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Executive Orders

EXECUTIVE ORDER JBE 23-19

Bond Allocation 2023 Ceiling

WHEREAS, Section 146 of the Internal Revenue Code of 1986 (hereafter the “Act”), as amended (hereafter the “Code”), restricts the total principal amount of certain private activity bonds (hereafter the “Bonds”) that exclude interest from gross income for federal income tax purposes under Section 103 of the Code;

WHEREAS, Act No. 51 of the 1986 Regular Session of the Louisiana Legislature (hereafter “Act No. 51 of 1986”) authorizes the Governor to allocate the volume limit applicable to the Bonds (hereafter the “ceiling”) among the State and its political subdivisions in such a manner as the Governor deems to be in the best interest of the State of Louisiana;

WHEREAS, pursuant to the Act and Act No. 51 of 1986, Executive Order Number JBE 2016-35 was issued to establish:

- (a) the manner in which the ceiling shall be determined,
- (b) the method to be used in allocating the ceiling,
- (c) the application procedure for obtaining an allocation of Bonds subject to such ceiling, and
- (d) a system of record keeping for such allocations;

WHEREAS, Capital Area Finance Authority (hereafter the “Authority”) has authorized and approved \$40,000,000 of Single Family Mortgage Revenue Bonds (Mortgage-Backed Securities Program) Series 2023 (Non-AMT) (the “Series 2023 Bonds”) and has applied for an allocation of \$43,000,000 volume cap from the 2023 ceiling to be used for the principal amount of the Series 2023 Bonds plus the premium of approximately \$3,000,000 on the Series 2023 Bonds.

NOW THEREFORE, I, JOHN BEL EDWARDS, Governor of the State of Louisiana, by virtue of the authority vested by the Constitution and laws of the State of Louisiana, do hereby order and direct as follows:

SECTION 1: The bond issue, as described in this Section, shall be and is hereby granted an allocation from the 2023 ceiling in the amount shown:

Amount of Allocation	Name of Issuer	Name of Project
\$43,000,000	Capital Area Finance Authority	Single Family Mortgage Revenue Bonds (Mortgage-Backed Securities Program) Series 2023 (Non-Amt)

SECTION 2: The allocation granted herein shall be used only for the bond issue 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 Private Activity Volume Cap” submitted in connection with the bond issue described in Section 1.

SECTION 3: The allocation granted herein shall be valid and in full force and effect through December 31, 2023.

SECTION 4: This Order is effective upon signature and shall remain in effect until amended, modified, terminated, or rescinded by the Governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of the State of Louisiana in the City of Baton Rouge, on this 16th day of November, 2023.

John Bel Edwards
Governor

ATTEST BY
THE GOVERNOR
R. Kyle Ardoin
Secretary of State
2312#061

EXECUTIVE ORDER JBE 23-20

Bond Allocation 2023 Ceiling

WHEREAS, Section 146 of the Internal Revenue Code of 1986 (hereafter the “Act”), as amended (hereafter the “Code”), restricts the total principal amount of certain private activity bonds (hereafter the “Bonds”) that exclude interest from gross income for federal income tax purposes under Section 103 of the Code;

WHEREAS, Act No. 51 of the 1986 Regular Session of the Louisiana Legislature (hereafter “Act No. 51 of 1986”) authorizes the Governor to allocate the volume limit applicable to the Bonds (hereafter the “ceiling”) among the State and its political subdivisions in such a manner as the Governor deems to be in the best interest of the State of Louisiana;

WHEREAS, pursuant to the Act and Act No. 51 of 1986, Executive Order Number JBE 2016-35 was issued to establish:

- (a) the manner in which the ceiling shall be determined,
- (b) the method to be used in allocating the ceiling,
- (c) the application procedure for obtaining an allocation of Bonds subject to such ceiling, and
- (d) a system of record keeping for such allocations;

WHEREAS, Jefferson Parish Finance Authority (hereafter the “Authority”) has authorized and approved \$25,000,000 of Single Family Mortgage Revenue Bonds, Series 2023 (the “Series 2023 Bonds”) and has applied for an allocation of \$25,000,000 volume cap from the 2023 ceiling to be used for the principal amount of the Series 2023 Bonds.

NOW THEREFORE, I, JOHN BEL EDWARDS, Governor of the State of Louisiana, by virtue of the authority

vested by the Constitution and laws of the State of Louisiana, do hereby order and direct as follows:

SECTION 1: The bond issue, as described in this Section, shall be and is hereby granted an allocation from the 2023 ceiling in the amount shown:

Amount of Allocation	Name of Issuer	Name of Project
\$25,000,000	Jefferson Parish Finance Authority	Single Family Mortgage Revenue Bonds Series 2023

SECTION 2: The allocation granted herein shall be used only for the bond issue 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 Private Activity Volume Cap” submitted in connection with the bond issue described in Section 1.

SECTION 3: The allocation granted herein shall be valid and in full force and effect through December 31, 2023.

SECTION 4: This Order is effective upon signature and shall remain in effect until amended, modified, terminated, or rescinded by the Governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of the State of Louisiana in the City of Baton Rouge, on this 16th day of November, 2023.

John Bel Edwards
Governor

ATTEST BY
THE GOVERNOR
R. Kyle Ardoin
Secretary of State
2312#062

EXECUTIVE ORDER JBE 23-20

Bond Allocation 2023 Ceiling

WHEREAS, Section 146 of the Internal Revenue Code of 1986 (hereafter the “Act”), as amended (hereafter the “Code”), restricts the total principal amount of certain private activity bonds (hereafter the “Bonds”) that exclude interest from gross income for federal income tax purposes under Section 103 of the Code;

WHEREAS, Act No. 51 of the 1986 Regular Session of the Louisiana Legislature (hereafter “Act No. 51 of 1986”) authorizes the Governor to allocate the volume limit applicable to the Bonds (hereafter the “ceiling”) among the State and its political subdivisions in such a manner as the Governor deems to be in the best interest of the State of Louisiana;

WHEREAS, pursuant to the Act and Act No. 51 of 1986, Executive Order Number JBE 2016-35 was issued to establish:

(a) the manner in which the ceiling shall be determined;

(b) the method to be used in allocating the ceiling;

(c) the application procedure for obtaining an allocation of Bonds subject to such ceiling; and

(d) a system of record keeping for such allocations.

WHEREAS, the Louisiana Housing Corporation (hereafter the “Corporation”) has applied for an allocation of the 2023 ceiling to be used in connection with providing funds for the acquisition, construction, rehabilitation, and equipping of residential rental housing for individuals and families of low and moderate income.

NOW THEREFORE, I, JOHN BEL EDWARDS, Governor of the State of Louisiana, by virtue of the authority vested by the Constitution and laws of the State of Louisiana, do hereby order and direct as follows:

SECTION 1: The bond issue, as described in this Section, shall be and is hereby granted an allocation from the 2023 ceiling in the amount shown:

Amount of Allocation	Name of Issuer	Name of Project
\$7,500,000	Louisiana Housing Corporation	Cypress Court Series 2023
\$48,000,000	Louisiana Housing Corporation	Tivoli Place Series 2023

SECTION 2: The allocation granted herein shall be used only for the bond issue 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 Private Activity Volume Cap” submitted in connection with the bond issue described in Section 1.

SECTION 3: The allocation granted herein shall be valid and in full force and effect through December 31, 2023.

SECTION 4: This Order is effective upon signature and shall remain in effect until amended, modified, terminated, or rescinded by the Governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of the State of Louisiana in the City of Baton Rouge, on this 16th day of November, 2023.

John Bel Edwards
Governor

ATTEST BY
THE GOVERNOR
R. Kyle Ardoin
Secretary of State
2312#063

Emergency Rules

DECLARATION OF EMERGENCY

Department of Children and Family Services Licensing Section

Licensee Portal—Child Residential Care Class B,
Residential Homes (Type IV), Child Placing Agencies—
General Provisions, and Juvenile Detention
(LAC 67:V. 6956, 7108, 7311, and 7507)

The Department of Children and Family Services (DCFS) has exercised the emergency provisions of the Administrative Procedure Act, R.S. 49:962 to adopt LAC 67:V, Subpart 8, Chapter 69, Child Residential Care, Class B, Section 6956; amend Chapter 71, Residential Homes—Type IV, Section 7108, Chapter 73, Child Placing Agencies—General Provisions, Section 7311, and Chapter 75, Juvenile Detention Facilities, Section 7507. This Emergency Rule shall be effective December 4, 2023, and shall remain in effect for a period of 180 days.

The department considers emergency action necessary as the licensee portal for the submission of electronic corrective actions plans by the providers has been developed and implementation is pending rule promulgation. This electronic submission will streamline the corrective action plan approval process for providers. The proposed change does not give the department any additional authority or remove any authority currently held by the department.

Title 67

SOCIAL SERVICES

Part V. Child Welfare

Subpart 8. Residential Licensing

Chapter 69. Child Residential Care, Class B

§6956. Corrective Action Plans

A. A corrective action plan (CAP) shall be submitted for any and all deficiencies noted by Licensing Section staff regarding any licensing law or standard, or any other required statute, ordinance, or standard. The CAP and related documents shall be submitted using the Sanswrite licensee portal or by a method as requested by the department. The request for submission of the CAP does not restrict the actions which may be taken by DCFS. If the department does not specify an earlier timeframe for submitting the CAP, the CAP shall be submitted within 10 calendar days from the date of the inspection or receipt of the deficiencies, if mailed or emailed. The CAP shall include a description of how the deficiency will be corrected, the date by which correction(s) shall be completed, and outline the steps the provider plans to take in order to prevent further deficiencies from being cited in these areas and the plan to maintain compliance with the licensing standards. If the CAP is not sufficient and/or additional information is required, the provider shall be notified and informed to submit additional information within 3 calendar days. If it is determined that all areas of noncompliance or deficiencies have not been corrected, the department may revoke the license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:477 and R.S.46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Licensing Section, LR 49:

Chapter 71. Residential Homes—Type IV

§7108. Corrective Action Plans

A. A corrective action plan (CAP) shall be submitted for any and all deficiencies noted by Licensing Section staff regarding any licensing law or standard, or any other required statute, ordinance, or standard. The CAP and related documents shall be submitted using the Sanswrite licensee portal or by a method as requested by the department. The request for submission of the CAP does not restrict the actions which may be taken by DCFS. If the department does not specify an earlier timeframe for submitting the CAP, the CAP shall be submitted within 10 calendar days from the date of the inspection or receipt of the deficiencies, if mailed or emailed. The CAP shall include a description of how the deficiency will be corrected, the date by which correction(s) shall be completed, and outline the steps the provider plans to take in order to prevent further deficiencies from being cited in these areas, and the plan to maintain compliance with the licensing standards. If the CAP is not sufficient and/or additional information is required, the provider shall be notified and informed to submit additional information within 3 calendar days. If it is determined that all areas of noncompliance or deficiencies have not been corrected, the department may revoke the license.

B. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:477 and R.S.46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Licensing Section, LR 43:257 (February 2017), LR 49:

Chapter 73. Child Placing Agencies—General Provisions

§7311. Licensing Requirements—Foster Care, Adoption, Transitional Placing

A. - K.3. ...

L. Corrective Action Plans—Foster Care, Adoption, Transitional Placing

1. A corrective action plan (CAP) shall be submitted for all deficiencies noted by Licensing Section staff regarding any licensing law or standard, or any other required statute, ordinance, or standard. The CAP and related documents shall be submitted using the Sanswrite licensee portal or by a method as requested by the department. The request for submission of the CAP does not restrict the actions which may be taken by DCFS. If the department does not specify an earlier timeframe for submitting the CAP, the CAP shall be submitted within 10 calendar days from receipt of the deficiencies. Receipt of the deficiencies by any staff person constitutes notice to the child-placing agency. The CAP shall include a description of how the deficiency will be corrected, the date by which correction(s) will be completed, and outline the steps the child-placing

agency plans to take in order to prevent further deficiencies from being cited in these areas, and the plan to maintain compliance with the licensing standards. If the CAP is not sufficient and/or additional information is required, the provider shall be notified and informed to submit additional information within five calendar days. If it is determined that all areas of noncompliance or deficiencies have not been corrected, the department may revoke the license.

L.2. - N.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:477 and R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Licensing Section, LR 45:359 (March 2019), effective April 1, 2019, LR 46:681 (May 2020), effective June 1, 2020, amended LR 47:350 (March 2021), effective April 1, 2021, repromulgated LR 47:441 (April 2021), amended LR 47:1847 (December 2021), LR 49:848 (May 2023), effective June 1, 2023, LR 49:

Chapter 75. Juvenile Detention Facilities

§7507. Licensing Requirements

A. - I.7. ...

J. Corrective Action Plan (CAP)

1. A corrective action plan (CAP) shall be submitted for all deficiencies noted by Licensing Section staff regarding any licensing law or standard, or any other required statute, ordinance, or standard. The CAP and related documents shall be submitted using the Sanswrite licensee portal or by a method as requested by the department. The request for submission of the CAP does not restrict the actions which may be taken by DCFS. If the department does not specify an earlier timeframe for submitting the CAP, the CAP shall be submitted within 10 calendar days from receipt of the deficiencies. Receipt of the deficiencies by any staff person constitutes notice to the juvenile detention facility. The CAP shall include a description of how the deficiency will be corrected, the date by which correction(s) will be completed, and outline the steps the juvenile detention facility provider plans to take in order to prevent further deficiencies from being cited in these areas, and the plan to maintain compliance with the licensing standards. If the CAP is not sufficient and/or additional information is required, the provider shall be notified and informed to submit additional information within five calendar days.

2. - 3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:1110.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:1561 (July 2012), amended LR 38:3104 (December 2012), LR 39:1006 (April 2013), effective July 1, 2013, amended LR 42:395 (March 2016), amended by the Department of Children and Family Services, Licensing Section, LR 45:652 (May 2019), effective June 1, 2019, LR 49:848 (May 2023), effective June 1, 2023, LR 49:

Terri Porche Ricks
Secretary

2312#032

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

Bulletin 741—Louisiana Handbook for School Administrators—Graduation Appeals Process (LAC 28: CXV.717, 2321, and 2322)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education proposes to amend LAC 28: CXV in *Bulletin 741—Louisiana Handbook for School Administrators*. The proposed revisions create an appeals process for graduation. This appeals process creates a rigorous evaluation method in which in a student's senior year, a student, who fails to achieve a "passing" score on the end-of-course exam in a testing pair may demonstrate proficiency using a portfolio. All students will still be required to take all state assessments. The change will be to allow for an appeals process for purposes of graduation only. This Declaration of Emergency, effective November 29, 2023, is for a period of 180 days from adoption, or until finally adopted as Rule.

Title 28

EDUCATION

Part CXV. Bulletin 741—Louisiana Handbook for School Administrators

Chapter 7. Records and Reports

§717. Reports of High School Credit

A. - A.3. ...

B. Reporting and Review for State Diplomas Issued on Appeal

1. No later than October 1 annually, LEAs shall submit the following graduation data by school site via the student transcript system (STS). The LDOE will compile and submit a report to BESE annually in December, which will include the following:

- a. the total number of students issued a diploma;
- b. the number of students issued a diploma via an appeal of the assessment requirement granted via SBLC;
- c. the number of students considered by an SBLC for appeal of the assessment requirement;
- d. the number of students in the graduation cohort who did not earn a diploma by August 31 of that year; and
- e. an example of 3 exemplary portfolios that may be used by the department as examples for LEAs and school sites.

2. At the January 2026 BESE meeting the LDOE shall submit a report to BESE, detailing data for the initial two school years of implementation regarding appeals to the assessment requirements for the purposes of graduation eligibility. The report shall serve as a reference for BESE to use in determining if policy revisions are necessary. The LDE will report to BESE annually thereafter and will include the following:

- a. the percentage of college enrollment after high school exit of all graduating students, students issued a diploma via the graduation appeals process, and non-graduates in each respective graduation cohort;

b. to the extent that data is available, the percentage of employment after high school exit of all graduating students, students issued a diploma via the graduation appeals process, and non-graduates in each respective graduation cohort; and

c. the number of IBCs earned by type of all graduating students, students issued a diploma via the graduation appeals process, and non-graduates in each respective graduation cohort.

C. Auditing of Diplomas Issued on Appeal

1. In the event the number of students, issued a diploma via an appeal, exceeds three percent of the respective graduation cohort of a school site, the governing LEA shall submit additional data to LDOE to be included in the BESE annual report. At a minimum, the additional data shall include Subgroup population information as follows for each school site which exceeds the three-percent threshold:

- a. African American;
- b. American Indian/Alaskan Native;
- c. Asian;
- d. Hispanic;
- e. white;
- f. two or more races;
- g. economically disadvantaged;
- h. immigrants;
- i. English learners;
- j. students with disabilities;
- k. students with 504 plans;
- l. homeless students;
- m. military-affiliated students; and
- n. foster care students.

2. After an initial audit regarding the three percent threshold, a school, serving a unique population and in compliance with appeals eligibility requirements, shall be exempt from consecutive audits

3. If the initial audit yields discrepancies in the implementation of the appeals process, the state superintendent of education, may be the final authorizer for the respective school site the following year.

D. Random Sampling for Appeals Audits

1. For the students described in Subsection C, the LDOE may audit a random sampling of the full appeals packets brought to SBLC team to include the following:

- a. an appeals cover page which attests completion of appeal requirements and signatures of the SBLC team in which the appeal was granted;
- b. evidence of intervention required by *Bulletin 741*, §2321.E;
- c. evidence of content proficiency through the state assessment requirement or portfolio submission;
- d. evidence of employability; and/or
- e. any additional documentation requested by the LDOE for the respective students.

E. Prior to the date of graduation or options program completion, the LDOE shall have the authority to determine the issuance of a diploma or an options program skill certificate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(11).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1270 (June 2005), amended LR 39:2204 (August 2013), LR 49:

Chapter 23. Curriculum and Instruction
Subchapter A. Standards and Curricula
§2321. Appeals Eligibility and Requirements

A. Beginning with the 2023-2024 school year, if a student has not met state-established benchmarks in both assessments within any of the prescribed categories in *Bulletin 741*, §2318.A, the SBLC team may determine if the student is able to appeal the assessment requirements for the purposes of graduation eligibility.

B. Students who appeal the assessment requirement for graduation eligibility, shall be afforded the same opportunities to pursue a standard diploma to exit high school with all course credits, honors, and financial awards as other students. A student is not guaranteed a diploma and shall meet either the standard requirements for graduation or, using the process outlined in Subsection D of this Section, appeal to the respective school building level committee (SBLC) team to be awarded a diploma.

C. Pursuant to the Elementary and Secondary Education Act (ESEA), the state academic content standards shall apply to all public schools and public school students in the state and include the same knowledge and skills expected of all students and the same level of achievement expected of all students, with the exception of students with the most significant cognitive disabilities who may access alternate academic achievement standards and achievement levels. Only diplomas earned by students who have pursued the regular academic state standards and who have earned all state-required Carnegie credits shall be considered regular diplomas in the state and district accountability system, pursuant to federal laws and regulations.

D. Appeals Eligibility

1. Students are eligible for an appeal to the assessment requirement no earlier than senior year and shall fulfill the following criteria:

- a. earn all Carnegie Units required for either the TOPS University Diploma or Career Diploma, as prescribed in *Bulletin 741*, §2318 and §2319; and
- b. fulfill at least one of the following conditions to demonstrate evidence of employability:
 - i. demonstrate workforce readiness by a score of Silver or higher on ACT WorkKeys;
 - ii. eligibility for the TOPS Tech Award; or
 - iii. demonstrate mastery of specific employability skills by earning a graduation-qualifying, Industry-Based Credential (IBC), outlined in *Bulletin 741*, §2319, regardless of the diploma pathway that the student is pursuing.
- c. fulfill at least one of the following conditions to demonstrate evidence of content proficiency:
 - i. fulfill the standard assessment requirement for the assessment pairs prescribed in *Bulletin 741*, §2318.A; or
 - ii. for the freshman cohort entering 2022-2023 and beyond, complete a portfolio of work that meets the content proficiency requirement, as measured by the LDOE standardized rubric, for both LEAP 2025 courses in the assessment pairs in which the standard assessment requirement was not fulfilled.

iii. For students entering the freshmen cohort prior to 2022-2023, the portfolio requirement may be satisfied by completing a portfolio aligned to one course in each corresponding LEAP 2025 assessment pair that was not fulfilled by the standard assessment requirement.

2. Pursuant to *Bulletin 741*, §707, for a transfer student transferring into a Louisiana public school district from an out-of-state school, nonpublic school, or approved home study program, proficiency shall be demonstrated via successful completion of coursework and the issuance of Carnegie credit. A transfer student is not required to take the LEAP 2025 assessment in the courses that were transferred and accepted as Carnegie credit. For the purposes of appeals eligibility, a portfolio of work need not be completed for coursework fulfilled for transferred Carnegie credit.

E. Monitoring Progress and Responsibilities for Appeals Eligibility

1. The SBLC shall monitor the progress of each student, who has not met a least one assessment requirement for graduation. The SBLC shall ensure that the student:

a. receives appropriate academic supports in any and all subjects for which the standard assessment requirement was not achieved. Additionally, each individual student graduation plan shall outline all academic supports provided. Progress, pursuant to such specified academic supports, shall be reviewed at least once throughout the school year in order to determine needed adjustments as well as effectiveness;

b. completes 30 hours of required remedial or co-requisite instruction for the LEAP 2025 exam in which the standard assessment requirement was not achieved, per *Bulletin 741*, §2318 and §2319;

c. is provided dropout prevention and mentoring services, based on proven strategies to retain and graduate at-risk students. The LDOE shall make available to LEAs, a list of strategies, as well as technical assistance needed to offer students such services; and

d. is scheduled for a meeting in order to determine eligibility for local career support with a representative from a Workforce Innovation Opportunities Act Provider, Vocational Rehabilitation Services Provider, or other local career support agency and its affiliated providers.

F. Appeals Consideration

1. The SBLC shall review and consider individual student appeals for any student, who meets the appeal requirements, as outlined in Subsection D. Additionally, the SBLC may consider the following in determining an appeal decision:

a. the course grade awarded for the course which the student did not attain the standard assessment requirement for graduation on the LEAP 2025;

b. the score achieved on each LEAP 2025 assessment for which the student did not attain the standard assessment requirement for graduation;

c. the score achieved on the ACT, ACT WorkKeys, and, if applicable, TOPS or TOPS Tech scholarship eligibility;

d. the rigor of secondary coursework, including, successful completion of honors courses, Advanced Placement courses, IAB, and/or dual enrollment courses;

e. completion of a sequence of courses for an IBC within the Career Diploma;

f. the strength of an attained IBC in alignment with definitions outlined in *Bulletin 111*, §709;

g. overall preparedness for postsecondary success, including letters or certificates of acceptance to post-secondary institutions; and

h. any other academic information designated for consideration by the LEA for appeal consideration by the SBLC.

G. For students meeting the requirements outlined in Subsection D, the SBLC may determine that the student is eligible to graduate, subject to final approval of the Local Education Agency (LEA) head. A student who appeals the assessment requirement for graduation may graduate and receive a high school diploma on the basis of the committee decision by majority and the LEA head. This subsection does not create a property interest in graduation. The decision of the SBLC and LEA head is final and may not be appealed. Should an SBLC and LEA head not recommend a student for graduation eligibility by appeal, a student may only graduate through standard assessment requirements.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7, R.S. 17:24.4, R.S. 17:183.2, and R.S. 17:395.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:240 (February 2006), repromulgated LR 41:1483 (August 2015), amended LR 49:

§2322. Senior Projects

[Formerly §2321]

A. A senior project is a focused rigorous independent learning experience completed during the student's year of projected graduation from high school.

B. Each LEA allowing students to complete a senior project in partial fulfillment of the requirements for an academic endorsement shall develop local policy for senior projects that includes these requirements.

1. Each student must choose a challenging topic of interest approved by their parents or guardians and the school-level senior project committee.

2. Each student must have a senior project mentor.

3. Students must successfully complete the four components listed below with a score of satisfactory or higher on each component. The components will be evaluated locally using rubrics provided by the LDOE:

a. research paper of 8 to 10 pages on an approved topic of the student's choice;

b. product or service related to the research requiring at least 20 hours of work;

c. portfolio that documents and reflects the senior project process; and

d. presentation to a panel of three to five adults from the community and school.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7, R.S. 17:24.4, R.S. 17:183.2, and R.S. 17:395.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 49:

Holly Boffy
President

2312#009

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

Bulletin 741—Louisiana Handbook for School Administrators—Graduation Appeals Process (LAC 28: CXV.717, 2321, and 2322)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education hereby rescinds Emergency Rule, LAC 28: CXV,717, 2321, and 2322 in *Bulletin 741—Louisiana Handbook for School Administrators*, adopted and made effective on November 29, 2023. Given that the State Superintendent refuses to open the Student Transcript System, the Emergency Rule does not have the affect initially intended.

Dr. Holly Boffy
BESE President

2312#013

DECLARATION OF EMERGENCY

**Office of the Governor
Division of Administration
Tax Commission**

Ad Valorem Taxation
(LAC 61:V. 304, 701, 703, 705, 905, 907, 1001, 1007, 1103, 1307, 1503, 2503, 2717, 3101, 3102, 3103, 3105, 3106, and 3107)

The Louisiana Tax Commission exercised the provisions of the Administrative Procedure Act, R.S. 49:953(B), and pursuant to its authority under R.S. 47:1837, adopted the following additions, deletions and amendments to the Real/Personal Property Rules and Regulations. This rule is hereby adopted on the day of promulgation.

This Emergency Rule is necessary in order for ad valorem tax assessment tables to be disseminated to property owners and local tax assessors no later than the statutory valuation date of record of January 2024. Cost indexes required to finalize these assessment tables are not available to this office until late October 2023. The effective date of this Emergency Rule is January 2024.

Pursuant to the Administrative Procedure Act, this Emergency Rule shall be in effect for a maximum of 120 days or until adoption of the Final Rule or another Emergency Rule, whichever occurs first.

**Title 61
REVENUE AND TAXATION
Part V. Ad Valorem Taxation**

**§304. Electronic Change Order Specifications,
Property Classification Standards and Electronic
Tax Roll Export Specifications**

A. ...

B. Property Classification Standards

Class Code	Class Description (TC-33)	Sub-Class Code	Sub-Class Description (Grand Recap)	Class Definition
Real Estate				
Real Estate				

Personal Property				

69	Oil and Gas Wells	6800	Oil Wells	Oil Wells
		6802	Non Future Utility	Non Future Utility
		6810	Gas Wells	Gas Wells
		6811	Future	Future
		6812	Non Future	Non Future
		6820	Injection Wells Service Wells	Injection wells, Service wells, Saltwater disposal, Brine wells (suitable for LDNR Class II injection wells associated with oil and gas production, but not Class III brine mining injection wells associated with salt production from a salt dome), Water wells
		6830	Commercial Disposal Wells	Commercial Disposal Wells
70	Salt Dome Property	7010	Wells	Wells
		7020	Caverns	Caverns
Public Service				

C. Electronic Tax Roll Export Specifications

1. For purposes of submission of electronic tax roll data to the Tax Commission on or after January 1, 2024, the parish tax assessors shall not submit any tax roll data that is deemed confidential by law. If an assessor later discovers that confidential information was submitted to the Tax Commission, the assessor shall immediately notify the Tax Commission and resubmit the electronic tax roll data without the confidential information included.

2. Regarding public records requests for assessment information submitted to the Tax Commission prior to January 1, 2024, the Tax Commission shall confer with the parish tax assessor(s) that submitted the assessment

information sought. The parish tax assessor(s) that submitted the assessment information sought by the public records request shall promptly respond to the Tax Commission and inform the Tax Commission whether any of the assessment information sought by the public records request is deemed confidential by law. The parish tax assessor(s) that submitted the assessment information sought by the public records request shall designate the assessment information that is deemed confidential by law. Such information is not a public record and will not be conveyed or transferred to any individual or entity.

* * *

Assessment Information (Assmt.txt) (Required)				
Field Name	Field Type	Field Length	Required	Comments
tax_year	Numeric	4	Yes	Tax year submitting (ex. 1999, 2000)
* * *				
assessment_status	Character	2	Yes	“AC” = Active (includes assessments with partial exemptions) “AJ” = Adjudicated, “EX” = Exempt/Tax Free (only to be used for 100% tax exempt assessments)
homestead_exempt	Numeric	1	Yes	0 = None (default), 1 = Yes (homestead exemption, of any type, at any percentage, is applicable to assessment)
tax_acct	Numeric	6	No	Tax account number is required for grouping tax assessments together
* * *				
usufruct	Character	1	Yes	“N” = No (default) and “Y” = Yes
other_exempt	Numeric	1	Yes	0 = None (default), 1 = Yes (any other exemption, other than homestead and disabled veteran, of any type, at any percentage, is applicable to assessment)
veteran_exempt	Numeric	1	Yes	0 = None (default), 1 = disabled veteran exemption, at any level, is applicable to assessment, when claimed by disabled veteran, 2 = disabled veteran exemption, at any level, is applicable to assessment, when claimed by surviving spouse of disabled veteran

Assessment Value Information (Avalue.txt) (Required)				
Field Name	Field Type	Field Length	Required	Comments
tax_year	Numeric	4	Yes	Tax year submitting (ex. 1999, 2000)
* * *				
homestead_type	Numeric	1	Yes	0 = None (default), 1 = Default Homestead Exemption (\$7,500 of total assessed value), 2 = 100% Unmarried Surviving Spouse of Active Duty Homestead
homestead_percent	Numeric	6.2	Yes	Homestead Exemption percentage to be applied to assessment of item (Format: 100.00 (Default))
* * *				
other_exempt_value	Numeric	10	Yes	Assessed value to be credited by other exemptions (e.g. Industrial, Restoration, Agricultural, Institutional, Religious, Non-profit); NOTE: Effective 1-1-24, the LTC plans to make this a Required Field
* * *				

Assessment Millage Information (Amillage.txt) (Required)				
Field Name	Field Type	Field Length	Required	Comments
tax_year	Numeric	4	Yes	Tax year submitting (ex. 1999, 2000)
* * *				
taxing_body_approval	Numeric	1	Yes	Indicates if local taxing body related to the millage approved an exemption (or did not vote). 0 = voted to approve exemption/NA (default), 1 = voted to deny exemption
* * *				
other_exempt_taxes	Numeric	11.2	Yes	Amount of taxes credited due to other exemption(s) (other than homestead) (Format: 9999999.99)
* * *				

* * *

Tax Exemption Program Information (TEP.txt)				
Field Name	Field Type	Field Length	Required	Comments
tax_year	Numeric	4	Yes	Tax year submitting (ex. 2017, 2018)
* * *				
penalty_years	Numeric	12	Yes	Specifies the number of penalty years assessed by the Board of Commerce and Industry, if applicable. (Default: 0)
industrial_exemption_type	Numeric	1	Yes	1 = Industrial Exemption subject to 80% cap, 2 = Industrial Exemption megaproject subject to 93% cap, 3 = Industrial Exemption at 100%
* * *				

AUTHORITY NOTE: Promulgated in accordance with the Louisiana Constitution of 1974, Article VII, §18 and R.S. 47:1837.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Tax Commission, LR 31:703 (March 2005), LR 32:427 (March 2006), LR 36:765 (April 2010), amended by the Division of Administration, Tax Commission, LR 38:799 (March 2012), LR 39:487 (March 2013), LR 40:529 (March 2014), LR 41:672 (April 2015), LR 42:745 (May 2016), LR 43:651 (April 2017), LR 44:578 (March 2018), LR 45:532 (April 2019), LR 48:1522 (June 2022), LR 49:1037 (June 2023), LR 50:

Chapter 7. Watercraft

§701. Guidelines for Ascertaining Fair Market Value of Watercraft

A. ...

B. Valuation

1. Fair market value is the valuation standard for watercraft. When using the cost approach, the assessor shall estimate the fair market value of each vessel having situs in the assessor’s parish through use of the information provided to the assessor on LAT Form 11. Taxpayers shall report the cost of the vessel.

2. The same procedure shall be used as for other forms of machinery and equipment. That is, cost of the vessel will be brought up to current value through use of the appropriate index and depreciated based on the effective age of the vessel. The appropriate cost index, percent good factors and composite multipliers appear in Tables 703.A.1, 703.B.1 and 705.A.1. The composite multipliers are only to be used when the cost of the vessel is self-reported. When the cost of the vessel is not available, or the assessor finds the information to be unreliable, the assessor may utilize the base cost and depreciation schedules found in Tables 703.A.2, 703.B.2 and 705.A.2. Obsolescence may be applied according to days worked as per Table 706. Consideration of additional obsolescence may be granted upon showing evidence of loss, substantiated by the taxpayer in writing.

3. - 4. ...

C. Vessel Types and Definitions

1. - 22. ...

2. Floating Equipment—Motor Vessels

22. Offshore Support Vessel (OSV/Supply): An Offshore Support Vessel (OSV/Supply) is an ocean-going vessel used for transporting cargo, goods, supplies, and crew, as well as for carrying out offshore exploration and production across oil platforms. These provide transportation for workers and products to and from drilling locations.

23. - 33. ...

AUTHORITY NOTE: Promulgated in accordance with La. Const. of 1974, Article VII, §18 and §21, R.S. 47:1837 and R.S. 47:2323.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 10:922 (November 1984), LR 12:36 (January 1986), LR 15:1097 (December 1989), LR 16:1063 (December 1990), LR 20:198 (February 1994), amended by the Department of Revenue, Tax Commission, LR 24:479 (March 1998), amended by the Office of the Governor, Division of Administration, Tax Commission, LR 44:579 (March 2018), LR 50:

§703. Tables—Watercraft

A. Motorized Floating Equipment

1. Floating Equipment—Motor Vessels

Table 703.A.1 Floating Equipment—Motor Vessels				
Cost Index (Average)		Average Economic Life 12 Years		
Year	Index	Effective Age	Percent Good	Composite Multiplier
2023	0.994	1	94	.93
2022	1.012	2	87	.88
2021	1.189	3	80	.95
2020	1.292	4	73	.94
2019	1.299	5	66	.86
2018	1.346	6	58	.78
2017	1.392	7	50	.70
2016	1.420	8	43	.61
2015	1.408	9	36	.51
2014	1.421	10	29	.41
2013	1.440	11	24	.35
2012	1.452	12	22	.32
2011	1.493	13	20	.30

Table 703.A.2 Floating Equipment—Motor Vessels						
Vessel Type/Size	Day Rate	Base Cost	2023 - 2020	2019 - 2016	2015 - 2012	2011 and Earlier
Physical Depreciation			0.835	0.54	0.265	0.2
Research Vessel						
110'-139'	N/A	\$3,000,000	\$2,505,000	\$1,620,000	\$795,000	\$600,000
140'-179'	N/A	\$3,500,000	\$2,922,500	\$1,890,000	\$927,500	\$700,000
180'-199'	N/A	\$4,000,000	\$3,340,000	\$2,160,000	\$1,060,000	\$800,000
200'-219'	N/A	\$6,000,000	\$5,010,000	\$3,240,000	\$1,590,000	\$1,200,000
220'-279'	N/A	\$9,500,000	\$7,932,500	\$5,130,000	\$2,517,500	\$1,900,000
280'-299'	N/A	\$12,000,000	\$10,020,000	\$6,480,000	\$3,180,000	\$2,400,000
300'-319'	N/A	\$18,000,000	\$15,030,000	\$9,720,000	\$4,770,000	\$3,600,000
320'+	N/A	\$20,000,000	\$16,700,000	\$10,800,000	\$5,300,000	\$4,000,000
Dive Vessel						
110'-139'	4000	\$3,000,000	\$2,505,000	\$1,620,000	\$795,000	\$600,000
140'-179'	4500	\$3,500,000	\$2,922,500	\$1,890,000	\$927,500	\$700,000
180'-199'	5500	\$4,000,000	\$3,340,000	\$2,160,000	\$1,060,000	\$800,000
200'-219'	5800	\$6,000,000	\$5,010,000	\$3,240,000	\$1,590,000	\$1,200,000

Table 703.A.2 Floating Equipment—Motor Vessels						
Vessel Type/Size	Day Rate	Base Cost	2023 - 2020	2019 - 2016	2015 - 2012	2011 and Earlier
Physical Depreciation			0.835	0.54	0.265	0.2
220'-279'	6500	\$8,500,000	\$7,097,500	\$4,590,000	\$2,252,500	\$1,700,000
280'-299'	7500	\$9,000,000	\$7,515,000	\$4,860,000	\$2,385,000	\$1,800,000
300'-319'	8000	\$9,300,000	\$7,765,500	\$5,022,000	\$2,464,500	\$1,860,000
320'+	8500	\$9,900,000	\$8,266,500	\$5,346,000	\$2,623,500	\$1,980,000
Pollution Control Vessel						
110'-139'	N/A	\$2,000,000	\$1,670,000	\$1,080,000	\$530,000	\$400,000
140'-179'	N/A	\$2,300,000	\$1,920,500	\$1,242,000	\$609,500	\$460,000
180'-199'	N/A	\$3,200,000	\$2,672,000	\$1,728,000	\$848,000	\$640,000
200'-219'	N/A	\$4,800,000	\$4,008,000	\$2,592,000	\$1,272,000	\$960,000
220'-279'	N/A	\$7,600,000	\$6,346,000	\$4,104,000	\$2,014,000	\$1,520,000
280'-299'	N/A	\$9,500,000	\$7,932,500	\$5,130,000	\$2,517,500	\$1,900,000
300'-319'	N/A	\$13,000,000	\$10,855,000	\$7,020,000	\$3,445,000	\$2,600,000
320'+	N/A	\$15,000,000	\$12,525,000	\$8,100,000	\$3,975,000	\$3,000,000
Platform Supply Vessel						
110'-139'	N/A	\$2,400,000	\$2,004,000	\$1,296,000	\$636,000	\$480,000
140'-179'	N/A	\$2,650,000	\$2,212,750	\$1,431,000	\$702,250	\$530,000
180'-199'	N/A	\$3,000,000	\$2,505,000	\$1,620,000	\$795,000	\$600,000
200'-219'	N/A	\$4,500,000	\$3,757,500	\$2,430,000	\$1,192,500	\$900,000
220'-279'	N/A	\$5,560,000	\$4,642,600	\$3,002,400	\$1,473,400	\$1,112,000
280'-299'	N/A	\$7,500,000	\$6,262,500	\$4,050,000	\$1,987,500	\$1,500,000
300'-319'	N/A	\$13,000,000	\$10,855,000	\$7,020,000	\$3,445,000	\$2,600,000
320'+	N/A	\$14,000,000	\$11,690,000	\$7,560,000	\$3,710,000	\$2,800,000
Jack Up/AHT						
60'-89'	N/A	\$1,059,000	\$884,265	\$571,860	\$280,635	\$211,800
90'-109'	N/A	\$1,059,000	\$884,265	\$571,860	\$280,635	\$211,800
110'-139'	N/A	\$2,942,000	\$2,456,570	\$1,588,680	\$779,630	\$588,400
140'-174'	6500	\$4,825,000	\$4,028,875	\$2,605,500	\$1,278,625	\$965,000
175'-219'	8000	\$6,500,000	\$5,427,500	\$3,510,000	\$1,722,500	\$1,300,000
220'-239'	14000	\$8,235,000	\$6,876,225	\$4,446,900	\$2,182,275	\$1,647,000
240'+	16300	\$10,474,000	\$8,745,790	\$5,655,960	\$2,775,610	\$2,094,800
Inland Tugs						
40-50'X15-25' 400 HP	N/A	\$400,000	\$334,000	\$216,000	\$106,000	\$80,000
50-60'X25-35' 600 HP	N/A	\$800,000	\$668,000	\$432,000	\$212,000	\$160,000
50-60'X25-45' 900 HP	N/A	\$960,000	\$801,600	\$518,400	\$254,400	\$192,000
60-70'X30-45' 1200 HP	N/A	\$1,120,000	\$935,200	\$604,800	\$296,800	\$224,000
60-70'X30-55' 1500 HP	N/A	\$1,200,000	\$1,002,000	\$648,000	\$318,000	\$240,000
70-80'X30-55' 1800 HP	N/A	\$1,440,000	\$1,202,400	\$777,600	\$318,600	\$288,000
80-100'X30-50' 2400 HP	N/A	\$2,240,000	\$1,870,400	\$1,209,600	\$593,600	\$448,000
80-100'X30-60' 3000 HP	N/A	\$2,800,000	\$2,338,000	\$1,512,000	\$742,000	\$560,000
100-120'X45-55' 4200 HP	N/A	\$3,040,000	\$2,538,400	\$1,641,600	\$805,600	\$608,000
110-150'X30-75' 6000 HP	N/A	\$4,000,000	\$3,340,000	\$2,160,000	\$1,060,000	\$800,000
Offshore Tugs						
60-80'X25-35' 1800 HP	N/A	\$500,000	\$417,500	\$270,000	\$132,500	\$100,000
75-90'X25-35' 2400 HP	N/A	\$750,000	\$626,250	\$405,000	\$198,750	\$150,000
95-105'X30-40' 3000 HP	N/A	\$850,000	\$709,750	\$459,000	\$225,250	\$170,000
100-120'X35-50' 4200 HP	N/A	\$1,000,000	\$835,000	\$540,000	\$265,000	\$200,000
120-140'X40-60' 6000 HP	N/A	\$1,500,000	\$1,252,500	\$810,000	\$397,500	\$300,000
140-160'X35-60' 10,000 HP	3300	\$1,801,000	\$1,503,835	\$972,540	\$477,265	\$360,200
Push Boats						
40-50'X15-25' 400 HP	1800	\$640,000	\$534,400	\$345,600	\$169,600	\$128,000
50-60'X25-35' 600 HP	2000	\$800,000	\$668,000	\$432,000	\$212,000	\$160,000
50-60'X25-45' 900 HP	2400	\$960,000	\$801,600	\$518,400	\$254,400	\$192,000
60-70'X30-45' 1200 HP	2600	\$1,120,000	\$935,200	\$604,800	\$296,800	\$224,000
60-70'X30-55' 1500 HP	2850	\$1,200,000	\$1,002,000	\$648,000	\$318,000	\$240,000
70-80'X30-55' 1800 HP	3000	\$1,440,000	\$1,202,400	\$777,600	\$381,600	\$288,000
80-100'X30-50' 2400 HP	4000	\$2,240,000	\$1,870,400	\$1,209,600	\$593,600	\$448,000
80-100'X30-60' 3000 HP	4200	\$2,800,000	\$2,338,000	\$1,512,000	\$742,000	\$560,000
100-120'X45-55' 4200 HP	4300	\$3,040,000	\$2,538,400	\$1,641,600	\$805,600	\$608,000

Table 703.A.2 Floating Equipment—Motor Vessels						
Vessel Type/Size	Day Rate	Base Cost	2023 - 2020	2019 - 2016	2015 - 2012	2011 and Earlier
Physical Depreciation						
			0.835	0.54	0.265	0.2
110-150'X30-75' 6000 HP	4800	\$4,000,000	\$3,340,000	\$2,160,000	\$1,060,000	\$800,000
Model Bow Boats						
50-60'X25-35' 600 HP	N/A	\$1,700,000	\$1,419,500	\$918,000	\$450,500	\$340,000
50-60'X25-45' 900 HP	N/A	\$2,200,000	\$1,837,000	\$1,188,000	\$583,000	\$440,000
60-70'X30-45' 1200 HP	N/A	\$2,600,000	\$2,171,000	\$1,404,000	\$689,000	\$520,000
75-90'X25-35' 2400 HP	N/A	\$4,500,000	\$3,757,500	\$2,430,000	\$1,192,500	\$900,000
95-105'X30-40' 3000 HP	N/A	\$6,500,000	\$5,427,500	\$3,510,000	\$1,722,500	\$1,300,000
100-120'X35-50' 4200 HP	N/A	\$8,000,000	\$6,680,000	\$4,320,000	\$2,120,000	\$1,600,000
120-140'X40-60' 6000 HP	N/A	\$10,000,000	\$8,350,000	\$5,400,000	\$2,650,000	\$2,000,000
140-160'X35-60' 10,000 HP	N/A	\$13,000,000	\$10,855,000	\$7,020,000	\$3,445,000	\$2,600,000
Skiff						
Under 20'	N/A	\$90,000	\$75,150	\$48,600	\$23,850	\$18,000
20'-40'	N/A	\$180,000	\$150,300	\$97,200	\$47,700	\$36,000
40'-60'	N/A	\$225,000	\$187,875	\$121,500	\$59,625	\$45,000
Steamboat						
120X30	N/A	\$250,000	\$208,750	\$135,000	\$66,250	\$50,000
140X40	N/A	\$450,000	\$375,750	\$243,000	\$119,250	\$90,000
180X54	N/A	\$900,000	\$751,500	\$486,000	\$238,500	\$180,000
250X72 Non Class	N/A	\$1,800,000	\$1,503,000	\$972,000	\$477,000	\$360,000
250X72 Class	N/A	\$2,900,000	\$2,421,500	\$1,566,000	\$768,500	\$580,000
260X72 Non Class	N/A	\$1,900,000	\$1,586,500	\$1,026,000	\$503,500	\$380,000
260X72 Class	N/A	\$3,000,000	\$2,505,000	\$1,620,000	\$795,000	\$600,000
300X100 Non Class	N/A	\$3,200,000	\$2,672,000	\$1,728,000	\$848,000	\$640,000
300X100 Class	N/A	\$6,400,000	\$5,344,000	\$3,456,000	\$1,696,000	\$1,280,000
400X100 Non Class	N/A	\$6,000,000	\$5,010,000	\$3,240,000	\$1,590,000	\$1,200,000
400X100 Class	N/A	\$10,000,000	\$8,350,000	\$5,400,000	\$2,650,000	\$2,000,000
Riverboat Casino						
120X30	N/A	\$250,000	\$208,750	\$135,000	\$66,250	\$50,000
140X40	N/A	\$450,000	\$375,750	\$243,000	\$119,250	\$90,000
180X54	N/A	\$900,000	\$751,500	\$486,000	\$238,500	\$180,000
250X72 Non Class	N/A	\$1,800,000	\$1,503,000	\$972,000	\$477,000	\$360,000
250X72 Class	N/A	\$2,900,000	\$2,421,500	\$1,566,000	\$768,500	\$580,000
260X72 Non Class	N/A	\$1,900,000	\$1,586,500	\$1,026,000	\$503,500	\$380,000
260X72 Class	N/A	\$3,000,000	\$2,505,000	\$1,620,000	\$795,000	\$600,000
300X100 Non Class	N/A	\$3,200,000	\$2,672,000	\$1,728,000	\$848,000	\$640,000
300X100 Class	N/A	\$6,400,000	\$5,344,000	\$3,456,000	\$1,696,000	\$1,280,000
400X100 Non Class	N/A	\$6,000,000	\$5,010,000	\$3,240,000	\$1,590,000	\$1,200,000
400X100 Class	N/A	\$12,000,000	\$10,020,000	\$6,480,000	\$3,180,000	\$2,400,000

B. Non-Motorized Floating Equipment

1. Floating Equipment—Barges (Non-Motorized)
Cost Index

Table 703.B.1 Floating Equipment—Barges (Non-Motorized)				
Cost Index Average		Average Economic Life 20 Years		
Year	Index	Effective Age	Percent Good	Composite Multiplier
2023	0.994	1	97	.96
2022	1.012	2	93	.94
2021	1.189	3	90	1.07
2020	1.292	4	86	1.11
2019	1.299	5	82	1.07
2018	1.346	6	78	1.05
2017	1.392	7	74	1.03
2016	1.420	8	70	.99

Table 703.B.1 Floating Equipment—Barges (Non-Motorized)				
Cost Index Average		Average Economic Life 20 Years		
Year	Index	Effective Age	Percent Good	Composite Multiplier
2015	1.408	9	65	.92
2014	1.421	10	60	.85
2013	1.440	11	55	.79
2012	1.452	12	50	.73
2011	1.493	13	45	.67
2010	1.540	14	40	.62
2009	1.528	15	35	.53
2008	1.572	16	31	.49
2007	1.634	17	27	.44
2006	1.723	18	24	.41
2005	1.803	19	22	.40
2004	1.939	20	21	.41
2003	2.006	21	20	.40

3. Floating Equipment—Barges (Non-Motorized)

Table 703.B.2
Floating Equipment—Barges (Non-Motorized)

Barge Type/Size	Day Rate	Base Cost	2023-2020	2019-2016	2015-2012	2011-2008	2007-2004	2003 and Earlier
Physical Depreciation			0.915	0.76	0.575	0.375	0.23	0.2
Deck								
120x30	200	\$240,000	\$219,600	\$182,400	\$138,000	\$90,000	\$55,200	\$48,000
140X40	350	\$450,000	\$411,750	\$342,000	\$258,750	\$168,750	\$103,500	\$90,000
180X54	450	\$900,000	\$823,500	\$684,000	\$517,500	\$337,500	\$207,000	\$180,000
250X72 Non Class	600	\$1,500,000	\$1,372,500	\$1,140,000	\$862,500	\$562,500	\$345,000	\$300,000
250X72 Class	800	\$2,700,000	\$2,470,500	\$2,052,000	\$1,552,500	\$1,012,500	\$621,000	\$540,000
260X72 Non Class	500	\$1,600,000	\$1,464,000	\$1,216,000	\$920,000	\$600,000	\$368,000	\$320,000
260X72 Class	900	\$2,900,000	\$2,653,500	\$2,204,000	\$1,667,500	\$1,087,500	\$667,000	\$580,000
300X100 Non Class	1500	\$3,100,000	\$2,836,500	\$2,356,000	\$1,782,500	\$1,162,500	\$713,000	\$620,000
300X100 Class	2000	\$5,000,000	\$4,575,000	\$3,800,000	\$2,875,000	\$1,875,000	\$1,150,000	\$1,000,000
400X100 Non Class	4000	\$6,500,000	\$5,947,500	\$4,940,000	\$3,737,500	\$2,437,500	\$1,495,000	\$1,300,000
400X100 Class	6000	\$10,900,000	\$9,973,500	\$8,284,000	\$6,267,500	\$4,087,500	\$2,507,000	\$2,180,000
Dredge								
8" Cutter	N/A	\$550,000	\$503,250	\$418,000	\$316,250	\$206,250	\$126,500	\$110,000
10" Cutter	N/A	\$650,000	\$594,750	\$494,000	\$373,750	\$243,750	\$149,500	\$130,000
14" Cutter	N/A	\$900,000	\$823,500	\$684,000	\$517,500	\$337,500	\$207,000	\$180,000
16" Cutter	N/A	\$1,300,000	\$1,189,500	\$988,000	\$747,500	\$487,500	\$299,000	\$260,000
20" Cutter	N/A	\$2,500,000	\$2,287,500	\$1,900,000	\$1,437,500	\$937,500	\$575,000	\$500,000
24" Cutter	N/A	\$3,800,000	\$3,477,000	\$2,888,000	\$2,185,000	\$1,425,000	\$874,000	\$760,000
Transport								
120X30	150	\$230,000	\$210,450	\$174,800	\$132,250	\$86,250	\$52,900	\$46,000
140X40	300	\$325,000	\$297,375	\$247,000	\$186,875	\$121,875	\$74,750	\$65,000
180X54	425	\$775,000	\$709,125	\$589,000	\$445,625	\$290,625	\$178,250	\$155,000
250X72 Non Class	550	\$1,400,000	\$1,281,000	\$1,064,000	\$805,000	\$525,000	\$322,000	\$280,000
250X72 Class	750	\$3,100,000	\$2,836,500	\$2,356,000	\$1,782,500	\$1,162,500	\$713,000	\$620,000
260X72 Non Class	575	\$1,500,000	\$1,372,500	\$1,140,000	\$862,500	\$562,500	\$345,000	\$300,000
260X72 Class	850	\$3,200,000	\$2,928,000	\$2,432,000	\$1,840,000	\$1,200,000	\$736,000	\$640,000
300X72 Non Class	1000	\$3,800,000	\$3,477,000	\$2,888,000	\$2,185,000	\$1,425,000	\$874,000	\$760,000
300X72 Class	2000	\$5,500,000	\$5,032,500	\$4,180,000	\$3,162,500	\$2,062,500	\$1,265,000	\$1,100,000
400X100 Non Class	2500	\$6,500,000	\$5,947,500	\$4,940,000	\$3,737,500	\$2,437,500	\$1,495,000	\$1,300,000
400X100 Class	6500	\$12,000,000	\$10,980,000	\$9,120,000	\$6,900,000	\$4,500,000	\$2,760,000	\$2,400,000
Crane								
120X30	350	\$1,500,000	\$1,372,500	\$1,140,000	\$862,500	\$562,500	\$345,000	\$300,000
150X50	450	\$1,900,000	\$1,738,500	\$1,444,000	\$1,092,500	\$712,500	\$437,000	\$380,000
180X60	550	\$2,500,000	\$2,287,500	\$1,900,000	\$1,437,500	\$937,500	\$575,000	\$500,000
250X72	750	\$4,000,000	\$3,660,000	\$3,040,000	\$2,300,000	\$1,500,000	\$920,000	\$800,000
300X100	850	\$6,500,000	\$5,947,500	\$4,940,000	\$3,737,500	\$2,437,500	\$1,495,000	\$1,300,000
Oil								
10K	450	\$1,900,000	\$1,738,500	\$1,444,000	\$1,092,500	\$712,500	\$437,000	\$380,000
30K	750	\$3,200,000	\$2,928,000	\$2,432,000	\$1,840,000	\$1,200,000	\$736,000	\$640,000
80K	1500	\$7,000,000	\$6,405,000	\$5,320,000	\$4,025,000	\$2,625,000	\$1,610,000	\$1,400,000
120K	2500	\$8,500,000	\$7,777,500	\$6,460,000	\$4,887,500	\$3,187,500	\$1,955,000	\$1,700,000
Spar (Holds)								
175X26 (1000 Tons)	400	\$1,900,000	\$1,738,500	\$1,444,000	\$1,092,500	\$712,500	\$437,000	\$380,000
195X35 (2200 Tons)	450	\$2,200,000	\$2,013,000	\$1,672,000	\$1,265,000	\$825,000	\$506,000	\$440,000
290X35 (3000 Tons)	550	\$3,500,000	\$3,202,500	\$2,660,000	\$2,012,500	\$1,312,500	\$805,000	\$700,000
Shugart								
10X5X2	50	\$75,000	\$68,625	\$57,000	\$43,125	\$28,125	\$17,250	\$15,000
20X10X4	75	\$85,000	\$77,775	\$64,600	\$48,875	\$31,875	\$19,550	\$17,000
40X12X5	100	\$150,000	\$137,250	\$114,000	\$86,250	\$56,250	\$34,500	\$30,000

**Table 703.B.2
Floating Equipment—Barges (Non-Motorized)**

Barge Type/Size	Day Rate	Base Cost	2023-2020	2019-2016	2015-2012	2011-2008	2007-2004	2003 and Earlier
Physical Depreciation			0.915	0.76	0.575	0.375	0.23	0.2
Spud								
90X20	130	\$300,000	\$274,500	\$228,000	\$172,500	\$112,500	\$69,000	\$60,000
100X25	175	\$325,000	\$297,375	\$247,000	\$186,875	\$121,875	\$74,750	\$65,000
110x30	200	\$350,000	\$320,250	\$266,000	\$201,250	\$131,250	\$80,500	\$70,000
120X30	350	\$750,000	\$686,250	\$570,000	\$431,250	\$281,250	\$172,500	\$150,000
140X40	450	\$1,200,000	\$1,098,000	\$912,000	\$690,000	\$450,000	\$276,000	\$240,000
140X45	600	\$1,600,000	\$1,464,000	\$1,216,000	\$920,000	\$600,000	\$368,000	\$320,000
180X54	800	\$2,000,000	\$1,830,000	\$1,520,000	\$1,150,000	\$750,000	\$460,000	\$400,000
200x60	1000	\$2,200,000	\$2,013,000	\$1,672,000	\$1,265,000	\$825,000	\$506,000	\$440,000
250X72	1200	\$2,500,000	\$2,287,500	\$1,900,000	\$1,437,500	\$937,500	\$575,000	\$500,000
Pile Driver								
120X30	200	\$1,500,000	\$1,372,500	\$1,140,000	\$862,500	\$562,500	\$345,000	\$300,000
150X50	250	\$1,800,000	\$1,647,000	\$1,368,000	\$1,035,000	\$675,000	\$414,000	\$360,000
180X60	450	\$2,000,000	\$1,830,000	\$1,520,000	\$1,150,000	\$750,000	\$460,000	\$400,000
250X72	600	\$2,500,000	\$2,287,500	\$1,900,000	\$1,437,500	\$937,500	\$575,000	\$500,000
300X100	700	\$3,500,000	\$3,202,500	\$2,660,000	\$2,012,500	\$1,312,500	\$805,000	\$700,000
Hopper (Holds)								
175X26 (1000 Tons)	275	\$2,300,000	\$2,104,500	\$1,748,000	\$1,322,500	\$862,500	\$529,000	\$460,000
195X35 (2200 Tons)	325	\$2,700,000	\$2,470,500	\$2,052,000	\$1,552,500	\$1,012,500	\$621,000	\$540,000
290X35	450	\$4,500,000	\$4,117,500	\$3,420,000	\$2,587,500	\$1,687,500	\$1,035,000	\$900,000
Tank								
195'X35' (10K)	400	\$1,700,000	\$1,555,500	\$1,292,000	\$977,500	\$637,500	\$391,000	\$340,000
200'X53' (10K)	400	\$1,700,000	\$1,555,500	\$1,292,000	\$977,500	\$637,500	\$391,000	\$340,000
297'X54' (30K)	700	\$3,200,000	\$2,928,000	\$2,432,000	\$1,840,000	\$1,200,000	\$736,000	\$640,000
350'X65' (80K)	1200	\$4,800,000	\$4,392,000	\$3,648,000	\$2,760,000	\$1,800,000	\$1,104,000	\$960,000
400'X85' (120K)	3500	\$9,500,000	\$8,692,500	\$7,220,000	\$5,462,500	\$3,562,500	\$2,185,000	\$1,900,000
Pressure								
250X50 (16,000 Barrels)	2000	\$3,200,000	\$2,928,000	\$2,432,000	\$1,840,000	\$1,200,000	\$736,000	\$640,000
Keyway								
120X30	200	\$200,000	\$183,000	\$152,000	\$115,000	\$75,000	\$46,000	\$40,000
140X40	400	\$360,000	\$329,400	\$273,600	\$207,000	\$135,000	\$82,800	\$72,000
180X54	500	\$720,000	\$658,800	\$547,200	\$414,000	\$270,000	\$165,600	\$144,000
250X72 Non Class	400	\$1,440,000	\$1,317,600	\$1,094,400	\$828,000	\$540,000	\$331,200	\$288,000
250X72 Class	600	\$2,320,000	\$2,122,800	\$1,763,200	\$1,334,000	\$870,000	\$533,600	\$464,000
260X72 Non Class	400	\$1,520,000	\$1,390,800	\$1,155,200	\$874,000	\$570,000	\$349,600	\$304,000
260X72 Class	800	\$2,560,000	\$2,342,400	\$1,945,600	\$1,472,000	\$960,000	\$588,800	\$512,000
300X100 Non Class	1200	\$2,560,000	\$2,342,400	\$1,945,600	\$1,472,000	\$960,000	\$588,800	\$512,000
300X100 Class	2400	\$5,120,000	\$4,684,800	\$3,891,200	\$2,944,000	\$1,920,000	\$1,177,600	\$1,024,000
400X100 Non Class	3000	\$4,800,000	\$4,392,000	\$3,648,000	\$2,760,000	\$1,800,000	\$1,104,000	\$960,000
400X100 Class	6000	\$9,600,000	\$8,784,000	\$7,296,000	\$5,520,000	\$3,600,000	\$2,208,000	\$1,920,000
Industrial								
120X30	200	\$250,000	\$228,750	\$190,000	\$143,750	\$93,750	\$57,500	\$50,000
140X40	400	\$450,000	\$411,750	\$342,000	\$258,750	\$168,750	\$103,500	\$90,000
180X54	600	\$900,000	\$823,500	\$684,000	\$517,500	\$337,500	\$207,000	\$180,000
250X72 Non Class	400	\$1,800,000	\$1,647,000	\$1,368,000	\$1,035,000	\$675,000	\$414,000	\$360,000
250X72 Class	600	\$2,900,000	\$2,653,500	\$2,204,000	\$1,667,500	\$1,087,500	\$667,000	\$580,000
260X72 Non Class	400	\$1,900,000	\$1,738,500	\$1,444,000	\$1,092,500	\$712,500	\$437,000	\$380,000
260X72 Class	800	\$3,000,000	\$2,745,000	\$2,280,000	\$1,725,000	\$1,125,000	\$690,000	\$600,000
300X100 Non Class	1200	\$3,200,000	\$2,928,000	\$2,432,000	\$1,840,000	\$1,200,000	\$736,000	\$640,000
300X100 Class	2400	\$6,400,000	\$5,856,000	\$4,864,000	\$3,680,000	\$2,400,000	\$1,472,000	\$1,280,000
400X100 Non Class	3000	\$6,000,000	\$5,490,000	\$4,560,000	\$3,450,000	\$2,250,000	\$1,380,000	\$1,200,000
400X100 Class	6000	\$12,000,000	\$10,980,000	\$9,120,000	\$6,900,000	\$4,500,000	\$2,760,000	\$2,400,000

