for employment upon completion of any course of study.

No dollar amount or amounts will be quoted in any advertisement as representative or indicative of the earning potential of graduates.

No statement shall be made that the school or its courses of instruction have been accredited unless the accreditation is that of the appropriate nationally recognized accrediting agency listed by the United States Office of Education.

No statement shall be made that the school or its courses of instruction have been approved unless the approval can be substantiated by an appropriate certificate of approval issued by the approving agency of the state or federal government.

The executive secretary at any time shall require that a school furnish proof to the executive secretary of any of its advertising claims. If proof acceptable to the executive director cannot be furnished, a retraction of such advertising claims published in the same manner as the claims themselves, must be published by the school and continuation of such advertising shall constitute cause for suspension or revocation of its license.

If student tuition loans are available at the school, the school may advertise them only with the language "student tuition loans available" in type no larger than that used for the name of the school. This does not preclude disclosure of the institution's eligibility under the various state and federal loan programs.

Nothing in these guidelines shall prohibit release of information to students as required by a federal agency.

Inquiries and comments should be addressed in writing to, Andrew H. Gasperez, Executive Secretary, Louisiana Proprietary School Commission, State Department of Education, Box 94064, Baton Rouge, LA 70804-9064, through September 4, 1987.

The public hearing will be held at 10 a.m. October 7, 1987, in the Conference Room on the second floor of the State Department of Education Building, 626 North Fourth Street, Baton Rouge, LA.

Andrew H. Gasperez
Executive Secretary

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Advertising

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no implementation cost 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 will be no costs or economic benefits to directly affected persons or non-governmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There will be no effect on competition and employment.

Joseph F. Kyle
Deputy Superintendent

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

Department of Education Proprietary School Commission

Add Title VII to the Advisory Commission on Proprietary Schools, Louisiana State Department of Education, Rules and Regulations Bulletin 1443.

Commission Regulations Relating to Agents

The agent shall refrain from discrediting other schools by imputing to them dishonorable conduct, inability to fulfill the terms of the contract, inadequate financial standing, or any other derogatory comments unless he has probative evidence to substantiate such statements.

The agent shall refrain from attempting to influence a stu-

dent to withdraw from a school he is currently attending or encourage a prospective student to change plans after such student has signed an enrollment application and paid the registration fee to another school.

The agent shall refrain from making exaggerated statements concerning job opportunities.

The agent shall carefully explain to the prospective students that, in addition to course completion, certain positions require that he pass a state or federal examination and obtain a license prior to employment.

The agent shall provide the applicant with a receipt for money collected and a copy of the enrollment agreement. The receipt and the enrollment agreement could be combined in one form.

The agent shall promptly remit to the school officials any funds so collected even though the school may be in arrears in its payments for an agent's services.

The agent shall cultivate a highly professional working relationship with school officials, especially school counselors, in the enrollment of students in attendance at the school.

The agent shall refrain from any attempt to obtain a list of names of prospective students still attending school in any manner other than that which is consistent with the school's policy.

The agent shall remember at all times that the school he represents can survive only so long as it is able to enroll, train, and place students in satisfactory positions. As one of the key persons in this enterprise, it behooves him, if for no other reason than job security, to conduct himself at all times in a highly professional and ethical manner.

The Proprietary School Commission must be notified in writing by the school of the dismissal or resignation of an agent or solicitor within 10 days. Every effort shall be made to return the agent's permit to the office of proprietary schools.

It shall be the responsibility of each school, through the media of sales manuals, bulletins, or other similar means, to see that each of its agents is fully familiar with its courses and services, prices, and terms and operating policies.

Each school must assume the full responsibility for the actions, statements, and conduct of its agents and must, therefore, select each of them with the utmost care, provide them with adequate training, and arrange for constant and proper supervision of their work.

The Proprietary School Commission will hold the schools accountable for the actions of their agents. They are to instruct each agent of his responsibility under the Louisiana law as prescribed by these rules and regulations.

All monies collected by the agent while soliciting students must be turned over to the school he represents. All checks received must be made payable to the school he represents, and receipts for cash must be given to the student in the name of the school.

The term "guidance counselor" or modifications thereof, shall not be used by anyone who solicits or enrolls students. It can be used only by an employee of the school who performs any or all of the following duties:

- a. advises students while they are pursuing training;
- b. follow up graduates to determine effectiveness of training;
- c. aids in vocational placement of trainees; may be any person who is by education a qualified professional guidance counselor.

No school or its agents shall advertise or imply that the school is "recommended" or "endorsed" by the Proprietary

School Commission or the State Board of Elementary and Secondary Education. This official reference shall read "Approved by the State Department of Education."

A guarantee of placement for graduates shall not be promised or implied by any school, agent, or representative. No school in its advertising or through its representatives or agents shall guarantee or imply the guarantee of employment before enrollment during the pursuance of the course, or after the course is completed. No school shall guarantee any certain wage or imply earning greater than the prevailing wage.

No owner, partner, officer, employee, or agent acting on behalf of any school shall make any fraudulent statement, misrepresentation, or misleading statement of fact.

As an official representative of a school, it shall be the agent's responsibility to keep the following rules in mind:

a. It is the responsibility of the school to determine with reasonable certainty that a prospective student is fully informed as to the nature of the course he desires to take as to what training can reasonably be expected to do for him.

b. It is the responsibility of the school to determine with reasonable certainty, that each prospective student is fully informed as to the nature of the obligation he is entering into and as to his responsibilities and his right under the contract he has signed.

c. It is the responsibility of the school to establish the qualifications which an enrollee must have to enable him to successfully assimilate the course of instruction to be offered him and to determine with reasonable certainty, in advance of the acceptance of his enrollment, that he has the proper qualifications to take the training for which he is applying.

d. It is the responsibility of the school to determine that an applicant has no handicap, physical, or otherwise, which could reasonably prevent his use of the knowledge or skill gained from the training he desires for successful on-the-job performance after completion of his course.

e. All agents and solicitors should inform the prospective student after he signs his contract that there is a three-business day cancellation cooling off period on residence courses and five calendar days on correspondence courses in accordance with our regulations. This means that the student has the right to change his mind or cancel a contract within three-business days after it is officially signed.

f. A proprietary school "shall not deceptively designate or refer to its sales representatives as 'registrars,' 'counselors,' 'advisors,' or by words of similar import or misrepresent in any other manner, the titles, qualifications, training, experience, or status of its salesmen, agents, employees, or other representatives."

Inquiries and comments should be addressed in writing to Andrew H. Gasperez, Executive Secretary, Louisiana Proprietary School Commission, State Department of Education, Box 94064, Baton Rouge, LA 70804-9064, through September 4, 1987.

The public hearing will be held at 10 a.m. October 7, 1987, in the Conference Room on the Second Floor of the State Department of Education Building, 626 North Fourth Street, Baton Rouge, LA.

Andrew H. Gasperez
Executive Secretary

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

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no implementation cost or savings to state or local governmental 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 will be no cost or economic benefits to directly affected persons or non-governmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There will be no effect on competition or employment.

Joseph F. Kyle
Deputy Superintendent

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

Department of Education

Proprietary School Commission

Minimum Cancellation and Tuition Refund Policy for
Correspondence and Combined Correspondence
Residence Training Courses

The following rule number 6 (e) (7) Louisiana Proprietary School Commission Minimum Cancellation and Refund Policy in the Advisory Commission on Proprietary Schools, Louisiana Department of Education, Rules and Regulations Bulletin 1443 is amended to read as follows:

A. Cancellation, Settlement, and Collection

Each school must have an established and published policy for the settlement of cases when students request discontinuance of training.

1. The following applies as a minimum policy for home study courses without mandatory resident training:

a. An enrollment may be cancelled by an applicant student within five calendar days after midnight of the day on which the enrollment agreement is signed. An applicant student requesting cancellation in whatever manner within this time must be given a refund of all money paid to the school or its representatives.

b. From five calendar days after midnight of the day on which the enrollment agreement is signed and until the time that the school receives the first completed lesson assignment from the student, upon cancellation, the school is entitled to a registration fee of either \$25 or 15 percent of the tuition, but in no case is the school entitled to a registration fee of more than \$150.

c. After the school receives the first completed lesson assignment, if the student requests cancellation, the school shall be entitled to a tuition charge which shall not exceed the following:

1. up to and including completion of the first 10 percent of the course, the registration fee plus 10 percent of the tuition;

2. after completing more than 10 percent of the course and up to and including completion of 25 percent of the course, the registration fee plus 25 percent of the tuition;

3. after completing more than 25 percent of the course and up to and including completion of 50 percent of the course, the registration fee plus 50 percent of the tuition;

4. if the student completes more than half of the course, the full tuition.

The amount of the course completed shall be completed lesson assignments received for service by the school as compared to the total lesson assignments in the course.

2. The following applies as a minimum policy for combination home study--mandatory resident training courses:

a. For a course which includes mandatory resident training, the tuition price for home study portion and the tuition price for the resident portion must be separately stated on the enrollment agreement. The total of the two is the Total Course Price.

b. For cancellation and settlement for the home study portion of the combination course Section A, Subsections 1a through c applies.

c. For the mandatory resident portion of the course, the following applies as a minimum policy:

After the student attends the first resident class session, if the student requests cancellation, the school shall be entitled to a tuition charge which shall not exceed the following:

1) up to and including completion of the first 10 percent of the resident training, 10 percent of the tuition;

2) after completing more than 10 percent of the resident training and up to and including completion of 25 percent of the resident training, 25 percent of the tuition;

3) after completing more than 25 percent of the resident training and up to and including completion of 50 percent of the resident training, 50 percent of the tuition;

4) if the student completes more than half of the resident training, the full tuition.

The amount of resident training completed shall be the number of days the student attends resident training as compared to the total days of the resident training program.

3. Courses which include optional resident training, seminars or other resident training sessions are subject to Section A, 1a through c, above. Separate charges may not be made for optional resident training.

4. Upon cancellation, all money due the student must be refunded within 30 days.

Inquiries and comments should be addressed in writing to Andrew H. Gasperecz, Executive Secretary, Louisiana Proprietary School Commission, State Department of Education, Box 94064, Baton Rouge, LA 70804-9064, through September 4, 1987.

The public hearing will be held at 10 a.m. October 7, 1987, in the Conference Room on the Second Floor of the State Department of Education Building, 626 North Fourth Street, Baton Rouge, LA.

Andrew H. Gasperecz
Executive Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Cancellation and Tuition Refund Policy**

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

There will be no implementation cost or savings to state or local governments 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 will be no costs or economic benefits to directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment.

Joseph F. Kyle
Deputy Superintendent

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

**Department of Education
Proprietary School Commission**

Addition to Title 1, Section 2, (c), Definition on Advisory Commission on Proprietary Schools, Louisiana Department of Education, Rules and Regulations, Bulletin 1443.

Exemption From Licensure Under Proprietary School Rules
Title 1, Section 2, (c)

Proprietary School Commission rules, Title 1, Section 2 (c) "A school or training program which offers instruction primarily in the field of recreation, health, or entertainment and which does not purport to qualify persons for employment as determined by the commission" may be exempted provided that our disclaimer is used on all of your advertisements. The disclaimer is as follows: "This course is for recreation, health or entertainment (whichever fits your school) purposes and does not qualify persons for employment."

This disclaimer statement must be on all of the handout (course) materials, fliers, catalogs, radio, television, yellow pages and newspaper advertisements so that the public will not misinterpret your program. Advertisements can be misinterpreted on some programs as being career oriented, job training or vocational training; therefore, a disclaimer statement will clarify this.

Before you can be exempted from licensure, the commission will require proof of the above materials prior to exempting you from licensure. Copies of your course materials, handouts, catalogs, fliers, and advertising copies shall be mailed to the commission along with your reasons from exemption.

Inquiries and comments should be addressed in writing to Andrew H. Gasperecz, Executive Secretary, Louisiana Proprietary School Commission, State Department of Education, Box 94064, Baton Rouge, LA 70804-9064, through September 4, 1987.

The public hearing will be held at 10 a.m. October 7, 1987, in the Conference Room on the Second Floor of the State Department of Education Building, 626 North Fourth Street, Baton Rouge, LA.

Andrew H. Gasperecz
Executive Secretary

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

Rule Title: Exemption from Licensure

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

There will be no implementation cost 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 will be no costs or economic benefits to directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment.

Joseph F. Kyle
Deputy Superintendent

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

**Department of Environmental Quality
Office of Air Quality and Nuclear Energy**

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:1051 et seq., and in particular Section 1104 B.(I), and in accordance with the provision of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Louisiana Radiation Regulations.

The proposed amendments will establish regulations specifically for transportation of radioactive material, radiation safety requirements for wireline service operations, and licensing requirements for land disposal of radioactive waste. Also, the amendment of some existing regulations incorporates provisions of the "suggested state regulations for the control of radiation" drafted by the Conference of Radiation Control Program Directors, Inc.

The proposed amendments are to become effective on October 20, 1987.

A public hearing will be at 10 a.m. on September 1, 1987, in the Mineral Board Hearing Room, State Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA. Interested persons are invited to attend and submit oral comments on the proposed amendments.

All interested persons are invited to submit written comments on the proposed amendments. Such comments should be submitted no later than September 11, 1987 to Michael E. Henry, Nuclear Energy Division, Department of Environmental Quality, Box 14690, Baton Rouge, LA 70898. He may be contacted at the address above, or telephone (504) 925-4518. A copy of the proposed amendments is available for inspection at the Louisiana Department of Environmental Quality at the address provided.

Martha A. Madden
Secretary

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

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
No implementation costs are anticipated. Existing staff can perform the services required by the proposed rule changes.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no effect on revenue collections or state or local governmental units because no additional fees, fines, etc. are associated with the proposed rule changes.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
No economic effects anticipated since all affected groups are presently subject to similar regulations and an existing fee schedule. No new fees are proposed.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There is no anticipated effect on competition and non-civil service employment.

Martha Madden
Secretary

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

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

**Title 34
Government Contracts,
Procurement and Property Control
Part XI. Fleet Management**

Chapter 1. General Provisions

**§103. Functions of the Fleet Management Program
(amended)**

B.4.b. No state employee of any agency may be assigned to operate a pool fleet vehicle or a personally assigned vehicle without the respective agency having on file a completed, signed and checked Louisiana State Employee Driver Safety Program Authorization/History Form (Form DA 2054). The agency transportation coordinator shall be responsible for maintaining a file on all signed and completed DOA Forms (Form DA 2054).

