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Executive Orders

EXECUTIVE ORDER EWE 85-42

WHEREAS, it has been recognized by this administration, and by the legislature and concerned citizens of this state, that the New Orleans International Airport is an "essential part of the economic infrastructure of the State of Louisiana" as a major passenger and cargo transportation facility in Louisiana; and

WHEREAS, to adequately meet the current needs of this constantly evolving sector of the economy, it is necessary to continually develop the airport through physical and technological expansion and renovation; and

WHEREAS, House Resolution Number 30 of the 1985 Regular Session of the Legislature specifically points to the necessity of such development and emphasizes the economic benefits which would be realized by placing the airport on a more competitive level with that of other major national and international cities;

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

Section 1: The New Orleans International Airport Study Commission is hereby created in the office of the governor.

Section 2: The commission shall be composed of the following members:

- (1) The lieutenant governor of the State of Louisiana, or his designee, *ex-officio*;
- (2) The secretary of the Department of Commerce, or his designee, *ex-officio*;
- (3) The chairman of the House Committee on Municipal, Parochial and Cultural Affairs;
- (4) The chairman of the Senate Committee on Local and Municipal Affairs;
- (5) Four members of the House of Representatives, to be appointed by the Speaker of the House of Representatives;
- (6) Four members of the Senate, to be appointed by the President of the Senate;
- (7) One member of the New Orleans City Council, to be appointed by the mayor of the City of New Orleans; and
- (8) Four residents of the state, to be appointed by the governor from the state at large.

Section 3: The commission shall perform the following duties:

- (1) Compile and study data concerning the nature and volume of the current flow of passengers and cargo through the airport.
- (2) Determine ways to increase air traffic through the airport by attracting air transport and other related businesses and industries to the area and establishing the airport as a regional hub.
- (3) Assess the capabilities of the present physical facilities to serve current needs and possible future needs of users of the airport.
- (4) Determine the necessity, nature, and extent of expansion, enhancement, and improvement of the airport facilities and develop recommendations for the same.
- (5) Evaluate and recommend methods of financing suggested expansion and/or renovation projects.
- (6) Assess the feasibility and potential benefits of transferring ownership of the airport from the City of New Orleans to the state.

Section 4: The commission shall submit a written report to the governor, the legislature, the mayor of the City of New Orleans, and the New Orleans City Council by March 31, 1986.

Section 5: The members of the commission shall serve at the pleasure of their respective appointing authorities.

Section 6: The governor shall appoint a chairman and the members of the commission shall select other such officers as it deems necessary.

Section 7: The commission shall meet upon call of the chairman. A majority of the members shall constitute a quorum for the transaction of business of the commission.

Section 8: Members of the commission shall receive no compensation for the performance of their duties. Legislators serving as members shall receive such per diem and reimbursement as may be provided by law, payable from the budget of the house from which they were appointed. Other members shall receive reimbursement for actual travel expenses incurred in attending meetings of the commission in accordance with regulations promulgated by the Division of Administration.

Section 9: The commission is authorized to use the facilities, personnel, and supplies of the office of facility planning and control and is further authorized to accept and/or expend any donations or grants of money, supplies, or services from any public or private source in order to perform its duties hereunder.

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 6th day of August, 1985.

Edwin Edwards
Governor of Louisiana

ATTEST BY
THE GOVERNOR
Jim Brown
Secretary of State

EXECUTIVE ORDER EWE 85-43

WHEREAS, Section 621 of the Tax Reform Act of 1984 (the "Tax Reform Act") restricts the total principal amount of private activity bonds the interest on which is exempt from federal income taxation under Section 103 of the Internal Revenue Code of 1954, as amended (the "bonds"), which may be issued by any state of the United States during each calendar year; and

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

WHEREAS, Executive Order Number EWE 84-32 dated October 5, 1984, as amended, provides that the governor of the State of Louisiana is responsible for granting allocations from the ceiling for certain issues of bonds; and

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

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

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

AMOUNT OF ALLOCATIONS	NAME OF ISSUER	NAME OF PROJECT
\$ 4,600,000	La. Public Facilities Authority	BR Newcourt, Inc.

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

SECTION 3: The bonds granted an allocation hereunder must be delivered to the initial purchasers thereof on or before 60 days from the date hereof, unless an application for a 30-day extension under Section 5.8 of Executive Order Number EWE 84-32, as amended, is timely received by the State Bond Commission staff.

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

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

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

IN WITNESS WHEREOF, I have hereunder set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge on this 12th day of August, 1985.

Edwin Edwards
Governor

ATTEST BY
THE GOVERNOR
Jim Brown
Secretary of State

EXECUTIVE ORDER EWE 85-44

WHEREAS, Section 621 of the Tax Reform Act of 1984 (the "Tax Reform Act") restricts the total principal amount of private activity bonds the interest on which is exempt from federal income taxation under Section 103 of the Internal Revenue Code of 1954, as amended (the "bonds"), which may be issued by any state of the United States during each calendar year; and

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

WHEREAS, Executive Order Number EWE 84-32 dated October 5, 1984, as amended, provides that the governor of the State of Louisiana is responsible for granting allocations from the ceiling for certain issues of bonds; and

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

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

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

AMOUNT OF ALLOCATIONS	NAME OF ISSUER	NAME OF PROJECT
\$ 1,600,000	La. Public Facilities Authority Revenue Bonds	Village Row Partnership Project
\$ 74,500	La. Agricultural Finance Authority Agricultural Revenue Bonds	Ernest Greer, Jr.
\$ 584,000	La. Public Facilities Authority Revenue Bonds	West Jefferson Doctors Center Partnership Project

\$113,500,000	Plaquemines Port, Harbor and Terminal District Marine Terminal Facilities Revenue Refunding Bonds	Electro-Coal Transfer Corporation Project
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SECTION 2: The allocations granted hereunder are to be used only for the bond issues described in Section 1 and for the general purpose set forth in the "Application for Allocation of a Portion of the State of Louisiana's IDB Ceiling" submitted in connection with the bonds described in Section 1.

SECTION 3: The bonds granted an allocation hereunder must be delivered to the initial purchasers thereof on or before 60 days from the date hereof, unless an application for a 30-day extension under Section 5.8 of Executive Order Number EWE 84-32, as amended, is timely received by the State Bond Commission staff.

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

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

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

IN WITNESS WHEREOF, I have hereunder set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge on this 16th day of August, 1985.

Edwin Edwards
Governor of Louisiana

ATTEST BY
THE GOVERNOR
Jim Brown
Secretary of State

EXECUTIVE ORDER EWE 85-45

WHEREAS, the positive development of our youth is an essential foundation for a responsible and productive society in Louisiana; and

WHEREAS, delinquent and status offenses by our youth are an individual and social problem which must be addressed both statewide and locally if we are to significantly affect the quality of life in our communities; and

WHEREAS, the citizens of Louisiana are our greatest resource for creating conditions for positive youth development; and

WHEREAS, the best way to promote positive youth development and healthy communities is by stimulating active involvement by citizens and organizations; and

WHEREAS, the citizens of the State of Louisiana have a responsibility to specifically address the needs of the youth adjudicated delinquent or in need of supervision and youth at risk of these adjudications; and

WHEREAS, the state can help its citizens meet this responsibility by providing top level leadership, resources coordination, and technical assistance to communities, organizations and individuals so that services for positive youth development are effective on a local level;

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

SECTION 1: The Louisiana Alliance for Youth Development Planning is hereby established in the office of the governor.

SECTION 2: The Alliance shall consist of the following members:

1. The assistant secretary of the Department of Public Safety and Corrections, office of juvenile services.
2. The president of the Louisiana Council of Juvenile and Family Court Judges.
3. The chairman of the House Committee on Administration of Justice, or his designee.
4. The chairman of the Senate Committee on Judiciary B, or his designee.
5. One business or civic leader from each of the office of juvenile services regions who has knowledge of and is concerned with the problems and issues related to adjudicated youth, to be appointed by the governor.

SECTION 3: Each member appointed by the governor shall serve at the pleasure of the governor.

SECTION 4: The assistant secretary of the Department of Public Safety and Corrections, office of juvenile services, shall serve as the chairman of the Alliance. The Alliance may elect other officers as it deems necessary.

SECTION 5: The Alliance shall meet at least quarterly and at other times on call of the chairman or a majority of the members or the governor. A majority of the members shall constitute a quorum for the transaction of business.

SECTION 6: Members shall serve without compensation, but shall be reimbursed for actual travel expenses incurred in attending meetings of the Alliance in accordance with regulations of the Division of Administration.

SECTION 7: The duties and responsibilities of the Alliance shall be to:

1. Review the recommendations of the Governor's Commission of Children and Youth as they affect youth adjudicated in need of supervision or delinquent, and youth at risk of these adjudications.
2. Review the recommendations of the Hubert H. Humphrey Institute of Public Affairs relative to the juvenile justice system in Louisiana.
3. Examine the goals and objectives of the juvenile justice system in Louisiana and those policies and practices from other states that may be of benefit to Louisiana.
4. Make recommendations to the governor, the legislature and the office of juvenile services regarding:
 - a. The most effective and efficient use of juvenile justice resources.
 - b. The most appropriate policies and programs in the areas of prevention, control and treatment of delinquency.
 - c. The most appropriate response to violent youth offenders and those youth offenders who persist in committing serious felonies.
5. Propose other appropriate recommendations aimed at making Louisiana a national and international leader in the field of juvenile justice.
6. Assist in the establishment and generation of local resources for programs addressing the needs of adjudicated delinquents, status offenders or youth at risk of these adjudications.

SECTION 8: The Alliance shall present its findings and recommendations to the governor in an annual report, not later than the end of the first quarter of each calendar year.

SECTION 9: The Alliance shall receive staff support as determined by the chairman.

SECTION 10: This order shall remain in effect until amended or modified by the governor or until terminated by operation of law.

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

Louisiana, at the Capitol, in the City of Baton Rouge, on this 26th day of August, 1985.

Edwin Edwards
Governor of Louisiana

ATTEST BY
THE GOVERNOR
Jim Brown
Secretary of State

EXECUTIVE ORDER EWE 85-46

WHEREAS, the Louisiana State Planning Office is responsible for engaging in a program of comprehensive statewide planning; and

WHEREAS, the Louisiana State Planning Office is responsible for assisting all state departments, agencies and commissions in the formulation and development of statewide goals to promote the health, safety and general welfare of citizens of this state; and

WHEREAS, the Division of Administration, as the fiscal arm of the governor, would benefit greatly by having at its disposal the technical resources and assistance of the Louisiana State Planning Office in making decisions which most benefit the state and its citizens;

NOW THEREFORE I, EDWIN EDWARDS, Governor of the State of Louisiana, do hereby authorize and direct the commissioner of administration to assume responsibility for and authority over the Louisiana State Planning Office.

IN WITNESS WHEREOF, I have hereunder set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge on this 27th day of August, 1985.

Edwin Edwards
Governor of Louisiana

ATTEST BY
THE GOVERNOR
Jim Brown
Secretary of State

EXECUTIVE ORDER EWE-85-47

WHEREAS, the state's general fund is bearing a disproportionate share of the cost of unemployment compensation benefits paid to ex-employee claimants; and

WHEREAS, this cost has accelerated greatly in recent years; and

WHEREAS, the state of the fisc indicates that a more effective method of distribution of the cost should be implemented which takes into account the means of financing operations of the state's departments and agencies;

NOW THEREFORE I, EDWIN EDWARDS, Governor of the State of Louisiana, do hereby instruct the commissioner of administration to assure compliance and to direct the state departments and agencies to make reimbursement payments based upon the following groups of funding:

Group 1. Group funded by state general fund.

Group 2. Funded by interagency transfer, self generated, federal funds and other non-state general fund sources.

Group 3. Funded by a combination of state general fund and non-state general fund sources.

FURTHER, the payments of benefits shall be made from the same source of funding from which the ex-employee claimant was paid while employed by the state.

This order shall be effective as of July 1, 1985.

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

Louisiana, at the Capitol, in the city of Baton Rouge on this 3rd day of September, 1985.

Edwin Edwards
Governor of Louisiana

ATTEST BY
THE GOVERNOR
Jim Brown
Secretary of State

EXECUTIVE ORDER EWE 85-48

WHEREAS, the State of Louisiana has been hit by two hurricanes within a three-week period of time which storms have had a significant impact on coastal erosion and barrier islands; and

WHEREAS, individuals within the National Weather Service of the National Oceanic and Atmospheric Administration have projected that the 1985 hurricane season will be an active one and, in fact, there is presently another tropical wave developing in the Caribbean Basin; and

WHEREAS, The Hurricane Impact Team of the Department of Natural Resources has determined that the Isles Dernieres and Timbalier Islands in Terrebonne and Lafourche Parishes lost 10 to 15 percent of their land area and had numerous tidal inlets and cuts made through them by Hurricane Danny; and

WHEREAS, Hurricane Danny washed great quantities of beach material from the Fourchon-Caminada area ("Fourchon") of Lafourche Parish into Belle Pass at the mouth of Bayou Lafourche, creating an obstruction to navigation; and

WHEREAS, the damage to Fourchon, the Isles Dernieres and Timbalier Islands needs to be repaired before another storm impacts the Louisiana coast, as the failure to take immediate action to repair the damage will subject mineral extractions facilities located in the bays behind these barrier islands and the port facilities to increased potential storm damage which could adversely affect production and mineral income and shipping for the State of Louisiana; and

WHEREAS, the beach material blocking Belle Pass is readily available and suitable material for repairing the erosion and damage to Fourchon; and

WHEREAS, monies have been appropriated for barrier island stabilization and work on the Isles Dernieres to Louisiana Department of Natural Resources; and

WHEREAS, the expenditures of the monies, from the Coastal Environment Protection Trust Fund for purposes authorized by R.S. 30:316 would include the work necessary to repair damage to barrier islands and Fourchon and would not be a capital outlay project for the construction of or addition renovation and restoration to any sort of building, plant or related facilities; and

WHEREAS, it is essential that the barrier island and Fourchon repair work be completed as soon as possible to avoid the threat of the destruction or injury to property and life including oil production facilities, which work by reason of the potential for additional hurricanes, will not allow the delays incidental to the advertisement for public bids as set forth in R.S. 38:2211 et seq.

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

That a State of Emergency exists as regards the storm damaged Isles Dernieres and Timbalier Islands and Fourchon located in Terrebonne and Lafourche Parishes which need to be repaired and Belle Pass, at the mouth of Bayou Lafourche, which needs to be cleared and materials therein utilized to make these repairs.

That the Louisiana Departments of Natural Resources, Transportation and Development, and the Greater Lafourche Port Commission as well as all other appropriate state and local agen-

cies are directed to immediately proceed with necessary actions to make appropriate repairs to Fourchon the Isles Dernieres and Timbalier Islands.

That to this end, the agencies and entities, described herein, should enter into appropriate cooperative endeavors or agreements including the expenditure of monies under the control of the administration of the Department of Natural Resources.

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 3rd day of September, A.D., 1985.

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
Policy and Procedure Memorandum No. 69

Subject: Unemployment Compensation

Effective: July 1, 1985

Authorization: Title 39, Section 4 of the Louisiana Revised Statutes of 1950

Expenditures occasioned as a result of the payment of unemployment compensation liabilities by state agencies will be paid from the appropriate source of funding. More specifically, charges attributable to compensation paid from non-general fund sources will not be proper charges against general fund appropriations.

Therefore, to ensure that unemployment compensation payments are made from the proper source of funding, it is directed that the provisions of Executive Order EWE 85-47 be implemented in making unemployment compensation reimbursement payments to the Office of Employment Security.

Effective July 1, 1985, the unemployment compensation reporting units, in making the unemployment compensation reimbursement payments, shall make such payments from the same source(s) of funding as the ex-employer claimant had been paid while employed by the state.

Therefore, all unemployment compensation claims arising as a result of separation from state employment of employees funded from dedicated revenues, self-generated revenues, federal funds, interagency transfers, ancillary funds, endowments, and other non-state general fund sources, shall be paid from such sources in the manner prescribed by the commissioner of administration.

Stephanie L. Alexander
Commissioner of Administration

Emergency Rules

DECLARATION OF EMERGENCY

**Department of Agriculture
Office of Agricultural and Environmental Sciences
Advisory Commission on Pesticides**

In accordance with the emergency provisions of the Administrative Procedure Act (R.S. 49:953(B)) and R.S. 3:3203, the commissioner for the Department of Agriculture and the Advisory Commission on Pesticides is hereby giving notice of its adoption of an amendment to its existing rules and regulations as detailed below to be effective September 4, 1985. This amendment would allow owner-operators to be able to secure a surety bond which is required for licensing.

LAC 7:13131(E)(2) should be amended to read as follows:

2. Filing a certificate of insurance, in the form prescribed by the commissioner, in the same amount as required for a surety bond. Such insurance shall be payable to the benefit of persons proven to have suffered damages as a result of the actions of the owner-operator or any of his employees and shall provide for 30 days written notice to the commissioner. Such insurance shall not be applied to damages or injury to agricultural crops, plants, or land being worked upon by the commercial applicator. An owner-operator shall not change the amount of such insurance during the period of the license without the prior written approval of the commissioner.

Bob Odom
Commissioner

DECLARATION OF EMERGENCY

**Department of Agriculture
Office of Agricultural and Environmental Sciences**

Apiary Law

In accordance with the emergency provisions of the Administrative Procedure Act (R.S. 49:953(B)) and the authority of the state entomologist under the provisions of R.S. 3:2304, notice is hereby given that the state entomologist for the Louisiana Department of Agriculture has confirmed the presence of the highly contagious Acarine Mite in the State of Louisiana and the mite's presence has created an emergency situation affecting the apiary industry.

Extensive sampling and testing have confirmed the mite's presence in only certain geographically restricted areas. Effective August 12, 1985, the state entomologist imposed a quarantine against any and all movement of restricted material within or out of the following areas in order to protect the apiary industry:

1. Iberia Parish: That portion of the parish lying west of the west shoreline of Lake Fausse Pointe excepting the island of Marsh Island.
2. Lafayette Parish: Those portions of T. 11 and 12 S., R. 5 E.; and the east one-third of T. 11 S., R. 4 E. lying in Lafayette Parish.
3. St. Martin Parish: That portion of the parish lying south of the north boundary of T. 11 S. and west of Highway 31.
4. Vermilion Parish: T. 13 S., R. 4 E.; those portions of T. 13, 12, and 11 S., R. 5 E. lying in the parish; the east one-third of T. 12 S., R. 4 E., and that portion of the east one-third of R. 11 S., R. 4 E. lying in the parish.

Restricted articles include colonies of bees, nuclei, comb or combless packages of bees, queens, used or second hand beekeeping fixtures or equipment, and anything that has been used in operating an apiary.

Under the authority of R.S. 3:2304, the state entomologist, his agents, and employees shall inspect the above-mentioned restricted articles for the purpose of ascertaining if any bees are infected with Acarine Mites and may require the destruction of any bees or beekeeping fixtures or equipment that may be infected.

Bob Odom
Commissioner
John W. Impson
State Entomologist

DECLARATION OF EMERGENCY

**Department of Agriculture
Office of Agricultural and Environmental Sciences**

Southern Pine Beetle Rule and Quarantine (Regulated Areas)

Pursuant to R.S. 3:1654, the State Entomologist has published a list of dangerous crop and fruit pests (July 22, 1985), to include the Southern Pine Beetle.

The State Entomologist has evidence that the Southern Pine Beetle has infested numerous areas of the state. Accordingly, this grave situation requires adoption of an emergency rule to designate regulated areas, to provide for identification of control areas, and to set forth the recommended control measures to be taken in specific areas, in an effort to suppress this dangerous pest. The rule became effective August 9, 1985.

This rule designates regulated areas and provides for identification of control areas, in order to prevent subsequent spread of the Southern Pine Beetle throughout Louisiana and the severe damage caused by this insect pest. This rule specifies the actions to be taken to prevent unacceptable losses of forest resources, and further dissemination of the Southern Pine Beetle throughout the State of Louisiana, by implementing certain control measures known to be effective against this pest.

I. Definitions

For the purpose of this chapter, the definitions in Section 581.011, F.S., and the following definitions shall apply:

1. *Agent*—Those employees or designees of the Louisiana Department of Natural Resources, Office of Forestry, whom the State Entomologist and State Forester have designated, in writing, as the individuals authorized to enter on public and private lands to inspect for and take necessary action to destroy or prevent the further spread of the Southern Pine Beetle.
2. *Certificate*—An official document certifying compliance with the requirements of the Louisiana Department of Agriculture and the Louisiana Department of Natural Resources, Office of Forestry.
3. *Pines*—All members of the Southern Pine Family.
4. *Bark*—The tough exterior covering of a woody root or stem of Pines.
5. *Salvage*—The cutting and removal of infested and/or potentially infested trees to prevent further spread of the Southern Pine Beetle.
6. *Buffer Strip*—An area of uninfested trees adjacent to the active portion of a Southern Pine Beetle infestation.
7. *Louisiana Department of Natural Resources, Office of Forestry*—The Louisiana state agency responsible for any and all control measures instituted in a regulated area after designation of a regulated area for the Southern Pine Beetle.
8. *Host Plant*—A plant or part thereof known or sus-

pected to be capable of harboring the Southern Pine Beetle in any of its stages.

9. *Infested*—Any plant, article or soil wherein the Southern Pine Beetle may be present.

10. *Southern Pine Beetle*—The insect known as the Southern Pine Beetle, *Dendroctonus frontalis*, Zimmermann, in any stage of its development.

11. *Regulated areas*—Any parish in which evidence furnished to the State Entomologist clearly indicates infestation by the Southern Pine Beetle. Notice that a parish is designated a Regulated Area shall be published in the Official Journal of the state and of the parish so designated.

12. *Control area*—A specific geographic area within a regulated area, in which control measures shall be carried out.

13. *Regulated article*—Any plant, tree, article or soil which the agent determines to be capable of transporting or harboring the Southern Pine Beetle, and of which no movement outside of the physical boundaries of a regulated area shall take place without written permission from the State Entomologist.

14. *Shipment or shipments*—The act or process of transferring or moving products from one point to another, or the products being transferred or moved.

15. *Products*—Pine trees or portions of trees containing bark.

16. *Louisiana Department of Agriculture*—The Louisiana state agency that officially designates regulated areas.

II. Purpose of Rule

The purpose of this rule is to minimize damage and prevent further spread of the Southern Pine Beetle throughout the State of Louisiana. Due to the presence of this pest in the state, it is necessary to designate areas to be regulated, to provide for identification of control areas to be regulated and to initiate certain approved control measures to prevent the further spread of this pest, and the resulting timber destruction caused by it. The established infestation of the Southern Pine Beetle in the State of Louisiana poses an extremely serious threat to Louisiana's landowners and forest industry. This rule is adopted to provide for regulated areas and control areas within the State of Louisiana and to specify conditions under which regulated *articles* may be treated by certain approved control measures.

III. Regulated Areas

A. The following Louisiana parishes are hereby designated as regulated areas, effective immediately: LaSalle, Catahoula, Grant, Caldwell, Bienville, Jackson, East Feliciana, St. Helena, DeSoto, Red River, Sabine, Natchitoches, Evangeline, and this designation shall be published at least once in the Official Journal of each parish.

B. Removal of parish from list of regulated areas. When the State Entomologist has determined that the threat posed by the infestation of the Southern Pine Beetle in a parish has substantially been eliminated or entirely removed, he shall publish a notice in the Official Journal of the State and of the parish, thereby removing the parish from the list of Regulated Areas.

C. Additional Regulated Areas. When the State Entomologist has reason to believe that infestation by the Southern Pine Beetle has spread to other parishes in the state, he shall publish the names of those parishes in the Official Journal of the state and of the parish, thereby adding those parishes to the list of Regulated Areas.

IV. Control Areas

A. The State Entomologist shall designate, in writing, specific control areas after he has received an agent's report which shall consist of:

1. A signed written inspection report attesting that the agent: (1) personally has inspected the proposed control area at ground level, (2) found concentrated levels of the Southern Pine Beetle present, (3) submits a listing of control measures he proposes to implement, and, if applicable, (4) has made a good faith effort to ascertain the owner of any land proposed as a control area. His findings shall be based on the following generally accepted forest management procedures:

- a. Southern Pine Beetle infestations are detected through aerial observation by noting color changes in the crown of the trees.

- b. Infestations then are located at ground level, and the determination is made whether or not the infestation is active or inactive. This consists of close and careful examination, primarily of the bark, of individual or groups of trees, to determine the presence or absence of lifestages, i.e., eggs, larvae, pupa or adult beetle.

- c. If the infestation is active, the size of the infestation will determine the best suited control technique.

2. A hand-drawn map or survey of the proposed control area indicating the following:

- a. geographical location of area
- b. boundaries of area to be designated

B. The State Entomologist must approve the designation of the control area, and the control measures to be utilized therein, by signing and dating a copy of the map or survey and the inspection report and returning the documents to the agent as an approved copy. Following the State Entomologist's designation of a control area, a notice containing a description of the proposed control measures and the date they are to commence shall be mailed to the landowner or his duly appointed agent at his last known address of record with the parish assessor's office.

C. Control measures specified by the State Entomologist for utilization in a control area may include one or more of the following:

1. Salvage. Remove by commercial sale and cut buffer strip around active area of infestation. (Cut and Remove)

2. Cut and leave infested trees and also cut a buffer strip of uninfested trees around the active part of the infestation.

3. Chemical control with a registered pesticide.

4. Cut, pile and burn infested trees, products or other regulated articles.

5. Buffer Strip. The buffer strip, in order to be effective, must be equal in width to the height of the tallest trees in the area which recently experienced attack by the Southern Pine Beetle. In large infestations, (10 acres or more) it may be necessary to cut a wider buffer strip (approximately two tree lengths) to be effective in preventing further spread of the beetles.

D. How Control Area Designation may be removed. The control area designation may be rescinded only under the following conditions:

1. When a visual examination by the Office of Forestry of the control area determines that control measures have been satisfactorily completed, the Office of Forestry shall certify in writing to the State Entomologist that the action required in this part has been completed.

2. The State Entomologist then may remove the designation of control area by mailing a copy of the certificate of completion in 1. above to the landowner or his duly appointed agent at his last known address of record with the parish assessor's office.

V. Penalties

Louisiana Revised Statutes, 3:1653 provides that both civil and criminal penalties may be imposed on anyone who violates the provisions of these regulations, or in any way attempts to pre-

vent or impede an agent from carrying out any inspections of control areas or implementation of control measures.

John W. Impson
State Entomologist

Bob Odom
Commissioner

DECLARATION OF EMERGENCY

Office of the Governor Division of Administration

In accordance with the emergency provisions of the Administrative Procedure Act, R.S. 49:953B, and under the authority of R.S. 39:231, the commissioner of administration hereby declares that implementation of the Federal Tax Reform Act of 1984 and subsequent regulations and interpretations issued by the Internal Revenue Service have created a situation which potentially affects several thousand state employees and the internal operations of every department of state government. This emergency rule shall supersede any contradictory statements in Policy and Procedure Memorandum Number 63, which will subsequently be revised.

Pursuant to revisions ordered by the Congressional Conference Report 99-67 (May 7, 1985), the federal government is requiring employers to report as income to the user the value of the personal use of employer-owned vehicles. Additionally, the employer may elect not to withhold and submit federal taxes from this reported income if the employer notifies the employees of this choice by September 1, 1985.

In response to these requirements, the state as employer is hereby notifying affected employees that it does not intend to withhold federal, state, or other taxes from any additional income reported as a result of this act. Affected employees may choose on an individual basis to increase the amount of taxes withheld from paychecks by adjusting the Form W-4 according to internal office procedures.

The Internal Revenue Service has established *January 1, 1985* as the effective date an employer must use to begin counting personal use of employer-provided vehicles as a taxable fringe benefit that must be reported on the Form W-2 for the 1985 calendar year. The employer may defer assessments for personal use during November and December until the following year, as interim regulations now stand. Personal use is defined by the Internal Revenue Service to include commuting, except in certain specific instances which the Internal Revenue Service will define.

In the absence of final regulations from the United States Secretary of the Treasury to carry out the provisions of this act (due by October 1, 1985), the following provisions and definitions are hereby adopted by the State of Louisiana:

1. The State of Louisiana will utilize a "safe harbor" or standard value, established by the Internal Revenue Service, of \$3 per day as the base amount which shall be added to the W-2 forms of those employees who commute in state-owned vehicles. This use (as opposed to individually determined fair-market values based on leasing costs) is predicated on the following mandates from the Internal Revenue Service:

a. Personal use of the vehicle by the employee, except for commuting approved by the Division of Administration and de minimis use, is prohibited. This has been established for several years under Policy and Procedure Memorandum Number 63.

b. The employee is *required* to commute to and/or from work in the vehicle for bona fide non-compensatory business reasons.

c. There must be evidence from which the Internal Revenue Service can determine whether these and related conditions have been met. Such evidence will include (but is not limited to) the monthly vehicle usage reports (DA-5211) required for some time for all vehicles under PPM 63; the DA-5210, Request for Personal Assignment and/or Home Storage of State-Owned Vehicle forms required by PPM 63; and departmental accounting records from which the additional W-2 is prepared.

2. The application of a \$3 per day value for availability of an employer-owned vehicle to officers and "highly compensated employees" of the state (statewide elected officials, appointees of the governor, their equivalents in higher education, state employees with a salary over \$50,000 per year, and others as the Internal Revenue Service may define) has been determined appropriate by a sample of the average estimated market leasing prices of state-owned vehicles currently utilized by these persons. Therefore, the same base value for the availability of an employer-owned vehicle for commuting can be used for all employees affected by these policies.

If, however, the Internal Revenue Service later determines that the vehicle is being used for personal purposes other than commuting, and that a higher assessment is therefore required, it will be the individual's responsibility to settle the matter with the Internal Revenue Service.

3. The amended law, as currently understood, permits the exclusion by regulations to be issued by the Internal Revenue Service of all use of certain employer-provided vehicles as working condition fringe benefits. These regulations are expected to include such vehicles as clearly marked police and fire vehicles, delivery trucks with seating only for the driver, ambulances, bucket trucks, forklifts, etc. It was agreed by the congressional conferees that the Treasury Department has the authority to issue regulations exempting any officially authorized use of any vehicle from inclusion in income and wages under certain conditions, such as when the employer requires the employee to drive the vehicle home in order to be able to respond in emergency situations and no other personal use is permitted. Such exclusions pursuant to Treasury regulations are also to be retroactive to January 1, 1985. When these regulations are received, PPM 63 will be revised to reflect their mandates; in the meantime, all employees who commute in state-owned vehicles are advised that W-2's issued to them for 1985 may reflect a \$3 per working day addition to their income unless they document from available records the work days they did *not* commute in a state-owned vehicle.

4. In addition to the \$3 per day addition to income, the Internal Revenue Service regulations appear to require an assessment of \$0.05 per personal mile traveled if the employer also provides fuel for the vehicle. If this proves to be the case, the vehicle's monthly logs will be examined by the department transportation coordinator to determine the number of miles of official business the vehicle has traveled. That number will be subtracted from the total change in odometer readings for the same period to determine the number of personal miles the employee will be assumed to have traveled. That number will be multiplied by \$0.05 and added to the income assessed on the supplemental W-2 for the availability of commuting, if required by the Internal Revenue Service.

5. Further notice on these items will be forthcoming, after the final regulations have been issued by the U.S. Department of the Treasury. In the meantime, all departments and agencies in all branches of Louisiana state government are hereby advised to begin preparations to comply with federal income reporting requirements. The supplemental W-2 forms shall be issued by and be the responsibility of each department and agency, and each individual

employee shall retain the ultimate liability for the accuracy of such reporting, within the applicable laws and regulations.

Stephanie L. Alexander
Commissioner of Administration

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

Summary

Current program policy provides medical vendor payment to providers of non-emergency medical transportation services. Payment is at the provider's usual rate not to exceed the maximum established for each class of provider, minus the amount which is covered by any third-party coverage the recipient may have. This emergency rule will place an additional limit in that the program will no longer pay for wait time for non-emergency medical transportation providers who have to wait at a medical provider's office for a recipient. Current budgetary limitations require that the following changes be implemented in order that levels of services in other departmental programs be maintained.

Rule

Effective August 9, 1985, the Medical Assistance Program will no longer pay for wait time for non-emergency medical transportation providers who have to wait at a medical provider's office for a recipient.

Regulatory Exception

Implementation of this rule is subject to approval by the Health Care Financing Administration (HCFA) as required for all Title XIX policy changes. If disapproved by HCFA, the policy prior to this change shall remain in effect.

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

Summary

The Louisiana Maximum Allowable Cost (LMAC) reimbursement regulations currently cover 408 multiple source drugs. The Medical Assistance Program proposed to include 223 additional drugs, now readily available from multiple sources, under this reimbursement policy effective for services rendered on or after September 15, 1985. This revision is being implemented by emergency rule in order to contain state expenditures and protect the fiscal integrity of the pharmacy program to avoid jeopardizing the availability of these health care services to our recipients.

Emergency Rulemaking

Effective for services rendered on or after September 15, 1985, the list of drugs included in the Louisiana maximum allowable cost reimbursement policy under Title XIX is amended to include the following additional multiple-source drugs:

1.	Aminophylline	25.000 mg/ml	Injection
2.	Aminophylline	100.000 mg	Enteric coated tablet
3.	Aminophylline	100.000 mg	Tablet
4.	Aminophylline	200.000 mg	Tablet
5.	Aminophylline	200.000 mg	Enteric coated tablet
6.	Aminophylline	250.000 mg	Suppository
7.	Aminophylline	500.000 mg	Suppository
8.	Anistrophine Methylbromide	50.000 mg	Tablet
9.	Atropine Sulfate	1.000 X	Ointment - OPTH
10.	Atropine Sulfate	1.000 X	Solution - OPTH
11.	Atropine Sulfate	400.000 mcg/ml	Injection
12.	Atropine Sulfate	500.000 mcg/ml	Injection
13.	Belladonna	300.000 mcg/ml	Tincture
14.	Benzthiazide	50.000 mg	Tablet
15.	Betamethasone Benzoate	.025 X	Cream
16.	Betamethasone Benzoate	.025 X	Ointment
17.	Betamethasone Valerate	.100 X	Cream
18.	Betamethasone Valerate	.100 X	Ointment
19.	Bethanechol Chloride	5.000 mg	Tablet
20.	Bethanechol Chloride	10.000 mg	Tablet
21.	Bethanechol Chloride	25.000 mg	Tablet
22.	Bethanechol Chloride	50.000 mg	Tablet
23.	Calcium Gluconate	100.000 mg/ml	Injection
24.	Carisoprodol Combination Carisoprodol Aspirin	200.000 mg 325.000 mg	Tablet
25.	Cefadroxil Monohydrate	1.000 Gm	Tablet
26.	Cefadroxil Monohydrate	500.000 mg	Capsule
27.	Chloramphenicol	.500 X	Solution
28.	Chloramphenicol	1.000 X	Ointment - OPTH
29.	Chloramphenicol	250.000 mg	Capsule
30.	Chlormezasone	100.000 mg	Tablet
31.	Chlormezasone	200.000 mg	Tablet
32.	Chloroquine Phosphate	250.000 mg	Tablet
33.	Collagenase	250.000 u/10m	Ointment
34.	Corticotropin	40.000 u/vial	Injection
35.	Corticotropin Repository	40.000 u/ml	Injection
36.	Corticotropin Repository	80.000 u/ml	Injection
37.	Cyclothiazide	2.000 mg	Tablet
38.	Dexamethasone	6.000 mg	Tablet
39.	Dexamethasone Acetate	8.000 mg/ml	Injection
40.	Dexamethasone Sodium Phosphate	24.000 mg/ml	Injection
41.	Dexchlorpheniramine Maleate	4.000 mg	Extended Release Tab.
42.	Dexchlorpheniramine Maleate	6.000 mg	Extended Release Tab.
44.	Dicyclomine HCL	10.000 mg/ml	Injection
45.	Dienestrol	.010 X	Cream
46.	Diflorasone Diacetate	.050 X	Cream
47.	Diflorasone Diacetate	.050 X	Ointment
48.	Dimenhydrinate	50.000 mg/ml	Injection
49.	Doxycycline Hyclate	50.000 mg	Capsule
50.	Doxycycline Hyclate	100.000 mg	Capsule
51.	Dyphylline	200.000 mg	Tablet
52.	Dyphylline	400.000 mg	Tablet
53.	Epinephryl Borate	.500 X	Viscous Sol. - OPTH
54.	Epinephryl Borate	1.000 X	Viscous Sol. - OPTH
55.	Ergoloid Mesylates	1.000 mg	Soluble Tablet
56.	Ergoloid Mesylates	500.000 mcg	Tablet
57.	Ergoloid Mesylates	500.000 mcg	Soluble Tablet
58.	Ergotamine Tartrate Combination Ergotamine Tartrate Caffeine	1.000 mg 100.000 mg	Tablet
59.	Erythromycin Estolate	125.000 mg/5ml	Suspension
60.	Erythromycin Estolate	250.000 mg	Capsule
61.	Erythromycin Estolate	250.000 mg/5ml	Suspension
62.	Erythromycin Ethylsuccinate	200.000 mg/5ml	Suspension
63.	Erythromycin Ethylsuccinate	400.000 mg	Tablet

64.	Estradiol Cypionate	5.000 mg/ml	Injection	121.	Methyclothiazide	2.500 mg	Tablet
65.	Estradiol Valerate	10.000 mg/ml	Injection	122.	Methyclothiazide	5.000 mg	Tablet
66.	Estradiol Valerate	20.000 mg/ml	Injection	123.	Methylprednisolone	4.000 mg	Tablet
67.	Estradiol Valerate	40.000 mg/ml	Injection	124.	Methylprednisolone Acetate	40.000 mg/ml	Injection
68.	Estrogens Esterified	1.250 mg	Tablet	125.	Methylprednisolone Acetate	80.000 mg/ml	Injection
69.	Estrogens Esterified	2.500 mg	Tablet	126.	Methylprednisolone Sodium Succinate	40.000 mg	Injection
70.	Estrogens Esterified	625.000 mcg	Tablet	127.	Methylprednisolone Sodium Succinate	125.000 mg	Injection
71.	Estrone	2.000 mg/ml	Injection	128.	Methyltestosterone	10.000 mg	Soluble Tablet
72.	Estrone	5.000 mg/ml	Injection	129.	Methyltestosterone	25.000 mg	Tablet
73.	Estrone Estrogenic Substances	2.000 mg/ml	Injection	130.	Metoclopramide HCL	10.000 mg	Tablet
74.	Ethaverine HCL	100.000 mg	Tablet	131.	Metolazone	2.500 mg	Tablet
75.	Fluphenazine HCL	10.000 mg	Tablet	132.	Metolazone	5.000 mg	Tablet
76.	Flurandrenolide	.050 %	Lotion	133.	Metolazone	10.000 mg	Tablet
77.	Gentamicin Sulfate	.300 %	Ointment - OPTH	134.	Nandrolone Decanoate	50.000 mg/ml	Injection
78.	Gentamicin Sulfate	10.000 mg/ml	Injection	135.	Nandrolone Decanoate	100.000 mg/ml	Injection
79.	Gentamicin Sulfate	40.000 mg/ml	Injection	136.	Nandrolone Phenpropionate	25.000 mg/ml	Injection
80.	Glycopyrrolate	1.000 mg	Tablet	137.	Nandrolone Phenpropionate	50.000 mg/ml	Injection
81.	Glycopyrrolate	2.000 mg	Tablet	138.	Neomycin Sulfate	500.000 mg	Tablet
82.	Griaseofulvin	125.000 mg	Tablet	139.	Neostigmine Methylsulfate	1.000 mg/ml	Injection
83.	Homatropine Hydrobromide	2.000 %	Solution - OPTH	140.	Nitrofurazone	.200 %	Ointment
84.	Homatropine Hydrobromide	5.000 %	Solution - OPTH	141.	Nitrofurazone	.200 %	Solution
85.	Hydralazine HCL Combination Hydralazine HCL Hydrochlorothiazide	25.000 mg 15.000 mg	Tablet	142.	Nitroglycerin	2.500 mg	Extended Release Cap.
86.	Hydralazine HCL Combination Hydralazine HCL Hydrochlorothiazide	25.000 mg 25.000 mg	Capsule	143.	Nitroglycerin	6.000 mg	Extended Release Cap.
87.	Hydralazine HCL Combination Hydralazine HCL Hydrochlorothiazide	50.000 mg 50.000 mg	Capsule	144.	Nitroglycerin	6.500 mg	Extended Release Cap.
88.	Hydralazine HCL Combination Hydralazine HCL Hydrochlorothiazide	100.000 mg 50.000 mg	Capsule	145.	Nitroglycerin	9.000 mg	Extended Release Cap.
89.	Hydrochlorothiazide Combination Hydrochlorothiazide Reserpine	50.000 mg 125.000 mcg	Tablet	146.	Nortriptyline HCL	10.000 mg	Capsule
90.	Hydrocortisone	.250 %	Suspension	147.	Nortriptyline HCL	25.000 mg	Capsule
91.	Hydrocortisone	.500 %	Suspension	148.	Orphenadrine Citrate	30.000 mg/ml	Injection
92.	Hydrocortisone	1.000 %	Cream	149.	Orphenadrine Citrate	100.000 mg	Tablet
93.	Hydrocortisone	1.000 %	Ointment	150.	Oxtriphylline	100.000 mg	Tablet
94.	Hydrocortisone	1.000 %	Suspension	151.	Oxtriphylline	100.000 mg/5ml	Solution
95.	Hydrocortisone	2.500 %	Ointment	152.	Oxtriphylline	200.000 mg	Tablet
96.	Hydrocortisone	2.500 %	Cream	153.	Oxytetracycline HCL	250.000 mg	Capsule
97.	Hydrocortisone	25.000 mg/ml	Injection	154.	Papaverine HCL	60.000 mg	Tablet
98.	Hydrocortisone	50.000 mg/ml	Injection	155.	Papaverine HCL	100.000 mg	Tablet
99.	Hydrocortisone Acetate Combination Hydrocortisone Neomycin Sulfate	1.000 % .500 %	Ointment	156.	Papaverine HCL	200.000 mg	Tablet
100.	Hydrocortisone Acetate	50.000 mg/ml	Injection	157.	Penicillin G Potassium Buffered	250,000.000 u	Tablet
101.	Hydrocortisone Sodium Succinate	100.000 mg	Injection	158.	Penicillin G Potassium Buffered	800,000.000 u	Tablet
102.	Hydrocortisone Sodium Succinate	250.000 mg	Injection	159.	Perphenazine Combination Perphenazine Amitriptyline HCL	2.000 mg 10.000 mg	Tablet
103.	Isoetharine HCL	.125 %	Solution	160.	Perphenazine Combination Perphenazine Amitriptyline HCL	2.000 mg 25.000 mg	Tablet
104.	Isoetharine HCL	.200 %	Solution	161.	Perphenazine Combination Perphenazine Amitriptyline HCL	4.000 mg 10.000 mg	Tablet
105.	Isoetharine HCL	.250 %	Solution	162.	Perphenazine Combination Perphenazine Amitriptyline HCL	4.000 mg 25.000 mg	Tablet
106.	Isoetharine HCL	1.000 %	Solution	163.	Phenazopyridine HCL	200.000 mg	Tablet
107.	Isoproterenol HCL	200.000 mcg/ml	Injection	164.	Potassium Chloride	750.000 mg	Extended Release Tab.
108.	Isoorbide Dinitrate	5.000 mg	Chevable Tablet	165.	Potassium Iodide	1.000 g/ml	Solution
109.	Isoorbide Dinitrate	10.000 mg	Chevable Tablet	166.	Prednisolone	5.000 mg	Tablet
110.	Isoorbide Dinitrate	40.000 mg	Extended Release Tab.	167.	Prednisolone Acetate	1.000 %	Suspension OPTH
111.	Isoorbide Dinitrate	40.000 mg	Extended Release Cap.	168.	Prednisolone Acetate	25.000 mg/ml	Injection
112.	Labetalol	200.000 mg	Tablet	169.	Prednisolone Acetate	50.000 mg/ml	Injection
113.	Labetalol	300.000 mg	Tablet	170.	Prednisolone Acetate	100.000 mg/ml	Injection
114.	Liothyronine Sodium	25.000 mcg	Tablet	171.	Prednisolone Phosphate Sodium	20.000 mg/ml	Injection
115.	Liothyronine Sodium	50.000 mcg	Tablet	172.	Prednisolone Tebutate	20.000 mg/ml	Injection
116.	Metaproterenol Sulfate	5.000 %	Solution	173.	Primidone	250.000 mg	Tablet
117.	Methandriol Dipropionate	50.000 mg/ml	Injection	174.	Probenecid Combination Probenecid Colchicine	500.000 mg 500.000 mcg	Tablet
118.	Methenamine Hippurate	1.000 Gm	Tablet	175.	Procainamide HCL	500.000 mg	Extended Release Tab.
119.	Methenamine Mandelate	250.000 mg/5ml	Suspension	176.	Progesterone	50.000 mg/ml	Injection
120.	Methocarbamol Combination Methocarbamol Aspirin	400.000 mg 325.000 mg	Tablet	177.	Progesterone in Oil	50.000 mg/ml	Injection

178.	Progesterone in Oil	100.000 mg/lml	Injection
179.	Promazine HCL	50.000 mg/lml	Injection
180.	Promethazine HCL	50.000 mg/lml	Injection
181.	Propoxyphene HCL	32.000 mg	Capsule
182.	Propoxyphene Napsylate Combination Propoxyphene Napsylate Acetaminophen	100.000 mg 650.000 mg	Tablet
183.	Propranolol HCL	10.000 mg	Tablet
184.	Propranolol HCL	20.000 mg	Tablet
185.	Propranolol HCL	40.000 mg.	Tablet
186.	Propranolol HCL	80.000 mg	Tablet
187.	Rauwolfia Serpentina	50.000 mg	Tablet
188.	Rauwolfia Serpentina	100.000 mg	Tablet
189.	Rifampin	300.000 mg	Capsule
190.	Sulfacetamide Sodium	10.000 X	Solution
191.	Sulfadiazine	500.000 mg	Tablet
192.	Sulfamethoxazole	1.000 Gm	Tablet
193.	Sulfamethoxazole	500.000 mg	Tablet
194.	Sulfasalazine	500.000 mg	Tablet
195.	Testosterone	25.000 mg/lml	Injection
196.	Testosterone	50.000 mg/lml	Injection
197.	Testosterone	100.000 mg/lml	Injection
198.	Testosterone Cypionate	100.000 mg/lml	Injection
199.	Testosterone Cypionate	200.000 mg/lml	Injection
200.	Testosterone Enanthate	100.000 mg/lml	Injection
201.	Testosterone Enanthate	200.000 mg/lml	Injection
202.	Testosterone Propionate	50.000 mg/lml	Injection
203.	Testosterone Propionate	100.000 mg/lml	Injection
204.	Tetracaine HCL	.500 X	Solution
205.	Tetracycline HCL	250.000 mg	Tablet
206.	Tetracycline HCL	500.000 mg	Tablet
207.	Theophylline	80.000 mg/15ml	Solution
208.	Theophylline Anhydrous	27.000 mg/5ml	Solution
209.	Thioridazine HCL	200.000 mg	Tablet
210.	Triamcinolone	2.000 mg	Tablet
211.	Triamcinolone	4.000 mg	Tablet
212.	Triamcinolone	8.000 mg	Tablet
213.	Triamcinolone Acetonide	40.000 mg/lml	Injection
214.	Triamcinolone Diacetate	40.000 mg/lml	Injection
215.	Trichlormethiazide	4.000 mg	Tablet
216.	Trifluoperazine HCL	1.000 mg	Tablet
217.	Trifluoperazine HCL	2.000 mg	Tablet
218.	Trifluoperazine HCL	5.000 mg	Tablet
219.	Trifluoperazine HCL	10.000 mg	Tablet
220.	Trifluoperazine HCL	10.000 mg/lml	Solution
221.	Trimethoprim	100.000 mg	Tablet
222.	Tripelennamine HCL	50.000 mg	Tablet
223.	Tripolidine HCL	1.250 mg/5ml	Solution

Regulatory Exception

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

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

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 provisions of the Administra-

tive Procedure Act, R.S. 49:953B to adopt the following rule in the Medical Assistance Program.

Summary

Current program policy provides medical vendor payment to providers of non-emergency medical transportation services. Payment is at the provider's usual rate not to exceed the maximum established for each class of provider, minus the amount which is covered by any third-party coverage the recipient may have. This emergency rule will place an additional limit in that the program will reduce the amount of pick-up fee paid to profit providers. This change is effective August 9, 1985. Current budgetary limitations require that the following changes be implemented in order that levels of services in other departmental programs be maintained.

Rule

Effective August 9, 1985 the maximum pick-up fee paid to profit medical transportation providers will be reduced as follows:

\$17.00 two way transport (first occupant)

\$ 8.50 two way transport (multiple riders)

\$ 8.50 one way transport (first occupant)

\$ 4.25 one way transport (multiple riders)

Regulatory Exception

Implementation of this rule is subject to approval by the Health Care Financing Administration (HCFA) as required for all Title XIX policy changes. If disapproved by HCFA, the policy prior to this change shall remain in effect.

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

DECLARATION OF EMERGENCY

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

Food and Drug Control Unit

In accordance with emergency provisions of the Administrative Procedure Act (R.S. 49:953 B), the Department of Health and Human Resources, Office of Preventive and Public Health Services, Food and Drug Control Unit, has implemented the following emergency rule.

RULE

Effective September 3, 1985, the Department of Health and Human Resources, Office of Preventive and Public Health Services, Food and Drug Control Unit, will adopt rules and regulations relative to the establishment of revised registration procedures and cancellation of previous registration procedures adopted by rules promulgated on August 20, 1983, and January 20, 1984. These rules had previously established criteria for establishing late registration penalty fees, the establishment of four registration categories and the staggering of expiration dates of certificates. Prorated fees for each category were also established. This rule will amend and re-enact rules 2.215, 2.216, and 2.217 in accordance with the codification system in the "State of Louisiana Food, Drug and Cosmetic Laws and Regulations," dated September, 1968 (the 'Red Book').

2.214 Product Registration Procedure

In accordance with the provisions of R.S. 40:627 and 628 and in order to establish revised procedures for the annual registration of products, manufacturers, packers, processors and distributors of all processed foods, proprietary or patent medicines, prophylactic devices and cosmetics in packaged form, whose names appear on the labels, must submit an application for registration of such products on or before August 1 of each year. Certificates of registration will be issued to each firm for a period of one year expiring on July 31 of each year. The staggering of expiration dates of certificates will be discontinued and consolidated

into one expiration date (July 31). The four registration categories, as established by previous rule of January 20, 1984, will be eliminated thus placing all firms into the same registration period of August 1 thru July 31 of the following year. The current expiration dates for the four registration categories are as follows:

Category 1	January 31
Category 2	April 30
Category 3	July 31
Category 4	October 31

In order to implement a smooth transition from staggered expiration dates to one annual expiration date, the Food and Drug Control Unit shall extend the expiration dates of the current registration certificates from each registration category, excluding category 3, to the July 31, 1986 expiration date. Thus, certificates of registration for categories 1, 2, and 4 expiring on January 31 and April 30, 1986, and October 31, 1985, respectively, will automatically be extended until July 31, 1986. For the purposes of avoiding confusion on the part of industry with respect to the filing of correct registration fees, the Food and Drug Control Unit shall waive the submission of applications for registration and registration fees for those firms in categories 1, 2, and 4 which would otherwise be prorated over periods of three, six and nine months.

This rule will allow a smooth transition into the revised registration fee schedule as provided by Act 344 of the 1985 Legislative Session which amended R.S. 40:627(D) of the Food and Drug Law. The new fee schedule is effective as of February 1, 1986; however, the new and revised fees will not be collected until August 1, 1986. Registration fees as provided by the amended law are as follows:

Each manufacturer, packer, or proprietor shall be assessed an annual examination and investigation charge of not more than \$10 for any one separate and distinct product registered, up to a maximum of \$100.