Table 703.B.2 Floating Equipment—Barges (Non-Motorized)								
Barge Type/Size	Day Rate	Base Cost	2023-2020	2019-2016	2015-2012	2011-2008	2007-2004	2003 and Earlier
Physical Depreciation			0.915	0.76	0.575	0.375	0.23	0.2
Pontoon								
30X11X2	100	\$6,500.00	\$5,947.50	\$4,940.00	\$3,737.50	\$2,437.50	\$1,495.00	\$1,300.00
60X15X3	200	\$15,000.00	\$13,725.00	\$11,400.00	\$8,625.00	\$5,625.00	\$3,450.00	\$3,000.00
40X12X3	150	\$12,000.00	\$10,980.00	\$9,120.00	\$6,900.00	\$4,500.00	\$2,760.00	\$2,400.00
Dry Dock								
100'	N/A	\$1,900,000	\$1,738,500	\$1,444,000	\$1,092,500	\$712,500	\$437,000	\$380,000
200'	N/A	\$2,600,000	\$2,379,000	\$1,976,000	\$1,495,000	\$975,000	\$598,000	\$520,000
300'	N/A	\$3,900,000	\$3,568,500	\$2,964,000	\$2,242,500	\$1,462,500	\$897,000	\$780,000
500'	N/A	\$6,500,000	\$5,947,500	\$4,940,000	\$3,737,500	\$2,437,500	\$1,495,000	\$1,300,000
Quarter								
10 Person	200	\$40,000	\$36,600	\$30,400	\$23,000	\$15,000	\$9,200	\$8,000
25 Person	300	\$50,000	\$45,750	\$38,000	\$28,750	\$18,750	\$11,500	\$10,000
50 Person	450	\$100,000	\$91,500	\$76,000	\$57,500	\$37,500	\$23,000	\$20,000
300 Person	550	\$1,500,000	\$1,372,500	\$1,140,000	\$862,500	\$562,500	\$345,000	\$300,000
500 Person	650	\$4,000,000	\$3,660,000	\$3,040,000	\$2,300,000	\$1,500,000	\$920,000	\$800,000
Utility Barge								
30X11X2	50	\$9,500.00	\$8,692.50	\$7,220.00	\$5,462.50	\$3,562.50	\$2,185.00	\$1,900.00
40X12X3	100	\$22,000.00	\$20,130.00	\$16,720.00	\$12,650.00	\$8,250.00	\$5,060.00	\$4,400.00
60X15X3	200	\$38,000.00	\$34,770.00	\$28,880.00	\$21,850.00	\$14,250.00	\$8,740.00	\$7,600.00
Freight								
120X30	200	\$240,000	\$219,600	\$182,400	\$138,000	\$90,000	\$55,200	\$48,000
140X40	350	\$450,000	\$411,750	\$342,000	\$258,750	\$168,750	\$103,500	\$90,000
160X50	400	\$530,000	\$484,950	\$402,800	\$304,750	\$198,750	\$121,900	\$106,000
180X54	450	\$900,000	\$823,500	\$684,000	\$517,500	\$337,500	\$207,000	\$180,000
250X72 Non Class	600	\$1,500,000	\$1,372,500	\$1,140,000	\$862,500	\$562,500	\$345,000	\$300,000
250X72 Class	800	\$2,700,000	\$2,470,500	\$2,052,000	\$1,552,500	\$1,012,500	\$621,000	\$540,000
260X72 Non Class	500	\$1,600,000	\$1,464,000	\$1,216,000	\$920,000	\$600,000	\$368,000	\$320,000
260X72 Class	900	\$2,900,000	\$2,653,500	\$2,204,000	\$1,667,500	\$1,087,500	\$667,000	\$580,000
300X100 Non Class	1500	\$3,100,000	\$2,836,500	\$2,356,000	\$1,782,500	\$1,162,500	\$713,000	\$620,000
300X100 Class	2000	\$5,000,000	\$4,575,000	\$3,800,000	\$2,875,000	\$1,875,000	\$1,150,000	\$1,000,000
400X100 Non Class	4000	\$6,500,000	\$5,947,500	\$4,940,000	\$3,737,500	\$2,437,500	\$1,495,000	\$1,300,000
400X100 Class	6000	\$10,900,000	\$9,973,500	\$8,284,000	\$6,267,500	\$4,087,500	\$2,507,000	\$2,180,000

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2323.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 10:924 (November 1984), LR 12:36 (January 1986), LR 13:188 (March 1987), LR 13:764 (December 1987), LR 14:872 (December 1988), LR 15:1097 (December 1989), LR 16:1063 (December 1990), LR 17:1213 (December 1991), LR 19:212 (February 1993), LR 20:198 (February 1994), LR 21:186 (February 1995), LR 22:117 (February 1996), LR 23:204 (February 1997), amended by the Department of Revenue, Tax Commission, LR 24:479 (March 1998), LR 25:312 (February 1999), LR 26:506 (March 2000), LR 27:425 (March 2001), LR 28:518 (March 2002), LR 29:368 (March 2003), LR 30:487 (March 2004), LR 31:715 (March 2005), LR 32:430 (March 2006), LR 33:490 (March 2007), LR 34:678 (April 2008), LR 35:492 (March 2009), LR 36:772 (April 2010), amended by the Division of Administration, Tax Commission, LR 37:1394 (May 2011), LR 38:802 (March 2012), LR 39:490 (March 2013), LR 40:530 (March 2014), LR 41:673 (April 2015), LR 42:746 (May 2016), LR 43:652 (April 2017), LR 44:579 (March 2018), LR 45:533 (April 2019), LR 46:560 (April 2020), LR 47:460 (April 2021), LR 48:1522 (June 2022), LR 49:1040 (June 2023), LR 50:

§705. Tables—Vessels

A. Vessels—Crew-OSV/Supply-Utility

1. Table 705.A.1

Table 705.A.1 Vessels—Crew-OSV/Supply-Utility				
Cost Index Average		Average Economic Life 20 Years		
Year	Index	Effective Age	Percent Good	Composite Multiplier
2023	0.994	1	97	.96
2022	1.012	2	93	.94
2021	1.189	3	90	1.07
2020	1.292	4	86	1.11
2019	1.299	5	82	1.07
2018	1.346	6	78	1.05
2017	1.392	7	74	1.03
2016	1.420	8	70	.99
2015	1.408	9	65	.92
2014	1.421	10	60	.85
2013	1.440	11	55	.79
2012	1.452	12	50	.73
2011	1.493	13	45	.67
2010	1.540	14	40	.62
2009	1.528	15	35	.53
2008	1.572	16	31	.49

Cost Index Average		Average Economic Life 20 Years		
Year	Index	Effective Age	Percent Good	Composite Multiplier
2007	1.634	17	27	.44
2006	1.723	18	24	.41
2005	1.803	19	22	.40

Cost Index Average		Average Economic Life 20 Years		
Year	Index	Effective Age	Percent Good	Composite Multiplier
2004	1.939	20	21	.41
2003	2.006	21	20	.40

2. Table 705.A.2

Vessel Type/Size	Base Cost	Day Rate	2023 - 2020	2019 - 2016	2015 - 2012	2011 - 2008	2007 - 2004	2003 and Earlier
Physical Depreciation			0.915	0.76	0.575	0.375	0.23	0.20
Crew								
60'-70'	\$2,100,000	2200	\$1,921,500	\$1,596,000	\$1,207,500	\$787,500	\$483,000	\$420,000
71'-99'	\$2,200,000	2500	\$2,013,000	\$1,672,000	\$1,265,000	\$825,000	\$506,000	\$440,000
100'-119'	\$3,200,000	2800	\$2,928,000	\$2,432,000	\$1,840,000	\$1,200,000	\$736,000	\$640,000
120'-140'	\$3,800,000	3200	\$3,477,000	\$2,888,000	\$2,185,000	\$1,425,000	\$874,000	\$760,000
141'-165'	\$4,200,000	3600	\$3,843,000	\$3,192,000	\$2,415,000	\$1,575,000	\$966,000	\$840,000
165'+	\$7,000,000	4200	\$6,405,000	\$5,320,000	\$4,025,000	\$2,625,000	\$1,610,000	\$1,400,000
OSV/Supply								
110'-139'	\$2,900,000	2000	\$2,653,500	\$2,204,000	\$1,667,500	\$1,087,500	\$667,000	\$580,000
140'-159'	\$3,600,000	2750	\$3,294,000	\$2,736,000	\$2,070,000	\$1,350,000	\$828,000	\$720,000
160'-179'	\$4,300,000	4000	\$3,934,500	\$3,268,000	\$2,472,500	\$1,612,500	\$989,000	\$860,000
180'-199'	\$4,900,000	5000	\$4,483,500	\$3,724,000	\$2,817,500	\$1,837,500	\$1,127,000	\$980,000
200'-219'	\$6,500,000	6000	\$5,947,500	\$4,940,000	\$3,737,500	\$2,437,500	\$1,495,000	\$1,300,000
220'-230'	\$7,500,000	6250	\$6,862,500	\$5,700,000	\$4,312,500	\$2,812,500	\$1,725,000	\$1,500,000
231'-279'	\$8,500,000	6500	\$7,777,500	\$6,460,000	\$4,887,500	\$3,187,500	\$1,955,000	\$1,700,000
280'-299'	\$12,200,000	10000	\$11,163,000	\$9,272,000	\$7,015,000	\$4,575,000	\$2,806,000	\$2,440,000
300'-319'	\$18,000,000	12000	\$16,470,000	\$13,680,000	\$10,350,000	\$6,750,000	\$4,140,000	\$3,600,000
320'+	\$22,000,000	14000	\$20,130,000	\$16,720,000	\$12,650,000	\$8,250,000	\$5,060,000	\$4,400,000
Utility								
119' & Below	\$1,137,000	3000	\$1,040,355	\$864,120	\$653,775	\$426,375	\$261,510	\$227,400
120'-139'	\$1,606,000	3250	\$1,469,490	\$1,220,560	\$923,450	\$602,250	\$369,380	\$321,200
140'-165'	\$3,078,000	3500	\$2,816,370	\$2,339,280	\$1,769,850	\$1,154,250	\$707,940	\$615,600
165'+	\$3,500,000	4000	\$3,202,500	\$2,660,000	\$2,012,500	\$1,312,500	\$805,000	\$700,000

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2323.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Tax Commission, LR 33:490 (March 2007), LR 35:493 (March 2009), amended by the Office of the Governor, Division of Administration, Tax Commission, LR 47:465 (April 2021), LR 49:1045 (June 2023), LR 50:

Chapter 9. Oil and Gas Properties

§905. Reporting Procedures

A. - A.1.j. ...

B. Surface Equipment

1. See guidelines adopted by the Louisiana Tax Commission regarding the use of Table 907.D-7 regarding depreciable life and Table 907.C-4 regarding depreciation rate. The detail of typical equipment included in the production train need not be listed on or with the LAT-12. For additional or ancillary equipment not considered as part of the production train, various sizes, items, etc. may not be commingled into one category or value. Property must be grouped, totaled and included in summary according to the following property classes:

2. - 6.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2323.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 19:212 (February 1993), amended by the Department of Revenue, Tax Commission, LR 24:480 (March 1998), LR 49:1048 (June 2023), LR 50:

§907. Valuation of Oil, Gas, and Other Wells

A. ...

B. The presence of oil or gas, or the production thereof, is to be included in the year-by-year discounted cash flow (DCF) model described below and as adopted by the Louisiana Tax Commission to determine the fair market value of an oil or gas well and its associated leasehold equipment for ad valorem tax purposes in Louisiana.

1. Production Forecast—oil and gas or other hydrocarbon production history for the well, lease or facility represented by the LUW (Lease, Unit, or Well) code is to be analyzed by the assessor for relevant trends and patterns established as of January 1 of the current tax year, using Decline Curve Analysis or other accepted empirical method. A commensurate forecast of future production, or production

potential, attributable to only the working interest owner(s), is to be made by the assessor as of January 1 of the current tax year. This production forecast will consist of a Start Rate as of January 1 (daily average barrels or mcf) and up to five exponential percentage decline rates for designated periods of time in the DCF. Alternatively, a hyperbolic forecast formula may be used when appropriate.

2. Price Forecast—the forecasted oil and gas or other hydrocarbon production amounts for the well, lease or facility represented by the LUW code, attributable to the working interest owner(s), are to be factored by an oil or gas or other hydrocarbon price forecast as of January 1 of the current tax year as annually determined by the Tax Commission to result in a forecasted gross revenue stream attributable to the working interest owner(s). This price forecast is based on the following guidelines:

a. the forecasted oil and gas or other hydrocarbon price forecast shall begin with the immediately previous calendar year's monthly average price (starting price) received by the working interest owner(s) for the oil and gas or other hydrocarbons produced and sold from the lease or facility represented by the LEW code on the open market to an unaffiliated third party or otherwise at a market-oriented rate. The source of this starting price shall correspond to severance tax data as reported by the operator to the Louisiana Department of Revenue;

i. this previous year average price may vary by property;

ii. if oil and gas or other hydrocarbons were either not produced or not sold for one or more months of the previous calendar year, the average price for which similar oil and gas from comparable interests was selling during that month is to be used;

b. the previous year average price is to be increased or decreased, whichever is appropriate, for year 1 of the discounted cashflow analysis with a Price Adjustment Factor which will be commensurate with the percentage increase or decrease, respectively, as indicated by the forecasted price in the Energy Information Administration (EIA) January STEO (Short-Term Energy Outlook) report for the current tax year, relative to the actual price shown for the immediately previous calendar year in the same publication. These two prices can be referenced in the report's Table 2. Energy Prices:

i. for oil, reference "West Texas Intermediate Spot Average" (dollars per barrel);

ii. for natural gas, reference "Henry Hub Spot" (dollars per million Btu);

iii. this price adjustment factor is to be used in the appraisal of each property, to the extent the property's forecasted cash flow extends to year 1;

c. the year 1 price used in the DCF appraisal is to be either increased or decreased, whichever is appropriate, in four more or less equal percentage increments to a year 5 price considered to be representative to a long-term average price available for the sale of oil and gas from the property as calculated with reference to the last 20 years of historical oil and gas price data from the Energy Information Administration (EIA);

i. the long-term average price is to be calculated after removal of outlier prices, if any, within the 20-year

range, defined as any historical price outside of one standard deviation from the simple average.

ii. these percentages are to be used in the appraisal of each property, to the extent the property's forecasted cash flow extends to either years 2, 3, 4, or 5.

d. the year 5 price used in the DCF appraisal is to be held flat for all years thereafter in the DCF, to the extent the property's forecasted cash flow extends past year 5;

e. the five oil and gas price forecast percentages discussed above, along with the zero percent escalation for any years in the DCF past year 5, together constitute the "price forecast scenario" as established by the Tax Commission and are to be used in the DCF appraisal of each property. This oil and gas price forecast scenario will be published on the LTC website.

3. Expense Forecast—in the DCF appraisal of the property, the forecasted gross revenues attributable to the working interest owner(s) are to be reduced for the allowance of reasonable and defensible direct costs of operation, as well as, all applicable state and local tax burden, to result in a forecasted net income stream attributable to the working interest owner(s) of the specific property being appraised. This cost allowance should represent the amount and timing of recurring expense, including overhead, along with any applicable non-recurring (capital) expense(s), typical to the area and similar operations and not necessarily the exact expenses incurred in any previous year, deemed reasonable and necessary for the property to achieve the forecasted oil and gas production amounts:

a. an assessor should make effort to obtain and consider actual historical expenses being incurred by the operator as documented on expense statements required to be provided to the assessor pursuant to §903.C. Absent this information, an assessor may assume a minimal amount and/or otherwise rely on their own judgement using best information available;

b. the increase or decrease of direct operating expense allowance in the cash flow appraisal will correspond to the increase or decrease in forecasted price, as established by the Tax Commission;

c. the percentage increase or decrease for each forecasted year of the cash flow appraisal will be calculated at 1/3 of the percentage increase or decrease in price for that year relative to the previous year price, referencing the price of the property's primary hydrocarbon being produced;

d. the provision for increase or decrease of the direct operating expense allowance does not pertain to separate allowance, if any, of capital expense(s) in the property's cash flow appraisal.

4. Discount Rate—the forecasted net income amounts in the property's DCF appraisal are to be discounted (reduced) to present day worth by application of a discount factor for each year of the forecasted cash flow commensurate with an appropriate discount rate:

a. the discount rate may vary by property;

b. base discount rates to account for the time cost of money and general industry risk are to be established by the Tax Commission. These discount rates separately extend to oil wells vs. gas wells and are shown in Table 907.C-2. This is a minimum rate whereas the assessor may use a higher

rate to account for additional property-specific risks and/or other considerations as appropriate for the determination of each property's market value;

c. these discount rates applies only to the forecasted net income of the DCF appraisal. A separate discount rate is established by the Louisiana Tax Commission to be applicable to valuation of the oil and gas wells' associated leasehold equipment (production train) and is shown in Table 907.C-2.

C. In the event the DCF appraisal results in a zero economic life and/or zero or negative discounted net income, a minimum amount of value will be established for the leasehold equipment (production train) associated with the oil and gas well(s) represented by the DCF, applying the appropriate schedule value in Table 907.C-3 to the average production depth of the wells represented by the DCF.

1. In the event the DCF appraisal results in a positive value but less than the minimum equipment value as derived using Table 907.C-3, the assessed value will be based on the minimum equipment value as established by Table 907.C-3.

2. Oil and Gas Well Discount Rates

Primary Product	Discount Rate (%)
Oil Well	15%
Gas Well	15%
Leasehold Equipment	6%

3. Minimum Leasehold Equipment Value

Onshore/Offshore	Average Production Depth (feet)	Value Per Foot (\$)
Onshore	1 - 1,499	0.50
Onshore	1,500 - 2,499	0.75
Onshore	2,500 - 9,999	1.00
Onshore	10,000 or greater	1.50
Offshore *	All Depths	2.00

* Includes production platforms/barges.

4. Serial Number to Percent Good Conversion Chart

Year	Beginning Serial Number	Ending Serial Number	20 Year Life Percent Good
2023	253984	Higher	97
2022	253176	253983	93
2021	252613	253175	90
2020	252171	252612	86
2019	251497	252170	82
2018	250707	251496	78
2017	249951	250706	74
2016	249476	249950	70
2015	248832	249475	65
2014	247423	248831	60
2013	245849	247422	55
2012	244268	245848	50
2011	242592	244267	45

Year	Beginning Serial Number	Ending Serial Number	20 Year Life Percent Good
2010	240636	242591	40
2009	239277	240635	35
2008	236927	239276	31
2007	234780	236926	27
2006	232639	234779	24
2005	230643	232638	22
2004	229010	230642	21
2003	Lower	229009	20 *
VAR.	900000	Higher	50

* Reflects residual or floor rate.

NOTE: For any serial number categories not listed above, use year well completed to determine appropriate percent good. If spud date is later than year indicated by serial number; or, if serial number is unknown, use spud date to determine appropriate percent good.

D. Surface Equipment

1. Listed below is the cost-new of major items used in the production, storage, transmission and sale of oil and gas. Any equipment not shown shall be assessed on an individual basis.

2. All surface equipment, including other property associated or used in connection with the oil and gas industry in the field of operation, must be rendered in accordance with guidelines established by the Tax Commission and in accordance with requirements set forth on LAT Form 12- Personal Property Tax Report - Oil and Gas Property.

3. Surface equipment will be assessed in 5 major categories, as follows:

- oil and gas equipment (surface equipment not considered leasehold equipment);
- tanks (surface equipment not considered leasehold equipment);
- inventories (material and supplies);
- field improvements (docks, buildings, etc.);
- other property (not included above).

4. The cost-new values listed below are to be adjusted to allow depreciation by use of the appropriate percent good listed in Table 907.C-4. When determining the value of equipment associated with a single well, use the age of that well to determine the appropriate percent good. When determining the value of equipment used on multiple wells, the average age of the wells within the lease/field will determine the appropriate year to be used for this purpose.

a. January 1, 2016 the allowance of depreciation by use of the appropriate percent good will be based on the actual age of the equipment, if known or available, and will apply only to surface equipment with an original purchase cost of \$2,500 or more.

5. Functional and/or economic obsolescence shall be considered in the analysis of fair market value as substantiated by the taxpayer in writing. Consistent with Louisiana R.S. 47:1957, the assessor may request additional documentation.

6. Sales, properly documented, should be considered by the assessor as fair market value, provided the sale meets all tests relative to it being a valid sale.

7. Surface Equipment—Property Description

Table 907.D-7 Surface Equipment	
Property Description	\$ Cost New
Actuators—(see Metering Equipment)	
Automatic Control Equipment—(see Safety Systems)	
Automatic Tank Switch Unit—(see Metering Equipment)	
Barges - Concrete—(assessed on an individual basis)	
Barges - Storage—(assessed on an individual basis)	
Barges - Utility—(assessed on an individual basis)	
Barges - Work—(assessed on an individual basis)	
Communication Equipment—(see Telecommunications)	
Dampeners—(see Metering Equipment—"Recorders")	
Desorbents—(no metering equipment included):	
125#	134,830
300#	148,660
500#	169,170
Destroilets—(see Metering Equipment—"Regulators")	
Desurgers—(see Metering Equipment—"Regulators")	
Desilters—(see Metering Equipment—"Regulators")	
Diatrollers—(see Metering Equipment—"Regulators")	
Docks, Platforms, Buildings—(assessed on an individual basis)	
Dry Dehydrators (Driers)—(see Scrubbers)	
Engines-Unattached—(only includes engine and skids): Per Horsepower	420
Evaporators—(assessed on an individual basis)	
Expander Unit—(no metering equipment included): Per Unit	49,460
Flow Splitters—(no metering equipment included):	
48 In. Diameter Vessel	24,080
72 In. Diameter Vessel	31,900
96 In. Diameter Vessel	48,890
120 In. Diameter Vessel	69,450
Fire Control System—(assessed on an individual basis)	
Furniture and Fixtures—(assessed on an individual basis) (Field operations only, according to location.)	
Gas Compressors-Package Unit—(Skids, scrubbers, cooling system, and power controls. No metering or regulating equipment.):	880
1 - 49 HP	1,780
50 - 99 HP	1,450
100 - 999 HP	1,110
1,000 - 1,499 HP	980
1,500 HP and Up	
Gas Coolers—(no metering equipment):	
5,000 MCF/D	37,990
10,000 MCF/D	42,790
20,000 MCF/D	133,110
50,000 MCF/D	302,000
100,000 MCF/D	494,600
Generators—Package Unit only -(no special installation) Per K.W.	280
Glycol Dehydration-Package Unit—(Including pressure gauge, relief valve and regulator. No other metering equipment.):	26,670
Up to 4.0 MMCF/D	29,740
4.1 to 5.0 MMCF/D	57,340
5.1 to 10.0 MMCF/D	79,790
10.1 to 15.0 MMCF/D	108,600
15.1 to 20.0 MMCF/D	141,210
20.1 to 25.0 MMCF/D	268,230
25.1 to 30.0 MMCF/D	299,630
30.1 to 50.0 MMCF/D	372,750
50.1 to 75.0 MMCF/D	430,090
75.1 and Up MMCF/D	

Table 907.D-7 Surface Equipment	
Property Description	\$ Cost New
Heaters—(Includes unit, safety valves, regulators and automatic shut-down. No metering equipment.):	9,250
Steam Bath—Direct Heater:	11,620
24 In. Diameter Vessel - 250,000 BTU/HR Rate	14,050
30 In. Diameter Vessel - 500,000 BTU/HR Rate	20,790
36 In. Diameter Vessel - 750,000 BTU/HR Rate	25,660
48 In. Diameter Vessel - 1,000,000 BTU/HR Rate	7,890
60 In. Diameter Vessel - 1,500,000 BTU/HR Rate	10,830
Water Bath—Indirect Heater:	14,120
24 In. Diameter Vessel - 250,000 BTU/HR Rate	20,000
30 In. Diameter Vessel - 500,000 BTU/HR Rate	25,590
36 In. Diameter Vessel - 750,000 BTU/HR Rate	10,110
48 In. Diameter Vessel - 1,000,000 BTU/HR Rate	12,620
60 In. Diameter Vessel - 1,500,000 BTU/HR Rate	18,930
Steam—(Steam Generators):	21,720
24 In. Diameter Vessel - 250,000 BTU/HR Rate	24,590
30 In. Diameter Vessel - 450,000 BTU/HR Rate	38,850
36 In. Diameter Vessel - 500 to 750,000 BTU/HR Rate	46,670
48 In. Diameter Vessel - 1 to 2,000,000 BTU/HR Rate	
60 In. Diameter Vessel - 2 to 3,000,000 BTU/HR Rate	
72 In. Diameter Vessel - 3 to 6,000,000 BTU/HR Rate	
96 In. Diameter Vessel - 6 to 8,000,000 BTU/HR Rate	
Heat Exchange Units-Skid Mounted—(see Production Units)	
Heater Treaters—(Necessary controls, gauges, valves and piping. No metering equipment included.):	20,210
Heater - Treaters - (non-metering):	26,020
4 x 20 ft.	27,240
4 x 27 ft.	34,260
6 x 20 ft.	43,650
6 x 27 ft.	51,100
8 x 20 ft.	57,710
8 x 27 ft.	67,890
10 x 20 ft.	
10 x 27 ft.	
L.A.C.T. (Lease Automatic Custody Transfer)—see Metering Equipment)	
JT Skid (Low Temperature Extraction)—(includes safety valves, temperature controllers, chokes, regulators, metering equipment, etc.—complete unit.):	50,170
Up to 2 MMCF/D	71,680
Up to 5 MMCF/D	172,040
Up to 10 MMCF/D	286,720
Up to 20 MMCF/D	
Liqua Meter Units—(see Metering Equipment)	
Manifolds—(see Metering Equipment)	
Material and Supplies-Inventories—(assessed on an individual basis)	
Meter Calibrating Vessels—(see Metering Equipment)	
Meter Prover Tanks—(see Metering Equipment)	
Meter Runs—(see Metering Equipment)	
Meter Control Stations—(not considered Communication Equipment) - (assessed on an individual basis)	
Metering Equipment	
Actuators—hydraulic, pneumatic and electric valves	7,810
Controllers—time cycle valve - valve controlling device (also known as Intermitter)	2,440
Fluid Meters:	5,940
1 Level Control	7,670
24 In. Diameter Vessel - 1/2 bbl. Dump	10,610
30 In. Diameter Vessel - 1 bbl. Dump	5,590
36 In. Diameter Vessel - 2 bbl. Dump	6,730
2 Level Control	8,460
20 In. Diameter Vessel - 1/2 bbl. Dump	11,390
24 In. Diameter Vessel - 1/2 bbl. Dump	
30 In. Diameter Vessel - 1 bbl. Dump	
36 In. Diameter Vessel - 2 bbl. Dump	

Table 907.D-7 Surface Equipment	
Property Description	\$ Cost New
L.A.C.T. and A.T.S. Units:	
30 lb. Discharge	37,560
60 lb. Discharge	42,790
Manifolds—Manual Operated:	29,460
High Pressure	9,970
per well	14,260
per valve	4,730
Low Pressure	
per well	
per valve	
Manifolds—Automatic Operated:	
High Pressure	53,260
per well	17,560
per valve	37,990
Low Pressure	12,830
per well	
per valve	
NOTE: Automatic Operated System includes gas hydraulic and pneumatic valve actuators, (or motorized valves), block valves, flow monitors-in addition to normal equipment found on manual operated system. No Metering Equipment Included.	
Meter Runs—piping, valves and supports—no meters:	
2 In. piping and valve	8,030
3 In. piping and valve	9,030
4 In. piping and valve	10,900
6 In. piping and valve	15,190
8 In. piping and valve	22,820
10 In. piping and valve	30,390
12 In. piping and valve	37,990
14 In. piping and valve	51,750
16 In. piping and valve	67,590
18 In. piping and valve	83,730
20 In. piping and valve	108,810
22 In. piping and valve	137,130
24 In. piping and valve	167,880
Metering Vessels (Accumulators):	4,660
1 bbl. calibration plate (20 x 9)	5,010
5 bbl. calibration plate (24 x 10)	7,030
7.5 bbl. calibration plate (30 x 10)	8,740
10 bbl. calibration plate (36 x 10)	3,230
Recorders (Meters)—Includes both static element and tube drive pulsation dampener-also one and two pen operations.	420
per meter	
Solar Panel (also see Telecommunications)	
per unit (10' x 10')	
Pipe Lines—Lease Lines	
Steel	23,360
2 In. nominal size - per mile	31,470
2 1/2 In. nominal size - per mile	40,150
3 and 3 1/2 In. nominal size - per mile	69,030
4, 4 1/2 and 5 In. nominal size - per mile	101,360
6 In. nominal size - per mile	12,830
Poly Pipe	17,280
2 In. nominal size - per mile	22,080
2 1/2 In. nominal size - per mile	37,920
3 In. nominal size - per mile	55,690
4 In. nominal size - per mile	
6 In. nominal size - per mile	
Plastic-Fiberglass	
2 In. nominal size - per mile	19,930
3 In. nominal size - per mile	34,120
4 In. nominal size - per mile	58,640
6 In. nominal size - per mile	86,080
NOTE: Allow 90 percent obsolescence credit for lines that are inactive, idle, open on both ends and dormant, which are being carried on corporate records solely for the purpose of retaining right of ways on the land and/or due to excessive capital outlay to refurbish or remove the lines.	

Table 907.D-7 Surface Equipment	
Property Description	\$ Cost New
Pipe Stock—(assessed on an individual basis)	
Pipe Stock - Exempt—Under La. Const., Art. X, §4 (19-C)	
Production Units:	
Class I - per unit—separator and 1 heater—500 MCF/D	25,230
Class II - per unit—separator and 1 heater—750 MCF/D	33,610
Production Process Units—These units are by specific design and not in the same category as gas compressors, liquid and gas production units or pump-motor units. (Assessed on an individual basis.)	
Pumps—In Line	
per horsepower rating of motor	350
Pump-Motor Unit—pump and motor only	
Class I - (water flood, s/w disposal, p/l, etc.)	420
Up to 300 HP - per HP of motor	510
Class II - (high pressure injection, etc.)	
301 HP and up per HP of motor	
Pumping Units-Conventional and Beam Balance—(unit value includes motor) - assessed according to API designation.	
16 D	8,240
25 D	15,490
40 D	19,350
57 D	25,810
80 D	43,080
114 D	44,810
160 D	60,280
228 D	65,440
320 D	82,720
456 D	98,210
640 D	118,920
912 D	125,810
NOTE: For "Air Balance" and "Heavy Duty" units, multiply the above values by 1.30.	
Regenerators (Accumulator)—(see Metering Equipment)	
Regulators:	
per unit	3,300
Safety Systems	
Onshore And Marsh Area	6,590
Basic Case:	7,600
well only	11,390
well and production equipment	19,000
with surface op. ssv, add	47,530
Offshore 0 - 3 Miles	28,530
Wellhead safety system (excludes wellhead actuators)	66,520
per well	41,790
production train	4,730
glycol dehydration system	7,100
P/L pumps and LACT	
Compressors	
Wellhead Actuators (does not include price of the valve)	
5,000 psi	
10,000 psi and over	
NOTE: For installation costs - add 25 percent	
Sampler—(see Metering Equipment—"Fluid Meters")	
Scrubbers—Two Classes	
Class I - Manufactured for use with other major equipment and, at times, included with such equipment as part of a package unit.	
8 In. Diameter Vessel	4,010
10 In. Diameter Vessel	5,730
12 In. Diameter Vessel	6,520
Class II - Small "in-line" scrubber used in flow system usually direct from gas well. Much of this type is "shop-made" and not considered as major scrubbing equipment.	
8 In. Diameter Vessel	1,860
12 In. Diameter Vessel	2,440
NOTE: No metering or regulating equipment included in the above.	

Table 907.D-7 Surface Equipment	
Property Description	\$ Cost New
Separators—(no metering equipment included)	
Horizontal—Filter /1,440 psi (High Pressure)	5,870
6-5/8" OD x 5'-6"	6,380
8-5/8" OD x 7'-6"	8,960
10-3/4" OD x 8'-0"	12,040
12-3/4" OD x 8'-0"	19,350
16" OD x 8'-6"	28,600
20" OD x 8'-6"	30,110
20" OD x 12'-0"	40,570
24" OD x 12'-6"	59,210
30" OD x 12'-6"	70,390
36" OD x 12'-6"	
Separators—(no metering equipment included)	
Vertical 2—Phase /125 psi (Low Pressure)	6,660
24" OD x 7'-6"	7,170
30" OD x 10'-0"	14,980
36" OD x 10'-0"	7,030
Vertical 3—Phase /125 psi (Low Pressure)	7,960
24" OD x 7'-6"	11,040
24" OD x 10'-0"	15,700
30" OD x 10'-0"	18,210
36" OD x 10'-0"	10,390
42" OD x 10'-0"	13,330
Horizontal 3—Phase /125 psi (Low Pressure)	14,550
24" OD x 10'-0"	23,220
30" OD x 10'-0"	
36" OD x 10'-0"	
42" OD x 10'-0"	
Vertical 2—Phase /1440 psi (High Pressure)	
12-3/4" OD x 5'-0"	3,940
16" OD x 5'-6"	5,870
20" OD x 7'-6"	11,180
24" OD x 7'-6"	13,550
30" OD x 10'-0"	20,640
36" OD x 10'-0"	26,740
42" OD x 10'-0"	42,790
48" OD x 10'-0"	50,470
54" OD x 10'-0"	76,410
60" OD x 10'-0"	95,550
Vertical 3 - Phase /1440 psi (High Pressure)	6,880
16" OD x 7'-6"	12,040
20" OD x 7'-6"	13,980
24" OD x 7'-6"	21,570
30" OD x 10'-0"	27,600
36" OD x 10'-0"	45,020
42" OD x 10'-0"	52,190
48" OD x 10'-0"	6,730
Horizontal 2—Phase /1440 psi (High Pressure)	10,830
16" OD x 7'-6"	14,770
20" OD x 7'-6"	22,730
24" OD x 10'-0"	28,810
30" OD x 10'-0"	58,490
36" OD x 10'-0"	67,450
42" OD x 15'-0"	10,390
48" OD x 15'-0"	11,620
Horizontal 3—Phase /1440 psi (High Pressure)	16,910
16" OD x 7'-6"	24,080
20" OD x 7'-6"	34,700
24" OD x 10'-0"	38,780
30" OD x 10'-0"	49,960
36" OD x 10'-0"	47,670
36" OD x 15'-0"	69,170
Offshore Horizontal 3—Phase /1440 psi (High Pressure)	72,180
30" OD x 10'-0"	112,040
36" OD x 10'-0"	
36" OD x 12'-0"	
36" OD x 15'-0"	
42" OD x 15'-0"	
Skimmer Tanks—(see Flow Tanks in Tanks section)	
Stabilizers—per unit	7,380
Sump/Dump Tanks—(See Metering Equipment - "Fluid Tanks")	

Table 907.D-7 Surface Equipment	
Property Description	\$ Cost New
Tanks—no metering equipment	
Flow Tanks (receiver or gunbarrel)	Per Barrel*
50 to 548 bbl. Range (average tank size - 250 bbl.)	46.10
Stock Tanks (lease tanks)	35.90
100 to 750 bbl. Range (average tank size - 300 bbl.)	
Storage Tanks (Closed Top)	
1,000 barrel	30.50
1,500 barrel	27.00
2,000 barrel	26.20
2,001 - 5,000 barrel	24.10
5,001 - 10,000 barrel	22.60
10,001 - 15,000 barrel	21.20
15,001 - 55,000 barrel	14.90
55,001 - 150,000 barrel	11.20
Internal Floating Roof	43.60
10,000 barrel	29.50
20,000 barrel	21.90
30,000 barrel	19.50
50,000 barrel	18.80
55,000 barrel	16.60
80,000 barrel	14.50
100,000 barrel	
*I.E.: (tanks size bbls.) X (no. of bbls.) X (cost-new factor.)	
Telecommunications Equipment	
Microwave System	57,340
Telephone and data transmission	4,300
Radio telephone	12,250
Supervisory controls:	27,950
remote terminal unit, well	720
master station	60
towers (installed):	730
heavy duty, guyed, per foot	150
light duty, guyed, per foot	210
heavy duty, self supporting, per foot	70
light duty, self supporting, per foot	
equipment building, per sq. ft.	
solar panels, per sq. ft.	
Utility Compressors	
per horsepower - rated on motor	940
Vapor Recovery Unit—no Metering Equipment	
60 MCF/D or less	25,090
105 MCF/D max	35,840
250 MCF/D max	47,310
Waterknockouts—Includes unit, backpressure valve and regulator, but, no metering equipment.	
2' diam. x 16'	6,810
3' diam. x 10'	10,180
4' diam. x 10'	14,050
6' diam. x 10'	23,010
6' diam. x 15'	26,600
8' diam. x 10'	33,330
8' diam. x 15'	38,280
8' diam. x 20'	42,430
8' diam. x 25'	47,230
10' diam. x 20'	55,550

8. Service Stations

Table 907.D-8 Service Stations Marketing Personal Property *Alternative Procedure	
Property Description	\$ Cost New
Air and Water Units:	
Above ground	1,600
Below ground	680
Air Compressors:	
1/3 to 1 H.P.	2,150
1/2 to 5 H.P.	3,630

Table 907.D-8 Service Stations Marketing Personal Property *Alternative Procedure	
Property Description	\$ Cost New
Car Wash Equipment:	
In Bay (roll over brushes)	57,710
In Bay (pull through)	89,580
Tunnel (40 to 50 ft.)	194,980
Tunnel (60 to 75 ft.)	260,920
Drive On Lifts:	
Single Post	10,530
Dual Post	11,860
Lights:	
Light Poles (each)	1,070
Lights - per pole unit	1,190
Pumps:	
Non-Electronic - self contained and/or remote controlled computer	4,560
Single	6,780
Dual	7,710
Computerized - non-self service, post pay, pre/post pay. self contained and/or remote controlled dispensers	10,390
Single	
Dual	
Read-Out Equipment (at operator of self service)	
Per Hose Outlet	1,690
Signs:	
Station Signs	5,100
6 ft. lighted - installed on 12 ft. pole	9,320
10 ft. lighted - installed on 16 ft. pole	4,250
Attachment Signs (for station signs)	4,340
Lighted "self-serve" (4 x 11 ft.)	15,430
Lighted "pricing" (5 x 9 ft.)	20,190
High Rise Signs - 16 ft. lighted - installed on:	22,590
1 pole	8,200
2 poles	4,340
3 poles	
Attachment Signs (for high rise signs)	
Lighted "self-serve" (5 x 17 ft.)	
Lighted "pricing" (5 x 9 ft.)	
Submerged Pumps—(used with remote control equipment, according to number used - per unit)	4,550
Tanks—(average for all tank sizes)	
Underground - per gallon	2.60

NOTE: The above represents the cost-new value of modern stations and self-service marketing equipment. Other costs associated with such equipment are included in improvements. Old style stations and equipment should be assessed on an individual basis, at the discretion of the tax assessor, when evidence is furnished to substantiate such action.

*This alternative assessment procedure should be used only when acquisition cost and age are unknown or unavailable. Otherwise, see general business section (Chapter 25) for normal assessment procedure.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2326.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 12:36 (January 1986), LR 13:188 (March 1987), LR 13:764 (December 1987), LR 14:872 (December 1988), LR 15:1097 (December 1989), LR 16:1063 (December 1990), LR 17:1213 (December 1991), LR 19:212 (February 1993), LR 20:198 (February 1994), LR 21:186 (February 1995), LR 22:117 (February 1996), LR 23:205 (February 1997), amended by the Department of Revenue, Tax Commission, LR 24:480 (March 1998), LR 25:313 (February 1999), LR 26:507 (March 2000), LR 27:425 (March 2001), LR 28:518 (March 2002), LR 29:368 (March 2003), LR 30:488 (March 2004), LR 31:717 (March 2005), LR 32:431 (March 2006), LR 33:492 (March 2007), LR 34:679 (April 2008), LR 35:495 (March 2009), LR 36:773 (April 2010), amended by the Division of Administration, Tax Commission, LR 37:1395 (May 2011), LR 38:803 (March 2012), LR 39:490 (March 2013), LR

40:531 (March 2014), LR 41:673 (April 2015), LR 42:746 (May 2016), LR 43:653 (April 2017), LR 44:580 (March 2018), repromulgated LR 44:917 (May 2018), LR 45:534 (April 2019), LR 46:561 (April 2020), LR 47:465 (April 2021), LR 48:1523 (June 2022), LR 49:1049 (June 2023), LR 50:

Chapter 10. Brine Operation Properties

§1001. Guidelines for Ascertaining the Fair Market Value of Brine Operation Properties

A. - B.3. ...

C. Explanations

Inactive Wells—wells that are shut-in. Shut-in status becomes effective on the date the application for shut-in status is filed, consistent with the Louisiana Office of Conservation requirements.

Injection Wells—wells completed as single, or wells reclassified by the Louisiana Office of Conservation after a conversion of another well. Wells are used for water injection or for disposal wells.

Production Depth—is the depth in feet from the surface to the end of the inner-most long-string casing set into the salt dome.

Brine Operation Wells—wells used to inject fluid into a subsurface salt formation for the purpose of extracting a brine-laden solution which is then further processed at separate surface facilities for production of salt. This type of well is categorized as Class III for underground injection control (UIC) regulatory purposes. The term "brine mining well" does not include a well used to inject fluid for the purpose of disposal of waste or leaching a cavern for the underground storage of hydrocarbons or other products.

Service Wells—wells used for ancillary non-income producing purposes such as water source wells or injection of fluid for the purpose of disposal of brine waste.

D. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2323.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Tax Commission, LR 49:1055 (June 2023), amended LR 50:

§1007. Valuation of Brine Operation Wells

A. The Cost-New schedules below cover only that portion of the well subject to ad valorem taxation. Functional and/or economic obsolescence shall be considered in the analysis of fair market value as substantiated by the taxpayer in writing. Consistent with Louisiana R.S. 47:1957, the assessor may request additional documentation.

B. Instructions for Use of Table 1007.B and Procedure for Arriving at Assessed Value

1. Multiply the appropriate percent good factor based on age of the well as found in Table 1007.C.

2. Use cost-new to assess all active wells.

3. For wells recompleted, use new long-string casing depth to determine fair market value.

4. Adjustments for Allowance of Economic Obsolescence

a. All active service wells (i.e. salt water disposal, water source, etc.) shall be allowed a 40 percent reduction.

b. All inactive (shut-in) wells shall be allowed a 90 percent reduction.

c. Deduct any additional obsolescence that has been appropriately documented by the taxpayer, as warranted, to reflect fair market value.

d. Sales, properly documented, should be considered by the assessor as fair market value, provided the sale meets all tests relative to it being a valid sale.

5. Multiply depth of well by appropriate 15 percent of Cost-New amount as indicated in Table 1007.B.

6. Brine Operation Wells: All Regions—Louisiana

Table 1007.B Brine Operation Wells All Regions—Louisiana		
Producing Depths	Cost—New by depth, per foot for Brine Operation Wells	
	Cost @ 100%	15% Assessed
0 – 1,249 ft.	\$ 163.31	\$ 24.50
1,250 – 2,499 ft.	\$ 120.98	\$ 18.15
2,500 – 3,749 ft.	\$ 118.13	\$ 17.72
3,750 – 4,999 ft.	\$ 104.13	\$ 15.62
5,000 – 7,499 ft.	\$ 142.25	\$ 21.34
7,500 – 9,999 ft.	\$ 194.06	\$ 29.11
10,000 – 12,499 ft.	\$ 264.61	\$ 39.69
12,500 – 14,999 ft.	\$ 347.13	\$ 52.07
15,000 – 17,499 ft.	\$ 562.28	\$ 84.34
17,500 – 19,999 ft.	\$ 686.51	\$ 102.98
20,000 Deeper ft.	\$ 366.58	\$ 54.99

C. Serial Number to Percent Good Conversion

Table 1007.C Serial Number to Percent Good Conversion Chart			
Year	Beginning Serial Number	Ending Serial Number	20 Year Life Percent Good
2023	253984	Higher	97
2022	253176	253983	93
2021	252613	253175	90
2020	252171	252612	86
2019	251497	252170	82
2018	250707	251496	78
2017	249951	250706	74
2016	249476	249950	70
2015	248832	249475	65
2014	247423	248831	60
2013	245849	247422	55
2012	244268	245848	50
2011	242592	244267	45
2010	240636	242591	40
2009	239277	240635	35
2008	236927	239276	31
2007	234780	236926	27
2006	232639	234779	24
2005	230643	232638	22
2004	229010	230642	21
2003	Lower	229009	20 *
VAR.	900000	Higher	50

* Reflects residual or floor rate.

NOTE: For any serial number categories not listed above, use year well completed to determine appropriate percent good. If spud date is later than year indicated by serial number; or, if serial number is unknown, use spud date to determine appropriate percent good.

D. Surface Equipment

1. Listed below is the cost-new of major items potentially used in the brine operation process. Any equipment not shown shall be assessed on an individual basis.

2. All surface equipment, including other property associated or used in connection with brine operations, must be rendered in accordance with guidelines established by the

Tax Commission and in accordance with requirements set forth on LAT Form 10—Personal Property Tax Report—Brine Operation Property.

3. Brine operation personal property will be assessed in 7 major categories, as follows:

- a. wells;
- b. operation equipment (surface equipment);
- c. tanks (surface equipment);
- d. lines;
- e. inventories (material and supplies);
- f. field improvements (docks, buildings, etc.);
- g. other property (not included above).

4. The cost-new values listed below are to be adjusted to allow depreciation by use of the appropriate percent good listed in Table 1007.C. When determining the value of equipment associated with a single well, use the age of that well to determine the appropriate percent good. When determining the value of equipment used on multiple wells, the average age of the wells will determine the appropriate year to be used for this purpose.

5. Functional and/or economic obsolescence shall be considered in the analysis of fair market value as substantiated by the taxpayer in writing. Consistent with Louisiana R.S. 47:1957, the assessor may request additional documentation.

6. Sales, properly documented, should be considered by the assessor as fair market value, provided the sale meets all tests relative to it being a valid sale.

7. Surface Equipment—Property Description

Table 1007.D Surface Equipment	
Property Description	\$ Cost New
Actuators—(See Metering Equipment)	
Automatic Control Equipment—(See Safety Systems)	
Automatic Tank Switch Unit—(See Metering Equipment)	
Communication Equipment—(See Telecommunications)	
Dampeners—(See Metering Equipment— "Recorders")	
Engines - Unattached—(Only includes engine and skids): Per Horsepower	420
Fire Control System—(Assessed on an individual basis)	
Furniture and Fixtures—(Assessed on an individual basis) (Field operations only, according to location.)	
Generators—Package Unit only—(No special installation) Per K.W.	280
Manifolds—(See Metering Equipment)	
Material and Supplies—Inventories—(Assessed on an individual basis)	
Meter Calibrating Vessels—(See Metering Equipment)	
Meter Prover Tanks—(See Metering Equipment)	
Meter Runs—(See Metering Equipment)	
Meter Control Stations—(not considered Communication Equipment)—(Assessed on an individual basis)	
Metering Equipment Manifolds—Automatic Operated: High Pressure per well per valve	53,260 17,560 37,990 12,830

Table 1007.D Surface Equipment	
Property Description	\$ Cost New
Low Pressure	8,030
per well	9,030
per valve	10,900
NOTE: Automatic Operated System includes gas hydraulic and pneumatic valve actuators, (or motorized valves), block valves, flow monitors—in addition to normal equipment found on manual operated system. NO METERING EQUIPMENT INCLUDED.	15,190
	22,820
	30,390
	37,990
	51,750
	67,590
	83,730
Meter Runs - piping, valves and supports—no meters:	108,810
2 In. piping and valve	137,130
3 In. piping and valve	167,880
4 In. piping and valve	4,660
6 In. piping and valve	5,010
8 In. piping and valve	7,030
10 In. piping and valve	8,740
12 In. piping and valve	3,230
14 In. piping and valve	420
16 In. piping and valve	
18 In. piping and valve	
20 In. piping and valve	
22 In. piping and valve	
24 In. piping and valve	
Metering Vessels (Accumulators):	
1 bbl. calibration plate (20 x 9)	
5 bbl. calibration plate (24 x 10)	
7.5 bbl. calibration plate (30 x 10)	
10 bbl. calibration plate (36 x 10)	
Recorders (Meters)—Includes both static element and tube drive pulsation dampener—also one and two pen operations.	
per meter	
SOLAR PANEL (also see Telecommunications)	
per unit (10' x 10')	
Pipe Lines - Lease Lines	
Steel	23,360
2 In. nominal size—per mile	31,470
2 ½ In. nominal size—per mile	40,150
3 and 3 ½ In. nominal size—per mile	69,030
4, 4 ½ and 5 In. nominal size—per mile	101,360
6 In. nominal size—per mile	12,830
Poly Pipe	17,280
2 In. nominal size—per mile	22,080
2 ½ In. nominal size—per mile	37,920
3 In. nominal size—per mile	55,690
4 In. nominal size—per mile	
6 In. nominal size—per mile	
Pipe Lines—Lease Lines (Cont'd)	
Plastic—Fiberglass	19,930
2 In. nominal size—per mile	34,120
3 In. nominal size—per mile	58,640
4 In. nominal size—per mile	86,080
6 In. nominal size—per mile	
NOTE: Allow 90% obsolescence credit for lines that are inactive, idle, open on both ends and dormant, which are being carried on corporate records solely for the purpose of retaining right of ways on the land and/or due to excessive capital outlay to refurbish or remove the lines.	
Pipe Stock—(Assessed on an individual basis)	
Pipe Stock—Exempt—Under La. Const., Art. X, §4 (19-C)	
Pumps—In Line	
per horsepower rating of motor	350
Pump—Motor Unit—pump and motor only	
Class I—(water flood, s/w disposal, p/l, etc.)	420
Up to 300 HP—per HP of motor	510
Class II—(high pressure injection, etc.)	
301 HP and up—per HP of motor	

Table 1007.D Surface Equipment	
Property Description	\$ Cost New
Regenerators (Accumulator)—(See Metering Equipment)	
Regulators	
per unit	3,300
Skimmer Tanks—(See Flow Tanks in Tanks section)	
Sump/Dump Tanks—(See Metering Equipment - "Fluid Tanks")	
Tanks—No metering equipment	Per Barrel*
Flow Tanks (receiver or gunbarrel)	46.10
50 to 548 bbl. Range	35.90
average tank size—250 bbl.	30.50
Stock Tanks (lease tanks)	27.00
100 to 750 bbl. Range	26.20
average tank size—300 bbl.	24.10
Storage Tanks (Closed Top)	22.60
1,000 barrels	21.20
1,500 barrels	14.90
2,000 barrels	11.20
2,001—5,000 barrels	43.60
5,001—10,000 barrels	29.50
10,001—15,000 barrels	21.90
15,001—55,000 barrels	19.50
55,001—150,000 barrels	18.80
Internal Floating Roof	16.60
10,000 barrels	14.50
20,000 barrels	
30,000 barrels	
50,000 barrels	
55,000 barrels	
80,000 barrels	
100,000 barrels	
* I.E.: (tanks size bbls.) x (no. of bbls.) x (cost-new factor)	
Telecommunications Equipment	
Microwave System	57,340
Telephone and data transmission	4,300
Radio telephone	12,250
Supervisory controls	27,950
remote terminal unit, well	720
master station	60
towers (installed):	730
heavy duty, guyed, per foot	150
light duty, guyed, per foot	210
heavy duty, self supporting, per foot	70
light duty, self supporting, per foot	
equipment building, per sq. ft.	
solar panels, per sq. ft.	
Utility Compressors	
per horsepower—rated on motor	940

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2326.

HISTORICAL NOTE: Promulgated by the Division of Administration, Tax Commission, LR 49:1056 (June 2023), amended LR 50:

Chapter 11. Drilling Rigs and Related Equipment
§1103. Drilling Rigs and Related Equipment Tables
A. Land Rigs

Table 1103.A Land Rigs		
Depth "0" to 7,000 Feet		
Depth (Ft.)	Fair Market Value	Assessment
	\$	\$
3,000	216,400	32,500
4,000	290,500	43,600
5,000	295,500	44,300
6,000	316,800	47,500
7,000	408,500	61,300

Table 1103.A Land Rigs		
Depth 8,000 to 10,000 Feet		
Depth (Ft.)	Fair Market Value	Assessment
	\$	\$
8,000	597,500	89,600
9,000	888,600	133,300
10,000	1,269,000	190,400
Depth 11,000 to 15,000 Feet		
Depth (Ft.)	Fair Market Value	Assessment
	\$	\$
11,000	1,712,700	256,900
12,000	2,185,300	327,800
13,000	2,648,700	397,300
14,000	3,065,700	459,900
15,000	3,404,300	510,600
Depth 16,000 to 20,000 Feet		
Depth (Ft.)	Fair Market Value	Assessment
	\$	\$
16,000	3,642,900	546,400
17,000	3,774,400	566,200
18,000	3,811,300	571,700
19,000	3,789,700	568,500
20,000	3,774,700	566,200
Depth 21,000 + Feet		
Depth (Ft.)	Fair Market Value	Assessment
	\$	\$
21,000	3,864,400	579,700
25,000 +	3,984,900	597,700

1. - 2. ...

B. Jack-Ups

Table 1103.B Jack-Ups			
Type	Water Depth Rating	Fair Market Value	Assessment
IC	0-199 FT.	\$ 68,400,000	\$ 10,260,000
	200-299 FT.	136,500,000	20,475,000
	300 FT. and Deeper	272,700,000	40,905,000
IS	0-199 FT.	20,500,000	3,075,000
	200-299 FT.	34,100,000	5,115,000
	300 FT. and Deeper	41,000,000	6,150,000
MC	0-199 FT.	6,800,000	1,020,000
	200-299 FT.	13,700,000	2,055,000
	300 FT. and Deeper	54,600,000	8,190,000
MS	0-249 FT.	14,300,000	2,145,000
	250 FT. and Deeper	28,200,000	4,230,000

IC - Independent Leg Cantilever
 IS - Independent Leg Slot
 MC - Mat Cantilever
 MS - Mat Slot

C. Semisubmersible Rigs

Table 1103.C Semisubmersible Rigs		
Water Depth Rating	Fair Market Value	Assessment
	\$	\$
0- 800 FT.	62,400,000	9,360,000
801-1,800 FT.	111,800,000	16,770,000
1,801-2,500 FT.	204,800,000	30,720,000
2,501 FT. and Deeper	642,700,000	96,405,000

NOTE: The fair market values and assessed values indicated by these tables are based on the current market (sales) appraisal approach and not the cost approach.

1. - 3.b.i. ...

D. Well Service Rigs Land Only

Table 1103.D Well Service Rigs Land Only				
Class	Mast	Engine	Fair Market Value (RCNLD)	Assessment
I	71' X 125M# 71' X 150M# 72' X 125M# 72' X 150M# 75' X 150M#	C-7 50 SERIES 6V71	95,000	14,300
II	96' X 150M# 96' X 180M# 96' X 185M# 96' X 200M# 96' X 205M# 96' X 210M# 96' X 212M# 96' X 215M#	C-11 50 SERIES 8V71	135,000	20,300
III	96' X 240M# 96' X 250M# 96' X 260M# 102' X 215M#	C-11 50 SERIES 8V92	170,000	25,500
IV	102' X 224M# 102' X 250M# 103' X 225M# 103' X 250M# 104' X 250M# 105' X 225M# 105' X 250M#	C-15/C-13 60 SERIES 12V71	200,000	30,000
V	105' X 280M# 106' X 250M# 108' X 250M# 108' X 260M# 108' X 268M# 108' X 270M# 108' X 300M#	C-15/C-13 60 SERIES 12V71 12V92	230,000	34,500
VI	110' X 250M# 110' X 275M# 112' X 300M# 112' X 350M#	C-15 60 SERIES 12V71 (2) 8V92	265,000	39,800
VII	117' X 350M#	(2) C-18 (2) 60 SERIES (2) 8V92 (2) 12V71	310,000	46,500

D.1. - E.1. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2323.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 10:939 (November 1984), LR 12:36 (January 1986), LR 13:188 (March 1987), LR 16:1063 (December 1990), LR 17:1213 (December 1991), LR 22:117 (February 1996), LR 23:205 (February 1997), amended by the Department of Revenue, Tax Commission, LR 24:487 (March 1998), LR 25:315 (February 1999), LR 26:508 (March 2000), LR 27:426 (March 2001), LR 28:519 (March 2002), LR 30:488 (March 2004), LR 31:718 (March 2005), LR 32:431 (March 2006), LR 33:493 (March 2007), LR 34:683 (April 2008), LR 35:497 (March 2009), LR 36:778 (April 2010), amended by the Division of Administration, Tax Commission, LR 37:1399 (May 2011), LR 38:808 (March 2012), LR 39:495 (March 2013), LR 40:536 (March 2014), LR 41:678 (April 2015), LR 42:748 (May 2016), LR 43:654 (April 2017), LR 44:581 (March 2018), LR 45:535 (April 2019), LR 46:562 (April 2020), LR 47:467 (April 2021), LR 48:1525 (June 2022), LR 49:1058 (June 2023), LR 50:

Chapter 13. Pipelines

§1307. Pipeline Transportation Tables

A. Current Costs for Other Pipelines (Onshore)

Table 1307.A Current Costs for Other Pipelines (Onshore)		
Diameter (inches)	Cost per Mile	15% of Cost per Mile
2	\$ 258,780	\$ 38,820
4	305,690	45,850
6	361,110	54,170
8	426,570	63,990
10	503,900	75,590
12	595,250	89,290
14	703,160	105,470
16	830,630	124,590
18	981,210	147,180
20	1,159,080	173,860
22	1,369,200	205,380
24	1,617,410	242,610
26	1,910,620	286,590
28	2,256,980	338,550
30	2,666,130	399,920
32	3,149,450	472,420
34	3,720,380	558,060
36	4,394,820	659,220
38	5,191,520	778,730
40	6,132,650	919,900
42	7,244,390	1,086,660
44	8,472,080	1,270,810
46	9,755,190	1,463,280
48	11,344,510	1,701,680

NOTE: Excludes river and canal crossings. For river and canal crossings, apply a factor of 2.0 to Cost Per Mile figures in table above.

B. Current Costs for Other Pipelines (Offshore)

Table 1307.B Current Costs for Other Pipelines (Offshore)		
Diameter (inches)	Cost per Mile	15% of Cost per Mile
2	\$ 1,509,150	\$ 226,370
4	1,515,160	227,270
6	1,530,430	229,560
8	1,553,920	233,090
10	1,583,120	237,470
12	1,626,050	243,910
14	1,674,550	251,180
16	1,736,560	260,480
18	1,812,080	271,810
20	1,901,130	285,170
22	2,003,690	300,550
24	2,119,770	317,970
26	2,249,360	337,400
28	2,392,480	358,870
30	2,549,100	382,370
32	2,719,250	407,890
34	2,902,910	435,440
36	3,100,090	465,010
38	3,310,790	496,620
40	3,535,000	530,250
42	3,772,730	565,910
44	4,023,970	603,600
46	4,288,730	643,310
48	4,567,010	685,050

C. Pipeline Transportation Allowance for Physical Deterioration (Depreciation)

Table 1307.C Pipeline Transportation Allowance for Physical Deterioration (Depreciation)	
Actual Age (Yrs)	26.5 Year Life Percent Good
1	98
2	96
3	94
4	91
5	88
6	86
7	83
8	80
9	77
10	73
11	70
12	67
13	63
14	60
15	56
16	52
17	48
18	44
19	39
20	35
21	33
22	30
23	28
24	26
25	25
26	23
27 and older	20 *

* Reflects residual or floor rate.