B.4.c. No state vehicle owned or leased shall be used by a public or private individual for other than performing official state business. The personal use of a state owned or leased vehicle is prohibited with the exception of home storage commute miles if approved by the commissioner of administration via the DOA Form MV-2.

B.6.f. When fuel is not available from a state operated facility, self service facilities shall be used for all purchases of fuel for state owned or leased vehicles when utilizing commercial stations.

Louis Amedee
Director

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Title 34 Chapter 1 Part XI
Fleet Management**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no estimated implementation costs (savings) to state or local governmental units.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
It is anticipated that with the adoption of this rule change, personal utilization of state owned/leased vehicles will be significantly lessened thereby reducing potential accidents and claims. This reduction should also decrease insurance premiums as a result.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
The anticipated economic impact associated with the proposed rule change will be the curtailment of personal usage of state owned/leased vehicles for any purpose other than official business.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There will be no effect on competition and employment.

Louis Amedee
Director

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

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

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., notice is hereby given that the Governor's Office of Elderly Affairs (GOEA) intends to revise the GOEA Policy Manual to eliminate the requirement that Councils on Aging carry director's and officer's liability insurance. Under LAC 4:1667.G, Insurance Requirements, (5) "Director's and officers liability" shall be changed to "property", and (6) shall be deleted. This rule shall become effective October 20, 1987. It shall be retroactive to July 1, 1987.

This rule change is necessary to implement House Bill 566 which was passed during the 1987 Regular Session of the Louisiana legislature. R.S. 46:1602 (H) states, "A person who serves as an officer or board member of a parish voluntary council on aging, whether he serves with or without compensation for such services, shall not be individually liable for any act or omission resulting in damage or injury arising out of the exercise of his judgement in the formation and implementation of policy while acting as an officer or board member, provided he was acting in good faith and within the scope of his official functions and duties, unless such damage was caused by his willful or wanton misconduct."

Please forward written comments concerning this rule change to Betty Johnson, Planning Analyst III, Governor's Office of Elderly Affairs, Box 80374, Baton Rouge, LA 70898-0374 by September 15, 1987.

Sandra C. Adams
Director

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

Office of Elderly Affairs, Box 80374, Baton Rouge, LA 70898-0374 by September 15, 1987.

Sandra C. Adams
Director

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 as a result of this rule change.

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)

Parish councils on aging will not be required to purchase director's and officer's liability insurance, resulting in a savings of up to \$175,000. These funds will be used for services for the elderly.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment as a result of this rule change.

Sandra Adams
Director

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

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

In accordance with The Administrative Procedure Act, R. S. 49:950 et seq., notice is hereby given that the Governor's Office of Elderly Affairs (GOEA) intends to amend Section 1167 of the GOEA Policy Manual to require geographic representation on the boards of directors of parish councils on aging. Effective October 20, 1987, LAC 4:1167.B, Membership of the Board of Directors, shall be revised to read as follows:

1. The by-laws shall contain provisions for the method used to select and elect board members, the method used to fill vacancies on the board which occur between regular elections, and termination of membership.

2. The by-laws shall provide for giving all sections of the parish representation on the board.

3. The board shall be composed of no less than 11 members and no more than 21 members, with provisions in the by-laws for staggered terms of office.

4. The term of office for each board member shall be limited to no more than three years and two consecutive terms.

5. Except for the staff director, who may be an ex-officio member with a voice in discussions but with no vote, paid staff members are prohibited from serving on the board.

6. Former council on aging staff members may not serve on the executive committee of the board of directors for a period of two years immediately following separation from employment.

Please forward written comments concerning this rule change to Betty Johnson, Planning Analyst III, Governor's Of-

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

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 as a result of this rule change.

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)

There will be no costs or economic benefits to the parish councils on aging.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment as a result of this rule change.

Sandra Adams
Director

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

**Office of the Governor
Governor's Office of Minority Business Enterprise**

Effective September 20, 1987, in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Office of the Governor, Office of Minority Business Enterprise, proposes to amend LAC 19:III.1517 and LAC 19:III.1703. Add Subsection D to 1517 as follows:

Chapter 15. Designation and Setting Aside of Procurement Activities for Minority-Owned Business Participation

§1517. Designation of a Minority Set-Aside Bid.

D. In the event there are not three or more certified minority vendors in a specific category, but the Office of Minority Business Enterprise certifies that there are not three such minority-owned businesses in Louisiana that are certified, nor are there three such minority-owned businesses which could be certified in the state of Louisiana, then the bid may be designated as a set-aside for the exclusive participation of certified minority-owned business as long as one certified minority vendor exists in the category being bid. The bid(s) received must conform with §1701.D and §1703.A relative to not exceeding 15 percent of what could have been obtained via open-market competition. Amend §1703 A. and E. as follows:

Chapter 17. Criteria for Procurement of Goods and Services

§1703. Consulting Services

A. Criteria for requests for proposal for consulting services under Chapter 16. When the award for a contract for consulting services has been set-aside for minority-owned business participation and at the time request for proposals are to be distributed there are not at least three certified minority-owned businesses available to bid on the contract or class of contracts involved or the contract has not been set-aside in accordance with §1517.D of these rules and regulations, the award shall be made on the basis of open competitive bidding under the Louisiana Procurement Code.

E. In all cases, the state agency or educational institution actually making the award, either under open competitive bidding or under the set-aside provisions of this Title, may reject all proposals if it is determined based upon reasons provided in writing that such action is in the best interest of the state. One reason, but not the only reason, for rejection of all bids when the contract has been set-aside under the set-aside provisions of this Title, shall be if prices obtained exceeded more than 15 percent of what could have been obtained via open-market competition.

Interested persons may submit written comments on the proposed amendments to Clovier Torry, Governor's Office for Minority Business Enterprise, Box 94095, Baton Rouge, LA 70804-9095.

Maxine Cormier
Director

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

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Any fiscal impact due to designation of set-asides for minority-owned businesses is not possible to compute due to the relativity of circumstances.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no effect on revenue collections due to these rule changes.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
The proposed changes serve to detail and clarify procedures within an existing framework of authority; therefore, there would be no costs to directly affect persons or non-governmental groups. Benefits due to eligibility for set-aside contracts are not possible to compute at the present time.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
The proposed changes would increase the opportunity of minority vendors to participate in the bidding process.

Maxine Cormier
Executive Director

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

**Office of the Governor
Department of Veterans Affairs**

**Title 4
Administration
Part VII. Governor's Office**

In accordance with the provisions of the Administrative Procedure Act, the Department of Veterans Affairs proposes to amend LAC 4:VII.937.

**Chapter 9. Veterans Affairs
§937. Admission Requirements**

B. The veteran must have served on active military duty 90 days or more during a wartime period; or 90 days or more consecutive service must have begun or ended during a wartime period; or 90 days or more combined service during two or more wartime periods; or if less than 90 days, discharged due to a disability in line of duty; and in receipt of a discharge other than dishonorable.

Cleo C. Yarbrough
Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: 937 Admission Requirements**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The cost of implementation of the proposed rule changes will be absorbed within existing resources at no additional cost to state or local government.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The implementation of the proposed rule changes will result in an undetermined annual increase in self-generated revenues collected as care and maintenance fees from new admissions that will qualify for a veterans pension from the Veterans Administration.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
Care and maintenance fees paid by veterans concerned will be offset by payment of aid and attendance benefits to eligible veterans by the federal government. Quality and concerned nursing care will be made available to an increased number of disabled combat veterans that in the past faced lengthy delays in admissions due to liberal military service requirements.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There will be no effect on competition and employment due to revision of rules.

Cleo C. Yarbrough
Executive Director

David W. Hood
Legislative Fiscal Analyst

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.

Currently, Intermediate Care Facilities for the Mentally Retarded and persons with other Developmental Disabilities (ICF/MR) provide services to Title XIX (Medicaid) recipients in accordance with the requirements for reimbursement under Title XIX of the Social Security Act and applicable state laws. The Medical Assistance Program is proposing to adopt standards for payment to provide ICF/MR facilities with information necessary to fulfill vendor contracts with the state of Louisiana and remain in compliance with federal and state laws. These standards are an amalgamation of federal and state laws which govern ICF/MR facility care in the state of Louisiana.

Interested persons may submit written comments to the following address: Marjorie T. Stewart, Assistant Secretary, Box 94065, Baton Rouge LA, 70804-4065. She is the person responsible for responding to inquiries regarding this proposed rule. A copy of this proposed rule and its fiscal and economic impact statement is available for review in each local Office of Family Security.

A public hearing on this proposed rule will be held on September 9, 1987 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.

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: MAP - Standards For Payment-ICF/MR

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no impact resulting from this proposed rule.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no impact resulting from this proposed rule.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
This proposed rule will provide ICF/MR facilities with information necessary to remain in compliance with Federal and State laws.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
This rule will have no effect on competition and employment.

Marjorie T. Stewart
Assistant Secretary

David W. Hood
Legislative Fiscal Analyst

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.

Currently, provider claims are processed in accordance with specific timeframes required by 42 CFR 447.45. To assure claims are resolved timely, the agency is proposing to limit adjudication of claims to 24 months from the date a service is rendered. Additionally, the agency is proposing to limit the period allowed for providers to request adjustment of an adjudicated claim to 120 days. The Medical Assistance Program is proposing to adopt this rule to assure claims are resolved within the timeframes required under Federal Regulation to be eligible for Title XIX reimbursement. To assure clarity, this rule includes the current agency limits on timely filing of a claim for Title XIX reimbursement.

PROPOSED RULE

TITLE XIX PROVIDER CLAIM REQUIREMENTS

A. Definitions

"Claim" means a single document line identifying the services and/or charges for services for a single recipient from a single provider.

1. Providers shall submit all original claims no later than 12 months from the date of service.

2. Providers shall be allowed up to two years from the date of service to provide adequate billing information to the fiscal intermediary necessary for adjudicating the claim. Any claim for which the fiscal intermediary has not received documentation necessary for adjudication within two years from the date of service shall be denied.

3. Providers shall be required to submit any adjustments within 120 days of adjudication of a claim. This requirement shall not apply to adjustments arising from Third Party Liability or Patient Liability.

Interested persons may submit written comments to the following address: Marjorie T. Stewart, Assistant Secretary, Box 94065, Baton Rouge LA, 70804-4065. She is the person responsible for responding to inquiries regarding this proposed rule. A copy of this proposed rule and its fiscal and economic impact statement is available for review in each local Office of Family Security.

A public hearing on this proposed rule will be held on September 9, 1987 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.

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: MAP - Provider Claim Requirements**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no impact resulting from this proposed rule.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no impact resulting from this proposed rule.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
This proposed rule will assure timely payment of provider claims for Title XIX services provided to eligible recipients statewide.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
This rule will have no effect on competition and employment.

Marjorie T. Stewart
Assistant Secretary

David W. Hood
Legislative Fiscal Analyst

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.

Currently, psychiatric hospitals which provide services to Title XIX (Medicaid) recipients under age 21 and over age 65 are required to meet the requirements for reimbursement under Title XIX of the Social Security Act and applicable state laws. The Medical Assistance Program is proposing to adopt standards for payment to provide psychiatric hospitals with the information necessary to fulfill vendor contracts with the state of Louisiana and remain in compliance with federal and state laws. These standards are an amalgamation of federal and state laws which govern inpatient psychiatric care in the State of Louisiana.

Interested persons may submit written comments to the following address: Marjorie T. Stewart, Assistant Secretary, Box 94065, Baton Rouge LA, 70804-4065. She is the person responsible for responding to inquiries regarding this proposed rule. A copy of this proposed rule and its fiscal and economic impact statement is available for review in each local Office of Family Security.

A public hearing on this proposed rule will be held on September 9, 1987 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.

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: MAP - Standards For Payment: Psychiatric
Hospitals**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no impact resulting from this proposed rule.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no impact resulting from the proposed rule.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
This proposed rule will provide psychiatric hospitals with information necessary to remain in compliance with Federal and State laws.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
This rule will have no effect on competition and employment.

Marjorie T. Stewart
Assistant Secretary

David W. Hood
Legislative Fiscal Analyst

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.

Currently, Intermediate Care Facilities (ICF) and Skilled Nursing Facilities (SNF) are required to maintain nurse/patient ratios in accordance with the level of care provided by the facility. The nurse/patient ratio requirements are being clarified for those facilities which offer both ICF and SNF levels of care. Under this rule, SNF and ICF areas will be required to maintain the appropriate nurse/patient ratio for the level of care offered. Additionally, licensed nurses in the SNF area can be shared with the ICF area regardless of the size of each unit provided the nurse/patient ratio for each area is maintained.

Proposed Rule

Skilled Nursing Facilities within an Intermediate Care Facility shall maintain a nurse/patient ratio for the SNF area which is the same as any Skilled Nursing Facility. The ICF area within the facility shall maintain a nurse/patient ratio which is the same as any ICF facility. The licensed nurses in the SNF area can be shared with the ICF area regardless of the size of each unit provided the appropriate nurse/patient ratio for each area is maintained.

Interested persons may submit written comments to the following address: Marjorie T. Stewart, Assistant Secretary, Box 94065, Baton Rouge LA 70804-4065. She is the person responsible for responding to inquiries regarding this proposed rule. A copy of this proposed rule and its fiscal and economic impact statement is available for review in each local Office of Family Security.

A public hearing on this proposed rule will be held on September 9, 1987 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.

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: MAP - SNF/ICF Nurse/Patient Ratio

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no impact resulting from this proposed rule.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no impact resulting from this proposed rule.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
This proposed rule will assure appropriate nurse/patient ratios are maintained in facilities which offer SNF and ICF levels of care.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
This rule will have no effect on competition and employment.

Marjorie T. Stewart
Assistant Secretary

David W. Hood
Legislative Fiscal Analyst

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.

Currently, the Title XIX Standards for Payment authorize the withholding, in whole or in part, of vendor payments to SNF and ICF facilities when the provider fails to timely submit a required, completed staffing report. The Medical Assistance Program is amending this policy and extending its application to ICF-MR facilities. Under this rule, ICF I, ICF-II, ICF-MR, and SNF facilities shall be required to timely submit utilization data requested by the Department of Health and Human Resources (DHHR), Division of Policy, Planning and Evaluation (DPPE). Providers will be given written notice of nonreceipt of requested data and allowed 10 days from the date of the notice to submit the said data. Thereafter, vendor payments will be withheld until the requested data is received.