Registration fees for products shall be assessed as outlined in the following schedule:

Number of Products	Registration Fee	Registration Certificate Description
1	\$ 10	A
2	20	B
3	30	C
4	40	D
5	50	E
6	60	F
7	70	G
8	80	H
9	90	I
10	100	J
More than 10	100	J

Notification of renewal of certificates and revised examination and investigation fee schedules will be made known to certificate holders in categories 1, 2, and 4 by way of a letter to each firm announcing the proposed changes in fees and extension of certificates. Certificates of category 3 firms will not be affected in that certificates in that category currently expire on July 31 of each year.

2.215 Late Registration Penalty Fees

The late registration penalty fees as required by R.S. 40:627(D) will be revised effective February 1, 1986, in accordance with Act 344 of the 1985 Legislature. Late registration penalty fees currently assessed are \$100 per product with a maximum penalty fee of \$500 for any one firm during the calendar year.

Thus, late penalty fees are currently as follows:

Number of Products	Penalty Fee
1	\$100
2	\$200
3	\$300
4	\$400
5	\$500
More than 5	\$500

The revised penalty fees for late registration will be subject to implementation effective February 1, 1986, but assessment of the fees will not be initiated in that the current certificates will automatically be extended by this proposed rule.

2.216 Late Registration Penalty - New Firms

The late penalty fees will be assessed to new firms found doing business in Louisiana which, after being duly notified and allowing 45 days to respond to first notifications, do not remit the appropriate application and fees within 45 days after having been sent a final notification.

2.217 Penalty Fee Assessment

The late registration penalty fees as established by Act 344 of the 1985 Louisiana Legislature will assess, effective February 1, 1986, each manufacturer, packer, or proprietor a penalty of \$10 for failure to register each separate and distinct product annually. The penalty assessed shall be in addition to the examination and investigation charge (registration fee). No manufacturer, packer, or proprietor shall be assessed more than \$100 in any calendar year.

Late penalty fees shall be assessed as follows:

Number of Products Registered	Penalty Fee
1	\$ 10
2	\$ 20
3	\$ 30
4	\$ 40
5	\$ 50
6	\$ 60
7	\$ 70
8	\$ 80
9	\$ 90
10	\$100
More than 10	\$100

Late registration penalty fees, effective February 1, 1986, will be imposed on those firms which fail to submit an application for registration and registration fees on or before August 1 of each year. However, a grace period of 45 days will be given to all firms extending the deadline for receipt of applications to September 15 of each year. A final notice reminder letter will be sent to all firms on or about September 1 of each year thus serving notice to firms 15 days prior to implementing penalty fees denoted above.

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

DECLARATION OF EMERGENCY

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, is exercising powers conferred by the emergency provision of the Administrative Procedure Act, R.S. 49:953B, to implement the following rule effective August 30, 1985.

Purpose of Rule

This rule provides for a three-month extension of the alternate testing sites for the Human T-cell Lymphotropic Virus-Type III (HTLV-III) antibody. Alternate testing sites are sites not associated with blood banks. Testing is being performed at a designated site in each of the state's eight regions, upon request, during regular or prearranged clinic hours. Both pre- and post-test counseling is provided for all individuals seeking this test. Information on test availability is being disseminated through newspaper announcements/articles, pamphlets, and personal contacts with community groups.

This emergency declaration is necessary in order to protect the state's blood supply by making these alternate testing sites available for an additional 90 days to individuals who may otherwise donate blood simply to receive the free HTLV-III antibody testing. Additional evidence from CDC since the introduction of the HTLV antibody testing procedure has shown that approximately 50 percent of those people showing positive for HTLV-III antibody also are positive for the Human T-cell Lymphotropic virus. Thus, it is very important to take advantage of the Centers for Disease Control (CDC) extension for the HTLV alternate testing sites project in order to provide opportunity for as many interested people as possible to avail themselves of the antibody testing. These alternate sites also ensure that individuals receive appropriate pre-test counseling, post-test counseling, and referral for medical evaluation as indicated.

Purpose of Project

It is a matter of public record that positive results from the HTLV-III antibody test have been associated with cases of Acquired Immunodeficiency Syndrome (AIDS). Due to wide press coverage of the above, the HTLV-III antibody test has created an interest in antibody status among members of high risk groups for AIDS, and others. The Louisiana Office of Preventive and Public Health Services has thus received from CDC approval to make HTLV-III antibody testing available, for an additional three-month period, for those individuals who wish to be tested at alternate sites. Additionally, should interested individuals require anonymity, the offering of this test at a confidential and impersonal site other than a blood bank lessens the possibility of blood donations given solely to secure the HTLV-III antibody test results.

Project Administration

Funding for this HTLV-III antibody testing service has been secured from CDC, which is helping states assure that individuals are not turned away from alternate sites because they cannot afford to pay for services. No funds have been appropriated by state or local government for the provision of these services and none are anticipated. The State Public Health Laboratory will perform all routine testing using only the ELISA procedure (which was licensed by the Food and Drug Administration on March 2, 1985).

To insure confidentiality, no names are required or taken at the testing site and results are available only during face-to-face contacts with counselors, necessitating two visits for all clients. Services are provided free of charge to any person requesting them.

Objectives of the service are to provide HTLV-III antibody testing in a confidential and non-judgemental manner to all persons who have requested the test and who have been extensively counseled in regard to the complex issues surrounding the test and its results; to provide all such individuals, whether or not they elect to go through with testing, information on risk-reducing activities, and to provide public education regarding the test and risk-reducing activities to interested groups.

This emergency rule will be in effect for 120 days from its effective date or until funds for this project are exhausted, whichever comes first.

The HTLV-III antibody testing at alternate sites may be discontinued for cause at the discretion of the state health officer.

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

DECLARATION OF EMERGENCY

Department of Justice Office of Attorney General

ADOPTION OF RULES TO IMPLEMENT THE ELECTRONIC AND VIDEO MACHINE BINGO LAW OF 1985, ACT 671 of 1985

1. Statement of reasons for emergency: The regular session of the 1985 Louisiana Legislature enacted Act No. 671 which provides relative to licensing of charitable raffles, bingo and keno licensing and regulation by local governing authorities; to authorize the use of electronic or video machines for the playing of bingo at licensed locations; to authorize the leasing of such machines and to fix the terms and conditions for their use and provides for related matters. This Act will become effective September 6, 1985.

The Office of Attorney General (Louisiana Department of Justice) is authorized by Act 671 to adopt additional rules and regulations governing the use of these devices pursuant to the Louisiana Administrative Procedure Act and to establish a list of manufacturers, distributors, suppliers and lessors authorized to provide electronic bingo machines or a list of acceptable models of the machines or acceptable serial numbers on such models or manufacturers, distributors, suppliers or lessors. The Department of Justice has had insufficient time between the close of the legislative session and the effective date of the law to promulgate permanent rules. The provisions of the Louisiana Administrative Procedure Act for promulgating administrative rules prevents the adoption of permanent rules before certain hearings, publication, and delays all as provided for by said act.

The Department of Justice finds that the lack of permanent rules between the effective date of the law and the adoption of permanent rules poses an imminent peril to public health, safety, and welfare. The Department of Justice therefore adopts these rules as emergency rules in order to protect the health, safety, and welfare of the public, to prevent economic hardships to potential permittees and local governments, and to provide the electronic video bingo machine industry with guidelines in this new area of law.

The permanent rules will be promulgated by the Department of Justice at a later date with opportunity for public comment and participation in a public hearing.

2. The emergency rules as adopted provide as follows: RULE I. STATEMENT OF DEPARTMENT POLICY

The public health, safety, and welfare, is the primary consideration in promulgating electronic video bingo machine rules and shall continue to be the primary consideration in their applications and enforcement.

RULE II. DEFINITIONS

(1) As used through this chapter, the following definitions apply:

(a) "Act" means the Charitable Bingo, Keno and Raffle Law enacted as Louisiana Revised Statutes 33:4861.1 *et seq.* including all amendments thereto that may hereafter be enacted including Acts 671 and 823 of 1985.

(b) "Applicant" means any person who has applied for or is about to apply for a permit stamp for an electronic video bingo machine.

(c) "Bingo" which means the game of chance commonly known as bingo played for prizes with cards bearing numbers or other designations, five or more in one line, the holder covering

numbers, as objects, similarly numbered or drawn from a receptacle and the game being won by a person who first covers a previously designated arrangement of numbers on such a card.

(d) "Electronic Video Bingo" shall mean a machine designed for the specific purpose of playing the game of bingo as described above except that an electronic random number generator may be utilized to select numbers in lieu of the drawing of numbers from a receptacle and that one or more video images containing numbers or other designations five or more in one line may be utilized instead of a card.

(e) "Permit Stamp" means a decal issued by the State of Louisiana, Department of Justice, which authorizes a specific machine to be operated as electronic video bingo machine.

(f) "Department" means the Louisiana Department of Justice, Office of the Attorney General, and shall include the Electronic Video Bingo Panel of the Department of Justice.

RULE III. APPLICATION FOR REGISTRATION STAMP

(1) An application to register an electronic video bingo machine must be submitted to the Electronic Video Machine Panel of the Department upon forms prescribed by the department. The application is not complete unless it is dated and signed by the applicant, and contains all information and statements required by the department.

(2) A separate application must be completed for each machine.

(3) A fee in the amount of \$25 to cover the cost of the registration stamp and the processing of the application must accompany each application.

(4) A machine permitted under these rules must comply with all the required specifications in these rules and to the requirements of the act.

(5) All licenses issued under these emergency rules will expire at midnight on September 5, 1986.

RULE IV. ELIGIBILITY FOR PERMITS

Permit stamps for Video Bingo shall only be issued to:

(1) A charitable organization licensed by a parish or municipality to conduct gaming by means of electronic video bingo.

(2) A manufacturer, supplier or distributor of electronic video bingo machines who is registered under Section XXVII of these rules and who leases or rents such machines only to charitable organizations licensed by a parish or municipality to conduct gaming by means of electronic video bingo.

RULE V. ISSUANCE OF REGISTRATION STAMP

(1) Upon approval of an application and payment of the application fee the department will issue a permit stamp.

(2) The applicant must affix the permit stamp to the machine cabinet as instructed by the department so that the decal is visible and easily read. The machine may not abut another machine, wall, or other obstruction which would obscure a person's ability to see and read the permit stamp.

(3) The permit stamp must be affixed to a machine before machine is placed in service.

(4) A permit stamp may only be affixed to the machine for which it was applied and is not transferable to any other machine.

RULE VI. PERMIT STAMP NOT TRANSFERABLE

(1) A permit stamp for an electronic video bingo machine is only valid for the applicant and the premises identified on the license application.

(2) A permit stamp is further restricted to the particular machine approved by the department and identified on the registration application.

(3) A permit stamp issued pursuant to the Act and these rules is a privilege and not personal property.

(4) A machine may not be moved from the establishment named in the permit application and placed in service at another

establishment unless application is made for an electronic video bingo machine permit at the new location, the machine is inspected, the registration is paid and a new registration stamp is issued. A new permit stamp is required even if a machine has a current unexpired registration stamp for the former location.

RULE VII. EXPIRATION—RENEWAL OF PERMIT

(1) All permits expire at midnight September 5th.

(2) An application for a new permit must be submitted to the Electronic Video Bingo Panel of the department on forms prescribed by the department, the fee paid, new permit issued, and a new permit decal affixed to the machine before a previously permitted machine may be operated after midnight of September 5th.

(3) The department will consider the same criteria for renewal of permits as for the original issuance of permit. Failure to satisfy permit criteria contained in the act and these rules may result in denial of renewal license.

RULE VIII. PERMITTEE SUITABILITY AND BUSINESS RELATIONSHIPS

(1) The department may deny an application or revoke, suspend, restrict, or limit a permit or approval of a machine when it finds that permittee or a business relationship between a permittee and another, person, or business entity is unsuitable or endangers the health, safety, or welfare of the citizens of this state. In determining the suitability of a permittee or other persons or business entities in a business relationship, the department may consider the person or business entity's:

(a) general character, including honesty and integrity;

(b) financial security and stability, competency, and business experience in the capacity of the relationship;

(c) record, if any, of violations which may affect the legal and proper operation of a machine including a violation affecting another permittee and any violation of the laws of this state, other states, and countries without limitations as to the nature of the violation;

(d) refusal to provide access to records, information, equipment, or premises to the department or peace officers when such access is reasonably necessary to ensure or protect public health, safety or welfare.

RULES IX. LICENSEE QUALIFICATIONS—DENIAL OF APPLICATION NONRENEWAL OF LICENSE—FAIR HEARING—JUDICIAL REVIEW

(1) When the department denies an application for permit or renewal of a permit, the applicant may request a fair hearing. Upon the department's receipt of written request, a fair hearing shall be conducted in accordance with the provisions of the Louisiana Administrative Procedure Act.

(2) Administrative procedures conducted by the department are subject to judicial review according to the provisions of the Louisiana Administrative Procedure Act.

RULE X. QUARTERLY REPORTING REQUIREMENTS

Permittee quarterly reporting requirements are as follows:

(1) For each machine the permittee or his representative must file with the department a quarterly electronic video bingo machine meter report signed by the permittee. The forms prescribed and supplied by the department require readings from the mechanical meters. The report will be used by the department to verify the winning percentage of the machine. The following requirements apply:

(a) The report must be delivered to the department, Electronic Video Bingo Panel, at the Office of the Attorney General, Box 94005, State Capitol Building, Baton Rouge, LA 70804 or shall be post-marked no later than midnight of the fifteenth of each month following the quarters ending March 31, June 30, September 30, and December 30, in each calendar year.

(b) the meter reading must be taken and recorded for the

report within seven days of the close of the permittee's last day of business in the reporting quarter; and

(c) the report is due on each machine after it has been permitted regardless of whether the machine was in use during a subsequent quarter of the permit year.

(2) If a permittee leases, rents, or shares machine ownership, or a machine's revenues with another person or business entity, the permittee or his representative must provide upon the same form prescribed by the department in Subsection (1) above, quarterly information for each machine as follows:

(a) full identification including name, address and social security number (or federal identification number) of all persons or business entities involved in the above mentioned business relationship;

(b) percentage of participation in machine income by each person or business entity involved in the above mentioned business relationship;

(c) specific machine income (total collections less amounts paid to players without adjustment for expense) paid to or received by each person or business entity involved in the above mentioned business relationship.

RULE XI. RECORD RETENTION REQUIREMENTS

Record requirements are as follows:

(1) Machine operation records must be maintained and made available for inspection by the department upon request. The records must provide all necessary information the department may require to insure operation of machines in compliance with the law.

(2) The records must, but are not limited to, include:

(a) the accounting ticket and corresponding permittee records containing the performance synopsis of the machine;

(3) The permittee records required by this rule must be maintained in the State of Louisiana by the permittee or his representative for a minimum of 3 years.

RULE XII. GENERAL SPECIFICATIONS OF ELECTRONIC VIDEO BINGO MACHINES

Detailed specifications for electronic video bingo machines are required by the department. Such specifications are required to ensure the legal operation and integrity of each machine and provide the department with methods to monitor the machines.

(1) All hardware and software modifications made to a permitted electronic video bingo machine must be submitted to the department for approval prior to installation.

(2) The department may revoke, suspend, restrict, or limit a permit or approval at any time when it finds that any machine or machine component does not comply with statutes and rules governing electronic video bingo machines. The department may also revoke, suspend, restrict, or limit permit or approval of other similar model machines or machine components in use in the state.

RULE XIII. HARDWARE SPECIFICATIONS

An electronic video bingo machine must include the following hardware specifications:

(1) All electrical and mechanical parts and design principles shall follow acceptable industrial codes and standards in both design and manufacture.

(2) An electronic video bingo machine shall be designed to ensure that the player will not be subjected to any physical, electrical, or mechanical hazards.

(3) A machine shall be equipped with a surge protector that will feed all a.c. electrical current to the machine and a battery backup power supply to maintain the accuracy of all electronic meters displaying information required by the act and these rules during power fluctuations and loss. The battery must be in a state of charge during normal operation of the machine.

(4) The design of a machine shall ensure there are no readily accessible game functions related points which would al-

low any input and that there is no access to input or output circuits unless it is necessary for the proper operation of the machine.

(5) The nonresetable mechanical meters required must meet the following specifications:

(a) either the meters must be located so they can be viewed and read externally from the front of the machine or the keys to the cash area must be immediately available at the licensed premises;

(b) the meters shall be situated in a left to right or top to bottom configuration according to function and visibly labeled as follows:

- (i) coins in;
- (ii) credits played;
- (iii) credits won;
- (iv) credits paid; and

(c) the mechanical meters shall be manufactured in such a way as to prevent access to the internal parts of the meter.

(6) The department may require and provide a validating identification sticker to be attached to the mechanical meters to verify the meters are assigned to a specific licensed machine.

(7) A machine must have a separate and locked area for the logic board and software. The department must be allowed immediate access to this locked area upon request.

(8) The ticket printing mechanism must be located in the locked logic area to ensure the safekeeping of the audit copy. The printing mechanism must produce a printed original and duplicate that will remain legible throughout the retention period required by these rules.

(9) The logic and printer interface boards shall be mounted within the logic area so they are not visible upon operating the logic area door.

(10) A machine must have a nonremovable identification device externally attached to the machine which shall include the following information about the machine:

- (a) manufacturer;
- (b) serial number;
- (c) model or make and
- (d) any other information required by the department.

(11) The logic board must have a unique serial number that may be used to identify the board for approval and inspection purposes. The serial number shall be in ten symbol configuration. The first four symbols shall identify the manufacturer and the last six symbols shall identify the board.

(12) (a) The electronic meters shall be able to maintain totals no less than eight digits in length.

(13) Printing of all totals from the electronic meters shall occur automatically, by means of a switch attached to either the door on the lock for the door each time access to either the logic compartment or the cash area occurs.

(14) Any necessary resetting of electronic meters shall be done in a manner that is easily verifiable by the department.

(15) The face of each machine shall be clearly labeled so as to inform the public that no one under age 18 years is allowed to play.

(16) The printer mechanism shall have a paper sensing device that will prevent play if there is insufficient paper to print a ticket for a customer or an audit ticket. Upon setting a "paper low" or "paper out" condition the machine must display a message to that effect on the monitor.

RULE XIV. SOFTWARE SPECIFICATIONS

A machine is required to possess software specifications that enable it to play the game of electronic video bingo with operation set forth by the act. The software logic must have the following characteristics:

(1) The logic of the program must not intervene in any way with expected random play.

(2) The random number selection process shall conform to an acceptable random order of occurrence and uniformity of distribution.

RULE XV. SOFTWARE INFORMATION TO BE PROVIDED TO THE DEPARTMENT

A permittee may be required to provide information to the department necessary to ensure the machine's software and logic are in compliance with the act and these rules. The information may be provided directly by the permittee, the distributor or the manufacturer of the machine. The information shall include, but not be limited to:

- (1) all technical manuals, instructions, wiring and logic diagrams for the machine.
- (2) all microprocessor manuals;
- (3) all source listings, including programmer's comments, and flow charts for the electronic video bingo programs, character sets, including those that may reside on the printer interface board;
- (4) a hexadecimal dump of all complied programs;
- (5) model PROM'S containing complied electronic video bingo character sets, including those that may reside on the printer interface board;
- (6) access to a compiler for the programming language used if the department is unable to compile the program with the equipment it has available;
- (7) the algorithm for the random number generator along with a written description;
- (8) a photo or drawing of the display which shows all set-ups, test modes with detailed written descriptions and instructions;
- (9) a listing of the payback values and the probabilities of the outcome of cards for the program logic used;
- (10) the schedule of proposed payout odds and overall payback percentage;
- (11) tabulated results of five separate simulations of not less than 200,000 games using the bingo program;
- (12) instructions on the means, including assumptions made, by which the simulations in Subsection (11) were created so the department can verify the simulation results; and
- (13) a description of the methods of all testing criteria if performed and the results of the tests for the following:
 - (i) random number generator;
 - (ii) electromechanical interference;
 - (iii) radio frequency interference;
 - (iv) FCC standards;
 - (v) A.C. line noise;
 - (vi) static electricity; and
 - (vii) extreme temperature conditions.

RULE XVI. RESTRICTIONS ON OPTIONAL GAME FORMAT OR FEATURES

(1) A machine shall only offer the game of electronic video bingo as provided by the act and these rules and shall not offer any other game or variant which will award free games or credits that may be redeemed by a player. This restriction applies to bonus, progressive, or any other means of awarding games or credits which deviates from the award of games or credits for same of bingo.

(2) The department shall determine what optional features may be allowed and such features must be approved by the department prior to inclusion in a machine's game format.

RULE XVII. PROHIBITED MACHINES

(1) Any machine including amusement machines which, in substance, simulates the game of bingo without conforming to the requirements of the act and is placed in service for play by the public is prohibited. The machine is subject to immediate seizure and destruction in accordance with the provisions of LRS 15:31.

(2) Any person who owns or operates or possesses a machine described in Subsection (1) is in violation of the act, and these rules.

RULE XVIII. POSSESSION OF PERMIT MACHINES BY MANUFACTURER, SUPPLIER, DISTRIBUTOR, OWNER, OR REPAIR SERVICE

A manufacturer, supplier, distributor, owner, or repair service may possess or own Electronic Video Bingo Machines, logic boards, meters, and machine components which conform to the statutory requirements and rules relating to electronic video machines. Such machines possessed or owned may not be operated except when inspected, permitted, and placed on a permittee's premises.

RULE XIX. CONDITIONAL APPROVAL OF ELECTRONIC VIDEO BINGO MACHINES BY DEPARTMENT

(1) The department may conditionally approve and maintain a list of specific models of machines based on its finding that the machines conform to the act and these rules.

(a) Final approval of each machine is required even if a machine has been conditionally approved.

(b) Conditional or final approval may be withdrawn by the department subsequent to finding that a machine does not conform to specifications, including new or revised requirements that differ from those in effect at the time conditional or final approval was granted.

(2) Approval includes inspection of the hardware and software and all information provided to the department under Rule XVIII to determine whether a machine meets all requirements of the act and these rules.

(3) The department may accept shipment of a machine for the purpose of providing conditional approval of that particular make or model provided the following conditions are met:

(a) the department will not be responsible for any purchase, shipping, or handling charges;

(b) all the information required in Rule XVIII must accompany the machine; and

(c) prior to shipment, the department approved such shipment of a machine for scheduled testing and approval.

(4) The department may accept the results of tests and examinations of independent testing laboratories in lieu of its own examination if the selection of the laboratory is agreed on in advance by the department and the applicant, all cost associated with testing are borne by the applicant and test results are sufficiently detailed for the department to determine whether a machine meets all requirements of the act and these rules.

(5) New rules may be adopted which redefine or set forth new specifications that previously approved machines do not comply with. In such cases, and only in such cases, the department shall allow up to 90 days for a permittee to bring a machine into compliance with a new or modified specification.

RULE XX. DISSEMINATION OF INFORMATION

(1) Certain information collected by the department is known to contain confidential information. The information in Subsection (2) is confidential and may not be revealed by the department except under order of a court of competent jurisdiction.

(2) Information designated as confidential includes but is not limited to the following:

(a) technical manuals, instructions, wiring, or logic diagrams for the machine;

(b) listings of source codes and flow charts;

(c) results of simulations and related information explaining simulation methodology;

(d) model PROMS or logic boards containing complied programs; or

(e) background information on applicants, licensees, and business relationship.

(3) Information relating to the results of actual operations as shown on a machine's meter is not confidential and may be used to compile studies or reports.

(4) Persons with access to confidential information as described in Subsection (2) may not use or reveal anything of a confidential nature outside the scope of its intended purpose.

(5) The department shall secure confidential information and restrict all persons from access, except designated employees whose duties include testing and interpretation of the information. Such information is not public record and may not be released to any member of the public.

RULE XXI. REPAIRING MACHINES—APPROVAL

(1) When the department approves the software and logic board of a machine, it may use a prescribed security seal process to guard any unauthorized tampering or changes to the method by which the game of bingo is played on the machine.

(2) Any repair made to a machine's logic board which requires the breaking of a departmental seal must be reported to the department before the seal is removed or broken. At that time, readings of the machine's electronic meters and mechanical meters must be proved to the department. After repair, the logic board must be reapproved by the department and initial electronic and mechanical meter readings provided to the department before the machine is again placed in operation on the licensee's premises.

(3) Any repair or replacement made to a machine's meters must be reported to the department before a seal is removed or broken and the readings of the machine's electronic and mechanical meters must be provided to the department. After repair, the initial readings of the electronic and mechanical meters must be provided before the machine is again placed in operation. The department must subsequently be given access to the machine to reseal the meters and verify their proper operation.

(4) To assure the integrity, security, and monitoring of machines in service, a permittee machine may not be substituted or replaced until the replacement machine has been permitted by the department.

RULE XXII. INSPECTION AND SEIZURE OF MACHINES

(1) The department or its duly authorized representatives has the right at all times to make an examination of any machine being used to play electronic video bingo. Such right of inspection includes immediate access to all machines and unlimited inspection of all machine parts. The department or its authorized representatives may immediately seize and remove any machine or device which violates the act, these rules or the statutes of Louisiana.

(2) Given reasonable cause, the department may remove a machine or parts from a machine for laboratory testing and analysis. When parts are removed, the department may seal any machine left on the licensee's premises pending the department's investigation. The breaking or removal of the department's seal will subject the licensee to seizure of the entire machine and suspension or revocation of the license.

RULE XXIII. INVESTIGATION OF LICENSEE

The department may, upon its own motion, and shall upon receipt of a written verified complaint of any person, investigate the actions of any permittee and the operations of any machine. The investigation shall be undertaken for the purpose of gathering evidence and determining whether a violation of the act, rules or other statutes of the State of Louisiana has occurred.

RULE XXIV. CIVIL VIOLATIONS—CRIMINAL CITATIONS

(1) When the department determines a permittee has violated the act or these rules, the department shall issue a civil violation to the permittee.

(2) A violation may be issued for, but is not limited to the following acts:

- (a) the operation of an unpermitted machine;
- (b) the use of more than 25 electronic video bingo machines on a premises;
- (c) allowing a person under the age of 18 years to play a machine;
- (d) the falsification of application or reporting documents;
- (e) the refusal to allow inspection of a machine;
- (f) the failure to comply with documentary reporting requirements;
- (g) the destruction of printed ticket voucher and accounting ticket copies required in Rule XIV.

RULE XXV. PENALTIES FOR CIVIL VIOLATION ISSUED BY DEPARTMENT

(1) The department may suspend any or all permits held by an alleged violator after opportunity for fair hearing when:

(a) the department receives:

(i) a certified copy (or other credible evidence) of any judgment or conviction of any permittee or his agent, servant, or employee for any violation of any criminal law or ordinance of the United States, the State of Louisiana or of any Louisiana parish, City, or Town relating to charitable gaming or (ii) a certified copy of the record (or other credible evidence) of the forfeiture by any permittee or his agent or employee of bond to appear to answer charges of violating any law or ordinance relating to charitable gaming; or

(b) the department, after investigation, has reasonable cause to believe that any permittee, his agent or employee has violated the provisions of the act or these rules and issue violation or citation.

(2) The department may suspend a permit or permits prior to the opportunity for fair hearing when the department, after investigation, has reasonable cause to believe continued operation of the permit machine endangers public health, safety, and welfare. During the period of suspension, the permittee shall not operate such machine.

(3) A permit may be revoked, subsequent to opportunity for a fair hearing, as penalty for violation of the act or these rules. In addition to the penalties provided in this section, a machine may be seized and treated in accordance with LRS 15:31 when reasonable cause exists to believe the machine is being operated in violation of the act or these rules.

RULE XXVI. ADMINISTRATIVE PROCEEDINGS AND JUDICIAL REVIEW

- (1) The department shall conduct a fair hearing;
 - (a) following the emergency suspension of a permit, and
 - (b) prior to the revocation of a permit.

(2) All fair hearings must be held in accordance with the Louisiana Administrative Procedure Act.

(3) Administrative procedures conducted by the department are subject to judicial review in accordance with the provisions of the Louisiana Administrative Procedure Act.

RULE XXVII. REGISTRATION OF MANUFACTURERS, SUPPLIERS, OR DISTRIBUTORS OF ELECTRONIC VIDEO BINGO MACHINES

(1) Any person or business entity desiring to sell or distribute electronic video bingo machines in this state must:

(a) be issued and maintain all required federal, state, county, and municipal licenses;

(b) apply to the department on forms prescribed by the department for registration; and

(c) furnish to the department monthly reports identifying the quantities and models of machines the manufacturer, supplier, or distributor ships into Louisiana, and such other information the department may determine is necessary to regulate and control electronic video bingo machines in accordance with the act and these rules.

(d) meets the suitability and business relationship criteria of Rule XI.

(2) No person shall be registered who holds a permit to sell liquor of either high or low content or who is directly or indirectly involved with the operating or the assisting in the operation of any game of chance permitted under the act or who is involved directly or indirectly in leasing or renting any premises or equipment for such game or in the providing of any other incidental goods or services in connection with such game or games.

(3) No person shall ship electronic video bingo machines into this state until his application for registration is granted by the department.

(4) Registration may be suspended or revoked by the department upon the department's determination, after notice and opportunity for fair hearing, that the registrant has not complied with the conditions of registration.

3. These emergency rules become effective on September 6, 1985 and will remain effective until permanent rules are adopted.

4. The authority for the department to adopt these emergency rules is found in Act 671 of the 1985 Louisiana Legislature and in the Louisiana Administrative Procedure Act (LRS 49:950 *et seq.*).

September 5, 1985

William J. Guste, Jr.
Attorney General

DECLARATION OF EMERGENCY

Department of Public Safety and Corrections Office of Motor Vehicles

The Department of Public Safety and Corrections, Office of Motor Vehicles, has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953 B to adopt the following emergency rule:

RULE

Vehicle Emission Inspection

(a) All 1980 and later model passenger cars and light-duty trucks (8500 lbs. or less) currently registered and operated in Louisiana must be inspected, as part of, and at the time of, the required annual vehicle inspection, under Parameter Vehicle Emission Inspection and Maintenance Program and the rules of the department applicable to the particular year model.

(b) Certified inspectors in Louisiana must perform the Parameter Inspection and Maintenance inspection on all 1980 and later year model passenger cars and light-duty trucks presented for inspection which are currently registered in Louisiana.

(c) Certified inspectors in Louisiana must perform the Parameter Inspection and Maintenance inspection on all 1980 and later model passenger cars and light-duty trucks presented for inspection which are currently registered and operated in Louisiana, provided that the certified inspectors have completed the training for the Parameter Inspection and Maintenance Program and hold a current inspector's certificate for such training.

(d) Vehicles having been inspected under the Parameter Inspection and Maintenance Program and found to have met the requirements will be passed by the certified inspector.

(e) All certified inspectors in Louisiana must complete the training for the Parameter Inspection and Maintenance Program and receive certification from the Louisiana Department of Public Safety and Corrections for such training.

(f) Only those certified inspectors who have completed the training for the Parameter Inspection and Maintenance Program, and who have received certification for such training may perform the Parameter Inspection and Maintenance inspections.

(g) Certified inspectors in the state who have been certi-

fied to perform the Parameter Inspection and Maintenance inspections shall accurately complete forms provided by the department.

(h) Specific inspection requirements for passenger cars and light-duty trucks in the Parameter Inspection and Maintenance Program are as follows:

1980-1983 year models

(A) Inspection parameters are evaporative canister, air injection system, choke system, PCV valves and hoses, exhaust gas recirculation (EGR) valve and thermostatic air control (TAC). In addition, vehicles originally equipped with a catalytic converter at the time of manufacture shall be checked for the presence of lead, catalytic converter, and fuel inlet restrictor.

(B) Vehicles with an altered or removed fuel inlet restrictor or a removed catalytic converter will be allowed a period of time not to exceed 60 days in which to replace the catalytic converter. A vehicle failing the lead detection test will be allowed a period of time not to exceed 60 days in which to replace the contaminated tailpipe and catalytic converter. Proof of replacement shall be provided by the vehicle owner at the time the vehicle is reinspected and shall be in the form of a dated repair receipt or sales invoice.

(C) A vehicle which fails the inspection because of an altered or removed fuel inlet restrictor, a removed catalytic converter, or lead in the tailpipe, but which passes all other inspection requirements, will be issued a rejection certificate which will be valid for 60 days.

1984 and later year models.

(A) Inspection parameters are misfire, evaporative canister, air injection system, oxygen sensor choke system, PCV valves and hoses, exhaust gas recirculation (EGR) valve, and thermostatic air control (TAC). In addition, vehicles originally equipped with a catalytic converter at the time of manufacture shall be checked for the presence of lead, catalytic converter, and fuel inlet restrictor.

(B) An altered or removed fuel inlet restrictor or a removed catalytic converter will be allowed a period of time not to exceed 60 days in which to replace the catalytic converter before an inspection certificate may be issued. A vehicle failing the lead detection test must have the contaminated tailpipe and catalytic converter replaced before an inspection certificate will be issued. If a vehicle is rejected, a rejection certificate for 60 days shall be issued which lists items rejected and other required information.

Inspection certificates prior to the effective date of these rules shall be valid and shall remain in effect until the expiration date thereof.

This rule is effective September 17, 1985, 12:01 a.m.

The adoption of this emergency rule is necessary to allow the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, to include the rule in the State Implementation Plan (SIP) which is to be submitted to the Environmental Protection Agency. The submission of the SIP is required by EPA by letter dated February 24, 1984 and 49 FR 18827. The requirement that the SIP contain a program similar to the one outlined in the rule appeared in 48 FR 50686.

EPA has notified the state that should the SIP not include these rules it intends to initiate sanctions required by the Clean Air Act. The sanctions required by Section 176(a) would restrict funding to the Department of Environmental Quality and eliminate highway funds for the Baton Rouge area. A ban on new construction of industrial facilities would also be initiated under Section 173(4) of the Clean Air Act.

C. Paul Phelps
Secretary

Col. Wiley D. McCormick
Deputy Secretary

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

The use of horses for hunting and trapping on Wildlife Management Areas (except for quail) has presented law enforcement and user conflicts for several years. Through an oversight the use of horses or mules for raccoon hunting was allowed on the Pearl River Wildlife Management Area for 1984 and 1985.

The Game Division has been contacted by numerous individuals interested in expanding this regulation to other areas. However proliferation in the use of horses is not desirable on wildlife management areas due to law enforcement problems, user conflicts, safety and inconsistency of regulations.

The Wildlife and Fisheries Commission does hereby approve the department's recommendation to prohibit the use of horses or mules for any purpose (except quail hunting) on department administered wildlife management areas.

J. Burton Angelle
Secretary

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

The Wildlife and Fisheries Commission at its regular meeting on Friday, August 9, 1985 in Baton Rouge, Louisiana, tentatively set the 1985-86 duck and goose hunting season dates based on recommendations of department personnel who had attended numerous technical meetings as well as public testimony from Louisiana sportsmen interested in waterfowl.

The season length framework dates, shooting hours, bag limits, etc., were set by the U. S. Fish and Wildlife Service in a formal letter which was received August 29, 1985.

Therefore, the Louisiana Wildlife and Fisheries Commission does hereby ratify and adopt the 1985-86 season dates and other waterfowl regulations recommended on August 9, 1985.

1985-1986 WATERFOWL SEASONS

DUCKS AND COOTS

West Zone

Nov. 9 - Dec. 1 (Sun.)	23 DAYS
Dec. 21 - Jan. 11 (Sat.)	22 DAYS
	<hr/>
	45 DAYS

East Zone

Nov. 23 - Dec. 1 (Sun.)	9 DAYS
Dec. 14 - Jan. 13 (Mon.)	31 DAYS
	<hr/>
	40 DAYS

GEESE

West Zone

Nov. 9 - Dec. 1 (Sun.)	23 DAYS
Dec. 21 - Feb. 5 (Wed.)	47 DAYS
	<hr/>
	70 DAYS

East Zone

Nov. 23 - Dec. 1 (Sun.)	9 DAYS
Dec. 14 - Feb. 12 (Wed.)	61 DAYS
	<hr/>
	70 DAYS

Special Scaup -

(Only in Designated Areas)

Jan. 15 - Jan. 30	16 DAYS
Daily Bag Limit 5	
Possession Limit 10	

J. Burton Angelle
Secretary

Rules

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 on June 20, 1985, and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3; Act 455 of the Regular Session, adopted as policy, the rule listed below:

Rule 3.01.51.w

The board adopted the following policy for inclusion in bulletin 741, page 98, pertaining to secondary students receiving credit for attending a private cosmetology school:

Secondary Students Attending a Private Cosmetology School

Secondary students attending an approved cosmetology school, licensed by the Louisiana State Board of Cosmetology, may receive trade and industrial education credit, if time requirements for Carnegie units are met and if an equivalent course is not offered by the local school system.

If the course content is equivalent to the content of the cosmetology course listed under Standard 2.105.32, the units of credit shall be reported on the student's transcript by the title.

If the course content is not equivalent to the course listed under Standard 2.105.32, the units of credit shall be reported by the actual title.

A copy of the written agreement between the parish/city school system and the private cosmetology school shall be on file in the Trade and Industrial Education Bureau.

James V. Soileau
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 on June 20, 1985, and under the authority contained in the Louisiana State Constitution (1974), Article VIII, Section 3; Act 455 of the Regular Session, adopted as policy, the rule listed below:

Rule 3.01.51

The board adopted the 1984 revised edition of Bulletin 741, entitled *Louisiana Handbook for School Administrators*; but, deleted the requirement for a 360-minute instructional day for all students K-12.

James V. Soileau
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 on June 20, 1985, and under the authority contained in the Louisiana State Constitution (1974), Article VIII, Section 3; Act 455 of the Regular Session, adopted as policy, the rule listed below:

Rule 3.01.08.b

The board adopted the Computer Literacy Curriculum Guide (Bulletin 1739) as submitted by the department.

James V. Soileau
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 on June 20, 1985, and under the authority contained in the Louisiana State Constitution (1974), Article VIII, Section 3; Act 455 of the Regular Session, adopted as policy, the rule listed below:
Rule 3.01.05

The board adopted the State Plan for Nutrition Evaluation and Training Program (FY 86).

James V. Soileau
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 on June 20, 1985, and under the authority contained in the Louisiana State Constitution (1974), Article VIII, Section 3; Act 455 of the Regular Session, adopted as policy, the rule listed below:
Rule 3.01.80.a

The board amended the 1985-86 textbook adoption cycle to include computer literacy technology and computer science and approved the inclusion of computer literacy technology and computer science on the textbook adoption cycle each consecutive year.

James V. Soileau
Executive Director

RULE

**Office of the Governor
Division of Administration
Facility Planning and Control**

The Louisiana Capital Improvement Projects Procedure Manual
For Design and Construction
1985 Edition

Article 1
Condition of the Contract

1.1 The Louisiana Capital Improvement Projects Procedure Manual for Design and Construction, 1985 Edition, herein referred to as the "Procedure Manual" or the "Manual" and any amendments thereto, as published by Facility Planning and Control Department, shall be a part and condition of the Contract between owner and designer, herein referred to as the "Contract."

Article 2
Definitions

2.1 *The Owner* is the State of Louisiana, Office of the Governor, Division of Administration, the responsibilities of which shall be exercised by the commissioner of administration or the designated representative, Facility Planning and Control Department.

2.2 *The User Agency* is the agency, department, division, board or institution which will be the principal user of and for which the facility is being designed and constructed, as named in the contract. Where reference is made hereinafter to the user agency, it will refer to both the "umbrella" and "local" entities of the department, board, agency, division, etc. (examples: The LSU Board of Supervisors and the Department of Health and Human Resources are "umbrella" using agencies and "local" using agen-

cies such as LSU-Alexandria and Pinecrest State School are under their respective jurisdiction and administration).

2.3 *The Designer* is a person or organization professionally qualified and licensed to practice architecture, engineering or landscape architecture in accordance with the laws of the State of Louisiana, who is to perform basic services for the project, as named in the contract.

2.4 *Consultants* are individuals or organizations engaged by the owner or the designer to provide professional consultant services complementing or supplementing the designer's services. As applicable, consultants shall be licensed to practice in accordance with laws of the State of Louisiana. The owner shall engage or have the designer furnish as part of the designer's services the services of consultants which are deemed necessary for the project. Normal consultants are architects, landscape architects, civil, structural, mechanical and electrical engineers, etc., compensation for which is included in designer's basic fee. Special consultants are those, other than the above, which the owner may approve as required for the project to perform special services and for which compensation will be in accordance with Article 5.3.

2.5 *The Project* is a capital outlay project for which funds have been appropriated or other public government project for which funds are available, as specifically defined in the program attached to and stated in the contract between owner and designer.

2.6 *The Available For Construction (AFC)*, is the actual amount of funds available for awarding the construction contract(s).

Article 3

Owner-User Agency Responsibilities

3.1 The owner's designated representative shall be the Facility Planning and Control Department. The user agency shall designate a representative authorized to act in its behalf with respect to the project.

3.2 After selection of the designer and prior to signing of the contract, the owner shall furnish to the designer the preliminary program, as described below, and a statement of the funds available for construction (AFC).

3.3 After the contract is signed by the owner, the owner shall schedule and hold a pre-design conference at the Office of Facility Planning and Control or at a location designated by the owner. This conference shall be attended by the designer and representatives of the owner and user agency.

3.3.1 The purpose of this conference shall be to initiate a general review and discussion of the project, including, but not limited to, adopting or confirming the following:

1) the preliminary program defining (a) the type of usage, number and sizes of spaces required, (b) adjacency considerations, (c) the type and number of people using the facility and (d) the activities to be held in the facility;

2) the location of the facility, and relevant site information;

3) the funds available for construction (AFC) and the designer's fee;

4) the time schedule outlining anticipated completion dates of designated phases as described in Article 7 hereinafter and the anticipated period of construction. The time schedule for planning phases shall commence with the date of the pre-design conference and shall continue until delivery of all construction documents to the owner complete, coordinated and ready to bid. The number of calendar days in the time schedule shall take into account review periods agreed to between designer and owner.

5) A detailed review of the latest "Instructions to Designers" and the bidding and construction contract forms as described in Article 7.1.4.1(c) hereinafter, which will be given to the designer prior to his signing the contract, and the compliance with which shall be a part of the designer's obligation under the contract, in-

cluding any revisions made by the owner and agreed to by the designer.

3.3.2 The owner shall have prepared, at the owner's cost, by a registered land surveyor, a topographical survey of the site including structures, roads, walks, and utilities, when necessary. The owner will contract for and pay for geotechnical services as described in Article 7.1.1.-4 hereinafter. At the owner's request, the designer shall outline the scope of the above services and obtain one or more proposals for each of these.

3.4 The owner and the user agency shall examine all documents submitted by the designer and shall render decisions pertaining thereto, to avoid unreasonable delay in the progress of the designer's services.

3.5 The owner will select a testing laboratory to perform all required tests during construction, and will contract for and pay for all such testing services.

3.6 The owner shall provide record construction documents of existing buildings or facilities for renovation or addition projects, when those are available.

Article 4

Construction Budget (AFC)

4.1 The construction budget is the amount of funds available for construction (AFC) of the project as fixed by the owner and stated in the contract between owner and designer.

4.2 The designer shall be responsible for designing the project so that the base bid does not exceed the funds available for construction. The use of any alternate bids must be approved by the owner.

4.3 At the completion of the program completion phase, as stated hereinafter in Article 7, the designer shall determine whether the funds available for construction are realistic for the project when compared with the completed program. At this point, or at any other submissions of probable construction cost by the designer, if such probable construction cost is in excess of funds available (AFC), the owner shall have the option to:

1) instruct the user agency to collaborate with the designer to revise the program to be within the funds available for construction; such program revisions to be done without additional compensation to the designer, except as provided in Article 7.3.4, hereinafter;

2) provide additional funds to increase the funds available for construction (AFC); or

3) abandon or suspend the project.

4.4 When the lowest bona fide base bid exceeds the amount available for construction, the owner shall have the option to (1) have the designer, without additional compensation, modify the construction documents as required in order to rebid the project to be within the amount available for construction, (2) provide additional funds to award the construction contract, or (3) abandon the project.

4.4.1 The lowest bona fide base bid is defined as the lowest base bid submitted by a licensed contractor, and not withdrawn in accordance with R.S. 38:2214 (Act 111 of 1983), which complies in every respect with the bidding requirements of the contract documents.

Article 5

Compensation

Compensation to be paid designer for services and reimbursable expenses shall be as follows:

5.1 The fee for basic services, as described in Article 7 hereinafter, shall be calculated as the product of the fee percentage and the amount of the contract award, including any awarded alternates. The fee percentage shall be computed by the formula:

$$\text{FEE PERCENTAGE} = \frac{42.75}{\text{Log Contract Award}}$$

Until a contract award is made, an interim fee, to be used for making progress payments to the designer, shall be calculated as the product of the funds available for construction (AFC) and the fee percentage computed by the formula:

$$\frac{42.75}{\text{Log AFC}}$$

When a contract award has been made and the final fee computed as described above, payments to the designer shall be adjusted to this final fee, either upward or downward.

5.1.1 Compensation to be paid the designer on the interim fee basis shall remain constant until a contract award is made except when the owner adjusts the AFC prior to receipt of bids and the designer's contract is amended to reflect the new AFC and the resultant interim fee.

5.1.2 Compensation to be paid the designer shall be appropriately modified for certain projects as follows:

1) *Renovation Factor* of up to 1.25, to be established and set by the owner for each individual project, will be multiplied by the fee percentage to arrive at the fee for renovation projects, when determined by the owner to be justified. This fee shall include verifying existing conditions and/or any other additional work incidental to renovation projects. The renovation factor will be set in proportion to the additional work anticipated by the owner. Simple building additions will receive lower factors than full building renovations. The renovation factor will not be applied to reroofing projects, except in unusual circumstances.

2) On roofing projects, an addition may be made to the basic fee for full time inspection services during construction.

3) *Duplicated Work Factor* shall be subject to negotiation between the owner and designer on an individual project basis.

4) *Multiple Contracts*: If the owner determines that the best interest of the project is served by bidding and constructing the project under two or more separate contracts, the fee shall be established for each portion by application of the formula in 5.1 above.

5) If a project consists of more than one element, to be bid and constructed under one contract, then the AFC to be used in computing the fee under the formula in 5.1 above shall be the sum of the AFC's of each element.

6) *Prefabricated Buildings*: A fee to be established and set by the owner for each individual project, not to exceed that stated in 5.1 above.

5.2 Payment to the designer for additional services, defined in Article 7.3, shall be made on the basis of designer's direct personnel expense for performing such services multiplied by a factor of 3.0.

5.2.1 Direct personnel expense is defined as the normal, straight-time direct salaries of all the designer's personnel, except principals, engaged in the project (technical but not clerical). This shall also include the direct salaries of designer's consultants involved in the additional services.

5.2.1.1 On signing the contract the designer shall submit, for the owner's approval, a schedule of principals with an hourly rate for each and such hourly rate shall reflect the total compensation for principals' time when required for additional services, without application of the multiple.

5.2.2 Routine change orders which involve a small amount of effort will not involve extra compensation. Before the designer prepares a change order for which he feels he is entitled to extra compensation due to the extra effort involved, he shall so notify the owner and secure owner's approval to proceed with the change order. When final payment is made to the designer, all such change orders will be reviewed by the owner and the designer's contract will be amended to reflect extra compensation for the change orders which the owner has determined merit additional fee. The fee will be computed by increasing the contract award by

the amount of change orders that qualify for additional fee as described above.

5.2.3 Designer shall prepare change orders caused by errors or omissions of the designer without additional compensation. If the error or omission results in damage to the owner, designer may be required to pay for the construction cost of such change orders or a portion thereof, as determined by owner.

5.2.4 Preparation of documents required for change orders for any cause shall not be started without owner's prior written approval.

5.3 *Reimbursable Expenses* are in addition to the compensation for basic and additional services and include actual expenditures made by the designer, his employees or his professional consultants in the interest of the project as directed and authorized by the owner in writing prior to their incurrence.

5.3.1 The designer shall pay for the cost of printing construction documents for the owner's and user agency's use and for regulatory agencies' approvals. The owner will reimburse the designer the cost of printing and distribution of all other sets of construction documents, over and above the amount of the deposits on same retained by the designer. The plan distribution and deposits will be as described in the "Instructions to Designers." This will include necessary sets for the contractor to construct the project.

5.4 Designer will be paid for prolonged contract administration and inspection of construction should the contract time, as may be extended, be exceeded due to no fault of the designer and liquidated damages are recommended by the designer. The amount of such payment shall be computed by dividing 20 percent of the basic total fee by the number of days construction time, as extended, and multiplying by the number of days of liquidated damages recommended by the designer.

5.5 Liquidated damages: When the designer exceeds the established time schedule, as described in Article 3.3.1.-4, including any extensions of time approved by the owner, then the amount of the fee shall, as liquidated damages, be reduced by an amount to be determined by the owner or as stated in the advertisement for designer's selection, for each working day past the original or extended date that the designer has not delivered all construction documents to the owner complete, coordinated and ready to bid. Completeness will be determined by the owner as described in Article 6.1.2 and Article 7.1.4.

Article 6

Payments to the Designer

6.1 Payments on account of designer's services shall be made as follows:

6.1.1 Basic services

1) Upon satisfactory completion of all basic services for each phase as described in Article 7, submission of all documents to the owner and upon the owner's and user's approval of same, which approval shall not be arbitrarily withheld, payment for the following phases of the designer's services will be made in one lump sum (with the exception of the construction documents phase as described below in 6.1.2); such payments shall be up to the following percentages of the designer's fixed fee, either interim or final, as applicable, which percentages are cumulative:

Program Completion Phase	5%
Schematic Design Phase	15%
Design Development Phase	30%
Construction Documents Phase	70%
Bidding and Contract Phase	75%

2) Monthly in proportion to the contractor's certificate for payment for the following phase:

Construction Phase	95%
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3) Upon satisfactory completion and furnishing required documents to the owner for the following phase:

Construction Close-Out Phase 100%

6.1.2 A partial payment for the construction documents phase shall be made when the designer has completed 100 percent of the construction documents and has submitted these to the owner, the user agency, and the other required statutory agencies and the owner determines by inventory check and conformity with Article 7 that all required documents have been submitted, and are complete, coordinated and ready to bid, then the designer shall be entitled to a payment of 70 percent of the fee for the construction documents phase. Should the owner's approval of the construction documents not be issued within 45 days of submittal due to no fault of the designer, then the designer shall be paid an additional payment of 20 percent of the fee for the construction documents phase. The balance of the fee for this phase will be due upon completion of review by owner and user, when corrections have been made, and when the project is approved for bidding. For projects with an AFC over \$10 million, interim payments up to 50 percent of the fee for the construction document phase may be made by agreement between the owner and the designer.

6.2 Payments on account of designer's additional services and for reimbursable expenses shall be made on submission of designer's invoices with supporting data, and their written approval by owner and user agency and issuance of an amendment to the contract covering such services.

6.3 Payments to the designer on termination, abandonment or suspension shall be made in accordance with Articles 9 and 10, hereinafter.

Article 7

Designer's Services

7.1 Basic services

The designer's basic services consist of the phases described below and include the normal services of the designer and normal complimentary or supplementary services of his consultants, and any other services included in the contract. Review documents of each phase shall be submitted to the owner and to the user agency for their approval. In addition, for the construction documents phase, review documents shall be submitted to regulatory agencies designated by the owner or required by law, for their approvals. Designer shall not proceed to any subsequent phase until the requisite written approvals are received and until authorized by the owner in writing to so proceed. All statements of probable construction cost shall be adjusted to the anticipated bid date of the project.

The designer shall be responsible for compliance with all applicable codes as referenced in Appendix A. All items not specifically covered by codes shall be designed in accordance with the standards established by accepted professional groups or by industry standards for that specific item of work.

7.1.1 Program Completion Phase

1) After the initial pre-design conference the designer shall meet and work with the user agency to determine more detailed program requirements for the project and shall refine and complete the program in a form acceptable to the owner.