NOTE: See §1305.G (page PL-3) for method of recognizing economic obsolescence.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2323.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 10:941 (November 1984), LR 12:36 (January 1986), LR 16:1063 (December 1990), amended by the Department of Revenue, Tax Commission, LR 24:489 (March 1998), LR 25:316 (February 1999), LR 26:509 (March 2000), LR 27:426 (March 2001), LR 31:719 (March 2005), LR 32:432 (March 2006), LR 33:494 (March 2007), LR 34:684 (April 2008), LR 35:499 (March 2009), LR 36:778 (April 2010), amended by the Division of Administration, Tax Commission, LR 37:1401 (May 2011), LR 38:809 (March 2012), LR 39:496 (March 2013), LR 40:537 (March 2014), LR 41:680 (April 2015), LR 42:748 (May 2016), LR 43:655 (April 2017), LR 44:582 (March 2018), LR 45:535 (April 2019), LR 46:563 (April 2020), LR 47:468 (April 2021), LR 48:1526 (June 2022), LR 49:1059 (June 2023), LR 50:

Chapter 15. Aircraft

§1503. Aircraft (Including Helicopters) Table

A. Aircraft (Including Helicopters)

Table 1503 Aircraft (Including Helicopters)				
Cost Index (Average)		Average Economic Life (20 Years)		
Year	Index	Effective Age	Percent Good	Composite Multiplier
2023	0.994	1	97	.96
2022	1.012	2	93	.94

Table 1503 Aircraft (Including Helicopters)				
Cost Index (Average)		Average Economic Life (20 Years)		
Year	Index	Effective Age	Percent Good	Composite Multiplier
2021	1.189	3	90	1.07
2020	1.292	4	86	1.11
2019	1.299	5	82	1.07
2018	1.346	6	78	1.05
2017	1.392	7	74	1.03
2016	1.420	8	70	.99
2015	1.408	9	65	.92
2014	1.421	10	60	.85
2013	1.440	11	55	.79
2012	1.452	12	50	.73
2011	1.493	13	45	.67
2010	1.540	14	40	.62
2009	1.528	15	35	.53
2008	1.572	16	31	.49
2007	1.634	17	27	.44
2006	1.723	18	24	.41
2005	1.803	19	22	.40
2004	1.939	20	21	.41
2003	2.006	21	20	.40

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2323.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 10:943 (November 1984), LR 12:36 (January 1986), LR 13:188 (March 1987), LR 13:764 (December 1987), LR 14:872 (December 1988), LR 15:1097 (December 1989), LR 16:1063 (December 1990), LR 17:1213 (December 1991), LR 19:212 (February 1993), LR 20:198 (February 1994), LR 21:186 (February 1995), LR 22:117 (February 1996), LR 23:206 (February 1997), amended by the Department of Revenue, Tax Commission, LR 24:490 (March 1998), LR 25:316 (February 1999), LR 26:509 (March 2000), LR 27:427 (March 2001), LR 28:520 (March 2002), LR 29:370 (March 2003), LR 30:489 (March 2004), LR 31:719 (March 2005), LR 32:433 (March 2006), LR 33:495 (March 2007), LR 34:685 (April 2008), LR 35:499 (March 2009), LR 36:779 (April 2010), amended by the Division of Administration, Tax Commission, LR 37:1401 (May 2011), LR 38:809 (March 2012), LR 39:497 (March 2013), LR 40:538 (March 2014), LR 41:680 (April 2015), LR 42:749 (May 2016), LR 43:656 (April 2017), LR 44:584 (March 2018), LR 45:537 (April 2019), LR 46:564 (April 2020), LR 47:469 (April 2021), LR 48:1527 (June 2022), LR 49:1060 (June 2023), LR 50:

Chapter 25. General Business Assets
§2503. Tables Ascertaining Economic Lives, Percent Good and Composite Multipliers of Business and Industrial Personal Property

A. – A.1. ...

B. Cost Indices

Table 2503.B Cost Indices			
Year	Age	National Average 1926 = 100	January 1, 2023 = 100*
2023	1	2257.4	0.994
2022	2	2218.3	1.012
2021	3	1888.1	1.189
2020	4	1736.4	1.292
2019	5	1727.8	1.299
2018	6	1667.7	1.346
2017	7	1612.2	1.392

Table 2503.B Cost Indices			
Year	Age	National Average 1926 = 100	January 1, 2023 = 100*
2016	8	1580.9	1.420
2015	9	1593.7	1.408
2014	10	1578.8	1.421
2013	11	1558.7	1.440
2012	12	1545.9	1.452
2011	13	1503.2	1.493
2010	14	1457.4	1.540
2009	15	1468.6	1.528
2008	16	1427.3	1.572
2007	17	1373.3	1.634
2006	18	1302.3	1.723
2005	19	1244.5	1.803
2004	20	1157.3	1.939
2003	21	1118.6	2.006
2002	22	1100.0	2.040
2001	23	1093.4	2.052
2000	24	1084.3	2.070
1999	25	1065.0	2.107
1998	26	1061.8	2.114
1997	27	1052.7	2.132
1996	28	1036.0	2.166
1995	29	1020.4	2.199
1994	30	985.0	2.278
1993	31	958.0	2.343

*Reappraisal Date: January 1, 2023 – 2244.2 (Base Year)

C. ...

D. Composite Multipliers 2024 (2025 Orleans Parish)

Table 2503.D Composite Multipliers 2024 (2025 Orleans Parish)										
Age	3 Yr	5 Yr	6 Yr	8 Yr	10 Yr	12 Yr	15 Yr	20 Yr	25 Yr	30 Yr
1	.70	.84	.86	.89	.91	.93	.94	.96	.97	.97
2	.50	.70	.74	.80	.85	.88	.91	.94	.96	.98
3	.40	.62	.68	.80	.90	.95	1.01	1.07	1.11	1.13
4	.21	.44	.53	.70	.87	.94	1.02	1.11	1.16	1.20
5		.30	.39	.56	.75	.86	.95	1.07	1.13	1.18
6		.24	.26	.44	.66	.78	.92	1.05	1.13	1.20
7			.25	.36	.54	.70	.86	1.03	1.13	1.20
8				.31	.43	.61	.78	.99	1.11	1.19
9				.28	.34	.51	.69	.92	1.06	1.15
10					.30	.41	.61	.85	1.01	1.12
11					.29	.35	.53	.79	.98	1.09
12						.32	.45	.73	.93	1.07
13						.30	.39	.67	.90	1.06
14							.35	.62	.86	1.05
15							.32	.53	.79	.99
16							.31	.49	.75	.96
17								.44	.72	.95
18								.41	.67	.93
19								.40	.61	.92
20								.41	.58	.91
21								.40	.56	.88
22									.53	.82
23									.49	.76
24									.41	.70
25									.42	.65
26									.42	.59
27										.55
28										.50
29										.46
30										.46
31										.47

1. Data sources for tables are:
 - a. Cost Index—Marshall and Swift Publication Co.;
 - b. Percent Good—Marshall and Swift Publication Co.;
 - c. Average Economic Life—various.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2323.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 9:69 (February 1983), LR 10:944 (November 1984), LR 12:36 (January 1986), LR 13:188 (March 1987), LR 13:764 (December 1987), LR 14:872 (December 1988), LR 15:1097 (December 1989), LR 16:1063 (December 1990), LR 17:1213 (December 1991), LR 19:212 (February 1993), LR 20:198 (February 1994), LR 21:186 (February 1995), LR 22:117 (February 1996), LR 23:207 (February 1997), amended by the Department of Revenue, Tax Commission, LR 24:490 (March 1998), LR 25:317 (February 1999), LR 26:509 (March 2000), LR 27:427 (March 2001), LR 28:520 (March 2002), LR 29:370 (March 2003), LR 30:489 (March 2004), LR 31:719 (March 2005), LR 32:433 (March 2006), LR 33:496 (March 2007), LR 34:686 (April 2008), LR 35:500 (March 2009), LR 36:780 (April 2010), amended by the Division of Administration, Tax Commission, LR 37:1402 (May 2011), LR 38:810 (March 2012), LR 39:497 (March 2013), LR 40:538 (March 2014), LR 41:681 (April 2015), LR 42:750 (May 2016), LR 43:656 (April 2017), LR 44:584 (March 2018), LR 45:538 (April 2019), LR 46:564 (April 2020), LR 47:470 (April 2021), LR 48:1528 (June 2022), LR 49:1061 (June 2023), LR 50:

§2717. Tables—Use Value

A. Average Assessed Value per Acre of Agricultural and Horticultural Land, by Class

Table 2717.A Average Assessed Value per Acre of Agricultural and Horticultural Land, by Class		
Class	Assessed Value Per Acre	
	Upper	Lower
Class I	\$48.31	\$40.83
Class II	\$40.54	\$30.46
Class III	\$29.89	\$26.45
Class IV	\$25.85	\$17.22

B. Average Assessed Value per Acre of Timberland, by Class

Table 2717.B Average Assessed Value per Acre of Timberland, by Class	
Class	Assessed Value Per Acre
Class 1	\$40.22
Class 2	\$28.54
Class 3	\$12.38
Class 4	\$7.51

C. Average Assessed Value per Acre of Marsh Land, by Class

Table 2717.C.1 Average Assessed Value per Acre of Marshland, by Class West Zone	
Class	Assessed Value Per Acre
Fresh Water Marsh	\$7.00
Brackish Water Marsh	\$6.00
Salt Water Marsh	\$5.00

Table 2717.C.2 Parishes Considered to be Located in the West Zone			
Acadia	Iberia	St. Landry	Vermilion
Calcasieu	Jefferson Davis	St. Martin	
Cameron	Lafayette	St. Mary	

Table 2717.C.3 Average Assessed Value per Acre of Marshland, by Class East Zone	
Class	Assessed Value Per Acre
Fresh Water Marsh	\$ 5.00
Brackish Water Marsh	\$ 4.00
Salt Water Marsh	\$ 3.00

Table 2717.C.4 Parishes Considered to be Located in the East Zone			
Ascension	Lafourche	St. Charles	Terrebonne
Assumption	Livingston	St. James	West Baton Rouge
East Baton Rouge	Orleans	St. John	
Iberville	Plaquemines	St. Tammany	
Jefferson	St. Bernard	Tangipahoa	

NOTE: Only the parishes listed above should have lands classified as marshland. All other parishes should classify such land as all other acreage.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:2301 through R.S. 47:2308.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 9:69 (February 1983), LR 12:36 (January 1986), LR 13:248 (April 1987), LR 13:764 (December 1987), LR 14:110 (February 1988), LR 17:1213 (December 1991), LR 22:117 (February 1996), LR 23:208 (February 1997), amended by the Department of Revenue, Tax Commission, LR 24:491 (March 1998), LR 26:511 (March 2000), LR 30:492 (March 2004), amended by the Office of the Governor, Division of Administration, Tax Commission, LR 38:811 (March 2012), LR 42:751 (May 2016), LR 46:566 (April 2020).

**Chapter 31 Public Exposure of Assessments; Appeals
§3101. Public Exposure of Assessments, Appeals to the Board of Review and Board of Review Hearings**

A. - H.4. ...

I. The Board of Review, during its public hearing(s), shall have copies of the Louisiana Tax Commission appeal rules and regulations and Appeal Form 3103.A available for any assessor and/or taxpayer desiring to further appeal to the Tax Commission.

J. The Board of Review shall provide each taxpayer with a written notice of their particular appeal determination with a copy submitted to the assessor and the Tax Commission on or before the certification of the assessment list to the Tax Commission. The notice of determination shall be sent simultaneously to the assessor and the taxpayer at the address shown on the appeal form by registered or certified mail. The Board of Review shall include an Appeal Form 3103.A with the notice of determination.

K.1. - 2. ...

**Form 3101
Exhibit A**

Appeal to Board of Review
by Property Owner/Taxpayer
For Real and Personal Property

Name: _____ Parish/District: _____
 Taxpayer _____
 Address: _____ City, State, Zip: _____
 Ward: _____ Assessment/Tax Bill Number: _____ Appeal No. _____

Board of Review
 (Attach copy of complete appeal submitted to the Board of Review)

Address or Legal Description of Property Being Appealed (Also, please identify building by place of business for convenience of appraisal)

I hereby request the review of the assessment of the above described property pursuant to L.R.S. 47:1992.

The assessor has determined Fair Market Value of this property at:

Land \$ _____ Improvement \$ _____ * Personal Property \$ _____
 Total \$ _____

I am requesting that the Fair Market Value of this property be fixed at:

Land \$ _____ Improvement \$ _____ * Personal Property \$ _____
 Total \$ _____

* If you are not appealing personal property, leave this section blank. Please notify me of the date, place and time of my appeal at the address shown below.

NOTE: The Board of Review's decision, may be appealed to the La. Tax Commission by completing and submitting Appeal Form 3103.A to the LTC within 30 calendar days of the Board of Review's decision. For further information, call the LTC at (225) 219-0339.

_____ Property Owner/Taxpayer
 Address: _____

 Telephone No. _____
 Email Address: _____

PLEASE NOTE: You must submit all information concerning the value of your property to your assessor before the deadline for filing an appeal with the Board of Review. The failure to submit such information may prevent you from relying on that information should you protest your value.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1992, R.S. 47:2301 and R.S. 47:2321.

HISTORICAL NOTE: Promulgated by the Louisiana Tax Commission, LR 4:339 (September 1978), amended by the Department of Revenue and Taxation, Tax Commission, LR 13:188 (March 1987), LR 13:764 (December 1987), LR 15:1097 (December 1989), LR 16:1063 (December 1990), LR 20:198 (February 1994), LR 21:186 (February 1995), LR 23:208 (February 1997), amended by the Department of Revenue, Tax Commission, LR 24:492 (March 1998), LR 25:319 (February 1999), LR 26:512 (March 2000), LR 32:435 (March 2006), LR 33:498 (March 2007), LR 34:688 (April 2008), LR 35:501 (March 2009), LR 36:781 (April 2010), amended by the Division of Administration, Tax Commission, LR 37:1403 (May 2011), LR 38:811 (March 2012), LR 40:539 (March 2014), LR 41:682 (April 2015), LR 42:751

(May 2016), LR 43:657 (April 2017), LR 45:538 (April 2019), LR 48:1529 (June 2022), LR 49:1062 (June 2023), LR 50:

§3102. Appeals to the Louisiana Tax Commission (for appeals filed before January 1, 2022)

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837, R.S. 47:1989 and R.S. 47:1922.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Tax Commission, LR 48:1530 (June 2022). Repealed by the Office of the Governor, Division of Administration, Tax Commission, repealed LR 50:

§3103. Appeals to the Louisiana Tax Commission

A. The Louisiana Constitution provides that the correctness of assessments made by an assessor will be subject to review first by the parish governing authority, then by the Louisiana Tax Commission, and finally by the courts, all in accordance with procedures established by law. La. Const. Article VII, Section 18(E).

B.1. An appeal to the commission shall be filed with the commission within 30 calendar days of the earlier of the Board of Review's written decision is properly sent to the taxpayer and assessor; or actual delivery of the Board of Review's determination, whether electronic or otherwise. In order to institute a proceeding before the commission, the taxpayer, assessor, or bona fide representative of a tax recipient body shall file Form 3103.A and, if applicable, Form 3103.B. The applicant must include a copy of the Board of Review's written decision and notification letter with the Form 3103.A. All appeals shall be deemed filed when deposited with the United States Postal Service and can be evidenced by proof of mailing by registered or certified mail. Appeals may also be filed electronically on the commission's website. The commission may summarily dismiss an appeal not timely filed with all required documents.

2. In addition to the Forms 3103.A and 3103.B, the applicant may attach any additional documents or pleadings containing further information concerning the appeal.

3. Appeals filed by a taxpayer shall be docketed and captioned as follows.

STATE OF LOUISIANA
 LOUISIANA TAX COMMISSION
 Taxpayer
 v.
 Assessor and Parish Board of Review
 DOCKET NO. _____

4. Appeals filed by an assessor shall be docketed and captioned as follows.

STATE OF LOUISIANA
 LOUISIANA TAX COMMISSION
 Assessor
 v.
 Taxpayer and Parish Board of Review
 DOCKET NO. _____

5. Appeals filed by a bona fide representative of a tax recipient body shall be docketed and captioned as follows.

STATE OF LOUISIANA
LOUISIANA TAX COMMISSION
Tax Recipient Body

v.
Assessor, Taxpayer, and Parish Board of Review
DOCKET NO. _____

C.1. Except as otherwise provided, an original and seven copies of all filings, including pleadings and exhibits, shall be filed with the commission.

2. All pleadings are to be signed by the individual who files them, and shall include the capacity in which the individual is acting, the individual's mailing address, and telephone number.

3. The signing of the pleading will be construed to be the individual's statement that the individual is duly authorized to represent the property owner, that the allegations of the petition are true and correct to the best of the individual's information and belief and that the capacity in which the individual acts is properly stated.

4. All pleadings shall be accompanied by a certificate of service certifying that such pleadings have been served on all opposing parties or parties in interest in the case and shall include the manner of service.

5. All pleadings shall reflect the caption set forth in Subsection B of this Section.

6. All filings to the commission shall be on letter size paper.

7. Any filing that consists of 50 pages or less shall be filed in electronic/digital form only.

8. Any filing that consists of more than 50 pages shall be filed in electronic/digital form, along with the printed original and seven copies.

9. Motions and exceptions shall be in writing, shall be accompanied by an order or rule setting them for hearing and shall be served in accordance with these rules.

10. The commission may issue discovery and filing deadlines through a case management scheduling order.

11. In computing a period of time allowed or prescribed in this Subchapter or by order of the commission, the date of the act, event, or default after which the period begins to run is not to be included. The last day of the period is to be included, unless it is a legal holiday, in which event the period runs until the end of the next day which is not a legal holiday.

12. At the discretion of the commission, motions, objections, rules, and/or exceptions may be heard by the commission by special setting, referred to the merits of the case, or summarily adjudicated.

13. Upon written notice by the commission, through either the administrator or legal counsel for the commission, the parties or their attorneys or other representative may be directed to file memoranda with the commission. The legal memorandum shall address in a concise manner the issues presented in the appeal to the commission together with a statement of any authority supporting the party's position.

14. Upon written notice by the commission, through either the administrator or legal counsel for the commission, the parties or their attorneys or other representative may be

directed to meet and confer with commission staff and/or legal counsel for the commission to discuss any aspect of the appeal lodged with the commission.

D.1. - D.9. ...

E.1. Any taxpayer or assessor may appear and be represented by an attorney at law authorized to practice law before the highest court of any state; a natural person may appear in his own behalf, through an immediate family member, an attorney, or Registered Tax Representative as herein defined below; or a corporation, partnership or association may appear and be represented to appear before the commission by a bona fide officer, partner, full time employee, or any other person duly authorized as provided for on "Exhibit B, Power of Attorney" (Form 3103.B).

E.2 - G.11. ...

12. Notwithstanding Section 3103.D.1., or any other provision to the contrary, witness testimony is permitted, and all witnesses shall be placed under oath at the onset of each hearing. However, the commission may limit the number of witnesses and limit the allotment of time for such testimony. At its sole discretion the commission may permit live witness testimony via videoconference. All witnesses are subject to cross examination by any party. Further, the commission will not accept or consider any evidence not permitted under La. R.S. 47:1989.

G.13. - H.3. ...

I.1. Notwithstanding any other provision to the contrary, and except as otherwise instructed, the Appraisal Division shall perform a fee simple appraisal in connection with all real property appeals utilizing the criteria set forth in R.S. 47:2323 and the commission's rules.

2. The commission may accept or reject all or any part of the appraisal prepared by the Appraisal Division in its evaluation of the appeal.

J. - P. ...

Form 3103.A
Exhibit A
Appeal to Louisiana Tax Commission
by Property Owner/Taxpayer or Assessor
for Real and Personal Property

La. Tax Commission
P.O. Box 66788
Baton Rouge, LA 70896
(225) 219-0339

Name: _____ Parish/District: _____
Property Owner/Taxpayer/Assessor

Address: _____ City,State,Zip: _____

Ward: _____ Assessment Tax Bill No.: _____ Appeal No.: _____

Address or Legal Description of Property Being Appealed. Also, please identify building by place of business for convenience of appraisal. _____

I hereby appeal the decision of the Board of Review on the assessment of the above described property pursuant to La. R.S. 47:1992, La. R.S. 47:1989 and the rules of the Louisiana Tax Commission. I timely filed my appeal as required by law.

Date of the Board of Review Determination: _____

"You are required to include a copy of the Board of Review Determination with this Appeal Form."

The Fair Market Value by the assessor was:

Land \$ _____ Improvement \$ _____

Personal Property \$ _____ Total \$ _____

The Fair Market Value determined by the Board of Review was:

Land \$ _____ Improvement \$ _____

Personal Property \$ _____ Total \$ _____

The Fair Market Value should be:

Land \$ _____ Improvement \$ _____

Personal Property \$ _____ Total \$ _____

* If you are not appealing personal property leave this section blank.

NOTE: If you disagree with the Board of Review's determination, you must file an appeal. The appeal of the decision of the Board of Review by one party is not an appeal of that decision from the other party. To protect your rights, if you disagree with the determination of the Board of Review, you should file an appeal to the Louisiana Tax Commission challenging the Board of Review's determination regardless of whether or not the other party has appealed that decision.

Applicant: (Property Owner/Taxpayer/Assessor) _____

Address: _____

Telephone No.: _____

Email Address: _____

Date of Appeal: _____

Today's Date: _____

This form must be completed in its entirety. The failure to complete the form, in its entirety, or failure to attach a copy of the Board of Review Determination may result in summary dismissal at the discretion of the Tax Commission.

PLEASE NOTE: Any documents or other evidence submitted to the assessor and/or the Board of Review must be refiled/resubmitted to the Louisiana Tax Commission.

**Form 3103.B
Exhibit B
Power of Attorney**

**PLEASE TYPE OR PRINT
Taxpayer(s) must sign and date this form on Page 2.**

I. Taxpayer:

Your Name or Name of Entity: _____

Street Address, City, State, ZIP: _____

I/we appoint the following representative as my/our true and lawful agent and attorney-in-fact to represent me/us before the Louisiana Tax Commission. The representative is authorized to receive and inspect confidential information concerning me/our tax matters, and to perform any and all acts that I/we can perform with respect to my/our tax matters, unless

noted below. Modes of communication for requesting and receiving information may include telephone, e-mail, or fax. The authority does not include the power to receive refund checks, the power to substitute another representative, the power to add additional representatives, or the power to execute a request for disclosure of tax information to a third party.

Representatives must sign and date this form on Page 3.

II. Authorized Representative:

Name: _____

Firm: _____

Street Address _____

City, State, ZIP: _____

Telephone Number:() _____

Fax Number:() _____

Email Address: _____

III. Scope of Authorized Appointment:

Acts Authorized. Mark only the boxes that apply. By marking the boxes, you authorize the representative to perform any and all acts on your behalf, including the authority to sign tax returns, with respect only to the indicated tax matters:

A. Duration:

_____ Tax Year _____ (Days, Months, etc.) _____ Until Revoked.

B. Agent Authority:

- 1. _____ General powers granted to represent taxpayer in all matters.
- 2. _____ Specified powers as listed.

(a.) _____ File notices of protest and present protests before the Louisiana Tax Commission.

(b.) _____ Receive confidential information filed by taxpayer.

(c.) _____ Negotiate and resolve disputed tax matters without further authorization.

(d.) _____ Represent taxpayer during appeal process.

C. Properties Authorized to Represent:

- 1. _____ All property.
- 2. _____ The following property only (give assessment number and municipal address or legal description).

Additional properties should be contained on separate page

NOTICES AND COMMUNICATIONS: Original notices and other written communication will be sent only to you, the taxpayer. Your representative may request and receive information by telephone, e-mail, or fax. Upon request, the representative may be provided with a copy of a notice or communication sent to you. If you want the representative to request or receive a copy of notices and communications sent to you, check this box.

REVOCATION OF PRIOR POWER(S) OF ATTORNEY: Except for Power(s) of Attorney and Declaration of Representative(s) filed on this Form, the filing of this Power of Attorney automatically revokes all earlier Power(s) of Attorney on file with the Louisiana Tax Commission for the same tax matters and years or periods covered by this document.

SIGNATURE OF TAXPAYER(S): If a tax matter concerns jointly owned property, all owners must sign if joint representation is requested. If signed by a corporate officer, partner, guardian, tax matters partner, executor,

receiver, administrator, or trustee on behalf of the taxpayer. I certify that I have the authority to execute this form on behalf of the taxpayer.

IF THIS POWER OF ATTORNEY IS NOT SIGNED AND DATED, IT WILL BE RETURNED.

Signature

Date (mm/dd/yyyy)

Spouse/Other Owner Signature

Date (mm/dd/yyyy)

Signature of Duly Authorized Representative, if the taxpayer title is a corporation, partnership, executor, or administrator

Date (mm/dd/yyyy)

IV. Declaration of Representative:

Under penalties of perjury, I declare that:

I am authorized to represent the taxpayer identified above and to represent that taxpayer as set forth in Part III specified herein;

I have read and am familiar with all the rules and regulations promulgated by the commission;

I have fully complied with all rules adopted by the commission regarding professional conduct and ethical considerations.

Signature

Date (mm/dd/yyyy)

IF THIS DECLARATION OF REPRESENTATIVE IS NOT SIGNED AND DATED, THE POWER OF ATTORNEY WILL BE RETURNED.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837, R.S. 47:1989 and R.S. 47:1992.

HISTORICAL NOTE: Promulgated by the Louisiana Tax Commission, LR 4:339 (September 1978), amended by the Department of Revenue and Taxation, Tax Commission, LR 10:947 (November 1984), LR 15:1097 (December 1989), LR 20:198 (February 1994), LR 21:186 (February 1995), LR 22:117 (February 1996), amended by the Department of Revenue, Tax Commission, LR 24:492 (March 1998), LR 25:319 (February 1999), LR 26:512 (March 2000), LR 28:521 (March 2002), LR 31:721 (March 2005), LR 32:436 (March 2006), LR 33:498 (March 2007), LR 34:688 (April 2008), LR 36:782 (April 2010), amended by the Office of the Governor, Division of Administration, Tax Commission, LR 38:811 (March 2012), LR 41:682 (April 2015), LR 42:752 (May 2016), LR 43:658 (April 2017), LR 45:539 (April 2019), LR 46:567 (April 2020), LR 47:471 (April 2021), LR 48:1533 (June 2022), LR 49:1063 (June 2023), LR 50:

§3105. Practice and Procedure for Public Service Properties Hearings

A. The Tax Commission or its designated representative, as provided by law, shall conduct hearings to consider the written protest of an applicant taxpayer. The appeal shall be filed within 30 days after receipt of the public service section's certificate of value. In order to institute a

proceeding before the commission, the taxpayer shall file Form 3105.A and, if applicable Form 3103.B.

B.1. - S. ...

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:1856.

HISTORICAL NOTE: Promulgated by the Louisiana Tax Commission, LR 4:339 (September 1978), amended by the Department of Revenue and Taxation, Tax Commission, LR 10:947 (November 1984), LR 15:1097 (December 1989), LR 20:198 (February 1994), LR 21:186 (February 1995), LR 23:209 (February 1997), amended by the Department of Revenue, Tax Commission, LR 24:493 (March 1998), LR 25:320 (February 1999), LR 26:513 (March 2000), LR 30:492 (March 2004), LR 31:723 (March 2005), LR 32:438 (March 2006), LR 33:499 (March 2007), LR 34:689 (April 2008), LR 36:782 (April 2010), amended by the Office of the Governor, Division of Administration, Tax Commission, LR 38:812 (March 2012), LR 41:683 (April 2015), LR 43:661 (April 2017), LR 45:541 (April 2019), LR 48:1538 (June 2022), LR 50:

§3106. Practice and Procedure for the Appeal of Bank Assessments

A. The Tax Commission or its designated representative, as provided by law, shall conduct hearings to consider the written protest of an applicant taxpayer. The appeal shall be filed within thirty (30) days of the dated Certificate of Value to the taxpayer. In order to institute a proceeding before the commission, the taxpayer shall file Form 3106.A and, if applicable Form 3103.B.

B. - T. ...

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Tax Commission, LR 33:499 (March 2007), LR 34:690 (April 2008), LR 36:782 (April 2010), amended by the Division of Administration, Tax Commission, LR 38:812 (March 2012), LR 41:683 (April 2015), LR 43:661 (April 2017), LR 45:541 (April 2019), LR 48:1539 (June 2022), LR 50:

§3107. Practice and Procedure for Appeal of Insurance Credit Assessments

A. Tax Commission or its designated representative, as provided by law, shall conduct hearings to consider the written protest of an applicant taxpayer. The appeal shall be filed within 30 days of the dated certificate of value to the taxpayer. In order to institute a proceeding before the commission, the taxpayer shall file Form 3107.A and, if applicable Form 3103.B.

B. - T. ...

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Tax Commission, LR 33:501 (March 2007), amended LR 34:690 (April 2008), LR 36:782 (April 2010), amended by the Office of the Governor, Division of Administration, Tax Commission, LR 38:812 (March 2012), LR 41:683 (April 2015), LR 43:661 (April 2017), LR 45:541 (April 2019), LR 48:1539 (June 2022), LR 50:

Lawrence Chehardy
Chairman

2312#006

DECLARATION OF EMERGENCY

Office of the Governor Office of Financial Institutions

Private Education Lender Registry (LAC 10:XV.2001-2015)

In compliance with Act 715 of the 2022 Regular Session of the Louisiana Legislature (“Act”), the Office of the Governor, Office of Financial Institutions (“OFI”) adopts this Declaration of Emergency (“Declaration”). The Act requires OFI to create and publish a registry of private education lenders not later than one year from the effective date of August 1, 2022. Originally enacted as one of three acts beginning with R.S. 6:1401, the Act was subsequently re-designated as Title VI, Chapter 24, Private Education Lender Registry, R.S. 6:1421 through 1424, by the Louisiana Law Institute. To comply with the legislative intent of the Act, private education lenders shall report information specified by R.S. 6:1422 to OFI. In turn, OFI shall publish this information on the internet for public inspection.

This Declaration adopts LAC 10:XV.2001, et seq., to prevent imminent peril to the public health, safety, or welfare in implementation of registration to engage in private education lending. Beginning April 1, 2024, no person shall engage in business as a private education lender in the state of Louisiana without first satisfying the requirements of R.S. 6:1422. The effective date of the Act has the potential of jeopardizing resident borrowers’ ability to obtain private loans necessary to pursue higher education or interrupting progress toward earning graduate, post-graduate and doctoral degrees. This Declaration allows recent high school graduates, and college and university students, to continue their education without losing or unnecessarily delaying educational and career opportunities. This Declaration further provides for necessary fees for costs of implementation, registration, publication and maintenance of the private education lenders registry, as required by R.S. 6:1424.

This Declaration becomes effective on December 20, 2023 and will remain in place for one hundred and eighty days or until it is supplanted or superseded by a permanent rule. OFI intends to publish a notice of intent to promulgate a permanent rule on January 20, 2024, with an anticipated date of April 20, 2024 for final publication of a permanent rule.

Title 10

FINANCIAL INSTITUTIONS, CONSUMER CREDIT, INVESTMENT SECURITIES AND UCC

Part XV. Other Regulated Entities

Chapter 20. Private Education Lender Registry

§2001. Definitions

Annual Registration Period—is the first day of January through the thirty-first day of December for each calendar year, beginning January 1, 2024.

Annual Registration Renewal Period—is the first day of November of each calendar year through the thirty-first day of December of each calendar year, beginning November 1, 2024.

Commissioner—is the commissioner of the Office of Financial Institutions.

Expired Registration—any private education lender registration for which no timely registration renewal application is submitted.

Lapsed Registration—any private education lender registration for which no timely or untimely registration renewal application is submitted.

Lender—is any private education lender or person extending credit as a private education loan.

Loan Holder or Holder—any person owning and servicing any private education loan.

Loan Owner—any private education lender to the extent that the person:

1. secures, makes or extends any private education loan to any resident borrower and:

a. services the private education loan; or

b. outsources loan servicing of the private education loan to any third party.

2. holds and services any private education loan secured, made or extended by any private education lender.

Loan Servicing—includes:

1. receiving any periodic payments from any resident borrower or notification of such payments and application of payments to the resident borrower’s account;

2. maintaining account records for any private education loan and communicating with any resident borrower regarding the loan, on behalf of the loan’s holder or owner, during a period when no payment is required on the private education loan;

3. interactions with any resident borrower, including activities to help prevent default on obligations arising from private education loans, to facilitate the activities described in Paragraphs 1 and 2 of this Subsection.

NMLS—is the Nationwide Multistate Licensing System developed by the Conference of State Bank Supervisors and the American Association of Residential Mortgage Regulators and owned and operated by the State Regulatory Registry, LLC, or any successor or affiliated entity, for the licensing and registration of persons in financial services industries.

Person—is any individual, partnership, limited liability company, corporation, trust, association, business or nonprofit entity, or other legal entity, or group of individuals, however organized. “Person” shall not include a public corporation, government, or governmental subdivision, agency, or instrumentality.

Provider of Postsecondary Education—is any person engaged in the business of providing education beyond high school, including but not limited to two-year and four-year colleges and universities, and occupational or technical training, via correspondence, online, or in this state, to any resident borrower.

Private Education Lender—is any person engaged in the business of:

1. securing, making, or extending any private education loan to a resident borrower; and

2. servicing any private education loan that person secured, made or extended to a resident borrower.

3. this term shall not include any:

a. person who services a private education loan, to the extent the person does not also secure, make, extend, or own the loan;

b. federally insured financial institution, its subsidiaries, and affiliates.

Private Education Lending—is engaging in business as a private education lender.

Private Education Loan—is any extension of credit to or a debt or obligation owed or incurred by, a resident borrower, contractual or otherwise, contingent or absolute, that meets the following criteria:

1. is not made, insured, or guaranteed under Title IV of the Higher Education Act of 1965, 20 U.S.C. 1070 et seq.; or

2. is extended to or owed or incurred by a resident borrower expressly, in whole or in part, for postsecondary education expenses, regardless of whether the extension of credit to or debt or obligation owed or incurred is provided by the provider of postsecondary education that the resident borrower attends.

3. this term shall not include any loan that is secured by immovable property or a dwelling.

Private Student Loan Registry—is the official, publicly accessible list of private education lenders registered to secure, make, extend, own or hold private education loans to resident borrowers, compiled and published by the Office of Financial Institutions, in accordance with R.S. 6:1421, et seq.

Resident Borrower—is any person:

1. residing in the state;
2. who resided in the state for more than six months in the aggregate during the previous calendar year; or
3. domiciled in the state; and
4. receives a private education loan;
5. agrees to repay a private education loan; or
6. shares responsibilities for repayment of a private education loan with any resident.

State—is the state of Louisiana.

Timely Registration Renewal Application—is any application for renewal of a private education lender registration submitted between the first day of November and the thirty-first day of December of the annual registration period for which the registration is issued.

Untimely Registration Renewal Application—is any application for renewal of a private education lender registration submitted between the first day of January and the last day of February of any calendar year beginning after March 31, 2024.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:121, R.S. 6:1421, R.S. 6:1422, R.S. 6:1423, and R.S. 6:1424.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Financial Institutions, LR 49:

§2003. Registration

A. All private education lenders shall:

1. register with the commissioner through the NMLS before engaging in private education lending in the state, as required by and in accordance with R.S. 6:1421, et seq.;

2. renew their registration annually, as provided by R.S. 6:1421, et seq., and this rule;

3. maintain all qualifications of a registered private education lender; and

4. cease and desist all business of private education lending upon any of the following:

a. failure to submit a timely or untimely registration renewal application for any annual registration period;

b. failure to submit all fees and information required by R.S. 6:1421, et seq., or this rule with any initial registration or registration renewal application;

c. notice of the commissioner's denial, suspension, or revocation of any:

i. initial or renewal application submitted for any annual registration period; or

ii. registration the commissioner issued to the private education lender;

d. notice of the commissioner's removal of the lender from the Private Education Lender Registry.

B. For purposes of registration and maintaining registration with the commissioner, each private education lender shall provide all of the following:

1. a list of all providers of postsecondary education for which private education loans have been secured, made or extended to resident borrowers;

2. the total number of private education loans annually secured, made or extended to:

a. resident borrowers;

b. resident borrowers enrolled or enrolling in, or attending, each provider of postsecondary education listed in response to Subsection B.1 of this Section; and

c. resident borrowers requiring a cosigner;

3. The total dollar amount of private education loans annually secured, made or extended to:

a. resident borrowers;

b. resident borrowers enrolled in or attending each provider of postsecondary education listed in response to Subsection B.1 of this Section;

c. resident borrowers requiring a cosigner;

4. the range of starting interest rates for all private education loans secured, made or extended;

5. the percentage of resident borrowers who receive the starting interest rates provided in response to Subsection B.4 of this Section;

6. the default rate of all private education loans secured, made or extended;

7. the default rate of private education loans secured, made or extended to resident borrowers enrolled or enrolling in, or attending, each provider of postsecondary education listed in response to Subsection B.1 of this Section;

8. a copy of promissory note(s), agreement(s), contract(s) or other instrument(s) used during the previous calendar year to substantiate that:

a. the private education lender secured, made or extended any private education loans; or

b. any resident borrower owes any debt for a private education loan secured, made or extended;

9. the private education lender's:

a. name;

b. address;

c. telephone number; and

d. internet website address.

C.1. Beginning January 1, 2024, the annual registration period for all private education lenders shall commence on the first day of January and end on the thirty-first day of December of each calendar year.

2. Any initial private education lender registration approved between the first day of November and the thirty-first day of December of each calendar year will expire on the thirty-first day of December of the following annual registration period.

3. Except as provided by Subsection C.2 of this Section, all private education lender registrations shall expire on the thirty-first day of December of each calendar year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:121, R.S. 6:1421, R.S. 6:1422, R.S. 6:1423, and R.S. 6:1424.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Financial Institutions, LR 49:

§2005. Initial Registration Application Period

A. The commissioner shall begin accepting initial registration applications from private education lenders, as required by R.S. 6:1421, et seq., on January 1, 2024.

B. Any private education lender shall be in violation of R.S. 6:1421, et seq., if they:

1. are securing, making or extending any private education loan to any resident borrower;

2. hold or own any private education loans secured, made or extended to any resident borrower; and

3. fail to submit a registration application to the commissioner within 90 days of January 1, 2024.

C. Each private education loan secured, made or extended to any resident borrower, or held for any resident borrower in violation of R.S. 6:1421, et seq., or any rule or regulation adopted by the commissioner under authority of R.S. 6:1424, shall constitute a separate offense, as provided by R.S. 6:1423.

D. Private education lenders whose registration applications are approved by the commissioner shall be added to the Private Education Lender Registry.

E. After the initial 90-day registration application period, no person shall engage in business as a private education lender with any resident borrower without registering with the commissioner, as provided by R.S. 6:1421, et seq., and any rule or regulation adopted by the commissioner under authority of R.S. 6:1424.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:121, R.S. 6:1421, R.S. 6:1422, R.S. 6:1423, and R.S. 6:1424.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Financial Institutions, LR 49:

§2007. Registration Renewals

A. Applications for renewal of private education lender registrations shall:

1. be submitted to the commissioner through the NMLS;

2. include all information required by R.S. 6:1421, et seq., and any rule or regulation adopted by the commissioner under authority of R.S. 6:1424; and

3. include all fees required by the commissioner by rule, in accordance with R.S. 6:1421, et seq.

B. Beginning October 31, 2024, the period for submitting registration renewal applications shall begin on the first day of November of each calendar year.

C.1. Timely private education lender registration renewal applications shall:

a. be submitted on or before the thirty-first day of December of each calendar year;

b. be accompanied by any registration fee established by rule; and

c. allow the private education lender's registration to remain in force and effect during the pendency of their registration renewal application.

2. Any private education lender registration for which no timely renewal application is filed shall expire on the thirty-first day of December of the calendar year for which it is issued.

D.1. Registration renewal applications shall be untimely if they are submitted:

a. on or after the first day of January of any calendar year beginning after March 31, 2024; and

b. on or before the last day of February of any calendar year beginning after March 31, 2024.

2. Untimely registration renewal applications shall be accompanied by both:

a. any registration renewal fee established by rule; and

b. any applicable late fee established by rule.

3. Any registration for which no renewal application is submitted on or before the last day of February of any calendar year shall lapse and shall not be renewed.

4. Any private education lender whose registration has lapsed shall:

a. be removed from the Private Education Lender Registry;

b. cease engaging in private education lending in the state, as provided by R.S. 6:1421, et seq., or any rule or regulation adopted by the commissioner under authority of R.S. 6:1424; and

c. register with the commissioner before resuming private education lending in the state;

5. Private education lenders whose registration is lapsed may submit an initial application for registration, as provided by R.S. 6:1421, et seq., and this rule.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:121, R.S. 6:1421, R.S. 6:1422, R.S. 6:1423, and R.S. 6:1424.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Financial Institutions, LR 49:

§2009. Enforcement

A. R.S. 6:1421, et seq., expressly authorizes the commissioner to enforce provisions thereof and this rule in accordance with powers vested by R.S. 6:121.1.

B. The commissioner may take appropriate action against any person subject to his licensing, registration, regulation, or supervisory authority for violating R.S. 6:1421, et seq., or any rule or regulation adopted under authority of R.S. 6:1424, as provided by R.S. 6:1423.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:121, R.S. 6:1421, R.S. 6:1422, R.S. 6:1423, and R.S. 6:1424.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Financial Institutions, LR 49:

§2011. Violations

A. Violations of R.S. 6:1421, et seq., or this rule include, but are not limited to, any person who:

1. has engaged, is engaging, or is about to engage in any act or practice prohibited by R.S. 6:1421, et seq., or any rule or regulation adopted under authority of R.S. 6:1424;

2. has failed to act, is failing to act, or is about to fail to act under an affirmative duty provided by R.S. 6:1421, et seq., or any rule or regulation adopted under authority of R.S. 6:1424.

B. Appropriate action for violation of R.S. 6:1421, et seq., or this rule includes, but is not limited to:

1. conducting investigations and hearings to ascertain whether a violation R.S. 6:1421, et seq., has occurred;

2. issuing orders assessing civil money penalties;

3. entering into compliance agreements;

4. seeking injunctive relief from any court of competent jurisdiction; or

5. any combination of appropriate actions 1 through 4 above.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:121, R.S. 6:1421, R.S. 6:1422, R.S. 6:1423, and R.S. 6:1424.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Financial Institutions, LR 49:

§2013. Fees

A. The following fee schedule is adopted to cover administrative costs of implementing, maintaining and enforcing the Private Education Lender Registry, as provided by R.S. 6:1421, et seq.:

- 1. initial registration fee of one thousand and five hundred dollars;
- 2. renewal registration fee of one thousand dollars; and
- 3. renewal registration fee late fee of five hundred dollars.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:121, R.S. 6:1421, R.S. 6:1422, R.S. 6:1423, and R.S. 6:1424.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Financial Institutions, LR 49:

§2015. Severability

A. If any provision or item of this regulation, or the application thereof, is held invalid, such invalidity shall not affect other provisions, items, or applications of the regulation which can be given effect without the invalid provisions, items, or applications.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:121, R.S. 6:1421, R.S. 6:1422, R.S. 6:1423, and R.S. 6:1424.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Financial Institutions, LR 49:

P. Scott Jolly
Commissioner

2312#011

DECLARATION OF EMERGENCY

**Department of Public Safety and Corrections
Office of the State Fire Marshal
Uniform Construction Code Council**

Uniform Construction Code (LAC 17:I.101 and 103)

The Department of Public Safety and Corrections, Office of State Fire Marshal, Louisiana State Uniform Construction Code Council, hereafter referred to as the “LSUCCC” or the “Council”, has exercised the emergency provision in accordance with R.S. 49:953(B) of the Administrative Procedure Act, to amend LAC 17:I.Chapter 1 in the state Uniform Construction Code as authorized by R.S.40:1730.28. Furthermore, the LSUCCC has found an immediate need to adopt an amendment of the current Louisiana State Uniform Construction Code, 2020 National Electrical Code Article 210.52(C)(3). This change is a direct result for the need to protect homeowners from electrical shock hazards. This amendment will serve to better protect the public and to follow national guidelines for occupants to live and work in safe, healthy, resilient environments.

The LSUCCC is promulgating this Rule amendment to provide greater health and electrical safety for the public and for those living and working in conditioned spaces. These rules were first adopted and published in the October 20, 2022 edition of the *Louisiana Register* (Vol. 48, No. 10). The rule became effective on July 1, 2023. An emergency rule was promulgated and effective October 19, 2023. This

subsequent Emergency Rule is being promulgated to continue those provisions and make corrections to a typographical error which created a hazard. By the signature of the agency head, Chief Daniel H. Wallis, this emergency rule correction was adopted and became effective on November 15, 2023. It shall be in effect for the maximum period allowed under the Act (120 days) or until adoption of the final Rule, whichever occurs first. The public welfare dictates that these changes be implemented immediately through the adoption of the Emergency Rule to promote greater access to safer environments and to insure safety to existing facilities undergoing renovations and for new proposed facilities.

Title 17

CONSTRUCTION

Part I. Uniform Construction Code

Chapter 1. Uniform Construction Code

**§101. Louisiana State Uniform Construction Code
(Formerly LAC 55:VI.301.A)**

A. In accordance with the requirements set forth in R.S. 40:1730.28, effective February 1, 2018, the following is hereby adopted as an amendment to the *Louisiana State Uniform Construction Code*.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1730.22(C) and (D) and 40:1730.26(1).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, State Uniform Construction Code Council, LR 33:291 (February 2007), amended LR 34:93 (January 2008), LR 34:883 (May 2008), LR 34:2205 (October 2008), LR 35:1904 (September 2009), LR 36:2574 (November 2010), effective January 1, 2011, LR 37:601 (February 2011), LR 37:913 (March 2011), repromulgated LR 37:2187 (July 2011), repromulgated LR 37:2726 (September 2011), LR 37:3065 (October 2011), LR 38:1994 (August 2012), amended by the Department of Public Safety and Corrections, Uniform Construction Code Council, LR 39:1825 (July 2013), LR 39:2512 (September 2013), LR 40:2609 (December 2014), amended by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 41:2380 (November 2015), amended by the Department of Public Safety and Corrections, Office of State Fire Marshal, Uniform Construction Code Council, LR 42:1672 (October 2016), LR 44:75 (January 2018), repromulgated LR 45:912 (July 2019), amended LR 47:80 (January 2021), LR 48:2577 (October 2022), LR 50:

**§115. National Electric Code
(Formerly LAC 55:VI.301.A.7)**

A. *National Electric Code* (NEC), 2020 Edition, and the standards referenced in that code for regulation of construction in this state.

* * *		
Amend	210.52(C)(3) Receptacle Outlet Location	Receptacle outlets shall be located in one or more of the following:
Amend	Item 1	On or above, but not more than 500 mm (20 in.) above a countertop or work surface.
Amend	Item 2	In a countertop using receptacle outlet assemblies listed for use in countertops.
Amend	Item 3	Below countertop or works surfaces: Not more than 300 mm (12 in.) below the countertop or work surface. In a work surface using receptacle outlet assemblies listed for use in work surfaces or listed for use in countertops
Adopt		Receptacles installed below a countertop or work surface shall not be located where the countertop or work surface extends more

		than 150 mm (6 in.) beyond its support base.
* * *		

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1730.22(C) and (D) and 40:1730.26(1).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, State Uniform Construction Code Council, LR 33:291 (February 2007), amended LR 34:93 (January 2008), LR 34:883 (May 2008), LR 34:2205 (October 2008), LR 35:1904 (September 2009), LR 36:2574 (November 2010), effective January 1, 2011, LR 37:601 (February 2011), LR 37:913 (March 2011), repromulgated LR 37:2187 (July 2011), repromulgated LR 37:2726 (September 2011), LR 37:3065 (October 2011), LR 38:1994 (August 2012), amended by the Department of Public Safety and Corrections, Uniform Construction Code Council, LR 39:1825 (July 2013), LR 39:2512 (September 2013), LR 40:2609 (December 2014), amended by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 41:2387 (November 2015), amended by the Department of Public Safety and Corrections, Office of the State Fire Marshal, Uniform Construction Code Council, LR 44:95 (January 2018), repromulgated LR 45:932 (July 2019), amended LR 48:2606 (October 2022), LR 50:

Chief Daniel H. Wallis
State Fire Marshal

2312#003

DECLARATION OF EMERGENCY

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

**2024 Commercial Large Coastal Sharks Daily Possession
Limit Adjustment**

Louisiana’s commercial fishery for large coastal sharks (great hammerhead, scalloped hammerhead, smooth hammerhead, nurse shark, blacktip shark, bull shark, lemon shark, sandbar shark, silky shark, spinner shark, and tiger shark) is scheduled to open on January 1, 2024 with a daily possession limit of 55 sharks, combined, for all large coastal sharks. NOAA Fisheries has informed the secretary that the daily possession limit for the commercial harvest of large coastal sharks at the opening of the 2024 season will be 55 daily, which is an increase from the published 45 sharks daily limit in regulations.

In accordance with the emergency provisions of R.S. 49:962, which allows the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission to use emergency rules to set finfish seasons, R.S. 56:326.3 which provides that the Wildlife and Fisheries Commission may set seasons for saltwater finfish, and the authority given to the secretary by the commission in LAC 76:VII.357.H.2 to modify commercial large coastal shark possession limits if notified by NOAA Fisheries of such an adjustment, the secretary hereby declares:

Effective 12:01 a.m., January 1, 2024, the daily bag limit for the commercial harvest of large coastal sharks (great hammerhead, scalloped hammerhead, smooth hammerhead, nurse shark, blacktip shark, bull shark, lemon shark, sandbar shark, silky shark, spinner shark, and tiger shark) shall be 55

sharks per day until further notice. Persons harvesting large coastal sharks commercially may not possess sandbar sharks unless they also have in their name and in possession a valid federal shark research permit under 50 CFR 635.32(1).

Robert E. Shadoin
Secretary

2312#008

DECLARATION OF EMERGENCY

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

**Closure of a Portion of Public Oyster Seed
Grounds East of the Mississippi River**

In accordance with the emergency provisions of the Administrative Procedure Act, Revised Statutes R.S. 49:962, which allows the Wildlife and Fisheries Commission to use emergency procedures to set oyster seasons and under the authority of R.S. 56:433 and R.S. 56:435.1.1, and under the authority of a Declaration of Emergency passed by the Wildlife and Fisheries Commission on September 7, 2023, which authorized the secretary of the Department of Wildlife and Fisheries to take emergency action if oyster resources and/or reefs are being adversely impacted, notice is hereby given that the secretary does hereby declare that the harvest of oysters from the following portions of the public oyster seed grounds east of the Mississippi River, as described in LAC 76:VII.511, Department of Health (LDH) Shellfish Harvest Areas 2 and 3, shall close at one-half hour after sunset on Sunday, December 3, 2023:

A. The areas within the following coordinates:

- 3-Mile Pass (2013)—St. Bernard Parish
- 30 degrees 03 minutes 56.09 seconds N
- 89 degrees 22 minutes 32.52 seconds W
- 30 degrees 03 minutes 56.70 seconds N
- 89 degrees 22 minutes 15.40 seconds W
- 30 degrees 03 minutes 18.00 seconds N
- 89 degrees 22 minutes 06.30 seconds W
- 30 degrees 03 minutes 30.49 seconds N
- 89 degrees 22 minutes 38.17 seconds W

B. Shell Point (2009)—St Bernard Parish

- 30 degrees 1 minutes 15.89 seconds N
- 89 degrees 21 minutes 19.51 seconds W
- 30 degrees 1 minutes 11.42 seconds N
- 89 degrees 21 minutes 12.30 seconds W
- 30 degrees 1 minutes 29.77 seconds N
- 89 degrees 20 minutes 52.48 seconds W
- 30 degrees 1 minutes 34.63 seconds N
- 89 degrees 20 minutes 58.81 seconds W

The recommended harvest threshold in this portion of the public oyster seed grounds east of the Mississippi River has been met, and the closure is necessary to protect the remaining oyster resource, allowing growth for future harvest opportunities. Continued commercial harvest might threaten the long-term sustainability of remaining oyster resources in these areas. Protection of these remaining oyster

resources from injury is in the best interest of these public oyster seed grounds.

Notice of any opening, delaying, or closing of a season will be provided by public notice at least 72 hours prior to such action, unless such closure is ordered by the Department of Health for public health concerns.

Robert E. Shadoin
Secretary

2312#012

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Prohibition of Fire on LDWF Owned or Managed Lands—Recision

In accordance with R.S. 49:962 of the Administrative Procedure Act, and under authority of R.S. 56:6, R.S. 56:32, R.S. 56:115 and R.S. 56:702, and LAC 76:XIX.111.A.1 and LAC 76:XIX.111.G.1.c, the secretary of the Department of Wildlife and Fisheries (LDWF) adopts the following Emergency Rule:

The Office of State Fire Marshal issued a Cease and Desist Order dated August 7, 2023 for all private burning. On August 11, 2023, Governor John Bel Edwards issued Proclamation 141 JBE 2023, declaring a statewide emergency, authorizing and ordering all departments,

commissions, boards, agencies and officers of the state to cooperate in actions the State may take in this event. On August 25, 2023, the Office of State Fire Marshal issued a statewide burn ban prohibiting all private burning with no limitations. The secretary of the Department of Wildlife and Fisheries executed a Declaration of Emergency dated September 1, 2023, prohibiting the ignition of fires of any kind upon LDWF owned or managed lands. On September 6, 2023, the Office of State Fire Marshal issued a news release stating that outdoor cooking can resume with safety measures in place, despite the continuation of the statewide burn ban. On September 7, 2023, the Wildlife and Fisheries Commission issued a Declaration of Emergency rescinding and replacing the one previously issued by the secretary prohibiting all burning upon LDWF owned or managed lands, except for outdoor cooking, which is in effect and remains valid through December 7, 2023.

Louisiana has recently received rainfall sufficient for the Office of State Fire Marshal to lift the statewide burn ban previously in place. Now, the secretary of the Department of Wildlife and Fisheries, under the authority granted by the Wildlife and Fisheries Commission, hereby rescinds the existing Declaration of Emergency prohibiting all burning upon LDWF owned or managed lands. This Declaration of Emergency is effective at 5 p.m. on November 21, 2023.

Robert E. Shadoin
Secretary

2312#005

Rules

RULE
Department of Agriculture and Forestry
Office of Agro-Consumer Services
and
Agricultural Commodities Commission

Certified Grain Graders
(LAC 7:XXVII.135)

In accordance with the Administrative Procedure Act, R.S. 49:950, et seq., and pursuant to the authority set forth in R.S. 3:3405, et seq., the Department of Agriculture and Forestry (“Department”), through the Office of Agro-Consumer Services, and the Louisiana Agricultural Commodities Commission (“Commission”), has amended LAC 7:XXVII.135, relative to certified grain sampling and grading and to provide for state certification of grain samplers and graders by the department and commission. The Rule changes were made pursuant to the amendments to R.S. 3:3414 in ACT 202, of the 2023 Regular Legislative Session.

The amendments to LAC 7:XXVII.135 clarified that the standards adopted by the commission for sampling and grading grain are consistent with the standards adopted by the United States Department of Agriculture, Federal Grain Inspection Service, requiring grain to be graded by a state or federally certified grader, and further authorized the commission to certify grain samplers and graders. Further, the commission is authorized to suspend or revoke a state certification for failure to comply with the provisions of the laws, rules, and regulations of the department and state of Louisiana. The amendments now require the department to inspect, classify, and grade grain in accordance with the standards adopted by the United States Department of Agriculture, Federal Grain Inspection Service, for sampling and grading grain. This Rule is hereby adopted on the day of promulgation.

Title 7

AGRICULTURE AND ANIMALS

Part XXVII. Agricultural Commodity Dealer and Warehouse Law

Chapter 1. Agricultural Commodities Commission
Subchapter H. Grading; Sampling; Out-of-Condition Commodities

§135. Elevators: Official Grades and Sampling

A. - B. ...

C. Requirements for Certification as an Elevator Grain Sampler and/or Grader

1. All grain shall be graded by a state or federally certified grader.

2. The commission shall be responsible for the certification of grain samplers and graders.

3. All persons interested in being certified to grade or sample grain for an elevator shall apply on a form which shall be provided by the commission.

4. All applicants shall be trained by a federally certified grader employed by the department.

5. All applicants shall pass an examination which shall be given by the department. The examination fee shall be \$5 and shall be submitted with the application. If the applicant successfully completes the examination, he will be required to pay a \$25 fee in order to be certified.

6. Each person that has been certified and whose certification has not been revoked or suspended may renew that certification by applying to renew with a fee of \$25.

7. All certifications shall expire on December 31 of each year and shall be renewed annually.

8. The grain grader license number issued by the department shall be displayed at the grain elevator at all times.

9. The grain grader license number as well as the weighmaster license number that verified the weight of the grain load shall be displayed on each grain grading and scale ticket.

D. Grain samplers and graders may have his or her state certification suspended or revoked for failure to comply with the provisions of this Section by a ruling of the commission based upon an adjudicatory hearing held in accordance with the Administrative Procedure Act, R.S. 49:950, et seq.

E. The commission shall be required to provide each grain dealer with a copy of all changes to USDA standards prior to the effective date of such changes.

AUTHORITY NOTE: Promulgated in accordance with R.S.3:3405 and R.S. 3:3414.3

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Agro-Consumer Services, Agricultural Commodities Commission, LR 9:309 (May 1983), amended LR 12:288 (May 1986), amended LR 12:288 (May 1986), amended by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, and Agricultural Commodities Commission, LR 37:507 (February 2011), LR 49:2073 (December 2023).

Mike Strain, DVM
Commissioner

2312#039

RULE

Department of Agriculture and Forestry
Board of Veterinary Medicine

Licensing Procedures
(LAC 46:LXXXV.301, 801, and 1201)

In accordance with the Administrative Procedure Act, R.S. 49:953 et seq., the Board (“Board”) of Veterinary Medicine has amended LAC 46:LXXXV. Sections 301, 801, and 1201 in Chapters 3, 8 and 12, respectively, to remove the letters of recommendation licensure requirement for DVM, RVT, and CAET applicants. The board determined that there is no empirical data to indicate that a letter of recommendation has ever been used to deny licensure. With numerous veterinary boards across the country taking similar steps to streamline the application for licensure process, removing this requirement allows the board to remove additional

barriers to the timely processing of applications and the issuance of licenses. This Rule is adopted for applications submitted on or after July 1, 2024. This Rule is hereby adopted on the day of promulgation.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LXXXV. Veterinarians

Chapter 3. Licensure Procedures

§301. Applications for Licensure

A. - B.6. ...

7. Repealed.

B.8. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Veterinary Medicine, LR 8:66 (February 1982), amended LR 10:464 (June 1984), amended by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:223 (March 1990), LR 19:343 (March 1993); LR 23:964 (August 1997), LR 25:2231 (November 1999), LR 28:1982 (September 2002), LR 40:308 (February 2014), LR 49:2074 (December 2023), effective July 1, 2024.

Chapter 8. Registered Veterinary Technicians

§801. Applications for Certificate of Approval

A. - B.8. ...

9. Repealed.

B.10. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1549.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:226 (March 1990), amended LR 40:309 (February 2014), LR 49:2074 (December 2023), effective July 1, 2024.

Chapter 12. Certified Animal Euthanasia Technicians

§1201. Applications for Certificate of Approval

A. - A.8. ...

9. Repealed.

A.10. - D....

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1558.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 19:1424 (November 1993), amended LR 26:317 (February 2000), LR 29:1479 (August 2003), LR 38:357 (February 2012), LR 40:310 (February 2014), LR 49:2074 (December 2023), effective July 1, 2024.

Jared B. Granier
Executive Director

2312#014

RULE

Department of Agriculture and Forestry Office of Agricultural and Environmental Sciences Structural Pest Control Commission

Structural Pest Control Commission
(LAC 7:XXV.Chapter 1)

The Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Structural Pest Control Commission, amended LAC 7:XXV.101, 107, 109,

117, 119, 123, 141, 147, 165 and 167. The Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. The Rule change is made in accordance with R.S. 3:3366, which gives the Structural Pest Control Commission the authority to adopt rules and regulations.

The Rule change clarifies the definitions of construction, containment structure, employee, rule, and standard contract. The Rule adds language to allow the commission staff to review the contents of an application to take the certification examination for licensure and approve or deny the applicant's application to take the examination. Further, throughout this Section, the language "commission staff" is added to existing rules to provide clarification for who can do certain tasks. Additionally, the Rule change provides a deadline of six years for an applicant to take the license examination after receiving application approval for examination. There are no costs associated with applying to be approved to take the license examination.

The Rule change adds that expired structural fumigation contracts should be held by the department for a two-year period. The Rule change adds language to include "new construction" contracts. This language reflects what is currently in place for pre and post construction contracts but adds new construction, so the rules are consistent for all contract types. The Rule change updates to current technology used by the department and removes receiving by fax and instead adds submitting online. The Rule change adds language under contracts for termite control work for inspection diagrams for all structures covered and sets a minimum threshold for termite control work damage repair warranties. This minimum amount was voted on by the commission, and is industry supported. The Rule changes remove outdated language for fumigation, specifically "certified fumigation technician" which was previously removed from the rules, except this one which was missed.

Lastly, the Rule change makes corrections to referenced statutes in the Chapter. This Rule is hereby adopted on the day of promulgation.

Title 7

AGRICULTURE AND ANIMALS

Part XXV. Structural Pest Control

Chapter 1. Structural Pest Control Commission

§101. Definitions

A. - B. ...

Construction—the act of building a structure from the start of the first stage of physical work until completion which is when a final inspection by an appropriate building inspector is completed.

Containment Structure—new and existing structures at bulk facilities that meet the design, construction materials and capacity requirements used to contain spills or leaks from stationary pesticide containers or pesticide dispensing activities.

a. - b. ...

Employee—any person employed by a permittee, working under the supervision of, and engaged in structural pest control work as defined in La. R.S. 3:3362. Excluded

are: clerical, janitorial or office maintenance employees or those employees completely disassociated with performing structural pest control work.

* * *

Rule—as defined in R.S. 49:951(8).

* * *

Standard Contract—see definition of “contract” in this Section.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3362 and R.S. 3:3366.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Structural Pest Control Commission, LR 11:323 (April 1985), amended by the Department of Agriculture and Forestry, Structural Pest Control Commission LR 15:954 (November 1989), 17:251 (March 1991), LR 23:855 (July 1997), LR 30:1143 (June 2004), amended by the Department of Agriculture and Forestry, Office of Agriculture and Environmental Sciences, LR 31:26 (January 2005), amended by the Department of Agriculture and Forestry, Structural Pest Control Commission, LR 32:796 (May 2006), repromulgated LR 32:1015 (June 2006), amended LR 33:39 (January 2007), LR 35:204 (February 2009), LR 35:1468 (August 2009), LR 37:272 (January 2011), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Structural Pest Control Commission, LR 39:300 (February 2013), LR 41:333 (February 2015), LR 42:213 (February 2016), LR 44:1235 (July 2018), LR 46:1541 (November 2020), LR 47:1100 (August 2021), LR 48:2728 (November 2022), LR 49:2074 (December 2023).

§107. License to Engage in Structural Pest Control Work Required

A. - B.1.c. ...

d. four years of experience within the last six years as a technician under the supervision of a structural pest control operator in another state in the licensee phase for which the individual desires to take the examinations. Experience with an out-of-state structural pest control operator shall be substantiated by evidence acceptable to the commission or commission staff;

2. - 2.c. ...

d. four years of experience within the last six years as a technician under the supervision of a structural pest control operator in another state in the licensee phase for which the individual desires to take the examinations and complete a commission approved comprehensive termite program. Experience with an out-of-state structural pest control operator shall be substantiated by evidence acceptable to the commission or commission staff;

3. - 3.c. ...

d. four years of experience within the last six years, having completed 30 jobs in structural fumigation as a technician under the supervision of a structural pest control operator in another state in the licensee phase for which the individual desires to take the examinations. Experience with an out-of-state structural pest control operator shall be substantiated by evidence acceptable to the commission or commission staff.