PROPOSED RULE

ICF I, ICF-II, ICF-MR, and SNF facilities shall be required to timely submit utilization data requested by the Department of

Health and Human Resources (DHHR), Division of Policy, Planning and Evaluation (DPPE). Providers will be given written notice when such utilization data has not been received by the due date. Such notice shall advise the provider of the date the utilization data must be received by to avoid withholding of vendor payments. The due date shall in no instance be less than 10 days from the date the notice is mailed to the provider. If the utilization data is not received by the due date provided in the notice, the Medicaid vendor payment will be withheld until the utilization data is received.

Interested persons may submit written comments to the following address: Marjorie T. Stewart, Assistant Secretary, Box 94065, Baton Rouge LA 70804-4065. She is the person responsible for responding to inquiries regarding this proposed rule. A copy of this proposed rule and its fiscal and economic impact statement is available for review in each local Office of Family Security.

A public hearing on this proposed rule will be held on September 9, 1987 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.

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: SNF/ICF Utilization Data Requests

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no impact resulting from this proposed rule.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no impact resulting from this proposed rule.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
This proposed rule will have no effect on recipient services or provider reimbursement.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
This rule will have no effect on competition and employment.

Marjorie T. Stewart
Assistant Secretary

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

Department of Health and Human Resources Office of Human Development

Effective October 20, 1987, the Department of Health and Human Resources, Office of Human Development, Division of Rehabilitation Services, will change their Policy Manual separating procedures from policy.

The Louisiana Department of Health and Human Resources will conduct Public Hearings on this change in September, 1987, in the major metropolitan areas of the state.

Public Hearings for the Policy Manual are scheduled as follows:

Tuesday, September 15, 1987, Shreveport 10 am, State Office Building, Room 711, 1525 Fairfield Avenue, Shreveport, LA. Wednesday, September 16, 1987, Alexandria, 10 am, First Floor Conference Room, State Office Building, 900 Murray Street, Alexandria, LA. Thursday, September 17, 1987, Lafayette, 10 am, State Office Building, 302 Jefferson Street, Blue Room, First Floor, Lafayette, LA. Friday, September 18, 1987, New Orleans, 10 am, Magnolia Room, Fourth Floor, Avenue Building, 2026 St. Charles Avenue, New Orleans, LA.

Interested persons may submit written comments on the proposed change prior to October 1, 1987, at the following address: Wayne C. Heap, Assistant Secretary, Office of Human Development, Box 44367, Baton Rouge, LA 70804.

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

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

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no implementation cost for state or local governmental units.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
No effect is anticipated.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
Clients will continue to receive rehabilitation services with no impact.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There is no anticipated effect on competition and employment.

Wayne Heap
Assistant Secretary

David W. Hood
Legislative Fiscal Analyst

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 home health agencies to be effective October 20, 1987. The proposed changes will be made to the rule published in Volume 11 Number 11 of the *Louisiana Register*, November 20, 1985, and LAC 48:I.11531 as follows:

**Title 48
Public Health - General
Part I. General Administration
Subpart 5. Health Planning**

**Chapter 115. Health Resource Requirements
Subchapter B. Facility or Service – Specific Criteria and Standards**

§11531. Home Health Services

1. The section entitled Louisiana Revised Statutes 40:2009.3 - 40:2009.40 (p. 4) will be revised to add a second paragraph as follows:

Louisiana Revised Statutes 40:2009.3 - 40:2009.40

Louisiana Revised Statutes 40:2009.31 - 40:2009.40 mandate that the secretary of the Department of Health and Human Resources promulgate rules to require approval by the agency responsible for the implementation of Section 1122 of the Social Security Act as a condition for licensure of home health care agencies. Such approval will be required for the first licensing of all home health agencies not in existence as of April 20, 1985.

* The 1987 Regular Session amended R.S. 40:2009.35B to mandate that currently licensed home health agencies requesting a change of ownership shall be eligible for expedited review. It further stipulated that only criteria related to a change in ownership would be subject to review.

2. The heading of the current section entitled "Notification" under "Review Procedures" (p. 9) is to be changed to "Full Review Procedures" since it describes this process. A new section entitled "Expedited Review Procedures" will be added to describe this process, as follows:

* B. 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.

-If additional information is requested by DPPE (within 15 days), and subsequently received, the application is deemed complete as of the date on which the required information is received.

-If additional information is requested by DPPE within 15 days, the applicant must provide the required information within 90 days or the application will be deemed withdrawn.

-Each time additional information is received, DPPE has 15 days from the date of receipt to respond as to whether the additional information completes the application.

The date of completeness is the date on which the 30 day review begins. The applicant may not incur an obligation sooner than 60 days from the "complete date"; failure to provide 60 days timely notice may subject the applicant to a penalty if the project is subsequently approved. If approval is granted prior to the end of the review period, an obligation may be incurred at that point.

A longer review period will be permitted only when requested by DPPE and agreed to by the applicant. An applicant

may not request an extension of the review period, but may withdraw (in writing) an application at any time prior to the notification of the decision by DPPE.

If additional information is received by DPPE after an application has been declared complete, DPPE will review the information to determine if it significantly changes the application. If the application is significantly changed, DPPE will again review the application for completeness (within 15 days), determine the appropriateness of the review and reset the review period from the date the new information was received. When an application for an expedited review is declared complete by DPPE, press releases shall be issued, through local newspapers and public information channels, relative to the receipt of the complete application.

The DPPE shall conduct a review of the application within the specified time limits and provide written notification to the applicant of the decision that:

a. the proposal is in conformity with the criteria, standards, and plans in effect (a certificate shall accompany the notification) or,

b. the proposal is not in conformity with the criteria, standards, and plans in effect (reasons for non-conformity shall be specified).

Notification shall also be submitted to DHHS, on the appropriate form, with a copy to the applicant.

Failure of DPPE to provide notification by the end of the review period shall have the effect of an approval. The date of mailing shall be considered the date of notification.

A finding of conformity or non-conformity with respect to an application shall be publicized by DPPE through press releases, and made available to interested parties and organizations.

Interested parties may submit written comments on the proposed changes until September 20, 1987 at the following address: Bonnie W. Smith, Division of Policy, Planning and Evaluation, 200 Lafayette Street, 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: Home Health Agency - Expedited Review

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
No implementation costs are expected.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
No effect on revenue collections is expected.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
No costs or economic benefits to directly affected persons or groups are anticipated.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
No effect on competition and employment is expected.

Sandra L. Robinson, M.D., M.P.H. David W. Hood
Secretary and State Health Officer Legislative Fiscal Analyst

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 State Health Plan to be effective October 20, 1987. The proposed changes will be made to the rule published in Volume 12, Number 8, of the *Louisiana Register*, August 20, 1986 and LAC 48:I.11523.

The proposed amendment to the State Health Plan adds an exception to the resource goals on page 9-72 in the ICF-MR section of Chapter 9. That page will be changed to read as follows:

Title 48 Public Health-General Part I. General Administration Subpart 5. Health Planning

Chapter 115. Health Resource Requirements

Subchapter B. Facility or Service - Specific Criteria and Standards

§11523. Long Term Care Beds

"B. 7.111.0(d). OFS and DLC will reflect in their subsequent monitoring reports the extent to which deficiencies were corrected and the extent to which OMR/DD was contacted for technical assistance. OFS will take appropriate action including sanctions if indicated.

8. Service Area

The service area for a proposed or existing facility is designated as the one of eight OMR/DD planning regions in which the facility or proposed facility is or will be located.

9. Resource Goals

a. 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.

b. The bed to population ratio for community and group homes shall 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 shall 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.

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

d. The occupancy rate for group homes in the service area shall be 85 percent or greater in order for another group home to be approved.

e. In determining the occupancy rate, beds used in the calculations shall be 1122 approved and licensed beds.

* If a service area is at or near the .36 beds per 1000 population resource goal and the occupancy rate in approved and licensed beds and approved but not licensed beds in the service area is equal to or exceeds 85 percent for the four most recent quarters, that number of beds which would reduce the overall occupancy rate in the service area to under 85 percent may be approved. The bed to population ratio for community

and group homes may at no time exceed .36 beds per 1000 population statewide.

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

g. A distinct part of a publicly supported facility other than an intermediate care facility shall be determined to meet the above resource goals provided that the distinct part:”.

A public hearing will be held on this proposed rule on Thursday, September 3, 1987 at 10 a.m. at the State Library Auditorium, 760 Riverside, Baton Rouge, Louisiana. Interested parties may submit written comments on the proposed changes until September 20, 1987 at the following address: Bonnie W. Smith, Division of Policy, Planning and Evaluation, 200 Lafayette Street, 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: Changes to the State Health Plan allowing a statewide bed/population ratio for ICFMR

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
No implementation costs or savings to the state or local government are estimated.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
No effect on revenue collections is estimated.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
No costs or economic benefits to directly affected persons or groups are estimated.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
No effect on competition and employment is expected.

Sandra L. Robinson, M.D., M.P.H. David W. Hood
Secretary and State Health Officer Legislative Fiscal Analyst

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 amend Chapter XIII (Sewage and Refuse Disposal) of the Sanitary Code, state of Louisiana. This proposed rule change would amend Chapter XIII to provide for an acceptable alternate form of sewage disposal for individual camps.

This amendment is necessary to allow consideration of the specified alternate system for those instances where such would be deemed the “best conventional pollutant control technology” available for isolated individual camps where other forms of sewage disposal would be impractical. Language in the following sections of Chapter XIII shall be amended to read as follows:

**Part I - Sewage Disposal
Sub-Part E - Special Applications
Section 13:022 - Paragraph 6**

6. Individual camps, where no community sewage is available, shall be provided with an approved individual sewage disposal system sized for the camp as if it were a residence, and in compliance with the following:

b. if installation of a conventional disposal system is not possible (i.e. the camp is in a marsh/swamp area, located over water, etc.) and/or disinfection of the sewage system effluent would be required, the use of a system comprised of one of the following may be considered:

- 1. a septic tank system consisting of three septic tanks in series (or an acceptable 3-cell or 3-compartment tank) followed by an automatic chlorination device/system. Each of the three septic tanks (or each compartment of a 3-cell tank) shall meet all design and construction requirements for septic tanks as described in Section I of Appendix A of this Chapter. The first tank/cell shall have a minimum volume of 500 gallons. The second and third tanks/cells shall each have a minimum volume of 250 gallons. The chlorination system shall be provided with a contact chamber of a minimum of 100 gallons, and shall be equipped with an automatic “cutoff” to prevent discharge of effluent when the chlorine supply has been exhausted.
- 2. a U.S. Coast Guard approved Type II Marine Sanitation Device (MSD).

Interested parties may submit comments at the following address: Joseph D. Kimbrell, Deputy Assistant Secretary, Programs, Office of Preventive and Public Health Services, Department of Health and Human Resources, Box 60630, New Orleans, LA 70160.

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

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Camp Sewerage Treatment –
Chapter XIII as amended**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Implementation of this rule can be accomplished with present staff. There are no implementation costs.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The effect on revenue collections of state or local governments is projected to be negligible.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
The consumer will be afforded a practical and possibly more economical means whereby sewage wastes may be treated. This should result in fewer sanitary code violations and better public health protection.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
Effect on competition and employment will be nominal.

Joseph D. Kimbrell David W. Hood
Deputy Assistant Secretary Legislative Fiscal Analyst

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 amend Chapter IX (Seafood) of the Sanitary Code, State of Louisiana. This proposed rule change would amend Chapter IX to provide additional requirements and penalties relating to shellfish transplant permits.

This amendment is offered to provide the necessary deterrents mandated by the National Shellfish Sanitation Program to prevent the introduction of polluted shellfish into commerce, and reduce the incidence of shellfish related disease outbreaks. Language in the following sections of Chapter IX shall be amended as follows:

9:004 TRANSPLANTING OF SHELLFISH: No person shall engage wholly or part time in the business of transplanting shellfish from waters not approved for direct market harvesting by the state health officer prior to obtaining a permit for that purpose. Applications shall be completed and filed not less than 10 days prior to the beginning of such transplanting. A \$5,000 cash performance bond made payable to the Department of Health and Human Resources shall be submitted with the completed application. Permits shall be granted only with the following conditions:

9:004-1 That shellfish relaid from polluted waters in a designated area of approved waters, as established by the state health officer from sanitary surveys of the area and bacteriological examination of the water, shall remain down in the approved area for a period of not less than 14 days.

9:004-2 That shellfish transplanted from any polluted waters shall not be laid down within 500 feet of an approved area from which shellfish are being taken, or will be taken, for sale as food within 14 days from the time when such shellfish so transplanted are laid down.

9:004-3 That sacking of shellfish, storage of empty shellfish sacks on board permitted or authorized harvesting vessel and/or the direct marketing of shellfish taken from waters not approved for that purpose by the state health officer shall be strictly prohibited.

9:004-4 Violation of any of the above requirements or conditions shall be cause for revocation of the permit to transplant and/or forfeiture of the cash performance bond.

Interested parties may submit comments at the following address: Joseph D. Kimbrell, Deputy Asst. Secretary/Programs, Office of Preventive and Public Health Services, Department of Health and Human Resources, Box 60630, New Orleans, LA 70160.

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

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Chapter IX (Seafood) Oyster Transplant Permitting Requirements

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

There are no estimated implementation costs to state or local government units.

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

In instances when the cash bond is forfeited, state revenues will increase. Revenues from the forfeiture of such bonds is expected to be minimal.

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

Oyster fishermen will be required to obtain the necessary \$5,000 cash bond.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOY- MENT (Summary)

No measurable impact on competition or employment is expected with the adoption of this rule.