2) The designer shall determine whether the funds available for construction are realistic for the project when compared with the completed program, as described in Article 4.3.

3) The completed program shall be submitted to the owner and the user agency for their written approval and thereafter only the owner shall have authority to alter the program. Any authorization by the owner to alter the completed program shall be in writing.

4) The designer shall obtain one or more proposals from registered land surveyors and geotechnical engineers when required for the project and recommend to the owner for his approval. The owner will contract directly for such services.

5) The designer shall finalize the time schedule as described in Article 3.3.1 - 4, for the owner's approval.

7.1.2 Schematic Design Phase

1) Based on the approved completed program, funds available for construction, site location and time schedule, the designer shall prepare schematic design documents in such format and detail as required by the owner, consisting of drawings, outline specifications and other documents illustrating the general scope, scale and relationship of the project components for the written approval of the owner and the user agency. Specific documentation shall be in accordance with Articles 3.21 through 3.25 of the "Description of Designated Services" for this phase as listed in AIA Document B162 "Scope of Designated Services," 1977 or latest edition, as applicable to this project, except that no study model will be required, but a sketch perspective will normally be required.

2) The designer shall submit to the owner and user agency a statement of probable construction cost based on current area, volume or other unit costs method.

3) An analysis of requirements of the Louisiana Code for State Owned Buildings as they relate to this project shall be prepared by the designer and submitted for review and approval.

7.1.3 Design Development Phase

1) Based on approved schematic design documents and any adjustments authorized by the owner in the program or the funds available for construction, the designer shall prepare, for approval by the owner, design development documents consisting of drawings, expanded outline specifications based on the 16 divisions of the Construction Specifications Institute (CSI) format, and other documents to fix and describe the size and character of the entire project as to architectural, structural, mechanical and electrical systems, materials and such other elements as may be required. Specific documentation shall be in accordance with Articles 4.21 through 4.25 of the "Description of Designated Services" for this phase as listed in the AIA Document B162 "Scope of Designated Services," 1977 or latest edition, as applicable to this project, except that no study model will be required, however, a sketch perspective will normally be required.

2) The designer shall submit to the owner and user agency a statement of probable construction cost based on the 16 divisions of the Construction Specification Institute format. This shall have back-up material and data in such format and detail as required by owner to support each of the 16 divisions.

3) The designer shall submit a more detailed analysis of the codes required by the Louisiana Code for State Owned Buildings, consisting of, but not necessarily limited to, statements of (1) classification of occupancy, (2) classification of construction, (3) code allowable area increase for exceptions. Special attention shall be given to Department of Natural Resources regulations concerning requirements for pipe lines.

4) A preliminary energy conservation analysis for the project shall be prepared by the designer and submitted to the owner for review and approval. The requirements of this analysis shall be as detailed in the "Instructions to Designers," referred to hereinbefore.

7.1.4 Construction Documents Phase

1) Based on the approved design development documents and any further adjustments in the scope or quality of the project or in the funds available for construction, authorized by the owner, the designer shall prepare for written approval by the owner, the user agency, and other state regulatory agencies as required by law, the following documents bearing the designer's seal and those of his consultants, all sufficiently complete and clear to define the quantity and quality of the work to bid and build the project:

(a) working drawings - dimensioned plans, elevations,

sections, details and schedules of all architectural, landscaping, civil, structural, mechanical and electrical work in the project in general conformity with Chapter 12, latest Edition, of the AIA Handbook of Professional Practice with the exception of the sections entitled "Reproduction" and "Ownership."

(b) technical specifications - of the materials, processes or systems to be incorporated in the work, using the 16 divisions format of the Construction Specifications Institute. State law prohibits the designer from closing specifications on any item in the specification except as provided for in R.S. 38:2290-2296 and in R.S. 38:2290(A). Any reason for closing specifications as provided for by law shall be brought to the attention of the owner in writing for review. Additional requirements for specifications are contained in the "Instructions to Designers" documents which will be furnished to the designer.

(c) bidding and construction contract forms - the owner will furnish to the designer policy requirements that the designer must include in his documents on the following: advertisement for bids, instructions to bidders, bid form, general conditions, supplementary general conditions, contract between owner and contractor, performance and payment bond, non-collusion affidavit, and other forms used by the owner. If the probable construction cost of the project is \$25,000 or more, the designer shall obtain a prevailing wage determination from the secretary of labor for inclusion in the documents.

2) The designer shall submit to the owner and user agency an updated statement of probable construction cost based on the 16 divisions of the Construction Specifications Institute format with back-up material as described in 7.1.3 above.

3) The designer shall update and verify the energy conservation analysis prepared in the design development phase.

4) The designer shall submit one bound copy of all design calculations on the project for the owner's files.

7.1.5 Bidding and Contract Phase

1) Upon receipt of written approval from the user agency and other state regulatory agencies, receipt of corrected and completed construction documents, and approval of the latest statement of probable construction cost, the owner may advertise the project for bids and shall be assisted by the designer in obtaining bids. It is the designer's responsibility to have approvals which have not expired or will not be expired by the time of anticipated contract award.

2) The designer shall be responsible for the furnishing and distribution of copies of construction documents to (1) all contractors licensed in accordance with state law who desire to bid the project, subject to deposit requirements as provided for in the advertisement for bids, (2) to recognized construction trade organizations maintaining plan rooms as directed by the owner (3) to the user agency, and other state agencies and regulatory authorities as required or directed by the owner. Plan deposits shall not be excessive and shall be subject to the owner's approval. (see Article 5.3.1).

3) The designer shall be responsible for evaluating prior approval requests for substitution of materials, products and equipment required by the applicable statutes and owner procedures.

4) The designer shall prepare and issue all addenda, in accordance with the contract documents, as required to modify or clarify the construction documents. Items not included in the approved program and/or items previously rejected or not approved shall not be included in any addendum without owner's approval.

5) The designer shall arrange and conduct a pre-bid conference in accordance with the contract documents.

6) Unless waived by the owner, the designer shall be present for the opening of bids by the owner and shall provide a form for assisting the owner in tabulating the bids.

7) After receipt of bids, the designer shall analyze the bids, consult with the owner and user agency and make written recommendation to the owner to (1) award the construction contract to the lowest responsible bidder or (2) reject all bids.

7.1.6 Construction Phase

1) The designer shall provide administration of the construction contract as set forth herein and in the construction documents.

2) After award of the construction contract, the designer shall complete and submit to the owner a cost data form, in a format provided by the owner.

3) The designer shall make written recommendations for the owner's approval, for the type and number of tests required for the project, as soon as the construction contract has been awarded. The owner will select, contract for and pay for such testing services.

4) The designer, as the representative of the owner during the construction phase, shall advise and consult with the owner and all of the owner's instructions to the contractor shall be issued through the designer. The designer shall have authority to act on behalf of the owner to the extent provided herein or as provided for in the contract documents unless otherwise modified in writing.

5) After the execution of the construction contract the owner will issue a notice to proceed to the contractor and will notify the designer to arrange for and conduct a pre-construction conference. The designer shall furnish to the contractor, sets of the construction documents required to construct the project (see Article 5.3.1).

6) The designer and his principal consultants shall visit the project as often as necessary to become generally familiar with the progress and quality of the work and to determine in general if the work is proceeding in accordance with the contract documents. Such visits by the designer shall *not be less* than once per week when the work is in progress. On the basis of the designer's on-site observations, he shall endeavor to guard the owner against defects and deficiencies in the work of the contractors. A written report of each visit by the designer to the project shall be mailed to the owner, user agency, and contractor within five calendar days after each visit.

7) The designer agrees that his designated representatives on the construction project shall be qualified by training and experience to make decisions and interpretations of the construction documents and such interpretations shall be binding upon the designer as if made by him. All such decisions shall be confirmed in writing immediately with copies to the owner and contractor, conditioned that such decisions and interpretations shall not modify adversely the requirements of the contract documents. This paragraph does not apply to the designer's full-time project representative.

8) Based on observations at the site and on the contractor's applications for payment, the designer shall determine the amount owing to the contractor and shall issue certificates for payment in such amounts. No certificate of payment shall be issued until a schedule of values has been received from the contractor. *The issuance of a certificate for payment shall constitute a representation by the designer to the owner, that the work has progressed to the point indicated and that to the best of the designer's knowledge, information and belief, the quality of the work is in general accordance with the contract documents and that the contractor is entitled to payment in the amount certified.* By issuing a certificate of payment, the designer shall not be deemed to represent that he has made any examination to ascertain how and for what purpose the contractor has used the monies paid on account of the contract sum. The designer shall process certificates as promptly as possible with copies to the contractor, and in any case within seven calendar days. If a certificate is held up or adjusted

for any reason, written notice stating the reasons for the delay or adjustment must be given to the contractor and owner within seven days.

9) The designer shall instruct the contractor to establish and conduct a regular schedule of monthly meetings, to be held on the job site each month throughout the construction period, and shall require attendance at the meetings by representatives of his principal consultants. The owner and user agency shall be notified of such meetings and may be represented. It shall be the principal purpose of these meetings, or conferences, to effect coordination, cooperation and assistance in every practical way to the end of maintaining progress of the project on schedule and completing the project within the contract time.

10) The designer shall prepare and submit to the owner, user agency and contractor a monthly status report on the project. The form of the report shall be supplied to the designer at the pre-construction conference. The designer's status report shall be submitted to the owner monthly along with the contractor's certificate for payment and designer's statement for professional services.

11) The designer shall be the interpreter of the requirements of the contract documents and the impartial judge of the performance thereunder by both the owner and contractor. The designer shall make decisions on all claims of the owner or contractor relating to the execution and progress of the work and on all other matters or questions related thereto.

12) The designer shall have authority to reject work which does not conform to the contract documents. If the designer considers it necessary or advisable to insure the proper implementation of the intent of the contract documents, he shall request the owner to authorize special inspection or testing of any work in accordance with the provisions of the contract documents whether or not such work be then fabricated, installed or completed.

13) The designer shall promptly review shop drawings, samples and other submissions of the contractor only for conformance with the design concept of the project and for compliance with the information given in the contract documents.

14) Only with the authorization of the owner, shall the designer prepare change orders. The designer shall obtain from the contractor his estimate of cost and time changes in accordance with the contract documents for the change order, review and approve same, and submit it to the owner for approval before any changes are made in the contract. No additional compensation shall be due the designer for preparation of change orders without the written prior approval for such compensation by the owner, except as described in Article 5.

15) R.S. 38:2241.1 entitled "Acceptance of Governing Authority," defines the procedures to be followed in accepting a project and gives the owner the discretion to make acceptance on either full completion or substantial completion. Upon completion of the work, or on substantial completion or for beneficial occupancy, as requested by the owner, the designer shall conduct an inspection of the project with the owner, the user agency and the contractor to determine if the contractor's work is in general accordance with contract documents. The designer shall prepare a list of items ("punch-list") for correction or completion together with an assigned dollar value.

When the owner desires to accept on either full or substantial completion, the designer shall recommend such acceptance in writing and shall issue a certificate for payment of funds due the contractor, excepting retained percentage, liquidated damages and the value of the "punch-list" items. Upon the contractor's furnishing of a clear lien certificate, the designer shall make a final inspection and issue a final certificate for the retainage. A certificate of payment for "punch-list" items shall be issued upon their completion.

Upon recommendation of acceptance, the designer shall

receive, review and forward to the user agency guarantees, operation, and maintenance manuals, keys and other closing documents as required by the contract documents. Designer shall obtain a written receipt for these and forward same to the owner, together with copies of all guarantees and warranties.

7.1.7 Construction Close-Out Phase

1) After acceptance of the project by the owner, the designer shall prepare and furnish to the owner (1) a final report in the format and containing information as required by the owner, and (2) two sets of record drawings (as-builts) prepared by the designer, one set on reproducible film sepias and the other a set of prints made from the film sepias, for the owner and user agency files. The record drawings shall be prepared on the basis of information furnished by the contractor and the change orders and shall be reviewed with and approved by the contractor prior to submission.

2) Designer shall inspect and approve completion of "punch-list" items remaining after acceptance and shall certify final payment to the contractor.

3) Compliance with all of the above will constitute completion of the designer's basic services for compensation purposes, however, the designer shall be required to follow up on items to be corrected during the warranty period and shall arrange for and conduct an inspection of the project prior to expiration of the one year warranty period and shall be required to inform the owner, user agency and contractor of any items to be corrected and shall inspect the project as required until the work is completed, without additional compensation.

7.2 Project Representation Beyond Basic Services

7.2.1 If the owner and designer agree that more extensive representation at the site is required than is described in Article 7.1.6, then the designer shall provide one or more project representatives to carry out such responsibilities at the site.

7.2.2 Such project representatives shall be selected, subject to owner's approval, employed and directed by the designer, and the owner shall compensate the designer for such services in an amount equal to the approved salary of the project representative times a multiplier of 1.6. If, in the opinion of the owner, such representatives are either negligent or unqualified to perform their duties, the designer's representative shall be replaced promptly, without protest.

7.2.3 Through the services of such project representatives, the designer shall endeavor to provide further protection for the owner against defects and deficiencies in the work.

7.2.4 The owner shall have the option of providing one or more project representatives at the site during construction, which representative(s) shall be paid by the owner and shall be under his direction.

7.3 Additional Services

Additional services, as required by the owner, shall be provided by the designer only when authorized in writing by the owner, prior to performance of the services, and shall be paid for by the owner as hereinbefore provided. Such services will be incorporated into the contract by an amendment on their completion. Additional services may include, but are not limited to, the following:

7.3.1 Providing design services relative to future facilities, systems and equipment which are not included to be constructed as part of the project.

7.3.2 Providing interior design and other services required for the selection of furniture and furnishings, and movable equipment.

7.3.3 Preparing measured drawings when these are not available, or for archival research.

7.3.4 Providing extensive program revisions during the program completion phase when the necessity of such as additional services is authorized in writing by the owner.

7.3.5 Providing any other special services not otherwise included in the contract or not customarily furnished in accordance with generally accepted designer's practice.

Article 8

Designer's Accounting Records

8.1 Records of direct reimbursable expenses and expenses pertaining to additional services on the project, and for services performed on the basis of multiplier times direct personnel expense, shall be kept on the basis of generally accepted accounting principles and shall be furnished and/or made available to the owner or his authorized representative on request.

Article 9

Termination of Contract

9.1 The contract between owner and designer may be terminated by either party upon seven days written notice to the other party, should said other party fail to perform in accordance with its terms, through no fault of the terminating party, or the contract may be terminated by mutual consent.

9.2 In the event of termination by the owner due to failure of the designer to perform satisfactorily, the designer shall receive no compensation beyond that already paid or due for the last satisfactorily completed phase. Any work done shall become the property of the owner to be used at his discretion without additional compensation to the designer. No compensation shall be paid to the designer for any uncompleted phase, except by written agreement between owner and designer prior to termination. Such termination shall constitute the designer being held at fault under the terms of R.S. 38:2313.4 which provides that problems with time delays, cost overruns or design inadequacies for which the designer is held to be at fault shall be taken into account by the selection boards in considering past performance on public projects.

9.3 In the event the contract is terminated by mutual consent, the designer shall be paid for all work completed prior to termination, and all work done shall become the property of the owner to be used at his discretion without additional compensation to the designer.

Article 10

Abandonment or Suspension

10.1 If any work designed or specified by the designer is abandoned or suspended in whole or part by the owner, the designer is to be paid for the services rendered up to receipt of written notice from the owner, as follows:

(1) If the abandonment or suspension occurs at the completion of a phase, the designer shall be paid the full amount due on completion of such phase as described in Article 6.1.1.

(2) If the abandonment or suspension occurs during a phase, the designer shall submit to the owner all documents prepared by him up to receipt of written notice from the owner, and the owner shall compensate the designer up to the percentage completion of that phase.

10.2 Should the project be reactivated, the new fee will be computed on the basis of the revised funds available for construction. The designer's fee for the phases of work required to complete the project shall be the percentages for such phases stated in Article 6.1.1 applied to the new fee.

Article 11

Ownership of Documents

11.1 Drawings and specifications are, and shall remain, the property of the owner whether the project for which they are made is executed or not. Such documents may be used by the owner to construct one or more like projects without the approval of, or additional compensation to, the designer. The designer shall not be liable for injury or damage resulting from re-use of drawings and specifications if the designer is not involved in the re-use project. Prior to re-use of construction documents for a project in which the designer is not also involved, the owner will remove and ob-

literate from such documents all identification of the original designer, including name, address and professional seal or stamp.

11.2 Upon completion of the project, tracings shall remain in the files of the designer, with record drawings (as built) being furnished to the owner and the user agency, as called for in Article 7.1.7. The designer shall have the right to re-use the construction documents on other projects not constructed for the owner.

11.3 The right of ownership provided for above shall not be transferable.

Article 12

Successors and Assigns

12.1 The owner and the designer each binds himself, his partners, successors, assigns and legal representatives to the other party to the contract and to the partners, successors, assigns and legal representatives of such other party with respect to all covenants of the contract. Neither the owner nor the designer shall assign, sublet or transfer his interest in the contract without the written consent of the other.

Article 13

Extent of Agreement

13.1 The contract, this manual, and the "Instructions to Designers" represent the agreement between the owner and the designer. The contract may be amended only by written instrument signed by the owner and the designer.

Article 14

Governing Law

14.1 The contract shall be governed by the laws of the State of Louisiana.

Article 15

Other Conditions

15.1 Insurance—Prior to the signing of the contract between owner and the designer, the designer shall furnish to the owner proof of the following insurance coverages:

15.1.1 Comprehensive general liability insurance to include coverage for contractual liability, completed operation and Broadform property damage with minimum limits of \$500,000 per accident/occurrence.

15.1.2 Comprehensive automobile liability insurance with minimum limits of \$500,000 per accident/occurrence.

15.1.3 Worker's compensation to include all state endorsements and employer liability limits of at least \$100,000.

15.1.4 Professional Liability (E and O) as follows:

Minimum Limit of Liability.	Construction Cost
\$ 100,000	Up to \$500,000
\$ 250,000	\$500,000 up to \$1,500,000
\$ 500,000	\$1,500,000 up to \$5,000,000
\$ 750,000	\$5,000,000 up to \$10,000,000
\$1,000,000	\$10,000,000 up to \$20,000,000
To be determined by Owner	Over \$20,000,000

No deductible shall be in excess of five percent of the amount of the policy. If the deductible is in excess of \$10,000, then the policy shall be written with first dollar defense coverage endorsement. In the event of a claim against this policy, the designer shall maintain limits of liability sufficient to meet the above insurance requirements.

15.1.5 The prime designer shall be fully responsible to the owner for his associates' and his professional consultants' work. Professional liability coverage for the total project design (including all professional consultants) rests solely with the prime designer. In the case of joint ventures, joint venture professional liability coverage shall be required in accordance with the above limits.

15.2 Affidavit—The designer, on signing the contract,

shall submit to the owner, on such form as the owner shall designate, a non-collusion affidavit.

15.3 When the time schedule has been established by the owner and designer as described in Article 3.3.1, a completion date shall be set up for delivery of 100 percent completed, coordinated and ready to bid construction documents to the owner. If the designer is delayed through no fault of his own, then the completion date shall be extended accordingly, provided the designer makes such request in writing before starting the subsequent phase and the owner approves such as justified.

15.4 Arbitration—All claims, disputes and other matters arising from the contract shall, at the option of the owner, be decided by arbitration. To the extent possible, such arbitration proceedings shall be conducted in accordance with the Construction Industry Association rules of the American Arbitration Association. Any such arbitration proceeding shall, at the option of the owner, be consolidated with or joined to other arbitration proceedings between the owner and other persons or entities under contract with the state for the construction, repair or alterations of the project in question.

15.5 Fault—Time delays, cost overruns, design inadequacies or other problems with performance of the designer may result in the designer being held "at fault." The owner shall determine if the designer is to be held at fault. Such determination shall constitute documentation of the designer being held at fault as provided in R.S. 38:2313(B)(5).

Appendix A

Louisiana Building Code for State Owned Buildings

In accordance with LRS 40:1721-1724, all building projects undertaken by the State of Louisiana shall be designed to conform to the specific code requirements of the Louisiana Building Code for State Owned Buildings. This code is described as follows:

"PART IV: LOUISIANA BUILDING CODE FOR STATE OWNED BUILDINGS

1721. Declaration of Policy

In order to insure the public health and safety and to facilitate the efficient use of state funds in the new construction, alterations, additions or renovations of state buildings, there is hereby created a Louisiana Building Code for State Owned Buildings consisting of the various building codes and standards designated in this Part.

The provisions of this Part should not be construed to supercede any local building codes or standards except as they apply to state owned buildings.

1722. Louisiana Building Code

A. The new construction, alteration, addition or renovation of all state owned buildings for which bids are let after the effective date of this Part must comply with the rules and regulations to be promulgated by the Facility Planning and Control Department of the Division of Administration in conformity with the Administrative Procedure Act, which rules and regulations shall establish as minimum standards the provisions of the Louisiana Building Code provided in Subsection B hereof.

B. The Louisiana Building Code shall consist of the following designated and described codes and standards:

(1) The Life Safety Code, Standard 101, 1973 Edition as published by the National Fire Protection Association.

(2) Chapter XIV of the State Sanitary Code (plumbing), as promulgated by the secretary of the Department of Health and Human Resources.

(3) The Standard Building Code - 1973 Edition with 1975 Revisions as published by the Southern Building Code Congress.

(4) The Standard Mechanical Code - 1971 Edition as published by the Southern Building Code Congress.

(5) The National Electric Code - 1975 Edition (NFPA No. 70 - 1975) as published by the National Fire Protection Association.

C. All of the above designated and described codes and standards shall include all later editions and revisions as now or hereinafter provided.

D. In all cases of conflict between the State Sanitary Code and the Standard Mechanical Code, the provisions of the State Sanitary Code shall be used. In all cases of conflict between the Life Safety Code and any of the above codes, the provisions of the Life Safety Code shall be used.

1723. Administration; Exceptions

A. The Louisiana Building Code shall be administered by the Facility Planning and Control Department of the Division of Administration.

B. However, nothing contained herein shall affect the state fire marshal and his jurisdiction on matters of life safety and related areas as provided by Part III of Chapter 7 of this Title, and the secretary of the Department of Health and Human Resources shall administer the provisions of Chapter XIV of the State Sanitary Code relative to plumbing.

1724. Building Permits and Occupancy Permits

A. The building permit will be issued to the building contractor by the parish or the municipality when the plans and specifications have been approved by the state fire marshal, the secretary of the Department of Louisiana Health and Human Resources, Facility Planning and Control Department and the permit fee has been paid in full by the contractor to the parish or municipality.

B. The occupancy permit will be issued to the using agency when the building construction has been approved by the state fire marshal, the secretary of the Department of Louisiana Health and Human Resources and the Facility Planning and Control Department.

Section 2. If any provision or item of this Act or the application thereof is held invalid, such invalidity shall not affect other provisions, item or applications of this Act which can be given effect without the invalid provisions, items or applications, and to this end the provisions of this Act are hereby declared severable.

Section 3. All laws or parts of laws in conflict herewith are hereby repealed."

NOTE: It shall be the responsibility of the designer to verify (with Facility Planning and Control, the state fire marshal and the division of health) the latest edition of the described codes and standards in effect for use on a project. As of the date of publication of this manual, the following are the latest dates on the codes listed above in 1722(B):

- (1) Life Safety Code - 1985
- (2) Sanitary Code - 1984
- (3) Standard Building Code - 1985
- (4) The Standard Mechanical Code is now part of the Standard Building Code - 1985
- (5) National Electric Code - 1984 Edition (NFPA No. 70-1984)

Roger Magendie
Director

RULE

Office of the Governor Division of Administration Office of the State Register

§103. Citation of the Louisiana Administrative Code

Without prejudice to any other mode of citation, the *Louisiana Administrative Code* may be cited by Title, Part and Section

number. The preferred short form of citation of the *Louisiana Administrative Code* is "LAC." Thus, "LAC 35:XL.315" refers to Section 315 of Part XI of Title 35 of the *Louisiana Administrative Code*.

§105. Arrangement of the Louisiana Administrative Code

The *Louisiana Administrative Code* is arranged as follows:

A. The *Louisiana Administrative Code* is divided into Titles which are subdivided as follows:

1. Parts, identified by Roman numerals, with a new sequence of numerals beginning in each Title;
2. Subparts, identified by Arabic numerals, with a new sequence of numerals beginning in each Part;
3. Chapters, identified by Arabic numerals, with a new sequence of numerals beginning in each Part;
4. Subchapters, identified by capital letters, with a new sequence of the alphabet beginning in each Chapter;
5. Sections, identified by Arabic numerals, with a new sequence of numerals beginning in each Title.

B. The Sections of the *Louisiana Administrative Code* are subdivided into the following parts:

1. Subsections, identified by capital letters, with a new sequence of the alphabet beginning in each Section;
2. Paragraphs, identified by Arabic numerals, with a new sequence of numerals beginning in each Subsection;
3. Subparagraphs, identified by lowercase letters, with a new sequence of the alphabet beginning in each Paragraph;
4. Clauses, identified by lowercase Roman numerals, with a new sequence of numerals beginning in each Subparagraph.

* * *

Mai Abington
Director

RULE

Office of the Governor Governor's Special Commission on Education Services

Application Procedure for Governor's Scholars' Program

Each recipient must file for funds with the Director/Scholarship Division, Governor's Special Commission on Education Services. Application must be complete and on file in the Scholarship Division Office by March 1.

Please read the guidelines governing the payment of funds and pertaining to retaining the scholarship. Should your status as a recipient be in doubt, you should contact the Director/Scholarship Division, Governor's Special Commission on Education Services, immediately.

1. Complete application form.
2. Return the application to the Scholarship Division at the above address along with a copy of at least a seven-semester high school transcript, a copy of ACT scores, and a statement of extracurricular activities (number of years as a member of each and number of years as an officer of each) with signature of principal indicating all information is correct as stated. (ALL MUST BE MAILED IN ONE ENVELOPE.) Incomplete application information will not be accepted.
3. The Scholarship Division will review the application and scholastic records.
4. The commission will determine the recipients, who will be notified by letter. Recipients for the fall semester/quarter should receive notice before registration.
5. Deadline for applying for fall semester/quarter scholarships is March 1.
6. Fall funds are sent to the university for registration; spring funds are sent to the university on receipt of grade reports and af-

ter grade reports from the previous semester/quarter have been processed.

7. The university will disburse the funds to the recipient.

8. Deadline for claiming spring funds is March 1. Any funds not claimed by these dates will be reassigned by the Scholarship Division to eligible applicants not previously funded.

Guidelines

You are advised to read carefully and retain this copy for future reference
Governor's Scholar's Program

The following requirements must be met:

1. *Resident status*—Applicant must be a resident of Louisiana for one year and a graduate of a Louisiana public or an approved private high school.

2. *University selection*—Must be a public or independent college or university in the State of Louisiana.

3. *Personal Qualifications*—Applicant must demonstrate the ability to read and understand this information; must possess an acute mind, good character, ambitious purpose, and positive qualities of leadership; must have participated in extra class activities and must have abstained from participation in activities which create behavioral incidents.

4. *Scholastic requirements*—Must have earned a 3.5 or better average based on a 4.0 scale in at least seven semesters of high school. The following grading scale is used by the commission in determining eligibility for high school.:

94-100 = A

87- 93 = B

80- 86 = C

70- 79 = D

To retain the scholarship, a recipient must earn a 3.2 or better grade point average semester-by-semester or quarter-by-quarter. The recipient must be enrolled as a full-time student carrying AND EARNING 12 or more hours at a semester university or eight or more hours at a quarter university. PASS/FAIL, CLEP, and REMEDIAL courses do not meet this requirement and will not be considered.

5. Recipient must be enrolled in a college preparatory curriculum as defined by the Board of Regents.

6. Intent to enroll at a university other than that stated on the application must be stated in writing to the Scholarship Division by the appropriate deadline. Failure to do so will result in permanent cancellation of the scholarship.

7. Intent to TRANSFER from one university to another must be stated in writing to the Scholarship Division by the appropriate deadline. Failure to do so will result in permanent cancellation of the scholarship.

8. Only through approval by the commission may a recipient fail to enroll for or drop from a regular school session (excluding summer sessions) and maintain the scholarship. The commission must ascertain that there is justifiable reason or hardship before granting this approval.

9. The recipient may receive other financial aid provided by state funds.

10. Scholarship funds will be disbursed to a recipient over a period of time not to exceed four years unless approved by the commission.

11. In the event state-appropriated funds are insufficient for full funding of this program, the commission will determine distribution of available funds.

Mona H. Durham
Director

RULE

Office of the Governor Office of Elderly Affairs

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Governor's Office of Elderly Affairs (GOEA) amended the GOEA Policy Manual to add a new subsection to Section 800, entitled "Fiscal Requirements." The effective date of this amendment is September 20, 1985.

Amendment to the

Governor's Office of Elderly Affairs Policy Manual

After Subsection VIII of Section 800, entitled "Fiscal Requirements," add;
Subsection IX—Policy on Audits

A. Purpose

These policies formalize procedures to be followed to insure that audits of recipients of GOEA funds are conducted in keeping with state and federal standards concerning the frequency, scope, composition, completeness, and accuracy of audits. The policy provides procedures to ensure that audit findings and recommendations are properly resolved and documented. The policy also sets the standards of independence to be met by recipient auditors.

B. Scope

This policy governs audit review activities of the GOEA; those organizations operating under a parish voluntary council on aging (PVCOA) charter approved by the GOEA director and issued by the secretary of state; the Area Agencies on Aging (AAA) designated pursuant to the approved State Plan; all other recipients of GOEA funds; and sub-recipients of the above mentioned recipients. The policy is intended to satisfy audit requirements under state and federal law by implementing the requirements of the Federal Single Audit Act of 1984, and all regulations issued pursuant to the above law. Nothing in this policy is intended to contradict, alter, limit, or extend the provisions of the above law, and any such policy statements which may have been inadvertently included here are superseded by the above mentioned law. Issues arising from such statements shall be resolved in accordance with the provisions of the single Audit Act of 1984, which are included as an integral part of this policy.

C. Policy

1. Report frequency, initiation, and clearance

Audits of recipients of GOEA funds and of their sub-recipients are to be conducted on an annual basis, and the report must be issued within 150 days of the close of the state fiscal year, or of the fiscal year of the recipient or sub-recipient if different from the state fiscal year. Any individual or firm engaged to conduct an audit of GOEA recipients of sub-recipients must meet the current independence criteria of the U.S. General Accounting Office in that agency's published standards for the audit of government programs, and must have the engagement approved by GOEA and the legislative auditor of the State of Louisiana. The letter of engagement must specifically mention the single Audit Act of 1984 and this section of the GOEA Policy Manual.

2. Report Content

Audit reports will be prepared in accordance with the standards outlined in the Single Audit Act of 1984 and contain the comments and schedules required in the act and Section 800-VI of the GOEA Policy Manual. Reports failing to meet these requirements will not be accepted.

3. Distribution of Reports

a. Recipients of GOEA funds are to ensure that their auditor will supply a bound copy of the audit report to GOEA and their federal cognizant agency, if any, within five days of comple-

tion of the report. Sub-recipients of GOEA funds are to ensure that their auditor provide GOEA recipients a copy of their audit report within five days of completion of the report. GOEA recipients must supply GOEA with a copy of the audit reports of each of their sub-recipients within ten days of completion of the report. Copies of sub-recipients' reports will be for GOEA informational purposes and monitoring purposes only. The five and ten day deadlines contained in this Part are subject to the 150 day requirement of Part 1 of this Section. Auditors of recipients and sub-recipients must provide copies of the audit report to the legislative auditor as required by that office.

b. Audit reports are public information, but will not generally be released or distributed unless a specific request is made for them. In some situations, information in audit work papers cannot be released pending the resolution of audit recommendations. In a few rare instances, information contained in audit work papers may be held in confidence in order to appropriately safeguard the trust and confidence of persons supplying audit information.

4. Resolution of Audit Findings

a. Clearance of audit reports and resolution of audit findings concerning area agencies will be the responsibility of GOEA. Clearance of audit reports and recommendations of area agency sub-recipients will be the responsibility of the area agency concerned, relative to the funds contained in sub-contracts. Clearance of audit reports for funds disbursed directly to a PVCOA by GOEA, such as funds appropriated under R.S. 1606, are the responsibility of GOEA.

b. Upon the receipt of an audit report of a recipient, GOEA will inform the recipient, in writing, of the findings of the report, the recommendations on the methods to resolve audit findings, and a deadline for taking corrective action. Within the set deadline the recipient must reply in writing to GOEA as to what corrective action has been taken, and must at this time state its disagreement to any audit finding. The response will cover each pertinent fact presented in the audit report with which it disagrees, will specifically state the reason for disagreement, and will include adequate support. Unless disagreement exists as to the amount, the recipient will remit any funds due GOEA, according to the audit report, with its response. If a portion of the amount is in disagreement, any portion not in disagreement must be remitted at the time of the response.

c. If the audit report has no recommendations or findings GOEA will so inform the recipient and close the audit. The recipient does not have to respond to this letter of closing.

5. Review of the Responses

a. GOEA will review the responses of recipients to the audit findings and recommendations to ensure that:

i) appropriate verification is included that specific corrective action has been taken or that proposed actions are sufficient to effect resolution of audit recommendations, and to preclude recurrence of problem areas or deficiencies, or

ii) where corrective action was not taken, or is not contemplated, even though an audit recommendation for corrective action was made, the justification for this inaction is fully satisfactory.

b. GOEA will decide at this time whether or not an on-site visit is required, and if required, will so inform the recipient concerned of the purpose and time of visit. This process of visits and/or written communication will continue until all audit issues are resolved. GOEA reserves the right to consult directly with auditors to resolve questions concerning whether the responses adequately resolve audit recommendations. Recipients reserve this right in regard to the audit reports of their sub-recipients.

c. Recipients will follow the review procedures and standards outlined in this part in reviewing audit reports of their sub-recipients.

6. Procedures for Monitoring Compliance with Audit Recommendations

a. GOEA will maintain a suspense file for all audit reports which include monetary exceptions or compliance recommendations. GOEA will regularly review the suspense file to determine the status of unfulfilled recommendations. Upon fulfillment of the recommendations, the audit reports will be transferred to the regular permanent audit files.

b. In those cases in which GOEA determines that the recipient or one of its sub-recipients is not making sufficient progress on audit recommendations, GOEA will advise the recipient in writing of the need for immediate specific action. With respect to the deficiencies, if the required actions are not fully initiated within 30 days of the issuance of these instructions, appropriate action will be taken to suspend funding to the recipient and/or to effect charter revocation, area agency de-designation, or other appropriate action. With respect to sub-recipients, if the required actions are not fully initiated within 30 days of the issuance of these instructions, the recipient will take appropriate action to terminate the GOEA funded contract concerned.

c. GOEA reserves the right to assume clearance authority on all sub-recipient audits whose audit recommendations are not completed or otherwise resolved within six months of the issuance of the audit report.

7. Appeals of Audit Findings

Recipients may appeal audit report recommendations through the following procedural steps:

a. If additional information is available which may change the recommendation, this information should be transmitted to GOEA, which will confer with the audit firm as necessary to determine whether adjustments to the report, and its findings and recommendations, are appropriate.

b. If the actions outlined above do not resolve the audit issues to the satisfaction of the recipient involved, the recipient may initiate an appeal through the regular appeal process of GOEA.

c. Sub-recipients may follow the appeal policies of the respective recipient in the event that audit issues cannot otherwise be resolved.

d. The filing of an appeal action involving the repayment of funds by a recipient or sub-recipient as a result of an audit finding does not relieve the appealing party of the responsibility of remitting funds due in accordance with the timetable outlined above for funds not in dispute.

Sandra C. Adams
Director

RULE

Office of the Governor Office of Elderly Affairs

In accordance with Louisiana Revised Statutes 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Governor's Office of Elderly Affairs (GOEA) has amended the GOEA Policy Manual to facilitate the revised reporting being required by the GOEA, and to have the contractor's financial reports match their budgets in format and content.

Effective September 20, 1985, Subsections III and IV of Section 800 of the GOEA Policy Manual shall read as follows:

SUBSECTION III CHART OF ACCOUNTS PREFACE

As mentioned in Subsection I of this Section, a uniform chart of accounts should be maintained and followed for all Contract

tors. This subsection is segregated into the following areas: departments, chart of accounts, and annotated chart of accounts.

These areas and their respective assignment of accounting numbers is a recommendation only and as such is intended to be met in some form. The enclosed chart of accounts should provide very useful information in the operations of the Contractor. Such a detailed chart of accounts would facilitate the preparation and monitoring of budgets and provide useful information necessary in making decisions in the daily operations of the Contractor.

However, the minimum requirements for the expense classifications are the seven major expense categories as detailed in the program budgets. These categories include: personnel, fringes, travel, operating services, operating supplies, other costs and capital outlay. Any deviation from the minimum is subject to review and approval or disapproval by the Governor's Office of Elderly Affairs.

The system as recommended is intended to be easily adaptable to a computerized system. The use of a computerized system would benefit the Contractor greatly in the processing of useful and timely information. This is accomplished by eliminating the maintenance of detail journals and the manual analysis of these journals each month currently required by a manual system to organize source documents into organized data from which the general ledger would be posted. Through the use of a computer most source documents could be used as the input document to be keypunched.

CHAPTER 1 Departments

Each operating segment shall be set up as a separate department for accumulating costs and reporting. A department can represent a service, a group of services, indirect costs, or administration. By combining the department number with an expense account number (Chapter 2), financial data can be gathered and sorted as needed by management. An example of such a coding would be 200-5100. The 200 denotes Title III-B Administration; the 5100 denotes salary expense. In accordance with the area agency's written cost allocation plan, all costs must be allocated and charged to these departments.

Departments for indirect costs are established for Title III-B Supportive Services, Title III-C1 Congregate Meals, Title III-C2 Home-Delivered Meals, and Senior Center. The purpose of these departments is to eliminate the allocation of costs to particular services (or groups of services) within these programs for every transaction.

Indirect costs are costs incurred which are not directly related to providing a particular service. Since it is difficult and cost inefficient to distribute these joint costs to each service, indirect costs are charged to the indirect cost department in each program. Examples of indirect costs are: administrative salaries, fringe and travel; administrative building rent, insurance and utilities; audit, accounting and computer services; administrative office equipment; duplicating and printing; telephone; office supplies.

To summarize indirect cost procedures, the agency must allocate indirect costs to the major programs (Supportive Services, C-1, C-2, and Senior Center) according to the cost allocation plan. Then, the agency must decide between two alternatives:

1. Charge indirect costs to indirect departments for the major programs (#210, 310, 410, 510 - four departments); or,
2. Allocate and charge indirect costs to services within each program (#220 to 270, 320 to 340, 420 to 430, 520 to 570 - numerous departments).

Use of the indirect cost departments is recommended since this procedure is both practical and efficient.

The departments for accumulating costs and reporting are listed below:

100	General Funds
110	Audit Funds
150	Act 735 (PCOA) - State Funds
<u>200's Title III-B</u>	
200	Area Agency Administration
210	Indirect Costs - Supportive Services
220	Access Services
221	Outreach
222	Information and Referral
223	Case Management
224	Transportation
225	Escort
230	Community Services
231	Advocacy
232	Legal Assistance
233	Education/Training
234	Health Facilitation/Physical Fitness
235	Counseling
236	Adult Day Care
237	Recreation
238	Residential Repairs/Renovation
239	Employment Services
240	Housing Services
250	In-Home Services
251	Home-Health Aide
252	Homemaker
253	Chore Maintenance
254	Visiting/Telephone Reassurance
260	In-Care Facilities
270	Ombudsman
<u>300's Title III-C1 Congregate Meals</u>	
310	Indirect Costs - Congregate Meals
320	Outreach
330	Transportation
340	Congregate Nutrition Services
<u>400's Title III-C2 Home-Delivered Meals</u>	
410	Indirect Costs - Home Delivered Meals
420	Outreach
430	Home-Delivered Nutrition Services
<u>500's Senior Center</u>	
510	Indirect Costs - Senior Center
520	Access Services
521	Outreach
522	Information and Referral
523	Case Management
524	Transportation
525	Escort
530	Community Services
531	Advocacy
532	Legal Assistance
533	Education/Training
534	Health Facilitation/Physical Fitness
535	Counseling
536	Adult Day Care
537	Recreation
538	Residential Repairs/Renovation
539	Employment Services
540	Housing Services
550	In-Home Services
551	Home-Health Aide
552	Homemaker
553	Chore Maintenance
554	Visiting/Telephone Reassurance
560	In-Care Facilities
570	Ombudsman

600's	Title V Community Service Employment for Older Americans
610	Administration
620	Enrollee Wages and Fringe
630	Other Enrollee Costs
700's	Title XX
710	Transportation - Administration
720	Transportation Services
730	Homemaker - Administration
740	Homemaker Services
800's	Job Training Partnership Act (JTPA)
810	Administrative
820	Participant Support
830	Training
900's	Section 18 (DOTD)

CHAPTER 2
Chart of Accounts

The following is a basic chart of accounts for the agency. No chart of accounts is static; as the system operates, the controller will add and delete accounts as needed. The ledger should be ordered in the same manner: Assets, Liabilities, Fund Balance, Revenues, Expenditures. Use of this chart of accounts facilitates the compilation of monthly financial reports.

Assets

1001	Petty Cash
1100	Operating Account
1120	Payroll Account
1145	Savings - Designated Funds
1175	Certificates of Deposit
1200	Accounts Receivable
1400	Travel Advances

Liabilities

2001	Accounts Payable
2010	FICA Tax Payable
2020	Federal Withholding Tax Payable
2030	Louisiana Withholding Tax Payable
2040	LUTA Tax Payable
2200	Note Payable - Police Jury (Parish Council)
2400	Income Collected In Advance

Fund Balance

3000	Fund Balance
3101	Reserved
3201	Reserved-Vehicle

Revenues

4000	Audit Funds
4110	Title III Area Agency Administration
4120	Title III-B Supportive Services
4130	Title III-C1 Congregate Meals
4140	Title III-C2 Home Delivered Meals
4150	Senior Center
4220	Supportive Services Program Income
4230	Congregate Meals Program Income
4240	Home-Delivered Meals Program Income
4250	Senior Center Program Income
4300	Police Jury (Parish Council)
4350	Local Assessment
4410	Act 735 (PCOA) - State Funds
4420	Sale of Meals to Ineligibles (C-1)
4430	Interest Income
4500	USDA Cash-In-Lieu of Commodities
4600	Title V Community Service Employment For Older Americans
4700	Title XX Transportation
4710	Title XX Homemaker

4800	Job Training Partnership Act (JTPA)
4900	Section 18 (DOTD)
<u>Expenses</u>	
<u>Personnel - 5100</u>	
5100	Salaries - Regular
5110	Salaries - Overtime
<u>Fringe - 5200</u>	
5210	FICA Expense
5220	LUTA Expense
5230	Group Insurance (Hospitalization) Expense
<u>Travel - 5300</u>	
5310	Travel - Local/In State
5320	Travel - Out of State
<u>Operating Services - 5400</u>	

5410	Duplicating and Printing
5415	Rent
5420	Utilities
5421	Telephone
5425	Postage
5430	Security
5435	Equipment Rentals
5436	Equipment Maintenance
5440	Advertising
5445	Computer Service
5446	Accounting Service
5447	Legal Service
5450	Insurance
5455	Repairs
5460	Dues and Subscriptions
5465	Licenses/Fees
5490	Miscellaneous

Operating Supplies - 5500

5510	Office Supplies
5515	Automobiles Supplies
5520	Kitchen Supplies
5525	Other Supplies
5530	Raw Food
5535	Non-edibles
<u>Other Costs - 5600</u>	
5610	Consultants
5630	Contracted - Raw Food
5635	Contracted - Labor/Non-edibles
5640	Medical Examinations
5645	Training
5650	Tools
5655	Monitoring Fees
5660	Transportation

Capital Outlay - 5700

5710	Equipment
5720	Renovations

CHAPTER 3

Annotated Chart of Accounts
Assets

1001 PETTY CASH

A petty cash fund (up to \$75) can be established by writing an operating account check to "Petty Cash" for the amount decided by the Area Agency. When cash runs low, a petty cash voucher must be prepared and attached with supporting documentation. Once the voucher is approved for payment, an operating account check is written to "Petty Cash" for the amount necessary to replenish petty cash to its original funding. At this time, expenditures must be recorded according to the petty cash voucher.

1100 OPERATING ACCOUNT

The main checking account. All checks should be typed and require two signatures (one board officer and one member of the

Contractor's executive staff). All checks should be pre-numbered and stale-dated.

1120 PAYROLL ACCOUNT

This account is for the disbursement of payroll and operated on an imprest basis. All checks should require two signatures (one board officer and one member of the Contractor's executive staff).

1145 SAVINGS - DESIGNATED FUNDS

General savings account containing such funds as the board decides.

1175 CERTIFICATES OF DEPOSIT

This account is for any certificates of deposit should the board elect to buy any.

1200 ACCOUNTS RECEIVABLE

This account should record all monies due to the contractor from private persons, organizations, or funding agencies.

1400 TRAVEL ADVANCES

This account is used when funds are advanced before a travel voucher is prepared. When a travel voucher is submitted, this account is reduced and the actual expense debited.

LIABILITIES

2001 ACCOUNTS PAYABLE

This account should show all general debts of the Contractor in accordance with the accrual method of accounting. For practical purposes, accruing ordinary invoices on a monthly basis may be a burden and not necessary to operations. At the end of the fiscal year, all accounts payable should be recorded in order to fairly present the financial position of the Contractor.

2010 FICA TAX PAYABLE

This account should be credited for any FICA withheld from employees and debited as payments are made to depository.

2020 FEDERAL WITHHOLDING TAX PAYABLE

This account should be credited for any Federal income tax withheld from employees and debited as payments are made to depository.

2030 LOUISIANA WITHHOLDING TAX PAYABLE

This account should be credited for any Louisiana income tax withheld from employees and debited as payments are made to the Louisiana Department of Revenue and Taxation.

2040 LOUISIANA UNEMPLOYMENT TAX PAYABLE

This account is used for accrual at the end of the fiscal year, or as deemed necessary by the contractor.

2200 NOTE PAYABLE - POLICE JURY (PARISH COUNCIL)

This account shows cash advance, if any, from the Police Jury or Parish Council for operations.

2400 INCOME COLLECTED IN ADVANCE

This account is used at the end of the fiscal year to show funds advanced to the contractor but not yet earned.

FUND BALANCE

3000 FUND BALANCE

This represents the portion of surplus that has not been reserved by the board for a specific function. This account will be adjusted at the end of each fiscal year to reflect the results of that year's operations.

3101 RESERVED

This account represents a portion of the Contractor's fund balance that has been designated by the board as reserved for a specific purpose.

3201 RESERVED - VEHICLE

This account represents a portion of the Contractor's fund balance that has been designated by the board as reserved for the purchase of a new vehicle.

REVENUES

4000 AUDIT FUNDS

This account is used to record the receipt of audit funds from

the Office of Elderly Affairs.

4110-4150 TITLE III AND SENIOR CENTER APPROPRIATIONS

Separate accounts must be maintained for Administration, Supportive Services, Congregate Meals, Home-Delivered Meals, and Senior Center funds received from the Office of Elderly Affairs. Each Title III account will contain federal and state funds.

4220-4250 TITLE III AND SENIOR CENTER PROGRAM INCOME

Separate accounts must be maintained for income generated by Supportive Services, Congregate Meals, Home-Delivered Meals, and Senior Center programs. Program income includes meal site contributions or donations from eligible participants.

4300-4350 LOCAL FUNDS

These accounts are used to record receipts from the police jury, parish council, municipalities, or third parties on behalf of the Contractor. Included are payments of matching funds, monitoring fees, or local assessments.

4410 ACT 735 (PCOA) - STATE FUNDS

This account is used to record the receipt of funds from the State of Louisiana under Act 735.

4420 SALE OF MEALS TO INELIGIBLES

This account is used to record receipts from the sale of meals in the congregate nutrition program to ineligible persons (including staff, volunteers and visitors).

4430 INTEREST INCOME

This account is used to record interest earned on interest-bearing checking accounts or on investments of idle funds. It should be set up by journal entry if not actually received by check.

4500 USDA CASH IN LIEU OF COMMODITIES

This account is used to record the receipt of USDA Cash earned in the nutrition programs. USDA Cash payments are based on the number of congregate and home-delivered meals served. Only one account is necessary since USDA Cash can be applied to raw food costs in either or both programs.

4600 TITLE V COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

This account is used to record the receipt of funds under Title V of the Older Americans Act.

4700-4710 TITLE XX

Separate accounts must be maintained for transportation and homemaker funds received under Title XX.

4800 JOB TRAINING PARTNERSHIP ACT (JTPA)

This account is used to record the receipt of funds under the Job Training Partnership Act.

4900 SECTION 18

This account is used to record the receipt of transportation funds from the Department of Transportation and Development.

EXPENSES

5100's PERSONNEL

5100 SALARIES - REGULAR

This account includes regular wages paid to salaried and hourly employees.

5110 SALARIES - OVERTIME

This account includes overtime wages paid to salaried and hourly employees.

5200's FRINGE

5210 FICA EXPENSE

This account is used to record the excess over FICA withheld from employees or the employer's portion of FICA expense.

5220 LUTA EXPENSE

This account is used to record Louisiana unemployment tax paid during the year.

5230 GROUP INSURANCE (HOSPITALIZATION) EXPENSE

This account is used to record premiums paid by the employer on behalf of the employees.

5300's TRAVEL

5310 TRAVEL - LOCAL/IN STATE

This account is used to record travel reimbursements to staff, board members and volunteers for training and per diem.

5320 TRAVEL - OUT OF STATE

This account is used to record out-of-state travel reimbursements to staff, board members and volunteers.

5400's OPERATING SERVICES (nonconsumable items)

5410 DUPLICATING AND PRINTING

5415 RENT

5420 UTILITIES

5421 TELEPHONE

5425 POSTAGE

5430 SECURITY

5435 EQUIPMENT RENTAL

5436 EQUIPMENT MAINTENANCE

5440 ADVERTISING

5445 COMPUTER SERVICE

5446 ACCOUNTING SERVICE

5447 LEGAL SERVICE

5450 INSURANCE

This account is used to record payments for all types of insurance - bonding, vehicle, building and contents, and workman's compensation.

5455 REPAIRS

This account is used to record expenses for all repairs other than equipment repairs.

5460 DUES AND SUBSCRIPTIONS

5465 LICENSES/FEES

5490 MISCELLANEOUS

This account should not be overworked. This account should include only very rare items of small dollar value. When an item is large and/or recurring, the accountant should set up a new account.

5500's OPERATING SUPPLIES (consumable items)

5510 OFFICE SUPPLIES

5515 AUTOMOBILE SUPPLIES

This account is used to record expenses for vehicle supplies such as gasoline, oil and tires.

5520 KITCHEN SUPPLIES

5525 OTHER SUPPLIES

5530 RAW FOOD

This account is used to record raw food costs when the Area Agency purchases raw food to prepare meals in the nutrition programs.

5535 NON-EDIBLES

This account is used to record the purchase of non-edibles by the Area Agency for the nutrition programs.

5600's OTHER COST

5610 CONSULTANTS (subcontracts)

5630 CONTRACTED - RAW FOOD

This account is used to record raw food costs when the Area Agency subcontracts for the nutrition programs. Caterer's invoices should indicate what portion of the total amount due represents raw food costs.

5635 CONTRACTED - LABOR/NON-EDIBLES

This account is used to record the cost of caterer labor and non-edibles when the Area Agency subcontracts for the nutrition programs. Caterer's invoices should indicate what portion of the total amount due represents the cost of labor and non-edibles.

5640 MEDICAL EXAMINATIONS

This account is used to record the cost of examinations required in some cases by federal programs.

5645 TRAINING

This account is used to record the cost of in-house as well as outside training programs.

5650 TOOLS

This account is used for handyman operations.

5655 MONITORING FEES

This account is used to record charges by the State of Louisiana for certain grants under its authority.