C. - C.3. ...

4. four years of experience, having completed 200 jobs in ship fumigation within the last six years as a technician under the supervision of a structural pest control

operator in another state in ship fumigation. Experience with an out-of-state structural pest control operator shall be substantiated by evidence acceptable to the commission or commission staff.

D. - F.1. ...

2. be approved by the commission or commission staff to take the examination for licensure;

3. ...

G. Out-of-state applicants for licensure shall meet the educational requirements shown in Paragraph B.1 of this Section or produce evidence satisfactory to the commission or commission staff of four years of experience within the last six years, under the supervision of a recognized and reputable pest control operator. Experience in pest control work in another state will be verified with the appropriate regulatory agency of the other state before out-of-state applicant will be allowed to take the examination for licensure in Louisiana.

H. Commission staff shall review each application for licensure. Commission staff may verify the contents of any application prior to taking final action to approve/disapprove the applicant to take the examination. Commission staff may disapprove an applicant, or defer action on the application to take the examination, in any instance with the contents of the application cannot be verified. Commission staff may defer an application for licensure to the commission for further review.

I. If commission staff defers review of the application for licensure to the commission, the commission shall consider each application for examination for licensure in open session. The commission may verify the contents of any application prior to taking final action to approve/disapprove the applicant to take the examination. The commission may disapprove an applicant, or defer action on the application to take the examination, in any instance when the contents of the application cannot be verified. Action to grant/deny approval for the applicant to take the examination shall be taken only upon the affirmative vote of three members of the commission. No license shall be issued until the commission has approved the application.

J. All applicants who are approved by the commission or commission staff will, upon successfully completing the examination for licensure as set forth in §109 of this Chapter hereof, receive a single license to engage in structural pest control work, which license shall specify on the face thereof the specific phase or phases of structural pest control work for which the license is issued, as follows:

1. general pest control;
2. commercial vertebrate control;
3. termite control;
4. structural fumigation;
5. ship fumigation;
6. commodity fumigation.

K. A license to engage in structural pest control work is permanent unless suspended or revoked by the commission as provided in §131 of this Chapter.

L. A licensee shall perform or supervise structural pest control work only in the phase or phases of the license for which he is licensed by the commission.

M. Each license is personal to the holder and shall not be transferred to another for any purpose or for any period of time and may not be utilized in any way by any person other than the licensee whose name appears on the face of the license.

N. All licenses shall be displayed at the place of business at all times.

O. The commission may deny a license to any person proven to have committed any of the violations set forth in §127 of this Chapter hereof.

P. A licensee approved in one phase of pest control work may be licensed in additional phases by successfully completing the examination for the additional phase. However, the license for additional phase or phases of structural pest control work shall not be issued until the commission or commission staff approves the licensee to take the examination for the additional phase or phases.

Q. Any permittee/licensee utilizing telephone answering services and/or call centers other than at locations holding a place of business permit shall submit written notification to the department.

R. A licensee shall only have one license with all phases for which he possesses issued at one place of business.

S. When a license phase has not been recertified, the licensee shall comply with all requirements for initial licensing contained in §107 and §109 of this Chapter or in a written request to the department to retest.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3366 and 3:3368.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Structural Pest Control Commission, LR 11:326 (April 1985), amended by the Department of Agriculture and Forestry, Structural Pest Control Commission, LR 15:955 (November 1989), LR 19:1009 (August 1993), LR 23:855 (July 1997), LR 23:1493 (November 1997), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Structural Pest Control Commission, LR 31:2761 (November 2005), amended by the Department of Agriculture and Forestry, Structural Pest Control Commission, LR 32:796 (May 2006), repromulgated LR 32:1016 (June 2006), amended LR 37:276 (January 2011), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, 308 Structural Pest Control Commission, LR 42:213 (February 2016), LR 44:1235 (July 2018), LR 48:2728 (November 2022), LR 49:2075 (December 2023).

§109. Application for Examination; Contents of Application

A. ...

B. A complete application for examination shall be filed in the commission office.

C. Each applicant for examination shall pay a nonrefundable fee of \$50 per examination upon the approval of the applicant's application for examination.

D. - D.3. ...

4. ...

a. upon request of the commission or commission staff, the applicant shall submit from the said supervising licensee, a written statement that the jobs have been participated in by the applicant under his supervision and that the applicant has demonstrated the requisite knowledge to perform and supervise such work;

b. ...

c. if at the time of application, the licensee who provided supervision is deceased, his whereabouts are

unknown, or fails or refuses to supply the statement, affidavit, or both, required under Subparagraphs a. and b. above, then the commission or commission staff may waive the requirements for such statement, affidavit, or both upon:

i. ...

ii. verification by commission staff of the applicant's experience in pest control work.

E. Any applicant who is not approved by the commission or commission staff to take the examination will be notified of the commission's or commission staff's decision. An applicant who has not been approved to take an examination will not be admitted to the examination.

F. ...

G. Once the application has been approved by the commission or commission staff, examinations for a structural pest control license will be given upon request of the applicant at a department approved location, during business hours. Requests for exams shall be made at least seven days in advance and will be scheduled based on availability.

H. - K. ...

L. The approval of an application for examination is valid for six years. If the applicant does not take the license examination or fails to pass the license examination within six years from the date of application approval, the applicant must reapply according to requirements set forth in this Section and §107 of this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3366 and 3:3368.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Structural Pest Control Commission, LR 11:326 (April 1985), amended by the Department of Agriculture and Forestry, Structural Pest Control Commission, LR 15:955 (November 1989), LR 35:206 (February 2009), LR 37:278 (January 2011), LR 48:2728 (November 2022), LR 49:2076 (December 2023).

§117. Obligations of the Licensee/Permittee

A. - G. ...

H. Any person applying pesticides for a fee and the permittee or the primary licensee shall maintain records according to LAC 7:XXV.117.H, at the physical address listed on the place of business permit of all applications of Title 7, Part XXV 311 *Louisiana Administrative Code* April 2023 pesticides and inspections for wood destroying insects on a record keeping form or in a format approved by the director of pesticide and environmental programs of the department. These records shall be retained for a period of two years after the date of the pesticide application for ship and commodity fumigation, general pest control and commercial vertebrate control, and a period of two years after the expiration of applicable contracts for termite control and structural fumigation. The licensee shall make a copy of these records available to any employee of the department for inspection during normal working hours within 48 hours upon notification, excluding legal holidays.

H.1. - Q. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3366 and 3:3368.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Structural Pest Control Commission, LR 11:327 (April 1985), amended by the Department of Agriculture and Forestry, Structural Pest Control Commission, LR 15:956 (November 1989), LR 21:930 (September 1995), LR 23:855 (July 1997), LR 26:2437 (November 2000), LR 29:1062 (July 2003), amended by the Department of Agriculture and Forestry, Office of Agricultural and

Environmental Sciences, Structural Pest Control Commission, LR 30:196 (February 2004), LR 31:2761 (November 2005), LR 35:1468 (August 2009), LR 37:280 (January 2011), LR 39:301 (February 2013), LR 42:214 (February 2016), LR 44:1236 (July 2018), LR 46:1541 (November 2020), LR 49:2076 (December 2023).

§119. Contracts for Termite Control Work

A. - A.4. ...

5. include inspection diagram(s) indicating all structure(s) covered;

6. ...

7. include a damage repair warranty for not less than \$25,000 and be exclusive to the property owner for five years subject to the terms and conditions of the contract, if the contract is for pre-construction or new construction termiticide treatment.

B. - G.5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3366 and R.S. 3:3370.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Structural Pest Control Commission, LR 11:328 (April 1985), amended by the Department of Agriculture and Forestry, Structural Pest Control Commission, LR 15:957 (November 1989), LR 26:2437 (November 2000), LR 27:1179 (August 2001), LR 27:2084 (December 2001), LR 28:1171 (June 2002), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Structural Pest Control Commission, LR 30:196 (February 2004), LR 30:1144 (June 2004), amended by the Department of Agriculture and Forestry, Office of Agriculture and Environmental Sciences, LR 31:26 (January 2005), amended by the Department of Agriculture and Forestry, Structural Pest Control Commission, LR 35:1468 (August 2009), LR 37:282 (January 2011), LR 46:1541 (November 2020), LR 49:2077 (December 2023).

§123. Change in Status of Licensee

A. Any change in a licensee's status (e.g., death, retirement, prolonged illness, merger of companies, sale, change of ownership, etc.) shall be reported to the department, in writing, within 14 days after the change in status occurs by the permittee or primary licensee.

B. When any change in status occurs, provisions shall be made for supervision at any location where there is no licensee during the interim until another licensee is approved by the commission or commission staff for examination. The person in charge of the permitted location where the change in status occurred shall notify the department, in writing, of the name and address of the licensee providing supervision during the interim within 14 days after the change occurs. Supervising licensee shall notify the department of his acceptance of this supervision within 14 days of his acceptance.

C. When the change in status results in no licensee being domiciled at a permitted location, an applicant who is eligible for licensure shall be approved by the commission or commission staff for examination either:

C.1. - D. ...

E. When the death or disability of a licensee occurs, resulting in no licensee being domiciled at the permitted location, the commission or commission staff may extend the period for qualifying a new licensee for an additional 90 days before revoking or canceling the permit for operation.

F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3366 and 3:3368.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Structural Pest Control Commission, LR 11:328 (April 1985), amended by the Department of Agriculture and Forestry, Structural Pest Control Commission, LR 15:957 (November 1989), LR 37:283 (January 2011), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Structural Pest Control Commission, LR 39:301 (February 2013), LR 49:2077 (December 2023).

§141. Minimum Specifications for Termite Control Work

A. - B.5. ...

6. Within 12 months of an initial supplemental treatment for a new construction contract, the perimeter shall be trenched and treated. The permittee or primary licensee shall report the completion of the perimeter trench and treat to the department on the termite perimeter application form no later than the tenth day of the month after the date of the perimeter application.

7. All new construction and post construction liquid trench and treat applications shall be contracted and reported according to R.S. 3:3370 and LAC 7:XXV.119.D. and pay the fee as described in LAC 7:XXV.119.E.

C. - I.3. ...

4. Within 12 months of any supplemental treatment for a new construction contract, bait stations shall be installed. The permittee or primary licensee shall report the completion of the bait station installation to the department on the termite perimeter application form in accordance with R.S. 3:3370 and LAC 7:XXV.119.D. and pay the fee as described in LAC 7:XXV.119.E.

5. Above-ground bait stations shall be used according to their label and labeling when the presence of subterranean termites are detected in the contracted structure and shall be monitored not less than quarterly.

6. All bait stations shall be monitored\inspected according to the label and labeling.

7. Monitoring and ground bait stations shall surround the contracted structure and shall not be more than 20 feet apart, where soil is available unless the label requires stations closer and\or does not allow for "where soil is available."

8. Monitoring and ground bait stations, where soil is available, shall be no further than 20 feet from the slab or pier's outside perimeter except for non-structural wood elements including but not limited to trees, stumps, wood piles, landscape timbers and detached fences.

9. Records of contracts, inspection diagrams, monitoring, and bait applications shall be kept according to LAC 7:XXV.117.H.4.

10. A consumer information sheet, supplied by the manufacturer and approved by the commission, shall be supplied to the registered pest control operator. The pest control operator shall, in turn, supply a copy of the consumer information sheet to all persons contracted.

11. All monitoring and bait stations shall be removed by the pest control operator from the contracted property within 90 days of the termination of the contract, unless denied access to the property. In the event the bait and

baiting system manufacturer stops the use by the pest control operator of their bait and baiting system; all monitoring and bait stations shall be removed by the pest control operator from the contracted property within 90 days of the stop use notification, unless denied access to the property.

J. - J.2. ...

3. All combination liquid spot and baits and baiting systems treatments shall be contracted and reported according to R.S. 3:3370 and LAC 7:XXV.119.D and pay the fee as described in LAC 7:XXV.119.E.

4. Within 12 months of any supplemental treatment for a new construction contract, bait stations shall be installed. The permittee or primary licensee shall report the completion of the bait station installation to the department on the termite perimeter application form in accordance with R.S. 3:3370 and LAC 7:XXV.119.D. and pay the fee as described in LAC 7:XXV.119.E.

5. Records of contracts, inspection diagrams, monitoring (if required), and applications shall be kept according to LAC 7:XXV.117.I. At termination of the contract, the pest control operator shall remove all components of bait and baiting systems. Title 7, Part XXV 323 *Louisiana Administrative Code* April 2023

6. All structures that cannot be treated according to the combination liquid spot and bait and baiting systems treatment minimum specifications shall have a waiver of the listed item or items signed by the owner prior to the baiting treatment.

7. A bait and baiting systems consumer information sheet, supplied by the manufacturer and approved by the commission, shall be supplied to the registered pest control operator. The pest control operator shall, in turn, supply a copy of the consumer information sheet to all persons contracted.

8. Combination liquid spot and bait and baiting systems treatment of existing slab-type construction shall bait following the label and labeling and liquid spot treat to the following minimum specifications.

a. Trench and treat 10 feet on both sides of live subterranean termite infestation site(s) around the perimeter of the structure, adjacent to the foundation wall. All trenches shall be approximately 4 inches wide at the top, angled toward the foundation and sufficiently deep (minimum 6 inches) to permit application of the required chemical. Apply the emulsion into the trench at a rate and manner prescribed on the label and labeling. Rodding will be acceptable only where trenching will damage irrigation equipment, utility equipment, flowers and/or shrubs. Maximum distance between rod holes shall be 4 inches.

b. Rod under or drill through abutting slab(s) and treat all areas in the abutting slab(s) within the 20 feet as required in LAC 7:XXV.141.J.7.a. When the abutting slab is drilled, the holes shall be no more than 18 inches apart, unless label requires closer distance along the above stated areas.

c. Treat bath trap(s) as per label and labeling. Bath trap(s) access hole of a minimum of 6 x 8 inches shall be provided to all bathtub plumbing.

i. If the soil in a trap does not reach the bottom of the slab, the trap shall be filled to within 2 inches of the top of the slab with soil prior to treatment. Treat bath trap(s) as required by label and labeling.

ii. A tar filled bath trap shall also be drilled and treated as required by label and labeling.

iii. If bath trap is solid concrete pore, it shall be drilled and treated as close as practical to the bathtub plumbing.

d. All showers shall be drilled and treated as close as practical to shower plumbing according to label and labeling.

e. All other openings (plumbing, etc.) shall be treated as required by label and labeling.

f. In lieu of trench and treat, a commission approved method of hydraulic injection shall be used in conjunction with an approved termiticide with label and labeling for hydraulic injection use. Hydraulic injection shall be performed around the slab to form a treatment zone.

9. Combination liquid spot and bait and baiting systems treatments of existing pier-type construction with live subterranean termite infestation(s) shall bait following the label and labeling and liquid treat to the following minimum specifications.

a. Trench and treat 10 feet on both sides of infestation site(s) on brick/block chain wall(s) and all piers within 10 feet of an infested pier or chain wall. Trench, drill, and treat as required in LAC 7:XXV.141.

b. Above-ground bait stations shall be monitored not less than quarterly.

c. In lieu of trench and treat, a commission approved method of hydraulic injection shall be used in conjunction with an approved termiticide with label and labeling for hydraulic injection use. Hydraulic injection shall be performed around the slab to form a treatment zone.

10. Combination liquid spot and bait and baiting systems treatment of existing slab-type construction and pier-type construction without live subterranean termite infestation(s) shall bait following the label and labeling and liquid treat as required in LAC 7:XXV.141.J.7.c - e.

11. Whenever any property under a combination liquid spot and bait and baiting systems treatment contract becomes infested with subterranean termites, the operator shall treat the property according to the minimum specifications as stated in LAC 7:XXV.141.J.

K. - L.4. ...

5. The treatments of structures required in this Section shall be submitted by online form or called in to the department's district office in which the treatment occurs, a minimum of one hour prior to beginning the application of termiticides. The information provided shall include: treatment company name; treatment structure street address, city, parish; directions to the property being pre-treated; date and time of beginning the application of termiticides to the property; square or linear footage of the each structure to be treated; and number of structures. Permittees or licensees shall keep a log of all pretreats including the information noted. The following is a list of parishes in each of the department's eight district offices. Treatments in a parish shall be called into the corresponding district office:

L.5.a. - M.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3366.

RULE

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

**Medical Marijuana Program
(LAC 7:XLIX.Chapters 1-31)**

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Structural Pest Control Commission, LR 11:330 (April 1985), amended by the Department of Agriculture and Forestry, Structural Pest Control Commission, LR 15:958 (November 1989), LR 20:644 (June 1994), LR 21:931 (September 1995), LR 23:1285 (October 1997), LR 25:235 (February 1999), LR 25:1620 (September 1999), LR 26:2437 (November 2000), LR 27:1180 (August 2001), LR 29:1063 (July 2003), LR 30:1145 (June 2004), repromulgated LR 30:1614 (August 2004), amended LR 35:207 (February 2009), LR 35:1469 (August 2009), repromulgated LR 35:1872 (September 2009), amended, LR 37:286 (January 2011), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Structural Pest Control Commission, LR 39:301 (February 2013), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Structural Pest Control Commission, LR 39:1413 (June 2013), LR 41:333 (February 2015), LR 42:214 (February 2016), LR 46:1542 (November 2020), LR 47:1100 (August 2021), LR 48:994 (April 2022), LR 48:994 (April 2022), LR 48:2729 (November 2022), LR 49:2077 (December 2023).

§147. Fumigation

A. - C.2. ...

D. Requirements for Commodity Fumigation. A licensed fumigator shall:

D.1. - D.5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3306.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Structural Pest Control Commission, LR 11:332 (April 1985), amended LR 17:251 (March 1991), LR 37:293 (January 2011), LR 44:1237 (July 2018), LR 46:1542 (November 2020), LR 49:2079 (December 2023).

§165. Requests for Adoption, Amendment, or Repeal of a Rule

A. Any interested person may, pursuant to R.S. 49:964, request the commission to adopt, amend, or repeal a rule (rule change) that the commission has the authority to make.

B. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3366 and R.S. 49:953(C).

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Structural Pest Control Commission, LR 39:303 (February 2013), LR 49:2079 (December 2023).

§167. Procedure for Declaratory Orders and Rulings

A. This rule provides for the filing and prompt disposition of requests for declaratory orders and rulings as to the applicability of any statutory provision or as to the applicability of any rule or order of the commission, as required by R.S. 49:977.4 and 49:968(D).

B. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3366, R.S. 49:962 and R.S. 49:963(D).

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Structural Pest Control Commission, LR 39:304 (February 2013), LR 49:2079 (December 2023).

Mike Strain, DVM
Commissioner

2312#036

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., notice is hereby given that the Department of Agriculture and Forestry (“Department”), has repealed LAC 7:XLIX.Chapters 1-31 regarding the regulation of medical marijuana. The proposed rules are being repealed pursuant to R.S. 40:1046 and the enactment of Act 491 of the 2022 Regular Legislative Session which moves the regulation of medical marijuana to the Department of Health instead of the Department of Agriculture and Forestry. The Department of Health published its Notice of Intent for medical marijuana rules on September 20, 2022. The medical marijuana regulations of the Department of Agriculture and Forestry are in effect only until the Department of Health adopts permanent rules. This Rule is hereby adopted on the day of promulgation.

Title 7

AGRICULTURE AND ANIMALS

Part XLIX. Medical Marijuana

Chapter 1. General Provisions

§101. Definitions

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1251 (July 2017), amended LR 48:23 (January 2022), repealed LR 49:2079 (December 2023).

Chapter 3. Administrative Procedures and Authority

§301. Policy

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1253 (July 2017), repealed LR 49:2079 (December 2023).

§303. Construction of Regulations and Administrative Matters

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1253 (July 2017), repealed LR 49:2079 (December 2023).

§305. Louisiana State University Agricultural Center and/or Southern University Agricultural Center is Licensee

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1253 (July 2017), repealed LR 49:2079 (December 2023).

Chapter 5. License and Permits

§501. Procedure for Issuing the License

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1254 (July 2017), amended LR 48:23 (January 2022), repealed LR 49:2080 (December 2023).

§503. General Authority of the Department

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1254 (July 2017), repealed LR 49:2080 (December 2023).

§505. Applications in General

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1254 (July 2017), repealed LR 49:2080 (December 2023).

§507. Investigations; Scope

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1254 (July 2017), repealed LR 49:2080 (December 2023).

§509. Ownership of License and Permits

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1254 (July 2017), repealed LR 49:2080 (December 2023).

§511. Transfer of License or Permits

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1254 (July 2017), repealed LR 49:2080 (December 2023).

§512. Transfer of Interest; Prior Approval

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 48:24 (January 2022), repealed LR 49:2080 (December 2023).

§513. Eligibility Suitability Standards

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1255 (July 2017), amended LR 48:24 (January 2022), repealed LR 49:2080 (December 2023).

§515. Suitability Determination

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1255 (July 2017), repealed LR 49:2080 (December 2023).

§517. Form of Application

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1255 (July 2017), repealed LR 49:2080 (December 2023).

§519. Information Required from an Applicant for a License

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1256 (July 2017), repealed LR 49:2080 (December 2023).

§521. Fingerprinting

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1256 (July 2017), repealed LR 49:2080 (December 2023).

§523. Employee Permits Required

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1256 (July 2017), repealed LR 49:2080 (December 2023).

§525. Display of Identification Badge

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1256 (July 2017), amended LR 48:24 (January 2022), repealed LR 49:2080 (December 2023).

§527. Permit Renewal Applications

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1256 (July 2017), repealed LR 49:2080 (December 2023).

Chapter 7. Fees

§701. Fees

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1256 (July 2017), amended LR 48:24 (January 2022), repealed LR 49:2080 (December 2023).

Chapter 9. Compliance and Inspections

§901. Applicability and Resources

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1256 (July 2017), repealed LR 49:2081 (December 2023).

§903. Conduct

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1257 (July 2017), repealed LR 49:2081 (December 2023).

§905. Compliance with Laws

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1257 (July 2017), repealed LR 49:2081 (December 2023).

§907. Inspections and Observations

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1257 (July 2017), amended LR 48:24 (January 2022), repealed LR 49:2081 (December 2023).

§909. Production Facility Agent-In-Charge

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1258 (July 2017), repealed LR 49:2081 (December 2023).

§911. Waivers and Authorizations

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1258 (July 2017), repealed LR 49:2081 (December 2023).

Chapter 11. Internal Controls

§1101. Internal Control for Production Facility

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1258 (July 2017), amended LR 48:25 (January 2022), repealed LR 49:2081 (December 2023).

§1103. Application Control

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1259 (July 2017), repealed LR 49:2081 (December 2023).

Chapter 13. Reporting and Record Keeping

§1301. Reporting and Record Keeping

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1259 (July 2017), repealed LR 49:2081 (December 2023).

§1303. Annual Report

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1260 (July 2017), repealed LR 49:2081 (December 2023).

Chapter 15. Production Facility

§1501. Production Facility and Areas

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1261 (July 2017), repealed LR 49:2081 (December 2023).

§1503. Age Restrictions

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1261 (July 2017), repealed LR 49:2081 (December 2023).

§1505. Restricted Areas

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1262 (July 2017), amended LR 48:25 (January 2022), repealed LR 49:2081 (December 2023).

§1507. Pesticide Usage on Medical Marijuana Plants

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1262 (July 2017), amended LR 48:25 (January 2022), repealed LR 49:2081 (December 2023).

Chapter 17. Surveillance and Security

§1701. Required Surveillance Equipment

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1262 (July 2017), amended LR 48:25 (January 2022), repealed LR 49:2081 (December 2023).

§1703. Surveillance System Plans

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1263 (July 2017), repealed LR 49:2082 (December 2023).

§1705. Surveillance Personnel Employment Provisions

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1263 (July 2017), repealed LR 49:2082 (December 2023).

§1707. Storage and Retrieval

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1263 (July 2017), repealed LR 49:2082 (December 2023).

§1709. Security Plan Requirements

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1263 (July 2017), repealed LR 49:2082 (December 2023).

§1711. Security Alarm System

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1263 (July 2017), amended LR 48:25 (January 2022), repealed LR 49:2082 (December 2023).

§1713. Security of Premises and Production Facility

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1263 (July 2017), repealed LR 49:2082 (December 2023).

§1715. Security Log/Notification/Reports

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1264 (July 2017), repealed LR 49:2082 (December 2023).

Chapter 19. Inventory

§1901. Medical Marijuana Inventory; Inventory Tracking System Required

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1264 (July 2017), repealed LR 49:2082 (December 2023).

§1903. General Inventory Tracking System Use

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1264 (July 2017), repealed LR 49:2082 (December 2023).

§1905. Inventory Tracking System Access

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1264 (July 2017), repealed LR 49:2082 (December 2023).

§1907. ID Tags Required

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1264 (July 2017), repealed LR 49:2082 (December 2023).

§1909. Conduct While Using Inventory Tracking System

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1265 (July 2017), repealed LR 49:2082 (December 2023).

§1911. System Notifications

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1265 (July 2017), repealed LR 49:2082 (December 2023).

Chapter 21. Quality Control/Assurance Program

§2101. Quality Control

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1265 (July 2017), repealed LR 49:2082 (December 2023).

Chapter 23. Laboratory Approval and Testing

§2301. Laboratory Approval

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1266 (July 2017), amended LR 48:25 (January 2022), repealed LR 49:2082 (December 2023).

§2303. Laboratory Testing

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1266 (July 2017), amended LR 48:26 (January 2022), repealed LR 49:2082 (December 2023).

Chapter 25. Transportation

§2501. Transportation

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1267 (July 2017), amended LR 48:26 (January 2022), repealed LR 49:2083 (December 2023).

Chapter 27. Sanitation and Disposal

§2701. Production Facility Sanitation

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1269 (July 2017), repealed LR 49:2083 (December 2023).

§2703. Potable Water Supply

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1269 (July 2017), repealed LR 49:2083 (December 2023).

§2705. Disposal of Waste

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1269 (July 2017), amended LR 48:27 (January 2022), repealed LR 49:2083 (December 2023).

Chapter 29. Labeling

§2901. Labeling Requirements

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1269 (July 2017), amended LR 48:27 (January 2022), repealed LR 49:2083 (December 2023).

§2903. Packaging Requirements

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1270 (July 2017), amended LR 48:27 (January 2022), repealed LR 49:2083 (December 2023).

§2905. Product Dosage Identification

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1270 (July 2017), repealed LR 49:2083 (December 2023).

§2907. Advertising

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1270 (July 2017), repealed LR 49:2083 (December 2023).

Chapter 31. Enforcement

§3101. Enforcement

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 43:1270 (July 2017), repealed LR 49:2083 (December 2023).

Mike Strain, DVM
Commissioner

2312#042

RULE

Department of Children and Family Services Division of Family Support

Thrive: The Baby and Parent Network
(LAC 67:III.5507, 7101, 7103, 7105, 7117, and 7131)

The Department of Children and Family Services (DCFS), Division of Family Support, has exercised the provision of the Administrative Procedure Act, R.S. 49:961 to adopt LAC 67:III, Subpart 15 Temporary Assistance for Needy Families (TANF) Initiatives, Chapter 55 TANF Initiatives, Section 5507 Thrive: The Baby and Parent Network; and Subpart 21 Thrive: The Baby and Parent Network, Chapter 71 Thrive: The Baby and Parent Network.

Pursuant to Louisiana's Temporary Assistance for Needy Families (TANF) Block Grant, adoption of Section 5507 and Subpart 21, Chapter 71 is required to adopt and administer a continuum of care program for certain pregnant women and parents, hereafter called the Thrive: The Baby and Parent Network. The purpose of the program is to facilitate the operation of a statewide telecare support network that provides community outreach, consultations, and care coordination for pregnant women and parents that encourage healthy childbirth, support childbirth as an alternative to termination of pregnancy, promote family formation, assist parents in establishing successful parenting techniques, and increase the economic and self-sufficiency of families. This Rule is hereby adopted on the day of promulgation.

Title 67

SOCIAL SERVICES

Part III. Economic Stability

Subpart 15. Temporary Assistance for Needy Families (TANF) Initiatives

Chapter 55. TANF Initiatives

§5507. Thrive: The Baby and Parent Network

A. The department shall enter into contract(s) to facilitate the operation of a statewide telecare support network that provides community outreach and direct

services including, but not limited to, consultations, supports, social services case management, referrals, and care coordination for pregnant women and parents.

B. These services meet TANF Goal 4, encourage the formation and maintenance of two-parent families, by providing care plans and case management to assist families in addressing the challenges of pregnancies and parenting.

C. Eligibility for services is limited to Louisiana resident(s) who are the parent of an unborn child or a child under two years of age.

D. Medical services are prohibited, including but not limited to the provision of medically accurate, pregnancy-related medical information to program participants.

E. Services are considered non-assistance by the agency.

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq., R.S. 36:474, and Act 561 of the 2022 Louisiana Regular Legislative Session.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Family Support, LR 49:2083 (December 2023).

Subpart 21. Thrive: The Baby and Parent Network Chapter 71. Thrive: The Baby and Parent Network Subchapter A. Program Administration

§7101. General Authority

A. From federal funds, state funds, and/or other funds made available for this purpose, the department is hereby authorized to establish a continuum of care program for certain pregnant women and parents, hereafter called the “Thrive: The Baby and Parent Network.”

AUTHORITY NOTE: Promulgated in accordance with Act 561 of the 2022 Louisiana Regular Legislative Session.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Family Support, LR 49:2084 (December 2023).

§7103. Program Administration

A. The administration of the Thrive: The Baby and Parent Network will be administered by the department through contracts with outside entities in accordance with the Louisiana procurement code, R.S. 39:1605-1736.

B. To the extent that appropriations are available, the secretary may establish and make available to eligible families the Thrive: The Baby and Parent Network.

AUTHORITY NOTE: Promulgated in accordance with Act 561 of the 2022 Louisiana Regular Legislative Session.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Family Support, LR 49:2084 (December 2023).

§7105. Eligible Organizations

A. In order to receive funding, an entity must:

1. be a public or private nonprofit organization;
2. have the capacity and provide assurances to deliver services exclusively through electronic means;
3. acknowledge and certify that they are not an entity that:
 - a. performs, refers for, or assists with termination of a pregnancy; or
 - b. sets appointments with or refers women or parents to any entity that performs or recommends for termination of a pregnancy.
4. allow and agree that:
 - a. department personnel will make annual on-site programmatic contract reviews. The department, at its discretion, may make more than one programmatic visit per

year. These site visits will be conducted for compliance with contractual requirements; and

b. the entity grants to the Office of the Legislative Auditor, the Office of the Inspector General, the department’s Bureau of Audit and Compliance Services, the federal government, and any other officially designated authorized representatives of the department the right to audit, inspect, and review all books and records pertaining to services rendered under their contract with the department and the right to conduct on-site monitoring.

AUTHORITY NOTE: Promulgated in accordance with Act 561 of the 2022 Louisiana Regular Legislative Session.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Family Support, LR 49:2084 (December 2023).

Subchapter B. Eligibility

§7117. Conditions of Eligibility

A. Eligibility for services is limited to Louisiana residents who at the time of initial contact are the parent of either an unborn child or a child that is under two years of age, including a program participant whose pregnancy is involuntarily ended due to medical reasons.

B. Any program participant who voluntarily terminates a pregnancy is eligible to continue receiving services through the program for a period of six months from the date of the pregnancy termination.

AUTHORITY NOTE: Promulgated in accordance with Act 561 of the 2022 Louisiana Regular Legislative Session.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Family Support, LR 49:2084 (December 2023).

Subchapter C. Services

§7131. Services

A. Services include, but are not limited to:

1. outreach to at-risk populations eligible for the program;
2. utilization of registered nurses, who are licensed in accordance with R.S. 37:911 et seq., to perform the following functions:
 - a. assessment and evaluation of needs related to pregnancy or parenting; and
 - b. provision of medically accurate, pregnancy-related medical information to program participants.
3. utilization of social workers, who are licensed in accordance with R.S. 37:2701 et seq., or other licensed individuals with equivalent experience to perform the following functions:
 - a. development of a care plan, resources, and support for program participants to address identified needs;
 - b. referrals to appropriate local resources including, without limitation, state and federal benefits programs and local charitable organizations;
 - c. assistance in applying for state and federal benefits programs; and
 - d. assistance in accomplishing elements of the care plan.
4. coordination for pregnant women served by the telecare support network of appointments with in-person pregnancy resources centers or similar agencies in this state which provide information and services including, without limitation, counseling, ultrasound services, pregnancy tests, prenatal assistance, parenting classes, material support, and adoption information.

AUTHORITY NOTE: Promulgated in accordance with Act 561 of the 2022 Louisiana Regular Legislative Session.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Family Support, LR 49:2084 (December 2023).

Terri Porche Ricks
Secretary

2312#055

RULE

Department of Children and Family Services Economic Stability Section

Recovery of Overpayments, Standard Medical Deduction,
Claims against Households, and Simplified Reporting
(LAC 67:III.1503, 1962, 2005, 2013, 5383, and 5741)

In accordance with the provisions of the Administrative Procedure Act R.S. 49:961, the Department of Children and Family Services (DCFS) has amended the *Louisiana Administrative Code* (LAC), Title 67, Part III Economic Stability.

Pursuant to the authority granted to the department by the Food and Nutrition Act of 2008 in accordance with federal regulations for the Supplemental Nutrition Assistance Program (SNAP) in 7 CFR, the department considers this amendment necessary to clarify or adopt rules that govern the SNAP. The department finds the adoption of the Standard Medical Deduction to streamline the process, improve the client experience, and ensure accurate benefit amounts for elderly/disabled households. The department finds the amendment to the claims threshold necessary in order to decrease the administrative burden of eligibility workers and to increase and align the claims threshold for participating and non-participating households. The department finds this amendment to Simplified Reporting necessary in order to allow certain SNAP households included in Simplified Reporting to be certified for 36 months.

Pursuant to Louisiana's Temporary Assistance for Needy Families (TANF) Block Grant, the department considers amendments to Section 1503 and 5383, and adoption of Section 5741 necessary to facilitate the expenditure of TANF funds for Family Independence Temporary Assistance Program (FITAP), Kinship Care Subsidy Program (KCSP), and Strategies to Empower People (STEP). The department finds these amendments necessary to govern the recovery of overpaid benefits to align with SNAP programmatic rules. This Rule is hereby adopted on the day of promulgation.

Title 67

SOCIAL SERVICES

Part III. Economic Stability

Subpart 2. Family Independence Temporary Assistance Program

Chapter 15. General Program Administration

Subchapter C. Recovery

§1503. Recovery of Overpayments

A. All FITAP overpayments shall be subject to collection either by recoupment or recovery with the exception of inadvertent household error claims and administrative error

claims of less than \$350 for participating and nonparticipating households.

B. Action will be taken to recover all claims which are determined to be the result of intentional program violation.

AUTHORITY NOTE: Promulgated in accordance with P.L. 104-193.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Family Security, LR 10:1030 (December 1984), amended by the Department of Social Services, Office of Family Support, LR 24:353 (February 1998), LR 27:428 (March 2001), LR 34:2678 (December 2008), amended by the Department of Children and Family Services, Economic Stability Section, LR 39:2192 (August 2013), amended by the Department of Children and Family Services, Economic Stability Section, LR 45:1440 (October 2019), LR 49:2085 (December 2023).

Subpart 3. Supplemental Nutrition Assistance Program (SNAP)

Chapter 19. Certification of Eligible Households

Subchapter I. Income and Deductions

§1962. Standard Medical Deduction

A. Effective April 1, 2023, elderly/disabled households with verified medical expenses of \$35.01 or more may receive a Standard Medical Deduction.

AUTHORITY NOTE: Promulgated in accordance with applicable Sections of 7 CFR and R.S. 36:474, P.L. 110-246.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Economic Stability Section, LR 49:2085 (December 2023).

Subchapter P. Recovery of Over-Issued SNAP Benefits

§2005. Claims against Household

A. All adult household members are jointly and severally liable for the value of any over-issuance of benefits to the household. This is true regardless of whether the over-issuance resulted from inadvertent error, an administrative error or an intentional program violation.

B. Action will not be taken to recover claims which are less than \$350 for inadvertent household error or an administrative error for participating and nonparticipating households.

C. This threshold does not apply to claims which are determined to be the result of intentional program violation, or to errors which are discovered in a quality control review.

D. The threshold for claims discovered in a quality control review is claims that meet or exceed the QC error threshold.

AUTHORITY NOTE: Promulgated in accordance with F.R. 48:6837 et seq., P.L. 97-35,97-253, 101-624 §1746, and 102-237 §911, 7 CFR 272,273, 276 and 277, P.L. 103-66, P.L. 104-193, P.L. 104-134, 7 CFR 3 Subpart B, and P.L. 110-246.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Family Security, LR 9:323 (May 1983), amended by the Department of Social Services, Office of Family Support, LR 18:1133 (October 1992), LR 20:899 (August 1994), LR 21:189 (February 1995), LR 22:584 (July 1996), LR 23:83 (January 1997), LR 23:1710 (December 1997), LR 24:2326 (December 1998), LR 27:1017 (July 2001), amended by the Department of Children and Family Services, Economic Stability and Self-Sufficiency Section, LR 36:2533 (November 2010), amended by the Department of Children and Family Services, Economic Stability Section, LR 39:2192 (August 2013), amended by the Department of Children and Family Services, Economic Stability Section, LR 45:1442 (October 2019), LR 49:2085 (December 2023).

Subchapter R. Simplified Reporting
§2013. Simplified Reporting

A. - B.3. ...

C. Households included in simplified reporting will be assigned a certification period of 12 or 36 months.

D. All households in simplified reporting with the exception of those households eligible under the Elderly Simplified Application Project rules are required to:

D.1. - H. ...

AUTHORITY NOTE: Promulgated in accordance with 7 CFR 273.12(a), P.L. 107-171.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 27:867 (June 2001), amended LR 28:103 (January 2002), LR 29:607 (April 2003), LR 35:689 (April 2009), amended by the Department of Children and Family Services, Economic Stability and Self-Sufficiency Section, LR 36:2534 (November 2010), LR 46:1222 (September 2020), LR 49:2086 (December 2023).

Subpart 13. Kinship Care Subsidy Program (KCSP)
Chapter 53. Application, Eligibility, and Furnishing Assistance

Subchapter C. Recovery

§5383. Recovery of Overpayments

A. All KCSP overpayments shall be subject to collection either by recoupment or recovery with the exception of inadvertent household error claims and administrative error claims of less than \$350 for participating and nonparticipating households.

B. Action will be taken to recover all claims which are determined to be the result of intentional program violation.

AUTHORITY NOTE: Promulgated in accordance with P.L. 104-193.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 27:429 (March 2001), amended LR: 34:2678 (December 2008), amended by the Department for Children and Family Services, Economic Stability Section, LR 39:2193 (August 2013), amended by the Department of Children and Family Services, Economic Stability Section, LR 45:1443 (October 2019), LR 49:2086 (December 2023).

Subpart 16. Strategies to Empower People (STEP) Program

Chapter 57. Strategies to Empower People (STEP) Program

Subchapter D. Recovery

§5741. Recovery of Overpayments

A. All Kinship Care Subsidy Program (KCSP) overpayments shall be subject to collection, either by recoupment or recovery, with the exception of inadvertent household error claims and administrative error claims of less than \$350 for participating and nonparticipating households.

B. Action will be taken to recover all claims which are determined to be the result of intentional program violation.

AUTHORITY NOTE: Promulgated in accordance with P.L. 104-193.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Economic Stability Section, LR 49:2086 (December 2023).

Terri Porche Ricks
Secretary

2312#056

RULE

Office of the Governor
Board of Cosmetology

Cosmetology

(LAC 46:XXXI.101, 309, 310, 311, 315, 317, 505, 509,717, 901, 1101, 1103, and 1715)

The Board of Cosmetology, under the authority of the Louisiana Cosmetology Act, R.S. 37:561-607, and in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., has adopted certain rules relative to definitions, reciprocity and transfer of licenses, prohibited services, and criminal backgrounds; and to amend certain rules relative to examination of applicants, requirements for high school cosmetology courses, reporting student hours, responsibilities of schools, equipment required in cosmetology schools, cosmetology instructors, access of inspectors, and special and temporary permits; and to make technical revisions. This Rule is hereby adopted on the day of promulgation.

Title 46
PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XXXI. Cosmetologists

Chapter 1. General Provisions

§101. Definitions

A. ...

Dermaplaning—a technique to exfoliate the epidermis and remove the vellus hair with a bladed tool.

Esthetic Services—as defined in R.S. 37:563(8), includes but is not limited to make-up application, facials, superficial chemical peels, dermaplaning, microdermabrasion, nano-needling and other similar services performed on the epidermis.

Nano-Needling—a non-invasive technique for transdermal serum delivery performed using a skin needling device which does not penetrate beyond the epidermis of more than .25 mm of the outmost layer of skin.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:562(B) and R.S. 37:575(A)(2)(6).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Board of Cosmetology, LR 29:325 (March 2003), amended by the Office of the Governor, Board of Cosmetology, LR 49:2086 (December 2023).

Chapter 3. Schools and Students

§309. Examinations of Applicants

A. ...

1. cosmetology students who have completed 1400 hours of the cosmetology curriculum may take the practical exam and cosmetology students who have completed 1000 hours of the cosmetology curriculum may take the written examination;

A.2. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:575(A)(4) and R.S. 37:586.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Board of Cosmetology, LR 29:327 (March 2003), amended LR 32:834 (May 2006), amended by the Office of the Governor, Board of Cosmetology, LR 44:909 (May 2018), LR 45:542 (April 2019), LR 49:2086 (December 2023).

§310. Requirements for High School Cosmetology Courses

A. Curriculum. High schools approved by the Louisiana Department of Education may be approved by the board to offer up to 500 hours of cosmetology theory instruction transferable to a cosmetology school approved by the board. Every registered high school approved by the board shall comply with the requirements of chapter 6A of title 37 of the Louisiana Revised Statutes and all rules promulgated by the board applicable to registered post-secondary cosmetology schools unless otherwise provided.

B. - B.3. ...

C. Faculty. Each faculty member who teaches cosmetology theory must have an active Louisiana cosmetology instructor license. A licensed instructor shall be present during every scheduled class period if one or more students is in attendance. At least one active Louisiana cosmetology instructor must be available for substitution in the event the regular instructor is unavailable.

D. Classrooms. A detailed floor plan of the proposed classroom, drawn to scale, shall be submitted to the board for approval. Each cosmetology theory classroom shall be at least 400 square feet, have equipment necessary for demonstration and have adequate ventilation. No cosmetology instructor shall teach more than 20 students at any class period. No clinic shall be operated in a high school. No services shall be performed for the public or on paying clients at a high school.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:575(A)(7) and R.S. 37:595.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Cosmetology, LR 45:542 (April 2019), amended LR 49:2087 (December 2023).

§311. Reporting Student Hours

A. ...

* * *

B. Hours. Schools must electronically register each student's hours with the board no later than on the tenth of the month for hours earned by each enrolled student in the prior month. Schools may correct hours submitted to the board within the preceding 60 days. Corrections to hours submitted more than 60 days prior may be corrected by the staff upon payment of a fine of \$50 per month for each student record corrected if the school waives its right to a hearing before the board.

C. ...

D. Reports. Schools shall submit a roster of students quarterly and a roster of current instructors on the forms required by the board.

E. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S.37:575(A)(7) and R.S. 37:595.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Board of Cosmetology, LR 29:327 (March 2003), amended LR 32:835 (May 2006), LR

33:1628 (August 2007), amended by the Office of the Governor, Board of Cosmetology, LR 44:909 (May 2018), LR 45:543 (April 2019), LR 49:2087 (December 2023).

§315. Responsibilities of Schools

A. - A.7. ...

B. Reports. Schools must maintain hour reports for a minimum of three years. Schools shall submit a completed notice of termination and contractual fee form to the board for any student whose leave of absence extends beyond 179 calendar days or 6 consecutive months of zero clocked hours and shall submit a re-registration application upon the student's return.

C. - Q. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:575(A)(9) and R.S. 37:595.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Board of Cosmetology, LR 29:327 (March 2003), amended by the Office of the Governor, Board of Cosmetology, LR 44:910 (May 2018), LR 45:543 (April 2019), LR 49:2087 (December 2023).

§317. Equipment Required in Cosmetology Schools

A. - A.10. ...

B. Classroom. Every cosmetology school must have a minimum of 3,500 square feet. There shall be a minimum of one theory classroom per approved curriculum. Every classroom must be a minimum of 400 square feet, entirely separate from the practical work room, equipped with the following:

B.1. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:575(A)(9) and R.S. 37:595.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Board of Cosmetology, LR 29:328 (March 2003), amended LR 45:544 (April 2019), amended by the Office of the Governor, Board of Cosmetology, LR 49:2087 (December 2023).

Chapter 5. Licensees

§505. Cosmetology Instructors

A. - C. ...

1. Instructors. Only instructors who have completed the required continuing education hours within the 24-month period preceding the application for reinstatement or renewal will receive an active instructor's license. Instructors who have not attended the seminar within the preceding 24-months shall receive an inactive license.

C.2. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:575(A)(7) and R.S. 37:583.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Board of Cosmetology, LR 29:329 (March 2003), amended LR 45:544 (April 2019), amended by the Office of the Governor, Board of Cosmetology, LR 49:2087 (December 2023).

§509. Licensure by Reciprocity

A. Any person who has an active license as a cosmetologist, an esthetician, a manicurist, or an instructor under the laws of another state or territory of the United States, shall be eligible for licensure in Louisiana by reciprocity. A completed reciprocity application, all supporting documents, applicable fees, and evidence of successful passage of all required examinations shall be submitted. Upon passage of the state examination and any other required examination, a license by reciprocity shall be issued.

B. Any person who has an active license as a cosmetologist, esthetician, manicurist, or an instructor under the laws of country or territory outside the United States, shall be eligible for licensure in Louisiana by reciprocity. A completed reciprocity application, all supporting documents, applicable fees, and evidence of successful passage of all required examinations shall be submitted. Upon passage of the state examination and any other required examination, a license by reciprocity shall be issued.

C. If the reciprocity applicant has not taken and received a passing score on the national examination administered by the board or on a practical examination administered by the transferring state, country, or territory, the applicant shall be issued a license by reciprocity upon passage of the national examination and/or practical examination administered by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:575(A)(5) and R.S. 37:575(B)(1).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Cosmetology, LR 49:2087 (December 2023).

Chapter 7. Safety and Sanitation Requirements

§717. Prohibited Services

A. No license or permit issued by the board authorizes the performance of any of the following services in a salon licensed by the board:

1. diagnosis, treatment, or therapy of any dermatological condition, or the process of removing hair known as “electrolysis”;

2. use of lasers;

3. micro-needling;

4. micro-blading;

5. services or procedures which penetrate or invade the live tissue or dermis by any means including but not limited to the use of instruments or product insertion, puncturing, cutting, needling or chemical exfoliation.

6. the use of any acid or acid solution to exfoliate the skin below the epidermis;

7. commercial body art commercial body Art or the practice of physical body adornment by registered establishments and operators utilizing, but not limited to, the following techniques; tattooing, cosmetic tattooing, body piercing, microblading, branding, and scarification as defined by Part XXVIII of Title 51 of the *Louisiana Administrative Code*;

8. the use of any mechanical or electrical apparatus classified as a medical device by the U.S. Food and Drug Administration.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:575(A)(6).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Cosmetology, LR 49:2088 (December 2023).

Chapter 9. Inspections

§901. Access of Inspectors

A. Access. Inspectors and employees of the board are entitled to enter any salon or school licensed by the board, to interview any person present at the facility and to examine all work records pertaining to the cosmetology profession during the regular business hours of the facility. Inspectors and employees of the board are authorized to enter any premises where cosmetology services are advertised or being offered, to enforce the provisions of the Louisiana Cosmetology Act.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S.37:575(A)(10), R.S. 37:577, and R.S. 37:606(A).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Board of Cosmetology, LR 29:331 (March 2003), amended by the Office of the Governor, Board of Cosmetology, LR 44:911 (May 2018), LR 49:2088 (December 2023).

Chapter 11. Special and Temporary Permits

§1101. Special Permits

A. - A.1. ...

2. shampoo assistants; and

3. threading.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:575(B)(2).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Board of Cosmetology, LR 29:331 (March 2003), amended by the Office of the Governor, Board of Cosmetology, LR 44:911 (May 2018), LR 49:2088 (December 2023).

§1103. Special Permit for Microdermabrasion

A. Microdermabrasion. Any special permit authorizing the performance of microdermabrasion using a nonprescriptive device issued to an electrologist prior to March 1, 2023 may be renewed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:575(B)(2).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Board of Cosmetology, LR 29:331 (March 2003), amended LR 29:2781 (December 2003), amended by the Office of the Governor, Board of Cosmetology, LR 49:2088 (December 2023).

Chapter 17. Miscellaneous Provisions

§1715. Criminal Background

A. Criminal Background. Applicants shall not be disqualified from or denied issuance of a certificate of registration solely or partly based on a prior criminal conviction, except in cases authorized by R.S. 37:2950.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:575(A)(5) and R.S. 37:600(A)(8).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Board of Cosmetology, LR 29:334 (March 2003), amended by the Office of the Governor, Board of Cosmetology, LR 49:2088 (December 2023).

Steve Young
Executive Director

2312#031

RULE

Department of Economic Development Office of Entertainment Industry Development

Motion Picture Production Tax Credit Program (LAC 61:I.Chapter 61)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., notice is hereby given that the Department of Economic Development amends the rules for the Motion Picture Production Tax Credit Program (R.S. 47: 6007, et seq.) to better align the rules with current statutory provisions and administrative practices, as

required by Act 411 of the 2023 Regular Session of the Louisiana Legislature. This Rule is hereby adopted on the day of promulgation.

Title 61

REVENUE AND TAXATION

Part I. Taxes Collected and Administered by the Secretary of Revenue

Chapter 61. Motion Picture Production Tax Credit Program

§6105. Definitions

A. - B. ...

Commencement of Production—Repealed.

Cost Report Submission Deadline—the date detailed in the initial certification letter by which a cost report shall be submitted to LED, after which time all such claims to tax credits shall be deemed waived.

Developer—Repealed.

Indirect Costs—costs of operation that are not directly associated with a state certified production, such as clerical salaries, general administrative costs and other overhead charges.

Legacy Tax Credit Reservation—is a provisional allocation of tax credits in a given fiscal year, as evidenced by an initial certification letter issued prior to July 1, 2023, that has not expired or been released in accordance with the provisions of §6107.

Production Expenditures—preproduction, production and postproduction expenditures directly incurred in this state that are directly used in a state-certified production, whether the production company directly contracts or subcontracts such work, including without limitation the following:

a. - j. ...

k. payments to a loan-out or personal services corporation for the services of an out-of-state hire are allowed as long as the services are performed in Louisiana on a state certified production and all withholding requirements are met.

l. - m. Repealed.

Production Facility—Repealed.

Program Issuance Cap—for applications submitted on or after July 1, 2017 and prior to July 1, 2023, the office may issue no more than \$150,000,000 in tax credits (“total cap”) in any fiscal year, with \$7,500,000 reserved for qualified entertainment companies (“QEC cap”), \$7,500,000 reserved for Louisiana screenplay productions (“LA screenplay cap”), \$15,000,000 reserved for independent film productions (“independent film cap”), with the remaining \$120,000,000 available for general allocation to any state certified production (“general cap”); for applications received on or after July 1, 2023, the office may issue no more than \$150,000,000 in tax credits in any fiscal year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6007.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development and the Office of the Governor, Division of Administration, LR 36:53 (January 2010), amended by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development, LR 43:300 (February 2017), LR 43:2102 (November 2017), repromulgated by the Department of Economic Development, Office of Business Development, LR 45:869 (July 2019), amended by the Department of Economic Development, Office of Entertainment Industry Development, LR 46:179 (February 2020), LR 48:1495 (June 2022), LR 48:1915 (July 2022), LR 49:2089 (December 2023).

§6107. Certification Procedures

A. - A.3. ...

B. Qualification. The office and the secretary shall determine whether a production qualifies for certification, by meeting all requirements of R.S. 47:6007 and these regulations, and taking the following factors into consideration:

1. - 3. ...

C. Initial Certification

1. Application Review Process and Reservation of Tax Credits

a. Project-Based Production Tax Credit—For Applications Submitted prior to July 1, 2017

i. After review and upon a determination of qualification, the office and the secretary shall issue an initial certification letter indicating the amount of tax credits certified for the state certified production, or a written denial.

b. Project-Based Production Tax Credit—for Applications submitted on or after July 1, 2017 but prior to July 1, 2023:

i. Beginning July 1, 2017 and thereafter, the office will accept and review applications on a monthly basis. All applications received by the 15th of the month will be treated as received on the last business day of the month (“monthly initial certification pool”) and processed accordingly.

ii. After review and upon determination of qualification, the office and the secretary shall issue an initial certification letter, or a written denial. The initial certification letter will provisionally allocate tax credits based upon expected the cost report submission date and availability of tax credits in any given year.

c. Project-Based Production Tax Credit—for Applications Submitted on or after July 1, 2023

i. Beginning July 1, 2023 and thereafter, the office will accept and review applications on a monthly basis. All applications received by the 15th of the month will be treated as received on the last business day of the month (“monthly initial certification pool”) and processed accordingly.

ii. After review and upon determination of qualification, the office and the secretary shall issue an initial certification letter, or a written denial.

2. Additional information may be requested by the office or the department in order to make a determination of eligibility for the program.

3. Cap Management—Phase 1—Initial Certification—Tentative Reservation—for applications received on or after July 1, 2017 and prior to July 1, 2023

3.a. - 4.b. ...

5. Duration of Effect—for Applications Submitted on or after July 1, 2017 and prior to July 1, 2023

a. - c.i. ...

6. Duration of Effect—for Applications Submitted on or after July 1, 2023

a. Once an initial certification letter is issued, the applicant or official representative must countersign and return an electronic copy to the office via Fastlane, within 30 business days, acknowledging initial certification status.

b. The initial certification letter shall be effective for qualifying expenditures made within a period of twelve months prior to the date of application and twenty-four months after the date of initial certification letter, except that:

i. state certified productions for scripted episodic content (“SEC’s”), with estimated expenditures of at least \$10,000,000 in state expenditures per calendar year, shall be issued an initial certification letter effective for qualifying expenditures made until 60 months after the date of initial certification, under terms and conditions approved by the office and the secretary, as set forth in the initial certification letter.

D. - D.2. ...

a. a cost report uploaded via Fast Lane, which shall be audited by a state licensed, independent certified public accountant assigned by the office and complying with the minimum standards as required by R.S. 47:6007(D)(2)(d). The cost report may be subject to additional audit by the department or the Department of Revenue, at the applicant’s expense.

i - iii ...

b. a detailed general ledger in an excel spreadsheet format to be uploaded via Fast Lane, or as otherwise approved by LED. Confidential taxpayer information is to be redacted, with only the last four digits to be included on any social security numbers or financial account numbers.

c. additional information as may be requested.

3. - 3.a.i. ...

b. Project-Based Production Tax Credit—for Applications Submitted on or after July 1, 2017 and prior to July 1, 2023.

i. - iii. ...

c. Project-Based Production Credit—for Applications Submitted on or after July 1, 2023

i. The issuance of tax credits shall be administered on a first come, first serve basis until the program issuance cap has been met, except that legacy credit reservations shall have priority over other final certification requests received by LED on or after the date of the legacy credit reservation final certification request.

ii. After review and upon a determination of qualification, the office and the secretary shall issue a final certification letter indicating the amount of tax credits certified for the state certified production, or a written denial.

4. Cap Management—Phase 2—Final Certification—Tax Credit Issuance for Applications Submitted on or after July 1, 2017 and prior to July 1, 2023

D.4.a - E.2.e. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6007 and R.S. 36:104.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development and the Office of the Governor, Division of Administration, LR 36:55 (January 2010), amended by the Department of Economic Development, Office of the Secretary, Office of Business Development and the Louisiana Economic Development Corporation, LR 37:514 (February 2011), amended by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development, LR 42:39 (January 2016), amended by the Department of Economic Development, Office of Entertainment Industry Development, LR 43:2102 (November 2017), repromulgated LR 43:2473 (December 2017), repromulgated by the Department of Economic Development, Office of Business Development, LR 45:871 (July 2019), amended by the Department of Economic Development, Office of Entertainment Industry Development, LR 46:179 (February 2020), LR 48:1496 (June 2022), LR 48:1916 (July 2022), LR 49:2089 (December 2023).

§6111. Delinquent tax filing clearance requirement

A. No motion picture production tax credit may be earned, certified, issued to, transferred by, or used to reduce a Louisiana tax liability if there exists a delinquent federal, state or local tax obligation.

B. Compliance with this requirement shall now be certified by the motion picture production company, irrevocable designee, taxpayer, or claimant before any credit may be certified, transferred, or sold.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6007

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Entertainment Industry Development, LR 49:2090 (December 2023).

§6115. Transfer fee allocation and the Entertainment Development Fund

A. For applications received on or after July 1, 2017, as a general rule, motion picture production tax credits may not be transferred or sold to another taxpayer;

1. except that, the motion picture production company that earned the tax credits, or the company’s irrevocable designee, may transfer the credits to LDR for 90 percent of the face value of the credits;

2. the transfer notification submitted to LDR shall include a fee of two percent of the tax credit transfer value, which shall be deposited upon receipt in the state treasury and thereafter credited to the Louisiana Entertainment Development Fund.

B. Money in the Louisiana Entertainment Development Fund (“EDF”) shall be appropriated as follows:

1. 25 percent to LDR for administrative purposes; and

2. 75 percent to LED for motion picture and television education development initiatives, matching grants for Louisiana filmmakers, Louisiana workforce development programs, and other motion picture production and television related programs.

C. Administration of the EDF fund by LED shall be as follows.

1. Applications shall be accepted on a year round basis, subject to availability of funding in any given year,

and shall be administered by LED in accordance with program rules, LAC 61: I, Chapter 21.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6007

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Entertainment Industry Development, LR 49:2090 (December 2023).

§6119. Louisiana Promotional Graphic

A. For applications for state-certified productions received on or after July 1, 2017 and prior to July 1, 2023 at time of request for final certification, state certified productions shall be required to acknowledge the financial assistance of the state of Louisiana—either through the inclusion of a Louisiana promotional graphic meeting requirements set forth below, or an alternative marketing opportunity that has been approved in writing by LED.

1. - 3. ...

B. For applications for state-certified productions received on or after July 1, 2023 at time of request for final certification, state certified productions shall be required to acknowledge the financial assistance of the state of Louisiana as follows:

1. Logo. Shall include up to a five second long static or animated graphic in the end credits before the below-the line crew crawl for the life of the production, during each broadcast worldwide if applicable; and

2. Promotional piece. Shall provide LED with an electronic press kit, customized video, or alternative asset, as may be agreed to by LED, for promotional use by LED.

3. Except that commercials, music videos, or other state-certified productions that are prohibited by federal law or contractual requirements from utilizing the promotional Louisiana graphic may use an alternative marketing option as approved by LED.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6007

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development, LR 42:1656 (October 2016), re-promulgated by the Department of Economic Development, Office of Business Development, LR 45:878 (July 2019), LR 48:1497 (June 2022), amended LR 48:1917 (July 2022). LR 49:2091 (December 2023).

Anne G. Villa
Undersecretary

2312#020

RULE

**Department of Economic Development
Office of the Secretary**

**Angel Investor Tax Credit Program
(LAC 13:I.3307)**

The Department of Economic Development, as authorized by and pursuant to the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., R.S. 47:6020 through 6020.4, and R.S. 36:104, hereby amends rules for the administration of the Angel Investor Tax Credit Program.

The purpose of this regulation is to implement legislative changes to the Angel Investor Tax Credit program under R.S. 47:6020 as enacted by Act 253 of the 2023 Regular Session of the Louisiana Legislature. This Rule is hereby adopted on the day of promulgation.

Title 13

ECONOMIC DEVELOPMENT

Part I. Financial Incentive Programs

Chapter 33. Angel Investor Tax Credit

§3307. The Amount, Allocation and Limitations of the Angel Investor Tax Credits

A. - G. ...

1. Applications received on or after July 1, 2020, for qualified investments that meet the requirements of Subsection C of this Section and the requirements of 26 U.S.C. 1400Z-1, shall be entitled to an enhanced credit in accordance with the provisions of this Subsection.

2. - 3. ...

4. Repealed

H. No credits shall be granted or reserved under this program for reservation applications received by the department on or after July 1, 2030.

I. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6020 and R.S. 36:104.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, LR 32:229 (February 2006), amended LR 32:1595 (September 2006), amended by Department of Economic Development, Office of the Secretary, LR 37:3196 (December 2011), amended by the Department of Economic Development, Office of Business Development, LR 42:35 (January 2016), amended by Department of Economic Development, Office of the Secretary, LR 47:37 (January 2021), amended by Department of Economic Development, Office of the Secretary, LR 47:1105 (August 2021), amended by Department of Economic Development, Office of the Secretary, LR 49:2091 (December 2023).

Anne G. Villa
Undersecretary

2312#026

RULE

Board of Elementary and Secondary Education

**Bulletin 741—Louisiana Handbook for School Administrators—Graduation Appeals Process
(LAC 28:CXV.717, 2321, and 2322)**

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education has amended LAC 28:CXV in *Bulletin 741—Louisiana Handbook for School Administrators*. The revisions create an appeals process for graduation. This appeals process creates a rigorous evaluation method in which in a student's senior year, a student, who fails to achieve a "passing" score on the end-of-course exam in a testing pair may demonstrate proficiency using a portfolio. All students will still be required to take all state assessments. The change will be to

allow for an appeals process for purposes of graduation only. This Rule is hereby adopted on the day of promulgation.