Joseph D. Kimbrell
Deputy Assistant Secretary

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

Department of Labor Board of Barber Examiners

The Board of Barber Examiners gives notice in accordance with R.S. 49:950 et. seq. and R.S. 37: 341-392, that it intends to adopt the following sections in Chapter 17 of LAC 46:VII:

Chapter 17. Barber Instructors (Teachers)

§1701. Statutory Requirements:

A. No persons shall act as an instructor at a barber college and no barber college or owner or operator thereof shall hire or permit any person to act as an instructor at the barber college unless he has a current and valid certificate of registration as an instructor issued by the board. (RS 37: 362)

B. The board shall issue a certificate of registration as an instructor in a barber college to a person who complies with all of the following:

1. Files an application with the board in such forms as it may prescribe accompanied by the required fee.

2. Is of good moral character and temperate habits.

3. Holds a diploma evidencing successful completion of high school or has the equivalent education as determined by an examination conducted by the board and approved by the vocational education office of the Department of Education.

4. Has held a valid certificate of registration as a barber in Louisiana and has practiced barbering in Louisiana for at least the last two years before issuance of the instructor's certificate.

5. Has graduated from a barber college in a course embracing all theory and scientific manipulation taught in barber schools.

6. Passes satisfactorily an examination conducted by the board to determine his fitness to be an instructor. (RS 37: 363)

C. Each applicant for examination shall:

1. Apply to the board on blank forms prepared and furnished by the board. This application shall contain proof under the applicant's oath of the particular qualifications set forth in the application.

2. Furnish to the board two five-by-three inch signed photographs of the applicant, one to accompany the application and one to be returned to the applicant and to be presented to the board when he appears for examination.

3. Pay to the board the fee provided in R.S. 37: 375.

D. Every three months the board shall conduct an examination of applicants for certificates of registration as instructors. Notice of such examinations and the times and places thereof shall be given by mail to each applicant. The examination of applicants for certificates as instructors shall include both a practical demonstration and a written and oral test and shall embrace the subjects usually taught in colleges of barbering approved by the board. (RS 37:366)

E. When the provisions of this Chapter have been complied with, the board shall issue a certificate of registration as an instructor. (RS 37:367).

§1703. Other Standards Required:

A. Proof of Employment

The Instructors examination shall be given only when the applicant shows proof to the Barber Board that they will be hired as an instructor in a barber school after passing such an examination.

B. Application Notification to Barber Board

All applicants shall furnish the Barber Board all the necessary requirements at least 30 days prior to the next examination date.

C. Application Approval

Upon receipt of all necessary requirements from applicants applying to take the next instructors examination, the Barber Board shall review all material received and notify applicants that their application has been approved or disapproved.

D. Instructors Examination Fees, License

The fee of Instructors examination is \$35 (\$25 for the examination and \$10 for National Testing), and the license fee is \$10.

E. Instructors Certificate Expiration Date

Instructors Certificate Expire January 31 of each year

F. Restoration fees for expired instructors certificate

Restoration fee for expired instructors certificate shall be \$10, plus \$10 for each year the certificate has been expired.

G. Restoration for Expired Instructors Certificate: All persons must re-apply and comply with all of the rules and regulations of Chapter 17 (Barber Instructors) for a teachers certificate if they have allowed their previous certificate to expire for two years or more.

§1705. Examination Requirements

A. Models required: All applicants are required to furnish their own models for the examination.

All applicants must have three models: two males and one female. A taper cut will be done on one of the males and a cut and style on the other male and female. Also, be prepared to do full service on models, such as, shaves, massages, perm rod wraps and any other service necessary as determined by the board.

All applicants should be prepared for an all day examination, and when called upon, models must be available immediately, regardless of the time. Any applicant delaying the examination at anytime will be disqualified.

B. Time limits:

1. Practical Examination: All applicants must complete all phases of the practical examination within a three hour period of time.

2. All applicants must complete all phases of the written examination within a one hour period of time.

C. Tools and supplies required: All applicants are required to furnish their own tools, supplies and towels and any other materials necessary to complete the entire examination.

D. Closed Examinations: The Board of Barber Examiners and its staff will conduct the examinations and no other person

or persons are allowed to view the examination unless authorized by the president of the Barber Board. During the examination, all applicants shall direct their questions to board members or staff personnel only. Failure to comply may result in disqualification.

E. Grading: All instructor applicants must achieve an average score of at least 75 percent, and a minimum score in each part of the examination of at least 65 percent.

The practical and oral segments warrants 60 percent of the total score and the written examination warrants 40 percent of the total score.

Any applicant for a teachers certificate who fails to satisfactorily acquire an average of 75 percent of the examination may continue to appear before the board for examination every three months thereafter.

Any applicant for a teachers certificate who fails to satisfactorily acquire a minimum score of 65 percent on either part of the examination, may continue to appear before the board for that portion of the examination needed to acquire a minimum of 65 percent.

Persons wishing to make comments and responses may do so by contacting: Kathy Berry, Louisiana Board of Barber Examiners, 1000 Scenic Highway, Baton Rouge, LA 70802. This can be done by writing or in person between 8:30 a.m. and 4 p.m. until August 28, 1987.

On Monday August 31, 1987, at 10 a.m. a public hearing will be held at Claude's Barber Shop, located at 2538 Williams Boulevard, Kenner, LA 70062 for interested persons to present their views on these rules.

Kathy Berry
Secretary

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Barber Board Barber Instructors

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

There is no anticipated costs or savings in implementing these rules. The existing staff can handle the work load associated with these rules.

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, because these rules clarify existing procedures and will not require any additional expenses to those affected.

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

Adoption of these rules will not have any additional cost or economic benefits to affected persons or non-governmental groups, because these rules simply clarify existing rules and policy, they will not require any additional expenses to those affected.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

These rules will have no effect on competition and employment because all affected will be treated uniformly.

Kathy Brown Berry
Secretary

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

Department of Labor Board of Barber Examiners

The Board of Barber Examiners gives notice in accordance with R.S. 49:950 et. seq. and R.S. 37: 341-392, that it intends to amend the following section in Chapter 13 of LAC 46:VII.

Chapter 13. Barber Schools

§1301. Standards Required

- H. Barber Course Curriculum
 - 1. Introduction to Barbering
 - a. Explain history of barbering
 - b. Become oriented to the practice of barbering
 - c. Discuss professional ethics
 - d. Identify shop safety hazards
 - e. Explain physical and mental stress
 - 2. Louisiana Laws and Regulations
 - a. Explain or discuss statutory regulations
 - b. Explain rules and regulations for students
 - c. Explain rules and regulations for shop management
 - d. Explain rules and regulations for licensed barbers
 - 3. Implements
 - a. Identify implements
 - b. Establish proper handling of implements
 - c. Demonstrate proper use of implements
 - d. Demonstrate proper care and sanitation of implements
 - 4. Sanitation and safety
 - a. Identify and classify types of bacteria
 - b. Identify types of sterilization
 - c. Describe needs for sanitation and safety
 - d. Identify methods of sterilization
 - e. Identify State Board requirements for sanitation
 - 5. Shampooing
 - a. Analyze clients' hair and scalp needs
 - b. Determine appropriate solutions
 - c. Apply appropriate solutions
 - d. Perform correct shampooing and rinsing procedures
 - 6. Taper Haircut
 - a. Demonstrate proper handling of tools for tapering
 - b. Describe and demonstrate side and back taper
 - c. Analyze clients' hair and determine proper procedure
 - d. Blend and balance haircut
 - 7. Men's Haircutting
 - a. Define style haircutting
 - b. Determine style
 - c. Demonstrate basic layer cut, length and section tie-ends
 - d. Demonstrate balance and proper finish-up work
 - e. Define razor haircutting
 - f. Demonstrate proper razor haircutting techniques
 - g. Identify types of hairpieces
 - h. Demonstrate proper fit and cut of hairpiece
 - i. Demonstrate proper care of hairpiece
 - 8. Women's Haircutting
 - a. Define women's haircutting
 - b. Describe different lengths and techniques
 - c. Analyze women's features
 - d. Determine style
 - e. Demonstrate methods of cutting and styling techniques
 - 9. Shaving
 - a. Analyze clients' skin and beard
 - b. Define proper facial conditions for shaving
 - c. Perform proper sanitation procedures
 - d. Prepare face for shaving
 - e. Demonstrate standing position and razor strokes
 - f. Demonstrate proper finish procedures
 - g. Demonstrate different beard styles and trimming techniques
 - 10. Massage and Facials
 - a. Identify types of massages and facials
 - b. Discuss types of masks and creams
 - c. Apply masks and creams
 - d. Demonstrate proper hand manipulations
 - 11. Skin and Scalp
 - a. Analyze structure and function of the skin
 - b. Identify and describe types of disorders of the skin and scalp.
 - c. Identify the differences between contagious and non-contagious disorders of the skin and scalp
 - 12. Hair
 - a. Identify functions of hair
 - b. Identify structure of hair
 - 13. Chemicals
 - a. Identify dangers of hair chemicals
 - b. Identify the hair type and appropriate solution
 - c. Identify types of permanent waves
 - d. Demonstrate types of permanent waves
 - e. Determine rod size and demonstrate procedure for wrapping hair
 - f. Identify hair types and appropriate hair relaxer for desired effects
 - g. Identify the hair type and appropriate hair color
 - h. Demonstrate the difference between temporary hair color, semi-permanent, and permanent hair color
 - i. Perform proper mixing of colors
 - j. Demonstrate the typical uses of bleach
 - k. Demonstrate proper application and removal of hair chemicals
 - l. Demonstrate proper processing time for permanent waves, relaxers, color, and bleach
 - 14. Chemistry
 - a. Identify types and definitions of compounds
 - b. Identify the difference between physical mixture and chemical mixture
 - c. Identify the difference between hard and soft water
 - d. Identify types of cosmetics
 - e. Apply cosmetics
 - 15. Anatomy and Physiology
 - a. Identify the different cells and their functions
 - b. Identify and give the functions of each body system
 - 16. Shop Management and Salesmanship
 - a. Identify State Board requirements for shop management
 - b. Identify factors involved in financing, leasing and selecting locations
 - c. Identify personal shop duties
 - d. Set up and maintain records
 - e. Discuss advertising and promotional idea for products
 - 17. Employment Preparation
 - a. Explain the procedure for obtaining and renewing a license to practice
 - b. Describe the role of the barber relating to legal responsibilities
 - c. Prepare a personal resumé
 - d. Complete a job application

NOTICE OF INTENT

Department of Labor Board of Barber Examiners

The Board of Barber Examiners gives notice in accordance with R.S. 49:950 et. seq. and R.S. 37: 341-392, that it intends to amend the following sections in Chapter 1 of LAC 46:VII:

Chapter 1. Shops §119. Sterilization

A. To insure proper sterilization before use on each patron, each barber shall furnish and maintain an adequate supply of tools and instruments, such as clipper blades and attachments, combs, shampoo brushes, hair brushes, styling brushes, shears, razors, tweezers, neck dusters, hones, strops, head coverings or hair trainers or any other tool or instrument used in barbering.

B. 1. Acceptable means of Sterilization and Disinfection are:

- a. Ultra Violet Lights,
 - b. Household laundry bleach (100 parts per million of available chlorine),
 - c. Ethyl or isopropyl alcohol (70-90 percent)
 - d. Sodium Hypochlorite (100 ppm available chlorine),
 - e. Phenolic germicidal detergent solution (1 percent aqueous solution of concentrate),
 - f. Quaternary ammonium germicidal detergent solution (2 percent aqueous solution of concentrate),
 - g. Barbicide (or its equivalent)
2. Exposure time of greater than 10 minutes to any of the above chemicals is required.

3. An acceptable procedure is a wash, rinse and sanitation process. This means a wash in hot water with a suitable soap or detergent; rinsing in warm water to remove detergent; then a final rinse in a disinfectant. Household laundry bleach is the most commonly available and easily used disinfectant. The disinfectant solution should be made up to strength of at least 100 parts per million (ppm) of available chlorine. The implements would then be air dried and stored in a clean enclosed cabinet or drawer.

C. There shall be a wet sterilizer and a dry cabinet sterilizer for each barber chair and proper compounds supplied for their use. Wet sterilizers must be large enough to completely immerse combs and instruments placed therein. Cabinet sterilizers shall be kept clean and orderly and must not be used for storage of supplies, letters, papers, etc., and shall be no less than 1200 cubic inches in size. Drawers that are less than 1200 cubic inches in size shall not be used as cabinet sterilizers.

D. The use of approved electrical light (two barbers may use one electric light cabinet) or chemical cabinet sterilizers are allowed in lieu of cabinet sterilizers.

E. The sterilization of all tools and instruments shall be accomplished after use on each customer and before tools and instruments are re-used. No tools shall be left exposed on work stand, but shall be cleaned and placed in a sterilizing cabinet with approved disinfectant when not in use. Combs and brushes shall not be kept in pockets of barbers uniform.

Persons wishing to make comments and responses may do so by contacting: Kathy Berry, Louisiana Board of Barber Examiners, 1000 Scenic Highway, Baton Rouge, LA 70802. This can be done by writing or in person between 8:30 a.m. and 4 p.m. until August 28, 1987.

On Monday August 31, 1987, at 10 a.m. a public hear-

- e. Describe procedure for resignation
- f. Write a letter of resignation
- g. Participate in a mock interview
- h. Discuss Equal Opportunity Employment provisions and Affirmative Action policies in the work place
- i. Promote public relations within the work place
- j. Discuss State Board Exam review
- k. Discuss the transition from barbering school to the work place
- l. Establish benefits provided by the shop or available through the shop
- m. Discuss with shop owner methods used to pay income taxes and Social Security taxes

Persons wishing to make comments and responses may do so by contacting: Kathy Berry, Louisiana Board of Barber Examiners, 1000 Scenic Highway, Baton Rouge, LA 70802. This can be done by writing or in person between 8:30 a.m. and 4 p.m. until August 28, 1987.

On Monday August 31, 1987, at 10 a.m. a public hearing will be held at Claude's Barber Shop, located at 2538 Williams Boulevard, Kenner, LA 70062 for interested persons to present their views on these rules.

Kathy Berry
Secretary

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Barber Board Barber Schools

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

There should be no additional costs from the implementation of this amendment. There are 5 barber schools in this state, 3 are state vocational schools which are to be using this curriculum as required by their board. The additional 2 schools should find this helpful in fine tuning their training.

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 because these rules clarify existing procedures and will not require any additional expenses to those affected.

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

Adoption of these rules will not have additional cost or economic benefits to affected persons or non-governmental groups because these rules simply detail existing rules and will not require any additional expenses to those affected. The same textbook and materials will be used.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

These rules will have no effect on competition and employment because all affected will be treated uniformly.