5660 TRANSPORTATION

This account is used to record the cost of transportation which is subcontracted.

5700's CAPITAL OUTLAY

5710 EQUIPMENT

This account is used to record the purchase of all types of equipment.

5720 RENOVATIONS

This account is used to record the cost of all major renovations.

SUBSECTION V

Monthly Financial Reporting

Preface

The Governor's Office of Elderly Affairs requires the preparation of monthly financial reports. These reports are due at the Office of Elderly Affairs by the tenth working day of each month.

The monthly financial reporting forms are included in Chapter 2 of this subsection. The required monthly financial reports are as follows:

Area Agency Administration

Title IIIB - Supportive Services

Title IIIC1 - Congregate Meals/

Title IIIC2 - Home-Delivered Meals

Senior Center

Instructions for the preparation of the monthly financial reports are included in Chapter 1 of this subsection. For additional information or assistance, contact your Program Accountant at the Office of Elderly Affairs.

Chapter 1

Instructions for Monthly Financial Reports

1. All reports are due at the Office of Elderly Affairs by the tenth working day of the month.

2. All reports must have the agency name and ending date of the period covered entered in the appropriate blank. Also, indicate whether the report is final or not by checking the appropriate box.

3. All reports must be signed and dated by the Area Agency or Contractor. Reports signed by subcontractors are not acceptable.

4. Rounding numbers to the nearest dollar is recommended.

5. Expenditures are cumulative from July 1. Expenditures should be taken directly from the ledger.

* In Subsection III of the Accounting Manual, line items and departments of expenditures are defined. Chapter 1 discusses the departments for accumulating costs and Chapter 3 discusses line items.

* Note: Transportation of participants is not an allowable expense of C-1 funds. Therefore, the total for this expenditure on Line 10 cannot exceed program income plus any local or other funds on the C-1 report.

6. Revenues are reported as follows:

OEA FUNDS

Report the amount received to date from OEA for Title III (Administration, Supportive Services, Congregate and Home-Delivered Meals) and Senior Center contracts.

**PROGRAM INCOME - SUPPORTIVE SERVICES,
C-1 AND C-2**

Report current year collections to date plus any prior year carryover. The general rule is that SS, C-1, and C-2 program income must be spent first.

PROGRAM INCOME - SENIOR CENTER

Report only the amount of program income that is being spent or applied to current expenditures. The general rule is that Senior Center program income does not have to be spent first and may be carried over.

USDA CASH IN-LIEU OF COMMODITIES

Report only the amount that is being applied to current raw food costs. USDA Cash can be carried over.

LOCAL FUNDS

Report only the amount that is being applied to current expenditures.

OTHER FUNDS

Report only the amount that is being applied to current expenditures.

* Note: Act 735 funds should be reported with "Other Funds" as they are applied to expenditures. Please type/write "Act 735" beside the amount of these funds being spent.

7. Computations are performed as follows:

First, all reports (except AAA) must be added across to arrive at a total expense for each line item (salaries, fringe, etc). All reports must be added down to arrive at a total cost for each department (column). These totals are added across and down to arrive at Total Expenditures.

Second, program income, USDA Cash, local, and other funds are subtracted from Total Expenditures to arrive at Net Expenditures.

Third, Office of Elderly Affairs' funds are subtracted from Net Expenditures to obtain Balance on Hand. (A negative balance indicates a deficit.)

Fourth, Net Expenditures are divided by Office of Elderly Affairs' funds to determine the Spend-Down Rate. (100% indicates that funds are being spent appropriately at a 1/2 rate.)

8. Reference to Subsection III of the Accounting Manual (defining line items and departments of expenditures) plus these instructions should provide a basis for completing the financial reports. Expenses reported must coincide with budgeted amounts and must reflect actual expenditures in the ledger. Please contact your Program Accountant if you have any difficulty in preparing these reports.

CHAPTER 2
MONTHLY FINANCIAL REPORTS
AREA AGENCY ADMINISTRATION
MONTHLY FINANCIAL REPORT
FINAL REPORT
YES NO
AGENCY NAME _____ PERIOD ENDING: _____

EXPENDITURES TO DATE	TOTAL
1. Salaries	
2. Fringe	
3. Travel	
4. Operating Services	
5. Operating Supplies	
6. Other	
7. Capital Outlay	
8. Total Expenditures	
9. Less: Local Funds	
10. Less: Other Funds	
11. Net Expenditures	
12. OEA Funds Received to Date	
13. Balance on Hand (Line 12 - 11)	
14. Spend-Down Rate	
15. Line 11 ÷ 12	

I hereby certify that the above expenditures are for the period shown, and are true and correct to the best of my knowledge. The expenditures reported have been made in accordance with Federal and State guidelines and as outlined in the contract summary, and are for the purpose set forth within the project contract.

SIGNATURE _____ TITLE _____ DATE _____

FINAL REPORT
YES NO

AGENCY NAME _____ PERIOD ENDING: _____

CATEGORIES	EXPENDITURES TO DATE						TOTAL
	INDIRECT COSTS	ACCESS SERVICES	COMMUNITY SERVICES	IN-HOME SERVICES	IN-CARE FACILITY	OMBUDESMAN	
1. Salaries							
2. Fringe							
3. Travel							
4. Operating Services							
5. Operating Supplies							
6. Other							
7. Capital Outlay							
8. Total Expenditures							
9. Less: Program Income							
10. Less: Local Funds							
11. Less: Other Funds							
12. Net Expenditures							
13. OEA Funds Rec'd to Date							
14. Balance on Hand (Line 13 - 12)							
15. Spend-Down Rate (Line 12÷13)							

I hereby certify that the above expenditures are for the period shown, and are true and correct to the best of my knowledge. The expenditures reported have been made in accordance with Federal and State guidelines and as outlined in the contract summary, and are for the purpose set forth within the project contract.

SIGNATURE _____ TITLE _____ DATE _____

CONGREGATE (C-1) / HOME-DELIVERED (C-2) MEALS
MONTHLY FINANCIAL REPORT

FINAL REPORT
YES NO

AGENCY NAME _____ PERIOD ENDING: _____

CATEGORIES	CONGREGATE MEALS				HOME-DELIVERED MEALS				
	INDIRECT COSTS	OUTREACH	TRANSP. OF PART.	NUTRI. SERVICES	C-1 TOTAL	INDIRECT COSTS	OUTREACH	NUTRI. SERVICES	C-2 TOTAL
1. Salaries									
2. Fringe									
3. Travel									
4. Operating Services									
5. Operating Supplies									
6. Raw Food									
7. Caterer Labor									
8. Non-Edibles									
9. Other									
10. Capital Outlay									
11. Total Expenditures									
12. Less: Program Income									
13. Less: USDA Cash									
14. Less: Local Funds									
15. Less: Other Funds									
16. Net Expenditures									
17. OEA Funds Rec'd to Date									
18. Balance on Hand (Line 16 - 15)									
19. Spend-Down Rate (Line 18-15)									

I hereby certify that the above expenditures are for the period shown, and are true and correct to the best of my knowledge. The expenditures reported have been made in accordance with Federal and State guidelines and as outlined in the contract summary, and are for the purpose set forth within the project contract.

SIGNATURE _____ TITLE _____ DATE _____

SENIOR CENTER
MONTHLY FINANCIAL REPORT

FINAL REPORT
YES NO

AGENCY NAME _____ PERIOD ENDING: _____

EXPENDITURES TO DATE			
CATEGORIES	INDIRECT COSTS	SERVICES	TOTAL
1. Salaries			
2. Fringe			
3. Travel			
Operating			
4. Services			
Operating			
5. Supplies			
6. Other			
7. Capital			
7. Outlay			
8. Total Expenditures			
Less:			
9. Program Income			
Less:			
10. Local Funds			
Less:			
11. Other Funds			
Net			
12. Expenditures			
OIA Funds			
13. Received to Date			
Balance on Hand			
14. Line 13 - 12			
Spend-Down Rate			
15. Line 12 * 13			

I hereby certify that the above expenditures are for the period shown, and are true and correct to the best of my knowledge. The expenditures reported have been made in accordance with Federal and State guidelines and as outlined in the contract summary, and are for the purpose set forth within the project contract.

SIGNATURE TITLE DATE

Sandra C. Adams
Director

RULE

**Department of Health and Human Resources
Board of Examiners
For Nursing Home Administrators**

The Board of Examiners for Nursing Home Administrators adopted new rules for continuing education to comply with change in licensing law R.S. 37:2507.

RULE 14. APPROVAL OF PROGRAMS OF STUDY.

A. Continuing Education programs of study are designed to meet the requirements and qualifications for re-registration of a licensee as a nursing home administrator under and pursuant to the state licensing statute, and the rules and regulations shall:

RULE 17. REGISTRATION OF LICENSE

A. . . . Thereafter, such individual shall biennially apply to the board for a new certificate of registration and report any facts required by the board on forms for such purpose.

B. Upon making an application for a new certificate of registration such licensee shall pay a biennial registration fee of \$150 and, at the same time, shall submit evidence satisfactory to the board that, during the biennial period immediately preceding such application for registration, he has attended a continuing education program or course of study as provided in Rule 14, Paragraph A, of these rules and regulations. A copy of the certificate(s) of attendance for the 30 hours of approved continuing education is to be attached to the biennial re-registration application, unless the sponsoring organization has previously notified the board.

RULE 19. COMPLAINTS AND HEARING PROCEDURES

A. Registration of complaints

2. Such charges shall be submitted to the board in writing and under oath.

RULE 22. RESTORATION AND REINSTATEMENT OF LICENSES

A. A license may be restored after revocation by the board at its discretion upon submission of evidence satisfactory to the board that the applicant for such restoration of license has re-

moved the disability. The requirements of Rule 8, Paragraph A, Item 2 shall be applicable to applicants for license who have been convicted of a felony. In the case of revocation of license due to a six-month suspension (Rule 18, Paragraph A, Item 9) or voluntary surrender, the applicant shall file a new application based on current requirements, as a new applicant, including sitting for all examinations.

RULE 26. APPLICABILITY, LEGAL EFFECT, SEPARABILITY

C. These revised rules and regulations shall take effect on July 1, 1983, and shall replace those rules and regulations previously effective April 1, 1970, and revised on January 20, 1971; July 1, 1972, March 7, 1973, July 1, 1974, July 1, 1975, April 1, 1976, July 1, 1977, July 1, 1978, July 1, 1979 and July 1, 1980.

Winborn E. Davis
Executive Secretary

RULE

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

The Department of Health and Human Resources, Office of Family Security, has implemented the following Rule in the Aid to Families with Dependent Children (AFDC) Program.

RULE

The Office of Family Security will require an official reapplication for AFDC benefits and prorate benefits from the date of application following a period of AFDC grant discontinuance.

Federal Regulation 45CFR206.10(b) (2) requires that the application be in writing and 45CFR206.10(a) (6) (i) (D) requires that the state prorate the payment for the month of application. Federal Regulation 45CFR233.34(d) provides the criteria for when a State may suspend rather than terminate assistance and grant discontinuance situations are equated with termination of AFDC assistance.

This rule reconciles State AFDC policy with Federal Regulations to assure that recipients whose AFDC benefits are discontinued due to receipt of or increases in earnings or child support payments or loss of the earned income exemption shall, upon subsequent loss of or reduction in earnings or child support payments, be required to reapply for AFDC benefits and have benefits prorated from the date of application.

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

RULE

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

Department of Health and Human Resources, Office of Family Security, will adopt the following rule in the Food Stamp Program as provided for in Federal Regulations 7 CFR 273.9 (d)(6).

RULE

Effective October 1, 1985, and each October 1 thereafter, the annualized standard utility allowance in the Food Stamp Program shall be adjusted to reflect changes in the cost of utilities.

The Office of Family Security will conduct an annual statewide survey of utility companies to determine the average monthly cost of utilities. This methodology is subject to approval by the United States Department of Agriculture Food and Nutrition Service. The standard allowance developed shall also be submitted to USDA FNS for approval.

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, has implemented the following amendment in the State Plan for the Low Income Energy Assistance Program.

RULE

The Low Income Home Energy Assistance Program State Plan, Attachment A and Attachment B has been amended to read as follows:

Attachment A:

The Income limits column shall read

One Person

0-171

172-285

286-346

Attachment B:

Income Limits—For a one person household, total monthly income not over \$346.

The emergency rule was adopted on August 1, 1985 to permit the agency to make an Energy payment to approximately 14,500 SSI single person households who would not otherwise be eligible for the August, 1985 issuance.

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, will implement the following Rule in the Medical Assistance program.

RULE

Effective September 20, 1985, the Office of Family Security shall amend Attachment 2.2-A of the Title 19 State Plan to include as covered individuals those who are receiving Old-Age, Survivors and Disability Insurance (OASDI) benefits and who were receiving Supplemental Security Income (SSI)/State Supplementation Payment (SSP) concurrently for any month after April, 1977, and who would again be SSI eligible were it not for OASDI cost-of-living increases (paid under Section 215(i) of the Social Security Act) received since SSI benefits were terminated. All other sections of the State Plan that may be affected by this change are also being amended.

Implementation is subject to approval by the Health Care Financing Administration (HCFA) as required for all Title 19 policy changes. If disapproved by HCFA, the policy prior to this proposed amendment remains in effect.

Emergency rulemaking has been invoked to implement this policy effective June 10, 1985. This action was necessary to adopt this as an emergency rule to comply with a federal court order to revise eligibility requirements for extended Medicaid.

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, will implement the following rule in the Medical Assistance Program.

RULE

Effective October 1, 1985, revised standards for payment for Intermediate Care Facility I and II services and Skilled Nursing Facility services will be adopted.

Standards for Payment will include thirteen sections. Section I covers standards for facility participation. This section includes the scope of the standards, enrollment of facilities in the medical program, facility decertification, ownership, and provider agreements.

Section II covers administration and staffing standards. This section includes specific staffing requirements and qualifications for facility administrators, assistant administrators, medical directors, nursing services directors, charge nurses, supervisors of health services, nursing staff, resident services directors, social services personnel, activities coordinators, dietary supervisors and consultants, pharmacists or pharmaceutical consultants, and records consultants.

Section III covers payment limitations and standards for income consideration in determining payments.

Section IV covers cost reports. This includes submittal of cost reports, allowable costs, costs not allowable and general instructions for completing cost reports.

Section V covers the overall plan of care and includes the basis for the overall plan of care, the written plan of care, the contents of the plan of care, and participating staff involvement and responsibilities in the plan of care.

Section VI covers applicant/recipient services including physician services, medication services, nursing care services, services and supplies included and excluded in the facility's vendor payments, dental services, social services, activities programs, rehabilitative services and ancillary services.

Section VII covers recipient records. This includes general requirements, medical records, applicant/recipient personal property records and financial records.

Section VIII covers facility records including provider agreements, daily census records, employee records, accounting records, fiscal and accounting procedures, supporting fiscal documents and medical records.

Section IX covers applicant/recipient rights including general requirements, notification of rights and the bill of rights.

Section X covers general requirements for written policies and procedures concerning transfer and discharge agreements, use of restraints, applicant/recipient complaints, emergencies and notification of changes in an applicant/recipient's status.

Section XI includes audits, admission review, inspections of care (Professional Medical Review (PMR) and Independent Professional Reviews (IPR)), and utilization review.

Section XII covers appeals procedure including scope, informal reconsiderations, evidentiary hearings and optional skilled nursing facility appeal procedure.

Section XIII covers sanctions including special staffing requirements, withholding of vendor payments and civil fines.

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

RULE

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security, shall adopt a rule in the Pharmacy Program

which will allow inclusion of drugs under Louisiana Maximum Allowable Cost Regulations as they are identified by the agency as multiple-source drugs effective October 1, 1985.

RULE

The Pharmacy Program shall establish maximum allowable costs for drugs under Louisiana Maximum Allowable Cost (LMAC) regulations as they become available from multiple sources. Drugs added to the LMAC listing will no longer be published in the *Louisiana Register*. Additionally, the agency will notify the Medical Care Advisory Committee, Pharmacy Subcommittee 30 days prior to inclusion under the LMAC of any drug found to be eligible for regulation. Upon receipt of the Pharmacy Subcommittee's recommendation, the agency shall notify all providers of the maximum allowable cost established; however, in no instance shall the agency give less than 15 days prior notification of drug inclusion under LMAC regulations. A current listing of LMAC drugs will be maintained in the Chapter XIX Medical Assistance Manual.

Implementation of this rule is subject to approval by the Health Care Financing Administration (HCFA) as required for all Title XIX policy changes. If disapproved by HCFA, the policy prior to this change shall remain in effect.

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

RULE

**Department of Health and Human Resources
Office of Hospitals**

Effective October 1, 1985, the Department of Health and Human Resources, Office of Hospitals, Emergency Medical Services shall adopt the following schedule of reimbursements for courses in the Emergency Medical Services Program provided through contract. This schedule of reimbursements is being adopted under the authority granted to the secretary by R.S. 40:1231 to provide EMT training.

GENERAL CONDITIONS OF REIMBURSEMENTS

1. Contractors will receive reimbursement for only those services for which the contractor incurs cost. Contractor must insure medical supervision for all training programs except the refresher training activities. Medical supervision may be accomplished through gratis or a contractual agreement.

2. The course reimbursement rate is based upon utilization of the full complement of faculty as outlined in the Office of Hospitals, Emergency Medical Services Manual, and the Advanced EMT-Training Manual. Funds not claimed through the reimbursement request process shall remain with the Office of Hospitals, Emergency Medical Services.

3. The Office of Hospitals, Emergency Medical Services shall determine if it is in the best interests of all parties involved to pay contractees during the progress of the course; payment not to exceed 25 percent of total contract, and not to be made before that segment for which payment is being made has been completed. Also the Office of Hospitals, Emergency Medical Services may determine whether any staff member who cannot attend 100 percent of the required hours may be reimbursed based on the number of hours of actual instruction.

SPECIFIC REIMBURSEMENT RATES AND QUALIFICATIONS

1. EMT-BASIC

- A. Required Staff and Fees
 - Instructor-Coordinator - \$1500
 - Medical Director - 200
 - Instructor-Assistant - 1000

- B. Staff Qualifications
 - Medical Director - M.D., preferably ACEP certified
 - Instructor-Coordinator - M.D., R.N., EMT-Paramedic, EMT-Intermediate; Certified Instructor by OH-EMS*
 - Instructor-Assistant - EMT-P, I, or A, Certified Instructor by OH-EMS*

2. EMT-BASIC REFRESHER

- A. Required Staff and Fees
 - Instructor-Coordinator - \$ 300
 - Instructor-Assistant - 200
- B. Staff Qualifications
 - Instructor-Coordinator - EMT-A, I, or P, R.N., M.D., Certified Instructor by OH-EMS*
 - Instructor-Assistant - EMT-A, I, or P, Certified Instructor by OH-EMS*

3. EMT-INTERMEDIATE

- A. Required Staff and Fees
 - Medical Director - \$ 300
 - Instructor-Coordinator - 2500
 - Instructor-Assistant - 2000
 - Clinical Instructor - Voluntary
 - Field Internship - Voluntary
 - Preceptors - Voluntary
- B. Staff Qualifications
 - Medical Director - M.D., Certified Advanced Instructor by OH-EMS*
 - Instructor-Coordinator - M.D., R.N., Certified Advanced Instructor by OH-EMS*
 - Instructor-Assistant - M.D., R.N., EMT-P; Certified Advanced Instructor by OH-EMS*
 - Clinical Instructor/Preceptors - M.D., R.N.
 - Field Internship Preceptors - R.N., EMT-P

4. EMT-INTERMEDIATE ONLY REFRESHER

- A. Required Staff and Fees
 - Instructor-Coordinator - \$ 200
 - Instructor-Assistant - 125
- B. Staff Qualifications
 - Instructor-Coordinator - M.D., R.N., EMT-P
 - Instructor-Assistant - R.N., EMT-P, or EMT-I

5. EMT-PARAMEDIC

- A. Required Staff and Fees
 - Medical Director - \$ 1,500
 - Instructor-Coordinator - 10,000
 - Instructor - 6,500
 - Instructor-Assistant - 3,000 (To be paid to assistants at the following rates)
- M.D. - \$30/hr
- R.N. - 20/hr
- EMT-P - 15/hr
- NOTE: - Assistant Instructors may not be staff other-

wise contracted for this course

Clinical Instructors/
Preceptors
Field Internship/
Preceptors

- Voluntary
- Voluntary

B. Staff Qualifications
Medical Directors

- M.D., Advanced Instructor OH-EMS*

Instructor-Coordinator

- M.D., R.N., Advanced Instructor OH-EMS*

Instructor

- R.N., Advanced Instructor OH-EMS*

Instructor-Assistant

- M.D., R.N., or EMT-P; Advanced Instructor OH-EMS preferably

6. WORKSHOP/SEMINAR

A. Fees

- M.D. - \$40/hr
- R.N. - 25/hr
- EMT-P - 15/hr
- EMT-I - 12.50/hr
- EMT-Basic - 10/hr
- Attorney - 40/hr
- Public Safety-Other - 15/hr

B. Staff Qualifications

Appropriate professional credentials

7. PRACTICAL EXAMINATION

A. Required Staff and Fees

- Practical Stations Evaluator - \$ 100
- Make-up or Clerical Assistant - 50

B. Staff Qualifications

Practical Stations Evaluator - Must be certified at skill level for which he is administering examination

* Based on the need for the course, Instructor's certification by this Office may be waived for the first course taught by any individual. Any subsequent courses would require Instructor certification by this Office.

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

RULE

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

In accordance with the laws of the State of Louisiana, R.S. 40:4, and the provisions of Chapter 13 of the State Sanitary Code, the state health officer has determined that the following amendments of the listing entitled "Individual Mechanical Wastewater Treatment Plants - Acceptable Units" are adopted:

1) Amend the listing to include two additional units, specified as follows:

Manufacturer	Plant Designation	Rated Capacity
Mo-Dad, Inc. Box 822 Denham Springs, LA 70726	Mo-Dad-1-1000 Mo-Dad-1-1500	1000GPD 1500GPD

* Office of Hospitals - Emergency Medical Services

The specified changes are in compliance with the requirements set forth in Section 6.6 of Appendix A of Chapter 13 of the State Sanitary Code.

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

RULE

**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, adopts on September 20, 1985 the following changes to the rule published in the *Louisiana State Register*, Volume 10 on July 20, 1984. These changes are in accordance with 7 CFR Part 246. These revisions are necessary to implement mandated federal regulations and to clarify existing rules, as published as a Notice of Intent in July, 1985 *Louisiana State Register*, Vol, II, No. 7.

AMENDMENTS TO THE GENERAL RULE

1. In Section II.A.2 before "food package" add "average" and after "package" and "cost, at or". Delete the "the" after "below". After "below" add "110 percent of the monthly". After "median" delete "price" and add "average food package cost". After the last sentence add "Vendors will be given one opportunity to lower food costs within 15 days of notification during the application process in order to meet Program guidelines. To maintain authorization vendors may not exceed parish monthly median by more than 120 percent. Failure to lower costs within 15 days of notice of excessive prices will terminate the agreement. Vendors shall provide the food package at the current price or at less than the current price charged to other customers."

2. In Section III.D.1. add after first sentence "Agreement is null and void if ownership changes." Delete the last sentence. Add "Fifteen day notice will be given prior to the expiration of Agreements. Expiration of Agreements are not subject to appeal. Vendors may reapply six months after expiration of Agreement."

3. In Section III.F. After "Agreement" add "upon 15 days from receipt of". Before "request" delete "upon".

4. In Section V.B. After "Report Sheets;" add "failure to supply requested records relevant to the vendor agreement within 15 days of receipt of request;"

5. In Section V.C. After last sentence add "Written notice of the adverse action, the cause(s) for and the effective date of the action will be provided to authorized vendors not less than 15 days in advance of the effective date of action."

6. In Section VI before the first sentence add "A."

7. In Section VI after first paragraph add:

"B. Adverse action will be imposed during the appeal process but after the 15-day advance notification period unless the agency determines that participants would be unduly inconvenienced."

"C. Vendors will be given one opportunity to reschedule a hearing date upon written request."

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 the Low-Income Home Energy As-

sistance Block Grant Plan for the administration of the Low-Income Home Energy Assistance Block Grant federal funding for fiscal year 1985-86. These federal funds will be administered in accordance with Public Law 97-35, the Omnibus Budget Reconciliation Act of 1981, and federal regulations as published in the *Federal Register*, Volume 47, Number 129, Tuesday, July 26, 1982, Pages 29472-29493.

Effective October 1, 1985, the DHHR Office of Human Development assumes responsibility for the administration of the Low-Income Home Energy Assistance Program.

Copies of the LIHEAP State Plan are available without charge upon request to: Governor's TIE Line, Box 44004, Capitol Station, Baton Rouge, LA 70804 Telephone 1-800-272-9868 (8 a.m. - Noon and 1 p.m. - 5 p.m.)

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

RULE

Department of Health and Human Resources Radiologic Technology Board of Examiners

The Radiologic Technology Board of Examiners adopted the following rule pursuant to R.S. 37:3200-3219.

LAC Title 46. Professional and
Occupational Standards
Part LXVI. Radiologic Technologists

Chapter 1. Implementation of the Medical Radiation Health and Safety Act

§101. Authority

The Louisiana Medical Radiation Health and Safety Act R.S. 37:3200 through 37:3219 provides that, in order to safeguard life and health by preventing excessive and improper exposure to ionizing radiation, any person practicing or offering to practice as a radiologic technologist in this state shall submit evidence that (s)he is qualified to do so and shall be allowed to practice as a radiologic technologist. The act creates a board of examiners with regulatory authority, dictates the board's composition and qualifications, methods of appointment of office of the board members. The duties of the board are specified in the act and these duties provide for the implementation of the Medical Radiation Health and Safety Act through the adoption of rules and regulations.

§103. Applicability

All persons in hospitals using radioactive materials or equipment emitting or detecting ionizing radiation on humans for diagnostic or therapeutic purposes shall be responsible for compliance in accordance with the provisions of this Chapter [refers to R.S. 37:3200-3219] and the provisions of these rules and regulations.

Chapter 3. The Board of Examiners

§301. Officers of the Board

A. The officers of the board shall consist of a chairman, first vice-chairman, second vice-chairman and secretary-treasurer.

B. The officers of the board shall be elected at each annual meeting by a majority vote of those board members present. The elected officers shall assume office when the new business is begun at this meeting.

C. The duties of the officers shall be as follows:

1. The chairman shall act as the chairman of the board and shall preside at all meetings of the board. The chairman shall not make any motions and shall vote only when necessary to break a tie vote. The chairman shall exercise general supervision of the affairs of the board and shall have the usual powers of such office and any other powers and duties as the board may direct. The

chairman shall, with the secretary-treasurer, sign all original licenses issued by the board.

2. The first vice-chairman shall perform the duties of the office of the chairman in the absence of the chairman.

3. The second vice-chairman shall perform the duties of the office of the chairman in the absence of the chairman and the first vice-chairman.

4. The secretary-treasurer shall give notice of all meetings of the board. The secretary-treasurer shall attend all meetings of the board and shall record all votes and the minutes of all proceedings in a book to be kept for that purpose. The secretary-treasurer shall exercise supervision of all monies received by the board, including application fees, license fees, renewal fees, fines, penalties, and other payments. The secretary-treasurer shall be responsible for the preparation of an annual budget of the board, which budget shall be subject to the approval of the board. The secretary-treasurer shall, with the chairman, sign all original licenses issued by the board. The secretary-treasurer shall perform such other duties as may be prescribed by the board under whose supervision (s)he shall be.

§303. Official Office of the Board

The domicile of the board shall be Baton Rouge.

§305. Meetings of the Board

A. As required by R.S. 37:3205(B), the board shall meet in Baton Rouge, at least every three months and at such other times as may be necessary. The quarterly meetings of the board shall be held in January, April, July and October. The annual meeting shall be in July.

B. The chairman of the board shall have the authority to call other meetings of the board to carry out the business of the board, provided that written notice of such meetings be mailed to the last known address of all members of the board at least 15 days before such meeting.

C. A majority of the board constitutes a quorum. No action may be taken by the board except by affirmative vote of the majority of the members present and voting. All votes shall be *viva voce* and shall be recorded in the minutes. No proxies shall be allowed.

D. At all regular quarterly meetings the chairman and the secretary-treasurer shall each submit a report to the board.

E. The fiscal year of the board shall run concurrent with that of the State of Louisiana.

307. Powers and Duties of the Board

R.S. 37:3207 provides that:

A. The board shall:

1. Formulate rules to govern its action.

2. Examine, license, and renew licenses of duly qualified applicants for licensure as radiologic technologists.

3. Promulgate pursuant to the Administrative Procedure Act minimum standards for the accreditation of educational programs to train individuals to perform radiologic procedures in the state.

4. Conduct hearings upon charges calling for discipline of a licensee.

5. Keep a record of all board proceedings.

6. Adopt and revise rules and regulations pursuant to the Administrative Procedure Act necessary to enable the board to administer the provisions of the Chapter.

7. Have all other powers necessary and proper to the performance of its duties.

B. The board may:

1. Establish pursuant to the Administrative Procedure Act a code of ethics for radiologic technologists.

2. Establish pursuant to the Administrative Procedure Act continuing education requirements for license renewal.

3. Employ legal counsel to represent the board in all matters pertaining to the administration of the Chapter and fix the compensation and define the duties of such counsel.

Chapter 5. Rules and Regulations; Statements

§501. Adoption of Rules and Regulations

R.S. 37:3207 et seq. provides that the board shall adopt and revise rules and regulations necessary to enable the board to carry into effect the provisions of this Part. In promulgating rules, the board is exercising powers that have been delegated by the Louisiana Legislature.

§503. Definition of Rules and Regulations

Statements, guides or requirements of conduct or action that are of general applicability. Rules and regulations of the board implement or interpret the act or describe the organization, procedure or practice of the board.

§505. Rule Making Process

All rules and regulations of the board shall be adopted, revised or repealed in accordance with the Administrative Procedure Act, R.S. 49:950-970.

A. Except in emergency situations, the board shall give at least 15 days notice of its intent to adopt, revise, or repeal rules and regulations. The notice shall be in accordance with statutory requirements and shall be published in the *Louisiana Register*.

B. After adoption, and as soon as possible, the official text of the rules and regulations shall be submitted for publication in the *Louisiana Register*. The rules and regulations become effective on the date of their publication, unless otherwise specified.

C. Any interested person may petition the board, requesting the promulgation, revision or repeal of rules and regulations which would affect that person. The petition shall:

1. be submitted in writing,
2. state the name and address of the petitioner,
3. include an exact statement of the changes sought and the effect of the proposed change on existing practice.
4. include data, opinions or arguments in support of request.

D. The board shall act on the petition within 90 days after receiving said petition. The board shall either deny the petition, stating reasons therefore, or shall initiate rulemaking proceedings in accordance with its procedure for same.

§507. Declaratory Statements of the Board

The board may issue a declaratory statement in response to a request for clarification of the effect of rules and regulations of R.S. 37:3200 et seq.

A. A request for a declaratory statement is made in the form of a petition to the board. The petition shall include at least:

1. the name and address of the petitioner;
2. specific reference to the statute or rules and regulations to which the petition relates;
3. a concise statement of the manner in which the petitioner is aggrieved by the rule or statute or by its potential application to her/him, or in which (s)he is uncertain of its effect;
4. a statement of whether an oral hearing is desired.

B. Said petition shall be considered by the board at its next regularly scheduled meeting provided that the petition has been filed at least 21 days prior to said meeting.

C. The declaratory statement of the board on said petition shall be in writing and mailed to petitioner at the last address furnished to the board.

Chapter 7. Actions Before the Board

§701. Disciplinary Proceedings Before the Board

A. The board has the responsibility to consider and determine the action necessary upon all charges of conduct which fail to conform to R.S. 37:3200 et seq., or to the rules and regulations promulgated to carry out the provisions of this Part.

B. Grounds for disciplinary proceedings against a licensed radiologic technologist as specified in R.S. 37:3219 are:

1. Is guilty of fraud or deceit in the procurement or holding of the license.

2. Has been convicted of a felony in a court of competent jurisdiction, either within or outside of this state, unless the conviction, has been reversed and the holder of the license discharged and acquitted; or if the holder has been pardoned with full restoration of civil rights, in which case the license shall be restored.

3. Is or has been afflicted with any medical problem, disability, or addiction which, in the opinion of the board, would impair professional competence.

4. Has aided and abetted a person who is not a licensed radiologic technologist or otherwise authorized by this Chapter to perform the duties of a license holder.

5. Has undertaken or engaged in any practice beyond the scope of duties permitted a license holder under this Chapter.

6. Has been found guilty of violations of a code of ethics which the board may establish by regulation.

7. Has interpreted a diagnostic image for a licensed practitioner, a patient, the patient's family, or the public.

8. Is or has been found guilty of incompetence or negligence in his performance as a license holder.

9. Has applied radiation to humans without a prescription from a licensed practitioner as defined in this Chapter.

10. Has applied radiation to humans without the direction and supervision of a licensed practitioner as defined in this Chapter.

§703. Procedures for Processing Complaints and Inquiries

A. Upon receipt of complaints or inquiries, the board will forward its complaint form, which must be satisfactorily completed before the board takes further immediate action.

1. A complaint may be initiated by any person, corporation, association, public officer or by the board on its own initiative.

2. Anonymous letters of complaint against individuals shall not be recognized as a basis for formal action.

3. If a complaint form is not filed with the board, no further action is taken unless sufficient information can be clearly determined from written material received by the board.

4. If the information is insufficient, the board may request further information by either written correspondence or an informal hearing.

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

C. At its next regularly scheduled meeting, the board shall officially receive and act upon all complaints and inquiries received.

D. The board shall take one of the following actions on a complainant:

1. no action;
2. informal inquiry hearing;
3. formal hearing.

§705. Conduct of an Informal Inquiry/Hearing

This is a nonadversarial procedure.

A. Informal Inquiry Procedure

If the board determines the complaint warrants further investigation:

1. The file shall be assigned by the board to a member of the staff who conducts an investigation.

2. The licensee shall be given adequate prior notice of the informal inquiry and possible hearing of the issues to be discussed. Adequate notice includes:

a. informing the licensee in writing that a complaint has been filed,

b. a short and plain statement of the nature of the complaint,

c. a reference to the particular sections of the statutes, rules, and/or ethical standards of the board which appear to have been involved,

d. copies of the law and the rules and regulations of the board, and

e. a request for the licensee's cooperation in obtaining a full understanding of the circumstances which led to the allegation.

3. The licensee shall be requested to provide, within 30 days, a written statement giving the licensee's view of the situation which is the subject of the complaint.

4. Evaluating the Findings of the Informal Inquiry

Upon receipt of a reply from the licensee, the investigator shall review the information to determine if a violation may have occurred, and if so, what standard(s) have been violated and report to the board his findings.

5. The board shall review the report of the investigator and determine

a. that the complaint has no basis in fact, so indicate in its proceedings and the complainant and licensee shall be so notified;

b. that the issues raised by the complainant could constitute a violation of standards, and then determine whether:

i. further investigation by correspondence is indicated,

ii. further investigation by an informal hearing is indicated,

or

iii. institution of formal hearing procedures is indicated.

B. Informal Hearing Procedure

The board shall conduct informal hearings in executive session in accordance with the following:

1. It is expected that the licensee not have an attorney or other advisors present, although it is his right to do so.

2. Witnesses may be called, but are not placed under oath and no subpoenas are issued.

3. Statements made at the informal hearing may not be introduced at a formal hearing unless all parties consent.

4. No transcript of the informal hearing is made.

C. Evaluating the Findings of the Informal Hearing

1. If the board decides that the subject of the complaint is a violation of the standards, and that disciplinary proceedings are warranted, the board shall then determine whether:

a. the violation merits informal disposition or

b. a formal hearing will be held.

2. The board, in determining for informal disposition, shall order actions such as:

a. A settlement between the person making the complaint and the licensee. This settlement shall be written, signed by the licensee and the complainant and submitted to the board within 30 days of the informal hearing.

b. A consent order describing the disciplinary action which will be taken. A consent order shall be signed by the licensee, the chairman and the vice-chairman of the board.

D. Refusal to Respond or Cooperate with the Board

1. If the licensee does not respond to the original inquiry within 30 days a follow-up letter shall be sent to the licensee by registered or certified mail, return receipt requested.

2. If the licensee refuses to reply to the board's inquiry or otherwise cooperate with the board, the board shall continue its investigation. The board shall record the circumstances of the licensee's failure to cooperate and shall inform the licensee that the lack of cooperation may result in action which could eventually lead to suspension or revocation of license, or other appropriate legal action under the law.

E. Withdrawal of Complaint

If the complainant wishes to withdraw the complaint, the inquiry is terminated, except in cases where the board judges the issues to be of such importance as to warrant completing the investigation in its own right and in the interest of public welfare.

F. If, at any point in the informal proceedings described above, the board finds that public health, safety, or welfare imperatively requires emergency action, and incorporates a finding to the effect in its order, the board is hereby given authority to obtain a restraining order from a judge of the appropriate court to suspend the license pending informal hearing proceedings for revocation of license or other disciplinary action. This formal hearing shall be promptly instituted.

§707. Conduct of a Formal Hearing

A. Initiating the Process

1. The board initiates a formal hearing by issuing full notice of the hearing. A formal hearing may be the result of a complaint made by any manner specified in the informal procedures.

2. Once full notice of the formal hearing has been served, no board member or officially designated hearing officer may communicate with any party to a formal hearing or to that party's representative concerning any issue of fact or law involved in that formal hearing unless all parties or their representatives are present

3. Full Notice

The written notice shall recite specific acts which the licensee is alleged to have committed and shall assert that those acts violate a statute or rule of the board.

a. The notice shall include:

i. A statement of the date, time, place, and nature of the hearing.

ii. A statement of the legal authority and jurisdiction under which the hearing is to be held.

iii. A reference to the particular sections of the statutes, rules or ethical standards involved.

iv. A short and plain statement of the matters asserted which shall be the subject of the hearing.

v. A statement of the rights of the parties.

b. Notice shall be given to all parties 30 days in advance of the proceedings to allow a reasonable opportunity for preparation.

c. The notice shall be delivered by registered or certified mail, return receipt requested. If the licensee cannot be found by this or other reasonable methods, the board may hold a hearing in the licensee's absence.

d. The content of the notice limits the scope of the hearing and of the evidence which may be introduced.

e. If the agency or other party is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved. Thereafter, upon application, a more definite and detailed statement shall be furnished.

4. The chairperson of the board shall appoint a hearing officer who may be a member of the board whose primary role shall be to hear evidence and arguments and make recommendations to the board.

a. Any hearing officer appointed who because of bias or interest, is unable to assure a fair hearing, shall be recused from that particular proceeding on his own notice or motion of any member of the board, or motion of any party, if the majority of the board determines the recusal is warranted.

b. At the hearing, the charges shall be prosecuted by the board's personnel who conducted the investigation, and by the board's attorney, who shall present evidence that disciplinary action should be taken against the licensee.

c. Upon motion filed before hearing served on all parties to the proceeding, the hearing officer may in his discretion permit any interested person to intervene in the proceedings if the panel determines that such person's interest would be substantially affected by the proceedings and is not adequately represented by another party to the proceedings and that intervention would not cause serious delay, disruption or otherwise burden the hearing process.

B. 1. Discovery

a. Depositions and interrogatories of witnesses may be taken and shall be admissible in the proceedings.

b. Evidence which was not made available to both parties at least five days in advance may be barred from introduction.

c. Evidence not within the scope of the notice may be excluded.

d. When the interests of the parties will not be prejudiced substantially, any part of the evidence may be received in written form.

e. Documentary evidence in possession of the board may be received in the form of copies of excerpts, or by incorporation by reference.

f. Official notice may be taken of generally recognized technical or scientific facts. However, parties shall be afforded an opportunity to contest the material so noticed.

2. Subpoenas

The board is empowered by statute to issue subpoenas when requested in writing by any party in a contested case.

a. The board, or its designated hearing officer, may sign and issue subpoenas when requested in writing by any party to a contested case.

b. The information called for by a subpoena shall be reasonable, shall relate to the matter under consideration, and shall not be privileged.

c. If the person fails to comply with a subpoena, the board may apply to the judge of the appropriate district court for rule to show cause why the person should not be requested to comply.

3. Motions

a. A request to the board or the hearing officer by a party for a particular action should be made in the form of a motion.

b. A motion may be made before, during or after a hearing.

c. All motions must be made at an appropriate time, according to the nature of the request.

d. Motions are directed to the hearing officer who shall dispose of them appropriately.

e. Motions made before or after the hearing shall be in writing. A motion made during the course of a hearing may be made orally.

f. The hearing officer may refer a motion to the board.

C. Formal Hearing Procedures

1. Conduct of the Hearing

a. The hearing officer may refer a motion to the board.

b. The hearing will be conducted in accordance with the Administrative Procedure Act, R.S. 49:955-966.

i. Opportunity shall be afforded all parties to respond and present evidence on all issues of fact involved and argument on all issues of law and policy involved and to conduct such cross-examination as may be required for a full and true disclosure of the facts.

ii. Objections to evidentiary offers may be made and shall be noted in the record.

c. The hearing will be open to the public.

2. Order of Proceedings

a. The hearing officer calls the session to order, identifies the case, subject of the case and cites the authority for holding the hearing.

b. The hearing officer asks the parties to identify themselves and their counsel.

c. All testimony shall be given under oath, such oath to be administered by the hearing officer.

d. Customary order of the proceedings shall be followed at the discretion of the hearing officer.

3. Evidence

a. In determining the admissibility of evidence, the hearing officer must follow the rules governing administrative hearings in Louisiana.

b. Constitutional guarantees of due process give the licensee a right to a decision based on evidence presented at the hearing. The hearing officer preparing the recommended decision shall only consider evidence presented at the hearing or officially noted in the record.

4. The records of the hearing shall include:

a. all papers filed and served in the proceedings;

b. all documents and other materials accepted as evidence at the hearing;

c. statements of matters officially noticed;

d. notices required by the statutes or rules, including notice of the hearing;

e. affidavits of service or receipts for mailing of process or other evidence of service;

f. stipulations, settlement agreements or consent orders, if any;

g. records of matters agreed upon at a prehearing conference;

h. reports filed by the hearing officer;

i. orders of the board and its final decision;

j. actions taken subsequent to the decision, including requests for reconsideration and rehearing;

k. a transcript of the proceedings, if one has been made, or a tape or stenographic record.

5. The record of the proceeding shall be retained until the time for any appeal has expired, or until the appeal has been concluded. The record is not transcribed unless a party to the proceeding so requests, and the requesting party pays for the cost of the transcript.

6. Cost for reproduction of the records of the hearing or any part thereof shall be assessed to the requesting party as prescribed by the board.

§709. The Final Decision of the Board

1. The board must determine whether the facts in the case support the charges brought against the licensee. It must determine whether the charges are a violation of R.S. 37:3219, the ethical standards of radiologic technology or other rules and regulations of the board.

2. The board accepts a proposed order from the hearing officer setting forth the findings of facts and conclusions of the hearing. The board may adopt such findings and conclusions in whole or in part.

3. The decision must be accompanied by a statement of the reasons for the decision and must dispose individually of each issue of fact or law necessary from the hearing officer.

4. The board's decision shall be based on the evidence and the proposed decision from the hearing officer.

5. The vote of the board must be recorded and made a part of the decision. A majority vote must be obtained in order for an ethics violation to be judged to have occurred.

6. The board may assess the licensee with the costs of the hearing.

7. The board determines the sanctions appropriate as consistent with law. The board may decide rather than to revoke

or suspend a license, to censure the licensee. The vote for censure is a majority vote.

8. The final decision shall be delivered to each party by registered or certified mail, return receipt requested.

9. The final decision shall be delivered within 30 days of the close of the hearing.

10. The final decision shall become effective 11 days after the receipt of notification of all parties, provided that there is no appeal. Publication shall be withheld until that date.

§711. Appeal of Board Decision

A. A petition by a party for reconsideration of hearing must be in writing and filed with the board within 10 days after the receipt of the board's final decision. The petition must set forth the grounds for the rehearing which must be one of the following:

1. the board's decision is clearly contrary to the law and the evidence;

2. there is newly discovered evidence, which was not available to the licensee at the time of the hearing and which may be sufficient to reverse the board's action;

3. there is a showing that issues not previously considered ought to be examined in order to dispose of the case properly; or

4. it would be in the public interest to further consider the issues and the evidence.

B. If a petition for reconsideration is denied, a party may proceed to seek judicial review of the decision.

C. Judicial review may be initiated by filing a petition in the appropriate district court within 30 days after mailing of notice of the final decision of the hearing or rehearing.

§713. Notification of Final Actions

A. Upon either completion of the decision, expiration of the time for any appeal, or conclusion of appeals, the board shall notify the following of its actions.

1. All licensed radiologic technologists.

2. All affected parties, and all affected professional organizations.

Chapter 9. General Provisions

§901. Definitions

The following words and terms, when used in this rule shall have the following meanings, unless the text clearly indicate otherwise.

A. *Board* means the Radiologic Technology Board of Examiners created pursuant to R.S. 37:3200-3201.

B. *License* means a certificate issued by the board authorizing the licensee to use radioactive materials or equipment emitting or detecting ionizing radiation on humans for diagnostic or therapeutic purposes in accordance with the provisions of this Chapter.

C. *Licensed practitioner* means a person licensed to practice medicine, dentistry, podiatry, chiropractic, or osteopathy in this state.

D. *Nuclear medicine technologist* means a person, other than a licensed practitioner, who under the direction and supervision of a licensed practitioner uses radioactive materials on humans for diagnostic or therapeutic purposes upon prescription of a licensed practitioner.

E. *Radiation therapy technologist* means a person, other than a licensed practitioner, who under the direction and supervision of a licensed practitioner applies radiation to humans for therapeutic purposes upon prescription of a licensed practitioner.

F. *Radiographer* means a person, other than a licensed practitioner, who under the direction and supervision of a licensed practitioner applies radiation to humans for diagnostic purposes upon prescription of a licensed practitioner.

G. *Radiologic technologist* means any person who is a radiographer, a radiation therapy technologist, or a nuclear medi-

cine technologist licensed under this Chapter who under the direction and supervision of a licensed practitioner applies radiation to humans upon prescription of a licensed practitioner.

H. *Radiologic technology* means the use of a radioactive substance or equipment emitting or detecting ionizing radiation on humans for diagnostic or therapeutic purposes upon prescription of a licensed practitioner.

I. *Radiological physicist* means a person who is certified by the American Board of Radiology in radiological physics or one of the subspecialties of radiological physics or who is eligible for such certification.

J. *Radiologist* means a physician certified by the American Board of Radiology or the American Osteopathic Board of Radiology, the British Royal College of Radiology, or certified as a radiologist by the Canadian College of Physicians and Surgeons.

K. *Ionizing radiation* means x-ray and gamma rays, alpha and beta particles, high speed electrons, neutrons and other nuclear particles.

L. *Licensed radiologic technologists (LRT)* means any person licensed pursuant to this Chapter.

M. *Student* means any person who is enrolled in and attending a board approved educational program or college of radiologic technology who applies radiation to humans while under the supervision of a licensed practitioner or a licensed radiologic technologist.

N. *Department* means the Department of Health and Human Resources (DHHR).

O. *CAHEA* means the Committee on Allied Health Education Accreditation.

P. *JRC/ERT* means Joint Review Committee in Education for Radiologic Technology.

Q. *ARRT* means the American Registry of Radiologic Technologists.

§903. General Provisions

A. Except as hereinafter provided, no person other than a licensed practitioner or the holder of a license as defined in R.S. 37:3200 et seq. shall use radioactive materials or equipment emitting or detecting ionizing radiations on humans for diagnostic or therapeutic purposes.

B. The board shall issue a license pursuant to these rules and regulations provided the applicant for a specific license has met all the requirements as prescribed in R.S. 37:3208.

C. The license of a radiologic technologist may be suspended for a fixed period or may be revoked, or the holder of such a license may be reprimanded or otherwise disciplined in accordance with the provisions and procedures defined in R.S. 37:19.

Chapter 11. Licensure

§1101. Scope of License

A. There are three categories of licenses for radiologic technology as defined in R.S. 37:3200 by their area of specialization. The categories are radiographer, radiation therapy technologist and nuclear medicine technologist. A radiologic technologist shall be restricted to the use of ionizing radiation by the category that is defined on his license.

B. No person holding a license under these rules and regulations shall use radioactive substances or equipment emitting or detecting ionizing radiation on humans for diagnostic or therapeutic purposes unless under the direction and supervision of a licensed practitioner and unless so directed by prescription of a licensed practitioner.

C. No person shall knowingly employ as a radiologic technologist any person required by the provisions of these rules and regulations to hold a license who does not hold a license under these rules and regulations.

§1103. Necessity of Licensure

A. No person shall assume or use the title or designation "licensed radiologic technologist" unless he holds a current license in accordance with the provisions of these rules and regulations.

B. Every radiologic technologist shall have his license at work. It shall be displayed or shall be on file. The license shall be available for inspection at any time upon request by the board.

C. Students enrolled in and attending board approved program of radiologic technology who apply ionizing radiations to humans for necessary diagnostic or therapeutic purposes while under the supervision of a licensed practitioner or a licensed radiologic technologist at the approved clinical facilities of the sponsoring institutions are exempt from the requirements of licensure by this board.

§1105. Qualifications of Applicants for Licensure

A. An applicant for licensure under the provision of this Chapter must verify by oath or affirmation that he:

1. Is at least eighteen years old;
2. Is of good moral character.

a. The term *good moral character* as applied to an applicant, means the applicant has not, prior to or during the pendency of an application to the board, been guilty of any act, omission, condition or circumstances which would provide legal cause under R.S. 37:3219.

3. Has successfully completed a four-year course of study in a secondary school (high school) approved by the State Board of Elementary and Secondary Education, passed an approved equivalency test, or has graduated from a secondary school outside Louisiana having comparable approval.

4. Has successfully completed a course of study in radiography, radiation therapy technology, or nuclear medicine technology approved by the board in accordance with standards promulgated by the board.

§1107. Licensure by Endorsement; Reciprocity

A. Any person who holds a current certificate from the certifying boards as prescribed in R.S. 37:3210 is exempt from examination. Upon application and the payment of a fee equivalent to that required for the written examination and initial licensing fee, the board shall issue a license to such credentialed person.

B. By reciprocity, any person who is licensed as a radiologic technologist under the laws of other states, provided that the standards under which they were examined are at least as stringent as those established by the board, shall be issued a license without examination upon application and payment of a fee equivalent to that required for the written examination and initial licensing fee.

C. Application for licensure by endorsement or reciprocity may be made at any time.

§1109. Licensure by Examination

A. Pursuant to R.S. 37:3207 and 3209, an applicant for licensure shall be required to pass the written examination of the Louisiana State Radiologic Technology Board of Examiners which shall be the examination constructed by the American Registry of Radiologic Technologists (ARRT) for each category of radiologic technology, except as otherwise provided above.

1. To be eligible for examination by the board, an applicant shall possess all qualifications for licensure prescribed by R.S. 37:3208, provided, however, that an applicant who has completed or prior to examination will have completed his approved course of study, shall be deemed eligible for examination upon submission to the board of a letter from the program director of a board approved school or college of radiologic technology certifying that the applicant will complete or has completed his/her ra-

diologic technology course of study prior to examination and specifying the date of completion.

B. The board establishes as the passing criterion on the ARRT written examination the passing score as established by the ARRT.

§1111. Application for Examinations

A. Requests for application forms shall be directed to the board.

B. Application deadlines.

C. Applications for the March examination must be postmarked no later than January 1. Applications for the July examination must be postmarked no later than May 1. Applications for the October examination must be postmarked no later than August 1. The mailing deadline is enforced rigidly. No exception to the deadline will be made regardless of circumstances. Applications received which are postmarked after the deadline will be held over for the next regular examination.

§1113. Follow-up to Application Submission

A. Incomplete Applications

Applications which are received with incomplete data may cause postponement to the next examination. "Incomplete notices" are mailed to those who did not provide all information requested on the application form.