Title 28

EDUCATION

Part CXV. Bulletin 741—Louisiana Handbook for School Administrators

Chapter 7. Records and Reports

§717. Reports of High School Credit

A. - A.3. ...

B. Reporting and Review for State Diplomas Issued on Appeal

1. No later than October 1 annually, LEAs shall submit the following graduation data by school site via the student transcript system (STS). The LDOE will compile and submit a report to BESE annually in December, which will include the following:

- a. the total number of students issued a diploma;
- b. the number of students issued a diploma via an appeal of the assessment requirement granted via SBLC;
- c. the number of students considered by an SBLC for appeal of the assessment requirement;
- d. the number of students in the graduation cohort who did not earn a diploma by August 31 of that year; and
- e. an example of three exemplary portfolios that may be used by the department as examples for LEAs and school sites.

2. At the January 2026 BESE meeting the LDOE shall submit a report to BESE, detailing data for the initial two school years of implementation regarding appeals to the assessment requirements for the purposes of graduation eligibility. The report shall serve as a reference for BESE to use in determining if policy revisions are necessary. The LDE will report to BESE annually thereafter and will include the following:

- a. the percentage of college enrollment after high school exit of all graduating students, students issued a diploma via the graduation appeals process, and non-graduates in each respective graduation cohort;
- b. to the extent that data is available, the percentage of employment after high school exit of all graduating students, students issued a diploma via the graduation appeals process, and non-graduates in each respective graduation cohort; and
- c. the number of IBCs earned by type of all graduating students, students issued a diploma via the graduation appeals process, and non-graduates in each respective graduation cohort.

C. Auditing of Diplomas Issued on Appeal

1. In the event the number of students, issued a diploma via an appeal, exceeds three percent of the respective graduation cohort of a school site, the governing LEA shall submit additional data to LDOE to be included in the BESE annual report. At a minimum, the additional data shall include Subgroup population information as follows for each school site which exceeds the three-percent threshold:

- a. African American;
- b. American Indian/Alaskan Native;
- c. Asian;
- d. Hispanic;
- e. white;
- f. two or more races;
- g. economically disadvantaged;

- h. immigrants;
- i. English learners;
- j. students with disabilities;
- k. students with 504 plans;
- l. homeless students;
- m. military-affiliated students; and
- n. Foster care students.

2. After an initial audit regarding the three percent threshold, a school, serving a unique population and in compliance with appeals eligibility requirements, shall be exempt from consecutive audits

3. If the initial audit yields discrepancies in the implementation of the appeals process, the State Superintendent of Education, may be the final authorizer for the respective school site the following year.

D. Random Sampling for Appeals Audits

1. For the students described in Subsection C of this Section, the LDOE may audit a random sampling of the full appeals packets brought to SBLC team to include the following:

- a. an appeals cover page which attests completion of appeal requirements and signatures of the SBLC team in which the appeal was granted;
- b. evidence of intervention required by §2321.E of this Part;
- c. evidence of content proficiency through the state assessment requirement or portfolio submission;
- d. evidence of employability; and/or
- e. any additional documentation requested by the LDOE for the respective students.

E. Prior to the date of graduation or options program completion, the LDOE shall have the authority to determine the issuance of a diploma or an options program skill certificate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(11).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1270 (June 2005), amended LR 39:2204 (August 2013), LR 49:2092 (December 2023).

Chapter 23. Curriculum and Instruction

Subchapter A. Standards and Curricula

§2321. Appeals Eligibility and Requirements

A. Beginning with the 2023-2024 school year, if a student has not met state-established benchmarks in both assessments within any of the prescribed categories in §2318.A of this Part, the SBLC team may determine if the student is able to appeal the assessment requirements for the purposes of graduation eligibility.

B. Students who appeal the assessment requirement for graduation eligibility, shall be afforded the same opportunities to pursue a standard diploma to exit high school with all course credits, honors, and financial awards as other students. A student is not guaranteed a diploma and shall meet either the standard requirements for graduation or, using the process outlined in Subsection D of this Section, appeal to the respective school building level committee (SBLC) team to be awarded a diploma.

1. - 3.d. Repealed

C. Pursuant to the Elementary and Secondary Education Act (ESEA), the state academic content standards shall apply to all public schools and public school students in the state and include the same knowledge and skills expected of

all students and the same level of achievement expected of all students, with the exception of students with the most significant cognitive disabilities who may access alternate academic achievement standards and achievement levels. Only diplomas earned by students who have pursued the regular academic state standards and who have earned all state-required Carnegie credits shall be considered regular diplomas in the state and district accountability system, pursuant to federal laws and regulations.

D. Appeals Eligibility

1. Students are eligible for an appeal to the assessment requirement no earlier than senior year and shall fulfill the following criteria:

a. earn all Carnegie Units required for either the TOPS university diploma or career diploma, as prescribed in §2318 and §2319 of this Part; and

b. fulfill at least one of the following conditions to demonstrate evidence of employability:

i. demonstrate workforce readiness by a score of Silver or higher on ACT WorkKeys;

ii. eligibility for the TOPS Tech Award; or

iii. demonstrate mastery of specific employability skills by earning a graduation-qualifying, industry-based credential (IBC), outlined in §2319 of this Part, regardless of the diploma pathway that the student is pursuing.

c. fulfill at least one of the following conditions to demonstrate evidence of content proficiency:

i. fulfill the standard assessment requirement for the assessment pairs prescribed in §2318.A of this Part, or

ii. For the freshman cohort entering 2022-2023 and beyond, complete a portfolio of work that meets the content proficiency requirement, as measured by the LDOE standardized rubric, for both LEAP 2025 courses in the assessment pairs in which the standard assessment requirement was not fulfilled.

iii. For students entering the freshmen cohort prior to 2022-2023, the portfolio requirement may be satisfied by completing a portfolio aligned to one course in each corresponding LEAP 2025 assessment pair that was not fulfilled by the standard assessment requirement.

2. Pursuant to §707 of this Part, for a transfer student transferring into a Louisiana public school district from an out-of-state school, nonpublic school, or approved home study program, proficiency shall be demonstrated via successful completion of coursework and the issuance of Carnegie credit. A transfer student is not required to take the LEAP 2025 assessment in the courses that were transferred and accepted as Carnegie credit. For the purposes of appeals eligibility, a portfolio of work need not be completed for coursework fulfilled for transferred Carnegie credit.

E. Monitoring Progress and Responsibilities for Appeals Eligibility.

1. The SBLC shall monitor the progress of each student, who has not met a least one assessment requirement for graduation. The SBLC shall ensure that the student:

a. receives appropriate academic supports in any and all subjects for which the standard assessment requirement was not achieved. Additionally, each individual student graduation plan shall outline all academic supports provided. Progress, pursuant to such specified academic supports, shall be reviewed at least once throughout the

school year in order to determine needed adjustments as well as effectiveness;

b. completes 30 hours of required remedial or co-requisite instruction for the LEAP 2025 exam in which the standard assessment requirement was not achieved, per *Bulletin 741*, §2318 and §2319;

c. is provided dropout prevention and mentoring services, based on proven strategies to retain and graduate at-risk students. The LDOE shall make available to LEAs, a list of strategies, as well as technical assistance needed to offer students such services; and

d. is scheduled for a meeting in order to determine eligibility for local career support with a representative from a Workforce Innovation Opportunities Act provider, Vocational Rehabilitation Services provider, or other local career support agency and its affiliated providers.

F. Appeals Consideration

1. The SBLC shall review and consider individual student appeals for any student, who meets the appeal requirements, as outlined in Subsection D of this Section. Additionally, the SBLC may consider the following in determining an appeal decision:

a. the course grade awarded for the course which the student did not attain the standard assessment requirement for graduation on the LEAP 2025;

b. the score achieved on each LEAP 2025 assessment for which the student did not attain the standard assessment requirement for graduation;

c. the score achieved on the ACT, ACT WorkKeys, and, if applicable, TOPS or TOPS Tech scholarship eligibility;

d. the rigor of secondary coursework, including, successful completion of honors courses, Advanced Placement courses, IAB, and/or dual enrollment courses;

e. completion of a sequence of courses for an IBC within the Career Diploma;

f. the strength of an attained IBC in alignment with definitions outlined in LAC 28:XI.709;

g. overall preparedness for postsecondary success, including letters or certificates of acceptance to post-secondary institutions; and

h. any other academic information designated for consideration by the LEA for appeal consideration by the SBLC.

G. For students meeting the requirements outlined in Subsection D of this Section, the SBLC may determine that the student is eligible to graduate, subject to final approval of the Local Education Agency (LEA) head. A student who appeals the assessment requirement for graduation may graduate and receive a high school diploma on the basis of the committee decision by majority and the LEA head. This subsection does not create a property interest in graduation. The decision of the SBLC and LEA head is final and may not be appealed. Should an SBLC and LEA head not recommend a student for graduation eligibility by appeal, a student may only graduate through standard assessment requirements.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7, R.S. 17:24.4, R.S. 17:183.2, and R.S. 17:395.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:240 (February 2006), repromulgated LR 41:1483 (August 2015), LR 49:2092 (December 2023).

§2322. Senior Projects
[Formerly §2321]

A. A senior project is a focused rigorous independent learning experience completed during the student's year of projected graduation from high school.

B. Each LEA allowing students to complete a senior project in partial fulfillment of the requirements for an academic endorsement shall develop local policy for senior projects that includes these requirements.

1. Each student must choose a challenging topic of interest approved by their parents or guardians and the school-level senior project committee.

2. Each student must have a senior project mentor.

3. Students must successfully complete the four components listed below with a score of satisfactory or higher on each component. The components will be evaluated locally using rubrics provided by the LDOE:

a. research paper of 8 to 10 pages on an approved topic of the student's choice;

b. product or service related to the research requiring at least 20 hours of work;

c. portfolio that documents and reflects the senior project process; and

d. presentation to a panel of three to five adults from the community and school.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7, R.S. 17:24.4, R.S. 17:183.2, and R.S. 17:395.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 49:2094 (December 2023).

Shan N. Davis
Executive Director

2312#043

RULE

Board of Elementary and Secondary Education

Bulletin 746—Louisiana Standards for State Certification of School Personnel (LAC 28:CXXXI.301, 303, and 305)

Editor's Note: The following Sections previously contained tables. The information within those tables has been codified. This technical editing process allows for a better navigation with the *Louisiana Administrative Code* and increased accessibility for anyone using an electronic reader to retrieve this information.

Title 28
EDUCATION

Part CXXXI. Bulletin 746—Louisiana Standards for State Certification of School Personnel

Chapter 3. Initial Teacher Certification

Subchapter A. Teacher Certification Areas and Required Competencies

§301. Overview

A. *Louisiana Revised Statute* 17:7 provides for the duties, functions, and responsibilities of the Board of Elementary and Secondary Education (BESE). Specifically, 17:7(6)(a)(i) states that BESE shall prescribe qualifications and provide for certification of teachers in accordance with applicable law, and that such qualifications and requirements shall ensure that certification shall be a reliable indicator of minimum current ability and proficiency of the teacher to

educate at the grade level and in the subject(s) to which the teacher is assigned.

B. The Louisiana competencies for initial teacher certification define what a teacher candidate must know and be able to do in order to be eligible for certification upon completion of a BESE-approved teacher preparation program. The competencies represent the knowledge and skills needed for teacher candidates to successfully transition to teaching, as determined by content experts, elementary and secondary educators, and postsecondary education leaders. The competencies establish what teacher candidates should be taught. Preparation providers and school system partners should determine how the competencies should be developed through quality practice experiences that include, at a minimum, a year-long residency as defined in Bulletin 996.

C. When a candidate has successfully completed a state-approved program that develops and assesses mastery of the competencies and has met state testing and grade point average certification requirements, the program provider recommends the candidate for certification.

1. The LDOE will accept no final grade below a "C" in coursework within the approved undergraduate program, with the exception of the general education requirements. All coursework used for certification purposes must be for regular credit and not of a remedial or developmental nature.

D. Early Childhood Certification Areas and Required Competencies

1. Birth to Kindergarten. The required competencies are as follows.

- a. Subchapter C, General Teacher
- b. Subchapter E, English Language Arts
- c. Subchapter F, Mathematics Teacher
- d. Subchapter G, Early Childhood Teacher

2. Early Childhood PK-3. The required competencies are as follows.

- a. Subchapter C, General Teacher
- b. Subchapter E, English Language Arts
- c. Subchapter F, Mathematics Teacher
- d. Subchapter G, Early Childhood Teacher

E. Elementary Grades 1-5. The required competencies are as follows.

- 1. Subchapter C, General Competencies
- 2. Subchapter E, English Language Arts Teacher
- 3. Subchapter F, Mathematics Teacher

F. Middle Grades 4-8. The required competencies are as follows.

- 1. English/Language Arts
 - a. Subchapter C, General Teacher
 - b. Subchapter E, English Language Arts
- 2. Mathematics
 - a. Subchapter C, General Competencies
 - b. Subchapter E, Disciplinary Literacy
 - c. Subchapter F, Mathematics Teacher
- 3. Science
 - a. Subchapter C, General Teacher
 - b. Subchapter E, Disciplinary Literacy
 - c. Subchapter H, Science Education
- 4. Social Studies
 - a. Subchapter C, General Teacher
 - b. Subchapter E, Disciplinary Literacy
 - c. Subchapter H, Social Studies Education

G. Upper Grades 6-12. The required competencies are as follows.

1. Agriculture
 - a. Subchapter C, General Teacher
 - b. Subchapter E, Disciplinary Literacy
 - c. Subchapter H, Agriculture Education
2. Biology
 - a. Subchapter C, General Teacher
 - b. Subchapter E, Disciplinary Literacy
 - c. Subchapter H, Science Education
3. Business
 - a. Subchapter C, General Teacher
 - b. Subchapter E, Disciplinary Literacy
 - c. Subchapter H, Business Education
4. Chemistry
 - a. Subchapter C, General Teacher
 - b. Subchapter E, Disciplinary Literacy
 - c. Subchapter H, Science Education
5. Chinese
 - a. Subchapter C, General Teacher
 - b. Subchapter E, Disciplinary Literacy
 - c. Subchapter H, Foreign Languages Education
6. Computer Science
 - a. Subchapter C, General Teacher
 - b. Subchapter E, Disciplinary Literacy
 - c. Subchapter H, Computer Science Education
7. Earth Science
 - a. Subchapter C, General Teacher
 - b. Subchapter E, Disciplinary Literacy
 - c. Subchapter H, Science Education
8. Environmental Science
 - a. Subchapter C, General Teacher
 - b. Subchapter E, Disciplinary Literacy
 - c. Subchapter H, Science Education
9. English/Language Arts
 - a. Subchapter C, General Teacher
 - b. Subchapter E, English Language Arts Teacher
10. Family and Consumer Sciences
 - a. Subchapter C, General Teacher
 - b. Subchapter E, Disciplinary Literacy
 - c. Subchapter H, Family and Consumer Sciences Education
11. French
 - a. Subchapter C, General Teacher
 - b. Subchapter E, Disciplinary Literacy
 - c. Subchapter H, Foreign Languages Education
12. General Science
 - a. Subchapter C, General Teacher
 - b. Subchapter E, Disciplinary Literacy
 - c. Subchapter H, Science Education
13. German
 - a. Subchapter C, General Teacher
 - b. Subchapter E, Disciplinary Literacy
 - c. Subchapter H, Foreign Languages Education
14. Journalism
 - a. Subchapter C, General Teacher
 - b. Subchapter E, Disciplinary Literacy
 - c. Subchapter H, Journalism Education
15. Latin
 - a. Subchapter C, General Teacher
 - b. Subchapter E, Disciplinary Literacy
 - c. Subchapter H, Foreign Languages Education

16. Marketing
 - a. Subchapter C, General Teacher
 - b. Subchapter E, Disciplinary Literacy
 - c. Subchapter H, Business and Marketing Education
17. Mathematics
 - a. Subchapter C, General Teacher
 - b. Subchapter E, Disciplinary Literacy
 - c. Subchapter F, Mathematics Teacher
18. Physics
 - a. Subchapter C, General Teacher
 - b. Subchapter E, Disciplinary Literacy
 - c. Subchapter H, Science Education
19. Social Studies
 - a. Subchapter C, General Teacher
 - b. Subchapter E, Disciplinary Literacy
 - c. Subchapter H, Social Studies Education
20. Spanish
 - a. Subchapter C, General Teacher
 - b. Subchapter E, Disciplinary Literacy
 - c. Subchapter H, Foreign Languages Education
21. Speech
 - a. Subchapter C, General Teacher
 - b. Subchapter E, Disciplinary Literacy
22. Technology Education
 - a. Subchapter C, General Teacher
 - b. Subchapter E, Disciplinary Literacy
 - c. Subchapter H, Technology Education

H. Grades K-12. The required competencies are as follows.

1. Art
 - a. Subchapter C, General Teacher
 - b. Subchapter E, Disciplinary Literacy
 - c. Subchapter H, Art Education
 2. Dance
 - a. Subchapter C, General Teacher
 - b. Subchapter E, Disciplinary Literacy
 - c. Subchapter H, Dance Education
 3. Foreign Languages
 - a. Subchapter C, General Teacher
 - b. Subchapter E, Disciplinary Literacy
 - c. Subchapter H, Foreign Languages Education
 4. Music
 - a. Subchapter C, General Teacher
 - b. Subchapter E, Disciplinary Literacy
 - c. Subchapter H, Music Education
 5. Health and Physical Education
 - a. Subchapter C, General Teacher
 - b. Subchapter E, Disciplinary Literacy
 - c. Subchapter H, Health and Physical Education
- I. Special Education Certification Areas. The required competencies are as follows.
1. Early Interventionist Birth to Five Years
 - a. Subchapter H, Early Interventionist Birth-Five Years
 2. Deaf or Hard of Hearing K-12
 - a. Subchapter D, Special Education Teacher
 - b. Subchapter H, Deaf or Hard of Hearing
 3. Mild to Moderate Disabilities 1-5, 4-8, 6-12
 - a. Subchapter D, Special Education Teacher
 4. Significant Disabilities 1-12
 - a. Subchapter D, Special Education Teacher
 - b. Subchapter H, Significant Disabilities

5. Visual Impairments/Blind K-12

- a. Subchapter D, Special Education Teacher
- b. Subchapter H, Visual Impairments/Blind K-12

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:7(6) and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1797 (October 2006), LR 48:415 (March 2022), repromulgated LR 48:1017 (April 2022), repromulgated LR 49:2094 (December 2023).

Subchapter B. Testing Required for Certification

§303. Certification Exams and Scores

A. A teacher applicant for certification must successfully complete the appropriate written or computer-delivered assessment identified in this Section prior to issuance of a Louisiana educator credential.

B. Pedagogy Exams

1. Principles of Learning and Teaching (PLT) Exams:

- a. Principles of Learning and Teaching: Early Childhood (0621 or 5621), effective 1/1/12, score 157;
- b. Principles of Learning and Teaching: K-6 (0622 or 5622), effective 1/1/12, score 160;
- c. Principles of Learning and Teaching: 5-9 (0623 or 5623), effective 1/1/12, score 160; or
- d. Principles of Learning and Teaching: 7-12 (0624 or 5624), effective 1/1/12, score 157.

2. Early Intervention Pedagogy Exams:

- a. Special Education: Core Knowledge and Applications (0354 or 5354), effective 1/1/12, score 145;
- b. Special Education: Early Childhood (0691 or 5691), effective 1/1/14 to 8/31/23, score 159; or
- c. Special Education: Early Childhood/Early Intervention (5692), effective 9/1/22, score 159.

3. Deaf and Hard of Hearing Pedagogy Exams:

- a. Special Education: Core Knowledge and Applications (0354 or 5354), score 145; and Education of Deaf and Hard of Hearing Students (0271), effective 11/1/11, score 160; or
- b. Special Education: Core Knowledge and Applications (0354 or 5354), score 145; and Special Education: Education of Deaf and Hard of Hearing Students (0272 or 5272), effective 1/1/14, score 160.

4. Mild to Moderate Pedagogy Exams:

- a. Special Education: Core Knowledge and Mild to Moderate Applications (0543 or 5543), to 8/31/24, score 153; and PLT specific to grade level (K-6, 5-9, or 7-12).

5. Significant Disabilities Pedagogy Exams:

- a. Special Education: Core Knowledge and Severe to Profound Applications (0545 or 5545), to 8/31/24, score 153.

6. Visual Impairments/Blind Pedagogy Exams:

- a. Special Education: Core content Knowledge and Applications (0354 or 5354), effective 11/1/11, score 145; or
- b. Special Education: Core Content Knowledge and Applications (0354 or 5354), effective 1/1/14, score 145 and Special Education: Teaching Students with Visual Impairments (0282), effective 1/1/14, score 163.

C. Birth to Kindergarten

1. Content Requirements:

- a. Early Childhood Content Knowledge (5022) prior to 9/1/15, score 160;
- b. Early Childhood Education (5025), effective 9/1/15, score 156;

c. Education of Young Children (5024), effective 9/1/15, score 160; or

d. Pre-Kindergarten Education (5531), effective 9/1/15, score 155.

2. Principles of Learning and Teaching: Early Childhood in accordance with §303.B.

D. Early Childhood PK-3

1. Content Requirements:

- a. Elementary Education: Content Knowledge (0014 or 5014) prior to 9/1/15, score 150;
- b. Elementary Education: Content Knowledge (5018), effective 9/1/15 to 8/31/17, score 163; or
- c. Elementary Multiple Subjects (5001), effective 9/1/15.
 - i. Reading Language Arts (5002), score 157;
 - ii. Mathematics (5003), score 157;
 - iii. Social Studies (5004), score 155; and
 - iv. Science (5005), score 159.

2. Reserved.

3. Principles of Learning and Teaching: Early Childhood in accordance with §303.B.

E. Elementary Grades 1-5

1. Content Requirements:

- a. Elementary Education: Content Knowledge (0014 or 5014) prior to 9/1/15, score 150;
- b. Elementary Education: Content Knowledge (5018), effective 9/1/15 to 8/31/17, score 163; or
- c. Elementary Multiple Subjects (5001), effective 9/1/17.
 - i. Reading Language Arts (5002), score 157;
 - ii. Mathematics (5003), score 157;
 - iii. Social Studies (5004), score 155; and
 - iv. Science (5005), score 159.

2. Reserved.

3. Principles of Learning and Teaching: K-6 in accordance with §303.B.

F. Middle School Grades 4-8 Certification Areas

1. Content Requirements

- a. Mathematics 4-8:
 - i. Middle School Mathematics (0069) prior to 1/1/14, score 148;
 - ii. Middle School Mathematics (5169) effective 1/1/14 to 8/31/22, score 165; or
 - iii. Middle School Mathematics (5164), effective 9/1/21, score 157.
- b. Science 4-8:
 - i. Middle School Science (0439), prior to 6/8/14, score 150;
 - ii. Middle School Science (5440), effective 6/8/14 to 3/31/22, score 150; or
 - iii. Middle School Science (5442), effective 4/1/21, score 152.
- c. Social Studies 4-8:
 - i. Middle School Social Studies (0089 or 5089), score 149.
- d. English/Language Arts 4-8:
 - i. Middle School English/Language Arts (0049 or 5049), prior to 1/1/14, score 160; or
 - ii. Middle School English (5047), effective 1/1/14, score 164.

2. Principles of Learning and Teaching: 5-9 in accordance with §303.B.

G. Grades 6-12 Core Certification Areas

1. Content Requirements

a. Biology:

i. Biology: Content Knowledge (0235 or 5235), effective 9/1/12 to 8/31/23, score 150; or

ii. Biology: Content Knowledge (5236), effective 9/1/22, score 154.

b. Chemistry:

i. Chemistry: Content Knowledge (0245 or 5245), effective 9/1/12 to 8/31/23, score 151; or

ii. Chemistry: Content Knowledge (5246), effective 9/1/22, score 146.

c. Earth Science or Environmental Science:

i. At this time, a content area exam is not required for certification in Louisiana. For initial teacher certification, 30 semester hours in the content area is required in lieu of an exam.

d. English:

i. English Language, Literature, and Composition: Content Knowledge (0041 or 5041), effective 5/8/12 to 7/20/13, score 160; and English Language, Literature, and Composition: Pedagogy (0043), effective 5/8/12 to 7/20/13, score 130;

ii. English Language, Literature and Composition: Content Knowledge (0041 or 5041), effective 7/20/13 to 8/31/14, score 160; or

iii. English Language Arts: Content and Analysis (503), effective 1/1/14, score 168.

e. General Science:

i. General Science: Content Knowledge (0435 or 5435), effective 9/1/12 to 8/31/23, score 156; or

ii. General Science: Content Knowledge (5436), effective 9/1/22, score 141.

f. Mathematics:

i. Mathematics: Content Knowledge (0061 or 5061), effective 6/1/10 to 12/31/13, score 135; or

ii. Mathematics: Content Knowledge (5161), effective 1/1/14 to 8/31/22, score 160; or

iii. Mathematics: Content Knowledge (5165), effective 9/1/21, score 159.

g. Physics:

i. Physics: Content Knowledge (0265 or 5265), effective 9/1/12 to 8/31/23, score 141; or

ii. Physics: Content Knowledge (5266), effective 9/1/22, score 145.

h. Social Studies:

i. Social Studies: Content and Interpretation (0086 or 5086), effective 1/2/12 to 12/31/19, score 160; or

ii. Social Studies: Content and Interpretation (0086 or 5086), effective 1/1/20, score 153.

2. Principles of Learning and Teaching: 7-12 in accordance with §303.B.

H. Grades 6-12 Core Foreign Language Certification Areas

1. Content Requirements:

a. American Sign Language. American Sign Language Proficiency Interview (ASLPI-0634), score 3+170;

b. Chinese. Chinese (Mandarin): World Language (5665), effective 6/1/13, score 164;

c. French. French: World Language (5174), effective 10/1/10, score 157;

d. German. German: World Language (5183), effective 10/1/10, score 157;

e. Latin. At this time, a content area exam is not required for certification in Louisiana. For initial teacher certification, 30 semester hours in the content area is required in lieu of an exam; or

f. Spanish. Spanish: World Language (5195), effective 10/1/10, score 157.

2. Pedagogy Requirements:

a. Principles of Learning and Teaching: 7-12 (0624 or 5624), effective 1/1/12, score 157 until 6/30/13; or

b. World Languages Pedagogy 0841, effective 7/1/13, score 158.

I. Grades 6-12 Non-Core Content Certification Areas

1. Content Requirements

a. Agriculture:

i. Agriculture (0700), prior to 6/8/14, score 510; or

ii. Agriculture (5701), effective 6/8/14, score 147.

b. Business. Business Education: Content Knowledge (0101 or 5101), effective 11/1/10, score 154.

c. Reserved.

d. Family and Consumer Sciences:

i. Family and Consumer Sciences (0121 or 5121), prior to 6/8/14, score 141; or

ii. Family and Consumer Sciences (5122), effective 6/8/14, score 153.

e. Journalism or Marketing. At this time, a content area exam is not required for certification in Louisiana. For initial teacher certification, 30 semester hours in the content area is required in lieu of an exam.

f. Speech. Speech Communications (0221 or 5221), effective 9/1/09, score 146.

g. Technology Education. Technology Education (0051 or 5051), effective 1/1/12, score 159.

2. Principles of Learning and Teaching: 7-12 in accordance with §303.B.

J. Secondary (6-12) Content Add-on Certification Areas

1. Content Requirements

a. Algebra I. Algebra I (5162), effective 8/14/18, score 157.

b. Geometry. Geometry (5163), effective 6/15/22, score 148.

K. All-Level K-12 Certification Areas

1. Content Requirements

a. Art K-12: Art: Content Knowledge (0134 or 5134), effective 1/1/12, score 159.

b. Dance K-12: No exam available. Thirty semester hours in the content area is required in lieu of an exam.

c. Health and Physical Education K-12:

i. Physical Education: Content Knowledge (0091 or 5091), prior to 6/8/14, score 146; or

ii. Health and Physical Education (5857), effective 6/8/14, score 160.

d. Music K-12. Music: Content Knowledge (0113 or 5113), effective 7/1/03, score 151.

2. Pedagogy Requirements:

a. Principles of Learning and Teaching: K-6 in accordance with §303.B;

b. Principles of Learning and Teaching: 5-9 in accordance with §303.B; or

c. Principles of Learning and Teaching: 7-12 in accordance with §303.B.

L. All-Level K-12 Foreign Language

1. Content Requirements:

a. American Sign Language. American Sign Language Proficiency Interview (ASLPI-0634), score 3+170;

b. Chinese. Chinese (Mandarin): World Language (5665), effective 6/1/13, score 164;

c. French. French: World Language (5174), effective 10/1/10, score 157;

d. German. German: World Language (5183), effective 10/1/10, score 157;

e. Latin. At this time, a content area exam is not required for certification in Louisiana. For initial teacher certification, 30 semester hours in the content area is required in lieu of an exam; or

f. Spanish. Spanish: World Language (5195), effective 10/1/10, score 157.

2. Pedagogy Requirements

a. Prior to 6/30/13:

i. Principles of Learning and Teaching: K-6 (0622 or 5622), effective 1/1/12, score 160;

ii. Principles of Learning and Teaching: 5-9 (0623 or 5623), effective 1/1/12, score 160; or

iii. Principles of Learning and Teaching: 7-12 (0624 or 5624), effective 1/1/12, score 157.

b. World Languages Pedagogy 0841, effective 6/30/13, score 158.

M. Special Education Areas

1. Early Interventionist:

a. Content Requirements: Early Childhood Education content exam in accordance with §303.D.1;

b. Principles of Learning and Teaching: Early Childhood in accordance with §303.B.1; or

c. Early Interventionist Pedagogy Exam in accordance with §303.B.2.

2. Deaf and Hard of Hearing:

a. Content Requirements: Elementary Content Knowledge exam in accordance with §303.E;

b. Deaf and Hard of Hearing Pedagogy exam in accordance with §303.B.3.

3. Mild to Moderate Disabilities:

a. All candidates must pass a content area exam appropriate to the certification level 1-5, 4-8, or 6-12, or core subject-specific exams for middle or secondary grades;

b. Mild to Moderate Pedagogy exam in accordance with §303.B.4;

c. Integrated to Merged program completers: Principles of Learning and Teaching appropriate to grade level K-6, 5-9, or 7-12.

4. Significant Disabilities:

a. Content Requirements: Elementary Content Knowledge exam in accordance with §303.E;

b. Significant Disabilities Pedagogy exam in accordance with §303.B.5.

5. Visual Impairments/Blind:

a. Content Requirements: Elementary Content Knowledge exam in accordance with §303.E;

b. Visual Impairments/Blind Pedagogy exams in accordance with §303.B.6.

N. Administrative and Instructional Support Areas

1. Educational Leader—Level 1:

a. School Leaders Licensure Assessment (SLLA), (1011 or 6011), effective 7/31/20, score 166;

b. School Leaders Licensure Assessment (SLLA) (6990), effective 9/1/19, score 151; or

c. Louisiana Leadership Assessment Series (LLAS), effective 4/1/20, score of ‘demonstrated’ for at least 9 assessments within the series.

2. Educational Leader—Level 3:

a. School Superintendent Assessment (SSA) (6021), effective 1/1/13 to 7/31/20, score 160; or

b. School Superintendent Assessment (SSA) (6991), effective 9/1/19, score 162.

3. School Counselor (K-12):

a. Professional School Counselor (0421 or 5421), effective 7/1/15 to 8/31/23, score 156; or

b. School Counselor (5422), effective 9/1/22, score 159.

4. School Librarian:

a. Library Media Specialist (0311 or 5311), effective 9/1/12 to 8/31/23, score 136; or

b. School Librarian (5312), effective 9/1/22, score 154.

O. Reading Exams:

1. Teaching of Reading Exam (0204 or 5204), effective 9/1/11 to 7/31/20, score 157;

2. Teaching of Reading: K-12 Exam (0206 or 5206), effective 9/1/19, score 156;

3. Teaching of Reading: Elementary Exam (5205), effective 1/1/23, score 159.

P. Mentor Teacher and Content Leader. The mentor teacher certificate and content leader certificate may be earned by passing the applicable Louisiana assessment series.

1. Mentor Teacher. Louisiana Mentor Teacher Assessment Series—Elementary, Secondary ELA, Secondary Math, or Universal, must pass two coaching-related components.

2. Content Leader:

a. Louisiana Content Leader Assessment Series, must pass four components; or

b. Louisiana Intervention Content Leader Assessment Series, must pass three components.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1797 (October 2006), amended LR 37:558 (February 2011), LR 38:1951 (August 2012), LR 46:01375 (October 2020), amended LR 48:416 (March 2022), repromulgated LR 48:1018 (April 2022), LR 48:2099 (August 2022), LR 48:2554 (October 2022), LR 48:2730 (November 2022), LR 49:36 (January 2023), repromulgated LR 49:2096 (December 2023).

§305. Minimum Requirements for Approved Regular Education Programs for Birth to Kindergarten

A. For certification as a teacher of birth to kindergarten children in the state of Louisiana, the focus is on birth to kindergarten education.

1. General Education—39 semester credit hours. Requirements provide the birth to kindergarten teacher with basic essential knowledge and skills.

- a. English—12 semester hours;
- b. Mathematics—6 semester hours;
- c. Sciences—9 semester hours;
- d. Social Studies—9 semester hours; and
- e. Arts—3 semester hours.

2. Focus Area—Birth to Kindergarten—30 semester credit hours. Requirements provide the prospective birth to kindergarten teacher with a strong foundation pertaining to the growth and development of young children. All courses are to be aligned to state and national standards for birth to kindergarten.

- a. Birth to kindergarten content knowledge and instruction required for an Early Childhood/Ancillary Certificate—9 semester credit hours;
- b. Infant/Toddler and Preschool/Kindergarten Development—6 semester credit hours;
- c. Infant/Toddler and Preschool/Kindergarten Methodology—6 semester credit hours;
- d. Language and Literacy Development—3 semester credit hours; and
- e. Family Systems and Practicum—6 semester credit hours.

3. Knowledge of the Learner and Learning Environment—9 semester credit hours. Requirements provide the prospective birth to kindergarten teacher with a fundamental understanding of the birth to kindergarten learner and the teaching and learning process. Coursework should address the needs of the regular and the exceptional child, as follows:

- a. educational psychology;
- b. assessment of young children;
- c. behavior management; and
- d. diverse/multicultural education.

4. Methodology and Teaching—15 semester hours. Requirements provide the prospective birth to kindergarten teacher with fundamental pedagogical skills.

- a. Teaching methodology—6 semester hours.
- b. Advanced Language Development and Literacy—6 semester hours.
- c. Professional Teaching Residency and Seminar I and Professional Teaching Residency and Seminar II—24 semester hours.
- d. Flexible hours for the university's use—6 semester hours.
- e. Total required hours in the program—120 semester hours.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:7(6), R.S. 17:3902, and R.S. 17:407.81.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1797 (October 2006), amended LR 33:433 (March 2007), LR 34:233 (February 2008), LR 34:1611 (August 2008), LR 35:222 (February 2009), LR 37:558 (February 2011), LR 38:1951 (August 2012), LR 40:279 (February 2014), LR 41:2128 (October 2015), LR 43:1304 (July

2017), LR 44:745 (April 2018), LR 45:525 (April 2019), LR 45:1458 (October 2019), LR 45:1748 (December 2019), LR 46:326 (March 2020), LR 46:1375 (October 2020), amended LR 48:421 (March 2022), repromulgated LR 48:1022 (April 2022), repromulgated LR 49:2099 (December 2023).

Shan N. Davis
Executive Director

2312#058

RULE

**Department of Environmental Quality
Office of the Secretary
Legal Affairs and Criminal Investigations Division**

**Voluntary Environmental Self-Audit
(LAC 33:I.Chapter 70)**

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary amended the Office of the Secretary regulations, LAC 33:I.Chapter 70 (OS101).

The Rule establishes regulations for the voluntary environmental self-audit program in accordance with R.S. 30:2044. On August 1, 2021, R.S. 30:2044 became effective mandating the department to promulgate regulations establishing a program for voluntary environmental self-audits. The regulations provide procedures for the establishment of the program, identification of violations not eligible for relief under the program, a fee for reviewing the environmental self-audits and corrective actions submitted to the department, and suspension of prescription upon participation in the program. The basis and rationale for the Rule are to establish an environmental self-audit program as required by R.S. 30:2044. The Rule is based upon the United States Environmental Protection Agency's audit policy. The voluntary environmental self-audit program has the potential to increase environmental compliance at facilities and enhance the protection of human health and the environment. This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:963.(B)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This Rule is hereby adopted on the day of promulgation.

Title 33

ENVIRONMENTAL QUALITY

Part I. Office of the Secretary

Subpart 5. Voluntary Environmental Self-Audit Program

Chapter 70. Voluntary Environmental Self-Audit Regulations

§7001. Authority

A. Regulations for establishing a program for voluntary environmental self-audits are hereby established by the Louisiana Department of Environmental Quality by order of the administrative authority and in accordance with R.S. 30:2025(J), 30:2060(H), 30:2076(D), 30:2183(I), and 30:2044(A).

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2044(A).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 49:2099 (December 2023).

§7003. Purpose

A. The purpose of this Chapter is to establish regulations for the voluntary environmental self-audit program. This Chapter:

1. identifies violations that are not eligible for relief under this program;
2. establishes procedures for conducting voluntary environmental self-audits;
3. establishes fees associated with this program; and
4. addresses prescription for violation(s) subject to this program.

B. The regulations established in this Chapter shall apply to environmental self-audits conducted on or after December 20, 2023.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2044(A).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 49:2100 (December 2023).

§7005. Definitions

A. The following terms used in this Chapter shall have the meanings listed below, unless the context otherwise requires, or unless specifically redefined in a particular Section.

Audit or Environmental Audit—a systematic voluntary evaluation, review, or assessment of compliance with environmental statutes, regulations, permits, and/or permit requirements.

Audit Report or Environmental Audit Report—the documented analyses, conclusions, and recommendations resulting from an environmental audit.

Department—the Louisiana Department of Environmental Quality.

EPA—the United States Environmental Protection Agency.

Owner or Operator—any person(s) who owns, leases, operates, controls, or supervises a facility, building, structure, or installation.

Person—any individual, municipality, public or private corporation, partnership, firm, the United States government and any agent or subdivision thereof, or any other juridical person, which shall include, but not be limited to, trusts, joint stock companies, associations, the state of Louisiana, political subdivisions of the state of Louisiana, commissions, and interstate bodies.

Regulated Entity—any entity, including a federal, state, or municipal agency or facility, regulated under federal and/or state environmental laws.

Subtitle—the Louisiana Environmental Quality Act.

Violation—noncompliance with a requirement of a statute, regulation, permit, judicial or administrative order, or consent agreement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2044(A).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 49:2100 (December 2023).

§7007. Exclusions

A. Violations that are not eligible for relief under this program shall include, but not limited to violations:

1. that result in serious actual harm to the environment;
2. that may present an imminent or substantial endangerment to the environment or public health;
3. discovered by the department or EPA prior to written disclosure of the violation to the department;
4. detected through monitoring, sampling, or auditing procedures that are required by statute, regulation, permit, judicial or administrative order, or consent agreement;
5. subject to the chemical accident prevention provisions of 40 CFR Part 68 and LAC 33:III.5901;
6. that are deliberate or intentional; or
7. that are the same or closely related at the same facility within the past three years.

B. An employee of the department shall not request, review, or otherwise use an environmental audit report during a department inspection of a facility.

C. The department reserves the right to take enforcement action with respect to a violation that:

1. is excluded under LAC 33:I.7007.A; or
2. is not properly or adequately disclosed and/or corrected in accordance with this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2044(B).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 49:2100 (December 2023).

§7009. Program Scope

A. Procedures for Conducting Voluntary Environmental Self-Audits

1. Notice of Audit

a. The owner or operator shall notify the department prior to initiating a voluntary environmental audit in order to qualify for penalty mitigation.

b. The owner or operator shall use the department's most current version of the approved notice of audit form located on the department's public website.

c. A notice of audit shall be submitted in writing by certified mail or other means approved by the department.

d. The department shall acknowledge receipt of the notice of audit in writing.

2. Disclosure of Violation(s)

a. Disclosure of violation(s) shall be made by the owner or operator upon discovery of a violation as a result of the voluntary environmental audit. The violation(s) shall be properly disclosed and reported to the department by certified mail, or other means approved by the department, in order to qualify for penalty mitigation.

b. The owner or operator shall use the department's most current version of the approved disclosure of violation(s) form located on the department's public website.

c. The disclosure of violation shall include corrective actions, if applicable.

d. The department shall acknowledge receipt of the disclosure of violation in writing. The acknowledgement shall include a concurrence or rejection of the proposed corrective actions.

3. An environmental audit shall be completed within a reasonable time, not to exceed six months after the date the audit was initiated, unless the department grants an extension of time.

B. Requests for Extension of Time

1. Requirements for Requests for Extension of Time

a. If an audit cannot be completed within six months after the date of initiation, a request for extension of time shall be submitted in writing at least 30 calendar days prior to the expiration of the audit period with sufficient information to justify an extension. Justification for an extension of time shall be limited to factors beyond the control of the owner or operator. A request without sufficient information shall result in a denial.

C. Corrective Actions

1. Corrective actions must be completed within 90 calendar days from the date of discovery of the violation unless a specific period is required by statute, regulation, or permit requirement.

a. Corrective actions must include detailed actions implemented, or to be implemented, to prevent recurrence of the violation and a scheduled date of completion.

b. Corrective actions that will take longer than 90 calendar days to complete must be submitted in writing and receive written approval from the department.

c. After completion of all corrective actions, a final written report shall be submitted to the department. The final written report shall include:

- i. notice of audit;
- ii. disclosure of violation(s); and
- iii. certification of completion of all corrective actions.

d. Failure to notify, implement, and/or complete all proposed corrective actions shall be considered a violation and subject to the appropriate enforcement action.

D. Environmental Audit Report

1. The full environmental audit report should not be submitted to the department unless specifically requested by the department in writing.

E. Penalty Mitigation

1. The following nine conditions shall be met to be eligible for a 100 percent reduction in penalties.

a. The violation was systematically discovered through an environmental audit.

b. The violation was voluntarily disclosed. The violation was not discovered through a federal, state, or local requirement prescribed by statute, regulation, permit, judicial or administrative order, or a consent agreement.

c. The violation was disclosed in writing within 45 calendar days after discovery, unless an existing law or regulation required disclosure in fewer than 45 calendar days.

d. The violation was independently discovered and identified before the department would have identified the problem either through its investigation or through information from a third party. Discovery and disclosure will not be considered independent if:

- i. prompted by the initiation of a department or EPA investigation, or information request;
- ii. a notice of a citizen suit filed under federal or state law prior to the notice of an environmental audit;
- iii. a third party complaint has been filed;

iv. or a whistleblower has reported the potential violation to the department.

e. The violation was corrected as expeditiously as possible, but no later than 90 calendar days from the date of discovery, unless an extension of time or compliance schedule was approved by the department.

f. The appropriate measure(s) to prevent a recurrence of the violation was implemented after the violation was disclosed.

g. The same or closely related violation has not occurred at the same facility within the past three years.

h. The violation is not excluded as listed in LAC 33:I.7007.A.

i. The owner or operator has cooperated by providing information as required by the department to determine eligibility.

2. If all of the conditions in LAC 33:I.7009.E.1 are met except systematic discovery, there will be a 75 percent reduction.

3. Failure to meet the required conditions will result in ineligibility for penalty reduction.

4. The department reserves the right to collect any monetary benefits realized through noncompliance.

F. Confidentiality

1. Disclosure of violation(s) or other documentation containing the results of a voluntary environmental self-audit authorized by R.S. 30:2044 shall be held confidential by the department, and be withheld from public disclosure until a final decision is made, or a period not to exceed two years from the receipt of the initial disclosure of violation, whichever occurs first. Any final decision made by the department shall be public and published on the department's website. However, nothing in this Paragraph shall prohibit a request for confidentiality pursuant to R.S. 30:2030(1)(b). Information that is required to be reported to a state or federal agency by statute, regulation, or permit, including but not limited to, notifications required by R.S. 30:2025(J), 30:2060(H), 30:2076(D), 30:2183(I), and 30:2204(A) shall not be held confidential.

2. All requests for confidentiality shall be submitted in accordance with LAC 33:I.Chapter 5.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2044(C).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 49:2100 (December 2023).

§7011. New Owner

A. Definitions

1. The following terms used in this Chapter shall have the meanings listed below, unless the context otherwise requires, or unless specifically redefined in a particular Section.

Acquisition Closing Date—the date on which ownership of, or a direct or indirect majority interest in the ownership of a regulated facility or operation is acquired in an asset purchase, equity purchase, merger, or similar transaction.

New Owner—any person not responsible for environmental compliance at the facility that is the subject of the environmental audit, did not cause the violation being disclosed, and could not have prevented the occurrence.

B. The new owner shall comply with all requirements listed in LAC 33:I.7009 except as listed below.

1. The new owner shall notify the department in writing of the intention to continue an audit that was initiated by the previous owner.

2. An audit must be completed within six months after the acquisition closing date, if the new owner continues the audit.

3. Failure to request and receive written approval from the department for an extension of time to complete an audit may forfeit any penalty mitigation.

4. The new owner making the disclosure must certify in the disclosure that all of the following conditions were true before the acquisition closing date.

a. The new owner was not responsible for the environmental compliance at the facility or the operation that is subject to the audit.

b. The new owner did not have the largest ownership share of the seller.

c. The seller did not have the largest ownership share of the new owner.

d. The new owner and seller did not have a common corporate parent or a common majority interest owner.

5. A new owner is eligible for penalty mitigation if the following are met within nine months of the acquisition closing date:

a. prompt disclosure of the violations to the department; and

b. the conditions outlined in LAC 33:I.7011.B.4 are met.

6. The following nine conditions shall be met to be eligible for a 100 percent reduction in penalties.

a. The violation was systematically discovered through an environmental audit.

b. The violation was voluntarily disclosed. The violation was not discovered through a federal, state, or local requirement prescribed by statute, regulation, permit, judicial or administrative order, or a consent agreement.

c. The violation was disclosed to the department in writing within 45 calendar days after discovery, unless an existing law or regulation required disclosure in fewer than 45 calendar days.

d. The violation was independently discovered and identified before the department would have identified the problem either through its investigation or through information from a third party. Discovery and disclosure will not be considered independent if:

i. prompted by the initiation of a department or EPA investigation or request for information;

ii. a notice of a citizen suit filed under federal or state law prior to the notice of an environmental audit;

iii. a third party complaint has been filed; or

iv. a whistleblower has reported the potential violation to the department.

e. The violation was corrected as expeditiously as possible, but no later than 90 calendar days from the date of discovery, unless an extension of time or compliance schedule was approved by the department.

f. The appropriate measures to prevent a recurrence of the violation were implemented after the violation was disclosed to the department.

g. The same or closely related violation has not occurred at the same facility within the past three years.

h. The violation is not excluded as listed in LAC 33:I.7007.A.

i. The owner or operator has cooperated by providing information as necessary and required by the department to determine eligibility.

7. Penalty mitigation will not apply if any of the following are met.

a. The new owner who made the disclosure willingly or knowingly committed the violation or was responsible for the commission of the violation.

b. The new owner who made the disclosure recklessly committed the violation or was responsible for the commission of the disclosed violation and the violation resulted in substantial injury or harm to one or more persons, property, or the environment on-site or off-site.

c. The violation was committed willfully or knowingly by a member of the new owner's management, or an agent of the new owner, and the new owner's policies or lack of prevention systems contributed materially to the occurrence of the violation.

d. The violation was recklessly committed by a member of the new owner's management, by an agent of the new owner, or if the new owner's policies or lack of prevention systems contributed materially to the occurrence of the violation resulting in substantial injury or harm to one or more persons, property, or the environment on-site or off-site.

e. The violation has resulted in a substantial economic benefit that gives the new owner a clear advantage over its business competitors.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2044(C).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 49:2101 (December 2023).

§7013. Fees

A. Determination of Fee

1. All requests for reviewing environmental self-audits and corrective actions by the department shall be accompanied by an initial \$1,500 minimum fee.

2. The administrative authority shall keep an account of time spent by the department's civil service employee processing the review request. Every hour, or portion thereof, that the department's civil service employee works processing the request shall be multiplied by the maximum per-hour overtime salary of the department's civil service employee who performed the work, plus reasonable indirect costs calculated as a percentage of the hourly fee. Such percentage shall be determined annually by agreement between the department and the United States Environmental Protection Agency for use on grants and contracts. If this amount exceeds the initial minimum fee charge pursuant to R.S. 30:2044, an additional fee shall be charged for the amount exceeding the initial minimum fee.

3. Invoices for any additional fee amount may be issued periodically while the audit and corrective actions are being conducted and/or implemented and a final invoice shall be issued once the review is complete.

B. Refunds

1. The fees in this Section are nontransferable and nonrefundable.

C. Failure to pay the additional fee by the due date specified on the invoice will constitute a violation of these regulations and shall subject the person requesting the review to relevant enforcement action under the subtitle.

D. Methods of Payment

1. All payments made by check, draft, or money order shall be made payable to the Louisiana Department of Environmental Quality, and mailed to the department with a copy of the notice of audit. The original notice of audit shall be submitted as directed on the form.

2. Electronic Methods of Payment

a. Persons wishing to make payments using electronic pay method should access the department's website and follow the instructions provided on the website.

b. Persons wishing to make payments using the electronic funds transfer (EFT) method shall contact the Office of Management and Finance for further instructions.

E. Late Payment

1. Payments not received within 15 days of the due date will be charged a late fee.

2. Any late payment fee shall be calculated from the due date indicated on the invoice.

3. Payments not received by the department within:

a. fifteen days from the due date will be assessed a five percent late payment fee on the original assessed fee;

b. thirty days from the due date will be assessed an additional five percent late payment fee on the original assessed fee; and

c. sixty days from the due date will be assessed an additional five percent late payment fee on the original assessed fee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2044(C).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 49:2102 (December 2023).

§7015. Prescription

A. Prescription shall be suspended for all claims with violations under the subtitle or the regulations promulgated pursuant to this subtitle upon participation in the voluntary self-audit program. Suspension of prescription commences upon the department's receipt of the owner or operator's disclosure of violation(s) in accordance with LAC 33:I.7009.A.2. The suspension of prescription shall terminate upon a final decision under R.S. 30:2030(A)(2) or after a period of two years, whichever occurs first.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2030(A) and 30:2044(D).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 49:2103 (December 2023).

Courtney J. Burdette
Executive Counsel

2312#025

RULE

**Department of Environmental Quality
Office of the Secretary
Legal Affairs and Criminal Investigations Division**

**Standards Governing Landfills (Type I and II)
(LAC 33:VII.711)(SW071)**

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary has amended the Solid Waste regulations, LAC 33:VII.711 (SW071).

This Rule updates regulations governing leachate collection and removal systems for industrial and municipal landfills. These proposed regulations establish and clarify procedures, standards, requirements, and records for the measurement, collection, and control of leachate. This Rule requires record keeping of leachate systems and provides timelines to repair leachate collection systems and components in accordance with applicable regulations. The basis and rationale for this Rule are to ensure collection and treatment of leachate and to provide compliance timelines for a leachate collection system in accordance with applicable regulations. This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:963.B(3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This Rule is hereby adopted on the day of promulgation.

Title 33

ENVIRONMENTAL QUALITY

Part VII. Solid Waste

Subpart 1. Solid Waste Regulations

Chapter 7. Solid Waste Standards

Subchapter A. Landfills, Surface Impoundments, and/or Landfarms

§711. Standards Governing Landfills (Type I and II)

A. - B.4.f.vii. ...

viii. The leachate head shall be maintained in a pumped-down condition such that not more than 1 foot of head shall exist above the lowest elevation of the leachate collection lines. Compliance with the 1 foot leachate head standard shall be achieved by compliance with LAC 33:VII.711.D.3.e. and f, and the provisions of the facility operational plan that address LAC 33:VII.711.D.2.g.-i.

B.4.f.ix. - C.2.c.xi. ...

xii. records on the leachate head, volume(s), and results of the leachate sampling;

xiii. - xv. ...

xvi. post-closure monitoring reports;

xvii. copies of all documents received from and submitted to the department;

xviii. records on leachate pump tests; and

xix. records of action(s) taken under LAC 33:VII.711.D.2.i.

C.3. - D.2.f. ...

g. the methods that will be used to ensure that the leachate collection/treatment system is functioning as designed including, but not limited to:

i. the testing and inspection of system components;

ii. the repair and/or replacement of system components; and

iii. the time frame for such repair and/or replacements;

h. the measuring protocol, frequency, and recordkeeping used to monitor leachate head and how the leachate will be removed and transported to the treatment facility; and

i. the actions to be taken when monitoring indicates leachate head exceeds the standard in LAC 33:VII.711.B.4.f.viii.

3. - 3.d....

e. Leachate Pumps

i. Leachate pumps shall be tested at least weekly, maintained, and operated to ensure compliance with LAC 33:VII.711.B.4.f.viii.

ii. Testing results shall be documented within 24 hours and maintained in accordance with LAC 33:VII.711.C.2.a-c.

iii. For nonfunctioning leachate pumps and/or not maintaining liquid head below the 1 foot leachate head standard set forth in LAC 33:VII.711.B.4.f.viii, action to repair and/or to replace pumps shall be initiated and completed within seven days, or as otherwise approved by the administrative authority.

iv. Any request for an extension under LAC 33:VIII.711.D.3.iii shall be submitted for approval to the Office of Environmental Services and shall at a minimum include:

(a). reason(s) for the extension; and

(b). estimated time for repair or replacement, including supporting documentation.

f. Leachate Head Monitoring

i. Leachate head shall be monitored and recorded:

(a). in accordance with the facility operational plan at least every normal operating day; or

(i). as otherwise approved by the administrative authority for cells without final cover; and

(b). at least every seven days for cells that have received final cover.

ii. If monitoring of leachate head shows an exceedance of more than 1 foot of head above the lowest elevation of the leachate collection lines under the facility operational plan, action shall be taken in accordance with LAC 33:VII.711.D.2.i.

D.4. - F.3.d. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended LR 19:1143 (September 1993), repromulgated LR 19:1316 (October 1993), amended by the Office of the Secretary, LR 24:2251 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2523 (November 2000), repromulgated LR 27:704 (May 2001), amended LR 30:1676 (August 2004), amended by the Office of Environmental

Assessment, LR 30:2024 (September 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2492 (October 2005), LR 33:1047 (June 2007), LR 33:2145 (October 2007), LR 34:1901 (September 2008), LR 37:1564 (June 2011), LR 37:3248 (November 2011), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division LR 49:2103 (December 2023).

Courtney J. Burdette
Executive Counsel

2312#027

RULE

Department of Environmental Quality Office of the Secretary Legal Affairs Division

UST Grant Program
(LAC 33:XI.Chapter 14)(UT20)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary has amended the Underground Storage Tanks regulations, LAC 33:XI.Chapter 14 (UT20).

This Rule provides financial assistance in the form of reimbursement grants to eligible private persons or entities with the costs necessary in upgrading and/or improving single wall underground storage tank systems to the standards outlined in LAC 33:XI.303. These regulations establish requirements, procedures, and processes for owners of single wall underground storage tank systems registered with the department to be eligible for the grants. The adoption of the proposed regulations assist in upgrading and/or improving single wall underground storage tank systems to a system that is more protective of the state's environment.

During the 2022 Regular Session, House Bill 1035 was introduced to require the Department of Environmental Quality to establish procedures to provide for reimbursement grants for upgrades and/or improvements to single wall underground storage tank (UST) systems. The department has documented numerous releases from single wall UST and upgrading these type of systems to the standards outlined in LAC 33:XI.303 will likely result in fewer releases and be more protective of the state's environment. House Bill 1035 was signed into law as Act No. 277. The basis and rationale for this Rule are to protect the waters and land of the state from petroleum releases occurring from single wall UST systems. This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:963.B(3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This Rule is hereby adopted on the day of promulgation.

Title 33

ENVIRONMENTAL QUALITY

Part XI. Underground Storage Tanks

Chapter 14. Grant Program

§1401. Purpose

A. The purpose of this Chapter is to establish procedures to provide for grants for upgrades and/or improvements to single wall underground storage tank systems.

B. The Motor Fuels Underground Storage Tank Trust Fund Advisory Board shall advise the secretary with regard to implementation of the tank trust account including investment of the trust and issuance of grants.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2195.2.A(6)(e).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 49:2104 (December 2023).

§1403. Applicability

A. This Chapter applies to providing financial assistance to private persons, or entities, in financing the costs necessary for upgrading and/or improving single wall underground storage tank systems to the standards outlined in LAC 33:XI.303.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2195.2.A(6)(e).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 49:2105 (December 2023).

§1405. Effective Date

A. These regulations are effective January 1, 2024. These regulations are only applicable to grant applications that occur on or after January 1, 2024.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2195.2.A(6)(e).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 49:2105 (December 2023).

§1407. Definitions

A. The following terms used in this Chapter shall have the meanings listed below and shall only apply to this Chapter, unless the context otherwise requires, or unless specifically redefined in a particular Section.

Applicant—the legal underground storage tank (UST) owner (i.e., private person or private entity) at the project facility.

Domiciled—the place of a private person's habitual residence; a private person may reside in several places, but may not have more than one domicile. The domicile of a private entity may be either the state of its formation or the state of its principal place of business.

Improvement—to replace existing single wall underground storage tanks (USTs) with double wall USTs and/or replace existing single wall product piping with double wall product piping. Containment and ancillary equipment such as submersible turbine pumps (STP), STP sumps, under dispenser containment (UDC) sumps, UST monitors and sensors, fill ports, shear valves, flex lines, and spill/overflow prevention equipment may be included for reimbursement only when upgrading and/or improving existing single wall USTs and/or single wall product piping.

Private Entity—a nonpublic juridical entity to which the law attributes personality, e.g., a corporation or a partnership. The personality of an entity is distinct from that of its members.

Private Person—a natural person or human being.

Project Facility—a single, specific facility where the grant will be applied for the approved upgrades and/or improvements to single wall underground storage tank systems.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2195.2.A(6)(e).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 49:2105 (December 2023).

§1409. Grant Program Funding and Requirements

A. This grant program is funded by the cost recovery efforts and interest earned on the tank trust account (interest account) in accordance with R.S. 30:2195.2.

B. A grant may only be made pursuant to this Chapter if all of the following apply:

1. the applicant is domiciled in Louisiana;
2. the site is registered with the department as a single wall underground storage tank system; and
3. the applicant is in compliance with and has paid all fees assessed by the Environmental Quality Act, La. R.S. 30:2001, et Seq., and LAC 33:XI.

C. Grants provided pursuant to this Chapter shall only be made in the form of reimbursement for completed upgrades and/or improvements after inspection and approval by the department.

D. No grant shall exceed \$150,000. The total amount of grants issued per state fiscal year (July 1-June 30) shall be determined by the beginning balance in the interest account as indicated below.

1. If the interest account has a beginning balance of greater than \$5,000,000 on July 1, then the total amount of grants per year shall not exceed \$3,000,000.

2. If the interest account has a beginning balance of less than \$5,000,000 on July 1, then the total amount of grants per year shall not exceed \$1,500,000.

E. Eligible applicants may apply for only one grant each state fiscal year.

F. The applicant shall apply the grant only at the project facility.

G. Applicants shall complete the upgrade and/or improvement as soon as possible but no later than two fiscal years (July 1-June 30) beyond the fiscal year of approval for participation in the grant program. Failure to complete the upgrade and/or improvement within two fiscal years will result in the applicant being ineligible for reimbursement from the grant program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2195.2.A(6)(e).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 49:2105 (December 2023).

§1411. Application Process

A. An application for funding shall be on a department provided form and shall include information regarding:

1. the applicant, including location of domicile;
2. the project facility, including information about the single wall underground storage tank system; and
3. the proposed upgrade and/or improvements to the single wall underground storage tank system.

B. The application period for participation in the grant program shall be from January 1 to March 31. Applications received after March 31 will be rejected for participation in the grant program for the upcoming state fiscal year and the applicants must reapply for participation in the grant program for the forthcoming state fiscal year.

C. The department may perform a compliance evaluation inspection of the project facility prior to any upgrades and/or improvements.

D. The department shall notify the applicant in writing if the application has been approved or rejected with an explanation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2195.2.A(6)(e).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 49:2105 (December 2023).

§1413. Procedures Prior to Making Upgrades or Improvements

A. Applicants may be approved for the grant program upon the condition they meet the requirements for participation and are in compliance with the Environmental Quality Act, R.S. 30:2001, et seq., and LAC 33:XI.

B. Applicants must have written approval from the department for participation in the grant program prior to implementing any eligible upgrades and/or improvements.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2195.2.A(6)(e).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 49:2106 (December 2023).

§1415. Department Inspections and Notifications

A. The department may perform periodic inspections during the upgrade and/or improvement and may be present for all installation-critical junctures.

B. If the Environmental Quality Act, R.S. 30:2001, et seq., and LAC 33:XI are not followed by the UST owner, operator, or certified worker prior to and during the upgrade and/or improvement, the applicant may not be awarded the grant reimbursement.

1. The department shall notify the applicant in writing as soon as any violation is determined that disqualifies the applicant from receiving the grant reimbursement.

C. The applicant shall notify the department upon completion of the upgrade and/or improvement.

D. The department shall perform a final inspection of the upgrade and/or improvement and prepare a final inspection report documenting the work has been completed in accordance with the scope of work.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2195.2.A(6)(e).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 49:2106 (December 2023).

§1417. Grant Reimbursement Procedures

A. The grant reimbursement shall be on a department provided form and shall include the following.

1. An affidavit signed by the applicant that all upgrades and/or improvements have been completed in accordance with the scope of work and in accordance with the Environmental Quality Act, R.S. 30:2001, et seq., and LAC 33:XI.