Kathy Brown Berry
Secretary

David W. Hood
Legislative Fiscal Analyst

ing will be held at Claude's Barber Shop, located at 2538 Williams Boulevard, Kenner, LA 70062 for interested persons to present their views on these rules.

Kathy Berry
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Barber Shop Board**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no anticipated costs or savings in implementing these rules. The existing staff can handle the work load associated with these rules.
- 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, because these rules clarify existing procedures and will not require any additional expenses to those affected.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
Adoption of these rules will not have any additional cost or economic benefits to affected persons or non-governmental groups, because these rules simply clarify existing rules and policy, they will not require any additional expenses to those affected.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
These rules will have no effect on competition and employment because all affected will be treated uniformly.

Kathy Brown Berry
Secretary

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

**Department of Natural Resources
Legal Division**

The secretary of the Department of Natural Resources hereby does give notice, in accordance with the Administrative Procedure Act, that he intends to adopt rules and regulations further implementing Act 233 of 1984, and implementing Act 819 of 1985 and Act 644 of 1987, all pertaining to return of Bohemia Spillway lands.

Copies of the proposed rules and regulations may be obtained by calling the Legal Division of the Department of Natural Resources (504)342-0126, or by writing to the Legal Division, Box 94396, Baton Rouge, LA 70804-9396. The text of the rules and regulations may be viewed at the Department of Natural Resources, Legal Division, Room 1315, 625 North Fourth Street, Baton Rouge, LA 70802.

Written comments regarding these rules and regulations may be submitted no later than September 20, 1987, and may

be mailed to the Legal Division, Box 94396, Baton Rouge, LA 70804-9396.

B. Jim Porter
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Return of Bohemia Spillway Lands**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
In implementing the rule in FY 87-88, DNR will incur costs of approximately \$100,000 (expenditures for professional and personal services, equipment and supplies). The Board of Commissioners of the Orleans Levee District may sustain costs as it complies with the requirements of Section 4 of Act 819 of 1985 and Act 644 of 1987.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Exploration for and production of minerals within the Bohemia Spillway provide revenues to the Board of Commissioners of the Orleans Levee District. If and when title to those lands is returned to former owners, the revenues which averaged \$4.3 million during the period of July 1984 - July 1987 (or a total of approximately \$13 million), will no longer be available to the local governmental unit. Additionally, the proposed rule also provides that the costs may be apportioned among all applicants; however, the revenues to be collected will be set by a future rule.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
Total revenues produced from the 33,000 plus acres of the Bohemia Spillway averaged \$4.3 million per year during the period of July 1987 - July 1987, or a total of \$13 million. These revenues will be divided among persons proving their right to have returned to them lands owned by their ancestors. Actual costs of administering claims will be assessed against these persons by way of a rule which DNR will promulgate sometime in the future.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
The effect on competition and employment is impossible to determine; however, due to the revenue decrease, there may be an impact on the Orleans Levee District.

F. Carl Rowan
Undersecretary

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

**Department of the Treasury
Board of Trustees
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 amend the Plan Document of benefits, effective January 1, 1988, as follows:

1. The calendar year deductible be increased to \$300;

2. Remove \$10,000 annual and \$25,000 lifetime maximum reimbursement for mental health and substance abuse treatment;

3. Limit in-patient confinement for mental health and substance abuse to 30 days per year with substance abuse further limited to one confinement per lifetime;

4. Limit outpatient benefits for mental health and substance abuse to 50 visits per year payable at 50 percent with a maximum of \$40 per visit; and with a maximum reimbursement of \$20.00.

5. Restore the 80 percent coinsurance level with the stop loss at \$5,000.

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 October 9, 1987 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: Plan Document**

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

State or local government units will not be impacted by these benefit modifications.

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

Revenue collections of state or local government units will not be affected by these benefit changes.

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

The plan members of this program will be directly affected by the benefit changes in the form of increased benefits payments.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Competition and employment will not be affected by these changes.

James D. McElveen
Executive Director

David W. Hood
Legislative Fiscal Analyst

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 amend the July 1, 1985, Plan Document of benefits as follows:

1. SCHEDULE OF BENEFITS

Change "In-patient Hospital charges:" to "In-patient Hospital charges authorized through utilization review."

2. SCHEDULE OF BENEFITS

Change "Professional medical services, not to" to "Professional medical services, as authorized through utilization review, not to"

3. ARTICLE 3, Section I - Comprehensive Medical Benefits

C. Benefits for Eligible Medical Expenses (except non-confined alcoholism and/or substance abuse)

After paragraph 2., add:

"NOTE: Hospital charges for confinement as a registered bed patient shall be subject to UTILIZATION REVIEW (Pre-Admission Certification, Continued Stay Review, and Second Surgical Opinion) as set forth in Section II below."

I. Treatment of Alcoholism and/or Substance Abuse as a Resident Patient

After first paragraph, add:

"NOTE: Hospital charges for confinement as a registered bed patient shall be subject to UTILIZATION REVIEW (Pre-Admission Certification, Continued Stay Review, and Second Surgical Opinion) as set forth in Section II below."

4. ARTICLE 3, Section II - Second Surgical Opinion

Delete the provisions regarding Second Surgical Opinion and insert as Section II the following:

UTILIZATION REVIEW

Pre-Admission Certification, Continued Stay Review, and Second Surgical Opinion

Pre-Admission Certification (PAC) and Continued Stay Review (CSR) refer to the process used to certify the medical necessity and length of any hospital confinement as a registered bed patient. PAC and CSR are performed by a review organization with which the program has contracted. PAC should be requested by plan members or plan member's dependents through the treating physician for each inpatient hospital admission.

PAC shall include a second surgical opinion when required by the utilization review organization. Such second surgical opinion shall be rendered by a physician approved by the utilization review organization and the cost for the second opinion will be covered at 100 percent. The utilization review firm may, at its option, require a third opinion which will be covered at 100 percent.

Expenses incurred on or after July 1, 1988, for which benefits would otherwise be paid under this plan will be reduced as set forth below unless PAC is requested: (a) at least 14 days prior to the date of admission; or (b) in the case of an emergency admission, within 72 hours after the date of admission.

Benefits otherwise payable under this plan will be reduced to 50 percent for:

-hospital charges incurred during any confinement and professional fees associated with that confinement for which PAC is not performed;

-hospital charges incurred during any confinement and professional fees associated with that confinement for which PAC is performed, which are made for any day in excess of the number of days certified through PAC or CSR;

-hospital charges incurred during any confinement and professional fees associated with that confinement for which PAC was performed, but which was not certified as medically necessary; and

-hospital charges incurred during any confinement and professional fees associated with that confinement for which a second or third surgical opinion was required but not obtained.

In any case, those expenses incurred for which payment is excluded by the terms set forth above will not be considered as

eligible expenses incurred for the purpose of any other part of this plan, except for the "coordination of benefits" provision.

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 October 9, 1987, 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: Utilization Review**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The Utilization Review Program 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 collection of state or local governmental units will not be affected.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
The plan members of this program are the persons directly affected by the Utilization Review Program. These persons would be impacted to the extent that benefits could be reduced if the services received were deemed to not be medically necessary or if utilization review procedures were not followed. This cost containment program could reduce future rate increases which would have a positive effect.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
Competition and employment would not be affected by this rule change.

James D. McElveen
Executive Director

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

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

The alligator industry of Louisiana represents a renewable resource, valuable to the economy providing income to in excess of 1,000 participants for the 31-day harvesting season. The annual harvest of surplus and nuisance animals is in keeping with wise wildlife management techniques based upon scientific research and resulting management.

The regulations governing the taking, tag allotment, sale and shipment of alligators and products for the 1987 season may be viewed at the Quail Drive Office off Perkins Road, Baton Rouge, LA phone: (504) 342-9259. They are also being published in their entirety in the Emergency Rule section of this issue of the *Louisiana Register*.

The department secretary shall be authorized to close, extend or reopen the alligator season as biologically justifiable.

Interested persons may submit written comments on the

proposed rule to Johnnie Tarver, Department of Wildlife and Fisheries, Box 15570, Baton Rouge, LA 70895.

J. Burton Angelle, Sr.
Secretary

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

Rule Title: 1987-88 Annual Alligator Harvest Program

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Annual cost of implementation was approximately \$1,000 in 1986 for tabs and forms in compliance with CITES (Convention on International Trade in Endangered Species) and federal export regulations. A like amount is budgeted in 1987-88 for this purpose.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The alligator severance tax (\$0.25 per skin) generated \$5,000 to the Conservation Fund in 1986-87. Wildlife and Fisheries estimates the same amount of collections in 1987-88 under this proposed rule.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
Annual harvest of alligators at the trapper level is approximately \$4,500,000. This income may be multiplied as the skins move through commerce from the harvester, landowner, fur buyer, fur dealer, tannery, fabricator, dresser, wholesaler and finally the retailer.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
The AHP stimulates employment in the entire state especially in areas of largest harvest, i.e., coastal parishes. Approximately 20,000 hides and 500,000 pounds of meat enter commerce as a result of the AHP. Temporary employment far in excess of 1,000 persons will result.

Mary Mitchell
Chief Fiscal Officer

David W. Hood
Legislative Fiscal Analyst

Potpourri

POTPOURRI

**Department of Agriculture and Forestry
Horticulture Commission**

The next retail floristry examinations will be given at 10 a.m. daily at the Vo-Tech School in Shreveport, Louisiana on October 20-23, 1987. The deadline for getting in application and fee is October 2, 1987. All applications must be in the Horticulture Commission office no later than 4:30 p.m. on that date.

Further information concerning examination may be obtained from Craig M. Roussel, Director, Horticulture Commis-

sion, Box 44517, Capitol Station, Baton Rouge, Louisiana 70804, phone (504) 925-7772.

Bob Odom
Commissioner

POTPOURRI

Department of Health and Human Resources Office of Family Security

Effective July 1, 1987, the Medical Assistance Program rates for private Title XIX (Medicaid) SNF and ICF services are as follows:

Skilled Nursing Facility	\$40.80 per day of care.
Intermediate Care Facility I	\$34.95 per day of care.
Intermediate Care Facility II	\$27.33 per day of care.

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

POTPOURRI

Department of Labor Office of Employment Security

NOTICE

Pursuant to Act No. 583 of the Regular Session of the 1975 Louisiana Legislature, the state's average weekly wage upon which the maximum workmen's compensation weekly benefit amount will be based effective September 1, 1987 has been determined by the Louisiana Department of Labor to be \$348.80.

Gayle F. Truly
Secretary

POTPOURRI

Legislative Fiscal Office

The Administrative Procedure Act requires that fiscal and economic impact statements be prepared by the appropriate agency and approved by the Legislative Fiscal Office prior to the adoption, amendment or repeal of any agency rule (see Section 953 of Title 49 of the Louisiana Revised Statutes). The purpose of this letter is to outline the procedures each agency should follow in complying with the law. These procedures become effective September 20, 1987, which shall be the deadline for submission to this office of impact statements to be published in October 1987.

1. Each notice of intent for the adoption, amendment or repeal of a rule (as defined in R.S. 49:951) which is forwarded to the *Louisiana Register* for publication must be accompanied by a fiscal and economic impact statement which has been approved by the Legislative Fiscal Office. Even if a proposed rule/amendment/repeal is anticipated to have no fiscal or economic impact, a statement to that effect must be submitted to the Legislative Fiscal Office for approval.

2. Preparation of fiscal and economic impact statements is the responsibility of the agency proposing the rule/amendment/repeal. The Legislative Fiscal Office is not authorized to prepare such statements if the proposing agency fails to do so.

3. Fiscal and economic information must be submitted using the required forms or, if so desired, on identical forms reproduced on word processors and printed on legal-size pages. Forms which are not identical will be returned to the agency. If the space provided for responses is insufficient, attach additional pages. These forms may be obtained at the Legislative Fiscal Office, 18th Floor, State Capitol, Baton Rouge, LA 70804.

4. Impact statement forms must be accompanied by the following: (a) a copy of the notice of intent which will be forwarded by the agency to the *Louisiana Register* for publication (b) a copy of the rule proposed for adoption or repeal or, in the case of a rule change, copies of both the current and proposed rules with amended portions indicated and (c) a copy of any federal regulations requiring adoption of the rule or rule change, if applicable. Copies of the notice of intent and the rule or rule change must be identical to those which will be forwarded by the agency to the *Louisiana Register* for publication.

5. Fiscal and economic impact statements must be submitted to the Legislative Fiscal Office by the 20th of the month preceding the agency's planned filing of its "Notice of Intent" to adopt/amend/repeal a rule. If any substantive (non-technical) modifications are made to the language of the rule after its initial submission to the Legislative Fiscal Office (e.g., as a result of comments from the public), it is the responsibility of the agency to forward a copy of the modified rule and a revised fiscal and economic impact statement to the Legislative Fiscal Office for approval prior to a hearing by the appropriate legislative oversight subcommittee.

6. Only those fiscal and economic impact statements which bear the signature of the Legislative Fiscal Officer or his designee will be considered as officially approved. Once an impact statement has been officially approved, no changes are permitted to it or to the accompanying notice of intent and proposed rule.

Signed copies of approved statements will be returned to the agency of origin. It is the agency's responsibility to ensure that copies are forwarded with the notice of intent and proposed rule to the Office of the State Register and to the appropriate legislative oversight subcommittee. At the request of agencies domiciled outside of Baton Rouge, the Legislative Fiscal Office will deliver a copy of an approved impact statement to the *Louisiana Register* for publication.

7. In the event a fiscal and economic impact statement is not approved as submitted, the Legislative Fiscal Office will notify the agency of origin by telephone and will indicate the areas where changes are needed. If the agency agrees to the changes, it must forward a revised impact statement to the Legislative Fiscal Office for approval. If agreement cannot be reached, the Legislative Fiscal Office will notify the agency in writing of required changes to the impact statement.

8. In order to avoid unnecessary delays, the agency should ensure that each fiscal and economic impact statement is complete, grammatically correct and written in complete sentences. The fiscal and economic information contained therein must be clearly stated and well documented. Any assumptions used must be explained in detail.