B. Finding of Ineligibility

If information indicating ineligibility is received, the applicant is notified of the deficiencies. The application is retained on an inactive basis and may be reactivated at the applicant's request whenever the requirements have been met. The application fee is not refundable, however, there is no additional charge for reactivating the application.

If information indicating ineligibility is received after an admission ticket for the examination is issued, the applicant will be notified. The applicant will not be permitted to take the examination. If an application appears to indicate eligibility and evidence of ineligibility is received after the applicant has taken the examination, the applicant's results will be cancelled and the applicant required to re-take the examination at such time that eligibility is achieved.

C. Admission Ticket

1. Approximately two weeks before the examination date, an admission ticket is mailed to each examinee. Each admission ticket will indicate the examination to be taken, the examination date, reporting time, and the exact address of the examination center. Examinees are to take their admission tickets to the examination center indicated on the tickets. Each examinee will be required to show an admission ticket to the supervisor and to provide some form of positive identification. Lack of an admission ticket may result in an examinee's being refused entry to the examination center.

2. The admission ticket will also contain the examinee's unique identification number, which the examinee will verify on an answer sheet. This ID number is the primary means of identifying the examinee's answer sheet during the scoring process.

3. If an admission ticket is lost or has not been received one week prior to the examination, the examinee should notify the board immediately.

§1115. Modifications to Submitted Information

A. Address or Name Changes

If an examinee must change the mailing address which was entered on the application form, the examinee must inform the board in writing. Changes in the examinee's name are to be handled in the same manner, but must be accompanied by documentary evidence of the change (e.g., copy of marriage certificate, legal name change form, etc cetera). If an admission ticket fails to reach a candidate due to a change of address that was not relayed

to the board, the candidate may not be allowed into the examination center. No address or name changes will be processed at the examination center. All changes must be sent directly to the board by the candidate.

B. Examination Center Changes

If an examinee must change the examination center selection indicated on the application, the request must be addressed to the board and must reach the board not later than three weeks before the administration date.

C. Postponements

Applicants are expected to appear for examination as assigned. When circumstances make it impossible for an examinee to appear for examination on the date assigned, the examinee may request postponement to the next examination administration. Requests for postponement must be made in writing. Requests postmarked prior to the first day of the month in which the exam is scheduled will be automatically assigned to the next administration without additional fee. Requests postmarked after that date, but before the examination date, may be required to pay a service fee.

§1117. Re-Examination

A. An applicant who fails to pass the examination may reapply for the next examination provided that the applicant complies with the following:

1. Files a new application for re-examination.
2. Pays the appropriate non-refundable fee.
3. Satisfies any additional conditions or requirements of the board.

§1119. Issuance of License

If the qualifications, requirements and procedures prescribed or incorporated by these rules and regulations are met to the satisfaction of the board, the board shall issue to the applicant a license to engage in the practice of radiologic technology in the State of Louisiana. The license shall define the category of radiologic technology practice that the applicant may engage in.

§1121. Renewal of License

A. Every person licensed by this board shall renew his/her license every two years upon application and payment of a renewal fee in the amount stated in R.S. 37:3218. The board shall, upon verification of the accuracy of the application, issue to the applicant a certificate of renewal.

B. An application for renewal of license form shall be mailed prior to expiration by the board to each person holding a license issued under these rules and regulations.

Such forms shall be mailed to the most recent address as reflected in the official records of the board.

§1123. Expiration of License

A. Every license issued by the board under this Chapter, the expiration date of which is not stated thereon or provided by these rules, shall become null, void and to no effect on May 31, of the second year following the year of issuance.

B. The timely submission of an application for renewal of a license as provided above shall operate to continue the expiring license in full force and effect pending issuance of the renewal license.

§1125. Reinstatement of License

A. A license which has expired may be reinstated by the board subject to the conditions and procedures hereinafter provided.

1. An application for reinstatement from a radiologic technologist who has not ceased practice in accordance with provisions of R.S. 37:3200-3219 shall be made upon a form supplied by the board accompanied by two letters of character recommendation from physicians of the former licensee's place of employ-

ment, together with the applicable renewal fee plus a penalty which may be assessed and computed as follows:

- a. one year or less—\$0 to \$50
- b. one to two years—\$100
- c. two or more years—\$100 to \$500

2. An application for reinstatement from a person who has ceased activities as a radiologic technologist for not more than five years may have his license reinstated upon payment of the renewal fee as provided for in R.S. 37:3216 and 3218.

Chapter 13. Minimum Standards for the Accreditation of Educational Programs

§1301. Minimum Standards for the Accreditation of Educational Programs

A. Pursuant to R.S. 37:3207(3), the board adopts as its minimum standards for education the Essentials and Guidelines of an Accredited Educational Program for the Radiographer, Radiation Therapy Technologist and the Nuclear Medicine Technologists as adopted by the American College of Radiology, American Medical Association and the American Society of Radiologic Technologists and accredited by the Committee on Allied Health Education and Accreditation and the Joint Review Committee on Education in Radiologic Technology, provided that the standards do not conflict with board policies.

B. The program director shall submit evidence of compliance with minimum standards of education for the accreditation of educational programs to the board upon forms provided by the board.

Chapter 15. Code of Ethics

§1301. Code of Ethics

A code of ethics has been adopted by the board and shall be sent to each licensure candidate.

Alice Dausat
Chairperson

RULE

Department of Public Safety and Corrections Office of Motor Vehicles

Notice is hereby given that the Louisiana Department of Public Safety and Corrections, Office of Motor Vehicles, pursuant to notice of intent published on July 20, 1985, adopted the following rule relating to the reporting of termination of policies of liability insurance pursuant to R.S. 32:863.2.

TERMINATION OF LIABILITY INSURANCE COVERAGE, MOTOR VEHICLES LIABILITY BONDS AND DEPOSITS OF SECURITY WITH STATE TREASURER

Section I. Introduction

(A) The 1984 Legislature provides that the secretary of the Department of Public Safety and Corrections shall be notified by insurance companies, the sales representative or agent of a surety company issuing a motor vehicle liability bond, or the state treasurer holding a deposit, of terminations of liability insurance coverage on vehicles registered in Louisiana.

(B) Notice must be submitted to the Department of Public Safety and Corrections whenever there is a termination of insurance as defined in Section II.

(C) Such notice must be transmitted to the department in an efficient and timely manner in accordance with Section III.

(D) Insurance companies shall not submit a notice of termination to the department except as required by law. Examples of terminations which shall not be submitted to the department include, but are not limited to the following:

- 1) the removal of a vehicle or vehicles from a multiple vehicle policy if the policy remains in force;
- 2) change in policy related to amending vehicle descrip-

tion information, coverage limits, other types of coverage such as collision and comprehensive, drivers, name change, etc.;

3) any transfer of insurance between principal insurer and its subsidiary companies and any transfer of insurance between subsidiary companies of the same principal insurer.

(E) Procedural questions concerning this regulation should be referred to: Louisiana Department of Public Safety and Corrections, Office of Motor Vehicles.

Section II. Definitions and General Information

A. *Electronic Filing*—A termination notice submitted to the department in the manner prescribed by this regulation by, or on behalf of, an insurance company, which is in the format prescribed by this regulation. Any transaction which is returned to an insurance company or servicing agent as an edit error is not a filing. The insurance company will have 90 days to correct the edit error and make a refiling with corrections before a fine can be imposed by the department.

B. *Edit Error*—A record submitted by an insurance company or servicing agent unacceptable for filing purposes due to the absence of information in a required field or the presence of invalid information in the 15 key data fields identified and detailed in the technical filing specifications. (See Section VII (H), for invalid data.)

C. *Hit*—A record submitted by an insurance company or servicing agent which directly matches a department registration record.

D. *No-hit Exception*—A record submitted by an insurance company or servicing agent which does not directly match a department registration record. If the department cannot match the record through the exception processing, the record will be returned to the insurance company as an unresolved no-hit exception.

E. *Resolved No-hit Exception*—A no-hit exception which is resolved during the department's exception matching process and results in a match to a department registration record.

F. *Unresolved No-hit Exception*—A no-hit exception which is not resolved during the department's exception matching process. Insurance company must respond with corrected information or indicate no correction available within 30 days from department's returned report.

G. *Tape Receipt*—A two-part document furnished and prepared by an insurance company or servicing agent containing information prescribed in the technical filing specifications. Such receipt, along with a self-addressed return envelope, must accompany each magnetic tape transmitted to the department for the purpose of this regulation, one copy of which, when duly endorsed and dated upon delivery and returned to the insurance company, shall constitute proof that such magnetic tape was received by the department.

H. *Filing Report*—A report prepared by the department for an insurance company or servicing agent following completion of processing (record matching) containing the following information:

—magnetic tape identifier(s) and filing date(s)

—statistical data

—each record with its disposition

—companies filing on tape will receive their filing report on tape

The filing report will serve as an acknowledgement by the department that all the transactions contained therein were filed with the department except those identified as edit errors. It will also serve as a receipt for filing all notices contained therein identified as hits or resolved no-hit exceptions.

I. *Insurance Company*—A company licensed to write motor vehicle liability insurance in Louisiana, or a company not authorized to write motor vehicle liability insurance in Louisiana but

which has filed with the department a power of attorney and resolution in accordance with Part II of the Motor Vehicle Safety Responsibility Law.

J. *Insurance Company Code*—A unique identification number assigned by the Department of Public Safety and Corrections (OMV) to an insurance company for the purpose of R.S. 32:863.2 of the Compulsory Motor Vehicle Liability Security Law. (NAIC code will be used.)

K. *Termination or Cancellation of Insurance*—Any cancellation or termination of a motor vehicle liability insurance policy (whether caused by the insurer or insured), cancellation or termination of a motor vehicle liability bond or the withdrawal of any deposit being held by the state treasurer.

L. *Non-Renewal*—A non-renewal of a motor vehicle liability insurance policy shall include: a refusal by the insurer to issue a superseding policy or a renewal of such policy; a request by the insured that a superseding policy not be issued or such policy not be renewed; or a failure of the insured to make the first premium payment due upon a superseding policy or a renewal of such policy offered by the insurer. Non-renewals are to be reported in the same manner as cancellation or termination.

M. *Notice of Termination*—A notice of the termination of liability insurance coverage, required by R.S. 32:863.2, filed with the secretary by an insurance company or servicing agent, etc.

N. *Notice of Recall of Termination*—A notice submitted to the department by an insurance company, etc., or servicing agent which rescinds a notice of termination previously submitted to the department in error or which is now deemed to be incorrect, or contain incorrect information.

O. *Magnetic Tape*—A magnetically encoded computer tape which is machine readable by the installed computer system of the Department of Public Safety and Corrections and which conforms with the technical filing specifications.

P. *Batch Processing*—A weekly operation consisting of the attempted matching to departmental records of edited termination notices received by the department from insurance companies or servicing agents. Termination notices matched to department records will result in the posting of said notices to the Department of Public Safety and Corrections files.

Q. *Record*—Except with respect to manual and fleet filings, information on a magnetic tape pertaining to the termination of a liability insurance policy for a specified vehicle and containing the items set forth below unless specified as optional. Refer to the technical filing specifications for format information.

1. Vehicle Identification Number (VIN) (required) (1981 and newer must have 17 digits)
2. Year of vehicle (required)
3. Make or model of vehicle (required)
4. Insurance company code (required)
5. Type of transaction (required)
6. Insured-name (required)
7. Address-indicator (required)
8. Address (required)
9. City (required)
10. State (required)
11. Zipcode (required)
12. Insured-driver's license number NR-1 (required) *See note below
13. Insured-driver's license number NR-2 *See note below
14. Policy number (required)
15. Termination date (required)
16. Servicing agent code (required)
17. Owner name (optional)
18. Owner-driver's license number NR-1 (optional)

- 19. Owner-date of birth NR-1 (optional)
- 20. Owner-sex - NR-1 (optional)
- 21. Owner-driver's license number NR-2 (optional)
- 22. Owner-date of birth NR-2 (optional)
- 23. Owner-sex - NR-2 (optional)
- 24. Filler (optional)

*Companies not having the capability of supplying the insured driver's license number or not capturing the driver's license number prior to January 1, 1986, may address this problem in writing to the assistant secretary, Office of Motor Vehicles, so a procedure can be established whereby the company would not be penalized initially.

FIELD CHARACTERISTICS										RECORD NAME			SYSTEM					
A = ALPHABETIC X = ALPHANUMERIC N = NUMERIC (Zeros) only NR = NUMERIC (Nine Digits) only USAGE: _____										RECORD SOURCE			RECORD SIZE			RECORD MEDIUM		
D = DISPLAY B = BINARY C = COMPUTATIONAL I = INDEX										FILE ORGANIZATION			SEARCH KEY			DATE SUBMITTED		
PREPARED BY: _____ DATE: _____										RECORDING MODE			LABEL RECORD			BLANK FACTOR		
REVIEWED BY: _____ DATE: _____										SUPERSEDES								
ITEM NO.	FIELD POSITION	FIELD SIZE BITS	FIELD SIZE CHAR	FIELD CHAR	DEC POS	U	B	J	A	R	FIELD LABEL	DESCRIPTION OR VALUE						
21	244-252		9	X							L Owner-DL-Lic-NR2	Optional						
22	253-258		6	N							R Owner-DOB2	Optional						
23	259		1	X							L Owner-SEX2	Optional						
24	260-305		46	X							Filler	For Insurance Company Use						
OHV DATA INFORMATION RETURNED FOR RECORD-TYPE = 1																		
												Positions (306-324)						
	306-322		17	X							R VIN	OHV VIN FOR H O R R SPACES OTHERWISE						
	323		1	X							L Disposition	H, U, R, or E						
	324		1	N							R Record-Type	I						

FIELD CHARACTERISTICS										RECORD NAME			SYSTEM					
A = ALPHABETIC X = ALPHANUMERIC N = NUMERIC (Zeros) only NR = NUMERIC (Nine Digits) only USAGE: All EBCDIC Characters										RECORD SOURCE			RECORD SIZE			RECORD MEDIUM		
D = DISPLAY B = BINARY C = COMPUTATIONAL I = INDEX										FILE ORGANIZATION			SEARCH KEY			DATE SUBMITTED		
PREPARED BY: _____ DATE: _____										RECORDING MODE			LABEL RECORD			BLANK FACTOR		
REVIEWED BY: _____ DATE: _____										SUPERSEDES								
ITEM NO.	FIELD POSITION	FIELD SIZE BITS	FIELD SIZE CHAR	FIELD CHAR	DEC POS	U	B	J	A	R	FIELD LABEL	DESCRIPTION OR VALUE						
1	1-21		21	X							R Vin	Required						
2	22-23		2	N							R Vehicle-Year	Required						
3	24-27		4	X							L Make-or-Model	Required						
4	28-32		5	N							R Ins-comp-code	Required						
5	33		1	N							R Transaction-type	Required						
6	34-77		44	X							L Insured-name	Required						
7	78		1	X							L Address-indicator	Required						
8	79-98		20	X							L Address	Required						
9	99-113		15	X							L City	Required						
10	114-115		2	X							L State	Required						
11	116-124		9	X							L Zipcode	Required						
12	125-133		9	X							L Insured-DL-Lic-NR1	Required						
13	134-142		9	X							L Insured-DL-Lic-NR2	Required						
14	143-172		30	X							L Ins-policy-NR	Required						
15	173-178		6	N							R Termination-date	Required						
16	179-183		5	N							R Serv-agt-code	Required						
17	184-227		44	X							L Owner-name	Optional						
18	228-236		9	X							L Owner-DL-Lic-NR1	Optional						
19	237-242		6	N							R Owner-DOB1	Optional						
20	243		1	X							L Owner-Sex1	Optional						

FIELD CHARACTERISTICS										RECORD NAME			SYSTEM					
A = ALPHABETIC X = ALPHANUMERIC N = NUMERIC (Zeros) only NR = NUMERIC (Nine Digits) only USAGE: All EBCDIC Characters										RECORD SOURCE			RECORD SIZE			RECORD MEDIUM		
D = DISPLAY B = BINARY C = COMPUTATIONAL I = INDEX										FILE ORGANIZATION			SEARCH KEY			DATE SUBMITTED		
PREPARED BY: _____ DATE: _____										RECORDING MODE			LABEL RECORD			BLANK FACTOR		
REVIEWED BY: _____ DATE: _____										SUPERSEDES								
ITEM NO.	FIELD POSITION	FIELD SIZE BITS	FIELD SIZE CHAR	FIELD CHAR	DEC POS	U	B	J	A	R	FIELD LABEL	DESCRIPTION OR VALUE						
1	1-252		252	X							Filler	Unused Space-Filled						
2	253-257		5	N							R Tape-Source	Ins-Co or Serv-Agt-Code						
3	258-263		6	N							R Submission Date	YYMMDD						
4	264-269		6	N							R Processing Date	YYMMDD						
5	270-275		6	X							L Tape ID	Tape Identification Number						
6	276-281		6	X							L Batch Number	OHV Assigned Batch						
7	282-287		6	N							R NR Records	Total Records on Tape						
8	288-293		6	N							R NR Edit Errors	Total Edit Errors						
9	294-299		6	N							R NR Hits	Total 'Hits' on Tape						
10	300-305		6	N							R NR No Hits	Total 'No Hits' on Tape						
11	306-311		6	N							R NR Resolved No Hits	Total Resolved 'No Hits'						
12	312-317		6	N							R NR Unresolved No Hits	Total Unresolved 'No Hits'						
13	318-323		6	N							R NR Receipts	Sum of Items 9 and 11						
14	324		1	N							R Record-Type	2						

FIELD DESCRIPTIONS

- 1. VIN
Vehicle Identification Number (1981 & newer must have 17 digits)
- 2. Vehicle Year
Last two digits
- 3. Make-or-Model
NCIC Make Preferred
- 4. Ins-Comp-Code
NAIC Code (Best's Insurance reports property-casualty 1984)
- 5. Transaction Type
0 = Termination
1 = Recall of Termination
2 = Reporting Termination previously returned as an unresolved no-hit for which corrected or additional information has been determined.
3 = Reporting termination previously returned as an unresolved no-hit where corrected or additional information is not available.
4 = "Back-Dated" cancellation notice issued at request of insured.
- 6. Insured-Name
Name of insured may be used to report two individuals or a company. For individuals, Name 1 should be placed in positions (34-55). If there is another individual, Name 2 should be in positions (56-77). Individual names should use the Format Last First MI separated by a space.
- 7. Address-Indicator
I= INSURED O= OWNER S= SAME indicates whether following address information is for insured or owner. If the company maintains owner information, that is the address information we desire; in which case, the indicator would contain either an 'O' or 'S' depending upon whether or not the owner was different or the same as the insured. If an 'O' is used, then the optional owner-name field should contain the owner's name. If owner information is not available or unknown, the indicator should be 'I' with insured address information reported.
- 8. Address
- 9. City
- 10. State
- 11. Zip Code
Field includes four additional positions in the event of nine position zip codes. For current five position zip codes, enter in the leftmost five positions with the rightmost four positions space filled.
- 12. Insured-DL-Lic-Nr1
If insured-name contains individual(s) with Louisiana driver's license(s). This field should contain

the driver's license number for the individual reported in positions (34-55). If insured-name is a company or out of state, field should contain 'NA.'

*Companies not having the capability of supplying the insured driver's license number or not capturing the driver's license number prior to January 1, 1986, may address this problem in writing to the assistant secretary, Office of Motor Vehicles, so a procedure can be established whereby the company would not be penalized initially.

- 13. Insured-DL-Lic-Nr2
This field should contain spaces unless a second individual was listed in positions (56-77). Then field should contain Louisiana driver's license number or 'NA' if out-of-state license.
- 14. Ins-Policy-Nr
Policy Number
- 15. Termination-Date
Date policy was cancelled or terminated (YYMMDD)
- 16. Serv-Agt-Code
Repeat Ins-Comp-Code (#4) if you are an individual company preparing your own filing. Otherwise, obtain an OMV assigned-code.

THE FOLLOWING ARE OPTIONAL FIELDS

- 17. Owner-Name
Same guidelines as for insured-name positions (184-205) for first individual, positions (206-227) for second individual.
- 18. Owner-DL-Lic-Nr1
Driver's license number of first individual.
- 19. Owner-DOB-1
Date of birth of first individual (YYMMDD)
- 20. Owner-Sex-1
Sex of first individual M=Male; F=Female and C=Company
- 21. Owner-DL-Lic-Nr2
Second individual information.
- 22. Owner-DOB-2
- 23. Owner-Sex-2
- 24. Filler
Unused for future use should space be filled.

ALL OPTIONAL FIELDS, IF NOT SUPPLIED WITH INFORMATION, SHOULD BE EITHER SPACE OR ZERO FILLED.

Companies reporting on tape will receive their filing report on tape. The report will be placed on the same reel that contains the filing records and will be the second file on the tape. If this is not acceptable, companies may include a blank tape along with the filing tape and the blank tape will be used for the filing report.

Returned information consist of two record types, 1 or 2. The record type will be in position 324 and the record layouts for the two record types are included.

R. *Servicing Agent*—Any person or organization duly designated by an insurance company to prepare, transmit or deliver records on magnetic tape on behalf of such insurance company.

Section III. Reporting of Notice of Termination of Liability Insurance

A. Except as provided in Subdivision (B) of this Section, an insurance company, sales representative or agent of a surety company issuing a motor vehicle liability bond or the state treasurer, must submit notice of termination to the department no later

than 45 days following the effective date of termination of such policies. A notice of such termination shall be submitted by the insurance company, or servicing agent, etc. for each vehicle covered by that policy, bond or deposit at the time of termination. Failure to provide the department with the Notice of Termination as required by R.S. 32:863.2 shall subject the insurance company, the sales representative or agent, or the state treasurer to be fined \$50 per policy, bond or deposit.

B. The Department of Public Safety and Corrections may extend the period of filing notices of termination by an insurance company by up to 15 days. Such an extension may only be granted if the insurance company provides evidence of substantial hardship in meeting the 45 day reporting requirement. The insurance company must provide a written request, signed by an officer of the company, on company letterhead, clearly stating the reason(s) requiring an extension. The department shall notify the insurance company, in writing, of the decision to approve or deny the request for an extension and shall maintain a list of any extensions granted or denied. Failure to provide the department with the Notice of Termination as required by R.S. 32:863.2 shall subject the insurance company, the sales representative or agent, or the state treasurer to be fined \$50 per policy, bond or deposit.

C. Except as otherwise provided in these regulations, the Notice of Termination shall be transmitted to the department on a magnetic tape supplied by the insurance company or servicing agent in accordance with the technical filing specifications as set forth in Section VII.

Section IV. Reporting Notice of Recall of Termination

Insurance companies may submit to the department a Notice of Recall of Termination, rescinding a Notice of Termination, as soon as possible after becoming aware that the notice was reported in error or is now deemed to be incorrect or contain incorrect information. A Notice of Recall of Termination shall be accepted by the department only when the notice which it is intended to rescind has been received by the department and matched to a department's registration record. The effective date of the Recall of Termination must be the same as the effective date of the Notice of Termination.

Section V. Processing of Magnetic Tapes

A. The magnetic tapes sent by insurance companies or servicing agents shall be received during official business hours (8 a.m. to 4:30 p.m., Monday through Friday, excluding state holidays) by the Louisiana Department of Public Safety and Corrections, Data Control, 8001 Independence Boulevard, Baton Rouge, Louisiana 70806.

B. Each magnetic tape containing required notices shall be accompanied by, and uniquely identified with, a duly prepared tape receipt in accordance with the technical filing specifications. Such magnetic tape may contain both Notices of Termination and Notices of Recall of Termination.

C. When the department receives a magnetic tape from an insurance company or servicing agent, it shall endorse a copy of the tape receipt with the date of delivery and return such copy to the insurance company or servicing agent.

D. The department will process and return tapes on a timely basis. Each record accepted as a filing shall be deemed received by the department on the date the magnetic tape containing said record was delivered to the department as evidenced in the tape receipt.

E. Frequency of Filing. Insurance company may not submit notices more frequently than weekly.

Section VI. Warning on Notice or Acknowledgement of Termination to Insured

The Notice or Acknowledgement of Termination sent to an insured shall contain the following warning notice:

"If you do not keep your liability insurance in force during

the entire registration period, your registering and driving privileges will be subject to suspension. By law your insurance carrier is required to report specific termination information to the secretary of Department of Public Safety and Corrections."

Section VII. Technical Filing Specifications

A. Introduction. The following are the tape specifications for insurance companies to be used to report insurance terminations and recalls of termination to the Louisiana Department of Public Safety and Corrections as provided in this Section.

B. Tape Standards:

Storage Medium Magnetic Tape
Width 1/2 inch
Tracks 9
BPI 1600 or 6250 (6250 Preferred)
Label Non-Internal Labelled (Unlabelled)
Record-Length 324 Characters
Blocking Factor 60
Character Codes EBCDIC (Upper Case for Alpha)
Required Trailer Record all 9's followed by two end of file marks after last filing record

C. Record Format. The records contained thereon shall be 324 characters long and blocked 60 to a block containing the information in the Data Field Requirements in accordance with the Record Format Chart.

D. External Labelling. All tapes should contain a label on the outside of the tape case with the following information:

Company Name
Company Number
Servicing Agent (if applicable)
Servicing Agent Number (if applicable)
Tape Identification Number consisting of:
Leftmost 2 Characters - CI
Next 3 - Last 3 digits of the Company or Servicing agent code
Last - 1 Digit Numeric Sequence Number

Number of Filing Records on Tape
BPI

E. Tape Receipt. A two-part receipt along with a self-addressed return envelope must accompany each magnetic tape transmitted to the department by an insurance company or servicing agent. Such receipt must contain the following: (1) insurance company, (2) Department of Public Safety and Corrections assigned insurance company code, (3) servicing agent (if applicable), (4) servicing agent code, (5) tape identification number, (6) number of records on the tape, (7) date sent, (8) date received, and (9) Department of Public Safety and Corrections signature. Items 1 through 7 must be completed by the insurance company or servicing agent. Items 8 and 9 are for Department of Public Safety and Corrections use. Part 1 of the receipt will be retained by Department of Public Safety and Corrections. Part 2 will be returned to the insurance company or servicing agent as proof of receipt of tape.

F. Delivery. Tapes received prior to noon Friday will be included in our batch processing that weekend. The department will receive tape submissions during official business hours (8 a.m. to 4:30 p.m., Monday through Friday, excluding state holidays). Insurance companies will be responsible for furnishing the tape in cardboard boxes suitable for return mailing and for the cost of delivering the tape to Louisiana Department of Public Safety and Corrections, Data Control, 8001 Independence Boulevard, Baton Rouge, Louisiana, 70806. Return address must be indicated.

G. Return. Insurance company tapes will be returned after tape editing by U.S. Mail or UPS by the Department of Public Safety and Corrections. Office of Motor Vehicles will be responsible for the cost of returning the tapes.

H. Tape Editing. Upon receipt, tapes will be edited for the purpose of verification of format and reporting requirements by identifying missing or invalid data. The absence of any of the following key data fields is an edit error which precludes Department of Public Safety and Corrections acceptance of the record in question for filing purposes:

1. Vehicle Identification Number (VIN) (required) (1981 and newer must have 17 digits)
2. Year of vehicle (required)
3. Make or model of vehicle (required)
4. Insurance company code (required)
5. Type of transaction (required)
6. Insured-name (required)
7. Address-indicator (required)
8. Address (required)
9. City (required)
10. State (required)
11. Zip Code (required)
12. Insured-driver's license number NR-1 (required) *See note below
13. Insured-driver's license number NR-2 (required only if two names indicated as insured) *See note below
14. Policy number (required)
15. Termination date (required)
16. Servicing agent code (required)

*Companies not having the capability of supplying the insured driver's license number or not capturing the driver's license number prior to January 1, 1986, may address this problem in writing to the assistant secretary, Office of Motor Vehicles, so a procedure can be established whereby the company would not be penalized initially.

The presence of invalid data indicated in the following data fields is also an edit error which precludes Department of Public Safety's acceptance of the record in question for filing purposes:

- Vehicle identification number which is all alpha
- Year of vehicle which is not numeric
- Invalid insurance company code
- Invalid servicing agent code
- Invalid type of transaction
- Invalid characters for YY, MM, or DD in Date Field
- Termination date prior to January 1, 1986
- Termination date later than the submission date (See: Section VII, K)

I. Batch Processing. Tapes received from 12 noon Friday until 12 noon the following Friday will be assigned a batch number for processing control. The batch process will consist of two phases:

1. Matching—if the transaction VIN, matches a VIN registration record, it will be considered a match. Otherwise, it will be classified as a no-hit exception.

2. Exception Matching—the name submitted in the name of owner field will be used to generate a list of possible hits. Possible hits will be checked manually to determine if considered a resolution and accepted. Records that do not result in a match by the name or VIN furnished will be considered unresolved. Batch processing is concluded with the generation of the filing report.

J. Filing Report

1. After batch processing, a detailed filing report for each tape submitted will be prepared for return to the insurance company or servicing agent and will contain:

- a. source of tape submission (insurance company or servicing agent)
- b. date of tape delivery (submission date)
- c. tape identification number
- d. total number of records contained on tape
- e. total number of records with edit errors
- f. total number of records resulting in a direct match (hits)

g. total number of records not resulting in a direct match (no-hit exceptions)

h. total number of records matched through the exception process (resolved no-hit exceptions)

i. total number of records not matched through the exception process (unresolved no-hit exceptions)

j. total number of records issued receipts

2. Included on Filing Report. Each record and its disposition will be indicated by the following codes:

Hit	H
Resolved no-hit	R
Unresolved no-hit exception	U
Edit error	E

3. Records containing edit errors are not filings since they are not in accordance with format and reporting requirements prescribed by the department. Edit errors and unresolved no-hit exceptions will not be entered on a Department of Public Safety and Corrections file but will be retained on a history tape with all submitted records. Only those filings matching a Department of Public Safety and Corrections registration record (hits and resolved no-hit exceptions) shall receive a receipt.

K. Reporting of Termination Effective Dates. The effective date is the date coverage is terminated. Coverage ends at 12:01 a.m. on the termination date. For example, if a company notifies Department of Public Safety and Corrections of a termination with an effective date of January 1, 1986, our processing will reflect that the termination took effect at 12:01 a.m. on January 1, 1986, or thereafter.

Termination notices must be submitted not later than 45 days (up to 60 days with the department's authorization) following their effective date. No termination notices will be accepted prior to their effective date.

L. Reporting of Recall of Termination Transactions. The Notice of Recall of Termination is provided to enable a company that has detected incorrect submissions with an electronic means to rescind those submissions. The use of this transaction by insurance companies is not mandatory. Such incorrect submissions must otherwise be corrected by the registrant inquiry process which requires the registrant (insured) to provide satisfactory proof of continuous liability insurance coverage including a statement that the termination notice submitted by the insurance company was or is incorrect. A notice of recall of termination must not be submitted if a lapse of liability insurance coverage has occurred (e.g., reinstatement with a lapse). A proper recall of termination transaction received during a subsequent batch processing period, but within 30 days after the registration inquiry, will prevent the suspension of the driving and registering privileges.

M. Record Format. (Also see Section II (Q) for full data specifications)

1. Vehicle Identification Number (VIN) (required) (1981 and newer must have 17 digits)
2. Year of vehicle (required)
3. Make or model of vehicle (required)
4. Insurance company code (required)
5. Type of transaction (required)
6. Insured-name (required)
7. Address-indicator (required)
8. Address (required)
9. City (required)
10. State (required)
11. Zip code (required)
12. Insured-driver's license number NR-1 (required) *See note below
13. Insured-driver's license number NR-2 *See note below
14. Policy number (required)

15. Termination date (required)
16. Servicing agent code (required)
17. Owner name (optional)
18. Owner-driver's license number NR-1 (optional)
19. Owner-date of birth NR-1 (optional)
20. Owner-sex - NR-1 (optional)
21. Owner-driver's license number NR-2 (optional)
22. Owner-date of birth NR-2 (optional)
23. Owner-sex - NR-2 (optional)
24. Filler (optional)

*Companies not having the capability of supplying the insured driver's license number or not capturing the driver's license number prior to January 1, 1986, may address this problem in writing to the assistant secretary, Office of Motor Vehicles, so a procedure can be established whereby the company would not be penalized initially.

N. Further Information. Technical questions concerning these magnetic tapes should be referred to: Louisiana Department of Public Safety and Corrections, Information Services, (504) 925-6328.

Section VIII. Guidelines for Manual Filings

A. Eligibility. Any insurance company which insures fewer than 500 policies registered in Louisiana on a calendar year basis may request authorization to meet the manual reporting requirements of the Compulsory Cancellation Program in writing under the company's letterhead.

B. Authorization. Requests for such authorization must be submitted in writing by an officer of the company and forwarded to the Department of Public Safety and Corrections, Office of Motor Vehicles.

Requests will be approved based upon the company's statement of eligibility and acknowledged by return mail.

C. Conditions of Approval. Approval is conditioned upon the understanding that all required reporting will be provided in written format until such time as either the company advises the department in writing that it wishes the authorization to be rescinded or the department advises the company in writing that it does not meet the eligibility as set forth in this Section.

D. Conditions of Filing. All notices of termination must be submitted not later than 45 days (up to 60 days with the department's authorization) following the termination date in conformance with the specifications. No termination notice may be submitted prior to the termination date.

E. Format and Content. Termination and recall of termination notices must be transmitted in duplicate by an official of the company on the company's letterhead in a typewritten or typeset format. Multiple notices may be transmitted under a single submission. However, notices so submitted shall be numbered in a sequential order beginning with the designation "Notice 1:". Information items shall be inset, and single spaced separated by a double space. Notices must be submitted as specified in the manual filing data field requirements using the formats provided in the technical filing specifications. Computer generated listings are acceptable.

F. No special forms are required. However, a company may, at its option, develop its own form based upon our sample, provided that the same formatting and display of information is utilized.

G. Frequency of Filing. Insurance companies may not submit written notices more frequently than weekly.

H. Confirmation of Receipt. The department shall provide a date confirmation of receipt for manual filings and return a copy of the transmittal letter to the filing company. If the notice information provided by an insurance company is not in accordance with format and reporting requirements, does not match a corresponding registration record or if there are discrepancies in informational content, the company will be so advised in conjunction

with the confirmation of receipt. All notices will be provided with a disposition code as detailed in Section VII of this regulation indicating the disposition of each submitted notice being returned by the department to the insurance company.

I. Manual Filing Data Field Requirements. (Refer to the technical filing specifications for format information - Section VII):

1. Vehicle Identification Number (VIN) (required) (1981 and newer must have 17 digits)
2. Year of vehicle (required)
3. Make or model of vehicle (required)
4. Insurance company code (required)
5. Type of transaction (required)
6. Insured-name (required)
7. Address-indicator (required)
8. Address (required)
9. City (required)
10. State (required)
11. Zipcode (required)
12. Insured-driver's license number NR-1 (required) *See note below
13. Insured-driver's license number NR-2 *See note below
14. Policy number (required)
15. Termination date (required)
16. Owner name (optional)
17. Owner-driver's license number NR-1 (optional)
18. Owner-date of birth NR-1 (optional)
19. Owner-sex - NR-1 (optional)
20. Owner-driver's license number NR-2 (optional)
21. Owner-date of birth NR-2 (optional)
22. Owner-sex - NR-2 (optional)
23. Filler (optional)

*Companies not having the capability of supplying the insured driver's license number or not capturing the driver's license number prior to January 1, 1986, may address this problem in writing to the assistant secretary, Office of Motor Vehicles, so a procedure can be established whereby the company would not be penalized initially.

J. Sample Manual Filing.

Insurance Company Letterhead (RESERVED FOR)
()
(DPS&C USE)

DATE: _____

TO: Louisiana Department of Public Safety and Corrections

Pursuant to R.S. 32:863.2 of the Louisiana Motor Vehicle Safety Responsibility Law and the regulations of the department, the following information is hereby submitted for filing with your office.

TERMINATION NOTICE

OR

RECALL OF TERMINATION NOTICE

NOTICE 1:

VIN: 12356678901234567

YEAR: 85

MAKE/MODEL: Ford

INS. CO. CODE: 11000

TYPE OF TRANSACTION: 0

INSURED: Motorist, Michael A.

ADDRESS INDICATOR: S

ADDRESS: 100 South Swan Street

CITY: New Orleans

STATE: Louisiana

ZIP CODE: 70110

INSURED-DRIVER'S LICENSE-NR-1: 1234567

INSURED-DRIVER'S LICENSE-NR-2:

POLICY NUMBER: 0013081883

TERMINATION DATE: 860915
OWNER-NAME:
OWNER-DRIVER'S LICENSE-NR-1:
OWNER-DATE OF BIRTH NR-1:
OWNER-SEX NR-1:
OWNER-DRIVER'S LICENSE-NR-2:
OWNER-DATE OF BIRTH NR-2:
OWNER-SEX NR-2:
NOTICE 2:
VIN:2314567890232224567
YEAR: 85
etc.

Section IX. Guidelines for Fleet Filings

A. Eligibility. Any insurance company authorized to write motor vehicle liability insurance in Louisiana and insuring fleets of five or more vehicles registered in Louisiana and subject to the filing requirements of R.S. 32:1041, for which a certificate of insurance was issued on a fleet basis, as provided in R.S. 32:863.B-1, may at its option meet the Compulsory Program reporting requirements for vehicle fleets on a policy basis in lieu of the per vehicle filing requirements as provided in this regulation.

B. Conditions of Filing. The required submission of termination notices shall be made in writing, not later than 45 days (up to 60 days with the department's authorization) following the effective date of termination of the policy in conformity with these specifications. The affected insurance company must provide all name variations and additional insureds (including mailing addresses if different) listed in the policy. No termination notice may be submitted prior to the termination date.

C. Format and Content. Termination or recall of termination notices by fleet (policy) shall be transmitted in duplicate on the company's letterhead in a typewritten or typeset format. A self-addressed return envelope must be provided with each submission. Policy terminations or recalls of termination must be on a separate letter for each policy and insured. Information items shall be inset and single spaced, listed on a line-by-line basis, as shown in the sample fleet filing letter. Information must be coded in accordance with the fleet filing data field requirements. Computer generated listings are acceptable.

D. Frequency of filing. Insurance companies may submit written notices daily.

E. Confirmation of Filing Receipt. Upon receipt of a fleet termination notice, the department shall first verify fleet reporting eligibility. If not eligible, said fleet termination notice is not a filing and shall be returned to the insurance company. If eligible, the department shall return a copy of the notice, indicating receipt and date of receipt by Department of Public Safety and Corrections, to the insurance company.

F. Fleet Filing Data Field Requirements. All 11 fields required. Item Number 8 required if insured is an individual. Fields:

1. Insurance company code
2. Transaction type
3. Name of insured
4. Address
5. City
6. State
7. Zipcode
8. Insured driver's license number (Optional only if insured is not an individual)
9. Policy number
10. Termination date
11. Estimated number of vehicles
12. Name variations and additional insureds

Name variations and Additional Insureds. Insurance companies meeting reporting requirements on a policy basis are re-

quired to provide all name variations and additional insureds (including mailing addresses if different) listed in the policy. Name variations can include differences caused by the use of abbreviations and company, corporate or regional identifiers. Additional insureds are different names under which the company or corporation is doing business.

Number of Vehicles. The estimated number of vehicles in a fleet is used to assure that appropriate suspension action is undertaken against all vehicles for which liability insurance has been terminated.

G. Sample Fleet Filing.

Insurance Company Letterhead (RESERVED FOR)
()
(DPS&C USE)

Date: _____

TO: Louisiana Department of Public Safety and Corrections

Pursuant to R.S. 32:863.2 of the Louisiana Motor Vehicle Safety Responsibility Law and the regulations of the department, the following information is hereby submitted for filing with your office.

TERMINATION NOTICE

OR

RECALL OF TERMINATION NOTICE

NOTICE 1:

INS. CO. CODE: 11000

TRANSACTION TYPE: 0

NAME OF INSURED: JRS Tool Co.

ADDRESS: 321 Tulane Avenue

CITY: New Orleans

STATE: Louisiana

ZIPCODE: 70734

INSURED-DRIVER'S LICENSE #:

POLICY NUMBER: 0013081883

TERMINATION DATE: 860201

ESTIMATED NUMBER OF VEHICLES: 25

NAME VARIATIONS & ADDITIONAL INSURED:

JRS Tool (Same)

JRS Tool Co. NE Div. (Same)

J. R. Smith Machining, 123 Railroad Street, New Orleans, La.

70734

American Tool & Die, 456 Industrial Park Rd., Gonzales, La.

70734

BY: Mr. Underwriter

OFFICE: Baton Rouge

TELEPHONE #: (716) 925-6789

Section X. Guidelines for Manual Filing on Cancellations of Motor Vehicle Liability Bond

A. Eligibility. Any person issued a Motor Vehicle Liability Bond pursuant to R.S. 32:861-B issued by a bonding company approved to do business in this state may request authorization to meet the reporting requirements of the Compulsory Cancellation Program in writing under the company's letterhead.

B. Authorization. Requests for such authorization must be submitted in writing by an officer of the company and forwarded to the Department of Public Safety and Corrections.

Requests will be approved based upon the company's statement of eligibility and acknowledged by return mail.

C. Conditions of Approval. Approval is conditioned upon the understanding that all required reporting will be provided in written format until such time as either the company advises the department in writing that it wishes the authorization to be rescinded or the department advises the company in writing that it does not meet the eligibility requirements as set forth in this Section.

D. Conditions of Filing. All notices of termination must be

submitted not later than 45 days (up to 60 days with the department's authorization) following their termination date in conformance with the specifications. No termination notice may be submitted prior to the termination date.

E. Format and Content. Termination and recall of the termination notices must be transmitted in duplicate by an official of the company on the company's letterhead in a typewritten or typeset format. Multiple notices may be transmitted under a single submission. However, notices so submitted shall be numbered in a sequential order beginning with the designation "Notice 1:". Information items shall be inset and single spaced, listed on a line-by-line basis. Subsequent notices are to be separated by a double space. Notices must be submitted as specified in the manual filing data field requirements using the formats provided in the technical filing specifications. Computer generated listings are acceptable.

F. No special forms are required. However, a company may, at its option, develop its own form based upon our sample, provided that the same formatting and display of information is utilized.

G. Frequency of Filing. Insurance companies may not submit written notices more frequently than weekly.

H. Confirmation of Receipt. The department shall provide a dated confirmation of receipt for manual filings and return a copy of the transmittal to the filing company. If the notice information provided by an insurance company is not in accordance with format and reporting requirements, does not match a corresponding registration record or if there are discrepancies in informational content, the company will be so advised in conjunction with the confirmation of receipt. All notices will be provided with a disposition code as detailed in Section VII of this regulation indicating the disposition of each submitted notice being returned by Department of Public Safety and Corrections to the insurance company.

I. Manual Filing Data Field Requirements. (Refer to the technical filing specifications for form information - VII) Fields:

1. Vehicle Identification Number (VIN) (required) (1981 and newer must have 17 digits)
2. Year of vehicle (required)
3. Make or model of vehicle (required)
4. Insurance company code (required)
5. Type of transaction (required)
6. Insured-name (required)
7. Address-indicator (required)
8. Address (required)
9. City (required)
10. State (required)
11. Zipcode (required)
12. Insured-driver's license number NR-1 (required) *See note below
13. Insured-driver's license number NR-2 *See note below
14. Policy number (required)
15. Termination date (required)
16. Owner name (optional)
17. Owner-driver's license number NR-1 (optional)
18. Owner-date of birth NR-1 (optional)
19. Owner-sex - NR-1 (optional)
20. Owner-driver's license number NR-2 (optional)
21. Owner-date of birth NR-2 (optional)
22. Owner-sex - NR-2 (optional)
23. Filler (optional)

*Companies not having the capability of supplying the insured driver's license number or not capturing the driver's license number prior to January 1, 1986, may address this problem in writing to the assistant secretary, Office of Motor Vehicles, so a procedure can be established whereby the company would not be penalized initially.

J. Sample Manual Bond Filing
Insurance Company Letterhead (RESERVED FOR)
()
(DPS&C USE)

DATE: _____

TO: Louisiana Department of Public Safety and Corrections

Pursuant to R.S. 32:863.2 of the Louisiana Motor Vehicle Safety Responsibility Law and the regulations of the department, the following information is hereby submitted for filing with your office.

TERMINATION NOTICE
OR
RECALL OF TERMINATION NOTICE

NOTICE 1:

VIN: 12356678901234567

YEAR: 85

MAKE/MODEL: Ford

INS. CO. CODE: 11000

TYPE OF TRANSACTION: 0

INSURED: Motorist, Michael A.

ADDRESS INDICATOR: S

ADDRESS: 100 South Swan Street

CITY: New Orleans

STATE: Louisiana

ZIP CODE: 70110

INSURED-DRIVER'S LICENSE-NR-1: 1234567

INSURED-DRIVER'S LICENSE-NR-2:

POLICY NUMBER: 0013081883

TERMINATION DATE: 860915

OWNER-NAME:

OWNER-DRIVER'S LICENSE-NR-1:

OWNER-DATE OF BIRTH NR-1:

OWNER-SEX NR-1:

OWNER-DRIVER'S LICENSE-NR-2:

OWNER-DATE OF BIRTH NR-2:

OWNER-SEX NR-2:

NOTICE 2:

VIN: 2314567890232224567

YEAR: 85

etc.

Section XI. Guidelines for Manual Filings on Notice of Withdrawals of Deposits of Security with the State Treasurer.

A. Conditions of Filing. All withdrawals of deposit must be submitted no later than 45 days following the withdrawal date if no re-deposit on the vehicle in question has been made by the applicant.

B. Format and Content. Withdrawal notices must be transmitted in duplicate on official letterhead of the state treasurer's office and list the original deposit date, certificate number, owner's drivers license number, individual or company name, address, city and state and full description of vehicle.

C. Frequency of Filing. State treasurer may submit filings daily.

D. Confirmation of Filing Receipt. Upon receipt of a notice of withdrawal of deposit, the department shall return a copy of the notice indicating date of receipt to the state treasurer.

Section XII Applicability.

These regulations shall apply to terminations of motor vehicle liability insurance policies, bonds, deposits and certificates of self-insurance subject to R.S. 32:863.2 of the Louisiana Motor Vehicle Safety Responsibility Law which takes effect on or after January 1, 1986.

John J. Politz
Assistant Secretary

RULE

Department of Transportation and Development Office of Public Works

Under the authority of R.S. 38:32B.(11), and in accordance with the provisions of R.S. 49:950 et seq., and pursuant to the notice of intent published December 1984, the following rules are adopted for determining priorities for funding of water resources projects defined in R.S. 38:31(4). Preceding final adoption of this rule, the rule was forwarded to and found acceptable by the House and Senate Committees on Transportation, Highways, and Public Works.

Purpose of Rule—This rule establishes procedures by which governmental entities may nominate water supply and water pollution control projects for priority of funding through specific legislative appropriation for the purposes indicated in R.S. 38:32B(11). The rule also defines the procedures by which the Office of Public Works (OPW) shall rank in priority order of funding the various projects nominated by governmental entities, based on the recommendations (Regional Reports) of the state's eight regional planning commissions. OPW shall submit an annual report of this recommended project priority ranking to the governor, the House Committee on Transportation, Highways and Public Works and the Senate Committee on Transportation, Highways and Public Works, and the Joint Legislative Committee on the Budget by January 15 of each calendar year.

Definitions—The following terms shall have the meanings ascribed to them in this rule:

Annual Report means the report submitted by January 15 of each calendar year by the Office of Public Works to the governor and committees of the Legislature pursuant to the requirements of R.S. 38:34, which report contains a ranking in priority order for funding the various water resources projects of governmental entities based on the recommendations (Regional Reports) of the state's eight regional planning commissions.

Construction means entering into a contract for erection or physical placement of materials, piping, earthwork or buildings which constitute a project as defined in these regulations.

Entity means any municipality, parish, special district or other political subdivision or combination thereof having the authority to own and operate a project.

Fiscal year means the state fiscal year during which priority of funding is recommended for projects in the annual report by the Office of Public Works. Fiscal year refers to the time period beginning on the July 1 following the date on which an annual report is submitted, and ending on June 30 of the following calendar year.

OPW means the Office of Public Works of the Department of Transportation and Development.

Planning Commission means one of the state's eight regional planning commissions created pursuant to the authorization provided in Subpart C of Part IV of Chapter 1 of Title 33 of the Louisiana Revised Statutes of 1950.

Project means:

(a) Any engineering undertaking or work to conserve and develop surface or subsurface water resources of the state for any useful and lawful purpose by the acquisition, improvement, extension, or construction of water storage projects and filtration and treatment plants.

(b) Any system necessary to distribute water from storage to points of distribution or filtration and treatment plants.

(c) Any facility for the distribution of water from storage or filtration and treatment plants to wholesale or retail purchasers.

(d) Any sewerage system to improve or develop sewerage treatment, collection, or distribution capabilities consistent with provisions of R.S. 38:32.

Regional Report means the report submitted by September 16 of each year by each of the state's eight regional planning commissions to the Office of Public Works, which report contains a list of projects recommended for funding during the fiscal year beginning on the following July 1, and which report ranks in order of priority those projects needing and deserving of project funding.

Priority Policy—It is intended that the project priority evaluation and rating system provided for in this rule shall support the objective of the Louisiana Water Resources Program to provide an adequate and safe supply of water to Louisiana users through a policy and program addressing the short term and long term availability of and need for water. The priority system is to be used to allocate scarce state resources to the most worthy projects, and thereby assist entities in obtaining for their constituencies needed water supply and water pollution control facilities.

The provision of assistance by the state is not intended to supplant any responsibilities delegated to entities for the construction, operation and maintenance of water supply and water pollution control facilities. It is expected that entities shall continue to provide such facilities where needed and to pay for them to the extent of their capabilities. State assistance is intended as a source of funds for projects which otherwise lack sufficient local, federal and private funding, and as an incentive to provide water resource facilities needed to achieve statewide water resources program objectives.

Entities sponsoring projects are expected to seek and use federal grant assistance for project construction to the fullest extent such funds are available or expected to become available. It is specifically intended that priority funds shall not pay project cost share eligible for payment through federal grant assistance programs.

Entities are expected to finance water supply and sewerage projects without capital outlay assistance from the state to the extent of their capabilities. Entities should use ad valorem taxes, revenues generated from the project and private donations to obtain an optimum level of capital funds from local sources. The maximum level of state grant assistance under the program is 25 percent of the project construction costs.

The priority system is intended to achieve an equitable and fair distribution of any available funds considering needs of the area to be served by projects and the benefits to be realized in comparison to the needs of other areas requesting assistance. Past and present effort by entities to limit waste and conserve water are considered in priority assessment.

Entities may not obtain priority for funding of projects which provide facilities that overextend technical and financial capability to operate and maintain properly. Priority based on need shall not accrue to an entity because of negligence in the operation and maintenance of existing facilities, or failure to control wastage through appropriate water conservation measures such as consumer metering, leak control, etc.

Eligible Sponsors of Projects—Any entity may request that one or more projects be considered and ranked in priority order by the planning commission having jurisdiction.

Annual Report—By not later than January 15 of each calendar year, OPW shall prepare an annual report to the governor, the House Committee on Transportation, Highways and Public Works, Senate Committee on Transportation, Highways and Public Works, and the Joint Legislative Committee on the Budget. The annual report shall contain a list of projects ranked in priority order of funding, a statement of project needs and benefits and the rationale for priority ranking.

The list of projects ranked in priority order shall be based on the priority ranking system described in these regulations, and the regional reports received each year from the planning commissions.

The prospective time period during which the annual report requests priority of funding for the various projects listed therein is during the state fiscal year which begins on the July 1 following the annual report filing date.

Regional Reports—Upon notification by OPW, the planning commissions shall prepare and submit to OPW by September 16 of each year a regional report. The regional report shall contain a list of projects located within the jurisdiction of the planning commission ranked in the priority order of funding recommended by the commission along with application forms and supporting documents for each project listed in the regional report.