2. Copies of all paid invoices for the upgrade and/or improvement.

B. The applicant shall not request reimbursement until after the project facility is placed into service from the upgrade and/or improvement.

C. The grant program reimbursement form shall be submitted to the department within 90 days of the project facility being placed into service.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2195.2.A(6)(e).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 49:2106 (December 2023).

Courtney J. Burdette
Executive Counsel

2312#028

RULE

Department of Health Bureau of Health Services Financing

Pharmacy Benefit Management Program Over-the-Counter Coverage (LAC 50:XXIX.107)

The Department of Health, Bureau of Health Services Financing has amended LAC 50:XXIX.107 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. This Rule is hereby adopted on the day of promulgation.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part XXIX. Pharmacy

Chapter 1. General Provisions

§107. Prior Authorization

A. - C.3. ...

D. Drugs Excluded from Coverage. As provided by §1927(d)(2) of the Social Security Act, the following drugs are excluded from program coverage:

1. - 3. ...

4. select prescription vitamins and mineral products, except:

a. - n. ...

o. urinary PH modifiers (phosphorus, specifically K Phos Neutral and Phospha Neutral);and

5. select over-the-counter covered outpatient drugs as determined by the department.

E. - E.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, Title XIX of the Social Security Act, and the 1995-96 General Appropriations Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 32:1053 (June 2006), amended by the Department of Health, Bureau of Health Services Financing, LR 43:1180 (June 2017), LR 43:1553 (August 2017), amended LR 45:665 (May 2019), LR 46:33 (January 2020), LR 48:1582 (June 2022), LR 49:2106 (December 2023).

Stephen R. Russo, JD
Secretary

2312#049

RULE

**Department of Health
Bureau of Health Services Financing**

Professional Services Program

The Department of Health, Bureau of Health Services Financing has repealed the following uncodified Rules in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act:

Register Date	Title	Register Volume, Number	Page Number
December 20, 1978	Submission of physician claims	Volume 4, No. 12	511
January 20, 1982	Definition of "Physician services"	Volume 8, No. 1	9
April 20, 1982	Podiatry service implementation	Volume 8, No. 4	190
June 20, 1983	Cease payment for specimen collection	Volume 9, No. 6	412
August 20, 1983	Change in limits for outpatient hospital services	Volume 9, No. 8	551
December 20, 1985	MAP Delete prior authorization for surgical procedures	Volume 11, No. 12	1147
March 20, 1996	Chiropractic Care	Volume 22, No. 3	216-217
August 20, 1996	Reduction Mammoplasty	Volume 22, No. 8	713
February 20, 1997	Reimbursement for Medicare Part B Claims	Volume 23, No. 2	203
October 20, 1997	Professional Services Program - Chiropractic Care Services	Volume 23, No. 10	1320
December 20, 2000	Chiropractic Service— Termination of Services	Volume 26, No. 12	2792

This Rule is promulgated in accordance with the provisions of the Administrative Procedures Act, R.S. 49:950 et seq. This Rule is hereby adopted on the day of promulgation.

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Stephen R. Russo, JD
Secretary

2312#050

RULE

**Department of Health
Bureau of Health Services Financing
and
Office for Citizens with Developmental Disabilities**

**Targeted Case Management
(LAC 50:XV.Chapters 101-117)**

The Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities has amended LAC 50:XV.Chapters 101-117 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. This Rule is hereby adopted on the day of promulgation.

**Title 50
PUBLIC HEALTH—MEDICAL ASSISTANCE
Part XV. Services for Special Populations
Subpart 7. Targeted Case Management
Chapter 101. General Provisions
§10101. Program Description**

A. - A.4. ...

B. The department utilizes a broker model of case management in which recipients are referred to other agencies for the specific services they need. These services are determined by individualized planning with the recipient's family or legal guardian and other persons/professionals deemed appropriate. Services are provided in accordance with a written comprehensive plan of care which includes measurable, person-centered outcomes.

C. Recipient Freedom of Choice. Recipients have the right to select the provider of their case management services from among those available agencies enrolled to participate in the program. If the recipient fails to respond, the department shall automatically assign them to an available provider. Recipients who are auto-assigned may change once to an available provider if they are more than 30 days but fewer than 45 days from auto assignment.

D. Recipients shall be linked to a case management agency for a six-month period before they can transfer to another agency unless there is good cause for the transfer. Approval of good cause shall be made by the LDH case management administrator. Good cause is determined to exist only under the following circumstances:

D.1. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Family Security, LR 12:834 (December 1986), amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 19:648 (May 1993), LR 23:732 (June 1997), repealed and promulgated LR 25:1251 (July 1999), repromulgated for inclusion in LAC, LR 30:1036 (May 2004), amended by the Department of Health and Hospitals, Office of the Secretary, Office for Citizens with Developmental Disabilities, LR 32:1607 (September 2006), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 47:1124 (August 2021), LR 49:2107 (December 2023).

Chapter 103. Core Elements

§10301. Services

A. - A.1. ...

2. Case Management Assessment. Assessment is the process of gathering and integrating formal and informal information regarding a recipient's goals, strengths, and needs to assist in the development of a person centered comprehensive plan of care. The purpose of the assessment is to assess the support needs of the recipient for the provision of supports. The assessment shall be performed in the recipient's home or another location that the recipient's family or legal guardian chooses.

3. Comprehensive Plan of Care Development. The comprehensive plan of care (CPOC) is a written plan based upon assessment data (which may be multidisciplinary), observations, and other sources of information which reflect the recipient's needs, capacities, and priorities. The CPOC attempts to identify the supports required and the resources available to meet these needs.

a. The CPOC shall be developed through a collaborative process involving the recipient, family or legal guardian, case manager, other support systems, appropriate professionals, and service providers. It shall be developed in the presence of the recipient; therefore, it cannot be completed prior to a meeting with the recipient. The recipient, family or legal guardian, case manager, support system, and appropriate professional personnel shall be directly involved and agree to assume specific functions and responsibilities.

b. For initial CPOCs for the Office for Citizens with Developmental Disabilities (OCDD), the CPOC shall be completed and submitted for approval within 60 calendar days of the referral for case management services, and initial CPOCs for early and periodic screening, diagnosis and treatment (EPSDT), the CPOC shall be completed and submitted within 35 days.

4. - 5.c. ...

6. Case Management Reassessment. Reassessment is the process by which the baseline assessment is reviewed and information is gathered for evaluating and revising the overall CPOC. A complete review of the CPOC shall be performed on a quarterly basis, at a minimum, to assure that the goals and services are appropriate to the recipient's needs as identified in the assessment/reassessment process. A reassessment is also required when a major change occurs in the status of the recipient and/or his family or legal guardian.

7. - 7.b....

B. In addition to the provision of the core elements, OCDD and the Bureau of Health Services Financing will allow two quarterly visits per year, that are not the initial visit or the annual plan of care visit, to be conducted virtually in lieu of face-to-face visits as long as the case meets the criteria set forth by the department for targeted and waiver case management services. The Children's Choice Waiver requires an in-home visit within six to nine months of the start of a plan of care. Additionally, an in-home visit is required for the annual planning meeting. For Supports Waiver, an in-home visit is required once a year. The remaining quarterly visits may occur at the vocational agency's location. The agency shall ensure that more frequent home visits are performed if indicated in the recipient's CPOC. The purpose of the home visit, if it is determined necessary, is to:

1. - 3. ...

C. The agency shall also ensure that the service provider and recipient are given a copy of the recipient's most current CPOC and any subsequent updates.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Family Security, LR 12:834 (December 1986) amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 19:648 (May 1993), LR 23:732 (June 1997), repealed and promulgated LR 25:1251 (July 1999), repromulgated LR 30:1036 (May 2004), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 47:1125 (August 2021), LR 49:2108 (December 2023).

Chapter 105. Provider Participation

§10501. Participation Requirements

A. - A.4. ...

B. The following are enrollment requirements applicable to all case management agencies, regardless of the targeted or waiver group served. Failure to comply with these requirements may result in sanctions and/or recoupment and disenrollment. The agency shall:

1. demonstrate direct experience in successfully serving the target population and shall have demonstrated knowledge of available community services and methods for accessing them, including:

a. the maintenance of a current file containing community resources available to the target population and established linkages with those resources;

b. demonstrating knowledge of the eligibility requirements and application procedures for federal, state, and local government assistance programs which are applicable to the target population served; and

c. the employ of a sufficient number of case manager and supervisory staff to comply with the staff coverage, staffing qualifications and the maximum caseload size requirements described in §§10503, Provider Responsibilities and 10701, Reimbursement.

2. demonstrate administrative capacity and financial resources to provide all core elements of case management services and ensure effective service delivery in accordance with LDH licensing and programmatic requirements;

3. submit a yearly audit consisting only of case management costs only and have no outstanding or unresolved audit disclaimer(s) with LDH;

4. assure that all agency staff is employed in accordance with Internal Revenue Service (IRS) and Department of Labor regulations. The subcontracting of individual case managers and/or supervisors is prohibited. However, those agencies who have Medicaid performance agreements for case management services may subcontract with another licensed case management agency for case manager and/or supervisory staff if prior approval has been obtained from the department;

5. assure that all new staff satisfactorily completes an orientation and training program in the first 90 days of employment. All case managers shall attend all training mandated by the department. Each case manager and supervisor shall satisfactorily complete case management related training annually to meet the minimum training requirements;

6. submit to the local governing entity (LGE) an agency quality improvement plan (QIP) for approval within 90 days of enrollment. Six months following approval of the QIP and annually thereafter, the agency shall submit an agency self-evaluation in accordance with departmental guidelines;

7. document and maintain recipient records in accordance with federal and state regulations governing confidentiality and licensing requirements;

8. assure the recipient's right to elect to receive or terminate case management services (except for recipients in any OCDD waiver). Assure that each recipient is offered freedom of choice in the selection of an available case management agency (per agency policy);

9. assure that the agency and case managers shall not provide case management and Medicaid reimbursed direct services to the same recipient(s) unless by an affiliate agency with a separate board of directors;

10. with the recipient's permission, agree to maintain regular contact, share relevant information and coordinate medical services with the recipient's qualified licensed physician or other licensed health care practitioner who is acting within the scope of practice of his/her respective licensing board(s) and/or certification(s);

11. demonstrate the capacity to participate in the department's electronic data gathering system(s). All requirements for data submittal shall be followed and participation is required for all enrolled case management agencies. The software is the property of the department;

12. complete management reports; and

13. assure that all current and potential employees, contractors and other agents and affiliates have not been excluded from participation in any federal health care program by checking the Department of Health and Human Services' Office of Inspector General website and the LDH Adverse Actions website upon hire and monthly thereafter. Potential employees must also have a satisfactory response to a criminal background check as required by the EarlySteps program.

C. - C.13. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Family Security, LR 12:834 (December 1986) amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 23:732 (June 1997) repealed and promulgated LR 25:1251 (July 1999), amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Community Supports and Services, LR 29:38 (January 2003), repromulgated for inclusion in LAC, LR 30:1037 (May 2004), amended by the Department of Health and Hospitals, Office of the Secretary, Office of Citizens with Developmental Disabilities, LR 32:1608 (September 2006), amended LR 34:663 (April 2008), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 47:1126 (August 2021), LR 49:2108 (December 2023).

§10503. Provider Responsibilities

A. ...

B. Case management agencies shall maintain sufficient staff to serve recipients within the mandated caseload size of 35 with a supervisor to staff ratio of no more than eight case managers per supervisor. Agencies have the option to submit a written request to OCDD if they would like to exceed the 35 recipient maximum caseload per case manager on a time-limited basis. All exceptions to the maximum caseload size or full-time employment of staff requirements shall be prior authorized by the OCDD State Office Waiver Director/designee. All case managers shall be employed by the agency at least 40 hours per five business days and work at least 50 percent of the time during normal business hours. Case management supervisors shall be full-time employees and shall be continuously available to case managers. The agency shall have a written policy to ensure service coverage for all recipients during the normal absences of case managers and supervisors or prior to the filling of vacated staff positions.

C. The agency shall maintain a toll-free telephone number to ensure that recipients have access to case management services 24 hours a day, seven days a week. Recipients shall be able to reach an actual person in case of an emergency via answering service and not a recording.

D. ...

1. Each case management agency shall have a written job description and consultation plan that describes how the nurse consultant shall participate in the comprehensive plan of care (CPOC) development for medically complex individuals and others as indicated by the high-risk indicators.

2. ...

3. The nurse consultant shall be available to the case management agency at least four hours per week, whether on-site or remotely.

E. - E.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Family Security, LR 12:834 (December 1986) amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 23:732 (June 1997) repealed and promulgated LR 25:1251 (July 1999), amended by the Department of Health and

Hospitals, Office of the Secretary, Bureau of Community Supports and Services, LR 29:38 (January 2003), repromulgated for inclusion in LAC, LR 30:1038 (May 2004), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 47:1127 (August 2021), LR 49:2109 (December 2023).

§10505. Staff Education and Experience

A. ...

B. Case managers hired or promoted on or after the effective date of this rule revision shall meet the following criteria for education and experience qualifications:

1. - 3. ...

4. a bachelor's degree in liberal arts or general studies with a concentration of at least 16 hours in one of the fields listed in accordance with §10505.B.3; or

5. a bachelor's or master's degree in a field other than listed above, if approved by OCDD and the Bureau of Health Services Financing (BHSF).

C. Case management supervisors hired or promoted on or after the effective date of this rule revision, shall meet the following criteria for education and experience:

1. ...

2. a currently licensed registered nurse (RN) with at least two years of paid nursing experience; or

3. ...

4. a bachelor's degree in liberal arts or general studies with a concentration of at least 16 hours in one of the fields listed in §10505.C.3 and two years of paid post degree experience in providing support coordination services; or

5. a bachelor's or master's degree in a field other than listed above, if approved by OCDD and BHSF.

D. Nurse Consultant. The nurse consultant shall meet the following educational qualifications:

1. ...

2. have at least one year of paid experience as a registered nurse in a public health or human service field providing direct recipient services or case management.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Family Security, LR 12:834 (December 1986) amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 23:732 (June 1997) repealed and promulgated LR 25:1251 (July 1999), amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Community Supports and Services, LR 29:38 (January 2003), repromulgated for inclusion in LAC, LR 30:1038 (May 2004), amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 40:1700, 1701 (September 2014), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 47:1127 (August 2021), LR 49:2110 (December 2023).

Chapter 109. Infants and Toddlers

§10901. Introduction

A. This Chapter authorizes federal financial participation in the funding of optional targeted case management service for title XIX eligible infants and toddlers who are ages birth through 2 inclusive (0-35 months) who have a developmental delay or established medical condition associated with developmental delay according to the definition contained in part C of the Individuals with

Disabilities Education Act, Sec.635(a)(1) [20 USC 1435 (a)(1)] and as further defined in Title 34 of the Code of Federal Regulations, Part 303, Section 21 (infant or toddler with a disability).

B. - B.4. ...

C. Definitions

Parent—the term parent/legal guardian when used throughout this Subpart specifically in reference to parents or legal guardians of infants and toddlers aged birth through 2 inclusive (0-35 months) and having a developmental delay or an established medical condition associated with developmental delay refers to the definition of parent according to the Individuals with Disabilities Education Act, Part C and its accompanying regulations for Early Intervention Programs for Infants and Toddlers with Disabilities and therefore means the following:

a. - e. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 18:849 (August 1992), amended LR 20:18 (January 1994), repromulgated for inclusion in LAC, LR 30:1040 (May 2004), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 47:1129 (August 2021), LR 49:2110 (December 2023).

§10905. Staff Training

A. The provider shall ensure that Medicaid-funded family service coordination services for eligible beneficiaries are provided by qualified individuals who meet the following training requirements:

1. satisfactory completion of at least 16 hours of orientation prior to performing any family support coordination tasks and an additional 24 hours of related training during the first 90 days of employment. The 16 hours of orientation cover the following subjects:

2. The 24 hours of training to be completed within the first 90 days shall cover the following advanced subjects:

a. ...

b. child search and family support coordinator roles and responsibilities in depth;

c. - j. ...

B. In-service training specific to EarlySteps is to be arranged and coordinated by the regional coordinator and specific training content shall be approved by a subcommittee of the state Interagency Coordinating Council, including members from at least the Medicaid agency and the Department of Education. Advanced training in specific subjects (i.e., multidisciplinary evaluations and individualized family service plans) shall be completed by the new family service coordinator prior to assuming those duties.

C. The provider shall ensure that each family support coordinator has completed the required orientation and advanced training during the first 90 days of employment and at least 20 hours of approved in-service education in family service coordination and related areas annually.

D. The provider shall ensure that family support coordinators are supervised by qualified individuals who

meet the following licensure, education, experience, training, and other requirements:

1. satisfactorily completion of at least the 20 hours of family support coordination and related orientation required of family support coordinators during the first 90 days of employment before assuming supervision of any family service coordination;

2. supervisors shall also complete 20 hours of in-service training each year on such subjects as:

a. family support coordination;

D.2.b. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 18:849 (August 1992), amended LR 19:648 (May 1993), LR 20:18 (January 1994), repromulgated for inclusion in LAC, LR 30:1040 (May 2004), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 47:1129 (August 2021), LR 49:2110 (December 2023).

Chapter 113. Early and Periodic Screening, Diagnosis and Treatment

§11303. Recipient Qualifications

A. In order to be eligible to receive case management services, the EPSDT recipient shall be between the age of 0 and 21 and meet one of the following criteria:

1. - 2.a. ...

3. Documentation that substantiates that the EPSDT recipient meets the definition of special needs for case management services includes, but is not limited to:

a. - d. ...

e. a determination of developmental delay based upon:

i. - iii. ...

iv. an appropriate screening tool; or

v. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 26:2797 (December 2000) repromulgated for inclusion in LAC, LR 30:1042 (May 2004), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 47:1130 (August 2021), amended LR 49:2111 (December 2023).

Chapter 117. Individuals with Developmental Disabilities

§11703. Electronic Visit Verification

A. - A.1. ...

2. Reimbursement for services may be withheld or denied if a provider:

a. ...

b. uses the system in a manner that is not in compliance with Medicaid's policies and procedures for EVV.

3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 47:1131 (August 2021), amended LR 49:2111 (December 2023).

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of

Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Stephen R. Russo, JD
Secretary

2312#049

RULE

Department of Public Safety and Corrections Office of Motor Vehicles

Notification of Removal of License Plate by a Motor Vehicle Dealer (LAC 55:III.328)

Under the authority of R.S. 47:505, and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:961 et seq., the Office of Motor Vehicles adopts a new section, §328, in Chapter 3, regarding the removal a license plates by motor vehicle dealers who receive a lease return or who receive a previously-owned vehicle with the intention to sell the vehicle. This Rule shall become effective upon the promulgation of the Rule in the *Louisiana Register*. This Rule is hereby adopted on the day of promulgation.

Title 55

PUBLIC SAFETY

Part III. Motor Vehicles

Chapter 3. License Plates and Removal of Plates, Registrations, and Title Transactions

Subchapter A. Types of License Plates and Removal of Plates

§328. Notification of Removal of License Plate by a Motor Vehicle Dealer

A. Any dealer of motor vehicles who receives a lease return or a previously owned vehicle with the intention of reselling such vehicle shall remove the license plate from such vehicle before resale

B. The dealer, upon removal of the license plate, shall destroy the plate.

1. Acceptable methods of destroying the plate are:

a. return the license plate to the Office of Motor Vehicles or one of its authorized public tag agents;

b. render the plate in such a state that it may not be used on a motor vehicle.

C. After the dealer so removes the plate, he shall submit electronic notification to the Department of Public Safety and Corrections, Office of Motor Vehicles. Electronic notification shall be submitted to the electronic reporting system operated by the Department, or to a system approved by the department and owned and operated by an authorized public tag agent.

D. Electronic notification shall be made within 24 hours of the removal of the plate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:505.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 49:2111 (December 2023).

Karen St. Germain
Commissioner

2312#021

RULE

Department of Revenue Policy Services Division

Income Exemption for Digital Nomads (LAC 61:I.1357)

Under the authority of R.S. 47:297.18 and 1511, and in accordance with the provisions of the Administrative Procedures Act, R.S. 9:950 et seq., the Department of Revenue, Policy Services Division, (“the Department”) adopts LAC 61:I.1357 relative to the Louisiana individual income tax exemption for individual taxpayers who qualify as digital nomads.

R.S. 47:293(9)(a)(xxii) and 47:297.18, provide an individual income tax exemption for digital nomads, as defined therein. The digital nomad exemption authorizes individuals who qualify as a digital nomad to exempt up to 50 percent of their gross wages from state income tax, limited to \$150,000, for a period of up to two taxable years during taxable years 2022, 2023, 2024, and 2025. The primary purpose of this regulation is to implement R.S. 47:293(9)(a)(xxii) and 47:297.18 as enacted by Act 387 of the 2021 Regular Session while providing guidance to taxpayers seeking to claim the digital nomad exemption. This Rule is hereby adopted on the day of promulgation.

Title 61

REVENUE AND TAXATION

Part I. Taxes Collected and Administered by the Secretary of Revenue

Chapter 13. Income: Individual

§1357. Income Exemption for Digital Nomads

A. General Description

1. The Digital Nomads Exemption provides a state individual income tax exemption for digital nomads, as defined by R.S. 47:297.18, equal to 50 percent of their gross wages, limited to \$150,000, for a period of up to two taxable years during taxable years 2022, 2023, 2024, and 2025.

2. The exemption applies only to gross wages received for remote work performed as a digital nomad in Louisiana.

B. Definitions. For the purposes of this Section, the following terms shall have the meaning ascribed therein.

Coworking Space—a membership-based workspace where diverse groups of freelancers, remote workers, and other independent professionals work together in a shared, communal setting.

Department—the Louisiana Department of Revenue or its successor.

Employee—as defined in R.S. 47:111(A).

Employer—as defined in R.S. 47:111(B).

Full-Time Remote Worker—a remote worker employed on average for at least 30 hours of remote service per week.

Nonresident Business—any business entity that has not filed nor is required to file any state tax return in Louisiana for taxable periods beginning on or after January 1, 2021; has no employees other than those who qualify as digital nomads working remotely, agents, or independent contractors within the state; is not registered to do business in the state; and is not transacting business with residents of the state or otherwise availing itself of Louisiana’s economic market.

Remote Work Agreement—an agreement signed by the employer and the participating employee that defines the terms of a remote working arrangement, including the number of days per year the participating employee will work remotely and any restrictions on the place from which the participating employee will work remotely.

Remote Work—work performed within the ordinary course and scope of employment on a workday that ordinarily would be performed at the employer’s work location, from an approved worksite other than the employer’s work location.

C. Eligibility

1. To qualify as a digital nomad for the purposes of this exemption, an individual must meet the following criteria:

a. establish residency in Louisiana after December 31, 2021;

b. be a policyholder, subscriber, enrollee, or other individual enrolled in or insured by a health insurance issuer for major medical health insurance coverage;

c. work remotely full-time for a nonresident business;

d. must have the intent to work remotely in Louisiana prior to establishing residency;

e. must file a Louisiana resident or part-year resident individual income tax return for the taxable year in which they are claiming the exemption;

f. must not have been a resident or domiciliary of Louisiana for any of the three years immediately preceding the establishment of residency or domicile after December 31, 2021;

g. must not have been required to file a Louisiana resident or part-year resident individual income tax return for any of the three years prior to claiming the exemption and;

h. performs the majority of employment duties in Louisiana either remotely or at a co-working space.

2. Any nonresident service member of the Armed Forces of the United States of America and any spouse of a nonresident service member of the Armed Forces of the United States of America who meets the eligibility requirements of Paragraph 1 of this Subsection may qualify for the digital nomads exemption if:

a. the nonresident service member is present in Louisiana in compliance with the nonresident service member’s military orders;

b. the spouse is not a resident or domiciliary of Louisiana; and

c. the spouse is present in Louisiana solely to be with the nonresident service member.

3. Illustrative Examples. For each of the examples below, it shall be assumed that the eligibility requirements of Paragraph 1 of this Subsection have been met unless otherwise stated and the taxpayer continues qualifying employment for the second consecutive year.

a. A nonresident taxpayer working remotely full-time for a nonresident business relocates to and establishes residency in Louisiana on January 15, 2023, and continues to work remotely for the same nonresident business. The taxpayer will qualify for the income exemption for digital nomads for tax year 2023.

b. A nonresident taxpayer working remotely full-time for a nonresident business relocates to and establishes residency in Louisiana on January 15, 2023, and continues to work remotely for the same nonresident business. However, the taxpayer failed to timely apply for the exemption. The taxpayer does not qualify for the income exemption for digital nomads for the second year because he was required to file a Louisiana resident or part-year resident individual income tax return for tax year 2023.

c. A nonresident taxpayer working remotely full-time for a nonresident business relocates to Louisiana on March 24, 2023, solely to reside with their spouse who is a nonresident member of the Armed Forces of the United States of America stationed in Louisiana. The nonresident taxpayer continues to work remotely for the same nonresident business. The taxpayer will qualify for the income exemption for digital nomads for tax year 2023.

d. A nonresident taxpayer working remotely full-time for nonresident business "A" relocates to and establishes residency in Louisiana on May 23, 2023. The taxpayer terminates employment with nonresident business "A" on July 2, 2023, and begins full-time remote employment with nonresident business "B" on July 3, 2023. The taxpayer will qualify for the income exemption for digital nomads for tax year 2023.

e. A nonresident taxpayer working remotely full-time for nonresident business "A" relocates to and establishes residency in Louisiana on May 23, 2023. The taxpayer terminates employment with nonresident business "A" on July 2, 2023, and begins full-time remote employment with a resident business on July 3, 2023. The taxpayer will qualify for the income exemption for digital nomads for the income earned while working for nonresident business "A" for tax year 2023. However, the taxpayer does not qualify for the exemption for the second year.

f. A nonresident taxpayer relocates to and establishes residency in Louisiana on September 22, 2023 and begins working in person full-time for a resident business. The taxpayer terminates employment with the resident business and begins full-time remote employment with a nonresident business on October 30, 2023. The taxpayer does not qualify for the income exemption for digital nomads because he relocated to Louisiana for in-person employment with a resident business not as a remote worker for a nonresident business.

g. A nonresident, unemployed taxpayer relocates to and establishes residency in Louisiana on January 15, 2023 with an offer of employment to begin employment as full-time remote worker with a nonresident business on February 1, 2023. The taxpayer will qualify for the income exemption for digital nomads for tax year 2023.

h. A nonresident, unemployed taxpayer relocates to and establishes residency in Louisiana on January 15, 2023. Taxpayer subsequently finds and begins employment as full-time remote worker with a nonresident business on March 30, 2023. The taxpayer does not qualify for the income exemption for digital nomads because he had no intent to relocate to Louisiana to work remotely.

D. Limitations

1. The department may approve no more than 500 taxpayers for the life of the program. A taxpayer may be

approved for the exemption for a second year after receiving recertification.

2. No exemption is authorized for any wages earned by a digital nomad after December 31, 2025.

E. Application

1. Beginning January 1, 2023, taxpayers seeking to claim the digital nomad income tax exemption must apply each year by submitting Form R-90006, Digital Nomad Exemption Application and Certification of Exemption Amount. This annual application requirement applies to all taxpayers, including those who are applying for recertification for their second year of eligibility.

2. The application period for calendar year 2022 shall begin on February 1, 2023 and conclude on March 31, 2023. Thereafter, the application period shall begin on February 1 and conclude on March 31 of each subsequent calendar year for the prior year. If the start or end date falls on a weekend or holiday, the date will be the next business day. Applications may not be submitted and will not be accepted prior to, or subsequent to, the application period. Eligible applications shall be approved by the department on a first-come, first-served basis as determined by the received date and time of a completed digital nomad exemption application. An application shall not be considered complete until all information requested by the department has been received.

3. Taxpayers must electronically submit Form R-90006, Digital Nomad Exemption Application and Certification of Exemption Amount to the Department for review by submitting their application to DigitalNomadExemption@La.gov. A taxpayer is approved upon satisfactorily demonstrating that they have met the requirements of Subsection C of this Section during the calendar year.

4. Only applications concerning eligibility of gross wages earned for remote work performed by a digital nomad in the prior calendar year may be submitted and considered for purposes of the exemption.

5. Each application must contain an applicant's home mailing address, applicant's Social Security number, a copy of the applicant's remote work agreement, a copy of applicant's W-2 for the year for which the application is submitted, a copy of the first and last pay stub from applicant's employer for the year for which application is submitted, a copy of the first and last pay stub from applicant's employer for the dates that applicant worked remotely for the year for which application is submitted, and a copy of the applicant's Louisiana driver's license and voter registration card.

F. Certification

1. After review and determination of qualification, the Department shall provide a copy of the completed Form R-90006 to the taxpayer no later than April 30 of each calendar year notifying them as to whether their application has been approved or denied. If approved, the form shall notify the taxpayer of the amount eligible for the exemption, not to exceed 50 percent of the taxpayer's gross wages earned as a digital nomad, limited to \$150,000. If denied, the form shall provide the reasons for denial.

G. Claiming the Exemption.

1. Resident individual taxpayers shall make a modification on Schedule E of their Louisiana Form IT-540,

Louisiana Resident Income Tax Return, in accordance with La. R.S. 47:297.18. A part-year resident shall make the modification on the Nonresident and Part-Year Resident (NPR) Worksheet of the Louisiana Form IT-540B, Louisiana Nonresident and Part-Year Resident Income Tax Return.

2. The accrual of interest shall be suspended during any period of time that a delay in the issuance of a refund is attributable to the taxpayer's failure to provide information or documentation required herein, as provided by La. R.S. 47:1624(F).

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:297.18 and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 49:2112 (December 2023).

Kevin J. Richard, CPA
Secretary

2312#057

RULE

**Department of the State
Office of the Secretary of State**

Department Non-Statutory Fees (LAC 4:I.401)

Pursuant to the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and under the authority of R.S. 3:1447, R.S. 9:2782, R.S. 18:1293, R.S. 24:172, R.S. 24:173.1, R.S. 25:1282, R.S. 25:1284, R.S. 36:742, R.S. 40:1151.2, R.S. 43:19, R.S. 44.1 et seq., R.S. 44:402, R.S. 44:405, R.S. 44:406, R.S. 44:408, R.S. 44:415, R.S. 44:420, R.S. 44:421, R.S. 49:222(A), R.S. 49:227, R.S. 49:228, Hague Convention of 5 October 1961 Abolishing the Requirement of Legalization for Foreign Public Documents, and Hague Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption (22 CFR Part 96), the Department of State has adopted a non-statutory fee schedule for the Department of State. In addition, the Department of State is adopting rules and fees for the Louisiana State Archives Facilities. This Rule is hereby adopted on the day of promulgation.

Title 4

ADMINISTRATION

Part I. General Provisions

Chapter 4. Department of State

§401. Department of State Non-Statutory Fee Schedule

A. The Department of State has established non-statutory fee schedules for various filings, services, and publications. If a product referred to in the schedules shown below has to be mailed, the cost for mailing said product would be added to the fee charged.

1. Department of State General Fees

Item	Fee
Express Delivery (Cost Per Package)	Actual Cost
Non-Sufficient Funds Charge	\$25.00
Photocopies (Per Page)	\$0.25
Postage (Per Package)	Actual Cost
Public Records Request Fee (Certify Public Records) (Cost Per Certification Form)	\$20.00
Public Records Request Fee (Cost Per Page up to 8 1/2" X 14") (Two-sided copy is charged as two pages)	\$0.25

Item	Fee
(Including Facsimile)	
Public Records Request Fee (Cost Per Page for Printed Copy Greater Than 8 1/2" X 14") (Two-sided copy is charged as two pages)	Actual Cost
Public Records Request Fee (Cost Per Page for CD-ROM or USB Drive)	\$0.25
Public Records Request Fee (Cost Per Page for Electronic File Emailed)	\$0.25

2. Business Services Division—Commercial

Item	Fee
Corporations –	
Complete Corporation Information Computer Data Transfer	
Weekly, Per Initial Load	\$2,500.00
50 Files at \$200 Per Week	\$10,000.00
Total	\$12,500.00
Monthly, Per Initial Load	\$2,500.00
11 Monthly Files at \$400	\$4,400.00
Total	\$6,900.00
Monthly Trade Names Only, 12 Monthly Files	
Total	\$1,725.00
Customized Computer List (Per Page)	\$25 for 1 st 40 Records Plus \$0.01 Per Each Additional Record
Miscellaneous Corporations Fees --	
Agent for Service of Process	\$15.00
Certificate for Service of Process	\$20.00
Political Subdivision	\$10.00
Power of Attorney	\$25.00
Uniform Commercial Code –	
Direct Access Fee, Annual Subscription, Unlimited Usage	\$400.00
Monthly Updates Information Computer Data Transfer, Annual Fee, Monthly Updates Subscription	\$6,900.00

3. Legal Division—Commissions

Item	Fee
Adoptions (Apostilles or Authentication Certificates) (Cost Per Certificate)	\$10.00
Apostille Certificate (Cost Per Certificate)	\$20.00
Certificate of Authentication (Cost Per Certificate)	\$20.00
Certificate of a Pardon (Cost Per Certificate)	\$20.00
Certified Document (Executive Orders or Proclamations) (Per Document)	\$20.00
Replacement Commission Certificate	\$20.00
Replacement Identification Card	\$5.00

4. Election Services—Publications

Item	Fee
Bond Registration Certificate (Municipal Bonds) (Optional)	\$10.00
Certified Copy (In Addition to Per Page Fee)	\$20.00
Certified Copy of "Living Will" Declaration Registration	\$20.00
"Living Will" Replacement of Identification Card	\$5.00
Proces Verbal	
Recordation	\$10.00
Proces Verbal (Cost Per Page)	\$2.00
Public Officials Signature Registration Certificate	\$10.00
Publications	
Ballot Box	\$5.00
Buckram Bound Acts of Legislature	
2010/I, II and III (2010 Regular Session)	\$172.00
2011/I and II (2011 Regular and 1st Extraordinary Sessions)	\$120.00

Item	Fee
2012/I, II and III (2012 Regular Session)	\$174.00
2013/I and II (2013 Regular Session)	\$120.00
2014/I and II (2014 Regular Session)	\$170.00
2015/I and II (2015 Regular Session)	\$205.00
2016/I and II (2016 Regular Session)	\$340.00
2017/I and II (2017 Regular Session and 1st and 2nd Extraordinary Sessions)	\$250.00
Future Issues (Printed Annually) *	Varies
Code of Governmental Ethics	\$5.00
Corporation Law	\$25.00
Election Code	\$20.00
Lawrason Act	\$5.00
Legislative Calendar of the Legislature	\$25.00
Official Journal of the Proceedings of the House of Representatives	\$25.00
Official Journal of the Proceedings of the Senate	\$25.00
Report of Secretary of State CY 2009 and CY 2010	\$63.00
Report of Secretary of State CY 2011 and CY 2012	\$60.00
Report of Secretary of State CY 2013 and CY 2014	\$70.00
Report of Secretary of State CY 2015 and CY 2016	\$40.00
Report of Secretary of State (Future Issues) (Printed Bi-Annually) *	Varies
Roster of Officials 2012	\$25.00
Roster of Officials 2016	\$30.00
Roster of Officials (Future Issues) (Printed Every 4 Years)**	Varies

The department shall publish the cost in *The Advocate* annually for these publications and will post the costs on the department's website after the cost for each publication is determined.

*Pursuant to R.S. 43:22, the formula for the cost for publishing the Buckram Bound Acts of Legislature is as follows: Printing Estimate + 10 percent of the Printing Cost + Postage/Quantity of Books Ordered.

**The cost for these publications may vary and is based upon the following: Printing Estimate + Department Staff Costs + Postage/Quantity of Books Ordered.

5. State Archives Division—Archives Reproduction and Research Section ¹

Item	Fee
Digital Imaging -	
600 Pixels Per Inch .TIFF Digital Image (Not for Commercial Use) (For Existing Original Photograph Collections Only) (See Reproduction Rights Fee) 2	\$10.00
Reproduction Rights Fee (Commercial Use Only) (Per Image) 3	\$100.00
Oversized Digital Image Capture	\$20.00
Legislative Committee Hearing/Meeting	
For Public (Cost Per Digital Audio File)	\$20.00
For State Agency (Cost Per Digital Audio File)	\$10.00
Photocopy Reproduction --	
Confederate Pension Records Applications (Per Individual) (Cost Per One Application)	\$20.00
Military Service Records (Confederate Soldiers Military Records From Louisiana and World War I Discharge Records) (Cost Per Individual)	\$15.00
Other Historical Documents (Per Act 602 of the 2006 Regular Legislative Session) (Louisiana Governmental Agencies Only) (Cost Per Set)	\$10.00
Proces Verbal	
Certification	\$20.00
Proces Verbal (Cost Per Page)	\$2.00
Self-Service Charges	
Book Scanner (Cost Per Page or Digital Image)	\$0.25
Computer Printouts (Cost Per Page)	\$0.25
Microfilm (Cost Per Page or Digital Image)	\$0.50
Photocopies (Cost Per Page or Digital Image)	\$0.25
Staff Reproduction of Archival Material	

Item	Fee
Document Certification (Cost Per Record)	\$20.00
Public Vital Records (Certified) (Cost Per Record)	\$10.00
Public Vital Records (Certified Letter of "No Record After Reasonable Search") (Per Individual, Per Spelling Variation)	\$20.00
Public Vital Records, Photocopy/Digital Image (Non-certified) (Cost Per Record)	\$5.00
Flash Drive—2GB (with State Seal) (Includes first 10 Digital Images)	\$15.00
Microfilm Duplication of Existing Roll (Cost Per Roll)	
16mm Reel	\$30.00
35mm Reel	\$45.00

¹ Fees are for research and must be collected for both successful and unsuccessful searches. No research will be conducted until payment is approved or received.

² Refer to the Louisiana State Archives Policy on the Reproduction of Archival Images (Form LH10).

³ Refer to the Louisiana State Archives Policy on the Reproduction of Archival Images (Form LH10) and Request for Permission to Publicly Display Images for Commercial Use (Form LF12).

a. The following forms will be used when requesting reproduction of archival images and requesting permission to publicly display images for commercial use:

- i. Policy on the reproduction of Archival Images (Form LH10); and/or
- ii. Request for Permission to Publicly Display Images for Commercial Use (Form LFP12).

6. State Archives Division—Audiovisual Archives

Item	Fee
Audio and Video Fees -	
Low Resolution video preview files provided in MP4 format	No cost
Materials Charge (Cost per storage media)	\$15.00
Multimedia Archives License Fee Schedule -	
Feature Film (per second)	
United State Only	\$80.00
Worldwide	\$90.00
Film Festival Only (per second)	
Within State of Louisiana Only	\$15.00
United States	\$20.00
Worldwide	\$25.00
Television Broadcast (per second)	
Within State of Louisiana Only	\$30.00
United States	\$40.00
Worldwide	\$50.00
Television Broadcast Non-Commercial PBS Station (per second)	
Within State of Louisiana only	\$15.00
United States only	\$20.00
Worldwide	\$25.00
Premium Streaming Service (Netflix, Hulu, etc.) (per second)	
United States only	\$40.00
Worldwide	\$50.00
Educational, Non-commercial Distribution Only (per second)	
Within State of Louisiana only	\$15.00
United States only	\$20.00
Worldwide	\$25.00
Television Commercial (per second)	
Within State of Louisiana only (single market)	\$30.00
United States only	\$40.00
Worldwide	\$50.00
Corporate Presentation (per second)	
Located Within State of Louisiana only	\$15.00
Located United States only	\$20.00
Located Worldwide	\$25.00
Live Event (per second)	

Item	Fee
Located Within State of Louisiana only	\$15.00
Located United States only	\$20.00
Located Worldwide	\$25.00
Live Event Non-Profit (per second)	
Located Within State of Louisiana only	\$10.00
Located United States only	\$15.00
Located Worldwide	\$20.00
Concert (per second)	
Located Within State of Louisiana only	\$20.00
Located United States only	\$25.00
Located Worldwide	\$30.00
Concert Non-Profit (per second)	
Located Within State of Louisiana only	\$15.00
Located United States only	\$20.00
Located Worldwide	\$25.00
Museum Exhibit (per second)	
Located Within State of Louisiana only	\$10.00
Located United States only	\$15.00
Located Worldwide	\$20.00
Music Video (per second)	
Within State of Louisiana only	\$10.00
United States only	\$15.00
Worldwide	\$20.00
Industrial Communication (non-broadcast) (per second)	
Within State of Louisiana only	\$20.00
United States only	\$25.00
Worldwide	\$30.00
Web Player—Commercial (web hosted and protected from download) (per second)—Term limits apply	
Worldwide	\$30.00
Webplayer—Non-Commercial (web hosted and protected from download) (per second)—Term limits apply	
Worldwide	\$15.00
Radio Transmission (per second)	
Within State of Louisiana only	\$15.00
United States only	\$20.00
Worldwide	\$25.00
All media, Not known, Worldwide	\$100.00

7. State Archives Division—Imaging and Preservation Services (For Agencies Only) ¹

Item	Fee
Paper Record Conversion Services	
Paper to Microfilm or Digital (per image)*	\$0.10
Paper to Microfilm and Digital (per image)*	\$0.15
Microfilm Conversion Services	
Microfilm to Digital (per image, TIF or PDF)*	\$0.07
Microfilm to Digital (per image, TIF and PDF)*	\$0.08
Additional indexing (per field, per series)	\$0.05
Image Capture	
Digital to Microfilm (TIF or PDF, per image)*	\$0.07
Additional Services/Add-ons	
2 nd Diazo Duplicate Reel (16 mm)	\$15.00
2 nd Diazo Duplicate Reel (35 mm)	\$20.00
2 nd Silver Original Reel 16mm (Dual Reels 100')	\$18.00
2 nd Silver Original Reel 16mm (Dual Reels 215')	\$20.00
Add-on Image to Microfiche Jacket	\$0.30
Load Reel onto Cartridge	\$12.00
Microfiche Jacket	\$0.60
Microfilm Duplication of Existing Roll (Cost Per Roll)	
16 mm Reel	\$25.00
35 mm Reel	\$40.00
Delivery of Digital Media Storage Type	
External Hard Drive (per drive)	At Cost
Media by Data Exchange (FTP, per gigabyte)	No Charge
Archival Supplies utilized for original materials returned to agency post-digitization (boxes, folders, etc.)	At Cost

¹Above pricing may include the following services as applicable: pickup, document preparation, filming, processing, storage of original reel at the Louisiana State Archives Facility, duplicate reel sent to agency, disposal of original documents, and/or return of documents per agency instruction or approval. For more details or job price quotes, please contact the imaging and preservation services program at (225) 922-1000.

*Conversion services for digital media includes basic editing, quality control, and the first two fields of indexing.

8. State Archives Division—Records Center (For State Agencies Only)

Item	Fee
Package of Cubic Foot Boxes (25 Boxes in Package)	At Cost
Intake and Disposal Fee	At Cost

Due to the fluctuation in the department's procurement cost of the storage boxes, and destruction by outside vendors, the actual cost for storage boxes and destruction will be assessed and will be posted on the department's website.

B. Method of Payment

1. The acceptable methods of payment for fees specified in Subsection A above are credit card (see bankcard convenience fee below), check, money order, or cash. Checks and money orders should be made to the Department of State.

2. There is a service charge for using a bankcard for transactions conducted via internet, postal mail, email, FAX, and telephone requests. If using a credit or debit card for an in-person transaction, there is no service charge. Since the bankcard convenience fee has to be approved by the State Treasurer, the fee will be posted on the department's website. This amount may vary.

3. Payments from state entities are to be processed through authorized state accounting systems.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1447, R.S. 9:2782, R.S. 18:1293, R.S. 24:172, R.S. 24:173.1, R.S. 25:1282, R.S. 25:1284, R.S. 36:742, R.S. 40:1151.2, R.S. 43:19, R.S. 43:22, R.S. 44:1 et seq., R.S. 44:402, R.S. 44:405, R.S. 44:406, R.S. 44:408, R.S. 44:415, R.S. 44:420, R.S. 44:421, R.S. 49:222(A), R.S. 49:227, R.S. 49:228, Hague Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents, and Hague Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption (22 CFR 96).

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, LR 43:2537 (December 2017), amended LR 44:2222 (December 2018), LR 49:2114 (December 2023).

§403. Department of State Public Records Request

A. The Department of State processes public records requests during regular business hours (Monday through Friday from 8 a.m. to 4:30 p.m.) each business day. The department does not process requests on Saturdays, Sundays, or state holidays.

B. All requests shall be made in writing and may be made by completing a form that will be provided on the department's website. If the copies are to be certified, the person making the request should notify the department when making his request. Certified copies are not available when transmitting records via email, except for commercial records.

C. When submitting a request in writing or in-person, the requestor should use the following address: Department of State, Attention: Legal Division (Public Records Request),

8585 Archives Blvd., P. O. Box 94125, Baton Rouge, LA 70804-9125. Requests may also be made online by answering all of the questions provided on the form and submitting the request to the following email address: PublicRecordsRequest@sos.la.gov.

D. Every public records request shall provide a detailed description of the documents being requested. In addition, the requestor shall inform the department as to the format (i.e., hard copy, electronic copy, USB drive, CD, tape, etc.) to use when submitting the documents to the requestor. In addition, he must stipulate the delivery method (U.S postal service, express mail, electronic delivery, in-person, or fax) that will be used to submit documents to requestor.

E. After the department processes the request, an estimate of the costs will be submitted to the requestor utilizing the costs specified in §401 above plus the cost of delivery. All payments can be made utilizing a credit card (see §401.B.2 above for convenience fee), check, or money order. Once the department receives the funds from the requestor, the department will release the documents to the requestor.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:742, R.S. 44:1 et seq., and R.S. 49:222(A).

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, LR 43:2539 (December 2017), amended LR 49:2116 (December 2023).

§405. Louisiana State Archives Facilities

A. All organizations wishing to rent facilities at the Louisiana State Archives building should review the Rental Policy and Damage Assessment Checklist, found on the department's website, and will be required to complete a Louisiana State Archives Event Registration Request Form. On the form, the organization will be required to acknowledge agreement with the indemnification provision specified on the form. The completed form should be mailed to the Louisiana Department of State, Archives Division, P.O. Box 94125, Baton Rouge, LA 70804-9125. The form may also be mailed to the Archives Division. If there are any questions, call the state archives facility at (225) 922-1000.

Item	Fee
Non-Profit Government Agency	
After hours rental	\$150.00
For Profit/Commercial	
1/2 day rental	\$125.00
Full day rental	\$200.00
After hours rental	\$400.00
Damage Assessment	\$500.00

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:742, R.S. 44:408, and R.S. 49:222(A).

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, LR 43:2540 (December 2017), amended LR 49:2117 (December 2023).

R. Kyle Ardoin
Secretary of State

2312#053

RULE

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

Bowfishing Permit (LAC 76:VII.387)

The Wildlife and Fisheries Commission does hereby promulgate rules and regulations governing the issuance of a recreational bowfishing permit for both the private and charter sectors of the recreational fishery. In order to effectively manage important saltwater recreational species, the Department of Wildlife and Fisheries needs to define the universe of anglers harvesting saltwater species or species available in the saltwater areas of the state utilizing bowfishing gear. The authority for promulgation of this Rule is included in the Administrative Procedure Act, R.S. 49:950 et seq., and through the authority granted in R.S. 56:6(25)(a) and (34), and R.S. 56:326.3 to the Wildlife and Fisheries Commission. This Rule is hereby adopted on the day of promulgation.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

**Chapter 3. Saltwater Sport and Commercial Fishery
§387. Recreational Bowfishing Permit**

A. Any person 18 years of age or older taking, or attempting to take saltwater recreational fish with bowfishing gear, or engaging in bowfishing activity south of the designated saltwater line described in R.S. 56:322 must have in their immediate possession a recreational bowfishing permit. Any person on a trip aboard a charter vessel or a vessel that is representing itself as a charter vessel, who pays a fee for that trip, is not required to have this permit, but the permit is required for the captain of that charter vessel. The recreational bowfishing permit shall be available for inspection by a duly authorized agent of the department.

B. Permits may be obtained at no cost, from the Department of Wildlife and Fisheries (DWF) or DWF authorized methods, by persons who hold any valid license authorizing the taking and possessing of saltwater species of fish. Permits shall be valid one year from the date issued.

C. Failure to comply with the provisions of this Section shall constitute a class one violation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6(25)(a) and (34), and R.S. 56:326.3.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 49:2117 (December 2023).

Robert E. Shadoin
Secretary

2312#054

RULE

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

Special Bait Dealer’s Permit (LAC 76:VII.329)

In accordance with the Administrative Procedure Act, R.S. 49:961 et seq., and through the authority granted in R.S. 56:497(C), the Wildlife and Fisheries Commission does hereby amend a Rule, LAC 76:VII.329, which provides for a special bait dealer’s permit program.

The amendment extends the sunset provision of the current rule allowing fishermen to utilize commercial fishing gear during closed season when fishing under a valid special bait dealer’s permit provided by the department. Previous regulatory action allowed for larger nets to be fished under the special bait dealer’s permit during closed shrimp seasons to adequately provide live bait for recreational fishermen, while allowing uninterrupted operation for the commercial establishments that sell live bait. The use of this expanded gear will only be authorized through the 2026 commercial license year, so that the effects of the regulation on the resource and the industry may be evaluated at such time. This Rule is hereby adopted on the day of promulgation.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 3. Saltwater Sport and Commercial Fishery

§329. Special Bait Dealer’s Permit

A. - C.8.a. ...

9. Notwithstanding any portion of this Section to the contrary, permitted gear when operating under the special bait dealer’s permit is as follows:

a. one trawl measuring 50 feet long and less along the cork line and 66 feet long or less along the lead line. Mesh size must be at least 5/8-inch bar or 1-1/4 inches stretched and 3/4-inch bar or 1-1/2 inches stretched during the fall inshore shrimp season from the western shore of Vermilion Bay and Southwest Pass at Marsh Island to the Atchafalaya River;

b. double skimmer nets may have an opening circumference of no more than 72 feet for each net and a maximum lead line length of 33 feet. Skimmer nets may be mounted to the horizontal net frame at any distance from the gunwale of the vessel as long as the mounting distance and horizontal length of the net frame does not exceed 20 feet from the gunwale. Mesh size must be at least 5/8-inch bar or 1-1/4 inches stretched and 3/4-inch bar or 1-1/2 inches stretched during the fall inshore shrimp season from the western shore of Vermilion Bay and Southwest Pass at Marsh Island to the Atchafalaya River;

c. the provisions of this Paragraph shall be effective until December 31, 2026.

C.10. - D.1. ...

AUTHORITY NOTE: Promulgated in accordance with LA R.S. 56:326.3 and 56:497(C).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 3:210 (April 1977), amended LR 15:867 (October 1989), LR 19:215 (February 1993), LR 23:86 (January 1997), LR 33:864 (May 2007), LR 36:77 (January 2010), LR 38:3250 (December 2012), LR 47:1651 (November 2021), LR 49:2118 (December2023).

Robert E. Shadoin
Secretary

2312#037

RULE

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

**Formula for Distribution of Federal Funds
(LAC 22:III.5701 and 5703)**

In accordance with the provision of R.S. 15:1204, R.S. 14:1207, and R.S. 49:950 et seq., the Administrative Procedure Act, the Commission on Law Enforcement and Administration of Criminal Justice has amended rules and regulations relative to the formula for distribution of federal grant funds. This Rule is hereby adopted on the day of promulgation.

Title 22

**CORRECTIONS, CRIMINAL JUSTICE, and LAW
ENFORCEMENT**

**Part III. Commission on Law Enforcement and
Administration of Criminal Justice**

**Subpart 5. Grant Application or Subgrants Utilizing
Federal, State or Self-Generated Funds**

**Chapter 57. Formula for Distribution of Federal
Grant Funds**

§5701. Adoption

A. The proposed distribution formula for federal grant funds was adopted by the commission at its meeting on June 22, 2023.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:1201, et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Commission on Law Enforcement and Administration of Criminal Justice, LR 26:1018 (May 2000), amended LR 38:1588 (July 2012), LR 49:2118 (December 2023).

§5703. Distribution Formula

A. - A.3. ...

B. Given the changes in the state's crime, population, and manpower figures since 1977, the commission collected data on the aforementioned variables through the year 2022, to include the most recent year for which data was available. The distribution formula devised for the years 2023 through 2031 modifies the variable base and maintains the rural and urban adjustments to reflect existing conditions within each planning district.

C. The proposed distribution formula percentage for each Law Enforcement Planning District for the years 2023

through 2031, as based on the most recent data, is as follows.

Law Enforcement Planning District	Formula Distribution Percentage
Northwest	12.20
North Delta	10.09
Red River	9.59
Evangeline	10.28
Capital	19.31
Southwest	10.11
Metropolitan	17.79
Orleans	10.63

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:1201, et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Commission on Law Enforcement and Administration of Criminal Justice, LR 26:1018 (May 2000), amended LR 38:1588 (July 2012), LR 49:2118 (December 2023).

Jim Craft
Executive Director

2312#065

Notices of Intent

NOTICE OF INTENT

Office of the Governor Board of Architectural Examiners

Meetings (LAC 46:I.307)

Notice is hereby given that the Board of Architectural Examiners, in accordance with the provisions of R.S. 49:950 et seq., and through the authority granted in R.S. 37:144(C), proposes to amend LAC 46:I.307 pertaining to accessibility during its meetings.

Act 393 of the 2023 regular session mandates that state agencies adopt rules for public participation and member participation for those with a disability recognized by the Americans with Disability Act. The following Rule allows for access to open meetings held by the Louisiana State Board of Architectural Examiners. This proposed Rule amendment will accommodate participation on an individual basis via electronic means by members of the public with a disability, designated caregivers of such persons, and participant board members with a disability who request accommodation.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part I. Architects

Chapter 3. Organization

§307. Meetings

A. There shall be at least four regular meetings each year. All meetings shall be held in compliance with the Louisiana Open Meetings Law, R.S. 42:11 et seq. If the executive director or the president decide additional meetings are necessary, a special meeting may be called by due notification of all members of the board. A special meeting of the board shall be called by the president upon the request of any two members by giving at least a 10-day written notice to each member of the time and place of such meeting. The LSB AE shall provide for participation via electronic means on an individualized basis by people with disabilities.

B. People with disabilities are defined as any of the following:

1. a member of the public with a disability recognized by the Americans with Disabilities Act (ADA);
2. a designated caregiver of such a person; or
3. a participant board member with an ADA-qualifying disability.

C. The written public notice for an open meeting, as required by R.S. 42:19, shall include the name, telephone number and email address of the agency representative to whom a disability accommodation may be submitted.

D. The requestor shall be provided with an accommodation, including the teleconference and/or video conference link, for participation via electronic means as

soon as possible following receipt of the request, but no later than the start of the scheduled meeting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Adopted by the Department of Commerce, Board of Architectural Examiners, December 1965, amended May 1973, amended and promulgated LR 4:333 (September 1978), amended LR 10:738 (October 1984), repromulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:559 (April 2003), amended LR 50:

Family Impact Statement

In accordance with R.S. 49:961(A)(2)(h)(i) and 972, the following Family Impact Statement is submitted with the Notice of Intent for publication in the *Louisiana Register*: The proposed Rule has no known impact on family formation, stability, or autonomy.

Poverty Impact Statement

In accordance with R.S. 49:961(A)(2)(h)(ii) and 973, the following Poverty Impact Statement is submitted with the Notice of Intent for publication in the *Louisiana Register*: The proposed Rule has no known impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

Small Business Analysis

In accordance with R.S. 49:961(A)(2)(h)(iv) and 974.5, the following Small Business Regulatory Flexibility Analysis is submitted with the Notice of Intent for publication in the *Louisiana Register*: The impact of the proposed Rule on small businesses has been considered. LSB AE has, consistent with health, safety, environmental, and economic welfare, considered utilizing regulatory methods that will accomplish the objective of applicable statutes while minimizing adverse impact on small businesses. The proposed Rule is not anticipated to have an adverse impact on small businesses.

Provider Impact Statement

In accordance with HCR 170 of the 2014 Regular Legislative Session, the following Provider Impact Statement is submitted with the Notice of Intent for publication in the *Louisiana Register*: The proposed Rule has no known effect on the staffing level requirements or qualifications required to provide the same level of service, the cost to the provider to provide such services, or the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments on the proposed Rule to Tyson Ducote, Executive Director, Louisiana State Board of Architectural Examiners, 9625 Fenway Avenue, Suite B, Baton Rouge, LA 70809. All comments must be submitted by 4:30 pm on January 15, 2024.

Tyson Ducote
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

RULE TITLE: Meetings

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

The proposed rule change is not anticipated to have any costs or savings to state or local governmental units.

The proposed rule change, mandated by Act 393 of the 2023 Regular Legislative Session, (i) requires the Louisiana State Board of Architectural Examiners (LSBAE) to accommodate individual participation in its meetings via electronic means by members of the public with a disability recognized by the Americans with Disability Act, designated caregivers of such persons, and participant board members with an ADA-qualifying disability who request accommodation, and (ii) sets forth the required procedures for providing public notice of meetings and for the board receiving and accommodating requests for participation in its meetings by persons with disabilities. Requests for accommodation made under the proposed rule will be handled by existing staff using technology already owned by the board and will not cause any increase in expenditure.

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

There is no anticipated effect on revenue collections of state or local governmental units as a result of the proposed rule change.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule change has no anticipated economic impact to directly affected persons, small businesses, or non-governmental groups. The board's existing policy is and has been to make reasonable accommodations for any person with a disability so that they may participate fully in board meetings. The proposed change merely clarifies and codifies existing board policy.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated effect on competition and employment as a result of the proposed rule change.

Tyson J. Ducote
Executive Director
2312#033

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Office of the Governor
Division of Administration
Office of the Commissioner**

Public Meetings via Electronic Means (LAC 4:I.101)

In accordance with the provisions of R.S. 49:950 et seq., and through the authority granted in R.S. 39:4, the Division of Administration (DOA), Office of the Commissioner proposes to adopt LAC 4:I.Chapter 9. The purpose of the proposed Rule is to accommodate people with disabilities so that they may participate via electronic means in public meetings of public bodies within the DOA. Such rulemaking is required by Act 393 of the 2023 Regular Session of the Louisiana Legislature, specifically R.S. 42:14(E)(4) and R.S. 42:17.2.1(B).

Title 4

ADMINISTRATION

Part XXIII. ADA Accessibility

Chapter 1. Public Meetings via Electronic Means

§101. Disability Accommodations

A. People with disabilities may request access to and participation in public meetings via electronic means for any public bodies within the DOA.

B. People with disabilities are defined as any of the following:

1. a member of the public with a disability recognized by the Americans with Disabilities Act (ADA);
2. a designated caregiver of such a person; or
3. a participating member of the public body with an ADA-recognized disability.

C. People with disabilities interested in participating via electronic means and/or providing written comments on agenda items should submit such to the DOA designated agency representative listed on the written public notice required by R.S. 42:19 in advance of the applicable meeting.

D. People with disabilities shall be provided the teleconference phone number and/or videoconference link as soon as possible following receipt by the DOA designated agency representative of their request, but no later than the start of the scheduled meeting.

AUTHORITY NOTE: Promulgated in accordance with Act 393 of the 2023 Regular Session of the Louisiana Legislature.

HISTORICAL NOTE: Promulgated by Office of the Governor, Division of Administration, LR 50:

Family Impact Statement

In accordance with R.S. 49:972, the impact of this proposed rule on the family has been considered. It has a positive impact on family functioning, stability and autonomy by removing barriers that prevent people with disabilities from equal opportunity and full participation in the public policy-making process. Moreover, it allows people with disabilities and their caregivers the opportunity to attend public meetings via electronic means without disrupting the daily routine as otherwise required for in-person attendance, such as time away from the home and arrangements for an alternate caregiver.

Poverty Impact Statement

In accordance with R.S. 49:973, the impact of this proposed Rule on poverty issues has been considered. It has no known or foreseeable effect on: household income, assets, and financial security; early childhood development; employment and workforce development; taxes and tax credits; or assistance for child and dependent care, housing, health care, nutrition, transportation and utilities.

Small Business Analysis

In accordance with R.S. 49:974.5, the impact of this proposed Rule on small businesses has been considered. There is no known or foreseeable adverse impact on small businesses. Therefore, a Small Business Economic Impact Statement has not been prepared.

Provider Impact Statement

In accordance with House Concurrent Resolution 170 of the 2014 Regular Session, the impact of this proposed Rule on organizations that provide services for individuals with developmental disabilities has been considered. It does not

have any effect on provider staffing levels, qualifications, costs, or overall ability of providers to provide the same level of service.

Public Comments

All interested persons are invited to submit written comments on the proposed Rule. Such comments should be submitted by email or mail to Rikki Nicole David, Division of Administration, Office of the State Americans with Disabilities Act Coordinator, at Rikki.David@la.gov or P.O. Box 94095, Baton Rouge, LA 70804-9095. All written comments must be received on or before January 10, 2024 at 4:30 p.m. If necessary, a public hearing will be scheduled pursuant to R.S. 49:961(B)(1).

Jay Dardenne
Commissioner

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Public Meetings via Electronic Means**

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

Other than publication costs associated with the proposed rule changes, it is not anticipated that state or local governmental units will incur any costs or savings as a result of this rule. In compliance with Act 393 of the 2023 RS, the Office of the Commissioner proposes to adopt Section 901 (Disability Accommodations) of Part I, Chapter 9 of Title 4 of the Louisiana Administrative Code. Specifically, the rule establishes the framework for teleconferencing or videoconferencing of board meetings. The Office of the Commissioner is already in possession of the equipment necessary to provide teleconference or video conference participation in its meetings; therefore, there are no implementation costs.