Each fiscal and economic impact statement should reflect all costs or savings to state or local governmental units resulting from adoption, amendment or repeal of a rule (see worksheet

#I). Costs might include, but are not limited to, the following: printing, postage and distribution of new policies and/or policy manuals; number, type and salaries of additional personnel required; staff training required; additional contractual arrangements needed; increases in travel or other operating expenses; additional equipment needed; increases in the number of clients served or benefits paid. These and any other associated costs should be included regardless of whether or not funds have been appropriated or budgeted for the intended purposes.

If adoption, amendment or repeal of a rule would result in increases or decreases in expenditures of federal funds, this should be reflected under "revenues" as an increase or decrease in federal revenues. The impact on collection of any other revenues, including those paid into the state general fund, should also be listed.

All costs and savings, changes in revenue collections, costs and economic benefits to directly affected persons or non-governmental groups and any effect on competition and employment should be explained in detail on worksheets #I through #IV (pages 3-5 of the fiscal statement). A thorough but concise summary of each worksheet must be provided on page one. The contents of page one will be published in the *Louisiana Register* with the notice of intent.

Page two of the impact statement requires a summary of the rule or rule change and a summary of why the action is being proposed (e.g. state law, federal mandate or agency discretion).

9. Act 11 of the First Extraordinary Session of 1986 prohibits the adoption, amendment or repeal of any rule if it would result in any increase in the expenditure of state funds. There are two exceptions: first, adoption as an emergency rule and, second, a specific appropriation by the Legislature for the increased expenditure. It should be noted that the Attorney General has issued an opinion (#87-209) which indicates that the budgeting of funds by BA-7 is not considered a "specific appropriation" for the purposes of Act 11.

The fiscal and economic impact statement form (page two) has been revised to address the issues raised by Act 11 and to provide relevant information to legislative oversight subcommittees. Such subcommittees are charged with the statutory responsibility of determining during the course of a rules review hearing if a rule change conforms to all applicable provisions of law and of the constitution (R.S. 49:968D(3)(b)). Although this information will be required in order to process the fiscal and economic impact statements, final determinations of compliance with Act 11 will not be made by the Legislative Fiscal Office. Such determinations may, however, be made by the appropriate legislative oversight subcommittee based upon information provided in the impact statement.

If you have any questions about the requirements of the Administrative Procedure Act or about these procedures, contact Ron Henson or the analyst assigned to your agency.

Ron J. Henson
Deputy Legislative Fiscal 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, published in the *Louisiana Register* on August 20, 1980, notice is given that 43 claims amounting to \$75,749.23 were received during the month of July, 1987. No claims were paid during the month of July.

The following claims are the subjects of public hearings to be held at the locations indicated:

Friday, August 28, 1987, at 10:00 a.m., in the Jefferson Davis Parish, Police Jury Meeting Room, Courthouse, Jennings, LA

CLAIM NO. 86-3441

Mike Talley, of Rt. 1, Box 434, Jennings, LA 70546, while trawling on the vessel, "STAR LIGHT," in Calcasieu Lake, located 1/2 mile N/W of tank battery, Cameron Parish, encountered an unidentified submerged obstruction on June 15, 1986. Causing damage and/or loss. Amount of Claim: \$746.79

CLAIM NO. 86-3990

Lonnie Laviolette, of Rt. 2, Box 2332, Abbeville, LA 70510, while trawling on the vessel, "SEALIFE," in the Gulf of Mexico, off of Grand Chenier, at approximate LORAN-C readings of 26,845.5 and 46,967.4, encountered an unidentified submerged obstruction on December 12, 1986. Causing damage and/or loss. Amount of Claim: \$4,214.75

CLAIM NO. 87-4038

Floyd Stanley, of P. O. Box 38, Hackberry, LA, 70645, while trawling on the vessel, "MISS PEGGY GAL," in the Gulf of Mexico, at approximate LORAN-C reading of 26,930.0 and 46,966.3, Cameron Parish, encountered an unidentified submerged obstruction on December 2, 1986. Causing damage and/or loss. Amount of Claim: \$750.

CLAIM NO. 87-4103

Ernest Chapman, of P. O. Box 981, Sulphur, LA 70664, while trawling on the vessel, "LA 8541 BG," in Big Lake, 1/4 mile South of Texaco Pumping Station, Cameron Parish, encountered a submerged pipeline on April 9, 1987. Causing damage and/or loss. Amount of Claim: \$1,766.44

CLAIM NO. 87-4130

Alfred G. Trahan, of P. O. Box 673, Cameron, LA 70631, while trawling on the vessel, "LA 5216 AK," in the Gulf of Mexico, 1/2 mile off beach, 1/2 mile west of Calcasieu Jetties, Cameron Parish, encountered an unidentified submerged obstruction on May 13, 1987. Causing damage and/or loss. Amount of Claim: \$577.50

CLAIM NO. 87-4174

Jimmie & Carl Leger, of Voyager Marine, Inc., 710 W. Pine, Erath, LA 70533, while trawling on the vessel, "BROTHER'S PRIDE," in the Gulf of Mexico, east of Shell Keys, at approximate LORAN-C readings of 27,465.4 and 46,915.2, Vermilion Parish, encountered an unidentified submerged obstruction on May 27, 1987. Causing damage and/or loss. Amount of Claim: \$2,041.31

CLAIM NO. 87-4128

Allen A. Trahan, Jr., of Star Route B, Box 414A, Franklin, LA 70538, while trawling on the vessel, "T-NEG," in Tee Butte, west side of southwest Pass, at approximate LORAN-C readings of 27,331.9 and 46,948.9, Vermilion Parish, encountered an unidentified submerged obstruction on May 14, 1987. Causing damage and/or loss. Amount of Claim: \$672.43

CLAIM NO. 87-4131

Ira A. Vincent, of P. O. Box 335, Lake Arthur, LA 70549, while trawling on the vessel, "LADY AMY," off of Roll Over Bayou, Vermilion Parish, encountered an unidentified submerged obstruction on May 5, 1987. Causing damage and/or loss. Amount of Claim: \$5,000.

CLAIM NO. 87-4173

Ellis J. Schouest, Jr., of Star Route B., Box 415A, Franklin, LA 70538, while trawling on the vessel, "CAPTAIN MICHAEL," 1-1/4 mile south of Marsh Island around Shell Keys, at approximate LORAN-C readings of 27,447.8 and 46,921.3, St. Mary Parish, encountered an unidentified submerged obstruction on May 10, 1987. Causing damage and/or loss. Amount of Claim: \$1,073.04

CLAIM NO. 87-4046

David Broussard, of P. O. Box 834, Cameron, LA 70631, while trawling on the vessel, "JEHOVAH JIREH," in the Gulf of Mexico, 1/4 mile west of Calcasieu Jetties, one mile from bank, Cameron Parish, encountered a submerged steel cable on December 15, 1986. Causing damage and/or loss. Amount of Claim: \$750.

CLAIM NO. 87-4047

David Broussard, of P. O. Box 834, Cameron, LA 70631, while trawling on the vessel, "JEHOVAH JIREH," in the Gulf of Mexico, 3/4 mile west of Jetties, 3/4 mile off beach, Cameron Parish, encountered an unidentified submerged obstruction on December 17, 1986. Causing damage and/or loss. Amount of Claim: \$700.

CLAIM NO. 86-3841

Payment previously made to claimant, Jim Richard, Sr, of 306 East Church Street, Delcambre, LA 70528. However, on March 10, 1987, claimant discovered damage to the vessel's radar, which damage is directly connected with the earlier claim. Amount of Claim: \$1,299.

Thursday, September 3, 1987 at 10:30 a.m., in the Police Jury Office, 8201 West Judge Perez Drive, in Chalmette, LA.:

CLAIM NO. 87-4076

Bernel Prout, of Rt. 1, Box 83, Buras, LA 70041, while trawling on the vessel, "NORTH STAR," in Blind Bay, Plaquemines Parish, encountered an unidentified submerged obstruction in January, 1987. Causing damage and/or loss. Amount of Claim: \$2,785.58

CLAIM NO. 87-4092

Ricky Robin, of Rt. 2, Box 502, St. Bernard, LA 70085, while trawling on the vessel, "LIL RICK," in Breton Sound, at approximate LORAN-C readings of 29,008.3 and 46,939.1, St. Bernard Parish, encountered an unidentified submerged obstruction on June 5, 1987. Causing damage and/or loss. Amount of Claim: \$3,137.70

CLAIM NO. 87-4094

Roger D. Cornwall, of Rt. 1, Box 757, St. Bernard, LA 70085, while trawling on the vessel, "FAMILY AFFAIR," in Black Bay, Plaquemines Parish, encountered an unidentified submerged obstruction on March 15, 1987. Causing damage and/or loss. Amount of Claim: \$2,231.03

CLAIM NO. 87-4098

Noel A. Usannaz, of 4582 Burton Road, New Orleans, LA 70129, while trawling on the vessel, "GROS COMME CA," in Chef Pass from Lake Borgne to Lake Pontchartrain, Orleans Parish, encountered an unidentified submerged obstruction on April 4, 1987. Causing damage and/or loss. Amount of Claim: \$2,835.20

CLAIM NO. 87-4101

Leslie Robin, of 2404 Warbler Dr., St. Bernard, LA 70085, while setting out crab traps on the vessel, "LA 3910 BE," in Bayou Caskett, Plaquemines Parish, encountered an unidentified submerged obstruction on April 7, 1987. Causing damage and/or loss. Amount of Claim: \$2,338.16

CLAIM NO. 87-4106

Vernon E. Alfonso, Sr., of Rt. 1, Box 776, St. Bernard, LA 70085, while trawling on the vessel, "UNCLE VERNON," in Black Bay, Plaquemines Parish, encountered a submerged drill pipe on January 27, 1987. Causing damage and/or loss. Amount of Claim: \$5,000.

CLAIM NO. 87-4107

Daniel Morales, Jr., of Rt. 1, Box 812, St. Bernard, LA 70085, while trawling on the vessel, "DANIELLE MARIE," in Rock Bayou, Plaquemines Parish, encountered an unidentified submerged obstruction on April 17, 1987. Causing damage and/or loss. Amount of Claim: \$1,185.24

CLAIM NO. 87-4108

Kevin A. Morales, of 1825 Linda Lou St. Bernard, LA 70085, while trawling on the vessel, "CAROL ANN," in Lake Lery, St. Bernard Parish, encountered an unidentified submerged obstruction on April 28, 1987. Causing damage and/or loss. Amount of Claim: \$1,743.59

CLAIM NO. 87-4109

Luke Petrovich of 7231 Springlake Drive, New Orleans, LA 70126, while trawling on the vessel, "NEDJELKA," in the Barataria Waterway Channel, Jefferson Parish, encountered a submerged piling on April 9, 1987. Causing damage and/or loss. Amount of Claim: \$4,097.67

CLAIM NO. 87-4114

James F. Franklin, Sr., of Rt. 15, Box 158, Slidell, LA 70461, while trawling on the vessel, "MISS VERA," in the Gulf of Mexico, off of Barataria Pass, Jefferson Parish, encountered an unidentified submerged obstruction on May 2, 1987. Causing damage and/or loss. Amount of Claim: \$490.69

CLAIM NO. 87-4137

George Miller, of 2120 Farmsite Road, Violet, LA 70092, while fishing for crabs on the vessel, "LA 9487 BE," in Lake Lery, St. Bernard Parish, encountered an unidentified submerged obstruction on May 19, 1987. Causing damage and/or loss. Amount of Claim: \$2,359.62

CLAIM NO. 87-4120

Arnold J. Rodriguez, of 2100 Venice Place, Violet, LA 70092, while trawling on the vessel, "OUR GRAND KIDS," in Bayou Terre, St. Bernard Parish, encountered an unidentified submerged obstruction on May 1, 1987. Causing damage and/or loss. Amount of Claim: \$3,695.25

CLAIM NO. 87-4138

Lambert R. Duncan, of P. O. Box 214, Boothville, LA 70038, while trawling on the vessel, "MR. DUNCAN," in Main Pass Area, at approximate LORAN-C readings of 28,984.4 and 46,883.4, Plaquemines Parish, encountered an unidentified submerged obstruction on May 15, 1987. Causing damage and/or loss. Amount of Claim: \$900.

CLAIM NO. 87-4175

Marcel Regnier, of P. O. Box 706, Violet, LA 70092, while trawling on the vessel, "EVE," in Christmas Camp Lake, St. Bernard Parish, encountered an unidentified submerged obstruction on June 7, 1987. Causing damage and/or loss. Amount of Claim: \$1,403.28

CLAIM NO. 87-4184

Nicholas J. Mones, Sr., of 2709 Volpe Drive, Chalmette, LA 70043, while trawling on the vessel, "LADY DEBBIE," in Breton Sound, at approximate LORAN-C readings of 29,061.4 and 46,939.2, St. Bernard Parish, encountered an unidentified submerged obstruction on June 11, 1987. Causing damage and/or loss. Amount of Claim: \$2,353.