On or about March 1 of each year, each planning commission shall solicit project proposals (applications) from entities within the planning commission's area of jurisdiction, and establish deadlines for the receipt of applications and supporting documents for projects to be included in the current regional report.

Planning commissions shall return to applicant entities any incomplete or incorrect project applications. Planning commissions may defer listing in the regional report any projects with inadequate application information.

Projects in the regional report shall be ranked by the planning commission in the order of priority of funding recommended by the commission beginning with the project most needing and deserving of funding. Comparative ranking of projects by the planning commission shall be according to the priority system described in these regulations using guidelines acceptable to and approved by OPW.

Projects Eligible for Priority of Funding—All projects in the Annual Report of OPW are eligible for priority of funding during the subject fiscal year depending upon the amount of funds, if any, which may be appropriated for the purpose.

Projects properly included and ranked in a regional report may be included in an annual report and thus be eligible for priority of funding.

A project eligible for priority of funding may be a part or phase of a multipart construction program extending several years into the future. Each project (phase) for which priority of funding is requested must be able to provide the benefits claimed in the application.

Projects Excluded from Priority of Funding—The following projects are not eligible for inclusion in an annual report:

1. Projects eligible for funding under the Hazardous Waste "Superfund" program.
2. Projects eligible for funding under the Statewide Flood Control Program.
3. Projects listed in a previous Annual Report and for which a state grant under the provisions of Act 625 of 1983 has already been offered.
4. Projects for which there is an incomplete or incorrect application including supporting documents.
5. Projects which are not included in a regional report of a regional planning commission.

Project Costs Eligible for Priority Funding—The following project costs are eligible for priority of funding in the annual report:

1. Project costs related to the achievement of the water resource management purposes for which priority ranking is established in the annual report.
2. The construction costs of a project including architectural and engineering costs for preparing construction plans and specifications.
3. The cost of acquiring land necessary to construct a project. The State of Louisiana shall receive a lien against the proceeds of any subsequent sale of land so acquired in an amount equal to the percent of state cost-share at purchase.

Project Costs Not Eligible for Priority Funding—The following costs are not eligible for priority funding:

1. Construction costs for facilities not needed to achieve the water resources management purposes for which priority ranking is established in the annual report.

2. Operation and maintenance costs, ordinary repairs, laboratory services and facilities planning.

Applications For Priority of Funding—Entities desiring priority of funding for proposed projects may file requests with the planning commission in whose area of jurisdiction an applicant entity is located (see following list). The annual filing deadline with the regional planning commissions is June 30. The application for each project should be on a form and in the format approved by OPW, and shall contain all of the essential information prescribed in program guidelines and procedures published by OPW.

THE EIGHT REGIONAL PLANNING COMMISSIONS AND THE PARISHES WITHIN THE RESPECTIVE GEOGRAPHIC AREAS

District Number 1: New Orleans Regional Planning Commission

Jefferson	Orleans
St. Tammany	Plaquemines
St. Bernard	

District Number 2: Capital Economic Development District Council, Inc. and Capital Regional Planning Commission

Ascension	Pointe Coupee
East Baton Rouge	St. Helena
East Feliciana	Tangipahoa
Iberville	Washington
Livingston	West Baton Rouge
West Feliciana	

District Number 3: South Central Planning and Development Commission

Assumption	St. James
Lafourche	St. John the Baptist
St. Charles	Terrebonne

District Number 4: Evangeline Economic and Planning District Council, Inc.

Evangeline	St. Landry
Lafayette	Vermilion
St. Martin	Acadia
St. Mary	Iberia

District Number 5: Imperial Calcasieu Regional Planning and Development Commission

Allen	Cameron
Beauregard	Jefferson Davis
Calcasieu	

District Number 6: Kisatchie-Delta Regional Planning and Development District

Winn	Vernon
Grant	Concordia
LaSalle	Catahoula
Rapides	Avoyelles

District Number 7: The Coordinating and Development Corporation

Bienville	Lincoln
Bossier	Natchitoches
Caddo	Red River
Claiborne	Webster
DeSoto	Sabine

District Number 8: North Delta Regional Planning and Development District, Inc.

Caldwell	Ouachita
East Carroll	Richland
Franklin	Tensas
Jackson	Union
Madison	West Carroll
Morehouse	

Project Priority Ranking System

a. **General Overview**—The following procedures shall be used by the Office of Public Works and the Regional Planning Commissions to rank projects in descending order of priority. Priority rank will be determined by the numerical value of points assessed to each project according to the urgency of need (base value) with additional priority value points added thereto for comparative benefits to be realized, the ability of the entity sponsor to finance without capital assistance, economic needs and other considerations in the project area, past measures by the entity to limit waste and conserve water, and the relationship and consistency of the project to the state’s policy for water resources management.

b. **Base Priority Value**—Each project for which a request for priority is received by a planning commission is given a base priority point value depending on the urgency of need. Situations involving an acute and serious threat to community health and safety shall receive highest base point numerical values. The following table shall be used for determining the base priority point value of each project:

BASE PRIORITY VALUE TABLE*

Order of Need	Project	Priority Value Points
1st	Immediate and Substantial Hazards in Community Drinking Water Systems: a. Quality Hazards [Acute and Serious exceedance of the maximum contaminant level (MCL), or structural defects which cause immediate jeopardy of serious MCL violations, such as bacteria, heavy metals and organic toxins, but not slight exceedance of fluoride, chloride and dissolved solids MCLs] b. Quantity Hazards [acute and serious drinking water shortages endangering health of community].	4 to 4.9 3 to 3.9
2nd	Immediate Community Needs [Water supply or sewerage facilities to correct an existing water quality standards violation or high risk of system failure]	2 to 2.9
3rd	Short Range Community Needs [Water supply or sewerage facilities for community development]	1.5 to 1.9
4th	Long Range Water Resources Projects [Flow augmentation, aquifer recharge, impoundments, land treatment, barriers, etc.]	1 to 1.4

*Complete details available upon request from the Office of Public Works.

c. **Priority Value Points for Comparative Benefits**—To the base priority value indicated for each project according to the preceding table is added additional numerical value for each of the following purposes:

(a) An amount not to exceed 1.0 in value, representing the ratio of persons benefitted directly by the project per \$100 of total project cost (including federal grant cost share, if any). This additive value factor encourages projects with the greatest public benefit.

(b) A bonus in the amount of 10 times the decimal value by which the federal, local and other non-state shares of the project cost exceed 75 percent of the total project construction costs. For example, a project with 90 percent federal and local funding would receive a bonus of $10 \times (0.90 - 0.75) = 1.5$ points. This bonus encourages and rewards a maximum use of available federal, entity and private funding resources.

d. **Priority Value Points to “Needing and Deserving” Projects**—After determining project priority value for each candidate

project according to the base priority value table and (a) and (b) above, each planning commission shall then consider the relative merits of each project requesting funding, including past and present measures to conserve and use wisely the locally available water resources. The relative needs of each project entity, including local unemployment rates, median family income and prospective economic benefits accruing from the project shall also be considered. Each planning commission may then add to the priority value score of four projects in the region:

- 4.0 points for the most needing and deserving project
- 3.0 points for the second most needing and deserving project
- 2.0 points for the third most needing and deserving project
- 1.0 point for the fourth most needing and deserving project

e. **Regional Priority Ranking**—Each planning commission shall then rank all projects in priority order beginning with the project having the highest total priority point score and ending with the lowest. In the event of tie scores, lower cost projects shall be ranked ahead of higher cost projects. This list of projects in the recommended order of priority for funding shall be included in the regional report.

f. **Ranking of Projects by the Office of Public Works**—OPW, upon receipt of the regional reports containing recommended project priority ranking from the planning commissions, shall rank all recommended projects in priority order according to priority value. OPW may add up to 4.0 priority value points on one or more of the nominated projects so as to achieve priority ranking order that is consistent with overall state water resources management plans and to insure that a minimum of five percent and a maximum of 30 percent of the recommended priority project funds in each fiscal year is allocated to projects in each of the eight planning commission districts. OPW shall also add priority value points to specific projects, if necessary, so that the first projects in priority order on the list are one project from each of the eight regional planning districts nominating projects for priority of funding.

Verification of Need—The application of an entity claiming project priority due to an immediate and substantial hazard in the community drinking water system shall contain a certificate from the state health officer or his duly authorized representative verifying existence of the hazard. Any entity claiming priority due to violation of a state or federal water quality standard or criterion shall provide, in the application for priority of funding, statements or other documentation from the appropriate state or federal regulatory agencies verifying the conditions claimed.

Conservation of Resources Required—Planning commissions and OPW shall give full consideration to past and present efforts by an entity to limit waste and conserve water in comparing need for a requested project with other requested projects.

Entities requesting priority of funding for a project shall provide assurance in the application for assistance that all appropriate water conservation measures will be taken, including consumer usage metering, service charges based on usage, leak detection and control systems, ordinances requiring use of water conserving plumbing fixtures and valves, etc.

An entity experiencing an acute or immediate need due to neglect, wastage or failure of entity to properly maintain existing facilities, shall not receive high priority base value due to the hazard thus created.

Accurate Cost Estimates Required—Entities requesting priority of funding shall provide accurate estimates of project costs.

The state shall retain the entire amount of overestimated state and local project costs up to the total amount of any state grant.

Any grant monies retained by the state may be used to increase grants to other funded priority projects which encounter actual project construction costs exceeding estimated costs.

Regulatory Agency Approvals—Entities requesting project

priority shall assure compliance with all state and federal rules and regulations applicable to a project of the type undertaken, including those pertaining to financing, construction, maintenance and operator certification. No state grant funds shall flow to a project unless all required approvals and permits, including pre-construction permits, are obtained by the entity.

Mary Chabert
Assistant 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 has amended its rules to increase the membership of the Claims Review Committee from six to seven members.

James D. McElveen
Executive Director

Notices of Intent

NOTICE OF INTENT

**Department of Agriculture
Office of Agricultural and Environmental Sciences
Advisory Commission on Pesticides**

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and R.S. 3:3203, the commissioner for the Department of Agriculture and the Advisory Commission on Pesticides is hereby giving notice of its intention to adopt the amendment detailed below. Comments will be accepted through Monday, October 21, 1985, and should be forwarded to: Harry Calhoun, Director, Advisory Commission on Pesticides, Department of Agriculture, Box 44153, Baton Rouge, LA 70804. All interested persons will be afforded an opportunity to submit views.

LAC 7:13131(E)(2) should be amended to read as follows:

2. Filing a certificate of insurance, in the form prescribed by the commissioner, in the same amount as required for a surety bond. Such insurance shall be payable to the benefit of persons proven to have suffered damages as a result of the actions of the owner-operator or any of his employees and shall provide for 30 days written notice to the commissioner. Such insurance shall not be applied to damages or injury to agricultural crops, plants, or land being worked upon by the commercial applicator. An owner-operator shall not change the amount of such insurance during the period of the license without the prior written approval of the commissioner.

Bob Odom
Commissioner

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

Rule Title: Advisory Commission on Pesticides

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

Richard Allen
Assistant Commissioner

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Agriculture
Office of Agricultural and Environmental Sciences
Fertilizer Commission**

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and R.S. 3:1312, the Department of Agriculture, Fertilizer Commission, is hereby giving notice of its intention to adopt the amendments detailed below. The Fertilizer Commission has scheduled a meeting for Monday, October 7, 1985, at 10 a.m., in the conference room at 12055 Airline Highway, Baton Rouge. Comments may be forwarded to Hershel Morris, Director, Agricultural Chemistry Programs, Box 16390-A, University Station, Baton Rouge, LA 70893. All interested persons will be afforded an opportunity to submit views or arguments at the board meeting.

Amend LAC 7:7901 to include the following definitions:

Commissioner means the commissioner of the Louisiana Department of Agriculture or his duly authorized representatives acting at his discretion.

State chemist means the director of the Agricultural Experiment Station at Louisiana State University and Agricultural and Mechanical College.

Amend LAC 7:7907(E) to read as follows:

E. Guarantees for additional plant nutrients will be accepted only for those nutrients listed below, and such additional plant nutrients must be present in the minimum percentages indicated below:

Element	Percentage
Calcium (Ca)	1.00
Magnesium (Mg)	0.50
Sulphur (S)	1.00
Boron (B)	0.02
Chlorine (Cl)	0.10
Cobalt (Co)	0.0005
Copper (Cu)	0.05
Iron (Fe)	0.10
Manganese (Mn)	0.05
Molybdenum (Mo)	0.0005
Sodium (Na)	0.10
Zinc (Zn)	0.05

Amend LAC 7:7911(A) to read as follows:

A. Sampling of fertilizer is the responsibility of the director of Agricultural Chemistry Programs of the Department of Agriculture.

Amend LAC 7:7915 (C) to read as follows:

C. Every registrant shall pay to the Fertilizer Commission of the Department of Agriculture an inspection fee of 75 cents per ton on all fertilizers sold in the state, except for guarantors covered by LAC 7:7915(D), on the same dates established for filing tonnage reports.

Amend LAC 7:7921(E) should be amended to read as follows:

E. Penalties paid to the commissioner of agriculture shall be deposited into a special fund which is hereby created in the state treasury and designated as the Fertilizer Fund.

Amend LAC 7:7923(A)(1) to read as follows:

1. Prior to action to retrieve the deficient product, the guarantor must notify the director of Agricultural Chemistry Programs and secure his approval for the recall.

Amend LAC 7:7927(E) to read as follows:

E. During the first year of probationary status, the probation may be terminated by the commissioner when chemical analysis of samples representing up to 20 percent of the registrant's total sales during the previous year reflects an overall deficiency rate of less than 20 percent.

Amend LAC 7:7931(A)(2) to read as follows:

2. If the guarantor, or his agent, and the agricultural inspector who is taking the sample cannot resolve their differences, the guarantor shall immediately telephone his complaint to the director of Agricultural Chemistry Programs. The guarantor or his agent shall confirm the telephone complaint in writing to the same official.

Bob Odom
Commissioner

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

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

Richard Allen
Assistant Commissioner

David W. Hood
Legislative Fiscal Analyst

**NOTICE OF INTENT
Department of Commerce
Racing Commission**

The Louisiana State Racing Commission hereby gives notice in accordance with law that it intends to amend rule LAC

35:5725 (previously LAC 11-6:23.17), titled "Horsemen's Bookkeeper," as follows:

§5725. Horsemen's Bookkeeper

Each association conducting a race meeting shall provide a separate office to be used by the horsemen's bookkeeper who shall keep a separate bank account to be known as the "horsemen's bookkeeper account."

Except for the fee of a jockey (the deposit of which shall be made as provided for in LAC 46:725 [previously LAC 11-6:20.13]), on the Monday of each week following the week or any part thereof in which races are run at a licensed race meeting, at all times the horsemen's bookkeeper account shall contain sufficient funds to cover all monies due horsemen relative to purses (offered by an association on its official program), stakes, rewards, claims and other deposits. Withdrawals from said account shall be only for the purposes set forth herein and no other, except by written order of the stewards. The horsemen's bookkeeper account shall be subject to audit by the commission at all times.

The office of the commission will be open from 9 a.m. to 4 p.m., and interested persons may contact Alan J. LeVasseur or Tom Trenchard at this time, holidays and weekends excluded, for a copy of this rule. All interested persons may submit written comments relative to this rule through October 7, 1985, to 320 North Carrollton Avenue, Suite 2-B, New Orleans, LA 70119-5111.

Albert M. Stall
Chairman

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: LAC 35:5725 "Horsemen's Bookkeeper"**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
There are no implementation costs to this agency.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
There is no effect on revenue collections to the state.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
The current rule provides that "at all times" the horseman's account shall have sufficient funds, but does not set a specific date for the track to make deposits to the account. The proposed rule requires track payments to be made by Monday of each week for races run in the previous racing week. Requiring payment by a specific deadline affords horsemen additional security if a track has been slow in making the necessary deposits. However, it also authorizes a track to delay making the deposit to the horsemen's account for up to seven days after a race, thus giving to the track additional use of this money for this period.
The proposed rule also allows track stewards to order funds to be withdrawn from the horsemen's account for purposes other than payment of awards to horsemen, if the order is in writing.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
There is no effect on competition or employment.

Albert M. Stall
Chairman

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT
Department of Commerce
Racing Commission

The Louisiana State Racing Commission hereby gives notice in accordance with law that it intends to amend rule LAC 46:725 (previously LAC 11-6:20.13), titled "Jockey Fee Schedule," as follows:

§725. Jockey Fee Schedule

Prior to the start of each race conducted by an association licensed by the commission, sufficient money shall be on deposit with the horsemen's bookkeeper in an amount equal to pay the losing mount fee of a jockey for that race. In the absence of a special agreement, the fee of a jockey shall be as follows:

Purse	Winning Mount	Second Mount	Third Mount	Losing Mount
\$400 & under	\$27	\$19	\$17	\$16
500	30	20	17	16
600	36	22	17	16
700-900	10% of win purse	25	22	20
1,000-1,400	10% of win purse	30	25	22
1,500-1,900	10% of win purse	35	30	28
2,000-3,400	10% of win purse	45	35	33
3,500-4,900	10% of win purse	55	45	35
5,000-9,900	10% of win purse	65	50	40
10,000-14,900	10% of win purse	75	60	45
15,000-24,900	10% of win purse	100	75	50
25,000-49,900	10% of win purse	150	100	60
50,000-99,900	10% of win purse	225	150	75
100,000 & up	10% of win purse	400	250	100

Failure, refusal and/or neglect of a trainer to timely deposit or have deposited the aforesaid jockey fee for a horse entered to race, on or before the time specified herein, shall be a violation of this section. Each such violation shall be punishable by a fine of not less than \$200 and the failure to pay such fine within 48 hours of imposition thereof shall be a grounds for suspension. Additionally, an amount equal to the jockey fee actually earned by the jockey in accordance with the aforesaid schedule shall be paid to the jockey earning same within 48 hours of the imposition of the aforesaid fine, and failure to pay said jockey fee within the time specified herein shall be an additional grounds for suspension.

The office of the commission will be open from 9 a.m. to 4 p.m., and interested persons may contact Alan J. LeVasseur or Tom Trenchard at this time, holidays and weekends excluded, for a copy of this rule. All interested persons may submit written comments relative to this rule through October 7, 1985 to 320 North Carrollton Avenue, Suite 2-B, New Orleans, LA 70119-5111.

Albert M. Stall
 Chairman

Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: LAC 46:725 "Jockey Fee Schedule"

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)

There are no implementation costs to this agency.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

There is no anticipated revenue impact since the existence of the fine is expected to encourage timely deposit of the jockey's fee. However if any fines are collected, they will be paid to the State Racing Commission.

III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)

The benefits are to the jockeys by assuring that their jockey fees have been deposited with the horsemen's bookkeeper as they should be.

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

There is no effect on competition or employment.

Albert M. Stall
 Chairman

Mark C. Drennen
 Legislative Fiscal Officer

NOTICE OF INTENT

Board of Elementary and Secondary Education

Policy on Field Trips and Off-Campus Training Activities for Vocational Technical Schools

In accordance with the R.S. 49:950 et. seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved the following policy on field trips and off-campus training activities for vocational-technical schools:

Guidelines for Industrial Visits

A. The vocational-technical school director and the instructor shall determine the need for the trip.

B. Approval shall be obtained from the vocational-technical school director.

C. Necessary arrangements shall be made for transportation. If private vehicles are used, the owner(s) must provide evidence of having sufficient liability insurance.

Industrial Visit

Policy

The Board of Elementary and Secondary Education recognizes industrial visits and off campus training activities as an excellent instructional medium. However, it shall be the policy of the board that such trips shall be well planned and directly related to the educational process under consideration, and shall follow approved guidelines.

Special Off Campus Training Activities

Policy

The Board of Elementary and Secondary Education recognizes industrial visits and off-campus training activities as excellent instructional mediums. However, it shall be the policy of the board that such trips shall be well planned and directly related to the educational process under consideration, and shall follow approved guidelines.

Guidelines For Off Campus Training Activities

A. The vocational-technical school director and the instructor shall determine the need for the trip.

B. Approval shall be obtained from the vocational-technical school director.

C. The regional director shall be provided written training objectives for the activity. Furthermore, a work order shall be prepared and signed by all parties involved. It shall indicate each party's responsibilities. A copy of this work order and itinerary is to be submitted to the regional director with the previously described plan, with the original remaining at the school.

D. Necessary arrangements shall be made for transportation. If private vehicles are used, the owner(s) must provide evidence of having sufficient insurance.

E. The instructor shall have the responsibility for the supervision of the students while traveling to and from their destination and while at their activity site.

F. The school director shall be given a summary report by the instructor upon activity completion.

G. The vocational-technical school director or designee shall have available upon request, all information/documentation mentioned in "A" through "F" above.

Interested persons may comment on the proposed policy change and/or additions, in writing, until 4:30 p.m., November 8,

1985, at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

James V. Soileau
Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Policy on Field Trips & Off-Campus Training For
Vo-Tech**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
There will be no implementation costs or savings.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
Will have no effects on revenue collection.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)
No cost or economic benefits.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
Will have no effect on competition and employment.

Joseph F. Kyle
Deputy Superintendent
for Management and Finance

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Board of Elementary and Secondary Education

New Vocational-Technical Schools

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 will require two-thirds vote (eight votes) by the board for approval to construct any new vocational-technical school.

Interested persons may comment on the proposed policy change and/or additions, in writing, until 4:30 p.m., November 8, 1985, at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

James V. Soileau
Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: $\frac{2}{3}$ Vote by BESE Required for Construction of
a New Vo-Tech School**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
No implementation costs or savings.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
No effect on revenue collections.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)
No cost or economic benefits.

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

No effect on competition or employment.

Joseph F. Kyle
Deputy Superintendent

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Board of Elementary and Secondary Education

**Reduction in Force Policy for
Vocational Technical Schools**

In accordance with R.S. 49:950 et. seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved the following reduction in force policy (RIF) for vocational technical schools:

**Reduction in Force Policy for
Vocational Technical Schools**

1. Statement of Policy
When conditions such as program changes, declining enrollment, insufficient funds, or other just causes require a reduction in school faculty and staff, as approved by BESE, the priorities and procedures outlined in this policy shall be implemented. It is important to understand that there is a difference between a reduction in force and a discharge for cause. The termination of employment brought on by a necessary reduction in force is caused not by a personal failure on the faculty or staff member's part but because of some external factor or factors. Therefore, the decision as to who must be laid off when a RIF occurs is to be based on the criteria and procedure set forth herein and not on a judgement as to the merit of an employee's performance.

2. Civil Service Employees

Reductions or changes affecting classified civil service employees shall be made in accordance with civil service rules and regulations.

3. Unclassified Employees, Faculty and Staff

In any situation wherein a reduction in force is required all practical measures shall be taken to avoid the termination of employment of a tenured instructor. When an instructional program's discontinuance or reduction in force is mandated by board policy or ruling and a reduction in force is accordingly also mandated, tenured instructors in the program or its equivalent at the school will have continued employment preference over non-tenured instructors. Among tenured instructors in the program or its equivalent that must be reduced or discontinued, preference for continued employment will be based on an instructor's total time of service in the vocational-technical system.

Reductions in administrative and instructional support personnel shall be made as necessitated by funding, enrollment and program changes. Continued employment preference shall be given on the basis of total time of service for such employees.

If a tenured instructor is terminated from employment because of a RIF, that instructor shall have the first option to be re-employed if the discontinued program or its equivalent is reinstated at his former school within a reasonable time.

4. Procedure for Termination of Tenured Employee

If after taking all practical measures to avoid the termination of a tenured employee, the director nonetheless concludes that the tenured employee's employment must be terminated, the director shall inform the employee in writing of the proposed action. The employee shall be told that he has the right to a hearing at which he may be represented by counsel and at which he may present evidence and bring witnesses to dispute the proposed termination. The hearing shall be limited to the issue of whether the reduction in force policies of BESE require that the aggrieved em-

ployee be terminated from his employment. If the employee is not satisfied with the director's decision following the hearing, the employee may appeal to BESE in writing within 10 days after the director's confirmation that he is proposing the termination stating why the employee believes that the reduction in force policy was not properly followed in his case. The board may order a further investigation of the matter or take action without any further hearing on the appeal.

Interested persons may comment on the proposed policy change and/or additions, in writing, until 4:30 p.m., November 8, 1985, at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

James V. Soileau
Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: RIF Policy for Vo-Tech Schools**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
There will be no implementation costs or savings.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
Will have no effect on revenue collections.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)
No costs or economic benefits.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
Will have no effect on competition and employment.

Joseph F. Kyle
Deputy Superintendent
for Management and Finance

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Board of Elementary and Secondary Education

Student Grievance Procedure for
Vocational Technical Schools

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 student grievance procedure for vocational technical schools as follows:

Student Grievance Procedure for
Vocational Technical Schools

1. General Provisions
 - A. The purpose of this grievance procedure is to provide an orderly and efficient method by which students may air and resolve their complaints about the conditions and policies within vocational-technical schools under the jurisdiction of the Board of Elementary and Secondary Education.
 - B. Grievance defined: A grievance is a student complaint about the conditions or policies within a vocational-technical school or a complaint about the actions of employees, students, or instructors within the school that affect the school environment for the aggrieved student. A disciplinary action taken by the school administration against the student is not considered a grievance. Matters pertaining to discipline are to be resolved through the policies and procedures specified in the procedure for the suspension and expulsion of students.

2. Processing Grievances

All grievances should be presented within 30 days from the date that the grievant became aware of the cause of such grievance. Every effort should be made to begin the grievance procedure by addressing the student, instructor, or administrator who is directly responsible for the situation of which the student is complaining. Under extraordinary circumstances where it is inappropriate for the grievant to present his grievance directly to the instructor, student, or administrator involved, the grievant may skip this first step.

If the grievant is not satisfied with the resolution achieved by the process described above, he may proceed to contact the director or the person designated by the director to hear grievances. The grievant shall put his complaint or suggestion in writing and present it to the director or to his designee. The director or his designee shall arrange to meet with the grievant as soon as is practicable. The director or his designee shall afford the grievant an opportunity to present his viewpoint and shall attempt to resolve the grievance amicably.

Interested persons may comment on the proposed policy change and/or additions, in writing, until 4:30 p.m., November 8, 1985, at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

James V. Soileau
Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Grievance Procedure for Vo Tech Students**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
No implementation costs or savings.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
No effect on revenue collection.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)
No costs or economic benefits.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
No effect on competition and employment.

Joseph F. Kyle
Deputy Superintendent

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Board of Elementary and Secondary Education

Validity Period of Ancillary Certificate
for Home Economics (Occupational Programs)

In accordance with the R.S. 49:950 et. seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved the State Department of Education's proposed amendment relative to the validity period of ancillary certificates for *Home Economics (Occupational Programs)* which reads as follows:

1. Provisional Certification—valid for three years; renewable upon request of employing authority.
2. Permanent Certification—valid for life for continuous service; issued upon completion of three years teaching experience in Home Economics Occupational Program.

Interested persons may comment on the proposed policy change and/or additions, in writing, until 4:30 p.m., November 8, 1985, at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

James V. Soileau
Executive Director

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

**Rule Title: Ancillary Certificates for
Home Economics**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
It is anticipated that it will cost approximately \$50 to print and disseminate the revised page in Bulletin 746, LOUISIANA STANDARDS FOR STATE CERTIFICATION OF SCHOOL PERSONNEL.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
The rule will have no effect on revenue collection or 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 additional cost to affected groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
There will be no effect on competition or employment.

Joseph F. Kyle
Deputy Superintendent

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Environmental Quality
Office of Water Resources**

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:1051 et seq., and in particular Section 1094 (B)(3) and (B)(4) and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary of the Department of Environmental Quality, Patricia L. Norton, gives notice that rulemaking procedures have been initiated to promulgate the Louisiana Water Pollution Control Regulations.

The proposed regulations will establish a comprehensive legal and administrative framework for implementing the mandates of the state's water control laws. Included in these regulations are detailed requirements and procedures for permitting, enforcement, monitoring and surveillance, and spill control activities of the Office of Water Resources. Generally the regulations are designed to control the discharge of pollutants into the waters of the state.

All interested persons are invited to comment orally or in writing at a public hearing to be held at 10 a.m. on Tuesday, October 8, 1985, in the Mineral Board Hearing Room on the first floor of the State Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA. Any additional written comments must be submitted no later than October 18, 1985, to Barbara Romanowsky, Department of Environmental Quality, Office of Water Resources, Box 44091, Baton Rouge, LA 70804-4091. She is also the agency contact responsible for responding to any questions concerning the proposed regulation.

Copies of the proposed regulation may be obtained by contacting Shirley Rothman at the above address or by telephone

at (504) 342-6363 and are available for inspection at the following locations from 8 a.m. until 4:30 p.m. daily, Monday through Friday:

State land and Natural Resources Building, Ninth Floor, Room 900, 625 North Fourth Street, Baton Rouge, LA.

Capitol Area Regional Office, 11720 Airline Highway, Baton Rouge, LA.

Department of Environmental Quality, 3945 North I-10 Service Road, Metairie, LA.

Department of Environmental Quality, 100 Eppler Road, Lafayette, LA.

Department of Environmental Quality, 1155 Ryan Street, Second Floor, Lake Charles, LA.

State Office Building, 1525 Fairfield Avenue, Shreveport, LA.

Department of Environmental Quality, 804 Thirty-First Street, Monroe, LA.

Patricia L. Norton
Secretary

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

**Rule Title: Louisiana Water Pollution
Control Regulations**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
As a result of the promulgation of these regulations there are no anticipated implementation costs or savings to local governments and there are no expected savings to state governmental units. Implementation costs to state government/state general funds are difficult to estimate. Promulgation of these regulations should not significantly alter the established routines of this office. These regulations will, however, be the first procedural guidelines initiated by the Office of Water Resources. Because they effectively establish for the first time a written routine for this office as well as the regulated community, manpower demands may increase. These regulations will enhance public awareness and as a result, this office may receive an increased number of permit applications. An increased workload may result as more and more facilities that have an unpermitted discharge to the waters of the state come into compliance with existing state law and these new regulations. Because no specific estimates can be predicted on the number of new applications that these regulations will generate, manpower needs are difficult to predict. Best projections at this time are to assume that an increase in permit applications will gradually occur over the next few years, resulting in an as yet undetermined increase in manpower requirements and fiscal needs.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
These regulations are not intended as a revenue generating rule. It must be pointed out, however, that there probably will be an increase in self-generated revenue based on the anticipated increase in the number of facilities that will be brought into the permitting system through the increase in public awareness as a result of the promulgation of the regulations. This increased self-generated revenue will be a result of the assessed fees (annual and new permit fees) associated

with obtaining, maintaining, and renewing a water discharge permit. The revenue from annual fees and new permit fees (20 percent of calculated annual fees) will increase gradually over the next few years as the number of permitted facilities increases. The revenue from the permit renewal process (20 percent of calculated annual fees) will be assessed periodically on a five-year basis beginning sometime during FY 87-88, at the earliest.

Accurate estimates within the time frame of fiscal years are not possible presently because all projections depend upon the number of permit applications received as a result of these proposed regulations and the number of permits finalized in response to those applications.

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

All presently unpermitted facilities in the regulated community will undoubtedly experience increased costs as a result of the permit fees assessed by this office. That is, assuming these unpermitted facilities obtain a permit as a result of these regulations. The number of unpermitted facilities in Louisiana is not known; therefore, it is difficult to estimate what costs will be incurred by the affected persons as far as assessment of permit fees is concerned. However, a majority of the newly assessed fees will be for minor facilities whose fees range from \$100 to \$5,625 annually and from \$100 to \$1125 on a one-time new permit fee basis.

With the exception of permit renewal fees and the requirements of Chapter 5 many facilities will experience no increased costs as a result of these regulations because those affected persons must already comply with similar regulations established at the federal level. In addition, the establishment of these water regulations will be a first step in obtaining delegation of the federal permitting authority; authority that will eliminate the present two permit system and as a result economically benefit those affected facilities or activities by saving time, effort, and money associated with obtaining and maintaining two separate wastewater discharge permits.

In order to comply with Chapter 5, certain facilities will have to augment existing spill prevention control and countermeasure plans prepared pursuant to federal regulations (40 CFR 112), while other facilities will have to develop new plans as required. It is estimated that it could cost an average of \$4000 for a major facility to prepare a plan. However, spill plan preparation costs for minor facilities could be as little as \$50. Many existing facilities already employ the guidelines set forth in Chapter 5, therefore implementation costs should not be substantial. The requirements of Chapter 5 will not result in any increased revenue to state government.

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

For a majority of these proposed regulations (permitting requirements, for example), the impact on industry and business in competition and employment will be minimal since such establishments which are affected must already comply with similar regulations at the federal level. However, there should be an initial stimulation of competition and employment as unpermitted facilities and activities move to come into compliance with these regulations. The requirements of Chapter 5 will, for some facilities, require the immediate use of environmental engineers and other consulting professionals to prepare and implement spill prevention and control plans.

Patricia L. Norton
Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Office of the Governor Division of Administration Office of Contractual Review

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and R.S. 39:1490(B), notice is hereby given that the Office of the Governor, Division of Administration, Office of Contractual Review intends to amend its rules and regulations, LRS 40:455 (June, 1984). The primary change is to sections affecting requests for proposals (RFP) to allow for social service RFP's as may be required by Act 673 of the 1985 Legislative Session. Also the revised regulations would require Civil Service approval of interagency contracts. This projected rule revokes all previous rules and regulations of this office.

A copy of the proposed rules may be viewed at the Office of Contractual Review, 900 Riverside North, Fourth Floor, Baton Rouge, LA.

Inquiries concerning the proposed rule changes should be made to Bonita B. Brown, Director, Office of Contractual Review at 504/342-7097 or in writing to Office of Contractual Review, Post Office Box 94095, Baton Rouge, Louisiana 70804-9095, before October 31, 1985.

Bonita Brown
Director

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Social Service RFP's

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

There will be no estimated implementation costs to state or local governmental units.

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

There will be no estimated effect on revenue collections of state or local governmental units.

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

The economic impact of the proposed rules is not quantifiable; however, it is the intent that by requiring a RFP process in certain situations that the quality of service will be maximized while the cost of such services will be minimized.

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

The effect on employment, if any, will be negligible. Competition should be increased among providers of social services in those situations where the law requires a RFP for awarding of contracts.

Bonita B. Brown
Director

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Office of the Governor Engineers Selection Board

In accordance with Revised Statutes 38:2311.E, the Louisiana Engineers Selection Board advertises its intent to amend Article VII(3) of the rules for Selection Procedure to read as follows:

Article VII
Selection Procedure

Selection procedure is as follows:

1. . . .
2. . . .
3. Board will take a weighted vote. Each member shall vote for a first, second and third choice from the firms under consideration. A ballot without all three choices indicated shall not be considered.
4. . . .
5. . . .

Interested persons may submit written comments on the rule change until 4 p.m., October 25, 1985 to the following: Louisiana Engineers Selection Board, Attention: Amy L. Primes, Box 94095, Baton Rouge, LA 70804-9095.

James Poché
Chairman

Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Weighted Votes to Three Firms

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
There will be no implementation costs (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.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)
There will be no measurable costs or economic benefits associated with the proposed rule changes.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
There will be no effect on competition or employment.

James M. Poché
Chairman

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT
Office of the Governor
Governor's Special Commission on Education Services

Application Procedure for T. H. Harris Scholarships

The Governor's Special Commission on Education Services intends to adopt the following rules pertaining to the application procedure for T. H. Harris Scholarships.

1. Complete application form.
2. Return the application to the Scholarship Division at the above address along with a copy of at least a seven-semester high school transcript, two letters of recommendation, and a current college transcript if applicable. ALL MUST BE MAILED IN ONE ENVELOPE.
3. The Scholarship Division will review the application, the scholastic records, and the recommendations to determine student's eligibility.
4. The commission will determine the recipients, and recipients will be notified by letter. Recipients for the fall semester/quarter should receive notice before registration. Recipients for the spring semester/quarter are notified when funds are available.
5. Deadline for fall semester/quarter scholarships is February 1; for spring semester/quarter scholarships is December 31.

(EXCEPTION: late scholarship applications may be considered and placed on a waiting list for available funds at the appropriate university.)

6. Fall funds are sent to the university for registration; spring funds are sent to the university on receipt of and when grade reports from the previous semester/quarter have been processed.
7. The university will disburse funds to recipient.
8. Deadline for claiming fall funds is October 1; deadline for claiming spring funds is March 1. Any funds not claimed by these dates will be reassigned by the Scholarship Division to applicants on the waiting lists.

All application information must be submitted in one envelope.

Interested persons may comment on these proposed rules, orally or in writing to Ms. Mona H. Durham, director, Scholarship Division, Box 94064, Baton Rouge, LA 70804, (504) 342-5882.

GUIDELINES

You are advised to read carefully and retain this copy for future reference

T. H. HARRIS SCHOLARSHIP PROGRAM

The following requirements must be met:

- A. Resident status—Applicant must be a legal resident of the State of Louisiana and a graduate of Louisiana high school.
- B. University selection—Must be a Louisiana public university.
- C. Personal qualifications—Applicant must demonstrate the ability to read and understand this information; must possess an acute mind, good character, ambitious purpose, and positive qualities of leadership; must have participated in extra class activities and abstained from participation in activities which create behavior incidents.
- D. Scholastic requirements—Must have earned a 3.0 or better average based on a 4.0 scale in at least seven semesters of high school. The following grading scale is used by the Commission in determining grade eligibility for high school:

94 - 100 = A
87 - 93 = B
80 - 86 = C
70 - 79 = D

If the applicant has already enrolled in college, the above requirements must be met as well as the following: Applicant must have earned a 2.5 or greater average on a 4.0 scale for the first semester/quarter of the freshman year; must have earned at least a 3.0 average for the second semester/quarter of the freshman year and any extra quality points needed to assure a 3.0 on a 4.0 scale for the entire school year; must maintain at least a 3.0 as defined above on a semester-by-semester or quarter-by-quarter basis throughout the sophomore, junior, and senior years. If the scholarship is cancelled because of college grades, it cannot be reinstated.

The recipient must be enrolled as full-time carrying and earning twelve (12) or more hours at a semester university or eight (8) or more hours at a quarter university. PASS/FAIL and REMEDIAL courses do not meet this requirement and will not be considered in determining full-time status.

Honors courses—Although we recognize that honors courses indicate weighted courses, we have no authority to transpose transcript grades to weighted grades in order for the T. H. Harris Scholarship applicant to meet the 3.0 minimum requirement on the 4.0 scale. It is the responsibility of the high school to take such action if they feel the transcript merits this action. It is expected that this transposition will be indicated on the face of the transcript for each grade affected.

Numerical grades—Must be transposed to letter grades ac-

ording to the scale indicated in the program guidelines. It is the responsibility of the high school to furnish the transposition.

Early admissions—If the student is taking course(s) for college credit then those grades should be considered/evaluated as such. If the student is taking college course work for college credit, then those grades should be included in the over-all evaluation of the application with regard to the college transcript.

E. Intent to enroll at a university other than that stated on the application must be stated in writing to the Scholarship Division by the application deadline. Failure to do so may result in permanent cancellation of the scholarship.

F. Intent to TRANSFER from one university to another must be stated in writing to the Scholarship Division by application deadline. Failure to do so may result in permanent cancellation of the scholarship.

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

There is no estimated effect on competition and employment.

Mona H. Durham
Director/Scholarship Division

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

In accordance with L.R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Governor's Office of Elderly Affairs (GOEA) intends to revise the GOEA Policy Manual. The proposed revision reflects technical changes resulting from the 1984 Older Americans Act Amendments, implementing the federal regulations and state law. This revision is necessary to allow for publication of the Governor's Office of Elderly Affairs rules in the *Louisiana Administrative Code*. The effective date of the proposed revision is November 20, 1985.

Copies of the proposed revision and the fiscal and economic impact statement may be obtained by writing to Betty Johnson, Planning Analyst III, Governor's Office of Elderly Affairs, Post Office Box 80374, Baton Rouge, LA 70898-0374. She is the person responsible for responding to inquiries regarding this proposed rule change. Interested persons may submit written comments to the same address until noon on October 8, 1985.

A public hearing on the proposed revision of the GOEA Policy Manual will be held on October 8, 1985 in the State Library Auditorium, 760 Riverside, Baton Rouge, LA, beginning at 9:00 a.m. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing at said hearing.

Sandra C. Adams
Director

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

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

There will be no implementation costs or savings to state or local governmental units resulting from the revision of the GOEA Policy Manual.

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

There will be no effect on revenue collections of state or local governmental units resulting from the proposed revision.

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 GOEA contractors and subcontractors who will be affected by the proposed revision of the Policy Manual.

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

There will be no effect on competition and employment as a result of the proposed revision.

Sandra C. Adams
Director

Mark C. Drennen
Legislative Fiscal Officer

APPLICATION FOR T. H. HARRIS SCHOLARSHIP
GOVERNOR'S SPECIAL COMMISSION ON EDUCATION SERVICES
P. O. BOX 94064
BATON ROUGE, LOUISIANA 70804-9064
TELEPHONE 504-342-6882

IMPORTANT: Read the instructions carefully.

It is the purpose of the Commission to grant scholarships to Louisiana high school graduates who have excelled academically.

Name _____ Soc. Sec. No. _____

Area Code & Home Telephone _____ ACT Composite Score _____ Race _____

Permanent Mailing Address _____

Graduate of _____ High School _____ Parish _____

Are you presently attending college? Yes No Course _____

Are both parents living? _____ Father's Occupation _____

_____ Mother's Occupation _____

Name of college you wish to attend or you are attending _____ (One Only)

(If LSU or Southern, please state city)

Number of children in family (exclude self): Pre School _____ Elem School _____

High School _____ College _____

What is your seven semester average (Quality Points)? _____

What have you been doing since graduation? _____

It is understood that by signing this application form the applicant agrees to the following conditions if a T. H. Harris Scholarship is awarded:

1. Funds will be used for living and instructional expenses only
2. Applicant will attain a 3.0 average based on a 4.0 scale semester-by-semester or quarter-by-quarter.

It is further agreed that the following conditions are true:

1. That I have carefully read the rules governing the scholarship.
2. That all questions have been answered honestly.
3. That the application is being submitted through my own initiative.

Address all communications to: _____

Director/Scholarship Division
GOVERNOR'S SPECIAL COMMISSION ON EDUCATION
SERVICES
Post Office Box 94064
Baton Rouge, Louisiana 70804-9064

Mona H. Durham
Director

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: T. H. Harris Scholarship**

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

There will be no additional implementation costs.

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

There will be no effect on revenue collections.

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

There are no estimated costs to affected persons; but, individual recipients funded with the scholarships will receive economic benefits to begin or continue their higher education.

NOTICE OF INTENT

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

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950, et seq., notice is hereby given that the Louisiana Board of Pharmacy intends to adopt Regulation, Section 31, Adjudication Procedures.

Copies of this proposed regulation may be obtained from Howard B. Bolton, Executive Director, Louisiana Board of Pharmacy, 5615 Corporate Boulevard, Suite 8-E, Baton Rouge, LA 70808. Written comments should be addressed to Mr. Bolton at the same address until 5 p.m., September 24, 1985.

The board will conduct an open hearing in the Explorer's Room, Second Floor of the Fairmont Hotel, New Orleans, LA, at 2 p.m., Friday, September 27, 1985.

Howard B. Bolton
Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Section 31**

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

It is estimated that the cost of printing and mailing this regulation will be \$1,000.

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

There will be no estimated effect on revenue collections of state or local governmental units.

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

There will be no estimated costs and/or economic benefits to directly affected persons or non-governmental groups.

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

There will be no estimated effect on competition and employment.

Howard B. Bolton
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 a 3.7 percent increase in the Aid to Families with Dependent Children (AFDC) and General Assistance (GA) Need Standards.

R.S. 46:447 of the 1978 Legislature requires that the Office of Family Security establish AFDC and GA Need Standards and that those standards be adjusted each year effective January 1 to reflect the cost of living increase as reported in the Department of Labor's consumer price index.

Rule

The current need standards are shown below along with the new AFDC and GA Need Standards based on a 3.7 percent increase in the cost of living:

Urban-Orleans,
Jefferson,
East Baton Rouge
and
St. Bernard

Size of Household	Non Urban		Urban-Orleans, Jefferson, East Baton Rouge and St. Bernard	
	Current Need Standard	Increased Need Standard	Current Need Standard	Increased Need Standard
1	\$ 200	\$ 207	\$ 217	\$ 225
2	373	386	416	431
3	528	547	579	600
4	658	682	712	738
5	783	811	841	872
6	899	932	958	993
7	1,016	1,053	1,071	1,110
8	1,129	1,170	1,185	1,228
9	1,236	1,281	1,294	1,341
10	1,347	1,396	1,403	1,454
11	1,465	1,519	1,522	1,578
12	1,585	1,643	1,644	1,704
13	1,714	1,777	1,762	1,827
14	1,839	1,907	1,886	1,955
15	1,966	2,038	2,014	2,088
16	2,091	2,168	2,149	2,228
17	2,219	2,301	2,254	2,337
18	2,345	2,431	2,396	2,484

To determine the need standard amount for households exceeding 18 persons, the need standard amount for the number in excess of 18 shall be added to the need standard amount for 18 persons.

GA Need Standard

Size of Household	Current	Increased
1	\$330	\$342
2	\$416	\$431

A copy of this proposed rule and its fiscal and economic impact statement is available for review in each parish in the local Office of Family Security.

A public hearing will be held on this rule change on October 2, 1985, at 9:30 a.m. in the Louisiana State Library Auditorium, Baton Rouge, LA. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing, at said hearing.

Interested persons may submit written comments to the following address: Marjorie T. Stewart, Assistant Secretary, Office of Family Security, Box 44065, Baton Rouge, LA 70804. She is the person responsible for responding to inquiries regarding this proposed rule.

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

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: AFDC/GA Need Standard Increase**

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

There is no additional cost in AFDC or GA as this proposed increase in the need standard will not affect eligibility of applicants or have any effect on existing grants. No new staff or additional administrative costs will be required.

There is no additional cost in GA as the need standard is no longer used as it is related only to GA clients receiving vocational rehabilitation maintenance, which is no longer applicable.

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

There will be no effect on revenue collections.

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

There will be no costs to affected groups.

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

No effect on competition and employment is anticipated.

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 implement the following rule in the Aid to Families with Dependent Children and Refugee Cash Assistance Programs as required by budgetary limitations so that levels of services in certain other departmental programs can be maintained.

PROPOSED RULE

The Office of Family Security proposes to change its method of determining the effective date that Aid to Families with Dependent Children and Refugee Cash Assistance benefits are paid at initial certification when a case is certified effective the month of application. This rule will provide that persons certified for AFDC or RCA benefits in the same month in which they apply will be paid effective the date the eligibility decision is made rather than effective the date of application.

This provision was adopted as an emergency rule effective August 1, 1985 and was published in the August 20, 1985, *Louisiana Register* (Volume 11, Number 8).

Interested persons may submit written comments to the following address: Marjorie T. Stewart, Assistant Secretary, Box 44065, Baton Rouge, LA 70804. She is the person responsible for responding to inquiries regarding this proposed rule. A copy of the proposed rule and its fiscal and economic impact statement is available for review in each local Office of Family Security.

A public hearing on this proposed rule will be held on October 2, 1985, 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.

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

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: AFDC/RCA Date of Entitlement**

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

State funds saved in AFDC benefits paid are estimated at \$167,760 in FY'86, \$183,823 in FY'87 and \$183,823 in FY'88. There will be no State Funds Savings in RCA as the program is 100 percent Federally funded. Administrative costs will be minimal.

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

Federal matching funds for AFDC payments will be reduced by \$297,852 for FY'86, \$324,117 in FY'87 and \$324,117 for FY'88. Federal funds for RCA benefits will be reduced by \$7216 for FY'86, \$7872 for FY'87, and \$7872 for FY'88.

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

Approximately 401 AFDC and 8 RCA families per month will receive reduced benefits for their initial month of certification as a result of this change. The average reduction will be \$105.55 for AFDC families and \$82.00 for RCA families.

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

None

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, has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953B to implement the following proposed rule.

PROPOSED RULE

Effective August 1, 1985, the Department of Health and Human Resources, Office of Family Security, will freeze prices for durable medical equipment, prosthetic and orthotic devices, and medical supplies at the 1984/85 levels. Payment for these items will be determined at the lesser of billed charges, area prevailing rate for FY 84/85 or the providers price of record for FY 84/85.

The emergency rule implementing this change effective August 1, 1985, was published in the August 20, 1985, *Louisiana Register*.

Comments

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

Notice of Public Hearing

A public hearing on this proposed rule will be held on October 3, 1985, in the Louisiana State Library Auditorium, 760 Riverside, Baton Rouge, Louisiana, beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views, or arguments, orally or in writing, at said hearing.

Regulatory Exception

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

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

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

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
Total savings will be \$169,594 in 1985-86, \$235,171 in 1986-87 and \$244,578 in 1987-88
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
Federal revenues will be reduced as follows:
\$108,489 for FY 85-86; \$150,063 for FY 86-87; and \$156,065 for FY 87-88
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)
The DME providers will experience no increase in reimbursement for covered services.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
There will be no effect on either competition or employment.

Marjorie T. Stewart
Assistant Secretary

David W. Hood
Legislative Fiscal Analyst

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Mandatory Telephone Standard**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
The cost is \$50 (\$25 federal and \$25 state) in FY 85-86, 86-87, 87-88. Any increase in Food Stamp benefits to recipients is 100 percent federally funded.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
There is no effect on revenue collections.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)
Administrative procedures will be streamlined as these household's actual cost for the basic service of one phone will not have to be verified. This is very error prone now with the change in the phone companies and the bills. Very little impact to recipients is expected.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
There is 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 Food Stamp Program as provided for in Federal Regulation 7 CFR 273.9(d)(6).

PROPOSED RULE

Effective November 1, 1985, all Food Stamp households who claim actual utility costs rather than the standard utility allowance shall use a mandatory standard telephone allowance of \$17. Each October 1 thereafter, the mandatory standard telephone allowance shall be adjusted to reflect changes in the cost of basic telephone services.

The Office of Family Security will conduct an annual statewide survey of telephone companies to determine the average monthly cost of basic telephone services. This methodology is subject to approval by the United States Department of Agriculture Food and Nutrition Service. The standard allowance developed shall also be submitted to USDA FNS for approval.

Interested persons may submit written comments to the following address: Marjorie T. Stewart, Assistant Secretary, Box 44065, Baton Rouge, LA 70804. She is the person responsible for responding to inquiries regarding this proposed rule. A copy of the proposed rule and its fiscal and economic impact statement is available for review in each local Office of Family Security.

A public hearing on this proposed rule will be held on October 2, 1985, in the Louisiana State Library Auditorium, 760 Riverside North, 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.

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

NOTICE OF INTENT

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

The Department of Health and Human Resources, Office of Family Security proposes to implement the following rule in the General Assistance Program as required by current budgetary limitations so that levels of services in certain other departmental programs can be maintained.

PROPOSED RULE

The Department of Health and Human Resources, Office of Family Security proposes to discontinue accepting applications for its General Assistance Program with the benefits currently being paid phased out and to eliminate all expenditures under the Program no later than June 30, 1986.

This provision was adopted as an Emergency Rule effective August 1, 1985 and was published in the August 20, 1985, *Louisiana Register*, (Volume 11, Number 8).

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

A public hearing on the proposed rule will be held on October 2, 1985 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.

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

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Phase-Out of General Assistance**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
Implementation will result in total savings of \$2,184,436 for FY '86, \$4,656,138 for FY '87, and \$4,656,138 for FY '88.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
Implementation will result in receipt of an additional \$235,440 in Federal Funds for FY '86, \$470,880 for FY '87, and \$470,880 for FY '88 as the result of operating expenses which had been allocated to the program through Random Moment Sampling now being eligible for 50 percent Federal funding.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)
Three thousand, one hundred thirty-four General Assistance cases receiving an average monthly payment of \$91.00 will be terminated by June 30, 1986.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
None.