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

There is no anticipated effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

Electronic meetings could potentially reduce expenses to directly affected persons, small businesses, or non-governmental groups by negating the need for travel to a board meeting.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Implementation of this proposed rule is not expected to have an effect on competition and employment.

Jay Dardenne
Commissioner
2312#034

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Office of the Governor
Division of Administration
Racing Commission**

**Association Annual Plan of Operation Report
(LAC 35:III.5773)**

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and through the authority granted in R.S. 4:148, notice is hereby given that the Racing Commission proposes to amend LAC 35:III.5773. The proposed amendment is a technical change that specifies the due date of a Racing Association’s Annual Plan of Operation Reports from January 30 following the fiscal year end to a date as specified by the Racing Commission in order to account for different associations’ fiscal year ends.

Title 35

HORSE RACING

**Part III. Personnel, Registration and Licensing
Chapter 57. Associations’ Duties and Obligations
§5773. Association Annual Plan of Operation Report**

A. An association shall provide an annual report to the commission, due by the date specified by the commission after each fiscal year ends starting with fiscal year 2022, regarding the association’s plan of operation for the upcoming fiscal year to include details about:

1. - 7. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:142, R.S. 4:148, and R.S. 4:164.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Racing Commission, LR 49:868 (May 2023), amended LR 50:

Family Impact Statement

This proposed Rule has no known impact on family formation, stability, and/or autonomy as described in R.S. 49:972.

Poverty Impact Statement

This proposed Rule has no known impact on poverty as described in R.S. 49:973.

Small Business Analysis

This proposed Rule has no known measurable impact on small businesses as described in R.S. 49:965.6.

Provider Impact Statement

This proposed Rule has no known impact on providers of services for individuals with developmental disabilities.

Public Comments

The domicile office of the Louisiana State Racing Commission is open from 8:00 a.m. to 4:30 p.m. Monday - Friday, and interested parties may submit oral or written comments, data, views, or arguments relative to this proposed rule for a period up to 20 days (exclusive of weekends and state holidays) from the date of this

publication to Brett Bonin, Assistant Attorney General, 320 North Carrollton Avenue, Suite 2-B, New Orleans, Louisiana 70119-5100.

Charles A. Gardiner III
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Association Annual
Plan of Operation Report**

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

The Louisiana State Racing Commission proposes to amend Section 5772 (Association Annual Plan of Operation Report) of Part III, Chapter 57 of Title 35 (Horse Racing) of the Louisiana Administrative Code. Specifically, the proposed amendment changes the date Racing Associations are to submit their Annual Plan of Operan Report to the Commission from Januayry 30th to a date specified by the Racing Commission.

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

There is no anticipated effected on revenue collections of state or local governmental units.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO
DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR
NONGOVERNMENTAL GROUPS (Summary)**

The proposed administrative rule is a technical change that specifies the due date of a Racing Associations' Annual Plan of Operations Report from January 30 following the fiscal year end to date as specified by the Racing Commission in order to account for different associations' fiscal year ends.

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

There are no anticipated costs or economic benefits to directly affected persons, small businesses, or non-governmental goup. The proposed amendment allows for the inclusion of multiple racing associations' fiscal calendars for reporting.

Charles A. Gardiner III
Executive Director
2312#017

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Office of the Governor
Division of Administration
Racing Commission**

**Disability Accommodations
(LAC 35:I.322)**

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and through the authority granted in R.S. 42:14 and R.S. 42:17.2.1, notice is hereby given that the Racing Commission proposes to adopt LAC 35:I.322 pertaining to it accessibility during open meetings..

Act 393 of the 2023 regular session mandates that the State Racing Commission adopt rules for public participation and member participation for those with a disability recognized by the Americans with Disability Act. The following proposed Rule allows for access to open

meetings held by the State Racing Commission. This proposed Rule will accommodate participation on an individual basis via electronic means by: members of the public with a disability, designated caregivers of such persons, and participant board members with a disability who request accommodation.

Title 35

HORSE RACING

Part I. General Provisions

Chapter 3. General Rules

§322. Disability Accommodations

A. People with disabilities are defined as any of the following:

1. a member of the public with a disability recognized by the Americans with Disabilities Act (ADA);
2. a designated caregiver of such a person; or
3. a participant member of the agency with an ADA-qualifying disability.

B. the written public notice for an open meeting, as required by R.S. 42:19 shall, include the name, telephone number and email address of the agency representative to whom a disability accommodation may be submitted.

C. the requestor shall be provided with an accommodation for participation as soon as possible following receipt of the request, but no later than the start of the scheduled meeting.

1. Requestor can submit a written letter addressed to executive director prior to the scheduled meeting that:

- a. states requestor's concerns or questions to be addressed by commission;
- b. will be read aloud by executive director during the meeting.

AUTHORITY NOTE: Promulgated in accordance with Act 393 of the 2023 Regular Session of the Louisiana Legislature.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Racing Commission, LR 50:

Family Impact Statement

This proposed Rule has no known impact on family formation, stability, and/or autonomy as described in R.S. 49:972.

Poverty Impact Statement

This proposed Rule has no known impact on poverty as described in R.S. 49:973.

Small Business Analysis

This proposed Rule has no known measurable impact on small businesses as described in R.S. 49:965.6.

Provider Impact Statement

This proposed Rule has no known impact on providers of services for individuals with developmental disabilities.

Public Comments

The domicile office of the Louisiana State Racing Commission is open from 8:00 a.m. to 4:30 p.m. Monday - Friday, and interested parties may submit oral or written comments, data, views, or arguments relative to this proposed rule for a period up to 20 days (exclusive of weekends and state holidays) from the date of this publication to Brett Bonin, Assistant Attorney General, 320 North Carrollton Avenue, Suite 2-B, New Orleans, Louisiana 70119-5100.

Charles A. Gardiner III
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

RULE TITLE: Disability Accommodations

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

The Louisiana State Racing Commission proposes to adopt Section 322(Disability Acomodtions) of Part I, Chapter 3 of Title 35 (Horse Racing) of the Louisiana Administrative Code. Specifically, the rule establishes the framework for disability accommodations by:

- Allowing memebers of the public and participating memebers of the agency with an ADA-qualifying disability to request accommodations.
- Including contact information for the agnecy repreosentative who is responsible for disability accommodations in the public notice for meetings.
- Providing a timeline to meet the requested disability accommodations.

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

There is no anticipated effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

There is no anticipated costs or economic benefits to directly affected persons, small businesses, or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Implementation of this proposed rule is not anticipated to have an effect on competition and employment.

Charles A. Gardiner III
Executive Director
2312#018

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Office of the Governor
Division of Administration
Tax Commission**

Ad Valorem Taxation
(LAC 61:V. 304, 701, 703, 705, 905, 907,
1001, 1007, 1103, 1307, 1503, 2503, 2717,
3101, 3102, 3103, 3105, 3106 and 3107)

In accordance with provisions of the Administrative Procedure Act (R.S. 49:950 et seq.), and in compliance with statutory law administered by this agency as set forth in R.S. 47:1837, notice is hereby given that the Tax Commission intends to adopt, amend and/or repeal sections of the Louisiana Tax Commission real/personal property rules and regulations for use in the 2024 (2025 Orleans Parish) tax year.

The full text of this proposed Rule may be viewed in the Emergency Rule section of this issue of the *Louisiana Register*.

Family Impact Statement

As required by Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the Louisiana Tax Commission hereby submits the following Family Impact Statement.

1. The Effect on the Stability of the Family. Implementation of these proposed rules will have no effect on the stability of the family.

2. The Effect on the Authority and Rights of Parent Regarding the Education and Supervision of Their Children. Implementation of these proposed rules will have no effect on the authority and rights of parents regarding the education and supervision of their children.

3. The Effect on the Functioning of the Family. Implementation of these proposed rules will have no effect on the functioning of the family.

4. The Effect on Family Earnings and Family Budget. Implementation of these proposed rules will have no effect on family earnings and family budget.

5. The Effect on the Behavior and Personal Responsibility of Children. Implementation of these proposed rules will have no effect on the behavior and responsibility of children.

6. The Ability of the Family or a Local Government to Perform the Function as Contained in these Proposed Rules. Implementation of these proposed rules will have no effect on the ability of the family or local government to perform this function.

Poverty Impact Statement

The proposed Rule will have no impact on poverty as described in R.S. 49:973.

Small Business Analysis

The proposed Rule will have no adverse impact on small businesses as defined in the Regulatory Flexibility Act.

Provider Impact Statement

The proposed Rule will have no adverse impact on providers of services for individuals with developmental disabilities as described in HCR 170 of 2014.

Public Comments

Interested persons may submit written comments, data, opinions and arguments regarding the proposed Rules. Written submission must be directed to Michael Matherne, Tax Commission Administrator, LA Tax Commission, 1051 North 3rd St, Room 224, Baton Rouge, LA 70802 or P. O. Box 66788, Baton Rouge, LA 70896 and must be received no later than 4 p.m., Tuesday, January 9, 2024.

Public Hearing

A public hearing, on this proposed Rule, will be held on Wednesday, January 24, 2024, at 10 am, at the Louisiana State Capitol, 900 North Third St., Baton Rouge, LA 70802. Interested persons are invited to attend and submit oral comments, by the deadline mentioned above, on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, please contact (225) 219-0339.

Lawrence E. Chehardy
Chairman

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

RULE TITLE: Ad Valorem Taxation

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

The proposed rules reflect annual changes in valuation procedures for taxation purposes based on the most recent

NOTICE OF INTENT

Department of Health Bureau of Health Services Financing

Ambulatory Surgical Centers
Reimbursement Methodology
(LAC 50:XI.7503)

The Department of Health, Bureau of Health Services Financing proposes to amend LAC 50:XI.7503 as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health, Bureau of Health Services Financing proposes to amend the provisions governing the reimbursement methodology for ambulatory surgical centers (ASCs) in order to allow qualified ASCs to bill for services provided to Medicaid beneficiaries at the outpatient hospital rate and be reimbursed on the current Louisiana State University enhanced fee schedule.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part XI. Clinic Services

Subpart 11. Ambulatory Surgical Centers

Chapter 75. Reimbursement

§7503. Reimbursement Methodology

A. - G. ...

H. Effective for dates of service after March 20, 2024, an ambulatory surgical center (ASC) shall be reimbursed based on the Louisiana Medicaid Louisiana State University (LSU) enhanced fee schedule, published on the Medicaid provider website at www.lamedicaid.com, if the following conditions are met:

1. The ASC is owned and/or operated by LSU School of Dentistry, LSU Health Sciences Center, or LSU Healthcare network;
2. The ASC is licensed within the state of Louisiana; and
3. The ASC is Medicaid enrolled.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 35:1889 (September 2009), amended LR 36:2278 (October 2010), LR 37:1572 (June 2011), LR 39:317 (February 2013), amended by the Department of Health, Bureau of Health Services Financing, LR 47:1311 (September 2021), LR 50:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule may have a positive impact on family functioning, stability or autonomy as described in R.S. 49:972 by providing increased access to dental services for

available data. There are no estimated costs or savings associated with the proposed rules for state governmental units. An impact to local governmental workload resulting in additional administrative costs will occur, but is expected to be minimal.

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

The proposed rule changes will result in an increase of approximately \$37,933,500 in revenue collections for local governments based upon revisions to valuation tables increasing certain 2024 real and personal property assessments by approximately +3.3% in total. However, these revisions will not necessarily affect revenue collections of local government units as any net increase or decrease in assessed valuations are authorized to be offset pursuant to millage adjustment provisions of Article VII, Section 23 of the state Constitution.

On average, these revisions will generally increase certain 2024 real and personal property assessments for property of similar age and condition in comparison with the latest available equivalent assessments. However, the assessments of certain property types will increase compared to prior year. Composite multiplier tables for assessment of most personal property will increase by an estimated +2%. Specific valuation tables for assessment of pipelines will increase by an estimated +20% for both Onshore and Offshore pipelines. Drilling rigs will increase by an estimated +5% (Land rigs to increase by an estimated +11%, Jack-Ups to increase by an estimated +2% and Semisubmersible rigs to increase by an estimated +2%). Use Value, which is reassessed every four years, will increase by an estimated +7.4% (Ag & Horticultural Land to increase by an estimated +15% and Timberland will decrease by an estimated -0.3%). The net effect determined by averaging these revisions is estimated to increase assessments by +3.3% and estimated local tax collections by \$37,933,500 in FY 24/25 on the basis of the existing statewide average millage. However, these revisions will not necessarily affect revenue collections of local government units as any net increase or decrease in assessed valuations are authorized to be offset by millage adjustment provisions of Article VII, Section 23 of the state Constitution.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The effects of these new rules on assessments of individual items of equivalent real and personal property will generally be higher in the aggregate in 2024 compared to the last year of actual data. Specific assessments of real and personal property will depend on the age and condition of the property subject to assessment. Taxpayers will be impacted based on the changes to the valuation guidelines for assessments as listed in Section II. The magnitude will depend on the taxable property for which they are liable. Regardless of the guidelines adopted by the Tax Commission, all taxpayers continue to have the right to appeal their assessments. Additionally, Small Businesses' real and personal property is assessed in the same manner as for all other property owners.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The impact on competition and employment cannot be quantified. In as much as the proposed changes in assessments are relatively small and there will no longer be any charges for the updates, any aggregate impact on competition and employment statewide will likely be minimal.

Lawrence E. Chehardy
Chairman
2312#007

Deborah Vivien
Chief Economist
Legislative Fiscal Office

adult Medicaid beneficiaries with developmental disabilities or behavioral issues.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

Small Business Analysis

In compliance with the Small Business Protection Act, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule will have no impact on small businesses.

Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, but may reduce the total direct and indirect cost to the provider to provide the same level of service, and may enhance the provider's ability to provide the same level of service as described in HCR 170, since this proposed Rule increases payments to ambulatory surgical centers for services rendered to adult Medicaid members.

Public Comments

Interested persons may submit written comments to Kimberly Sullivan, JD, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. Ms. Sullivan is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is at 4:30 p.m. on January 29, 2024.

Public Hearing

Interested persons may submit a written request to conduct a public hearing by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on January 9, 2024. If the criteria set forth in R.S. 49:961(B)(1) are satisfied, LDH will conduct a public hearing at 9:30 a.m. on January 25, 2024 in Room 118 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after January 9, 2024. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing.

Stephen R. Russo, JD
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Ambulatory Surgical Centers Reimbursement Methodology

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

It is anticipated that implementation of this proposed rule will result in increased state costs of approximately \$77,191 for FY 23-24, \$433,888 for FY 24-25, and \$619,840 for FY 25-26.

It is anticipated that \$540 (\$270 SGF and \$270 FED) will be expended in FY 23-24 for the state's administrative expense for promulgation of this proposed rule and the final rule.

This proposed rule amends the provisions governing the reimbursement methodology for ambulatory surgical centers (ASCs) in order to allow qualified ASCs to bill for services provided to Medicaid beneficiaries at the outpatient hospital rate and be reimbursed on the current Louisiana State University enhanced fee schedule.

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

It is anticipated that implementation of this proposed rule will increase federal revenue collections by approximately \$168,085 for FY 23-24, \$920,318 for FY 24-25, and \$1,314,741 for FY 25-26. It is anticipated that \$270 will be collected in FY 23-24 for the federal share of the expense for promulgation of this proposed rule and the final rule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

This proposed rule amends the provisions governing the reimbursement methodology for ambulatory surgical centers (ASCs) in order to allow qualified ASCs to bill for services provided to Medicaid beneficiaries at the outpatient hospital rate and be reimbursed on the current Louisiana State University enhanced fee schedule. Implementation of this proposed rule will allow qualified ASCs to provide services to Medicaid beneficiaries with developmental disabilities or behavioral issues. It is anticipated that implementation of this proposed rule may increase expenditures in the Medicaid program by approximately \$244,736 for FY 23-24, \$1,354,206 for FY 24-25, and \$1,934,581 for FY 25-26.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This rule results in an increase in reimbursement rates to these providers.

Kimberly Sullivan, JD
Interim Medicaid Director
2312#047

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health Bureau of Health Services Financing and Office of Aging and Adult Services

Program of All-Inclusive Care for the Elderly
Personal Care Attendant Services
(LAC 50:XXIII.Chapters 1-11)

The Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services propose to amend LAC 50:XXIII.Chapters 1-11 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services propose to amend the provisions governing the Program of All Inclusive Care for the Elderly (PACE) in order to require that a PACE organization/provider have a personal care attendant (PCA) home and community-based services license in addition to the required adult day health care

license if the organization/provider does not contract with a PCA agency. In addition, this proposed Rule updates language in order to reflect current practices and terminology.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part XXIII. Program of All Inclusive Care for the Elderly

Chapter 1. General Provisions

§101. Purpose and Scope

A. The Department of Health, Bureau of Health Services Financing implemented the Program of All Inclusive Care for the Elderly (PACE) in accordance with federal regulations at 42 CFR 460 et seq. These regulations set forth:

1. - 5. ...

B. The purpose of the Program of All Inclusive Care for the Elderly is to provide prepaid, capitated, comprehensive health care services designed to meet the following objectives:

1. enhance the quality of life and autonomy for enrolled participants;
2. maximize the dignity of, and respect for, enrolled participants;
3. enable enrolled participants to live in the community as long as medically and socially feasible; and
4. preserve and support the enrolled participant's family unit.

C. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, Title XIX of the Social Security Act, and 42 CFR 460 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 30:244 (February 2004), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 50:

§103. Organization Application and Evaluation

A. A PACE organization shall be licensed as an adult day health care (ADHC) provider.

B. If a PACE organization uses their own staff to provide personal care attendant (PCA) services to PACE participants, the PACE organization shall acquire a home and community-based services (HCBS) license under the PCA module.

C. The Department of Health (LDH) shall grant appropriate waivers of ADHC and HCBS PCA licensing requirements in instances where licensing regulations conflict with federal PACE requirements and when such waivers are determined to have no adverse effect on participants' health, safety, and quality of life.

D. A PACE organization shall not be required to be licensed as a health maintenance organization under the Louisiana regulations for risk-based entities.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, Title XIX of the Social Security Act, and 42 CFR 460 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 30:245 (February 2004), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 50:

§105. Administrative Requirements

A. A PACE organization must have a fiscally sound operation, as demonstrated by:

1. total assets greater than total unsubordinated liabilities;

2. sufficient cash flow and adequate liquidity to meet obligations as they become due; and

3. a net operating surplus or a financial plan for solvency that is satisfactory to the Centers for Medicaid and Medicare Services (CMS) and the Department of Health.

B. A PACE organization shall operate under the control of an identifiable governing body such as a board of directors, which must include at least one community representative. The following advisory committees shall also be established to advise the board of directors:

1. - 2. ...

3. Restraint Committee; and

4. any other committees as required by CMS and/or LDH.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, Title XIX of the Social Security Act, and 42 CFR 460 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 30:245 (February 2004), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 50:

Chapter 3. Services

§301. Medicare and Medicaid Coordination

A. If a Medicare beneficiary or Medicaid participant chooses to enroll in a PACE program:

1. - 2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, Title XIX of the Social Security Act, and 42 CFR 460 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 30:245 (February 2004), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 50:

§303. Services Provided

A. The PACE benefit package for all participants, regardless of the source of payment, must include:

1 - 3. ...

4. social services;

5. behavioral health services;

a. - c. Repealed.

6. restorative therapies, including:

a. physical therapy;

b. occupational therapy; and

c. speech-language pathology services;

7. personal care and supportive services;

8. nutrition counseling;

9. recreational therapy;

10. transportation;

11. meals;

a. - y. Repealed.

12. medical specialty services including, but not limited to:

a. anesthesiology;

b. audiology;

c. cardiology;

- d. dentistry;
 - e. dermatology;
 - f. gastroenterology;
 - g. gynecology;
 - h. internal medicine;
 - i. nephrology;
 - j. neurosurgery;
 - k. oncology;
 - l. ophthalmology;
 - m. oral surgery;
 - n. orthopedic surgery;
 - o. otorhinolaryngology;
 - p. plastic surgery;
 - q. pharmacy consulting services;
 - r. podiatry;
 - s. psychiatry;
 - t. pulmonary disease;
 - u. radiology;
 - v. rheumatology;
 - w. general surgery;
 - x. thoracic and vascular surgery; and
 - y. urology;
13. laboratory tests, x-rays, and other diagnostic procedures;
14. drugs and biologicals;
- a. - d. Repealed.
15. prosthetics, orthotics, durable medical equipment, corrective vision devices, such as:
- a. eyeglasses and lenses;
 - b. hearing aids;
 - c. dentures;
 - d. repair and maintenance of these items; and
 - e. wheelchairs, including custom wheelchairs that are medically necessary;
 - f. - l. Repealed.
16. acute inpatient care, including:
- a. ambulance;
 - b. emergency room care and treatment room services;
 - c. semi-private room and board;
 - d. general medical and nursing services;
 - e. medical surgical/intensive care/coronary care unit;
 - f. laboratory tests, x-rays, and other diagnostic procedures;
 - g. drugs and biological;
 - h. blood and blood derivatives;
 - i. surgical care, including the use of anesthesia;
 - j. use of oxygen;
 - k. physical, occupational, recreational therapies, and speech-language pathology services;
 - l. social services; and
 - m. psychiatric treatment;
17. nursing facility care, including:
- a. semi-private room and board;
 - b. physician and skilled nursing services;
 - c. custodial care;
 - d. personal care and assistance;
 - e. drugs and biologicals;
 - f. physical, occupational, recreational therapies, and speech-language pathology, if necessary;

- g. social services; and
 - h. medical supplies and appliances;
18. other services determined necessary by the interdisciplinary team to improve and maintain the participant's overall health status.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, Title XIX of the Social Security Act, and 42 CFR 460 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 30:245 (February 2004), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 50:

§305. Excluded Services

A. Services excluded from coverage are:

- 1. ...
- 2. private room and private duty nursing services in an inpatient facility (unless medically necessary), and nonmedical items for personal convenience such as telephone charges and radio or television rental (unless specifically authorized by the interdisciplinary team as part of the participant's plan of care);
- 3. - 5.b....

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, Title XIX of the Social Security Act, and 42 CFR 460 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 30:246 (February 2004) amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 50:

§307. Conditions of Service

A. - B. ...

C. These services must be furnished in, at least, the PACE center, the home, and inpatient facilities.

D. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, Title XIX of the Social Security Act, and 42 CFR 460 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 30:246 (February 2004), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 50:

Chapter 5. Participant Enrollment

§501. Eligibility

A. In order to be eligible for services from a PACE site an applicant must:

- 1. ...
- 2. be determined by the state administering agency to meet nursing facility level of care, as established by the Department of Health;

3. - 4. ...

B. Eligibility to enroll in a PACE program is not restricted to an individual who is either a Medicare beneficiary or Medicaid participant. A potential participant may be, but is not required to be, any or all of the following:

1. - 3. ...

C. The determination whether a potential participant can be cared for in the community at the time of enrollment without jeopardizing his or her safety is based on the PACE organization's evaluation of the potential participant. The following are issues to consider when making this determination.

1. The potential participant does not have the capability to call for emergency assistance or does not have the capability to determine when emergency assistance is needed.

2. A physician, familiar with the potential participant's health and social history, has documented a condition for the potential participant that requires 24-hour/7-days per week of skilled care.

3. The potential participant's residence:

- a. has been condemned; or
- b. has been determined unsafe by habitation by PACE provider (detailed documentation of specifics required); or

- c. poses a threat to PACE program staff due to:
 - i. physical condition and integrity of dwelling; or
 - ii. evidence of abuse and/or neglect from other household members; or
 - iii. criminal activities or behavior; or
 - iv. illegal drug use; or
 - v. brandishing of weapons; or
 - vi. dangerous pets/animals.

4. The potential participant exhibits health concerns that involve dangerous behavior(s) which would pose a threat to him/her, other PACE participants, or PACE program staff.

5. The potential participant whose current medical treatment or regimen requires 24-hour supervision and whose care is more appropriately provided in an institutional setting (hospital or skilled nursing facility).

6. Repealed.

D. If the PACE organization determines that an applicant's health and safety cannot be ensured with the services that PACE can provide, the PACE organization shall submit the following within five working days to the Office of Aging and Adult Services (OAAS):

1. justification for the determination that health and safety cannot be ensured; and

2. any and all assessments and medical records use to make the determination;

E. If OAAS agrees with the PACE organization, OAAS will provide documentation to the PACE organization in writing acknowledging the health and safety concern.

1. - 2. Repealed.

F. If the potential participant is denied enrollment because the potential participant's health or safety would be jeopardized by living in a community setting, the PACE organization must meet the following requirements:

1. notify the potential participant in writing of the reason for denial with notification of appeal rights through the state fair hearing process;

2. refer the potential participant to alternative services, as appropriate;

3. maintain supporting documentation of the reason for denial; and

4. notify CMS and OAAS in the form and manner specified by CMS and make the documentation available for review.

G. If OAAS disagrees with the PACE organization, OAAS will provide the PACE organization with specific information as to why OAAS believes that with PACE services in place, a plan of care can be developed that is adequate to ensure the participant's health, social, and

welfare needs. In addition, OAAS will provide suggestions for services that would be beneficial to the participant.

H. A PACE organization shall assess the potential participant to ensure that he or she can be cared for appropriately in a community setting and that he or she meets all requirements for PACE eligibility.

I. Reevaluation of Eligibility

1. LDH shall annually reevaluate whether the participant continues to meet level of care for nursing facility services. LDH may permanently waive the annual recertification of level of care requirements for a participant if it determines that there is no reasonable expectation of improvement or significant change in the participant's condition because of the severity of a chronic condition or the degree of impairment of functional capacity.

2. LDH may determine that a PACE participant who no longer meets the state Medicaid nursing facility level of care requirements be deemed to continue to be eligible for the PACE program until the next annual reevaluation, if, in the absence of continued coverage under this program, the participant reasonably would be expected to meet the nursing facility level of care requirement within the next six months.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, Title XIX of the Social Security Act, and 42 CFR 460 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 30:247 (February 2004), LR 33:850 (May 2007), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 50:

§503. Enrollment

A. Enrollment Period

1. ...

2. Enrollment continues until the participants' death, regardless of changes in health status, unless either of the following actions occurs:

- a. - b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, Title XIX of the Social Security Act, and 42 CFR 460 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 30:247 (February 2004), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 50:

§505. Disenrollment

A. A PACE organization shall submit proposed denial of enrollment determinations of applicants for health and safety reasons and all involuntary disenrollments of participants to LDH for review prior to notifying applicants/participants of such adverse decisions. The Department shall review denials of PACE enrollment eligibility and disenrollments in a timely manner.

B. Involuntary Disenrollment

1. A participant may be involuntarily disenrolled for any of the following reasons:

- a. a participant fails to pay, or to make satisfactory arrangements to pay, any premium due to the PACE organization after a 30 calendar day grace period;

- b. ...

- c. the participant moves out of the PACE program service area or is out of the service area for more than 30

consecutive days, unless the PACE organization and/or LDH agrees to a longer absence due to extenuating circumstances;

d. ...

e. the PACE program agreement with CMS and LDH is not renewed or is terminated;

f. - g. ...

2. The following are considered disruptive or threatening behavior for purposes of involuntary disenrollment:

a. behavior that jeopardizes his or her health or safety, or the health or safety of others;

b. consistent refusal to comply with his or her individual plan of care or the terms of the PACE enrollment agreement by a participant with decision-making capacity, but not if the behavior is related to a mental or physical condition of the participant. Noncompliant behavior includes repeated noncompliance with medical advice and/or repeated failure to keep appointments; or

3. if a PACE organization proposes to disenroll a participant based on the disruptive or threatening behavior of the participant or the participant's caregiver, the organization shall document the following information in the participant's medical record:

a. the reasons for the proposal to disenroll the participant; and

b. all efforts made to remedy the situation and the outcome of the use of those efforts.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, Title XIX of the Social Security Act, and 42 CFR 460 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 30:247 (February 2004), LR 33:850 (May 2007), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 50:

Chapter 7. Quality Assessment and Performance Improvement

§701. Organization Responsibilities

A. - B. ...

C. A PACE organization must take actions that result in improvements to its performance in all types of care.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, Title XIX of the Social Security Act, and 42 CFR 460 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 30:248 (February 2004), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 50:

§703. Quality Assessment and Performance Improvement Plan

A. - B. ...

C. At a minimum, the plan must specify how the PACE organization proposes to meet the following requirements:

1. identify areas to improve or maintain the delivery of services and care of the participants;

2. - 3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, Title XIX of the Social Security Act, and 42 CFR 460 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 30:248 (February 2004), amended by the

Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 50:

§705. Minimum Requirements

A. A PACE organization's quality assessment and performance improvement program shall include, but is not limited to, the use of objective measures to demonstrate improved performance with regard to:

1. - 2. ...

3. outcome measures that are derived from data collected during assessments, including data on the following:

a. physiological wellbeing;

b. - c. ...

d. social/behavioral functioning; and

e. quality of life of participants;

4. effectiveness and safety of staff-provided and contracted services, including:

a. ...

b. promptness of service delivery; and

A.4.c. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, Title XIX of the Social Security Act, and 42 CFR 460 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 30:248 (February 2004), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 50:

§707. Internal Activities

A. A PACE organization must do the following:

1. - 3. ...

4. set priorities for performance improvement, considering prevalence and severity of identified problems, and give priority to improvement activities that affect clinical outcomes; and

A.5. - C.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, Title XIX of the Social Security Act, and 42 CFR 460 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 30:248 (February 2004), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 50:

§711. Committees with Community Input

A. A PACE organization must establish one or more committees with community input to:

1. ...

2. address the implementation of, and results from, the quality assessment and performance improvement plan; and

3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, Title XIX of the Social Security Act, and 42 CFR 460 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 30:249 (February 2004), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 50:

Chapter 9. Sanctions

§901. Violations

A. Sanctions may be imposed against a PACE organization if it commits one or more of the following violations:

1. fails to provide medically necessary items and services to a participant that are covered PACE services, and that failure has adversely affected (or has substantial likelihood of adversely affecting) the participant;

2. involuntarily disenrolls a participant in violation of 42 CFR 460.164;

3. discriminates in the enrollment or disenrollment of Medicare beneficiaries or Medicaid participants, or both, who are eligible to enroll in a PACE program on the basis of a participant's health status or need for health care services;

4. engages in any practice that would reasonably be expected to have the effect of denying or discouraging enrollment, except as permitted by Section 460.150, by Medicare beneficiaries or Medicaid participants whose medical condition or history indicates a need for substantial future medical services;

5. ...

6. misrepresents, falsifies, or fails to disclose information that is furnished to:

6.a. - 9. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, Title XIX of the Social Security Act, and 42 CFR 460 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 30:249 (February 2004), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 50:

§903. Imposition of Sanctions by CMS

A. CMS may impose the following sanctions for violations specified in §901:

1. - 4. ...

B. CMS or the state may determine that the PACE organization is not in substantial compliance with PACE requirements, and may take one or more of the following actions:

1. - 3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, Title XIX of the Social Security Act, and 42 CFR 460 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 30:249 (February 2004), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 50:

Chapter 11. Appeals

§1101. Participant Rights, Grievances, and Appeals

A. - B. ...

C. Medicaid-eligible participants who appeal through Medicaid shall be heard by the Division of Administrative Law (DAL) within the timeframes applicable to processing Medicaid appeals except in cases where federal PACE requirements require a more expeditious decision. The PACE organization shall prepare the Summary of Evidence in preparation for the appeal.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, Title XIX of the Social Security Act, and 42 CFR 460 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 30:249 (February 2004), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 50:

Implementation of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have a no impact on family functioning, stability and autonomy as described in R.S. 49:972.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

Small Business Analysis

In compliance with the Small Business Protection Act, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule will have no impact on small businesses.

Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, no direct or indirect cost to the provider to provide the same level of service, and will have no impact on the provider's ability to provide the same level of service as described in HCR 170.

Public Comments

Interested persons may submit written comments to Kimberly Sullivan, JD, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. Ms. Sullivan is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is at 4:30 p.m. on January 29, 2024.

Public Hearing

Interested persons may submit a written request to conduct a public hearing by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on January 9, 2024. If the criteria set forth in R.S. 49:961(B)(1) are satisfied, LDH will conduct a public hearing at 9:30 a.m. on January 25, 2024 in Room 118 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge,

LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after January 9, 2024. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing.

Stephen R. Russo, JD
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Program of All Inclusive Care for the
Elderly—Personal Care Attendant Services**

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

It is anticipated that implementation of this proposed rule will have no programmatic fiscal impact to the state other than the cost of promulgation for FY 23-24. It is anticipated that \$2,916 (\$1,458 SGF and \$1,458 FED) will be expended in FY 23-24 for the state's administrative expense for promulgation of this proposed rule and the final rule.

This proposed rule amends the provisions governing the Program of All Inclusive Care for the Elderly (PACE) in order to require that a PACE organization/provider have a personal care attendant (PCA) home and community-based services license in addition to the required adult day health care license if the organization/provider does not contract with a PCA agency and also updates language to reflect current practices and terminology.

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

It is anticipated that implementation of this proposed rule will increase revenue collections for FY 23-24, FY 24-25, and FY 25-26. It is anticipated that \$2,400 will be collected in licensing revenues and \$1,458 will be collected in FY 23-24 for the federal share of the expense for promulgation of this proposed rule and the final rule. It is anticipated that \$3,000 per year will be collected in licensing revenues for FY 24-25 and FY 25-26.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO
DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR
NONGOVERNMENTAL GROUPS (Summary)**

This proposed rule amends the provisions governing the Program of All Inclusive Care for the Elderly (PACE) in order to require that a PACE organization/provider have a personal care attendant (PCA) home and community-based services license in addition to the required adult day health care license if the organization/provider does not contract with a PCA agency. In addition, this proposed rule updates language in order to reflect current practices and terminology. It is anticipated that the implementation of this proposed rule will result in increased costs to PACE providers and have no costs to other small businesses in FY 23-24, FY 24-25, and FY 25-26, but will be beneficial by ensuring that the PACE program requirements are clearly and accurately reflected in the Louisiana Administrative Code.

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

This rule has no known effect on competition and employment.

Kimberly Sullivan, JD
Interim Medicaid Executive Director
2312#048

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Health
Health Standards Section**

Forensic Supervised Transitional Residential and
Aftercare Facilities Licensing Standards
(LAC 48:I.7206, 7215, and 7275)

The Department of Health, Health Standards Section proposes to amend LAC 48:I.7215 and §7275 and adopt §7206 as authorized by R.S. 36:254 and R.S. 28:31-37. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health, Health Standards Section proposes to amend the provisions governing the licensing of forensic supervised transitional residential and aftercare (FSTRA) facilities in order to clarify requirements for the FSTRA facility's annual license renewal, and to update requirements for the physical environment of an existing state owned or operated hospital.

The department also proposes to adopt provisions for granting waivers to building and construction guidelines or requirements for FSTRA facilities.

Title 48

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part I. General Administration

Subpart 3. Licensing and Certification

**Chapter 72. Forensic Supervised Transitional
Residential and Aftercare Facilities
Licensing Standards**

Subchapter A. General Provisions

§7206. Waivers

A. The secretary of the department may, within his/her sole discretion, grant waivers to building and construction guidelines or requirements, and to provisions of the licensing rules involving the clinical operation of the forensic supervised transitional residential and aftercare (FSTRA) facility. The FSTRA facility shall submit a waiver request in writing to the licensing section of the department on forms prescribed by the department.

B. In the waiver request, the FSTRA facility shall demonstrate the following:

1. how resident health, safety, and welfare will not be compromised if such waiver is granted;
2. how the quality of care offered will not be compromised if such waiver is granted; and
3. the ability of the FSTRA facility to completely fulfill all other requirements of the service, condition, or regulation.

C. The licensing section of the department shall have each waiver request reviewed by an internal waiver review committee. In conducting such internal waiver review, the following shall apply:

1. the waiver review committee may consult subject matter experts as necessary, including the Office of State Fire Marshal; and
2. the waiver review committee may require the FSTRA facility to submit risk assessments or other documentation to the department.

D. The director of the licensing section of the department shall submit the waiver review committee's recommendation on each waiver to the secretary, or the secretary's designee, for final determination.

E. The department shall issue a written decision of the waiver request to the FSTRA facility. The granting of any waiver may be for a specific length of time.

F. The written decision of the waiver request is final. There is no right to an appeal of the decision of the waiver request.

G. If any waiver is granted, it is not transferrable in an ownership change or change of location.

H. Waivers are subject to review and revocation upon any change of circumstance related to the waiver or upon a finding that the health, safety, or welfare of a resident may be compromised.

I. Any waivers granted by the department prior to January 15, 2024, shall remain in place, subject to any time limitations on such waivers; further, such waivers shall be subject to the following:

1. review or revocation upon any change in circumstance related to the waiver or upon a finding that the health, safety, or welfare of a resident may be compromised; and

2. such waivers are not transferrable in any ownership change or change of location.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 28:31-28:37.

HISTORICAL NOTE: Promulgated by the Department of Health, Health Standards Section, LR 50:

§7215. Renewal of License

A. - D. ...

E. A change of ownership of the FSTRA facility shall not be submitted at the time of the annual renewal of the FSTRA facility's license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 28:31-28:37.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 43:55 (January 2017), amended by the Department of Health, Health Standards Section, LR 50:

Subchapter H. Physical Environment

§7275. General Provisions

A. - C.11. ...

D. Bedrooms

1. Single rooms shall contain at least 100 square feet and multi-bed rooms shall contain at least 80 square feet per bed, exclusive of fixed cabinets, fixtures, and equipment.

D.2. - L.7. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 28:31-28:37.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 43:70 (January 2017), amended by the Department of Health, Health Standards Section, LR 50:

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability and autonomy as described in R.S. 49:972.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

Small Business Analysis

In compliance with the Small Business Protection Act, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule will have no impact on small businesses.

Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, and will have no impact on the provider's ability to provide the same level of service as described in HCR 170.

Public Comments

Interested persons may submit written comments to Tasheka Dukes, RN, Health Standards Section, P.O. Box 3767, Baton Rouge, LA 70821. Ms. Dukes is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is at 4:30 p.m. on January 29, 2024.

Public Hearing

Interested persons may submit a written request to conduct a public hearing by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on January 9, 2024. If the criteria set forth in R.S. 49:953(A)(2)(a) are satisfied, LDH will conduct a public hearing at 9:30 a.m. on January 24, 2024 in Room 118 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after January 9, 2024. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing. In the event of a hearing, parking is available to the public in the Galvez Parking Garage, which is located between North Sixth and North Fifth/North and Main Streets (cater-corner from the Bienville Building). Validated parking for the Galvez Garage may be available to public hearing attendees when the parking ticket is presented to LDH staff at the hearing.

Stephen R. Russo, JD
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Forensic Supervised Transitional Residential and Aftercare Facilities Licensing Standards

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

It is anticipated that implementation of this proposed rule will have no programmatic fiscal impact to the state other than the cost of promulgation for FY 23-24. It is anticipated that \$756 will be expended in FY 23-24 for the state's administrative expense for promulgation of this proposed rule and the final rule.

This proposed rule amends the provisions governing the licensing of forensic supervised transitional residential and aftercare (FSTRA) facilities in order to clarify requirements for the FSTRA facility's annual license renewal and to update requirements for the physical environment of an existing state owned or operated hospital, and also adopts provisions for granting waivers to building and construction guidelines or requirements for FSTRA facilities.

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

It is anticipated that implementation of this proposed rule will have no impact on state revenue collections in FY 23-24, FY 24-25, and FY 25-26.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

This proposed rule amends the provisions governing the licensing of forensic supervised transitional residential and aftercare (FSTRA) facilities in order to clarify requirements for the FSTRA facility's annual license renewal and to update requirements for the physical environment of an existing state owned or operated hospital, and also adopts provisions for granting waivers to building and construction guidelines or requirements for FSTRA facilities.

It is anticipated that this proposed rule will have no fiscal impact to FSTRA facilities in FY 23-24, FY 24-25, and FY 25-26.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This rule has no known effect on competition and employment.

Tasheka Dukes, RN
Deputy Assistant Secretary
2312#045

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health Health Standards Section

Hospitals Licensing Standards
(LAC 48:I.Chapters 93-95)

The Department of Health, Health Standards Section proposes to amend LAC 48:I.Chapters 93-95, and to adopt §9306, §9308, §9575, and §9583 - §9593 as authorized by R.S. 36:254 and R.S. 40:2100-2115. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health, Health Standards Section proposes to amend the provisions governing the licensing of hospitals in order to add and update definitions, update existing licensure requirements, and to adopt requirements for issuing statements of deficiency, licensure inactivation due to disasters or emergencies, and mobile unit and burn center services.

Title 48

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part I. General Administration

Subpart 3. Licensing and Certification

Chapter 93. Hospitals

Subchapter A. General Provisions

§9301. Purpose

A. - E.9. ...

F. Free-standing emergency departments (or an entity that holds itself out to the public mainly as a free-standing emergency department) shall not be licensed as a hospital.

G. All registered nurses, licensed practical nurses, and/or certified nurse aides supplied by staffing agencies, shall be provided through licensed nurse staffing agencies.

AUTHORITY NOTE: Promulgated in accordance with R.S.36:254 and R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, LR 13:246 (April 1987), amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 21:177 (February 1995), LR 29:2399 (November 2003), amended by the Department of Health, Bureau of Health Services Financing, LR 45:1474 (October 2019), LR 46:1682 (December 2020), LR 49:1220 (July 2023), amended by the Department of Health, Health Standards Section, LR 50:

§9303. Definitions

A. The following definitions of selected terminology are used in connection with Chapter 93 through Chapter 96.

Abuse—the infliction of physical or mental injury or the causing of the deterioration of an individual by means including, but not limited to, sexual abuse, or exploitation of funds or other things of value to such an extent that his health or mental or emotional well-being is endangered. Injury may include, but is not limited to: physical injury, mental disorientation, or emotional harm, whether it is caused by physical action or verbal statement or any other act or omission classified as abuse by Louisiana law, including, but not limited to, the *Louisiana Children's Code*.

Accredited—a national accreditation program meeting the requirements of and approved by the Centers for Medicare and Medicaid Services (CMS) in accordance with 42 CFR §488.

Anesthesiologist—a physician, licensed by the Louisiana State Board of Medical Examiners to practice medicine in this state who has completed postgraduate residency training in anesthesiology, and is engaged in the practice of such specialty.

Authority Having Jurisdiction (AHJ)—an organization, office, or individual designated by a state or government agency to enforce building codes and other regulations related to construction projects.

Certified Nurse Midwife (CNM)—an advanced practice registered nurse as defined by R.S. 37:913, or current law.

Certified Registered Nurse Anesthetist—an advanced practice registered nurse as defined by R.S. 37:913, or current law.

Cessation of Business—when a hospital is non-operational and stops providing services to the community, other than during a time of declared or non-declared emergency.

Chief Executive Officer (CEO)/Administrator—the person responsible for the operation of the hospital commensurate with the authority conferred by the governing body.

Clinical Nurse Specialist—an advanced practice registered nurse as defined by R.S. 37:913, or current law.

Deemed Status—a status applied by CMS to a hospital that is accredited by a national accreditation program meeting the requirements of and approved by CMS in accordance with 42 CFR §488.5 or 42 CFR §488.6.

Direct Service Worker—an unlicensed person who provides personal care or other services and support to persons with disabilities or to the elderly to enhance their well-being and which involves face-to-face direct contact with the person.

Emergency Services—services that are usually and customarily available at the respective hospital and that shall be provided immediately to stabilize a medical condition which, if not stabilized, could reasonably be expected to result in the loss of the person's life, serious permanent disfigurement or loss or impairment of the function of a bodily member or organ, or that is necessary to provide for the care of a woman in active labor if the hospital is so equipped and, if the hospital is not so equipped, to provide necessary treatment to allow the woman to travel to a more appropriate facility without undue risk of serious harm.

Employee—a person who performs a job or task for compensation such as wages or a salary. An employed person may be one who is contracted or one who is hired for a staff position.

Fetal Final Disposition—the burial, cremation, or other disposition of the remains of a human fetus following fetal death in accordance with R.S. 8:651 et seq., or current law.

Health Standards Section (HSS) —the section of the Department of Health that has responsibility for licensing all healthcare facilities in Louisiana that are subject to licensing statutes. The HSS also conducts certification surveys and complaint surveys in programs that are Medicare and/or Medicaid certified.

Hospital—any institution, place, building, or agency, public or private, whether for profit or not, maintaining and operating facilities, 24 hours a day, seven days a week, having a minimum of 10 licensed beds, having staff and equipment sufficient to meet patient needs, and providing hospital services, care and treatment for injured, disabled or sick persons who are admitted with the expectation that he or she will require hospital care that is expected to span at least two midnights. Except as otherwise noted in these licensing regulations, a hospital shall be primarily engaged in providing inpatient services to inpatients, by or under the supervision of licensed physicians. Having the capacity or potential to provide inpatient hospital services is not the equivalent of actually providing such care. The term hospital does not include the following:

a. physicians' offices, clinics, or programs that are not offsite campus(es) of licensed hospitals, where patients are not kept as bed patients for 24 hours or more;

b. - c. ...

d. hospitalization or care facilities maintained by the state at any of its penal or correctional institutions provided that nothing herein contained shall prevent a penal or correctional institution from applying for licensure of its hospitalization or care facilities;

e. ...

f. infirmaries or clinics maintained solely by any college or university exclusively for treatment of faculty, students, and employees;

g. an urgent care clinic; or

NOTE: Repealed.

h. any other entity licensed for the diagnosis, treatment, or care of persons admitted for overnight stay.

Immediate and Serious Threat—a crisis situation in which the health and safety of patients are at risk. It is a deficient practice which indicates the operator's inability to furnish safe care and services, although it may not have resulted in actual harm. The threat of probable harm is real and important and could be perceived as something which will result in potentially severe temporary or permanent injury, disability or death of patients.

Immediately Available—a person that is onsite and not assigned to any uninterruptible tasks.

License Under Suspensive Appeal—a license against which the department has taken a licensing action and the hospital has filed an administrative appeal.

Licensed Bed—an adult and/or pediatric bed set up or capable of being set up within 24 hours in a hospital for the use of patients, based upon bedroom criteria expressed in these standards. Emergency, labor, delivery, newborn bassinets, surgical/procedure, and recovery room beds are excluded.

Licensed Healthcare Practitioner—a person who is acting within the scope of practice of his/her respective licensing board and/or certifications.

Licensed Nurse—a registered nurse as defined in R.S. 37:913, or current law, or a licensed practical nurse as defined in R.S. 37:961, or current law.

Licensed Practical Nurse (LPN)—a person who practices practical nursing and who is licensed to practice practical nursing in accordance with R.S. 37:961, or current law.

Minor Alteration—Repealed.

Miscarried Child—fetal remains resulting from a spontaneous fetal death that does not require compulsory registration pursuant to the provisions of R.S. 40:47, or current law.

Mobile Unit—any trailer or self-propelled unit equipped with a chassis on wheels and intended to provide health services at an LDH approved location. These units shall be maintained in good repair and equipped to be moved.

Monolithic Ceiling Construction—a ceiling constructed with a surface free of fissures, cracks, and crevices. Any

penetrations such as lights, diffusers, and access panels shall be sealed or gasketed. Lay-in ceilings are not considered monolithic.

Neglect—failure to provide the proper or necessary medical care, nutrition, or other care necessary for a patient’s well-being, or any other act or omission classified as neglect by Louisiana law.

* * *

New Construction—Repealed.

Non-Operational—when the hospital ceases accepting patients and/or the doors are locked to the public and there is no available patient care staff onsite.

Nurse Practitioner—an advanced practice registered nurse as defined by R.S. 37:913, or current law.

Nurse Staffing Agency (NSA)—any person, partnership, corporation, unincorporated association, or other legal entity, including a digital website/platform or digital smart phone application that employs, assigns, or refers nurses or certified nurse aides to render healthcare services in a healthcare facility for a fee. For purposes of these regulations, NSA does not include the following:

a. A NSA that solely provides services in Louisiana under a contract or other agreement with the state of Louisiana, or any executive branch department or agency thereof, as a result of a declared disaster, emergency, or public health emergency.

b. The federal or state government department or agency that provides nursing staff or certified nurse aides to any healthcare provider setting, evacuation site, or shelter location as a result of a declared disaster, emergency, or public health emergency.

c. An entity that solely provides administrative or consulting services.

Nurses’ Call System—a system that audibly and/or visibly transmits calls electronically from its place of origin (e.g., the patient’s bed) to the place of receipt (e.g., the nurses’ station).

* * *

Observation Bed/Unit—Repealed.

* * *

Off-Site Campus—all premises on which hospital services (inpatient and/or outpatient) are provided and that are not adjoining to the main hospital buildings or grounds. Each off-site campus of a hospital shall be licensed as a part of the main hospital. An off-site campus must be held out to the public as part of the hospital, appear on the hospital’s cost report, and bill using the hospital’s national provider identifier number. An off-site campus shall be located within 50 miles of the main hospital campus. Any building separated by a public road or building not licensed by the hospital is considered offsite.

a. ...

Organ—a structural part of the body that performs a particular function, such as the liver, spleen, digestive organs, reproductive organs, or organs of special sense. For paired organs, each one can function independently of the other.

Outpatient Observation Status—the level of care assigned to a patient when a physician or licensed healthcare practitioner, authorized to do so, prescribes an order for the patient to remain in the hospital for on-going short term treatment, assessment, and reassessment before a decision

can be made regarding whether the patient will require further treatment as a hospital inpatient or if they are able to be discharged from the hospital. This status is not considered inpatient level of care.

Physician Assistant—a licensed physician assistant in accordance with R.S. 37:1360.22, or current law.

Physician Assistant-Certified (PA-C)—a licensed physician assistant certified as defined in R.S. 37:1360.22, or current law. For PA-Cs providing care in the NICU, the PA-C shall have 12 months of post graduate NICU experience under the supervision of a neonatologist, and shall be deemed competent as an NICU PA-C by the supervising neonatologist.

Primarily Engaged—a hospital is directly providing inpatient hospital services to inpatients, by or under the supervision of licensed physicians. Inpatient hospital services are services defined in this licensing rule and are provided to inpatients of the hospital as one of the following:

a. - b. ...

Note: Repealed.

* * *

Registered Nurse (RN)—any individual licensed in accordance with R.S. 37:911 et seq., or current law, to engage in the practice of nursing as defined in R.S. 37:913, or current law.

* * *

Therapeutic Recreational Services—services that identify leisure activities and assistance in modifying and adapting identified leisure activities to allow safe participation by the patient as a means to improve quality of life and aid in integration into the community.

Trauma Center—a hospital that is capable of treating one or more types of potentially seriously injured persons and that has been certified as a trauma center by the Department of Health.

* * *

Unlicensed Assistive Personnel (UAP)—any unlicensed, trained personnel who cannot practice independently or without supervision by a RN, including but not limited to, operating and/or procedure room technicians, instrument cleaning and/or sterilization technicians, nursing assistants or orderlies, and mental health technicians.

AUTHORITY NOTE: Promulgated in accordance with R.S.36:254 and R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 21:177 (February 1995), LR 29:2400 (November 2003), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 36:513 (March 2010), LR 37:3028 (October 2011), LR 38:1413 (June 2012), amended by the Department of Health, Bureau of Health Services Financing, LR 45:1475 (October 2019), LR 49:1221 (July 2023), amended by the Department of Health, Bureau of Health Services Financing, LR 49:1934 (November 2023), amended by the Department of Health, Health Standards Section, LR 50:

§9305. Licensing Process

A. Procedures for Initial Licensing. The LDH is the only licensing authority for hospitals in the state of Louisiana.

1. Any person, organization or corporation desiring to operate a hospital shall make application to the LDH on forms prescribed by the department. Such forms may be obtained electronically via the LDH, HSS website, or from, the LDH, HSS program desk.

2. An initial applicant shall as a condition of licensing:

a. submit a completed initial hospital application packet and other required documents;

b. submit the required nonrefundable licensing fees via the department approved manner. No application packet will be reviewed until payment of the nonrefundable application packet fee. Except for good cause shown, the applicant shall complete all requirements of the application packet process within 90 days of initial submission of the application packet material. Upon 10 working days prior notice, any incomplete or inactive application packets shall be closed. A new application packet will be accepted only when accompanied by a nonrefundable application packet fee.

3. When the required documentation for licensing is approved and the building is approved for full permanent occupancy by the Office of State Fire Marshal (OSFM), a survey of the facility by representatives of HSS shall be conducted at the department's discretion to determine if the facility meets the standards set forth in Chapters 93-96.

4. The HSS shall notify the hospital of the findings of the survey in a statement of deficiencies. If non-compliance is cited, the notice of the requirements for the facility's plan of correction will be included.

5. The hospital shall notify the HSS in writing when the deficiencies have been corrected. Following review of the hospital's Plan of Correction (POC), HSS may schedule an on-site survey of the facility.

6. ...

7. No patient shall be placed in a room that does not meet all patient room licensing criteria and that has not been previously approved by HSS.

8. ...

B. Issuance of a License

1. The agency shall have authority to issue two licenses as described below:

a. full license-issued only to those hospitals that are in substantial compliance with the rules, the standards governing hospitals and the hospital law. The license shall be issued by the department for a period of not more than 12 months for the premises named in the application packet, as determined by the department;

b. ...

i. At the discretion of the department, the provisional license may be extended for an additional period not to exceed 90 days in order for the hospital to correct the noncompliance or deficiencies.

ii. The hospital shall submit a plan of correction to the department for approval and the provider shall be required to correct all such noncompliance or deficiencies prior to the expiration of the provisional license.

iii. A follow-up survey shall be conducted prior to the expiration of the provisional license.

a). If all such noncompliance or deficiencies are determined by the department to be corrected on a follow-up survey, a full license may be issued.

b). If all such noncompliance or deficiencies are not corrected on the follow-up survey, the provisional license shall expire and the provider shall be required to begin the licensing process again by submitting a new license application packet and fee if no timely informal

reconsideration or administrative appeal of the deficiencies is filed pursuant to this Chapter.

2. - 2.a. ...

b. A renewal license shall not be issued, nor will any changes be processed to a hospital's existing license, during the pendency of an administrative suspensive appeal of the department's decision to deny, suspend, or revoke a hospital's license for non-compliance.

2.c. - 3. ...

4. Licenses issued to hospitals with off-site locations shall be inclusive of the licensed off-site beds. In no case may the total number of inpatient beds at the off-site location exceed the number of inpatient beds at the main campus.

C. Licensing Renewal. Licenses shall be renewed at least annually. The renewal application packet shall be sent by the department to the hospital 75 days prior to the expiration of its license. The application packet shall contain all forms required for renewal of the license. A hospital seeking renewal of its license shall:

1. complete all forms and return them to the department at least 30 days prior to the expiration date of its current license; and

2. submit the required annual/delinquent renewal fees. All fees shall be submitted in the manner required by the department and are nonrefundable. All state-owned facilities are exempt from licensing fees.

a. If a hospital fails to timely renew its license, the license expires on its face and is considered voluntarily surrendered.

b. There are no appeal rights for such surrender or non-renewal of the license, as this is a voluntary action on the part of the hospital.

D. ...

E. Bed Changes

1. The hospital shall complete and submit the required bed change application packet.

2. For the application packet to be considered complete, the appropriate nonrefundable fee as required by state law shall be submitted to the department in the manner required by the department.

3. At the discretion of the department, signed and dated attestations to compliance with these standards, together with appropriate nonrefundable fees, may be accepted in lieu of an on-site survey.

4. Written approval of the bed increase shall be obtained before patients can be admitted to these beds.

5. No patient shall be placed in a room that does not meet all patient room licensing criteria and that has not been previously approved by HSS.

EXCEPTION: During a declaration of emergency, a hospital may exceed its licensed bed capacity with written notice to the department within five days of the increase.

6. Repealed.

F. Eviction of Hospital. If a hospital is subject to potential eviction proceedings, it shall notify the department within 23 hours of receiving a notice to vacate.

1. - 4. Repealed.

G. Change in Services

1. Prior to the addition or deletion of a service or services, the hospital shall notify the department in writing 45 days prior to implementation, if plan review is required, and 15 days prior to implementation if no plan review is necessary. The hospital shall complete and submit the

appropriate service change packet for the service being added, deleted, or changed.

2. At the discretion of the department, signed and dated attestations of compliance with the standards in these Chapters may be accepted in lieu of an on-site survey.

3. Written approval for the service change shall be obtained prior to the area being used for patient care.

H. Off-Site Campuses

1. An applicant adding an off-site campus, as a condition of licensing, shall submit:

- a. a completed off-site campus application packet;
- b. the required nonrefundable licensing fees in the manner required by the department.

2. Except for good cause shown, all incomplete and inactive application packets shall be closed 90 days after receipt of the initial off-site campus application packet. A new application packet will be accepted only when accompanied by the required nonrefundable application packet fee.

3. ...

4. The off-site campus will be issued a license that is a subset of the hospital's main campus license.

I. Closing Off-Site Campuses. The hospital shall notify the HSS in writing at least 30 days prior to the closure of an off-site campus to include the effective date of closure. The original license of the off-site campus is to be returned to HSS.

J. Duplicate Licenses. The required fee shall be submitted by the hospital for issuing a duplicate facility license.

K. Changes to the License. When changes to the license, such as a name change, address change, or bed reduction are requested in writing by the hospital, the required non-refundable fee and applicable application packet shall be submitted to the HSS.

L. Facility within a Facility

1. - 1.a. ...

b. Administrative offices shall include, but not be limited to medical record rooms and administrative offices.

c. There shall be clearly identifiable and distinguishable signs for each facility.

2. If more than one licensed healthcare provider occupies the same building, premises or physical location, each healthcare provider shall have its own entrance and single identifiable geographic address (e.g., suite number). The separate entrance shall have appropriate signs and shall be clearly identifiable as belonging to a particular healthcare provider. Nothing in these licensing regulations prohibits a healthcare provider occupying the same building, premises, or physical location as another healthcare provider from utilizing the entrance, hallway, stairs, elevators, or escalators of another healthcare provider to provide access to its separate entrance.

3. - 4. ...

M. Change of Ownership

1. - 1.d....

2. No later than 15 working days after the effective date of the CHOW, the prospective owner(s) or provider representative shall submit to the department a completed CHOW application packet for hospital licensing, included but not limited to, the letter of intent, diagram showing ownership prior to and after the sale, executed legal

transaction document, and a licensing fee consistent with state law. The hospital license is not transferable from one entity or owner(s) to another.

3. A hospital that holds provisional licensure or is under license suspension, revocation, denial, or termination may not undergo a CHOW.

4. A CHOW of the hospital shall not be submitted at time of the annual renewal of the hospital's license.

N. ...

1. Submission of Plans

a. New Construction. All new construction shall be done in accordance with the specific requirements of the OSFM and the Office of Public Health (OPH). The requirements cover new construction in hospitals, including submission of preliminary plans and the final work drawings and specifications to each of these agencies. Plan review shall be performed in accordance with the rules and regulations established by the OSFM. Plans and specifications shall be prepared by or under the direction of a licensed architect and/or a qualified licensed engineer and shall include scaled architectural plans stamped by an architect.

b. Hospitals. No hospital shall hereafter be licensed without the prior written approval of, and unless in accordance with plans and specifications approved in advance by the OSFM. This includes new construction, additions, renovations, or any change in service or hospital type (e.g., acute care hospital to psychiatric hospital, outpatient surgical services to inpatient, adult care to pediatric), or the establishment of a hospital in any healthcare facility or former healthcare facility.

c. - d. Repealed.

2. Approval of Plans

a. Notice of satisfactory review from the OSFM constitutes compliance with this requirement if construction begins within 180 days of the date of such notice. This approval shall in no way permit and/or authorize any omission or deviation from the requirements of any restrictions, laws, ordinances, codes or rules of any responsible agency.

b. In the event that submitted materials do not appear to satisfactorily comply with the Louisiana State Uniform Construction Code Council (LSUCCC), the OSFM shall notify the party submitting the plans in writing, the particular items in question and request further explanation and/or confirmation of necessary modifications.

N.3. - P. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, LR 13:246 (April 1987), amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 16:971 (November 1990), LR 21:177 (February 1995), LR 29:2401 (November 2003), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:1413 (June 2012), RS 40:1722 (January 2016), amended by the Department of Health, Health Standards Section, LR 50:

§9306. Statement of Deficiencies

A. Notice to hospital of statement of deficiencies. When the department has reasonable cause to believe through an on-site survey, a complaint investigation, or other means that there exists or has existed a threat to the health, safety, or

welfare of a hospital patient, the department shall give written notice of the deficiencies.

B. The department shall send written notice to the hospital administrator.

C. The department's written notice of deficiencies shall be consistent with the findings delineated at the exit conference and shall:

1. specify the deficiencies;
2. cite the legal authority that established such deficiencies; and
3. inform the administrator that the hospital has 10 calendar days from receipt of written notice within which to request a reconsideration of the cited deficiencies.

D. Unless otherwise provided in statute or in this licensing rule, a facility shall have the right to an informal reconsideration of any deficiencies cited as a result of any survey or investigation. The right to an informal reconsideration of any deficiencies cited as a result of any survey or investigation shall not be afforded to Emergency Medical Treatment and Labor Act or deemed hospital providers with condition level deficiencies.

1. Correction of the violation, noncompliance, or deficiency shall not be the basis for the reconsideration.

2. The facility's written request for informal reconsideration shall be considered timely if received within 10 calendar days of facility's receipt of the statement of deficiencies.

3. The request for informal reconsideration of the deficiencies shall be made to the department's Health Standards Section.

4. Except as provided for complaint surveys pursuant to R.S. 40:2009.13 et seq., or current law, and as provided for license denials, revocations, and denial of license renewals, the decision of the informal reconsideration team shall be the final administrative decision regarding the deficiencies. There is no administrative appeal right of such deficiencies.