CLAIM NO. 87-4090

Darryl Eymard, Sr., of P. O. Box 608, Buras, LA 70041, while trawling on the vessel, "CAPT. DARRYL," in the Gulf of Mexico, at approximate LORAN-C readings of 28,644.4 and 46,825.6, Plaquemines Parish, encountered an unidentified submerged obstruction on November 21, 1986. Causing damage and/or loss. Amount of Claim: \$446.
CLAIM NO. 87-4091

Darryl Eymard, Sr., of P. O. Box 608, Buras, LA 70041, while trawling on the vessel, "CAPT. DARRYL," in the West Delta Area, at approximate LORAN-C readings of 28,707.8 and 46,784.1, Plaquemines Parish, encountered a submerged three inch pipe on March 13, 1987. Causing damage and/or loss. Amount of Claim: \$664.25

Friday, September 18, 1987, at 2:30 p. m., in the Louisiana State University Cooperative Extension Service Office, 511 Roussel Street, Houma, LA.:
CLAIM NO. 86-3725

Houston Trahan, of Star Route Box 513, Chauvin, LA 70344, while trawling on the vessel, "REBECCA LYNN," in Bay St. James, Terrebonne Parish, encountered a submerged pipe on September 11, 1986. Causing damage and/or loss. Amount of Claim: \$661.
CLAIM NO. 87-4070

Randy P. Blanchard, of 112 Emily St., Montegut, LA 70377, while enroute back from crabbing on the vessel, "MISS BRANDY" about 90 feet northeast of Bay Round Tank Battery, Terrebonne Parish, encountered an unidentified submerged obstruction on February 13, 1987. Causing damage and/or loss. Amount of Claim: \$511.76
CLAIM NO. 87-4089

Alton Pitre, of 750 Peach St., Houma, LA 70360, while trawling on the vessel, "AL JOHN," eight miles southwest of Grand Calliou Bayou, Terrebonne Parish, encountered an unidentified submerged obstruction on March 13, 1987. Causing damage and/or loss. Amount of Claim: \$381.44
CLAIM NO. 87-4099

Ernest Autin, Jr., of 1763 Hwy. 55, Montegut, LA 70377, while crabbing on the vessel, "LA 2123 AZ," in Wonder Lake, Terrebonne Parish, encountered a submerged pipeline on April 11, 1987. Causing damage and/or loss. Amount of Claim: \$2,950.
CLAIM NO. 87-4110

Keith Hebert, of 2040 Hwy. 55, Montegut, LA 70377, while running crab traps on the vessel, "LA 2627 BD," in Bayou Barre', Terrebonne Parish, encountered a submerged iron pipe on May 2, 1987. Causing damage and/or loss. Amount of Claim: \$2,087.81
CLAIM NO. 87-4121

Daniel J. Cheramie, of 580 Crochetville Road, Montegut, LA 70377, while trawling on the vessel, "LA 8030 BR," in Madison Bay, Terrebonne Parish, encountered a submerged pipe on April 20, 1987. Causing damage and/or loss. Amount of Claim: \$5,000.
CLAIM NO. 87-4125

Adam J. Fitch, of Rt. 1, Box 849-A, Dulac, LA 70353, while trawling on the vessel, "VIOLA B," in Shell Keys by South Point, Vermilion Parish, encountered a submerged piling on May 9, 1987. Causing damage and/or loss. Amount of Claim: \$820.
CLAIM NO. 87-4141

Jerrald Guilliams, of 12321 Lake LaBelle Circle, Baton Rouge, LA 70816, while trawling on the vessel, "RIENELL,"

west of Cypermort Point in Vermilion Bay, St. Mary Parish, encountered an unidentified submerged obstruction on May 25, 1987. Causing damage and/or loss. Amount of Claim: \$937.83
CLAIM NO. 87-4165

Vernon J. Naquin, Sr., of 536 Engeron St., Houma, LA 70363, while trawling on the vessel, "NINEVEH," in Lake Pelt next to Whiskey Pass, Terrebonne Parish, encountered an unidentified submerged obstruction on June 6, 1987. Causing damage and/or loss. Amount of Claim: \$1,015.
CLAIM NO. 87-4185

Didia Guidry, of P. O. Box 235, Montegut, LA 70377, while trawling on the vessel, "DADDY S GIRL," from Humble Bridge to Wonder Lake, Terrebonne Parish, encountered a submerged pipe and valve on June 12, 1987. Causing damage and/or loss. Amount of Claim: \$4,407.48
CLAIM NO. 87-4186

Arthur R. Little, Jr., 43115 Hwy. 621, Gonzales, LA 70737, while trawling on the vessel, "MAMA JO," in Bay Sainte Elaine, Terrebonne Parish, encountered a submerged piling on June 16, 1987. Causing damage and/or loss. Amount of Claim: \$531.25
CLAIM NO. 87-4187

Stephen J. Dardar, Rt. 1, Box 139, Chauvin, LA 70344, while enroute to go oystering on the vessel, "MISS TINA," Terrebonne Parish, encountered a submerged pipe on March 30, 1987. Causing damage and/or loss. Amount of Claim: \$1,673.44
CLAIM NO. 87-4207

Wade J. Trahan, Sr., of 3221 Llano Drive, Bourg, LA 70343, while trawling on the vessel, "WADE JR.," in Pointe-Au-Fer, at approximate LORAN-C readings of 27,761.6 and 46,887.8. Terrebonne Parish, encountered an unidentified submerged obstruction on June 16, 1987. Causing damage and/or loss. Amount of Claim: \$1,722.31
CLAIM NO. 87-88-39

Wilson M. Naquin, of P. O. Box 132, Bourg, LA 70343, while trawling on the vessel, "MISS ERICA," in Lake Barre, Terrebonne Parish, encountered an unidentified submerged obstruction on June 30, 1987. Causing damage and/or loss. Amount of Claim: \$573.75
CLAIM NO. 87-88-72

Milton P. Matherne, Sr., of 4953 Shrimpers Row, Houma, LA 70363, while trawling on the vessel, "MISS LOLA," out of Grand Pass, Terrebonne Parish, encountered an unidentified submerged obstruction on July 15, 1987. Causing damage and/or loss. Amount of Claim: \$494.06
CLAIM NO. 87-4093

Harris A. Lee, of P. O. Box 371, Galliano, LA 70354, while trawling on the vessel, "GULF WAVE," in Empire Canal, 1000 ft. south of Empire Locks, Plaquemines Parish, encountered an unidentified submerged obstruction on March 23, 1987. Causing damage and/or loss. Amount of Claim: \$2,018.61

Any person may submit evidence or make objections in person at the hearings. Written comments can be mailed to: Administrator, Fishermen's Gear Compensation Fund, Box 94396, Capitol Station, Baton Rouge, Louisiana 70804, and must be postmarked no later than seven days after the hearing(s).

B. Jim Porter
Secretary

**CUMULATIVE INDEX
(Volume 13, Number 8)**

1987

<i>Pages</i>	<i>Issue</i>
1— 68	January
69— 144	February
145— 214	March
223— 282	April
285— 329	May
337— 381	June
387— 415	July
423— 472	August

AGRICULTURE AND FORESTRY DEPARTMENT

Agricultural and Environmental Sciences, Office of

Quarantine, annual, 271P, 327P
Quarantine, honeybee tracheal mite, 273P
Seed Commission 155R, 232R

Agricultural Industry Board

Market participant incentive payment, 337ER

Agro-Consumer Service, Office of

Agricultural Commodities Commission
Self-Insurance, 30N, 234R
Weights and Measures Commission, 32N, 157R

Animal Health Services, Office of

Livestock Sanitary Board
Brucellosis certification and recertification, 398N
Brucellosis testing, 399N
Sale of cattle by dealers, 400N
Sales and movement of livestock, 400N

Forestry, Office of

Timber stumpage values (1987), 432R
Tree seedlings, 361N, 432R

Horticulture Commission

Landscape architecture deadline, 136P
Retail Floristry Examination, 136P, 327P, 468P

Management and Finance, Office of

Ag Industry Board
Certified market participant payments, 152ER
Ethanol production, 10R, 189N
Central Registry, 34N, 159R, 189N, 440N

State Market Commission

Loans, 77R

CIVIL SERVICE DEPARTMENT

Civil Service Commission

Layoffs during system transition, 3ER, 36N
New pay system transition problem resolution, 391ER
Pay upon promotion, 427ER, 443N
Public hearing, 250N

Ethics for Elected Officials, Board of

Campaign finance disclosure, 35N, 236R

COMMERCE DEPARTMENT

Certified Public Accountants, Board of

CPE credit, 13R

Certificate, license, prohibited acts, 13R
Educational requirements, 13R
Fee assessment, 13R, 82R

Certified Shorthand Reporters, Board of Examiners of

Certification period, 273P
Statewide board formation, 273P

Commerce and Industry, Office of

Applicant fees, 37N
Enterprise Zone, 191N, 289R
Loan policy, 37N

Financial Institutions, Office of

License application, 328P
Securities-Registration exemption, 40N
Securities sale by bank holding companies, 160R

Racing Commission

Alcohol abuse testing, 4ER, 41N, 289R
Apprentice engaged before claiming allowance, 153ER, 191N, 340R
Dangerous substances testing, 4ER, 42N, 289R
Definitions, 192N, 340R
Elimination of horses-too many entries, 4N, 115N, 289R
Entry in assoc. which one has interest, 192N, 340R
Furnish jockey name, 313N, 432R
Horsemen's bookkeeper, 41N, 289R
Jockey fee schedule, 116N
Jockey name on program, 313N, 432R
Masculine; feminine; singular; plural, 4ER, 116N, 289R
Rider chooses not to ride, 314N, 339ER, 392R, 433R
Rider on two horses, 313N
Stable telephone, 338ER, 362N
Steward duties, 14R
Trainer entry, more than one owner's horse 153ER, 193N, 340R
Two races on a day, 42N
Use of appliance to start, 14R

Secretary, Office of

Industrial Development Prospect Fund, 361N

CULTURE, RECREATION AND TOURISM DEPARTMENT

State Library, Office of

State aid grant, 314N, 392R

State Museum, Office of

Admission fees, 61CR, 82R
Building rental, 83R

EDUCATION DEPARTMENT

Elementary and Secondary Education, Board of

Art I, prerequisite, 443N
Bulletin 741
Alternative schools, 14R
Curriculum guides, 14R
Minimum session/instructional time, 116N, 290R
Ninth grade class time, 363N
Principles of technology, 253N, 393R
Publications, 287ER, 316N, 433R
Science courses, 253N, 393R

CR—Committee Report

**E—Errata EO—Executive Order ER—Emergency Rule
L—Legislation N—Notice of Intent P—Potpourri
PPM—Policy and Procedure Memorandum R—Rule**

Senior student dismissal, 339ER, 363N
 Two subjects per period, 14R
 Bulletin 746
 Certification of school personnel, 444N
 School psychologist guidelines, 363N
 Bulletin 1196
 Food and Nutrition, 250N, 393R
 Bulletin 1213
 School bus standards, 117N, 291R
 Bulletin 1525
 Personnel Evaluation Accountability, 364N
 Bulletin 1802
 Algebra, introduction to, 315N, 433R
 Bulletin 1812
 Principles of Technology Curriculum Guide, 401N
 Carl D. Perkins funds, 365N
 Drug free schools/communities, 153ER, 193N, 340R
 Env. Science, World/Amer. Hist., W. Civilization, MAP
 Supplement Curriculum guides, 83R
 Kindergarten developmental readiness, 43N, 229ER,
 236R, 250N, 393R
 Materials of Instructions and Textbooks
 Bureau, 365N
 Migrant Education State Plan, 251N, 393R
 Noncertified school personnel hiring, 427ER, 444N
 Nonpublic school standards, 251N, 366N, 393R
 Norm-referenced testing, 367N
 Nutrition and training, 160R
 Principal/assistant principal salary, 367N
 Property management - EDGAR, 401N
 Proprietary School Commission
 Advertising policy 445N
 Agents, 449N
 Cancellation/refund policy, 451N
 Licensure exemption, 452N
 Psychologists guidelines, 160R
 Special Education State Plan
 Preschool grant, 317N, 433R
 Teacher aide/paraprofessional salary, 161R
 Temporary employment permit, 428ER, 444N
 Textbooks display, 254N, 393R
 Tuition exemption continuing education, 445N, 428ER
 Tuition fee expenditure, 160R
 Vocational - Technical School
 Bus Transportation (Postsecondary) 84R
 Fee Schedule, 84R
 Funds raised by students, 236R
 Regional Coordination, 84R
 Resident/Nonresident (Postsecondary), 84R

**Educational Employees Professional
 Improvement Program**

PIPS, 254N

ENVIRONMENTAL QUALITY DEPARTMENT

Air Quality and Nuclear Energy, Office of

Radiation, 452N

Secretary, Office of

Hazardous waste, 367N, 433R

Permit hearing costs/Escrow account, 44N, 209CR, 237R

Solid and Hazardous Waste, Office of

Clarified rules, 84R

Fees, 85R

Hazardous waste, 367N, 433R

Permit hearing costs/escrow account, 237R

Small quantity generators, 118N, 237R, 270CR

Underground storage tank, 85R, 135CR

Water Resources, Office of

Construction grants priority system, 401N

EXECUTIVE ORDERS

EWE 86-38—Creates Emergency Response Commission, 71
 EWE 86-39—Allocates unused private activity volume to certain
 carryforward projects, 3
 EWE 86-40—Rescinds certain flood control and drainage prior-
 ity funds and reverts funds to General Fund, 3
 EWE 87-1—Directs Department of Natural Resources to admin-
 ister the Weatherization Assistance Program, 71
 EWE 87-2—Restores \$500,000 to Agriculture Department, 72
 EWE 87-3—Amends EWE 86-39—Allocates unused private ac-
 tivity volumes, 72
 EWE 87-4—Places Building and Grounds' accounting and pur-
 chasing activities under the commissioner of admin-
 istration, 72
 EWE 87-5—Adds additional representation to the Emergency
 Response Commission, 72
 EWE 87-6—Reduces the budget and transfers certain fund bal-
 ances to the General Fund, 72
 EWE 87-7—Rescinds EWE 87-1 placing Weatherization Assist-
 ance Program under the Natural Resources Depart-
 ment, 74
 EWE 87-8—Freezes the number of state employees, freezes
 agency expenditures for out-of-state travel, profes-
 sional services, supplies and equipment, 74
 EWE 87-9—Reduces the number of state vehicles, 74
 EWE 87-10—Creates the Save Our Coastline Commission
 (SOCC), 75, 147
 EWE 87-11—Directs the restoration to sale certain state lands,
 147
 EWE 87-12—Directs the reduction of automobiles and light duty
 pick-up trucks, 148
 EWE 87-13—Amends EWE 87-8 freezing hiring; expenditures
 for out-of-state travel, professional services, supplies
 and equipment, 148
 EWE 87-14—Designates the Louisiana Housing Finance Agency
 to allocate low-income housing credit ceiling, 149
 EWE 87-15—Creates The Governor's Advisory Council on
 Drug-Free Schools and Communities within DHHR,
 149
 EWE 87-16—Establishes The Louisiana-Nigeria Cooperative
 Agriculture Commission, 150
 EWE 87-17—Establishes a blue ribbon panel to assist in solving
 the gypsum disposal problems, 151
 EWE 87-18—Modifies method for allocation of private activity
 bonds, 223
 EWE 87-19—Rescinds and restores reduction applied to DOTD
 in EWE 86-31, 225
 EWE 87-20—Creates Drug Policy Board, 226
 EWE 87-21—Directs the Drug Policy Board to be composed of
 15 members, 226
 EWE 87-22—Amends Section 2(a) of EWE 87-10 regarding
 Save Our Coastline Commission (See EWE 87-
 25),226
 EWE 87-23—Procedures for procurement of small purchases,
 226