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 amend the reimbursement methodology for inpatient hospital services to limit reimbursement for currently exempt units (neonatal/pediatric intensive care, burn and transplant units) to three times the target rate per discharge.

Summary

The medical assistance program currently exempts neonatal/pediatric intensive care unit, burn unit and transplant unit services from the target rate limitation applicable to inpatient hospital services. Reimbursement of these services is based on allowable costs in accordance with Medicare principles of reimbursement. Effective for cost reporting periods beginning August 1, 1985, these services shall be capped at three times the hospital's target rate per discharge applicable to all other discharges.

Current budgetary limitations require that the proposed change be implemented in order that current levels of services in certain other departmental programs may be maintained. Emergency rulemaking has been invoked to implement this policy for cost reporting periods beginning August 1, 1985. The emergency rule implementing this change effective August 1, 1985, was published in the August 20, 1985, issue of the *Louisiana Register*.

Comments

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

Notice of Public Hearing

A public hearing on this proposed rule will be held on October 3, 1985, 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.

Proposed Rulemaking

Effective for cost reporting periods beginning August 1, 1985, the medical assistance program shall amend the reimbursement methodology for inpatient hospital services to limit the allowable costs for neonatal/pediatric intensive care unit, burn unit and transplant unit services to three times the hospital's target rate per discharge. These costs shall no longer be passed through and reimbursed 100 percent of allowable costs unless costs are less than three times the hospital's target rate.

Regulatory Exception

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

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

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Cap "Carve-Out" Units**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
Projected savings for fiscal year 1985-86 is based on 11 months effecting cost reporting periods beginning August 1, 1985. Implementation of this proposed rule will result in a savings of \$2,841,852 in FY 85-86; \$2,985,359 in FY 86-87; and, \$3,136,120 in FY 87-88.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
Implementation of this proposed rule will result in a reduction in federal funds of \$1,817,933 in FY 85-86; \$1,904,958 in FY 86-87; and, \$2,001,158 in FY 87-88.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)
Hospitals with "carve-out" units shall be limited in reimbursement for these services. Impact will vary depending on Medicaid utilization with a statewide reduction in revenues of \$2,841,852 in FY 85-86; \$2,985,359 in FY 86-87; and \$3,136,120 in FY 87-88.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
There is no known 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 delete chiropractic services as a covered service under the Medical Assistance Program.

Summary

Chiropractic services is an optional program service under Title XIX (Medicaid) of the Social Security Act. The current program provides for up to six chiropractic services per recipient per

calendar year. This proposed rule will eliminate program coverage for chiropractic services.

Current budgetary limitations require that the proposed change be implemented in order that current levels of services in certain other Departmental programs may be maintained. Emergency rulemaking has been invoked to implement this policy beginning August 1, 1985. The emergency rule implementing this change effective August 1, 1985, was published in the August 20, 1985, issue of the *Louisiana Register*.

Comments

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

Notice of Public Hearing

A public hearing on this proposed rule will be held on October 3, 1985, 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.

Proposed Rulemaking

Effective August 1, 1985, the Medical Assistance Program will eliminate program coverage for chiropractic services.

Regulatory Exception

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

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

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Delete Chiropractic Service

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

Projected savings for fiscal year 1985-86 is based on 10 months. The emergency rule was effective August 1, 1985, therefore the savings equal 11 months minus 1 month for a claims submittal and processing backlog. The savings for FY 85-86 are \$18,333; FY 86-87 are \$22,880; and FY 87-88 are \$23,793.

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

Federal revenues will be reduced as follows: FY 85-86 - \$11,727; FY 86-87 - \$14,600; and FY 87-88 - \$15,182.

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

Recipients of Medicaid would no longer be covered for six chiropractic services per recipient per calendar year. Only recipients who utilize chiropractic services and the Chiropractors would be affected by the proposed change.

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

Chiropractors will no longer be reimbursed by the Medicaid program for services rendered to recipients.

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.

Summary

Current program policy provides medical vendor payment to providers of non-emergency transportation services. Payment is at the provider's usual rate not to exceed the maximum established for each class of provider, minus the amount which is covered by any third-party coverage the recipient may have. This proposed rule will place an additional limit in that the program will no longer pay for wait time for non-emergency medical transportation providers who have to wait at a medical provider's office for a recipient. Current budgetary limitations require that the following changes be implemented in order that levels of services in other departmental programs be maintained. An emergency rule, implementing this change is being published simultaneously with this Notice of Intent.

Proposed Rulemaking

Effective August 9, 1985, the Medical Assistance Program will no longer pay for wait time for non-emergency medical transportation providers who have to wait at a medical provider's office for a recipient.

Comments

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

Notice of Public Hearing

A public hearing on this proposed rule will be held on October 3, 1985, in the Louisiana State Library Auditorium, 760 Riverside, Baton Rouge, LA, beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views, or arguments, orally or in writing, at said hearing.

Regulatory Exception

Implementation of this rule is subject to approval by the Health Care Financing Administration (HCFA) as required for all Title XIX policy changes. If disapproved by HCFA, the policy prior to this change shall 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: Delete Wait Time Payment

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

There will be a savings to the program for 1985-86 of \$414,120; for 1986-87 of \$514,814 and 1987-88 of \$536,667. This represents a 100 percent savings in the payment of wait time as this payment category is being eliminated.

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

There will be a reduction in the receipt of Federal matching funds for Title XIX medical transportation as follows:

1985-86 - \$264,912
1986-87 - \$329,779
1987-88 - \$342,453

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

Title XIX Transportation providers will no longer receive payment for time spent waiting for recipients at a medical provider's office.

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

There will be no effect on competition and employment as a result of the proposed rule.

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 amend Medical Assistance Program policy to delete the provision for a second pair of adult dentures within a five year period when certain conditions are met.

Summary

Current program policy provides for one pair of adult dentures every five years and a second pair within this period if there are extenuating circumstances, such as theft. This rule will eliminate the provision for a second pair of adult dentures within the five-year period under any circumstances.

Current budgetary limitations require that the proposed changes be implemented in order that current levels of services in certain other Departmental programs may be maintained. Emergency rulemaking has been invoked to implement this policy beginning August 1, 1985. An Emergency Rule implementing this change was published in the August 20, 1985, *Louisiana Register*.
Comments

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

Notice of Public Hearing

A public hearing on this proposed rule will be held on October 3, 1985, 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.

Proposed Rulemaking

Effective August 1, 1985, the Medical Assistance Program will pay for only one pair of adult dentures within a five-year period. There are no provisions for exemptions to this policy.

Regulatory Exceptions

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

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

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

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

Projected Savings for fiscal year 1985-86 is based on

10 months. The Emergency Rule was effective August 1, 1985, therefore the savings equals 11 months minus 1 month for a claims submittal and processing backlog. With an estimated occurrence factor of 101 sets of dentures for 10 months and a cost of \$530 per set, the savings estimate for FY 85-86 is \$53,530, for FY 86-87 is \$65,720, and for FY 87-88 is \$67,310.

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

Federal revenues will be reduced by \$34,243 for FY 85-86; \$41,936 in FY 86-87; and \$42,950 in FY 87-88.

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

Recipients will be affected to the extent that in the event they lose the dentures provided with Medicaid funds they will be responsible for replacing them at their own expense or will be required to wait the balance of the five year period for replacement through Medicaid funds.

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

No effect on competition and employment is anticipated.

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 amend policy in the Medical Assistance Program to limit reimbursement for inpatient hospital services by out-of-state providers to 72 percent of billed charges.

Summary

The Medical Assistance Program currently reimburses inpatient services provided by out-of-state hospitals in accordance with that state's Medicaid reimbursement methodology. The majority of these providers are reimbursed either a per diem or a percentage of billed charges ranging from 85 to 95 percent. This frequently results in out-of-state providers being reimbursed more than in-state providers. Therefore, reimbursement to out-of-state providers is being amended for payment to be made at 72 percent of billed charges based on the current cost to charges ratio.

Current budgetary limitations require that the following change be implemented in order that current levels of services in certain other departmental programs may be maintained. Emergency rulemaking has been invoked to implement this policy effective August 1, 1985, and was published in the August 20, 1985, *Louisiana Register*.
Comments

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

Notice of Public Hearing

A public hearing on this proposed rule will be held on October 3, 1985, 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.

Proposed Rulemaking

Effective August 1, 1985, the medical assistance program shall amend the reimbursement methodology for out-of-state hospitals enrolled as Medicaid providers to provide that payment for inpatient services shall be 72 percent of billed charges.

Regulatory Exception

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

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

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Hospital Reimbursement Out of State

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
Projected savings for FY 85-86 is based on nine months. The emergency rule was effective for services beginning August 1, 1985; therefore, savings equal 11 months minus two months for a claims submittal and processing backlog. Implementation of this proposed rule will result in a reduction in expenditures for inpatient hospital services in the amount of \$279,036 in FY 85-86; \$386,926 in FY 86-87; and, \$402,403 in FY 87-88.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
Implementation of this proposed rule will result in a reduction of \$178,499 in federal funds in FY 85-86; \$246,897 in FY 86-87; and, \$256,773 in FY 87-88, as a result of the reduction in expenditures for those services.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)
Out-of-state hospitals in border areas utilized by Louisiana Medicaid recipients could have Medicaid revenues decreased because of the proposed rule if their current payment rate exceeds the current cost to change ratio of 72 percent for in-state hospitals. The impact of this change statewide is estimated to reduce Medicaid reimbursement to out-of-state hospitals by \$279,036 in FY 85-86.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
Out-of-state hospitals may withdraw as providers if reimbursement is deemed inadequate. Recipients would thus be forced to utilize in-state hospitals for medical care.

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 amend service limitations for inpatient hospital services to eliminate the provision for additional days beyond the 15 day limit.

Summary

Medical Assistance Program policy currently provides for additional inpatient hospital days when a recipient exhausts the 15 days per calendar year allowed under the service limitations if the

need for additional days is as the result of a life-threatening emergency and the services are not available from a state charity hospital. The provision for additional days is being eliminated. Current budgetary limitations require that the following change be implemented in order that current levels of services in certain other Departmental programs may be maintained. Emergency rule-making has been invoked to implement this policy effective August 1, 1985, and was published in the August 20, 1985, *Louisiana Register*.

Comments

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

Notice of Public Hearing

A public hearing on this proposed rule will be held on October 3, 1985, in the Louisiana State Library Auditorium, 760 Riverside, Baton Rouge, Louisiana, 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.

Proposed Rulemaking

Effective August 1, 1985, the Medical Assistance Program shall amend the service limitations for inpatient hospital services to eliminate the provision for additional days beyond the 15 day limit. No exceptions to the limit of 15 inpatient hospital days per calendar year per recipient shall be allowed.

Regulatory Exception

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

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

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Delete Hospital Extensions

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
Projected savings for fiscal year 1985-86 is based on nine months. The emergency rule was effective August 1, 1985; therefore, savings equal 11 months minus two months for a claims submittal and processing backlog. Implementation of this proposed rule will result in a savings of \$1,562,810 in FY 85-86; \$2,228,822 in FY 86-87; and \$2,320,217 in FY 87-88.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
Implementation of this proposed rule will result in a reduction of federal funds amounting to \$1,007,928 in FY 85-86; \$1,422,212 in FY 86-87; and \$1,480,217 in FY 87-88.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

The revenue impact of this proposed rule cannot be predicted for individual hospitals other than that the utilization of state charity hospitals will increase. This proposal will reduce program reimbursement statewide by \$1,618,263 in FY 85-86; \$2,228,822 in FY 86-87; and \$2,320,217 in FY 87-88.

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

No effect on competition and employment is anticipated.

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 amend the medical assistance program's reimbursement methodology for inpatient hospital services to delete the provision for incentive payments when the hospital's actual costs do not exceed the target rate limitations.

Summary

The medical assistance program currently reimburses for hospital inpatient services under a target rate per discharge methodology which places a ceiling on the rate of increase in routine operating costs. The hospital's actual cost per discharge is compared to this target rate during the cost settlement process at each hospital's year end. If actual cost per discharge is less than the target rate, an incentive payment of 50 percent of the difference between the rates, not to exceed five percent of the target rate, is made. The provision for incentive payments above the provider's cost is being deleted from the reimbursement methodology. This provision does not affect those units "carved out" from the target rate limitation (neonatal and pediatric intensive care, burn unit and transplant services).

Current budgetary limitations require that the following change be implemented in order that current levels of services in certain other departmental programs may be maintained. Policy was implemented effective August 1, 1985, and was published in the August 20, 1985, issue of the *Louisiana Register*.

Comments

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

Notice of Public Hearing

A public hearing on this proposed rule will be held on October 3, 1985, in the Louisiana State Library Auditorium, 760 Riverside, Baton Rouge, Louisiana, 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.

Proposed Rulemaking

Effective for cost reporting periods beginning on or after August 1, 1985, the medical assistance program is amending its reimbursement methodology for inpatient hospital services to delete the provision for incentive payments when the hospital's actual costs do not exceed the target rate limitation. Hospitals shall be reimbursed for inpatient services the lower of costs or the target rate limitation amount.

Regulatory Exception

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

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

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

**Rule Title: Inpatient Hospital Eliminate
Incentive Payments**

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

Implementation of this proposed rule will result in a savings of \$2,716,064 in FY 85-86; \$2,850,509 in FY 86-87; and, \$2,850,509 in FY 87-88.

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

Implementation of this proposed rule will result in a reduction in federal funds of \$1,737,466 in FY 85-86; \$1,818,910 in FY 86-87; and, \$1,818,910 in FY 87-88.

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

The revenue impact for individual hospitals will vary based on the facility's ability to provide service within its target rate limitation. However, the loss of the average incentive payment of \$26,116 would result in a reduction in revenues for hospitals previously eligible for incentive payments. A statewide savings of \$2,716,064 in FY 85-86; \$2,850,509 in FY 86-87; and, \$2,850,509 in FY 87-88 is anticipated.

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

Hospitals may specialize or become more selective about the types of services offered. Costlier medical services may be shifted to state facilities to prevent costs from exceeding the target rate.

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 amend reimbursement for outpatient hospital services to pay in-state hospitals for interim claim payments at 72 percent of billed charges and limit reimbursement to out-of-state hospitals for outpatient services to 72 percent of billed charges.

Summary

The Medical Assistance Program currently reimburses in-state hospitals for outpatient services the lower of charges or costs except for laboratory services which are limited to the Medicare payment rate. Interim payments on a claim basis has historically been 100 percent of billed charges for all outpatient services until the Medicare fee schedule was implemented for laboratory services in October, 1984. Out-of-state hospitals are reimbursed 85 percent of billed charges with the same exception for laboratory services to be limited to Medicare's payment rate. This rulemaking would reduce interim payments to in-state hospitals and payments to out-of-state hospitals to 72 percent of billed charges with the exception of specific laboratory procedures which will continue to be limited to the Medicare payment rate. This will enhance congruency between interim claim payments and final reimbursement determined at cost settlement for each hospital. Services will not be reduced.

Current budgetary limitations require that the proposed change be implemented in order that current levels of services in certain other departmental programs may be maintained. Emer-

agency rulemaking has been invoked to implement this policy beginning August 1, 1985, and was published in the August 20, 1985, *Louisiana Register*.

Interested persons may submit written comments to the following address: Marjorie T. Stewart, Assistant Secretary, Box 44065, Baton Rouge, LA 70804. She is the person responsible for responding to inquiries regarding this proposed rule. A copy of the proposed rule and its fiscal and economic impact statement is available for review in each local Office of Family Security.

Notice of Public Hearing

A public hearing on this proposed rule will be held on October 3, 1985, in the Louisiana State Library Auditorium, 760 Riverside, Baton Rouge, Louisiana, 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.

Proposed Rulemaking

Effective for hospital outpatient services provided on or after August 1, 1985, interim reimbursement to in-state hospitals and reimbursement to out-of-state hospitals shall be 72 percent of billed charges. Outpatient laboratory services shall continue to be paid the lower of billed charges or the Medicare fee schedule rate for the service. Billed charges, in accordance with federal regulations, must be reasonable and may be either the customary charge of the supplier to all users or the prevailing charge in a locality for comparable services.

Regulatory Exceptions

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

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

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Outpatient Interim Reimbursement

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

Implementation of this proposed rule will result in a one time savings of \$8,150,460 in FY 85-86. Subsequent fiscal years will not experience a savings as the result of the off-set at cost settlement. Audit payouts for inpatient services in subsequent fiscal years will increase as a result of the reduction in claims payments for outpatient services.

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

Implementation of this proposed rule will result in a reduction in \$5,213,849 in federal funds in FY 85-86 because of the one time decrease in outpatient services expenditures in the current fiscal year.

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

The cash flow of hospitals will be decreased because of the reduction in interim payments but final reimbursement shall not be affected. The impact for individual hospitals will vary depending on the utilization of outpatient services. This proposal will reduce program reimbursement to hospitals statewide by \$8,150,460 in FY 85-86.

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

No effect on competition and employment is anticipated.

Majorie 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 reimburse for certain specified surgical procedures only on an outpatient basis with reimbursement established for facilities on a flat fee per service. Payment will be authorized and made by the state agency for these procedures when performed on an inpatient basis only when a documented medical condition(s) exists making an ambulatory setting inappropriate.

Summary

Surgical procedures covered by the program are currently reimbursable if performed in either inpatient and outpatient hospital settings, including ambulatory surgical centers. It is proposed that certain surgical procedures would only be covered by the program if performed in an outpatient (including ambulatory surgical centers) hospital setting unless a patient's medical condition necessitated hospitalization. Reimbursement to the facilities for these services would be flat fee per service rates.

This proposed rule is a cost containment measure to reduce program expenditures to targeted appropriation levels in order that current levels of services in certain other Departmental programs may be maintained.

Comments

Interested persons may submit written comments to the following address: Marjorie T. Stewart, Assistant Secretary, Box 44065, Baton Rouge, LA 70804. She is the person responsible for responding to inquiries regarding this proposed rule. A copy of the proposed rule and its fiscal and economic impact statement is available for review in each local Office of Family Security.

Notice of Public Hearing

A public hearing on this proposed rule will be held on October 3, 1985, 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.

Proposed Rulemaking

Effective for services provided on or after December 1, 1985, the Medical Assistance Program shall reimburse for certain surgical procedures only when performed in an ambulatory (outpatient) setting. Approval for inpatient performance of these procedures will be granted only when one or more of the following exceptive criteria exists, making an ambulatory setting inappropriate, and the criteria is documented in the medical record and is concurred with by the agency:

1. presence of *documented* medical condition(s) which make prolonged pre-and/or post-operative observation by a nurse or skilled medical personnel a necessity;
2. likely to be time consuming or followed by complication;
3. if an unrelated procedure is being done simultaneously which itself requires hospitalization;
4. lack of availability of proper post-operative care;
5. likely that another major surgical procedure could follow the initial procedure (i.e., mastectomy);

6. likely to have technical difficulties as documented by admission or operative notes; and/or

7. carries high patient risk.

A physician (or other practitioner) shall not be paid for the surgery nor shall the hospital be reimbursed for accommodation and ancillary charges related to surgical procedures performed on an inpatient basis for those procedures included on this list unless approved exceptive requirements for hospitalization are not met.

The Office of Family Security shall respond to any request for prior authorization for hospitalization within 30 days of receipt of such request. Prior authorization for any of the specified surgical procedures performed in an inpatient hospital setting on an emergency basis may be requested of the Office of Family Security by the provider submitting a claim for the service accompanied by supporting medical documentation to the Office of Family Security Medical Assistance Division director for review and post authorization.

Reimbursement to facilities for these surgical procedures on an outpatient basis shall be a flat fee per service in accordance with four groupings, not to exceed the Medicare payment rate for these groupings.

SURGICAL PROCEDURES REIMBURSABLE ONLY WHEN
PERFORMED IN AN
OUTPATIENT SURGICAL SETTING UNLESS
PRIOR AUTHORIZED FOR HOSPITALIZATION

I. Integumentary System

Group 1

Surgical Tooth Extraction
Dental Restoration
Alveoplasty
Benign lesion, excision (lipoma)
Skin Biopsy
Fingernail, toenail removal
Malignant lesion, excision (Basal cell, Melanoma)

Group 2

Incision and Drainage
Removal Foreign Body

Group 3

Breast biopsy (incision, excision uni-or bilateral)
Mandible cyst excision, simple
Pilonidal cyst excision, simple, extensive
Skin graft

Group 4

Gynecomastia excision; uni-and bilateral

II. Musculoskeletal System

Group 1

Closed Reduction of Nasal Fracture
Tenotomy, hands, fingers, ankle, feet and toes
Trigger finger Release (tendon Sheath incision for)

Group 2

Phalangectomy (amputation, fingers and toes)
Sequestrectomy
Tendon Sheath Release (De Quervains)
Zygoma (Zygomatic arch) Reduction
Muscle Biopsy

Group 3

Bursectomy
Capsulectomy/capsulotomy (metacarpophalangeal and interphalangeal)

Ganglionectomy (wrist)
Neuroma excision (Morton's and cutaneous and digital nerves)
Osteotomy metatarsal (metatarsal head excision)
Tendon repair without graft, implant or transfer

Group 4

Hammertoe Repair
Boutonniere repair
Bunionectomy
Ligament repair
Neurectomy
Osteotomy
Synovectomy
Arthroscopy
Fasciectomy/Fasciotomy
Arthrodesis
Arthroplasty
Tendon Repair with graft, implant or transfer

III. Respiratory System

Group 1

Bronchoscopy
Excision turbinate
Laryngoscopy
Nasopharyngoscopy

Group 2

Nasal Polypectomy
Antral Window (puncture) (Sinusotomy)

Group 3

Ethmoidectomy
Irrigation Sphenoid Sinus

Group 4

Tonsillectomy
Adenoidectomy (w or w/o tubes)
Frenulectomy
Septal Reconstruction
Submucous Resection (turbinate and nasal septum)
Rhinoplasty

IV. Cardivascular System

Group 1

Temporal Artery, Ligation or biopsy

Group 4

Varicose Vein Ligation

V. Hemic and Lymphatic System

Group 2

Cervical Node (lymph node) biopsy

VI. Digestive System

Group 1

Esophagoscopy
Sigmoidoscopy (also Procto-sigmoidoscopy)
Gastrosocopy
Rectal Dilation
Tongue Biopsy
Incision/Drainage Rectal Abcess

Group 2

Branchial Arch Appendage Excision
Liver Biopsy, percutaneous
Vermilionectomy (Lip peel)
Fistulectomy
Brush biopsy of stomach

Group 3

Colostomy Revision (simple)
Wedge Resection of Lip
Hemorrhoidectomy

Group 4

Peritoneoscopy (mini-laparotomy)
Herniorrhaphy

VII. Urinary System

Group 1

Cystoscopy
Cystourethroscopy
Urethral Dilatation

Group 3

Transurethral Resection of
Bladder
Tumor (Cystourethroscopy w/
operative procedure)

VIII. Male Genital System

Group 1

Testicular Biopsy
Prostate Biopsy
Slitting of prepuce

Group 2

Orchiectomy

Group 3

Hydrocele excision
Circumcision (except newborn)

Group 4

Varicocele repair
Vasectomy

IX. Female Genital System

Group 1

Cervical biopsy
Vaginal biopsy
Vulva (labia) biopsy
Examination under Anesthesia (pelvic)
Vaginal Stenosis Release (Dilatation of
Vagina under Anesthesia)
Culdoscopy (Culdocentesis)
Incision/Drainage Abscess

Group 2

Hysterosalpingogram
Perineoplasty
Vaginal tumor (cyst) excision

Group 3

Colpotomy, with exploration
Dilation and curettage,
diagnostic and/or therapeutic
(nonobstetric)
Dilation and Curettage, Therapeutic,
after abortion

Group 4

Tubal ligation or Occlusion
hymenotomy
Cervical Cauterization
(cryo cautery, and
laser)
Therapeutic Abortion
Laparoscopy

X. Endocrine System

Group 3

Thyroglossal Duct Cyst Removal

XI. Nervous System

Group 3

Neurolysis (including carpal tunnel
decompression)

Group 4

Ulnar Nerve Repair
Ulnar Nerve Transfer

XII. Eye and Ocular Adnexa System

Group 1

Chalazion excision
Discission lens (needling of lens)
Foreign Body Removal
Pterygium (excision or transposition)
Lacrimal duct probing or
reconstruction

Group 2

Canthoplasty
Tarsorrhaphy

Group 3

Ectropion/Entropion repair

Group 4

Cataract extraction
Enucleation, with and without implant
Iridectomy
Eye Muscle Operation (extraocular
muscles, strabismus procedure)

XIII. Auditory System

Group 1

Myringotomy (including aspiration
and/or eustachian tube inflation)
Otoscopy

Group 4

Mastoidectomy, simple (transmastoid
antrotomy)

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

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

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

Rule Title: Outpatient Surgeries

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

Implementation of the proposed rule will result in a savings of \$2,080,801 in FY 85-86; \$4,371,763 in FY 86-87; and, \$4,592,537 in FY 87-88.

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

Implementation of this proposed rule will result in a reduction in federal funds of \$1,331,088 in FY 85-86; \$2,789,622 in FY 86-87; and, \$2,930,498 in FY 87-88.

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

This proposed rule will impact hospitals in varying degrees depending on past practices of admitting patients for procedures medically feasible on an outpatient basis. The impact statewide is a reduction in reimbursement totaling \$2,080,801 in FY 85-86; \$4,371,763 in FY 86-87; and, \$4,592,537 in FY 87-88.

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

Competition between hospitals and ambulatory surgical centers should increase as a result of this proposed rule as both are capable of performing the specified outpatient surgical procedures.

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.

Summary

Current program policy provides medical vendor payment to providers of non-emergency medical transportation services. Payment is at the provider's usual rate not to exceed the maximum established for each class of provider, minus the amount which is covered by any third-party coverage the recipient may have. This emergency rule will place an additional limit in that the program will reduce the amount of pick-up fee paid to profit providers. This change is effective August 9, 1985. Current budgetary limitations require that the following changes be implemented in order that levels of services in other departmental programs be maintained. An emergency rule implementing this change is being published simultaneously with this notice of intent.

Comments

Interested persons may submit written comments to the following address: Marjorie T. Stewart, Assistant Secretary, Box 44065, Baton Rouge, LA 70804. She is the person responsible for responding to inquiries regarding this proposed rule. A copy of the proposed rule and its fiscal and economic impact statement is available for review in each local Office of Family Security.

Notice of Public Hearing

A public hearing on this proposed rule will be held on October 3, 1985, 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.

Proposed Rulemaking

Effective August 9, 1985, the maximum pick-up fee paid to profit medical transportation providers will be reduced as follows:

- \$17.00 two way transport (first occupant)
- 8.50 two way transport (multiple riders)
- 8.50 one way transport (first occupant)
- 4.25 one way transport (multiple riders)

Regulatory Exception

Implementation of this rule is subject to approval by the Health Care Financing Administration (HCFA) as required for all Title XIX policy changes. If disapproved by HCFA, the policy prior to this change shall 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: Reduce Pick-Up-Fee**

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

There will be a savings in 1985-86 of \$300,430; for 1986-87 of \$374,940 and 1987-88 of \$389,357. This is based on data for FY 1984-85. This represents a 15 percent savings in pick-up fees.

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

There will be a reduction in the receipt of Federal Matching Funds for Title XIX medical transportation as follows:

1985-86 - \$192,185
1986-87 - \$239,249
1987-88 - \$248,448

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

There will be a 15 percent reduction in the amount of money received by Title XIX medical transportation providers in the area of pick-up fees.

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

There will be no effect on competition and employment as a result of the proposed rule.

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 implement the following change.

PROPOSED RULE

Effective August 1, 1985, the Department of Health and Human Resources, Office of Family Security will reduce the Personal Care Needs Allowance for Medicaid Recipients in Skilled and ICF Facilities from \$40 to \$25 (\$28 for grandfathered aged recipients). The Reduction of Personal Care Needs will terminate Optional State Supplementation payments of up to \$15.00 a month, effective August 1, 1985. An Emergency Rule implementing this change was published in the August 20, 1985, *Louisiana Register*.

Comments

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

Notice of Public Hearing

A public hearing on this proposed rule will be held on October 3, 1985, in the Louisiana State Library Auditorium, 760 Riverside, Baton Rouge, Louisiana, beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views, or arguments, orally or in writing, at said hearing.

Regulatory Exception

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

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

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Reduction of Personal Care Needs Allowance**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
3. Sources of funding for implementing the proposed rule or rule change.

SOURCE	FY 85-86		FY 86-87		FY 87-88	
	State	Federal	State	Federal	State	Federal
OSS Payments	(\$1,590,435)	0	(\$1,752,300)	0	(\$1,769,940)	0
Title 19 Facility Vendor Payments	(\$ 991,942)	(\$1,761,158)	(\$1,207,602)	(\$2,129,238)	(\$1,219,654)	(\$2,150,486)
TOTAL	(\$2,582,377)	(\$1,761,158)	(\$2,959,902)	(\$2,129,238)	(\$2,989,594)	(\$2,150,486)

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

Revenues from Federal funds will decrease as follows:

FY 85-86	FY 86-87	FY 87-88
\$1,761,158	\$2,129,238	\$2,150,486

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

The proposed rule will result in the elimination of Optional State Supplementation payments of up to \$15.00 to 9,639 OSS recipients. Additionally, 18,354 Title XIX LTC recipients will have their patient liability increased \$15.00 as a result of the decrease in Personal Care Needs allowance. This will result in decreased vendor payments to the LTC facility.

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

No effect on competition and employment is anticipated as a result of the proposed rule.

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 implement the following change.

PROPOSED RULE

Effective August 1, 1985 the Department of Health and Human Resources, Office of Family Security will make payment for orthopedic shoes and/or shoe correction for recipients only when the shoes are attached to braces or when needed to protect gains from surgery or casting. Payment will not be made for orthopedic shoes/corrections for minor orthopedic problems, i.e. pes planus, metatarsus adductus, and internal tibial torsion. Emergency rulemaking has been invoked to implement this change effective August 1, 1985, and was published in the August 20, 1985, *Louisiana Register*.
Comments

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

Notice of Public Hearing

A public hearing on this proposed rule will be held on October 3, 1985, in the Louisiana State Library Auditorium, 760 Riverside, Baton Rouge, LA, beginning at 9:30 a.m. All interested

persons will be afforded an opportunity to submit data, views, or arguments, orally or in writing, at said hearing.

Regulatory Exception

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

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

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

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

Total savings will be \$51,095 in 1985-86, \$70,852 in 1986-87 and \$73,686 in 1987-88.

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

Federal revenues will be reduced by \$32,685 in FY 85-86; \$45,211 in FY 86-87; and \$47,019 in FY 87-88.

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

Eligible recipients in need of orthopedic shoes to correct minor conditions will have to bear the costs themselves or do without the needed shoes.

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

There will be no effect on either competition or 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 Support Enforcement Program:

Proposed Rule

Effective December 1, 1985, the Department of Health and Human Resources, Office of Family Security, shall implement in-state income assignment provision as authorized by R.S. 46:236.3 and as mandated by federal regulation 45 CFR 303.100.

Under the provisions of said statute, upon entry of any or

der for support after October 1, 1985, the court shall enter a separate order for income assignment. For those existing support orders, an income assignment order shall be entered upon motion by a proper party. The income assignment order will be activated whenever the absent parent's arrearage becomes equal to or greater than the amount of support owed monthly.

When the person ordered to pay support becomes delinquent, the department shall serve on the person a verified notice of delinquency, together with forms and instructions to petition to stay service of the income assignment order. If no petition to stay the service is timely filed with the clerk of court, the department will execute the appropriate documents and serve them upon the payor of income.

The payor of income computes the amount to be withheld according to the formula contained in one of the documents that was served. The amount subject to be withheld, however, cannot exceed the percentage of disposable income subject to seizure as defined in R.S. 13:3881 or the federal wage garnishment law.

The forms of income available for assignment include any singular or periodic payment to an absent parent regardless of source, including but not limited to wages, salary, commission, independent contractor compensation, disability, unemployment compensation, annuity and retirement benefits, and any other payments made by any person, private entity, federal or state government, any unit of local government, school district, or any entity created by public act excluding worker's compensation.

The payor of income may deduct a \$3 processing fee from the absent parent's income each pay period during which the income assignment order is in effect. If the payor of income discharges, disciplines or otherwise penalizes a person ordered to pay support because of the duty to withhold income, the payor of income may be liable for the accumulated amount or be subjected to other sanctions.

Interested persons may submit written comments to the following address: Marjorie T. Stewart, Assistant Secretary, Box 44065, Baton Rouge, LA 70804. She is the person responsible for responding to inquiries regarding this proposed rule. A copy of the proposed rule and its fiscal and economic impact statement is available for review in each local Office of Family Security.

A public hearing on this proposed rule will be held on October 2, 1985, in the Louisiana State Library Auditorium, 760 North 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.

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

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

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

Expenditures include development and maintenance costs of operating a system of income assignment of delinquent child support payors. Other expenditures will involve child support payments to non-AFDC families and to AFDC families as required by Deficit Reduction Act (DEFRA), as well as collection incentives to District Attorneys. Implementation costs include operating services and supplies including forms printing, postage for mailing notices, and manual material needed for staff. Total implementation costs are expected to be \$2,066,500 for SFY 85/86; \$3,800,520 for SFY 86/87; and, \$4,104,511 for SFY 87/88.

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

Income assignment will provide an efficient and effective method of collecting delinquent child support obligations. Self-generated funds to the agency will be increased by \$2,548,000 in SFY 85/86; \$4,717,440 in SFY 86/87; and, \$5,094,600 in SFY 87/88. These funds will be generated through an increase in both non-AFDC and AFDC collections.

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

In order to initiate withholding, the state must send the absent parent's employer a notice explaining the amount to be withheld, that he may deduct up to \$3 a pay period for the income as a fee for his involvement, and that the employer is liable for the accumulated amount of child support that should have been withheld if he fails to withhold in accordance with state law. The clerks of court in Louisiana shall certify that the absent parent has not filed a petition to stay service, and shall provide the department representative a certified copy of the income assignment order and notice of delinquency.

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

There is 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, proposed to adopt the following rule in the Support Enforcement Program.

Proposed Rule

Effective December 1, 1985, the Department of Health and Human Resources, Office of Family Security, shall implement interstate income assignment as authorized by R.S. 46:236.4 and mandated by Federal Regulation, 45 CFR 303.100.

The provisions of said statute provide for the enhanced enforcement of support obligations by providing a quick and effective procedure for the withholding of income derived in the jurisdiction to enforce a support order of another jurisdiction and requires that income withholding, to enforce a support order of this jurisdiction, be sought in another jurisdiction. The initiation of income assignment is available upon application of a resident of this state, an obligee or an obligor of a support order issued by this state or an agency to whom the obligee has assigned support rights. An application fee may be imposed.

Upon receipt of a support order of another jurisdiction, the department shall file the appropriate documents with the clerk of court in which income assignment is being sought. The court then serves upon the absent parent a notice of the proposed income assignment order and schedules a hearing in the event the income withholding is contested.

The forms of income available for assignment include any singular or periodic payment to an absent parent regardless of source, including but not limited to wages, salary, commission, independent contractor compensation, disability, unemployment compensation, annuity and retirement benefits, and any other payments made by any person, private entity, federal or state government, any unit of local government, school district, or any entity created by public act excluding worker's compensation.

When the income assignment procedure is initiated in this

state concerning income to be withheld in another state, the department shall require the beneficiary of our services to execute a IV-D application. In the situation where the custodial parent applies for IV-D services related to income assignment, the department will notify the IV-D agency of the state in which the absent parent is employed to implement interstate withholding.

Any out-of-state party requesting the department's services to effectuate an income assignment in this state must be processed through the IV-D agency in that initiating state. The department acknowledges the right of any out-of-state party to apply directly to Louisiana courts for income assignment, however.

Interested persons may submit written comments to the following address: Marjorie T. Stewart, Assistant Secretary, Box 44065, Baton Rouge, LA 70804. She is the person responsible for responding to inquiries regarding this proposed rule. A copy of the proposed rule and its fiscal and economic impact statement is available for review in each local office of Family Security.

A public hearing on this proposed rule will be held on October 2, 1985, in the Louisiana State Library Auditorium, 760 North Riverside, Baton Rouge, Louisiana, 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.

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

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Interstate Income Withholding

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

Expenditures include child support payments to non-AFDC and AFDC payees of interstate cases, including refunds required by the Deficit Reduction Act. Also included are collection incentives to district attorneys. Implementation costs include forms and manual pages printing, postage for mailing notices to the affected population, and envelopes for notices. Total implementation costs are expected to be \$409,823 for SFY 85/86; \$754,951 for SFY 86/87; and \$815,697 for SFY 87/88.

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

Interstate income assignment will provide an efficient and effective method of collecting delinquent child support obligations. Self-generated funds to the agency will be increased through non AFDC collections and AFDC collections. Funds include \$427,770 for SFY 85/86; \$729,000 for SFY 86/87; and \$855,672 for SFY 87/88.

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

Approximately 747 non-AFDC cases in SFY 85/86, 807 cases in 86/87, and 872 cases in 87/88 may receive additional child support funds resulting from this rule. Approximately 129 AFDC cases in SFY 85/86, 139 cases in 86/87 and 150 cases in 87/88 may receive additional child support refunds (DE-FRA) resulting from this rule.

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

No effect on competition and employment is expected.

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 Support Enforcement Program.

Proposed Rule

The Department of Health and Human Resources, Office of Family Security, shall implement collection of past-due support by federal tax refund offset for non-AFDC child support cases effective December 1, 1985, as mandated by federal regulation, 45 CFR 303.72.

The IV-D agency shall verify that the amount of past-due support is not less than \$500 and that the name and social security number of the absent parent are correct when the IV-D agency submits a magnetic tape on non-AFDC cases in order for federal tax (IRS) offset to take place.

The IV-D agency shall deduct the processing fee imposed by the Internal Revenue Service from each non-AFDC payee's offset refund check to cover processing costs.

Interested persons may submit written comments to the following address: Marjorie T. Stewart, Assistant Secretary, Box 44065, Baton Rouge, LA 70804. She is the person responsible for responding to inquiries regarding this proposed rule. A copy of the proposed rule and its fiscal and economic impact statement is available for review in each local Office of Family Security.

A public hearing on this proposed rule will be held on October 2, 1985, 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.

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

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Non-AFDC Federal Tax Offset

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

Estimated administrative costs total \$100 for SFY 85/86 only. Other charges represent an increase in non-AFDC distributions of \$1,636,139 in SFY 85/86, \$2,101,254 in SFY 86/87, and \$2,290,512 in SFY 87/88. Also included in other charges are \$16,198 in SFY 85/86, \$17,658 in SFY 86/87; and, \$19,248 in SFY 87/88, which represents a \$3.20 processing fee deducted from each non-AFDC payee's refund check to cover processing costs.

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

Federal Tax (IRS) refund offset policy will provide an efficient and effective method of collecting past-due support for non-AFDC child support cases. Revenue will be generated through these non-AFDC collections in amounts equal to the non-AFDC distributions and processing fees described in I. above.

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

Estimated benefits include an average \$384 annual refund to approximately 5,062 non-AFDC payees for SFY 85/86, 5,518 non-AFDC payees for SFY 86/87 and 6,015 non-AFDC payees for SFY 87/88. These 5,062 payees represent approximately 36 percent of the 14,060 cases to be referred

for IRS offset. Estimated economic costs include the reduction of tax refunds by \$384 annually to approximately 5,062 delinquent absent parents in the first year; 5,518 in the second year; and, 6,015 in the third year.

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

There is 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 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 services to be effective November 20, 1985. The proposed changes will be made to the rule published in Volume 11, Number 4, of the *Louisiana Register*, April 20, 1985. It will replace the resource goal for home health services which requires that proposals to provide home health services indicate that the proposed agency will meet licensing requirements and medicare certification criteria.

The proposed resource goal will exempt applicants seeking private payor only funds from meeting medicare certification criteria.

The home health services policies and guidelines will also make appropriate references to R.S. 40:2009.31 through 40:2009.39 as provided for in Act 912 of the 1985 Louisiana Regular Legislative Session.

A public hearing will be held on Friday, October 4, 1985, at 10 a.m. at the State Library Auditorium, 760 Riverside, Baton Rouge, La. Interested persons may submit written comments on the proposed change until October 15, 1985, at the following address: Joseph Ross, 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 Services Policies and Guidelines

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
No costs or savings are predicted as a direct result of changes in the resource goal.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
This rule amendment will not affect revenue collections of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)
As this is a change in policies and procedures only, no cost or benefit is expected to affect persons in non-governmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
As this is a change in policies and procedures only, no effect on competition and employment is anticipated.

Sandra L. Robinson
Secretary and State Health Officer

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 Division of Health and Human Resources, Office of Management and Finance, Division of Policy, Planning and Evaluation, proposes to amend the section of the Louisiana State Health Plan on long term care. The amendment changes the adjustment for inaccessibility due to poor quality of care to allow 60 days for the facility to obtain reenrollment, recertification and relicensure prior to the revocation of its Section 1122 approval.

This amendment was published as an emergency rule in the June 20, 1985, *Louisiana Register* in accordance with the Administrative Procedure Act, R.S. 49:953B, to prevent the necessity of forced removal of Medicaid patients from nursing homes which have been disenrolled, decertified or delicensed, if the facility regains enrollment, certification and licensure within 60 days. With this change, the possibility of 10 to 15 percent mortality from "transfer trauma," and the possibility that the nursing home patient would have to be moved out of the parish of residence could be avoided. This notice of intent will initiate the procedure to adopt this revision as a final rule.

This proposed rule amends the last sentence of the first paragraph on page 9-65 of the 1985-90 State Health Plan. It will read:

"The beds of the facility which was disenrolled, decertified or delicensed shall be excluded in computing the adjusted occupancy rate and the Section 1122 approval for such facility shall be revoked unless the facility obtains reenrollment, recertification and relicensure within 60 days of the loss of such approvals."

A public hearing will be held on this proposed rule on Friday, October 4, 1985, at 10 a.m. at the State Library Auditorium, 760 Riverside, Baton Rouge, LA. Interested persons may submit comments on the proposed change at any time before October 15, 1985, to the following address: Joseph Ross, Administrator, Division of Policy, Planning and Evaluation, 200 Lafayette St., Suite 406, Baton Rouge, LA 70801. Copies of the notice of intent may also be obtained at this address.

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

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

- 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.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
There will be no estimated effect on revenue collections of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)
There will be no estimated costs and/or economic benefits to directly affected persons on non-governmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
There will be no estimated effect on competition and employment.

Sandra L. Robinson
Secretary and State Health Officer

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 Resource, Office of Management and Finance, Division of Policy, Planning and Evaluation, proposes to adopt the following change to the 1985 - 1990 Louisiana State Health Plan to be effective November 20, 1985. The proposed change will be made to the rule published in Volume 11, and Number 4, of the *Louisiana Register*, April 20, 1985. It will replace the resource goal for home health services which requires that proposals to provide home health services indicate that the proposed agency will meet the licensing requirements and medicare certification criteria.

The proposed resource goal will exempt applicants seeking private pay or only funds from meeting medicare certification criteria.

A public hearing will be held on Friday, October 4, 1985, at 10 a.m. at the State Library Auditorium, 760 Riverside, Baton Rouge, La. Interested persons may submit written comments on the proposed change until October 15, 1985, at the following address: Joseph Ross, 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: Louisiana State Health Plan 1985-1990

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

No costs or savings are predicted as a direct result of changes in the resource goal.

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

This rule amendment will not affect revenue collections of state or local governmental units.

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

This rule amendment may effect the decision of entrepreneurs to apply as private payor only home health services agencies if requirements are lessened but it is impossible to estimate the magnitude of these benefits.

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

There may be an increase in the number of private payor only home health services agencies if the requirement of meeting medicare certification criteria is removed, but it is impossible to estimate the magnitude of this impact.

Sandra L. Robinson 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 in accordance with the Louisiana Administrative Procedure Act, R.S. 49:950-970 intends to adopt, effective November 20, 1985, the following rule on client eligibility for the Dental Clinical Program.

Definitions I

1. *Family*—A family is a group of two or more persons related by birth, marriage, or adoption who reside together; all such related persons are considered as members of one family. (If a household includes more than one family and/or more than one unrelated individual, the guidelines are applied separately to each family and/or unrelated individual and not to the household as a whole.)

2. *Family Unit of Size One*—In conjunction with the income guidelines, a family unit of size one is an unrelated individual (as defined by the Census Bureau) i.e., a person 15 years old or over (other than an inmate of an institution) who is not living with any relatives. An unrelated individual may be the sole occupant of a housing unit (or in group quarters such as a roominghouse) in which one or more persons also reside who are not related to the individual in question by birth, marriage, or adoption. (Examples of unrelated individuals residing with others include a lodger, a foster child, a ward, or an employee.)

3. *Income*—Refers to total annual cash receipts before taxes from all sources. (Income data for a part of a year may be annualized in order to determine eligibility.) Income includes money wages and salaries before any deductions, but does not include food or rent in lieu of wages. Income also includes net receipts from nonfarm or farm self-employment (receipts from a person's own business or farm after deductions for business or farm expenses.) Income includes regular payments from social security, railroad retirement, unemployment compensation, workers' compensation, strike benefits from union funds, veterans' benefits, public assistance (including Aid to Families with Dependent Children, Supplemental Security Income, and General Assistance money payments), training stipends, alimony, child support, and military family allotments or other regular support from an absent family member or someone not living in the household; private pensions, and regular insurance or annuity payments; and income from dividends, interest, rent, royalties, or periodic receipts from estates or trusts.

For eligibility purposes, income does not include the following money receipts: capital gains; and assets drawn down as withdrawals from a bank, the sale of property, a house, or a car; tax refunds, gifts, lump-sum inheritances, one-time insurance payments, or compensation for injury. Also included are noncash benefits, such as the employer-paid or union-paid portion of health insurance or other employee fringe benefits, food or rent received in lieu of wages, the value of rent from owner-occupied nonfarm or farm housing, and such federal programs as Medicaid, food stamps, or public housing.

Primary Dental Care Clinics II

A. Name and Location:

1. Caddo Parish Health Unit Dental Clinic, 2327 David Raines Road, Shreveport, Louisiana 71107;

2. Dental trailer number 1, State Planning District Number 5, which includes the following parishes: Allen, Beauregard, Calcasieu, Cameron and Jefferson Davis. The dental trailer is rotated to the various parish health units within the district;

3. Dental trailer number 2 State Planning District Number 3, which includes the following parishes: Assumption, Lafourche, St. Charles, St. James and Terrebonne. The dental trailer is rotated to the various health units within the district.

4. Jefferson Parish Health Unit Dental Clinic (east-bank), 111 North Causeway Boulevard, Metairie, LA 70001;

5. Jefferson Parish Dental Clinic (west-bank), 1901 Eighth Street, Harvey, LA 70058; and

6. Rapides Parish Dental Clinic, 1200 Texas Avenue, Alexandria, LA

B. Objectives, Scope of Activities and Charges

1. The objectives of this program are to effectively coordinate and administer dental care offered to children of low income families, to improve the quality and increase the quantity of the services and to raise the dental awareness in the community.

2. Treatment, corrections and other activities offered include:

- a) complete examination and diagnosis, including radiographs;
- b) elimination of pain and infection;
- c) preventive services including prophylaxis, topical fluoride treatment and oral hygiene instruction;
- d) restoration of carious or fractured teeth and treatment of injuries to soft tissues;
- e) elimination of disease of bone and soft tissues;
- f) maintenance or recovery of space when this service will have an effect on occlusion;
- g) treatment of injuries; and
- h) emergency treatment

3) No charges will be made for dental care at the clinics, except to the extent that payments will be made by a third party (including a government agency) which is authorized or under legal obligation to pay such charges.

C. Eligibility

1. Any family residing in Louisiana which is eligible and which requests dental services for its children may receive services at any of the clinic sites. (see appendix Number 1 for income guidelines). Children who are presently enrolled in the State's Handicapped Children's Program or the State's EPSDT Program are also eligible. Parents or guardians must present evidence demonstrating the child's eligibility in these programs.

2. Persons 18 years of age or under are eligible.

3. All age-eligible patients, regardless of income, will be afforded screening and emergency services from the clinics.

4. Services will be made available without the imposition of any duration-of-residence requirement.

5. Other siblings in a family with a handicapped child are eligible if the family qualifies under the income guidelines.

Special Dental Clinic: Handicapped Children's Dental Clinic
200 Henry Clay Avenue, New Orleans, Louisiana 70118 III

A. Objectives, Scope of Activities and Charges

1. The objectives of this program are to effectively coordinate and administer dental care offered to children in the state's Handicapped Children's Program and to improve the quality and increase the quantity of the services.

2. Comprehensive dental care is provided.

3. Oral surgery, hospitalization and operating room services are provided by the Handicapped Children's Program.

4. No charges will be made for dental care at the Handicapped Children's Dental Clinic except to the extent that payments will be made by a third party (including a government agency) which is authorized or under legal obligation to pay such charges.

B. Eligibility

1. Children registered in the State's Handicapped Children's Program are eligible.

2. Persons must be 20 years of age or under to be eligible.

3. Persons with a handicapping condition are eligible to receive diagnostic and emergency dental services.

4. A waiver of guidelines may be granted by the chief, Dental Health Section, to handicapped children of low income families (see appendix number 1) who are not otherwise eligible for the Handicapped Children's Program because they suffer from a handicapping condition which is not treated by the program.

5. Other siblings in a family with a child on the Handicapped Children's Program are not eligible for this clinic.

Appendix Number 1

Department of Health and Human Resources Office of Preventive and Public Health Services Dental Health Section

INCOME GUIDELINES FOR DENTAL PROGRAM ELIGIBILITY

The annual family income listed in the right hand column is the maximum allowable for the family size number listed in the opposite left hand column.

Family Size	Annual Family Income
1	\$ 6,825
2	9,165
3	11,505
4	13,065
5	16,185
6	18,525
7	20,865
8	23,205

For family units or more than eight members add \$1,800 to annual income for each additional member.

Comments on the proposed rule may be submitted to Dr. Daneta D. Bardsley, Assistant Secretary, Office of Preventive and Public Health Services, Room 513, State Office Building, 325 Loyola Avenue, New Orleans, LA 70119.

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

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Dental Clinical Program

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

There is no increase in costs nor savings to the state or local governmental units.

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

There is no effect on revenue collections of the state and local governmental units.

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

There is no cost to the family. The child recipient benefits in better over-all health; the family benefits in lower medical and dental bills.

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

Since the families in the published income bracket are not able to afford regular preventive services, there is no effect on competition in the private sector of dentistry.

Daneta Daniel Bardsley
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

The Office of Preventive and Public Health Services (OPPHS) intends to adopt a rule which allows a minor (a person under 18 years of age) who has sought treatment on his own at an OPPHS clinic to refuse treatment and release OPPHS from re-

sponsibility when the minor desires to decline the recommended treatment and such treatment is not otherwise required by law. This is consistent with (a) the provisions of LSA-R.S. 40:1299.53(e) and 40:1299.56 allowing an adult or any pregnant female to refuse treatment for himself or herself; (b) LSA-R.S. 40:1095 allowing minors to consent to treatment on their own behalf; (c) Rule 14 of the DHHR rules governing the release of medical information, *Louisiana Register*, Volume 5, Number 7, Page 177 (July 20, 1979) which permits, but does not require, a treating physician to inform the spouse, parent or tutor of the minor as to the treatment given or needed; and (d) the requirement for confidentiality of information about individuals receiving family planning services as contained in the *Federal Register*, Volume 45, Number 108, rules and regulations, 59.11.

Further, OPPHS will allow the use of a form in its public health facilities which documents the refusal of treatment and release of OPPHS from responsibility. The forms entitled "Refusal of Treatment and Release from Responsibility" will be used (see Forms A and B).

Nothing in this rule shall be construed to mean that a person of any age may refuse treatment for venereal disease, for which treatment is required by law, viz: R.S. 40:1064, or may refuse to comply with requirements concerning the control of diseases specified in the State Sanitary Code, Chapter II.

FORM B

R.S. 40:1299.53(e) & 40:1095

minor
 DEPARTMENT OF HEALTH AND HUMAN RESOURCES ACTING ON OWN BEHALF
 OFFICE OF PREVENTIVE AND PUBLIC HEALTH SERVICES
 REFUSAL OF TREATMENT AND RELEASE FROM RESPONSIBILITY
 (AMNIOCENTESIS)

PATIENT I.D. NUMBER _____

PATIENT'S DATE OF BIRTH _____

BE IT KNOWN that on this date, I, _____ (NAME OF PATIENT)

have decided voluntarily to disregard the medical advice of the qualified health professionals attending me on behalf of the Office of Preventive and Public Health Services of the Department of Health and Human Resources. The treatment or procedures I am refusing are: _____

I have been fully informed by _____ (EMPLOYEE(S)' NAME(S) AND TITLE(S))

of the possible and probable adverse consequences of my refusal. The reason for my refusal is _____

I declare myself to be mentally competent. I hereby assume full responsibility for any and all possible present or future results or complications due to this refusal.

I do further hereby now and forever free and release the Office of Preventive and Public Health Services of the Department of Health and Human Resources and all of its agents, attending health care professionals and other personnel from any and all legal or financial responsibility as a result of this refusal.

I certify that I have read (or had read to me) and that I fully understand this Refusal of Treatment and Release from Responsibility. All explanations were made to me and all blanks filled in before I signed my name. I have refused this treatment of my own free will.

MONTH _____ DAY _____ YEAR _____ TIME AM/PM _____

SIGNATURE OF PATIENT _____

WITNESS (OTHER THAN NAMED EMPLOYEE) _____ WITNESS (OTHER THAN NAMED EMPLOYEE) _____

NAMED EMPLOYEE _____ OTHER NAMED EMPLOYEE, IF ANY _____

PHS-32M
6/85

FORM A

R.S. 40:1299.53(e) & 40:1095

minor
 DEPARTMENT OF HEALTH AND HUMAN RESOURCES ACTING ON OWN BEHALF
 OFFICE OF PREVENTIVE AND PUBLIC HEALTH SERVICES
 REFUSAL OF TREATMENT AND RELEASE FROM RESPONSIBILITY

PATIENT I.D. NUMBER _____

PATIENT'S DATE OF BIRTH _____

BE IT KNOWN that on this date, I, _____ (NAME OF PATIENT)

have decided voluntarily to disregard the medical advice of the qualified health professionals attending me on behalf of the Office of Preventive and Public Health Services of the Department of Health and Human Resources. The treatment or procedures I am refusing are: _____

I have been fully informed by _____ (EMPLOYEE(S)' NAME(S) AND TITLE(S))

of the possible and probable adverse consequences of my refusal. I understand that my health could be negatively affected and my life possibly endangered by this refusal. The reason for my refusal is _____

I declare myself to be mentally competent. I hereby assume full responsibility for any and all possible present or future results or complications of my condition due to this refusal.

I do further hereby now and forever free and release the Office of Preventive and Public Health Services of the Department of Health and Human Resources and all of its agents, attending health care professionals and other personnel from any and all legal or financial responsibility as a result of this refusal and my medical condition.

I certify that I have read (or had read to me) and that I fully understand this Refusal of Treatment and Release from Responsibility. All explanations were made to me and all blanks filled in before I signed my name. I have refused this treatment of my own free will.

MONTH _____ DAY _____ YEAR _____ TIME AM/PM _____

SIGNATURE OF PATIENT _____

WITNESS (OTHER THAN NAMED EMPLOYEE) _____ WITNESS (OTHER THAN NAMED EMPLOYEE) _____

NAMED EMPLOYEE _____ OTHER NAMED EMPLOYEE, IF ANY _____

PHS-31M
6/85

Comments regarding the proposed rule should be addressed to: Daneta Daniel Bardsley, Ed.D., Assistant Secretary, 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: Refusal of Treatment and Release from
 Responsibility**

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

Daneta Daniel Bardsley
 Assistant Secretary

Mark C. Drennen
 Legislative Fiscal Officer

NOTICE OF INTENT

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

In accordance with the laws of the State of Louisiana, R.S. 40:4, the state health officer has determined that amendments to the State Sanitary Code, Chapter 13, "Sewage and Refuse Disposal," as adopted on July 24, 1985, by emergency rule, are necessary and should remain in effect.

The predominant changes brought about by these amendments are to those sections of Chapter 13 which have a bearing on minimum lot size and related limitations dealing with the use of individual sewage disposal facilities. The major change provides for reduced minimum lot size requirements within parishes which maintain and enforce a comprehensive permitting system. In addition, the specified changes allow for a more coordinated permitting and approval process.

Due to the volume of Chapter 13 it will not appear in the *Louisiana Register*. Copies will, however, be made available for public review between September 20 and October 7, 1985, at the following locations during normal business hours:

325 Loyola Ave., Room 206 New Orleans, LA	1220 Main Street Baton Rouge, LA
206 E. Third Street Thibodaux, LA	302 Jefferson, Room 612 Lafayette, LA
1309 Common Street Lake Charles, LA	1335 Jackson Street Alexandria, LA
1525 Fairfield Ave., 5th Floor Shreveport, LA	2913 Betin Street Monroe, LA

Comments regarding the proposed rule should be addressed to: Daneta Daniel Bardsley, Ed.D., Assistant Secretary, Office of Preventive and Public Health Services, Department of Health and Human Resources, Box 60630, New Orleans, LA 70160. A public review hearing will be held on October 7, 1985, at 10 a.m. at 325 Loyola Avenue, Room 403, New Orleans, to hear comments on the rule.

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

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Chapter 13 State Sanitary Code

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
Any implementation costs would be minor and would relate to minor changes in parish or local ordinances.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
Some local governmental units may see increased revenue collections due to increased construction/development.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)
Economic benefits should result in the form of more "affordable" land and housing.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
Competition should be stimulated and employment increased due to the anticipated increase in construction/development.

Daneta Daniel Bardsley
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

The Department of Health and Human Resources, Office of Preventive and Public Health Services proposes to adopt on November 20, 1985, the following rule as mandated by U.S. Department of Agriculture in 7CFR Part 246. This rule provides for the Special Supplemental Food Program for Women, Infants and Children policies on patient certification, participation and fair hearing rights.

PROGRAM NARRATIVE

Section 17 of Public Law 95-627 states, "Congress finds that substantial numbers of pregnant, postpartum and breastfeeding women, infants and young children from families with inadequate income are at special risk with respect to their physical and mental health by reason of inadequate nutrition or health care, or both. The program shall serve as an adjunct to good health care, during critical times of growth and development to prevent the occurrence of health problems and improve the health status of these persons."

The WIC Program provides supplemental food, health services and nutrition education for women, infants and children. It is federally funded through the U.S. Department of Agriculture. The Nutrition Section, Office of Preventive and Public Health Services, Department of Health and Human Resources, shall be responsible for the administration of the WIC Program in Louisiana. Extensive regulations have been published by the Food and Nutrition service of the U.S. Department of Agriculture in 7CFR Part 246. Federal regulations stipulate participation requirements, length of certifications, certification processes and standards, patient responsibilities and patient grievance rights.

The Louisiana WIC Program Agency Plan for 1985, including a comprehensive policy and procedure manual, is available for review by any interested party at the Nutrition Section, Office of Preventive and Public Health Services, Room 405, 325 Loyola Avenue, New Orleans, LA 70112.

Patient Participation, Certification and Hearing Rights

I. Definitions

Agency—Office of Preventive and Public Health Services, Department of Health and Human Resources (OPPHS-DHHR).

Agency Plan—Comprehensive implementation and operational manual including criteria and standards for nutritional certification as approved by U.S.D.A.

Authorized Vendor—A vendor who has completed the application process, has submitted a signed and notarized agreement, has been approved by the agency and has been assigned a distinctive five digit vendor number.

Breastfeeding Women—Women up to one year postpartum who are breastfeeding their infants and whose infants may be receiving equal to or less than 16 ounces of supplemental formula per day.

Categorical Eligibility—Pregnant, breastfeeding or postpartum (up to six months) women, infants (birth to one year of age), and children (one year of age to five years of age).

Certification—The implementation of criteria and procedures to assess and document each applicant's eligibility for the program.

Competent Professional Authority—Physicians, nurses, nutritionists employed by the agency, or contract agency, who may determine a patient's eligibility and prescribe the supplemental foods.

CSFP—The Commodity Supplemental Food Program administered by the Nutrition Section, OPPHS-DHHR, and implemented in Orleans Parish by the City of New Orleans Health Department.

Days—Calendar days except for those time standards which specify working days.

Disqualification—The act of ending the WIC Program participation of a participant, authorized vendor, or contract agency.

Dual Participation—Simultaneous participation in the WIC Program in more than one local health unit, or participation in the Program and the CSFP during the same period of time.

Family—A group of related or nonrelated individuals who are not residents of an institution but who are living together as one economic unit.

Fair Hearing—A procedure by which a participant, authorized vendor or contract agency may appeal an adverse decision rendered by the agency.

Food Package—Those foods, in the designated, quantities, which are listed on the voucher.

Health Services—Ongoing, routine pediatric and obstetric care (such as infant and child care and prenatal and postpartum examinations) or referral for treatment.

Health Unit Staff—Personnel employed to work at the local health unit.

Income Guideline—The income guideline is 140 percent of poverty level as set out by the Family Planning Program, Office of Preventive and Public Health Services, Department of Health and Human Resources in the *Louisiana Register*, Vol. 11, No. 8. Guidelines are as prescribed by the Department of Health and Human Services and are revised annually to be implemented by July 1 of each year.

Infants—Persons under one year of age.

Local Health Unit—A facility, including those contracting with the agency, within the parish that provides health services including WIC services under the authority of the Office of Preventive and Public Health Services, Department of Health and Human Resources.

Migrant—An individual whose principal employment is in agriculture on a seasonal basis, who has been so employed within the last 24 months, and who establishes, for the purposes of such employment, a temporary abode.

Nutrition Education—Individual or group education sessions that provide information and educational materials designed to improve health status, achieve positive change in dietary habits, and emphasize relationships between nutrition and health, all in keeping with the patient's personal, cultural and socioeconomic preferences.

Nutritional Risk—This includes (a) detrimental or abnormal nutritional conditions detectable by biochemical or anthropometric measurements; (b) other documented nutritionally related medical conditions; (c) dietary deficiencies that impair or endanger health; or (d) conditions that predispose persons to inadequate nutritional patterns or nutritionally related medical conditions as described and coded in agency plan.

Patient—Persons certified by a competent professional authority to be eligible to participate in the WIC Program because they are categorically eligible, a state resident, low income and at nutritional risk in accordance with agency plan.

Participation—The number of persons who have received supplemental foods or vouchers during the reporting period.

Postpartum Women—Women up to six months after termination of pregnancy.

Pregnant Women—Women determined to have one or more embryos or fetuses in utero.

Right to Appeal—As mandated by 7 CFR Part 246 of the federal regulations, a patient may request a review and hearing of adverse action taken by the agency.

U.S.D.A.—The United States Department of Agriculture.

Voucher—The sequentially numbered checks issued to

patients to purchase from authorized vendors the specific foods, in specific quantities, as listed on the back of each voucher.

WIC—Special Supplemental Food Program for Women, Infants and Children.

II. Patient Eligibility and Certification

As described in federal regulations, 7CFR Part 246, the agency is to provide health services, nutrition education and supplemental foods to categorically eligible patients who are income eligible and found to be at nutritional risk. The purpose of the program is to improve health status, both physical and mental, of persons at critical times of growth and development. The agency is responsible for providing services to as many eligible patients as funding allows.

A. Integration with health services. To lend administrative efficiency and participant convenience to the certification process, whenever possible, program intake procedures shall be combined with intake procedures of other agency health programs or services.

B. Eligibility criteria. To be certified as eligible for the program, infants, children, and pregnant, breastfeeding and postpartum women shall:

1. Meet the requirement that the applicant reside within the jurisdiction of the state, however, length of residency is not an eligibility requirement.

2. Meet the income requirement as described in Paragraph C of this Section.

3. Meet nutritional risk criteria as described in Paragraph D of this Section and in the agency plan.

C. Income criteria and income eligibility determination.

1. Income criteria for the program is established at 140 percent of poverty as defined by the Family Planning Program of the agency.

2. In determining income eligibility of an applicant, the local health unit shall consider the average of all the money or benefits, except food stamps and federal in-kind housing, received by a family during the past 12 months or the family's current monthly rate of income, whichever favors the applicant.

3. The agency or local health unit may require routine verification of income from patients or a random selection of patients to verify income. Verification of an applicant's participation in other agency-administered programs which routinely verify income, such as Medicaid, may be accepted provided those programs have income guidelines at or below the WIC Program guidelines.

D. Nutritional risk. A competent professional authority shall determine if a patient is at nutritional risk through a medical and/or nutritional assessment. This determination may be based on referral data submitted on an agency form, WIC-17, by a patient's private physician.

1. Determination of nutritional risk. At a minimum, height or length and weight of the patient shall be measured, and a hematological test for anemia such as a hemoglobin, hematocrit or free erythrocyte protoporphyrin test shall be performed. However, such tests are not required for infants under six months of age.

2. Appropriate nutritional risk codes, as specified in the agency plan and as summarized in Number 3 below, shall be documented on a certification form, WIC-1, at each certification/re-certification visit.

3. Nutritional risk priority system. The agency shall, in the event that statewide participation has reached the maximum level, fill vacancies according to the federally mandated priority system. In the event a priority level must be partially closed, subpriorities are described in the agency plan as approved by U.S.D.A. Priorities are as follows:

a. Priority I—Pregnant women, breastfeeding women and infants at nutritional risk as demonstrated by hematological or an-

thropometric measurements, or other documented nutritionally related medical conditions which demonstrate the need for supplemental foods.

b. Priority II—Except those infants who qualify for Priority I, infants up to six months of age of program participants who participated during pregnancy. Also included are infants up to six months of age whose mothers were not program participants during pregnancy but whose medical records document that they were at nutritional risk during pregnancy as indicated by biochemical or anthropometric measurements or other documented nutritionally related medical conditions which demonstrated the person's need for supplemental foods.

c. Priority III—Children at nutritional risk as demonstrated by hematologic or anthropometric measurements or other documented medical conditions which demonstrate the child's need for supplemental foods. Postpartum women who were below 18 years of age while pregnant, anemic or were low weight for height and age at time of conception and remain underweight postpartally.

d. Priority IV—Pregnant women, breastfeeding women, and infants at nutritional risk because of an inadequate dietary pattern.

e. Priority V—Children at nutritional risk because of an inadequate dietary pattern.

f. Priority VI—Postpartum women at nutritional risk.

E. Timeframes for processing applicants. The local health unit shall accept requests for WIC screening for eligibility, make eligibility determinations, notify applicants of the decisions made and, if the patient is to be enrolled and the maximum participation case-load has not been reached, issue vouchers. All actions shall be accomplished within the time frames below.

1. The processing timeframes shall begin when the individual visits the local health unit during clinic office hours to make an oral or written request for screening. All requests are documented on a WIC-1 form, giving the patient name, address and date of request.

2. Special nutritional risk applicants shall be notified of their eligibility or ineligibility within 10 days of the date of the first request for program benefits. This includes pregnant women in Priority I, migrants and out-of-state transfers currently certified. The agency can approve an extension of the notification period to a maximum of 15 days for those local health units which make written request, including a justification of the need for an extension.

3. All other applicants shall be notified of their eligibility or ineligibility within 20 days of the first date of the request for program benefits.

4. All local health units shall issue to patients vouchers that are valid for the month that eligibility certification is completed. However, when funding shortages exist and/or maximum participation levels have been reached, patients in all or lower priority levels are denied vouchers until funding levels allow new patients in those priority levels to be served. Patients certified but denied vouchers shall have their eligibility documented on a WIC-14 form in order to be contacted on a first-come first-served basis as funding allows.

F. Certification periods.

1. Program benefits shall be based upon certifications established in accordance with the following timeframes:

a. Pregnant women shall be certified for the duration of their pregnancy and for up to six weeks postpartum.

b. Postpartum women shall be certified for up to six months postpartum.

c. Breastfeeding women shall be certified at intervals of approximately six months and ending with the breastfed infant's first birthday.

d. Infants shall be certified up until their first birthday.

e. Children shall be certified at intervals of approximately six months and ending with the end of the month in which a child reaches its fifth birthday.

2. If the nutritional risk determination is based on data taken before the time of entrance into the program, the certification period for breastfeeding women and children shall be based upon the date when the data were taken.

3. Patients shall receive upon request verification of certification when transferring to another local health unit or out of state.

4. Patients receiving program benefits may be disqualified during a certification period for the following reasons:

a. Patient abuse, including, but not limited to knowing and deliberate misrepresentation of circumstances to obtain benefits; sale of supplemental foods or vouchers to, or exchange with, other individuals or entities; receipt from food vendors of cash or credit toward purchase of unauthorized food or other items of value in lieu of authorized supplemental foods; and physical abuse, or threat of physical abuse, of clinic or vendor staff.

b. If the agency experiences funding shortages, it may be necessary to discontinue program benefits to a number of certified and participating patients. The agency shall not enroll new patients during the period when currently participating patients, those who have received vouchers during a current certification, are denied remaining benefit.

G. Notification of participant rights and responsibilities.

1. All applicants shall read or have read to them a statement contained on a WIC-1a form stating their program rights and responsibilities, including the restriction of dual participation in the program or between the program and CSFP.

2. Patients found ineligible during a certification period shall be advised in writing of the ineligibility, the reasons for the ineligibility and of the right to a fair hearing.

3. Patients who are about to be disqualified from program participation during a certification period shall be advised in writing not less than 15 days before the disqualification, of the reasons for the disqualification and the right to a fair hearing.

III. Fair Hearing procedures for participants.

A. The agency provides a hearing procedure through which any individual may appeal within 15 days of notification of an agency or local health unit action which results in denial of participation or disqualification from the program.

B. The hearing process is governed by the procedures set forth in the Administrative Procedure Act, R.S. 49:950 et seq. and as mandated by federal regulations, 7CFR Part 246.

C. The agency shall not summarily deny or dismiss an appeal unless -

1. The request is withdrawn in writing by the appellant or legal representative of the appellant.

2. The appellant or legal representative fails, without good cause, to appear at the scheduled hearing.

3. The appellant has been denied participation by a previous decision following a hearing and does not allege in the request for appeal that circumstances relevant to program eligibility have changed in such a way as to justify a hearing.

D. The agency shall continue program benefits for a patient whose participation has been terminated during a certification period if a request for an appeal is received within the 15 days advance notification of disqualification. Benefits will continue until the hearing officer reaches a decision or the certification period expires, whichever occurs first. Applicants who are denied benefits at initial certification or because of the expiration of their certification may appeal the denial, but shall not receive benefits while pending the hearing and decision of the hearing officer.

C. A patient or representative may appeal the agency fair hearing decision through judicial review as provided for in the Louisiana Administrative Procedure Act.

Comments may be submitted to Daneta Daniel Bardsley, Ed.D., Assistant Secretary, Office of Preventive and Public Health Services, Room 513, 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: Rules of Client Eligibility in the WIC Program

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

The Louisiana WIC Program is funded by the U.S. Department of Agriculture. Eligibility, length of participation and program benefits follow federal regulations 7 CFR Part 246 as amended on February 13, 1985. This rule will not increase costs 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.

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

The rule will allow the agency to provide WIC Program benefits to low income persons during critical growth periods of their life who are determined to be at nutritional risk. Benefits include issuance of vouchers redeemed for special supplemental foods which provide necessary nutrients for adequate growth.

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

The rule will not effect competition or employment.

Sandra L. Robinson
Secretary and State Health Officer

Mark C. Drennen
Legislative Fiscal Officer

tion of the company, may be used for purposes of determining the minimum standard of valuation for any individual annuity or pure endowment contract issued on or after (insert effective date of 1976 amendments to the Standard Valuation Law).

B. The 1983 table "a" is to be used for determining the minimum standard of valuation for any individual annuity or pure endowment contract issued on or after the effective date of this regulation.

Section 5. Group Annuity or Pure Endowment Contracts

A. The 1983 GAM table and the 1983 table "a" are recognized and approved as group annuity mortality tables for valuation and, at the option of the company, either table may be used for purposes of valuation for any annuity or pure endowment purchased on or after September 7, 1979, under a group annuity or pure endowment contract.

B. The 1983 GAM table is to be used for determining the minimum standard of valuation for any annuity or pure endowment purchased on or after (insert date on or after effective date of this regulation) under a group annuity or pure endowment contract.

Section 6. Separability

If any provision of this rule or the application thereof to any person or circumstances is for any reason held to be invalid, the remainder of the regulation and the application of such provision to other persons or circumstances shall not be affected thereby.

Section 7. Effective Date

The effective date of this Regulation is January 1, 1986.

Interested persons may submit written comments regarding this proposed rule to John B. Fontenot, Officer of the General Counsel, Box 44214, Baton Rouge, LA 70804.

A public hearing will be conducted on November 4, 1985, at 10 a.m. in the seventh floor conference room of the State Insurance Building at 950 North Fifth Street, Baton Rouge, LA.

Sherman A. Bernard
Commissioner

NOTICE OF INTENT

**Department of Insurance
Office of the Commissioner**

NAIC Model Rule For Recognizing a New Annuity Mortality Table For Use in Determining Reserve Liabilities For Annuities

Section 1. Authority

This rule is promulgated by the commissioner of insurance pursuant to R.S. 22:163 of the Louisiana Insurance Code.

Section 2. Purpose

The purpose of this rule is to recognize new mortality tables, 1983 table "a" and 1983 GAM table, for use in determining the minimum standard of valuation for annuity and pure endowment contracts.

Section 3. Definitions

A. As used in this rule "1983 table 'a'" means that mortality table developed by the Society of Actuaries Committee to recommend a new mortality basis for individual annuity valuation and adopted as a recognized mortality table for annuities in June 1982 by the National Association of Insurance Commissioners.

B. As used in this rule "1983 GAM table" means that mortality table developed by the Society of Actuaries Committee on Annuities and adopted as a recognized mortality table for annuities in December 1983 by the National Association of Insurance Commissioners.

Section 4. Individual Annuity or Pure Endowment Contracts

A. The 1983 table "a" is [a] recognized and approved as an individual annuity mortality table for valuation and, at the op-

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

Rule Title: NAIC Model 1983 Annuity Tables

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

There are no estimated implementation costs (savings) to state or local governmental units.

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

There is no estimated effect on revenue collections of state or local governmental units.

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

There are no estimated costs and/or economic benefits to directly affected persons or non-governmental groups.

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

There is no estimated effect on competition and employment.

Sherman A. Bernard
Commissioner

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Natural Resources
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, intends to adopt the following timber stumpage values based on current average stumpage market values to be used for severance tax computations for 1985:

- 1. Pine Sawtimber \$142 per M bd. ft.
- 2. All Hardwoods \$ 71 per M bd. ft.
- 3. Pine Pulpwood \$ 17.50 per Cord
- 4. Hardwood Pulpwood \$ 4 per Cord

Interested persons may submit written comments on these proposed stumpage values through November 6, 1985, to Michael P. Mety, State Forester, Office of Forestry, Box 1628, Baton Rouge, LA 70821.

Michael P. Mety, State Forester
Office of Forestry

Jamar W. Adcock, Chairman
Louisiana Tax Commission

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

Rule Title: Timber Stumpage Values for 1986

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

There are no additional implementation costs or savings to the agency as a result of this rule change. All severance taxes are collected by the Department of Revenue and Taxation and can be handled with existing staff.

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

Revenue collections for 1985 and 1986 should average \$7.15 million, which is a slight increase over 1984. Improved economic conditions directly affects timber production. Revenues would be increased proportionally (approximately \$7 million was collected in 1984).

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

Timber severance taxes, by law, are distributed as follows: 75 percent to the parish where timber was cut - 25 percent to State Treasurer. The following indicates the average stumpage value during 1984 as compared to the current average stumpage market values (i.e. if these proposed rules are adopted) to be used for severance tax computations for 1986.

	1985	1986
1. Pine Sawtimber	\$188 per M bd. ft.	\$142 per M bd. ft.
2. All Hardwoods	\$ 67 per M bd. ft.	\$ 71 per M bd. ft.
3. Pine Pulpwood	\$ 18 per cord	\$ 17.50 per cord
4. Hardwood Pulpwood	\$ 4 per cord	\$ 4 per cord

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

There is no anticipated effect on competition or employment.

Bill Mercer
Associate State Forester

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Public Safety and Corrections
Corrections Services**

The Louisiana Department of Public Safety and Corrections, Corrections Services, advertises its intent to publish a regulation relative to the administrative remedies available to offenders for the purpose of preserving any cause of action against the state of Louisiana, Department of Public Safety and Corrections, or its employees, as provided by Act 672 of 1985.

Interested persons may submit written comments on the proposed amendments at the following address: Joan Hunt, Attorney, Department of Public Safety and Corrections, Box 94304, Baton Rouge, LA 70804.

C. Paul Phelps
Secretary

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

Rule Title: Corrections Administrative Remedy Procedure

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

There was an initial printing cost of approximately \$2,839 in order to provide for the distribution of the necessary forms and instructions to all adult and juvenile offenders. It is anticipated that approximately 35 percent or 420 of the 1,200 or so cases filed against the department will now be handled through the administrative remedy procedure. This should result in a significant savings on a per-case basis. Due to the number of variables involved, however, an accurate estimate of the anticipated savings is undeterminable.

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

There will be no effect on revenue collections.

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

There will be no estimated costs and/or economic benefits to directly affected persons or non-governmental groups.

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

There is no estimated effect on competition and employment.

Griffin Rivers
Deputy Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Public Safety and Corrections
Corrections Services**

The Louisiana Department of Public Safety and Corrections advertises its intent to adopt a policy to provide uniform procedures for the approval and conduct of visits by attorneys and their paralegal assistants and law clerks with adult offender and juvenile offenders committed to the custody of the department. Such procedures will include scheduling of visits, time of visits, limitations on visits and exceptions thereto.

Interested persons may submit written comments on the proposed regulation at the following address: Joan Hunt, Attor-

ney, Department of Public Safety and Corrections, Box 94304, Baton Rouge, LA 70804.

C. Paul Phelps
Secretary

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

Rule Title: Attorney Visits: Adult & Juvenile Institutions

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

C. Paul Phelps
Secretary

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

**Department of Public Safety and Corrections
Corrections Services**

The Louisiana Department of Public Safety and Corrections advertises its intent to adopt guidelines for the provision of medical treatment to visitors of the department's facilities in cases of emergencies.

Interested persons may submit written comments on the proposed regulation at the following address: Joan Hunt, Attorney, Department of Public Safety and Corrections, Box 94304, Baton Rouge, LA 70804.

C. Paul Phelps
Secretary

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

Rule Title: Emergency Medical Treatment for Visitors

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

C. Paul Phelps
Secretary

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

**Department of Public Safety and Corrections
Corrections Services**

The Louisiana Department of Public Safety and Corrections advertises its intent to adopt policies and procedures for marriages of inmates incarcerated by the Department of Public Safety and Corrections.

Interested persons may submit written comments on the proposed regulation at the following address: Joan Hunt, Attorney, Department of Public Safety and Corrections, Box 94304, Baton Rouge, LA 70804.

C. Paul Phelps
Secretary

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

Rule Title: Inmate Marriage Requests

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

C. Paul Phelps
Secretary

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

**Department of Public Safety and Corrections
Corrections Services**

The Louisiana Department of Public Safety and Corrections advertises its intent to adopt a policy that any individual, be it employee or visitor, found to have introduced or attempted to introduce contraband into an adult or juvenile operational unit shall be detained by authority of Code of Criminal Procedure Article 215.2 and turned over to the local law enforcement authorities for prosecution for violation of R.S. 14:402.

Interested persons may submit written comments on the proposed regulation at the following address: Joan Hunt, Attorney, Department of Public Safety and Corrections, Box 94304, Baton Rouge, LA.

C. Paul Phelps
Secretary

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

Rule Title: Introduction of Contraband at Adult/Juvenile Units

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
There will be no implementation costs to the state.

- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
There will be no effect on revenue collections.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)
There will be no estimated costs and/or economic benefits to directly affected persons or non-governmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
There is no estimated effect on competition and employment.

C. Paul Phelps
Secretary

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

**Department of Public Safety and Corrections
Corrections Services**

The Louisiana Department of Public Safety and Corrections advertises its intent to adopt a policy to provide uniform visiting and correspondence procedures in the juvenile facilities under the auspices of the department. Such procedures will include the receiving and sending of correspondence, provision of stationery and stamps to indigent students, items approved for receipt in packages, and visiting guidelines.

Interested persons may submit written comments on the proposed regulation at the following address: Joan Hunt, Attorney, Department of Public Safety and Corrections, Box 94304, Baton Rouge, LA 70804.

C. Paul Phelps
Secretary

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

**Rule Title: Student Visiting & Correspondence
(Juvenile Institutions)**

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

C. Paul Phelps
Secretary

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

**Department of Public Safety and Corrections
Corrections Services**

The Louisiana Department of Public Safety and Corrections, Corrections Services, advertises its intent to amend its reg-

ulation on visitation at adult correctional facilities to provide that visitors who refuse to submit to a search prior to a contact visit with an inmate will not be admitted for a visit on that date; and, to change the definition of a minor from a person under the age of 18 to a person under the age of 17.

Interested persons may submit written comments on the proposed amendments at the following address: Joan Hunt, Attorney, Department of Public Safety and Corrections, Box 94304, Baton Rouge, LA 70804.

C. Paul Phelps
Secretary

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

Rule Title: Visitation: Adult Inmates

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

Griffin Rivers
Deputy Secretary

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

**Department of Public Safety and Corrections
Office of Motor Vehicles**

Notice is hereby given that the Louisiana Department of Public Safety and Corrections proposes to adopt the following as a permanent rule in the Louisiana Motor Vehicle Inspection Program under authority of LRS 32:1304 and in accordance with the United States Environmental Protection Agency's Federal Clean Air Act.

PROPOSED RULE

The Motor Vehicle Parameter Emission Inspection Program is designed to ensure that designated emission control systems on model years 1980 and newer light-duty motor vehicles are properly connected and to determine if they show any evidence of tampering.

This program is designed to reduce air pollution in Louisiana. This automotive emission control program is part of the state's plan to attain clean air standards as required by the United States Environmental Protection Agency.

This proposed rule on Vehicle Emission Inspection may be read in its entirety in the Emergency Rules section of this Register.

Inquiries concerning the proposed rules may be made in writing to Buster J. Guzzardo Sr., Administrator, Office of Motor Vehicles, Box 64886, Baton Rouge, LA 70896.

Buster J. Guzzardo, Sr.
Administrator

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

**Rule Title: Motor Vehicle Emission
Inspection Program**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
No implementation cost as this program will be incorporated in the present Motor Vehicle Inspection program.
- 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)
The estimated affect to the general public would be the costs to repair and/or replace only those emission control devices on vehicles that have been tampered with or removed. (i.e. catalyst \$100, fuel inlet restrictor \$150.)
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
There is no estimated effect on competition and employment.

James L. Thibodeaux
Agency Head

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Revenue and Taxation
Tax Commission**

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:953), notice is hereby given that the Louisiana Tax Commission intends to hold a public hearing on Wednesday, November 20, 1985, at 10 a.m.

The purpose of the hearing is to adopt proposed guidelines for ascertaining the fair market value of personal property and the guidelines governing the use value of agricultural, horticultural, marsh and timber land.

Pursuant to R.S. 49:953(2) (A) the Louisiana Tax Commission will hold a public hearing on Thursday, October 3, 1985, at 10 a.m., to afford all interested persons reasonable opportunity to submit data, views, or arguments, orally or in writing, to the proposals.

Both hearings will be held in the Tax Commission Hearing Room, 923 Executive Park Avenue, Baton Rouge, LA.

The following changes will be made:

Amend the current Guidelines of the Louisiana Tax Commission, consisting of a minimum of 56 pages, all with respect to assisting the assessors and the taxpayers in determining the Fair Market Value, as required by law, of personal property and use value of agricultural, horticultural, marsh and timber land. Amendments to the Constitutional and Statutory Section, Definitions Section, Real Property Rules and Regulations Section and Real Property Report Forms Section of the Tax Commission guidelines are also being proposed.

The proposed changes to the guidelines of the Louisiana Tax Commission are available in the office of the Louisiana Tax Commission, 923 Executive Park Avenue, Baton Rouge, LA, between the hours of 8 a.m. and 4 p.m. Ed Leffel is the person responsible for responding to inquiries concerning the intended action.

Those desiring to be heard will be given reasonable opportunity to make their presentations.

Jamar W. Adcock
Chairman

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

Rule Title: Rules and Regulations

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
Implementation costs to the agency are the costs of re-production and distribution of updated regulations. These costs are estimated at \$2,476.50 for the 1985-86 fiscal year.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
These revisions increase the value of existing personal property of a given age by an average of 2 percent over value for 1985. Assuming that the average age of personal property statewide remains unchanged, this revision will increase property assessments by 2 percent or \$324 million. At existing millages (averaging 75.4 mils) this will increase personal property taxes by an estimated \$8.6 million for 1986-87.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)
The initial burden of these additional tax collections would fall on property owners affected by the revised assessment guidelines. The ultimate impact of the additional collections has not been determined.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
Effects on competition and employment have not been identified or estimated.

James W. Smith
Member

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

Notice is hereby given that the Louisiana Department of the Treasury, Board of Trustees of the State Employees Group Benefits Program intends to amend the Plan Document as follows:

Add the following language to Article 3, Section I (G):

"25. The Program will cover eligible expenses related to the transplantation of an organ, including expenses for patient screening, organ procurement, transportation of the organ, transportation of the patient and/or donor, surgery for the patient and donor, and immunosuppressant drugs. The following conditions must be met in order for this coverage to apply:

(a) The transplantation must not be considered experimental or investigational by the American Medical Association.

(b) The recipient must receive two opinions relative to the need for organ transplant surgery from two specialists board certified in the involved field of surgery, which specialists must certify in writing that alternative procedures, services or courses of treatment would not be effective in the treatment of the patient's condition. (benefits for second surgical opinion, as defined in Article 3, Section II shall not apply to charges incurred in the event that organ transplantation is performed.)

(c) The recipient must be admitted to and the transplant surgery performed at a medical center which has an approved

transplant program as determined by an appropriate governmental agency.

Coverage for organ transplantation expenses will be subject to the same deductible, co-insurance, exclusions and other provisions which apply to other expenses that the program covers. In no case will the plan cover expenses for the transportation of surgeons or family members of either the patient or donor in connection with organ transplants."

Amend Article 3, Section VIII, entitled "Exceptions and Exclusions for all Medical Benefits," by adding the italicized language as follows:

"S. Artificial organ implants, *transplantation of other than Homo sapiens (human) organs*; in vitro fertilization, and artificial insemination;

BB. *Expenses for the transportation of surgeons or family members of either the patient or the donor in connection with organ transplants.*"

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 November 9, 1985, 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: Organ Transplant**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
This agency will experience only minimal implementation costs; however, there will be an increase in health benefit payments. Our actuary, Martin E. Segal Company, estimates the increase in health benefit payments to be \$2,149,000 annually. If the increase in benefits payments becomes a factor in future rate increases, there will be an additional cost to the plan members and to their employer agencies.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
There will be no immediate effect on revenue collections of state or local governmental units. The self-generated revenues of this agency would be impacted if rates are adjusted due to the increase in benefit payments.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)
Plan members of the State Employees Group Benefits Program will enjoy immediate economic benefits in the form of increased benefit payments. The amount of these increased benefits cannot be calculated by our actuary.
The plan members and their employer agencies could experience an increased cost if the rates must be adjusted due to the increased benefit payments.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
This rule change will have no effect on competition and employment.

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 Article 1, Section III (D) of the Plan Document, entitled "Overage Dependents" by adding the italicized language as follows:

"If an unmarried dependent child is incapable of self-sustaining employment by reason of mental retardation or physical incapacity, became incapable prior to the termination age for children as defined in Article 1, Section I (I) (2) and (3), and is dependent upon the covered employee for support, the coverage for such dependent child may be continued under the plan, provided, however, the program receives satisfactory proof of mental retardation or physical incapacity, only for so long as such incapacity continues."

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 November 9, 1985, 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: Overage Dependents**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
Implementation costs of this rule change will be negligible; however, our actuary, Martin E. Segal Company, estimates that benefits payments will be impacted by approximately \$650,000 annually. This increase in benefits payments could be a factor in future rate adjustments.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
This rule will not immediately impact revenue collections of state or local governmental units. Revenues of the State Employees Group Benefits Program would be impacted in the event that this rule change becomes a factor in future rate adjustments.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)
The immediate economic benefit to directly affected persons will be in the form of increased health benefits payments to plan members. These increased health benefits payments will be approximately \$650,000 annually.
There could be additional costs to plan members and their employer agencies in the form of increased health insurance premiums, if rates require adjusting as a result of the benefits payments increase.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
This rule change will have no effect on competition and employment.

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 Plan Document as follows:

Article 3, Section II (A) (4), page 34, will be rewritten as follows:

"4. A second surgical opinion form must be properly completed and submitted to the program. Should the surgery be performed, the second opinion must pre-date the surgery."

Article 3, Section II (A), on page 34, will be amended to add a Subsection (5), which will read as follows:

"5. Surgery, if performed, must be performed within 90 days of the date the second surgical opinion is rendered."

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 November 9, 1985, 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: Second Surgical Opinions

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
There will be no costs associated with the implementation 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.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)
There will be no costs or savings to directly affected persons or non-governmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
This rule change will not affect competition and employment.

James D. McElveen
Executive Director

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Proposed Fence Construction Guidelines for Adult Alligator Enclosures Submitted for Consideration to the Louisiana Wildlife and Fisheries Commission

1. Minimum height of fencing material - 6'
2. Fencing material must be buried at least one foot in the ground. Additionally, bottom of fencing to be securely nailed to treated lumber material of a minimum dimension of 1" x 6" for strength and rigidity.
3. Maximum allowable mesh size - 2" x 4". Heavy duty rust-resistant wire recommended.

4. It is recommended that 90° corners be avoided; as corners tend to encourage clumping and piling-up of alligators.

5. Fence post spacing to 8' to 10' centers. Post to be heavy duty in order to support fencing, gates, and stress conditions.

6. Gate wire material to be comparable to fencing material (not of a lighter grade). Height of gates must at least equal fence height. Gate frames must be heavy-duty and anchored to gate post by at least two hinge type apparatus and securable with at least two latching apparatus on the side opposite hinges.

7. It is recommended that these guidelines apply to farm, exhibition, or zoo enclosures built after 6/1/85. If serious problems arise with escape of alligators from pens established prior to 6/1/85; it is recommended that such deficient facilities be rebuilt to the minimum construction standards hereby described.

Written comments may be submitted to Johnnie Tarver, Chief, Fur and Refuge, Department of Wildlife and Fisheries, Box 15570, Baton Rouge, LA 70895.

J. Burton Angelle
Secretary

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Alligator Enclosure Guidelines

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
There will be no estimated implementation costs to state or local governmental units.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
There will be no estimated effect on revenue collections of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)
Alligator farming enclosures are necessary so that additional costs are negligible as well as benefits to Non-Governmental Organizations.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
There will be no estimated effect on competition and employment.

Mary Mitchell
Chief Fiscal Officer

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

The Louisiana Wildlife and Fisheries Commission is bound by the Administrative Procedure Act and procedures of the Natural Resources Oversight Committee of the Louisiana Legislature to indicate their intent to promulgate a rule.

The Louisiana Wildlife and Fisheries Commission also has the authority as expressed in RS 56:497A to alter the closing and reopening of the outside waters to shrimping by 15 days either side of the January 15 closing and March 15 reopening dates.

The Louisiana Wildlife and Fisheries Commission proposes to hold public hearings and set closure for the shrimping season in outside waters between January 1, 1986 and April 1, 1986 at the Commissions' regular December meeting on December 13.

Interested persons may submit written comments on the proposed rule until 4:30 p.m. December 12, 1985 at following address: Philip Bowman, Department of Wildlife and Fisheries, Box 15570, Baton Rouge, LA 70895.

J. Burton Angelle
Secretary

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

Rule Title: Close Shrimping Season in Outside Waters

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

There will be no cost to implement this season closure as it will be handled along with other regular duties.

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

Since shrimp licenses are purchased for the calendar year there will be no effect on revenue collections.

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

Biological research has indicated an increase in both production and economic value can be realized by the shrimping industry by delaying the harvest of juvenile white shrimp during the winter months. Estimates of benefits are highly dependent upon the size of the population at time of closure and environmental factors during the closure.

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

Approximately 60,000 individuals are affected by the annual openings and closings of the shrimp seasons.

Mary Mitchell
Chief Fiscal Officer

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

The Wildlife and Fisheries Commission imposed a moratorium on the taking of oyster lease applications at its meeting on April 25, 1978 to allow the survey section to process a backlog of oyster lease applications.

The oyster and Shrimp Subcommittee held public hearings in Houma on June 11, 1985 and in Kenner on June 12, 1985 to receive input on the proposed rules for the lifting of the moratorium.

The Louisiana Wildlife and Fisheries Commission proposes to lift the moratorium on the taking of oyster lease applications in accordance with the following rules and regulations:

- A.
1. No application will be accepted that will cause an applicant to exceed a total of 1000 acres under lease and application. Reference R.S. 56:432.
 2. Applications will remain in effect for a period of three years. At the end of three years any applications not surveyed by this department or a private surveyor will be cancelled.
 3. Upon death of an applicant the estate will have 180 days to appoint a representative to deal with the survey of applications. If the department has not been notified within 180 days the application will be cancelled and survey fees will be retained.

B. Application Procedure

1. A total of 350 applications for new area will be accepted in 1985.
2. Upon lifting of the moratorium a date will be set for the taking of appointments to make applications.
3. Each appointment will be for a 30-minute period and will allow the applicant to make one application.
4. If all applicants have received applications and there are still openings, an applicant can go to the end of the line and make another appointment for one application. An applicant may continue to go to the end of the line and make appointments as long as applications are available.
5. In subsequent years the number of applications not surveyed by August 1 will be determined. This number will be subtracted from a base of 500 to determine the number of applicants to be accepted. On October 1, appointments will be taken and the rules in paragraphs B-3 and B-4 will apply.

C.

1. The survey application fees for new area will be changed as follows:

ACRES	OLD FEES	NEW FEES
a. 10 acres or less	\$80	\$100
b. 11-20 acres	\$120	\$150
c. 21-200 acres	\$2 additional for each acre after 20	\$2.50 additional for each acre after 20
d. 201-1000	\$1 additional for each acre after 200	\$1.50 additional for each acre after 200

2. The survey application fees for leases expiring by 15-year limitation will be changed as follows:

ACRES	OLD FEES	NEW FEES
a. 10 acres or less	\$50	\$ 70
b. 11-20 acres	\$75	\$105
c. 21-200 acres	\$1.25 additional for each acre after 20	\$1.75 additional for each acre after 20
d. 201-1000	\$0.65 additional for each acre after 200	\$1.15 additional for each acre after 200

3. The survey application fees for restakes will be changed as follows:

	SHOTPOINT	OLD FEE	NEW FEE
One's own lease:	Each	\$20	\$25
Another's lease:	First two	\$80	\$90
	Each additional	\$40	\$50

Written comments may be submitted to Harry Schafer, Department of Wildlife and Fisheries, Box 15570, Baton Rouge, LA 70895.

J. Burton Angelle
Secretary

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

Rule Title: Oyster Moratorium

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

There will be no estimated implementation costs to state or local governmental units.

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

The additional \$43 per lease will bring in an additional \$8,815 in FY 1985-86 and an additional \$21,500 in the two subsequent fiscal years. Funds will accrue to the Conservation Fund.

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

It will be a one time cost of approximately \$43 for each applicant and it will permit the applicant to lease acreage to grow and harvest oysters. It will allow oyster fishermen who have leases in closed waters to apply for leases in clean water.

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

There will be no estimated effect on competition and employment.

Mary Mitchell
Chief Fiscal Officer

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

The fur industry of Louisiana represents a major resource of economy and income for many of the citizens of our state; and as this resource is a renewable natural one, which has proven under wise management to increase in importance in our state; annual harvest of the surplus animals is in keeping with wise wildlife management techniques based on scientific management.

Federal restrictions imposed by the CITES Scientific authority concerning out-of-state shipment for otter and bobcat furs continue to require placement of a possession tag by trappers or buyers to insure state origin and use of the zonation concept has been determined to be beneficial in reducing late caught unprime furs and has produced mainly favorable comments generated within the fur industry. Therefore, the Louisiana Department of Wildlife and Fisheries Commission does hereby establish the 1985-86 furbearers trapping season for the northern zone as being November 20, 1985 through February 15, 1986 and the southern zone as being December 1, 1985 through February 28, 1986, and sets a bag limit for daytime and nighttime raccoon and opossum hunting outside the trapping season of one raccoon and/or opossum per hunter per day or night.

The regulations governing the buying, tagging and shipment of bobcat and otter pelts adopted for the 1985-86 trapping season may be viewed at the Quail Drive Office off Perkins Road, Baton Rouge, LA. Phone 342-9259. The department secretary shall be authorized to close or extend the trapping 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
Secretary

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: 1985/86 Trapping Season

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

Annual cost of implementation is approximately \$1,500 for tags to affix to bobcat and otter pelts in compliance with International Trade Convention Treaty requirements. Minimum expense is also required for necessary shipping tags which the department is required to provide dealers and buyers.

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

Severance tax is collected by the Department of Wildlife and Fisheries on each furbearer pelt shipped out of the State of Louisiana. Severance tax varies in amount depending upon species. Additional revenue is generated to the department by the sale of trapping licenses to approximately 12,000 trappers.

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

Annual harvest of furbearing animals in Louisiana average approximately \$7,200,000 each year. This income is of importance to trappers, landowners, fur buyers and fur dealers.

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

The annual trapping season stimulates employment in the entire state and provides the major source of income for several thousand families. Approximately 1,656,157 pelts are harvested from the state each year and approximately 1,500,000 pounds of meat from various species is also utilized. Louisiana leads the nation in the production of wild furs.

Mary Mitchell
Chief Fiscal Officer

Mark C. Drennen
Legislative Fiscal Officer

Committee Reports

COMMITTEE REPORT

House of Representatives House Natural Resources Committee Oversight Review

Pursuant to the provisions of R.S. 49:968, the House of Representatives Natural Resources Subcommittee on Oversight met on August 28, 1985 and reviewed certain changes in state regulations proposed by the Louisiana Department of Wildlife and Fisheries for which notice of intent was published in the July 20, 1985, *Louisiana Register* with the following results:

1) Proposal by the Department of Wildlife and Fisheries to continue the closure of Lake Bisteneau to all types of netting used in the harvest of fish.

Approved by a vote of 5-0.

Clyde W. Kimball
Chairman

COMMITTEE REPORT

House of Representatives House Natural Resources Committee Oversight Review

Pursuant to the provisions of R.S. 49:968, the House of Representatives Natural Resources Subcommittee on Oversight met on August 28, 1985 and reviewed certain changes in state regulations proposed by the Louisiana Department of Wildlife and Fisheries for which notice of intent was published in the July 20, 1985, *Louisiana Register* with the following results:

1) Proposal by the Department of Wildlife and Fisheries to establish annual hunting season dates, bag limits and methods of hunting for resident game.

Approved by a vote of 5-0.

Clyde W. Kimball
Chairman

COMMITTEE REPORT

House of Representatives House Natural Resources Committee Oversight Review

Pursuant to the provisions of R.S. 49:968, the House of Representatives Natural Resources Subcommittee on Oversight met on August 28, 1985 and reviewed certain changes in state regulations proposed by the Louisiana Department of Wildlife and Fisheries for which notice of intent was published in the July 20, 1985, *Louisiana Register* with the following results:

1) Proposal by the Department of Wildlife and Fisheries to prohibit the use of trammel nets, gill nets and hoop nets during the period of March 1 through November 30 in the part of Lacassine Bayou that flows through the Lacassine National Wildlife Refuge, Cameron Parish, Louisiana.

Approved by a vote of 5-0.

Clyde W. Kimball
Chairman

Potpourri

POTPOURRI

Department of Natural Resources Fishermen's Gear Compensation Fund

In accordance with the provisions of the Fishermen's Gear Compensation Fund, Louisiana Revised Statutes 56:700.1 through 56:700.5, and in particular, Section 700.4 thereof; regulations adopted for the fund as published in the *Louisiana Register* on August 20, 1980; and also the rules of the secretary of this department, notice is hereby given that 31 completed claims amounting to \$43,311.58, were received during the month of August, 1985. During the same month, 26 claims, amounting to \$31,575.54 were paid. The following is a list of the paid claims:

Claim No. 84-2159
Steven Daigrepoint

Claim No. 84-1727
Robert Sonnier

Claim No. 84-1743
Charlie T. Williams

Claim No. 84-2216
Craig A. Zimmer

Claim No. 85-2254
Wayne Abreaux

Claim No. 85-2296
Louis Buteaux, Sr.

Claim No. 84-2210
Manuel L. Campo, Sr.

Claim No. 85-2286
Carl Landen

Claim No. 84-2094
Douglas Chiasson

Claim No. 85-2265
Raymond Duet

Claim No. 84-1928
Rene Martinez

Claim No. 85-2276
Barry Zar

Claim No. 84-2217
Craig A. Zimmer

Claim No. 85-2292
Wayne Boudwin

Claim No. 84-2249
Frank Campo, Jr.

Claim No. 84-2211
Manuel L. Campo, Sr.

Claim No. 85-2287
Carl Landen

Claim No. 85-2306
Michael Wayne Daigle

Claim No. 84-2116
David J. Pitre

Claim No. 85-2253
Joseph S. Verdin

Claim No. 84-2058
John Zar, III

Claim No. 84-2244
George France

Claim No. 85-2285
Errol J. Broussard

Claim No. 84-1678
Fred Cheramie

Claim No. 84-1911
Albert Cauley, Jr.

Claim No. 84-2093
Douglas Chiasson

No hearings are scheduled for the month of October, 1985.

B. Jim Porter
Secretary

POTPOURRI

Department of Natural Resources Office of Conservation Injection and Mining Division

Docket Number UIC 85-29

In accordance with the laws of the State of Louisiana, and with particular reference to the provisions of RS 30:4, notice is hereby given that the commissioner of conservation will conduct a public hearing at 9 a.m., Thursday, October 24, 1985, in the basement of the Caddo Parish Courthouse, Conference Room Number 8, at 501 Texas Street, Shreveport, LA.

At such hearing the commissioner of conservation or his designated representative will hear testimony relative to the application of L & S Service Corporation, Box 806, Oil City, LA 71061. The applicant intends to operate a commercial nonhazardous oilfield waste storage and disposal facility (injection well) in Section 31, Township 20 North, Range 15 West, Caddo Parish, Louisiana.

Prior to authorizing the use of this facility for disposal of liquid nonhazardous oilfield waste, the commissioner of conservation must find that the applicant has met all the requirements of Statewide Order Number 29-B (August 1, 1943, as amended).

The application is available for inspection by notifying Carroll D. Wascom, Office of Conservation, Injection and Mining Division, Room 253 of the Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA. Verbal information may be received by calling him at 504/342-5515.

All interested persons will be afforded an opportunity to present data, views or arguments, orally or in writing, at said public hearing. Written comments which will not be presented at the hearing must be received no later than 4:45 p.m., October 31, 1985, at the Baton Rouge Office. Comments should be directed to: Commissioner of Conservation, Box 94275, Baton Rouge, LA 70804, RE: Docket No. UIC 85-29, Commercial Disposal Facility, Caddo Parish.

Herbert W. Thompson
Commissioner

POTPOURRI

Department of the Treasury State Employees' Retirement System

"Effective September 13, 1985, and until further notice, the Board of Trustees of the Louisiana State Employees' Retirement System will hold its regular monthly meetings at One United Companies Plaza, 4041 Essen Lane, Baton Rouge, Louisiana."

Vernon L. Strickland
Director

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