- EWE 87-24—Amends Section 1 of EWE 87-17 - Designating members of blue ribbon panel, 228
- EWE 87-25—Amends Section 2(a) of EWE 87-10 - Designating members of Save Our Coastline Commission, 228
- EWE 87-26—Authorizes the Office of Telecommunications Management to control and coordinate telecommunication procurement for the executive branch of state government, 285
- EWE 87-27—Directs DNR to establish and maintain a state lands and waterbottoms information repository, 285
- EWE 87-28—Creates "RAN Sinking Fund" subaccount within the General Fund of the Treasury, 286
- EWE 87-29—Amends EWE 87-6 by rescinding \$6,500,000 of the reduction applied to DOTD, 337
- EWE 87-30—Amends EWE 87-5 by adding one member to the Emergency Response Commission, 337
- EWE 87-31—Amends EWE 87-6, reduction of appropriations for the Dept. of Agriculture and Forestry, 389
- EWE 87-32—Amends EWE 87-6, reductions in appropriations for LSU-BR, UNO and LSU Ag Center, 389
- EWE 87-33—Directs the Louisiana Housing Finance Agency to administer Housing Development Grants (HDG's), 389
- EWE 87-34—Requires revised budgets to be submitted to Commissioner of Administration by August 15, 1987, 425
- EWE 87-35—Exempts PIPS from the five percent reduction order by EWE 87-34, 425

GOVERNOR'S OFFICE

Division of Administration

- Commissioner's Office
 - PPM No. 71 - Incentive Awards Program, 390, 425
- Contractual Review
 - Process, 87R
- Property Control
 - Fleet management, 14R, 453N
- Risk Management
 - Insurance Requirements, 19R
- State Planning
 - LCDBG Program
 - Corrective and remedial actions, 370N, 435R
 - Final statement, '85, 22R
 - Final statement, '87, 162R, 402N
- State Purchasing
 - Bidder lists, 88R
 - Vendor fees, 255N, 342R
- Telecommunications Management
 - Payment, 118N, 291R

Elderly Affairs, Office of

- GOEA Policy Manual, 23R
- Organization
 - Board of Directors membership, 454N
 - Insurance requirements, 453N
- State Plan on Aging, '88-'91, 317N

Governor's Special Commission on Education

- Congressional Teachers Scholarship, 23R
- Education Majors, 23R
- Governor's Scholars, 23R
- Practical nursing education/licensure, 88R
- Student Incentive Grant, 23R

Law Enforcement and Administration of Criminal Justice

Commission on Peace Officers, 368N, 434R

Minority Business Enterprise, Office of

- Consulting services, 454N
- Goods and service procurement, 342R, 371N
- Set-aside bid, 342R, 371N, 454N

Urban and Community Affairs

Weatherization Plan, 65P

Veterans Affairs, Department of

Admission requirements, 85R, 161R, 455N

Women's Services, Office of

- Family violence program standards, 119N, 238R
- Victims of family violence, 120N, 238R

HEALTH AND HUMAN RESOURCES DEPARTMENT

AIDS Trust Fund Board

Bylaws, 121N, 239R

Chiropractic Examiners, Board of

- Ethics violations, 176R, 343R
- Repeals, adopts, amends rules, 176R, 343R

Dentistry, Board of

- Adjudication procedures, 178R
- Complaints disposition, 178R
- Dental specialist listing, 179R
- Prescription records, 179R
- Re-use of toothbrush, 180R

Embalmers and Funeral Directors, Board of

- Exams, 136P
- Licenses, 372N, 436R

Family Security, Office of

- AFDC Program
 - Child support payment, 372N, 437R
 - Homeless recipients, 373N
 - Payment standard funding, 5ER
 - Refugee cash assistance, 123N
- Child Support Enforcement Services
 - Award guidelines, 404N
- Food Stamp Program
 - Categorical eligibility, 90R
 - Dependent care for elderly/disabled, 45N, 181R
 - Employment/training, 229ER
 - Homeless recipients, 373N, 437R
 - Meal providers for homeless, 287ER
 - Monthly reporting criteria, 339ER, 405N
 - Resource and income inclusions, 429ER
 - Student's level of benefits, 91R
 - Work requirements, 229ER, 318N, 394R
- Medical Assistance Program
 - Aliens emergency medical coverage, 153ER, 195N, 292R
 - Ambulance transportation (allowed), 75ER, 194N, 291R
 - Ambulance transportation (disallowed), 76ER, 195N, 291R
 - Disabled widow/widower, 23R
 - Dispensing fee survey, 24R
 - F, V, I and O Categories, 5ER, 77ER, 92R
 - Hemodialysis Program, 135CR

CR—Committee Report

**E—Errata EO—Executive Order ER—Emergency Rule
L—Legislation N—Notice of Intent P—Potpourri
PPM—Policy and Procedure Memorandum R—Rule**

Home leave provider payment, 93R
Hospital days extension, 5ER, 135CR
ICR/MR standards for payment, 456N
Inpatient hospital services, 76ER, 92R
Inpatient per diem, 92R
IV-E resident requirement, 48N, 183R
LMAC, addition of drugs, 406N
LMAC, adds reimbursement days, 339ER
LTC, care exception criteria, 406N
LTC, intermediate sanctions, 45N, 182R
LTC reimbursement methodology, 125N, 243R
Medicaid crossover coverage, 92R
Medically needy income eligibility, 93R
Medically needy program, 135CR
Optional personal care needs, 126N, 244R
Optional state supplementation (personal care), 6ER
Pharmacy, dispensing fee, 46N, 183R
Physical therapy, 6ER
Physician reimbursement, 24R, 77ER, 93R 125N, 244R
Prenatal health clinic, 47N, 183R
Provider claim requirements, 456N
Psychiatric hospital payment standards, 457N
SNF services, 124N, 243R
SNF/ICF
 drug regimen reviews, 430ER
 home leave days, 230ER, 255N, 354R
 hospital leave days, 154ER, 256N, 354R
 nurse/patient ratios, 457N
 rates for private service, 469P
 utilization data requirements, 458N
Skilled waived services, 6ER, 48N, 183R
Standards for payment, 181R
Transportation, guidelines for vehicles, 407N
Transportation, non-emergency, 127N, 244R

Hospitals, Office of

LAC adoption, 49N

Human Development, Office of

Commission for the Deaf, 93R
Day care providers 257N, 354R
Income exemption, 244R, 260N, 292R, 357R
Policy manual, 458N
Public hearing, 136P
Supported work, 408N

Management and Finance, Office of

LAC adoption, 49N
Section 1122
 Expedited review criteria, 97R, 260N, 357R, 459N
State Health Plan, 97R
 AIDS patients beds, 374N, 438R
 Long-term care beds, 460N
 Need-related resource goals, 375N
 Statewide health priorities, 375N, 439R

Medical Examiners, Board of

Medication dispensation, 403N
Physical Therapists, 346R
Physicians, Surgeons, 240R
Radiological Technologists, 404N

Mental Health, Office of

LAC adoption, 50N

Mental Retardation/Developmental Disabilities

Diagnosis, evaluations, 51N
ICF resident income for retarded, 51N, 183R
LAC adoptions, 50N

Nursing, Board of

Licensure by exam, 123N, 354R, 394R, 436R

Nursing Home Administrators, Board of Examiners for

Continuing Education, 122N, 240R
Rules and regulations, 403N

Optometry Examiners, Board of

Rules of Practice, 241R

Policy Planning and Evaluation, Division of

AIDS patient beds, 413P

Prevention and Recovery from Alcohol/Substance Abuse

Co-payment fee, DWI offenders, 52N, 184R
LAC adoption, 51N

Preventive and Public Health Services, Office of

Epidemiology Program
 Corpse disposition, 129N, 245R
Family Planning Program
 Fee adjustment schedule, 409N
Handicapped children services, 196N
Illegitimate children birth registration 262N, 359R
Immunization - fee, 53N
LAC adoption, 52N
Safe drinking water, 53N
Sanitary Code
 Camp sewerage treatment, 461N
 Mechanical wastewater treatment plants, 379P, 410N
 Plumbing, 128N, 245R, 295R
 Sewage haulers/STP installers licensing, 200N, 292R
 Sewerage disposal permit, 54N
 Sewerage treatment plants, 98R, 184R, 245R, 295R
 Shellfish transplant permits, 462N
Vaccine preventable diseases, 57N
WIC
 State plan for '88, 413P
 Taxes on food packages, 129N, 246R

Psychologists, Board of Examiners of

Criterion for passing exam, 194N, 291R
Graduate program, 180R
Supervised practice, 180R

Secretary, Office of

Assets revaluation, 203N, 306R
Block Grants, 263N, 359R, 439R
Collecting licensing fees, 24R
Division of Licensing and Certification
 LAC adoption, 58N, 246R
Gary W. classmembers, 203N, 299R
LAC adoption, 57N
Residential care rates, 7ER, 376N, 439R
Smoking policy, 204N, 320N

Veterinary Medicine, Board of

Examination, 274P

LABOR DEPARTMENT

Barber Examiners, Board of

Due process, 24R
Examinations, 27R
Instructors, 462N
Schools, 321N, 395R, 464N
Shops, 28R, 321N, 439R, 465N
Students, 323N, 397R

Employment Security, Office of

Workmen's compensation average weekly wage, 469P

Labor, Office of

Job Training Partnership Act, 265N, 359R

Worker's Compensation, Office of

LAC Compliance, 130N, 306R

LEGISLATIVE FISCAL OFFICE

Fiscal and Economic Impact Statement, 469P

LOUISIANA ADMINISTRATIVE CODE UPDATE

1986, October-December Changes, 61

1987, January-March Changes, 271

1987, April-June Changes, 412

NATURAL RESOURCE DEPARTMENT**Conservation, Office of**

Injection and Mining Division

Public hearing, 214P

Fishermen's Gear Compensation Fund

Claims, 61P, 136P, 210P, 274P, 328P, 379P, 413P, 470P

Legal Division

Bohemia Spillway lands, 466N

Broker's Commissions, 411N

Hearings, 277P

Secretary, Office of

Fee notice, 266N, 360R

Fishermen's Gear Claim limits, 29R

Severance tax exemption, 231ER, 267N, 288ER, 360R

State Lands, Division of

Certified copy fee, 29R

PUBLIC SAFETY AND CORRECTIONS DEPARTMENT**(Public Safety)****Constables and Justices of the Peace**

Supplemental Pay, 131N, 246R

Firemen

Supplemental Pay, 131N, 246R

Motor Vehicles, Office of

Inspection stations, 99R

Municipal Police Officers

Supplemental Pay, 131N, 247R

Private Security Examiners, Board of

Administrative guidelines, 411N

State Fire Marshal, Office of

Child Care Food Program homes, 325N

State Police, Office of

Charitable Gaming

Bingo, Keno, Raffle, 99R

Hazardous Materials Unit

Right to know, 7ER, 58N, 184R, 209CR

REVENUE AND TAXATION DEPARTMENT**Excise Tax Section**

Hazardous Waste disposal, 105R

Sales Tax Section

Adopts/rescinds/repromulgates rules, 107R

Purchases/importations outside the state, 108R

Severance Tax Section

First use tax (47:11), 109R

First use tax (47:1302-1305), 109R

First use tax (647-1-647-4), 109R

Municipal mfg./electric generating plants, 110R

Other Natural Resources, 111R

Tax Commission

Leased equipment, 132N

Oil/Gas properties, 132N

Real/Personal property, 59N, 132N, 187R, 247R

Timber stumpage values (1987), 432R

RIVER PORT PILOTS COMMISSIONERS, BOARD OF

Incident investigations, 288ER

Terms: Drug/alcohol use, 154ER, 268N

TRANSPORTATION AND DEVELOPMENT DEPARTMENT**Highways, Office of**

AASHTO standards adopted, 205N

Fee schedule, 133N

Outdoor advertising, 411N

Registration for Professional Engineers**and Land Surveyors, Board of**

General provisions, 204N

TREASURY DEPARTMENT**State Employees Group Benefits Program**

Alcohol/drug abuse treatment, 10ER

Annual deductible, stop-loss, 10ER

Article 3, §VIII (J), 29R

Benefit modifications, 59N

Board vacancy, 60N, 209CR

Claim filing deadline, 207N, 312R

Contract amendments, 113R

Coverage after termination, 326N, 398R

Covered person/family unit, 113R

Durable medical equipment, 207N, 312R

Ineligible after other group coverage, 114R

Joint Commission for Accreditation of Hospitals, 376N

Leave of absence, 208N, 312R

Member responsibility, 114R

Non-continuing employees dependents, 114R

Organ transplant, 208N, 327CR

Plan document, 377N, 440R, 466N

Rate increase: benefit modification (7/1/87), 60N, 208N,

209CR, 312R, 327CR

Regular monthly meeting, 140P

Second surgical opinion, 326N, 398R

Surviving dependents, 115R

Utilization review, 467N

State Employees' Retirement System

Meeting dates, 380P

State Treasurer, Office of

Deferred compensation, 412N

URBAN AND COMMUNITY AFFAIRS DEPARTMENT

(See Office of the Governor, Division of Administration)

Secretary, Office of

Emergency Shelter Grants, 231ER

CR—Committee Report

E—Errata EO—Executive Order ER—Emergency Rule

L—Legislation N—Notice of Intent P—Potpourri

PPM—Policy and Procedure Memorandum R—Rule

WILDLIFE AND FISHERIES DEPARTMENT

Coastal and Marine Resources, Office of

Cobia, 377N

Spanish Mackerel, 378N

Wildlife and Fisheries Commission

Alligator harvest, 430ER, 468N

Black Drum/Pompano nets, 269N, 440R

Commercial fish seining permit, 134N, 270CR

Dredging, 30R

Excessive killing of fish, 135CR, 189R

Hunting seasons, 269N, 380P

Lake Bruin fishing season, 155ER, 378N

Menhaden/herring-like species, 135CR, 189R

Oyster seed ground, 134R, 271CR

Seismic fee, 115R

Shellfish classification, 413P

Shrimp season, 10ER, 288ER

CR – Committee Report

E – Errata EO – Executive Order ER – Emergency Rule

L – Legislation N – Notice of Intent P – Potpourri

PPM – Policy and Procedure Memorandum R – Rule