5. The provider shall be notified in writing of the results of the informal reconsideration.

AUTHORITY NOTE: Promulgated in accordance with R.S.36:254 and R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health, Health Standards Section, LR 50:

§9307. Cessation of Business

A. Except as provided in §9308.A-C.9 of these licensing regulations, a license shall be immediately null and void if a hospital ceases to operate.

1. - 3. Repealed.

B. A cessation of business is deemed to be effective with the date on which the hospital stopped providing services to the community.

C. Upon the cessation of business, the hospital shall immediately return the original license to the department.

D. Cessation of business is deemed to be a voluntary action on the part of the hospital. The hospital does not have the right to appeal a cessation of business.

E. The hospital shall notify the department in writing 30 days prior to the effective date of the closure or cessation. In addition to the notice, the hospital shall submit a written plan for the disposition of patient medical records for approval by the department. The plan shall include the following:

1. the effective date of the closure;
2. provisions that comply with federal and state laws on storage, maintenance, access, and confidentiality of the closed provider's patient medical records; and
3. appointed custodian(s) who shall provide the following:

a. access to records and copies of records to the patient or authorized representative, upon presentation of proper authorization(s); and

b. physical and environmental security that protects the records against fire, water, intrusion, unauthorized access, loss, and destruction;

4. public notice regarding access to records, in the newspaper with the largest circulation in close proximity to the closing provider, at least 15 days prior to the effective date of closure.

F. If a hospital fails to follow these procedures, the owners, managers, officers, directors, and administrators may be prohibited from opening, managing, directing, operating, or owning a hospital for a period of two years.

G. Once the hospital has ceased doing business, the hospital shall not provide services until the hospital has obtained a new initial license.

AUTHORITY NOTE: Promulgated in accordance with R.S.36:254 and R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, LR 13:246 (April 1987), amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 21:177 (February 1995), LR 29:2404 (November 2003), amended by the Department of Health, Health Standards Section, LR 50:

§9308. Inactivation of Facility License

A. Inactivation of license due to declared disaster or emergency.

1. A hospital licensed in a parish that is the subject of an executive order or proclamation of emergency or disaster issued in accordance with R.S. 29:724 or R.S. 29:766 may seek to inactivate its license for a period not to exceed one year, provided that the following conditions are met:

a. the hospital shall submit written notification to the HSS within 60 days of the date of the executive order or proclamation of emergency or disaster that:

i. the hospital has experienced an interruption in the provisions of services as a result of events that are the subject of such executive order or proclamation of emergency or disaster;

ii. the facility intends to resume operation as a hospital facility in the same service area;

iii. includes an attestation that the emergency or disaster is the sole causal factor in the interruption of the provision of services;

iv. includes an attestation that all patients have been properly discharged or transferred to another provider; and

v. provides a list of each patient's name and the location where that patient has been discharged or transferred;

b. the facility resumes operating as a hospital in the same service area within one year of the issuance of such an executive order or proclamation of emergency or disaster;

EXCEPTION: If the hospital requires an extension of this timeframe due to circumstances beyond the hospital's control, the department will consider an extended time period to

complete construction or repairs. Such written request for extension shall show the hospital's active efforts to complete construction or repairs and the reasons for request for extension of the hospital's inactive license. Any approval for extension is at the sole discretion of the department.

c. the hospital continues to pay all fees and costs due and owed to the department including, but not limited to:

- i. annual licensing fees; and
- ii. outstanding civil monetary penalties; and

d. the hospital continues to submit required documentation and information to the department, including but not limited to cost reports.

2. Upon receiving a completed written request to inactivate a hospital license, the department shall issue a notice of inactivation of license to the hospital.

3. Upon completion of repairs, renovations, rebuilding, or replacement of the facility, a hospital that has received a notice of inactivation of its license from the department shall be allowed to reinstate its license upon the following conditions being met:

a. the hospital shall submit a written license reinstatement request to the licensing agency of the department as soon as possible prior to the anticipated date of reopening to allow for the scheduling of a licensing survey;

b. the license reinstatement request shall include a completed licensing application packet with appropriate non-refundable licensing fees, approval from the OPH and the OSFM, and plan review, if applicable; and

c. the facility resumes operating as a hospital in the same service area within one year.

4. Upon receiving a completed written request to reinstate a hospital license, the department shall schedule a licensing survey. If the hospital meets the requirements for licensure and the requirements under this Subsection, the department shall issue a notice of reinstatement of the hospital license.

5. No change of ownership (CHOW) of the hospital shall occur until such hospital has completed repairs, renovations, rebuilding, or replacement construction and has resumed operations as a hospital.

6. The provisions of this Subsection shall not apply to a hospital which has voluntarily surrendered its license and ceased operation.

7. Failure to comply with any of the provisions of this Subsection shall be deemed a voluntary surrender of the hospital license.

B. Partial inactivation of license due to declared disaster or emergency.

1. A hospital licensed in a parish that is the subject of an executive order or proclamation of emergency or disaster issued in accordance with R.S. 29:724 or R.S. 29:766 may be allowed to continue to provide hospital services in areas of the hospital that did not sustain damage.

2. The hospital shall notify the LDH, HSS of its intent to continue providing services and request an inspection of the areas, by the OSFM, OPH, and HSS.

3. The hospital shall provide in writing its plan to provide services and staff.

C. Inactivation of licensure due to a non-declared disaster or emergency.

1. A hospital in an area or areas that have been affected by a non-declared emergency or disaster may seek to inactivate its license, provided that the following conditions are met:

a. the hospital shall have submitted written notification to the HSS within 30 days of the date of the non-declared emergency or disaster stating that:

i. the hospital has experienced an interruption in the provisions of services as a result of events that are due to a non-declared emergency or disaster;

ii. the facility intends to resume operation as a hospital in the same service area;

iii. the hospital attests that the non-declared emergency or disaster is the sole causal factor in the interruption of the provision of services.

iv. the hospital's initial request to inactivate does not exceed one year for the completion of repairs, renovations, rebuilding, or replacement of the facility; and

b. pursuant to these provisions, an extension of the 30 day deadline for initiation of request may be granted at the discretion of the department.

c. the hospital continues to pay all fees and costs due and owed to the department including, but not limited to, annual licensing fees and outstanding civil monetary penalties, and/or civil fines; and

d. the hospital continues to submit required documentation and information to the department, including but not limited to cost reports.

2. Upon receiving a completed written request to temporarily inactivate a hospital license, the department shall issue a notice of inactivation of license to the hospital.

3. Upon receipt of the department's approval of request to inactivate the hospital's license, the hospital shall have 90 days to submit plans for the repairs, renovations, rebuilding or replacement of the facility, if applicable, to OSFM and OPH as required.

4. The facility shall resume operating as a hospital in the same service area within one year of the approval of renovation/construction plans by the OSFM and the OPH as required.

EXCEPTION: If the hospital requires an extension of this timeframe due to circumstances beyond the hospital's control, the department will consider an extended time period to complete construction or repairs. Such written request for extension shall show the hospital's active efforts to complete construction or repairs and the reasons for request for extension of the hospital's inactive license. Any approval for extension is at the sole discretion of the department.

5. Upon completion of repairs, renovations, rebuilding or replacement of the facility, a hospital that has received a notice of inactivation of its license from the department shall be allowed to reinstate its license upon the following conditions being met:

a. the hospital shall submit a written license reinstatement request to the licensing agency of the department;

b. the license reinstatement request shall inform the department of the anticipated date of opening and shall

request scheduling of a licensing or physical environment survey, where applicable; and

c. the license reinstatement request shall include a completed licensing application packet with appropriate licensing fees.

6. Upon receiving a completed written request to reinstate a hospital license, the department may conduct a licensing or physical environment survey. The department may issue a notice of reinstatement if the hospital has met the requirements for licensure including the requirements of this Subsection.

7. No change of ownership of the hospital shall occur until such hospital has completed repairs, renovations, rebuilding or replacement construction, and has resumed operations as a hospital.

8. The provisions of this Subsection shall not apply to a hospital that has voluntarily surrendered its license and ceased operation.

9. Failure to comply with any of the provisions of this Subsection shall be deemed a voluntary surrender of the hospital license.

AUTHORITY NOTE: Promulgated in accordance with R.S.36:254 and R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health, Health Standards Section, LR 50:

§9309. Exceptions

A. - A.1. ...

2. The LDH may accept the deemed status authorized by CMS in accordance with 42 CR 288.5 and 488.6. In lieu of periodic re-licensure when the provider provides documentation to the department that shows:

a. the hospital is accredited with deemed status and it is current; and

b. the accrediting organization's findings.

3. If proof of accreditation with deemed status is submitted to the LDH, accreditation will be accepted as evidence of satisfactory compliance with this Chapter in lieu of conducting periodic re-licensure surveys with all provisions except those expressed in §9305.O and P.

AUTHORITY NOTE: Promulgated in accordance with R.S. R.S.36:254 and 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, LR 13:246 (April 1987), amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 21:177 (February 1995), LR 29:2404 (November 2003), amended by the Department of Health, Health Standards Section, LR 50:

Subchapter B. Hospital Organization and Services

§9317. Governing Body

A. The hospital shall have either an effective governing body or individual(s) who are legally responsible for the conduct of the hospital operations. In the absence of an organized governing body, there shall be written documentation that identifies the individual(s) who are legally responsible to carry out the functions specified in this part that pertain to the governing body. No contracts/arrangements or other agreements may limit or diminish the responsibility of the governing body.

B. - B.6. ...

C. The governing body and/or their designee(s) shall develop and approve policies and procedures which define and describe the scope of services offered. They shall be revised as necessary and reviewed at least every two years.

D. ...

E. In addition to requirements stated herein, all licensed hospitals shall comply with applicable local, state, and federal laws and regulations, including but not limited to:

1. the Safe Haven Act;

2. criminal background history checks;

3. direct service worker registry checks of non-licensed personnel; and

4. preventing, responding to, reporting, and mitigating instances of healthcare workplace violence.

F. - F.2. ...

3. The off-site campus functions as a department of the hospital.

4. The hospital shall submit documentation from the accrediting body that it recognizes the off-site campus as part of the hospital.

5. - 5.b....

c. the off-site campus director or the individual responsible for the day-to-day operations at the site is accountable to the provider's chief executive officer and reports through that individual to the provider's governing body; and

d. ...

6. All components of a single provider institution shall comply with applicable state licensing laws.

G. If emergency services are not provided at the hospital, the governing body shall assure that the medical staff has written policies and procedures for appraisal of emergencies, initial treatment, and transfer as appropriate. The governing body shall ensure exterior signage is present and viewable by the public stating that the hospital does not provide emergency services.

1. These policies and procedures shall address at a minimum the following:

a. needed emergency equipment and drugs to include but not be limited to, suction, oxygen, and artificial manual breathing unit (AMBU) bag;

b. training and competence of staff appropriate to the approved use of emergency equipment and drugs;

c. ...

d. rendering lifesaving first aid; and

e. making appropriate referrals to hospitals that are capable of providing needed services, inclusive of a parent surrendering an infant in accordance with the provisions of the Safe Haven Act.

AUTHORITY NOTE: Promulgated in accordance with R.S.36:254 and R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, LR 13:246 (April 1987), amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 21:177 (February 1995), LR 29:2405 (November 2003), amended by the Department of Health, Health Standards Section, LR 50:

§9319. Patient Rights and Privacy

A. - A.8. ...

9. the patient's rights include being informed of his/her health status, including whether being admitted as an inpatient or being kept on observation status, being involved in care planning and treatment, and being able to request or refuse treatment. This right shall not be construed as a mechanism to demand the provision of treatment or services deemed medically unnecessary or inappropriate;

10. - 14. ...

15. the right to access information contained in his/her medical records within a reasonable time frame in accordance with the requirements in §9387;

16. - 18. ...

19. the right to examine and receive an explanation of the patient's hospital bill regardless of source of payment, and may receive upon request, information relating to financial assistance available through the hospital. Such explanation shall include information in relation to balance billing disclosure in accordance with R.S. 22:1880 et seq., or current law;

20. the right to be informed in writing about the hospital's policies and procedures for initiation, review and resolution of patient complaints/grievances, including the address and telephone number of where complaints/grievances may be filed with the department;

21. ...

22. except in emergencies, the patient may be transferred to another facility only with a full explanation of the reason for transfer, provisions for continuing care and acceptance by the receiving institution;

23. the right for each inpatient or, if applicable, the patient's legal guardian, to have one opportunity to designate an uncompensated caregiver following the patient's inpatient admission into a hospital and prior to the patient's discharge, for provision of the patient's post hospital aftercare at the patient's residence; and

24. the right to be informed of the visitation policies of the hospital including any clinical restriction or limitation on such rights; and to receive visitors whom the patient designates, including, but not limited to, a spouse, a domestic partner, another family member, or a friend; and the patient's right to withdraw or deny such consent at any time.

B. ...

C. The policies on patient rights and responsibilities shall also provide that patients who receive treatment for a miscarried child have the option of fetal final disposition in accordance with R.S. 8:651 et seq or current law.

D. Hospital staff assigned to provide direct patient care shall be informed of and demonstrate their understanding of the policies on patient rights and responsibilities through orientation and appropriate in service training activities.

E. The hospital shall report allegations of patient abuse, neglect, and/or exploitation in writing to HSS on the HSS approved form within 24 hours of discovery. The hospital's final internal investigation shall be completed and submitted to HSS within five business days of the initial report.

AUTHORITY NOTE: Promulgated in accordance with R.S.36:254 and R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, LR 13:246 (April 1987), amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 21:177 (February 1995), LR 29:2405 (November 2003), amended by the Department of Health, Bureau of Health Services Financing, LR 43:74 (January 2017), amended by the Department of Health, Health Standards Section, LR 50:

§9321. Medical Staff

A. The medical staff develops and adopts bylaws and rules for self-governance of professional activity and

accountability to the governing body. In addition to physicians and dentists, the medical staff membership shall include licensed healthcare practitioners as appropriate to adequately meet the needs of the patients served by the hospital. The bylaws and rules shall contain provisions for at least the following.

1. The medical executive committee shall:

a. develop the structure of the medical staff and categories of membership;

b. develop and implement a mechanism to review credentials, at least every three years, and delineate individual privileges;

1.c. - 4. ...

5. The medical staff bylaws shall include specifications for orders for the care or treatment of patients that are given to the hospital verbally or transmitted to the hospital electronically, whether by telephone, facsimile transmission, or otherwise. Such bylaws may grant the medical staff up to 10 calendar days following the date an order is transmitted verbally or electronically to provide the signature or countersignature for such orders. Orders entered via use of computerized provider order entry (CPOE) do not require a signature if the CPOE used has an immediate download into the provider's electronic health record (EHR) as the order would be dated, timed, authenticated, and promptly placed in the medical record.

6. There shall be a single chief medical officer who reports directly to the governing body and who is responsible for all medical staff activities for the entire hospital, including any offsite facilities operating under the license of the hospital.

7. - 7.c. ...

AUTHORITY NOTE: Promulgated in accordance with R.S.36:254 and R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, LR 13:246 (April 1987), amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 21:177 (February 1995), LR 29:2406 (November 2003), amended by the Department of Health, Health Standards Section, LR 50:

§9323. Administration

A. In accordance with the hospital policy, there shall be a full-time, chief executive officer (CEO) or administrator who is responsible for the operation of the hospital commensurate with the authority conferred by the governing body. All administrative authority shall flow through the CEO who exercises control and surveillance over the administrative activities of the hospital and of all off-site campuses. (This does not preclude the establishment of assistant executive officer positions in any off-site campus as long as the individuals are under the authority of and report to the CEO.) The CEO or administrator shall not be CEO or administrator of more than one licensed hospital.

B. - B.3. ...

a. hospital chief executive officers and administrators employed in Louisiana licensed hospitals at the time the final regulations are adopted and become effective shall be deemed to meet the qualifications as long as the individual holds their current position. If the individual leaves their current position as hospital administrator/chief executive officer, they shall meet one of the qualifications above to be re-employed into such a position.

C. - F. ...

G. The hospital shall have policies and procedures that define how the facility shall:

1. comply with the provisions of the Safe Haven Act inclusive of training and designating responsible employees;

2. comply with the regulations for checking the DSW registry for new employees, rehired employees, or when an employee has a break in service;

3. comply with obtaining criminal history checks on unlicensed assistive personnel or other direct care staff upon hiring or reemploying or when employee has a break in service. Such policy shall address the disposition of any charges;

4. prevent, respond to, report, and mitigate instances of healthcare workplace violence; and

5. comply with all reporting requirements including, but not limited to, the induced termination of pregnancy (ITOP) form and other documentation as required by federal, state, and local statutes, laws, ordinances, and department rules and regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S.36:254 and R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, LR 13:246 (April 1987), amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 21:177 (February 1995), LR 29:2407 (November 2003), amended by the Department of Health, Health Standards Section, LR 50:

§9327. Emergency Services

A. - C. ...

D. In accordance with R.S. 40:2113.6, no officer or member of the medical staff of a hospital licensed by the department shall deny emergency services available at the hospital to a person diagnosed by a licensed physician as requiring emergency services because the person is unable to establish his ability to pay for the services or his race, religion or national ancestry. In addition, the person needing the services shall not be subjected to arbitrary, capricious or unreasonable discrimination based on age, sex, physical condition or economic status. Emergency services are services that are usually and customarily available at the hospital and that shall be provided immediately to stabilize a medical condition which if not stabilized could reasonably be expected to result in the loss of life, serious permanent disfigurement or loss or impairment of the function of a bodily member or organ, or for the care of a woman in active labor if the hospital is so equipped. If not so equipped, the hospital shall provide treatment to allow the patient to travel to a more appropriate facility without undue risk of serious harm.

E. - F.6. ...

G. Trauma Center. In addition to the requirements above, all hospitals that request official certification by the department as a trauma center shall meet the requirements provided under state law (R.S. 40:2171).

1. All healthcare facilities offering trauma care services may request to be certified on a voluntary basis.

2. Application packet for certification shall be made by a hospital to the HSS upon forms furnished by the department. Upon determination that the hospital is in compliance with acceptable, nationally recognized standards of practice and/or guidelines for designation of trauma centers specified by the American College of Surgeons in

Hospital and Pre-Hospital Resources for Optimal Care of the Injured Patient and any published appendices thereto, the department shall issue a certificate for such period as may be determined by the department.

3. There shall be a certification fee for any certificate issued in accordance with the provisions of this section, renewable every three years.

4. Trauma care services is distinct and different from the trauma center certification by the department. To be certified as a trauma center, a hospital shall satisfy the requirements of R.S. 40:2172 and 2173.

5. The department shall certify a hospital as a trauma center when the requirements of this section have been fulfilled and upon verification from the American College of Surgeons that the facility has met its criteria for Level I, II, or III. The trauma center label shall be reserved exclusively for hospitals with state-issued trauma center certification.

AUTHORITY NOTE: Promulgated in accordance with R.S.36:254 and R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, LR 13:246 (April 1987), amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 21:177 (February 1995), LR 29:2407 (November 2003), amended by the Department of Health, Health Standards Section, LR 50:

§9329. After Life Care

A. The hospital shall establish and implement written policies and procedures governing after life care that are reviewed at least every two years and revised as needed. These policies shall delineate the responsibilities of the medical staff, nursing and morgue staff, and shall include procedures for at least the following:

1. - 9. ...

10. availability of autopsy reports, including reports of microscopic autopsy findings, to physicians and in the medical records within specified time frames in accordance with R.S. 13:5713, or current law; and

11. completion of the autopsy, including microscopic and other procedures, within specified time frames in accordance with R.S. 13:5713, or current law, and when conducted by staff of the hospital.

AUTHORITY NOTE: Promulgated in accordance with R.S.36:254 and R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, LR 13:246 (April 1987), amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 21:177 (February 1995), LR 29:2408 (November 2003), amended by the Department of Health, Health Standards Section, LR 50:

§9331. Organ, Tissue, and Eye Procurement

A. The hospital shall have policies and procedures approved by the governing body for:

1. organ, tissue, and eye procurement; and

2. ensuring that appropriate hospital staff are trained on donation issues. The training shall be developed in cooperation with the OPO.

B. The hospital shall have an agreement with the designated organ procurement organization (OPO) for the state and at least one tissue bank and one eye bank, if the OPO does not include these services. At a minimum the agreement shall address the following:

1. the criteria for referral, including the referral of all individuals whose death is imminent or who have died in the hospital;

2. a definition of imminent death;
3. a definition of timely notification;
4. the OPO's responsibility to determine medical suitability for organ donation;
5. how the tissue and/or eye bank will be notified about potential donors using notification protocols developed by the OPO in consultation with the hospital-designated tissue and eye bank(s);
6. notification of each individual death in a timely manner to the OPO in accordance with the terms of the agreement;
7. the designated requestor training program offered by the OPO has been developed in cooperation with the tissue bank and eye bank designated by the hospital;
8. the organ procurement organization, tissue bank, and eye bank access to the hospital's death record information according to a designated schedule, (e.g., monthly or quarterly);
9. that the hospital is not required to perform credentialing reviews for, or grant privileges to, members of organ recovery teams as long as the OPO sends only qualified, trained individuals to perform organ recovery; and
10. the interventions the hospital will utilize to maintain potential organ donor patients so that the patient organs remain viable.

C. The hospital, shall ensure in collaboration with the OPO that the family of each potential donor is informed of its options to donate organs, tissues or eyes, or to decline to donate.

D. The individual designated by the hospital to initiate the request to the family shall be an OPO representative or a designated requestor. A designated requestor is an individual who has completed a course offered or approved by the OPO and designed in conjunction with the tissue and eye bank community in the methodology for approaching potential donor families and requesting organ or tissue donation.

E. Upon approval of the donation, the OPO or retrieval organization shall be notified and shall cooperate in the procurement of the anatomical gift. When a request is made, the person making the request shall complete a certificate of request for an anatomical gift on a form approved by the LDH.

F. - K. ...

AUTHORITY NOTE: Promulgated in accordance with R.S.36:254 and R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, LR 13:246 (April 1987), amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 21:177 (February 1995), LR 29:2408 (November 2003), amended by the Department of Health, Health Standards Section, LR 50:

§9333. Specialty Units

A. - C. ...

D. There shall be written policies and procedures that define and describe the scope of services offered, including admission criteria. The policies and procedures shall be developed and approved by the governing body. They shall be reviewed at least every two years, and revised as necessary.

AUTHORITY NOTE: Promulgated in accordance with R.S.36:254 and R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, LR 13:246 (April 1987), amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 21:177 (February 1995), LR 29:2409 (November 2003), amended by the Department of Health, Health Standards Section, LR 50:

§9335. Emergency Preparedness

A. The hospital shall have an emergency preparedness plan designed to manage the consequences of natural disasters or other emergencies that disrupt the hospital's ability to provide care and treatment or threatens the lives or safety of the hospital patients and/or the community it serves. The emergency preparedness plan shall be made available, upon request or if mandated to do so, to local, parish, regional and/or state emergency planning organizations, LDH and the OSFM and shall include the four core elements of emergency preparedness:

1. comprehensive risk assessment and emergency planning of:
 - a. all hazards likely in geographic area;
 - b. care-related emergencies;
 - c. equipment and power failures;
 - d. interruption in communications, including cyber-attacks;
 - e. loss of all/portion of facility;
 - f. loss of all/portion of supplies; and
 - g. reviewed and updated at least every 2 years;
2. communication plan that:
 - a. complies with federal and state laws;
 - b. has a system to contact staff, including patients' physicians, other necessary persons; and
 - c. is well-coordinated within the facility, across healthcare providers, and with state and local public health departments and emergency management agencies;
3. policies and procedures that comply with federal and state laws; and
4. training and testing that:
 - a. complies with federal and state laws; and
 - b. are maintained, reviewed, and updated at least every two years.

B. As a minimum, the plan shall include the following:

1. an all hazards risk assessment and identification of potential hazards that could necessitate an evacuation, including internal and external disasters such as a natural disaster, acts of bio-terrorism, weapons of mass destruction, labor work stoppage, or industrial or nuclear accidents;
2. - 3.c. ...
4. comprehensive plans for receiving patients who are being relocated from another facility due to a disaster. This plan shall include at least an estimate of the number and type of patients the facility would accommodate and current contact information for receiving hospitals and other facilities;
5. procedures in the case of interruption of utility services that address the provision of alternate sources of energy to maintain:
 - a. temperatures to protect patient health and safety and for the safe and sanitary storage of provisions;
 - b. emergency lighting; and
 - c. fire detection, extinguishing;
6. - 7. ...

8. the system or procedure to ensure that medical charts accompany patients in the event of a patient evacuation and that supplies, equipment, records, and medications would be transported as part of an evacuation;

9. the roles and responsibilities of staff members in implementing the disaster plan; and

10. a system to track on-duty staff and sheltered patients during the emergency.

C. - F. ...

G. While developing the hospital's plan for evacuating patients, the disaster planner shall communicate with the facility or facilities designated to receive relocated patients for development of a method for sharing information and medical documentation of evacuated patients.

H. The hospital shall conduct exercises to test the emergency plan twice per year. The hospital shall do all of the following:

1. Participate in a full-scale exercise that is community-based every two years or when a community-based exercise is not available, conduct an individual, facility based functional exercise every two years; or if the hospital experiences an actual natural or man-made emergency that requires activation of the emergency plan, the hospital is exempt from engaging in its next required community-based or individual, facility-based full-scale exercise for one year following the onset of the actual event.

2. Conduct an additional exercise at least every two years opposite the year the full-scale or functional exercise under number one above is conducted, that may include, but is not limited to the following:

- a. a second full-scale exercise that is community-based or individual, facility-based functional exercise;
- b. a mock disaster drill; or
- c. a tabletop exercise or workshop that is led by a facilitator and includes a group discussion;

3. Analyze the hospital's response to and maintain documentation of all drills, tabletop exercises, and emergency events, and revise the hospital's emergency plan as needed.

I. The hospital shall also conduct at least one drill each year, in which a large influx of emergency patients is simulated. An actual emergency of this type shall be considered a drill, if it is documented.

J. ...

K. The hospital shall have a policy for the provision of emergency sources (e.g., generators) of critical utilities such as electricity, natural gas, water and fuel during any period in which the normal supply is temporarily disrupted.

L. ...

M. A hospital may temporarily exceed its licensed capacity in emergency situations, such as during a declared emergency. Such hospitals shall notify LDH in writing of the situation within 24 hours or as soon as practical thereafter.

N. Effective immediately, upon declaration of the secretary and notification to the Louisiana Hospital Association, all hospitals licensed in Louisiana shall file an electronic report with the Mstat, or a successor emergency support function (ESF)-8 portal operating system during a declared emergency, disaster, or public health emergency.

1. The electronic report shall be filed once a day or in accordance with federal, state, and local statutes, regulations,

and guidance throughout the duration of the disaster or emergency event or as directed by the department.

2. - 2.f. ...

AUTHORITY NOTE: Promulgated in accordance with R.S.36:254 and R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 21:177 (February 1995), amended LR 29:2409 (November 2003), LR 35:245 (February 2009), amended by the Department of Health, Health Standards Section, LR 50:

§9337. Smoking Prohibition

A. Smoking shall be prohibited in all enclosed areas of the hospital. For purposes of this section, enclosed areas shall be determined by the governing board of the hospital but shall include, at a minimum, all areas of the building that are air conditioned or heated. At the discretion of the hospital's governing body, smoking may be permitted in patient rooms, but only:

1. upon the order of the patient's primary treating physician;
2. with the consent of all patients in the room; and
3. in accordance with all other applicable state and federal laws.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S.36:254 and R.S. 40: 2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, LR 13:246 (April 1987), amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 21:177 (February 1995), LR 29:2410 (November 2003), amended by the Department of Health, Health Standards Section, LR 50:

Subchapter C. Nursing Services

§9343. Organization and Staffing

A. There shall be an organized nursing service that provides 24-hour nursing services. The nursing services shall be under the direction and supervision of an RN director of nursing licensed to practice in Louisiana with a minimum of two years of full-time experience as an RN in a hospital setting, employed full time, as defined by hospital policy, or at a minimum of 36 hours per week. There shall be a similarly qualified RN to act in the absence of the director of nursing services.

B. - C. ...

D. Each inpatient nursing unit shall have at least one RN on duty at all times when there are patients admitted to the unit.

E. - G. ...

AUTHORITY NOTE: Promulgated in accordance with R.S.36:254 and R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, LR 13:246 (April 1987), amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 21:177 (February 1995), LR 29:2410 (November 2003), amended by the Department of Health, Health Standards Section, LR 50:

Subchapter D. Pharmaceutical Services

§9351. Organization and Staffing

A. - B. ...

C. Hospital pharmacies that are not open after regular working hours shall make drugs available for the staff by use of a night drug cabinet, after-hours medication carts, or an automated storage and distribution device. The hospital

pharmacy shall maintain an inventory and a list of these drugs, which are approved by the pharmacy director and the appropriate hospital committee.

D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S.36:254 and R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, LR 13:246 (April 1987), amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 21:177 (February 1995), LR 29:2411 (November 2003), amended by the Department of Health, Health Standards Section, LR 50:

§9353. Delivery of Services

A. - D. ...

E. Medications are to be dispensed only upon written or electronic orders, facsimile, or oral orders from a physician or other legally authorized prescriber, and be taken by a qualified professional.

F. ...

G. In accordance with the acceptable, nationally recognized standards of practice and/or guidelines, the medical staff, in coordination and consultation with the pharmacy service, shall determine and establish the reasonable time to automatically stop orders for drugs and biologicals not specifically prescribed as to time or number of doses. The hospital shall implement, monitor, and enforce the automatic stop system.

H. - K. ...

L. A formulary system shall be established by the appropriate hospital committee to assure quality pharmaceuticals at reasonable costs, in accordance with applicable federal and state laws.

AUTHORITY NOTE: Promulgated in accordance with R.S.36:254 and R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, LR 13:246 (April 1987), amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 21:177 (February 1995), LR 29:2411 (November 2003), amended by the Department of Health, Health Standards Section, LR 50:

Subchapter E. Radiologic Services

§9361. General Provisions

A. ...

B. A full-time, part-time, or consulting qualified radiologist shall direct and supervise radiologic services.

AUTHORITY NOTE: Promulgated in accordance with R.S.36:254 and R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 21:177 (February 1995), amended LR 29:2412 (November 2003), amended by the Department of Health, Health Standards Section, LR 50:

§9365. Personnel

A. A qualified full-time, part-time, or consulting radiologist shall supervise the ionizing radiology services and shall interpret only those radiologic tests that are determined by the medical staff to require a radiologist's specialized knowledge. The radiologist shall have clinical privileges delineated by the medical staff.

B. ...

C. All practitioners who read and interpret radiologic reports shall be credentialed by the hospital.

AUTHORITY NOTE: Promulgated in accordance with R.S.36:254 and R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 21:177 (February 1995), amended LR 29:2413 (November 2003), amended by the Department of Health, Health Standards Section, LR 50:

Subchapter F. Laboratory Services

§9371. Organization and Staffing

A. The hospital shall maintain, or have available, adequate laboratory services to meet the needs of its patients as determined by the medical staff on a 24-hour basis. Emergency laboratory services shall be available 24 hours a day.

1. Laboratory services shall be directed by an individual who meets appropriate qualifications of a director and is credentialed by the medical staff.

2. There shall be sufficient licensed qualified clinical laboratory scientists and supportive technical staff to perform the tests required of the clinical laboratory services.

3. A written description of services provided shall be available to the medical staff.

B. The hospital shall ensure that all laboratory services provided to its patients are performed in a laboratory certified in accordance with the clinical laboratory improvement amendments (CLIA) of 1988.

1. If a hospital regularly uses the services of an outside blood collecting establishment, it shall have a written agreement with the blood collecting establishment that governs the procurement, transfer, and availability of blood and blood components.

C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S.36:254 and R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 21:177 (February 1995), amended LR 29:2413 (November 2003), amended by the Department of Health, Health Standards Section, LR 50:

§9373. Equipment and Records

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S.36:254 and R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 21:177 (February 1995), amended LR 29:2413 (November 2003), repealed by the Department of Health, Health Standards Section, LR 50:

Subchapter G. Nutritional and Therapeutic Dietetic Services

§9377. General Provisions

A. ...

B. - B.1. ...

2. The outside food management company shall possess a valid LDH, Office of Public Health retail food permit and meet all of the requirements for operating a retail food establishment that serves a highly susceptible population, in accordance with the most current version of the provisions found in Title 51, *Public Health—Sanitary Code*.

3. Either the hospital or the food management company shall employ or contract with a registered dietician who serves the hospital on a full-time, part-time, or consultant basis to ensure that the nutritional needs of the patients are met in accordance with the licensed healthcare

practitioners' orders and acceptable, nationally recognized standards of practice and/or guidelines.

AUTHORITY NOTE: Promulgated in accordance with R.S.36:254 and R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 21:177 (February 1995), amended LR 29:2413 (November 2003), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:1413 (June 2012), amended by the Department of Health, Bureau of Health Services Financing, LR 45:1476 (October 2019), amended by the Department of Health, Health Standards Section, LR 50:

§9379. Organization and Staffing

A. ...

B. The dietary manager shall:

1. - 3. ...

4. have successfully completed a training course at a state approved school, vocational or university, which includes course work in foods and food service, supervision, and diet therapy. Documentation of an eight-hour course of formalized instruction in diet therapy conducted by the employing facility's qualified dietitian is permissible if the course meets only the foods, food service, and supervision requirements; and

a. Exception. Hospitals with 25 or fewer beds that do not have on site food preparation for patient meals and contract for food services, another full-time employee, i.e., RN or LPN, will be allowed to carry out the responsibilities of the dietary manager. The RN or LPN shall be qualified by training and experience and employed full time.

5. not be the director of nursing.

C. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S.36:254 and R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 21:177 (February 1995), amended LR 29:2413 (November 2003), amended by the Department of Health, Bureau of Health Services Financing, LR 45:1476 (October 2019), amended by the Department of Health, Health Standards Section, LR 50:

§9383. Dietary Services

A. Dietary services, whether provided by the hospital directly, through a contractual agreement or by an off-site vendor, shall comply with Title 51, *Public Health Sanitary Code*.

B. Food shall be in good condition, free from spoilage, filth, or other contamination and shall be safe for human consumption. All food shall be procured from sources that comply with laws and regulations related to food and food labeling.

1. Repealed.

C. All food shall be transported, stored, prepared, distributed, and served under sanitary conditions to prevent food borne illness. This includes keeping all readily perishable food and drink at or below 41 degrees Fahrenheit, except when being prepared and served.

1. For those hospitals that contract with a food delivery service for nutritional and therapeutic dietary services, food shall be transported only via vehicles designed, equipped, and maintained solely for the purpose of the transportation and delivery of food by the food management company.

D. The physical environment in which all food preparation takes place shall be kept clean and in safe operating condition.

D.1. - I. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S.36:254 and R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 21:177 (February 1995), amended LR 29:2414 (November 2003), amended by the Department of Health, Bureau of Health Services Financing, LR 45:1476 (October 2019), amended by the Department of Health, Health Standards Section, LR 50:

Subchapter H. Medical Record Services

§9387. Organization and Staffing

A. - B. ...

C. Medical records shall be legibly and accurately written in ink, dated, timed, and signed by the recording person or, if an electronic medical records system is used, authenticated, complete, properly filed and retained, and accessible.

D. ...

E. Written orders signed by a member of the medical staff shall be required for all medications and treatments administered to patients. There shall be a reliable method for personal identification of each patient. The medical staff bylaws shall include specifications for orders for the care or treatment of patients which are given to the hospital verbally or transmitted to the hospital electronically, whether by telephone, facsimile transmission or otherwise. The bylaws may grant the medical staff up to 10 calendar days following the date an order is transmitted verbally or electronically to provide the signature or countersignature for such order. Orders entered via use of computerized provider order entry (CPOE) do not require a signature if the CPOE used has an immediate download into the provider's electronic health record (EHR) as the order would be dated, timed, authenticated, and promptly placed in the medical record.

F. - J. ...

K. A patient or his/her personal representative shall be given reasonable access to the information contained in his/her hospital record. The hospital shall, upon request in writing signed and dated by either the patient or personal representative initiating the request, furnish a copy of the hospital record as soon as practicable, not to exceed 15 calendar days following the receipt of the request and written authorization and upon payment of the reasonable cost of reproduction in accordance with Louisiana R.S. 40:1165.1. However, the hospital may deny the patient access if a licensed healthcare professional has determined, in the exercise of professional judgment, that the access requested is reasonably likely to endanger the life or physical safety of the patient or another person.

L. - N. ...

AUTHORITY NOTE: Promulgated in accordance with R.S.36:254 and R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 21:177 (February 1995), amended LR 29:2415 (November 2003), amended by the Department of Health, Bureau of Health Services Financing, LR 40: 1934 (November 2023), amended by the Department of Health, Health Standards Section, LR 50:

§9393. Confidentiality

A. The hospital shall ensure the confidentiality of patient records, including information in an electronic medical record system, in accordance with the Health Insurance Portability and Accountability Act (HIPAA) Privacy Regulations (Title 45, Part 164, Subpart E of the Code of Federal Regulations) and any Louisiana state laws and regulations which provide a more stringent standard of confidentiality than the HIPAA Privacy Regulations. Information from or copies of records may be released only to authorized individuals, and the hospital shall ensure that unauthorized individuals cannot gain access to or alter patient records. Original medical records shall not be released outside the hospital unless under court order or subpoena or in order to safeguard the record in the event of a physical plant emergency or natural disaster. Psychiatric medical records shall be segregated to ensure confidentiality.

AUTHORITY NOTE: Promulgated in accordance with R.S.36:254 and R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 21:177 (February 1995), amended LR 29:2416 (November 2003), amended by the Department of Health, Health Standards Section, LR 50:

§9395. Retention

A. Hospital records shall be retained by the hospital in their original, microfilmed, or similarly reproduced form for a minimum period of 10 years from the date a patient is discharged, or as required by current law.

B. Graphic matter, images, x-ray films, nuclear medicine reports and like matter that were necessary to produce a diagnostic or therapeutic report shall be retained, preserved and properly stored by the hospital in their original, microfilmed or similarly reproduced form for a minimum period of three years from the date a patient is discharged. (Note: Medicare and/or Medicaid participating hospitals shall maintain copies of reports and printouts, films, scans, and other image records for at least six years). Such graphic matter, images, x-ray film, and like matter shall be retained for longer periods when requested in writing by any one of the following:

1. ...
2. the patient or someone acting legally in his/her behalf; or
3. ...

C. A hospital that is closing shall act in accordance with the requirements of §9307.

D. Medical records shall be properly stored in secure locations where they are protected from fire, water damage, and other threats.

AUTHORITY NOTE: Promulgated in accordance with R.S.36:254 and R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 21:177 (February 1995), amended LR 29:2416 (November 2003), amended by the Department of Health, Health Standards Section, LR 50:

Subchapter I. Quality Assessment and Improvement

§9399. General Provisions

A. The governing body shall ensure that the hospital has an effective, written, ongoing, hospital-wide, data driven quality assessment and performance improvement program designed to assess and improve the quality of patient care.

B. The governing body shall ensure that the hospital's quality assessment and performance improvement program reflects the complexity of the hospital's organization and services, includes all hospital departments and services including those under contract or arrangement.

AUTHORITY NOTE: Promulgated in accordance with R.S.36:254 and R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 21:177 (February 1995), amended LR 29:2416 (November 2003), amended by the Department of Health, Health Standards Section, LR 50:

§9401. Quality Assessment and Performance Improvement

A. - B.4. ...

C. Each department or service of the hospital, through its governing body, shall take and document appropriate remedial action to address deficiencies found through the quality assessment and improvement program. The hospital shall document the outcome of all remedial actions.

AUTHORITY NOTE: Promulgated in accordance with R.S.36:254 and R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 21:177 (February 1995), amended LR 29:2416 (November 2003), amended by the Department of Health, Health Standards Section, LR 50:

§9403. Implementation

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S.36:254 and R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 21:177 (February 1995), amended LR 29:2417 (November 2003), repealed by the Department of Health, Health Standards Section, LR 50:

§9405. Discharge Planning

A. - B.3. ...

C. Services to persons who are elderly and persons with disabilities. Any licensed hospital, which is owned or operated, or both, by a hospital service district, or which benefits from being financed by the sale of bonds from the state or guaranteed by the state that are exempt from taxation as provided by Louisiana law, or which receives any other type of financial assistance from the state, is directed to give, when possible, priority to the treatment of persons who are elderly and persons with physical or mental disabilities in the delivery of nonemergency healthcare services.

AUTHORITY NOTE: Promulgated in accordance with R.S.36:254 and R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 21:177 (February 1995), amended LR 29:2417 (November 2003), amended by the Department of Health, Bureau of Health Services Financing, LR 43:74 (January 2017), amended by the Department of Health, Health Standards Section, LR 50:

Subchapter J. Physical Environment

§9409. General Provisions

A. The hospital shall be constructed, arranged and maintained to ensure the health, safety, and welfare of the patient, and to provide facilities for diagnosis and treatment and for special hospital services appropriate to the needs of the community.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S.36:254 and R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 21:177 (February 1995), amended LR 29:2417 (November 2003), amended by the Department of Health, Health Standards Section, LR 50:

§9411. Buildings

A. ...

B. The condition of the physical plant and the overall hospital environment shall be developed and maintained in such a manner that the health, safety, or welfare of patients are assured.

1. There shall be emergency power and lighting in at least the operating, recovery, intensive care, emergency rooms, and stairwells. In all other areas not serviced by the emergency supply source, battery lamps and flashlights shall be available.

2. There shall be facilities for emergency medical gas and water supply.

C. The hospital shall have procedures for the proper routine storage and prompt disposal of garbage and waste in in accordance with Title 51, *Public Health Sanitary Code*.

D. The hospital shall have written fire control plans that contain provisions for prompt reporting of fires; extinguishing fires; protection of patients, personnel, and guests; evacuation; and cooperation with fire-fighting authorities.

E. The hospital shall maintain written evidence of regular inspection and approval by State or local fire control agencies.

F. A hospital may install alcohol-based hand rub dispensers in its facility if the dispensers are installed in a manner that adequately protects against inappropriate access;

G. When a sprinkler system is shut down for more than 10 hours, the hospital shall:

1. Evacuate the building or portion of the building affected by the system outage until the system is back in service, or

2. Establish a fire watch until the system is back in service.

H. Facilities, supplies, and equipment shall be maintained to ensure an acceptable level of safety and quality.

I. There shall be proper ventilation, light, and temperature controls in pharmaceutical, food preparation, and other appropriate areas.

J. For all new construction or renovations, hospitals shall follow the 2014 Edition of the Facility Guidelines Institute (FGI) Hospital and Outpatient Facilities Guidelines, as adopted by the OSFM, for building design and construction.

AUTHORITY NOTE: Promulgated in accordance with R.S.36:254 and R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 21:177 (February 1995), amended LR 29:2417 (November 2003), amended by the Department of Health, Health Standards Section, LR 50:

§9413. Nursing Units

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S.36:254 and R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 21:177 (February 1995), amended LR 29:2417 (November 2003), repealed by the Department of Health, Health Standards Section, LR 50:

§9415. Patient Rooms

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S.36:254 and R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 21:177 (February 1995), amended LR 29:2417 (November 2003), repealed by the Department of Health, Health Standards Section, LR 50:

§9417. Patient Room Furnishings

A. ...

B. A nurses' call system, within easy reach of each bed, shall be provided. The call system shall also be provided in each patient toilet and bathing area. Call systems shall be readily accessible to a patient and shall be in proper working order.

C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S.36:254 and R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 21:177 (February 1995), amended LR 29:2418 (November 2003), amended by the Department of Health, Health Standards Section, LR 50:

§9419. Equipment

A. Facilities, supplies, and equipment shall be maintained to ensure an acceptable level of health, safety, and welfare of patients, staff, and visitors.

B. ...

C. All patients, when appropriate due to diagnosis, shall be provided with patient care items such as a bedpan, washbasin, emesis basin, drinking glass, and soap dish. These supplies and equipment shall be properly cleaned and in appropriate cases shall be sterilized in between use for different patients. Disposable one time use items shall not be re-used.

D. ...

E. After discharge of a patient, the room, bed, mattress, cover, bedside furniture, and equipment shall be properly cleaned and disinfected.

F. Items, including equipment, furniture, supplies, etc. that are no longer able to be cleaned and/or disinfected due to wear and tear shall not be used.

AUTHORITY NOTE: Promulgated in accordance with R.S.36:254 and R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 21:177 (February 1995), amended LR 29:2418 (November 2003), amended by the Department of Health, Health Standards Section, LR 50:

Subchapter K. Infection Prevention and Control

§9423. Organization and Policies

A. ...

B. There shall be an effective infection control program for the prevention, control, investigation and reporting of communicable disease and infections. The infection control program shall meet or exceed the latest criteria established by the following:

1 - 2. ...

3. Title 51, Public Health Sanitary Code.

C. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S.36:254 and R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 21:177 (February 1995), amended LR 29:2418 (November 2003), amended by the Department of Health, Health Standards Section, LR 50:

§9429. Central Supply

A. Space shall be provided for the decontamination, packaging, sterilization, and storage. All central supply departments shall adhere to strict traffic control in their departments.

B. There shall be written policies and procedures for the decontamination and sterilization of supplies and equipment, and the shelf life of all stored sterile items in accordance with the latest criteria established by the Centers for Disease Control and Prevention.

C. All steam, ethylene oxide (ETO), and other low-temperature sterilizers shall be tested with biological and chemical indicators upon installation, when the sterilizer is relocated, redesigned, after major repair, and after a sterilization failure has occurred, to ensure they are functioning prior to placing them into routine use. This shall be done in accordance with latest criteria established by the Centers for Disease Control and Prevention. If tests are positive, a system shall be in place to recall supplies.

D. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S.36:254 and R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 21:177 (February 1995), amended LR 29:2419 (November 2003), amended by the Department of Health, Health Standards Section, LR 50:

Subchapter L. Surgical Services (Optional)

§9437. General Provisions

A. Surgical services, if provided, shall be well organized and provided in accordance with acceptable standards of practice. If outpatient surgical services are offered, the services shall be consistent in quality with inpatient care in accordance with the complexity of services offered.

AUTHORITY NOTE: Promulgated in accordance with R.S.36:254 and R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 21:177 (February 1995), amended LR 29:2419 (November 2003), amended by the Department of Health, Health Standards Section, LR 50:

§9439. Organization and Staffing

A. - D. ...

E. The operating room register or log, including those created by electronic means, shall be complete and up-to-date. It shall include at least the following:

1. - 7. ...
8. name of the person administering the anesthesia;
9. surgical procedure performed;
10. pre and post-operative diagnosis;
11. age of patient;
12. operating room number; and
13. complications, if any.

F. - F.9. ...

AUTHORITY NOTE: Promulgated in accordance with R.S.36:254 and R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 21:177 (February 1995), amended LR 29:2419 (November 2003), amended by the Department of Health, Health Standards Section, LR 50:

§9441. Delivery of Service

A. ...

B. A properly executed informed consent form for the procedure shall be in the patient's chart before surgery, except in emergencies. The consent form shall contain at least the following:

1. - 7. ...

8. date, time, and signature of the person witnessing the patient or the patient's legal representative sign the consent form.

AUTHORITY NOTE: Promulgated in accordance with R.S.36:254 and R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 21:177 (February 1995), amended LR 29:2420 (November 2003), amended by the Department of Health, Health Standards Section, LR 50:

§9443. Surgery Suite and Equipment

A. - D. ...

E. There shall be policies and procedures, approved by the Infection Control Officer(s) that addresses terminal cleaning of the operating room as well as cleaning of the room between surgical cases.

F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S.36:254 and R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 21:177 (February 1995), amended LR 29:2420 (November 2003), amended by the Department of Health, Bureau of Health Services Financing, LR 49:1934 (November 2023), amended by the Department of Health, Health Standards Section, LR 50:

§9445. Post-Anesthesia Care Unit (PACU)

A. There shall be a PACU (recovery room) that is a separate area of the hospital, unless provisions are made for close observation of the patient until they have regained consciousness (e.g., direct observation by an RN in the patient's room). Access shall be limited to authorized personnel. There shall be policies and procedures which specify transfer requirements to and from the PACU.

B. Effective as of the promulgation of these requirements, any new or existing hospitals undergoing renovations shall have a centralized nursing station with a direct line of sight to the recovering patient(s) that have received sedation or anesthesia.

1. - 5. Repealed.

C. There shall be at least two healthcare personnel, one of which is a RN, present whenever there is a patient in the post-anesthesia care area. There shall be emergency equipment and monitoring equipment in the immediate area of the post-anesthesia care area. The equipment shall be commensurate with the surgical procedure and the medical requirements of the patient. That equipment shall include, but not be limited to, the following:

1. electrocardiogram (EKG/ECG) monitor;
2. pulse oximetry monitor;
3. temperature monitoring equipment;

4. equipment to administer oxygen;
5. equipment necessary to monitor vital signs; and
6. suction equipment.

AUTHORITY NOTE: Promulgated in accordance with R.S.36:254 and R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 21:177 (February 1995), amended LR 29:2420 (November 2003), amended by the Department of Health, Health Standards Section, LR 50:

Subchapter M. Anesthesia Services (Optional)

§9449. General Provisions

A. If anesthesia services are provided, which is mandatory when surgical or obstetric services are provided, they shall be provided in a well-organized manner in accordance with acceptable, nationally recognized standards of practice and/or guidelines, under the direction of a qualified doctor of medicine or osteopathy.

B. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S.36:254 and R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 21:177 (February 1995), amended LR 29:2421 (November 2003), amended by the Department of Health, Health Standards Section, LR 50:

§9453. Delivery of Service

A. Policies on anesthesia procedures shall include the delineation of pre-anesthesia and post-anesthesia responsibilities. As a minimum, they shall address:

1. - 9. ...

B. The policies shall also ensure that the following are provided for each patient:

1. - 3.h....

C. The anesthesia policy and procedure manual shall ensure that the following are provided for each patient undergoing:

1. - 1.a. ...

b. continuous monitoring of the patient's temperature and vital signs, as well as the continuous use of an EKG/ECG, pulse oximetry monitor, end tidal carbon dioxide volume monitor, and peripheral nerve stimulator monitor;

2. - 2.a. ...

b. continuous monitoring of the patient's vital signs, and temperature, as well as the continuous use of an EKG/ECG, and pulse oximetry monitor; and

c. monitored by the practitioner who administered the regional anesthetic or individuals identified as a practitioner listed in §9451.A.1-5;

3. - 3.b....

AUTHORITY NOTE: Promulgated in accordance with R.S.36:254 and R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 21:177 (February 1995), amended LR 29:2421 (November 2003), amended by the Department of Health, Health Standards Section, LR 50:

Subchapter N. Nuclear Medicine Services (Optional)

§9457. General Provisions

A. If the hospital provides nuclear medicine services or contracts for the services, those services shall meet the needs of the patients in accordance with acceptable, nationally

recognized standards of practice and/or guidelines, and be provided in a safe and effective manner.

AUTHORITY NOTE: Promulgated in accordance with R.S.36:254 and R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 21:177 (February 1995), amended LR 29:2422 (November 2003), amended by the Department of Health, Health Standards Section, LR 50:

Subchapter O. Outpatient Services (Optional)

§9469. General Provisions and Organization

A. If the hospital provides outpatient services, the services shall meet the needs of the patients in accordance with acceptable standards of practice.

B. - B.1.a. ...

b. Outpatient services may be provided by a hospital that does not provide inpatient services for the same area of service only if that hospital has a written policy and procedure to ensure a patient's placement and admission into an inpatient program to receive inpatient services for that area of service. The policy and procedure shall ensure that the hospital is responsible for coordination of admission into an inpatient facility and shall include, but not be limited to, the following:

i. the hospital personnel and/or staff responsible for coordination of placement and admission into an inpatient facility; and

ii. the procedure for securing inpatient services for that patient.

2. - 3. ...

C. There shall be policies and procedures established by the medical staff to ensure quality of care and safety of patients for any room designated for procedures or treatment involving conscious sedation. Such guidelines shall include at a minimum:

1. - 4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S.36:254 and R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 21:177 (February 1995), amended LR 29:2423 (November 2003), LR 33:284 (February 2007), amended by the Department of Health, Health Standards Section, LR 50:

§9471. Personnel

A. The hospital shall assign one or more individuals to be responsible for the outpatient services. There shall be appropriate professional and non-professional personnel available based on the outpatient services provided.

B. There shall be an RN on the outpatient unit as long as there are patients admitted to the unit.

AUTHORITY NOTE: Promulgated in accordance with R.S.36:254 and R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 21:177 (February 1995), amended LR 29:2423 (November 2003), amended by the Department of Health, Health Standards Section, LR 50:

§9473. Facilities

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S.36:254 and R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 21:177 (February 1995), amended LR

29:2423 (November 2003), repealed by the Department of Health, Health Standards Section, LR 50:

Subchapter P. Rehabilitation Services (Optional)

§9479. Organization and Staffing

A. The organization of services shall be appropriate to the scope of the services offered. The rehabilitation service shall employ and define the leadership structure in accordance with the facility administration.

1. - 4. Repealed.

B. Medical Director. The medical director of rehabilitation services shall:

1. be a doctor of medicine or osteopathy;
2. be licensed to practice medicine or surgery in accordance with state law;
3. have completed a one-year hospital internship;
4. have had at least two years of training or experience, within the last five years, in the medical management of patients requiring rehabilitation services;
5. provide services to the rehabilitation hospital or rehabilitation unit on a full-time basis;
 - a. the hospital will define the term full-time as it allies to all of its employees.
6. have experience and training of rehabilitation services to perform all of the functions within the service; and
7. be responsible to ensure that the objectives of each of the therapeutic disciplines of the rehabilitation program are efficiently conducted within the stated mission of the program and in accordance with acceptable, nationally recognized standards of practice and/or guidelines for rehabilitation medicine.

C. ...

D. A rehabilitation unit in a general hospital shall have an RN as manager of the rehabilitation unit. The RN shall have at least one year of clinical nursing experience providing rehabilitative nursing care. The unit shall provide 24-hour RN coverage with an adequate number of licensed nurses and rehabilitative workers to provide the nursing care necessary under each patient's active treatment program.

E. - G. ...

H. If the hospital provides a range of rehabilitation services, the services shall define criteria for admission to the inpatient rehabilitation program and discharge from the inpatient program.

I. There shall be an interdisciplinary team that shall include, but not be limited to:

1. - 4. ...
5. a physician experienced in rehabilitation medicine;
6. a social worker; and
7. a speech-language pathologist.
8. Repealed.

J. The program should provide or make arrangements for:

1. - 10. ...
11. a psychologist/neuropsychologist; and
12. other services consistent with the criteria for admission.

AUTHORITY NOTE: Promulgated in accordance with R.S.36:254 and R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 21:177 (February 1995), amended LR 29:2423 (November 2003), amended by the Department of Health, Health Standards Section, LR 50:

§9483. Rehabilitation Hospital or Unit Physical Space

A. Space and equipment shall be appropriate for the types of rehabilitation services offered and shall be maintained for safe and efficient performance and in accordance with the 2014 Edition of the Hospital Units and Rehabilitation Units of the Facility Guidelines Institute (FGI) Hospital and Outpatient Facilities Guidelines, as adopted by the OSFM, for building design and construction.

B. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S.36:254 and R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 21:177 (February 1995), amended LR 29:2424 (November 2003), amended by the Department of Health, Health Standards Section, LR 50:

Subchapter R. Psychiatric Services (Optional)

§9495. General Provisions

A. ...

B. For psychiatric services/facilities that have multiple geographic locations, each geographic site shall meet the requirements in §9497, §9499, and §9501.

AUTHORITY NOTE: Promulgated in accordance with R.S.36:254 and R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 21:177 (February 1995), amended LR 29:2425 (November 2003), amended by the Department of Health, Health Standards Section, LR 50:

§9497. Psychiatric Hospital or Psychiatric Unit Physical Space

A. The layout and design of a psychiatric hospital or psychiatric unit shall be in accordance with the 2014 Edition of the Facility Guidelines Institute (FGI) Hospital and Outpatient Facilities Guidelines, as adopted by the OSFM, for building design and construction. In addition to the FGI Guidelines, details, equipment, and furnishings shall be such that patients shall be under close observation and shall not be afforded opportunities for hiding, escape, or injury to themselves or others. The environment of the unit shall be characterized by a feeling of openness with emphasis on natural light and exterior views. Interior finishes, lighting, and furnishings shall suggest a residential rather than an institutional setting while conforming to applicable fire safety codes. Security and safety devices shall not be presented in a manner to attract or challenge tampering by patients.

B. The psychiatric hospital or unit shall develop and implement strategy to identify environmental safety risks within its specific environment and specific to its patient population. The operation of windows shall be restricted to inhibit possible escape or suicide. Where windows or vents require the use of tools or keys for operation, the tools or keys shall be either located on the same floor in a prominent location accessible to staff or carried by every staff member. There shall be no curtain or venetian blind cords.

C. Plastic bags and/or trash can lines shall not be used in patient care areas.

D. Patient Rooms

1. An electric nurses' call system is not required however, the hospital shall have policies and procedures for how patients call for assistance.

2. Bedpan-flushing devices may be omitted from patient room toilets in psychiatric nursing units.

3. Visual privacy (e.g., cubicle curtains) in multi-bed rooms is not required.

4. Free standing closets shall be secured to the wall.

5. Electric patient beds are not to be used. The secretary of the department may, within his/her sole discretion, grant a waiver of this provision in accordance with section 9305.

E. Service Areas

1. A secured storage area controlled by staff shall be provided for patients' belongings that are determined to be potentially harmful (e.g., razors, nail files, cigarette lighters).

2. Drugs and biologicals shall be stored in locked compartments under proper temperature controls, and only authorized personnel shall have access to the keys.

3. Food service may be one or a combination of the following:

a. a nourishment station;

b. a kitchenette designed for patient use with staff control of heating and cooking devices; and

c. a kitchen service including a hand washing fixture, storage space, refrigerator, and facilities for meal preparation.

4. Storage space for stretchers and wheelchairs may be outside the psychiatric unit, provided that provisions are made for convenient access as needed for handicapped patients.

F. Seclusion Treatment Room

1. There shall be at least one seclusion room for up to 24 beds or a major fraction thereof. It is intended for short-term occupancy by violent or suicidal patients and provides for patients requiring security and protection. The room(s) shall be either located for direct nursing staff supervision or observed through the use of electronic monitoring equipment.

2. If electronic monitoring equipment is used, it shall be connected to the hospital's emergency electrical source. It shall be constructed to prevent patient hiding, escape, injury, or suicide.

3. If a facility has more than one psychiatric unit, located at the same geographic address, the number of seclusion rooms shall be determined by the total number of psychiatric beds at that location. However, if there are psychiatric units located at multiple and different geographic addresses, there shall be a seclusion room that meets these requirements at each off-site campus that offers inpatient psychiatric services.

4. Special fixtures and hardware for electrical circuits shall be used.

5. Seclusion rooms shall be accessed by an anteroom or vestibule that also provides direct access to a toilet room.

G. Ceiling construction in psychiatric patient rooms and seclusion room(s) shall be monolithic or tamper proof.

H. - K. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S.36:254 and R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 21:177 (February 1995), amended LR 29:2425 (November 2003), amended by the Department of Health, Health Standards Section, LR 50:

§9499. Supplies and Equipment

A. Restraint equipment shall be immediately available and accessible to staff, if restraint use is part of the functional plan of the hospital or unit.

B. Recreational supplies and therapy equipment shall be available.

C. Locked storage areas shall be available for safekeeping of patient belongings and any items that may be considered contraband.

AUTHORITY NOTE: Promulgated in accordance with R.S.36:254 and R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:2426 (November 2003), amended by the Department of Health, Health Standards Section, LR 50:

§9501. Staffing

A. - B. ...

C. In a psychiatric hospital, the director of nursing (DON) services, shall be a full-time RN who has:

1. a master's degree in psychiatric or mental health nursing or its equivalent, from a school of nursing accredited by the National League for Nursing; or

2. at least three years clinical RN experience in providing psychiatric nursing care, and on-going training in psychiatric nursing. Documentation from a RN with a master's degree in psychiatric nursing constitutes on-going training. Such documentation shall be maintained in the personnel file for the DON.

3. Repealed.

D. A psychiatric unit within a general hospital shall have an RN as a manager of the psychiatric unit. The RN shall meet the same requirements as that of the DON in a psychiatric hospital.

E. The DON of a psychiatric hospital or the psychiatric unit RN manager shall demonstrate competence to participate in interdisciplinary formulation of individual treatment plans, to give skilled nursing care and therapy if needed, and to direct, monitor, and evaluate the nursing care furnished.

F. In addition to the director of psychiatric nursing service, the hospital or unit shall provide 24-hour RN coverage with an adequate number of licensed nurses and mental health workers to provide the nursing care necessary under each patient's active treatment program.

G. Psychological services shall be provided by or supervised by a psychologist licensed by the Louisiana State Board of Examiners of Psychologists.

1. - 6.c. Repealed.

NOTE: Repealed.

H. Social services shall be provided by a director who is a licensed clinical social worker and who is experienced in the social service needs of the mentally ill.

I. Therapeutic recreational services shall be provided by qualified recreational therapists, support personnel, and consultants adequate in number to provide comprehensive therapeutic recreational services consistent with each patient's care plan.

1. An individual who clinically supervises therapeutic recreational services shall meet the following qualifications:

- a. have a degree in therapeutic recreational services from an accredited post-secondary institution; or
- b. have a degree in another field of study and has also attained certification in accordance with the National Council for Therapeutic Recreation Certification requirements.

2. An individual who provides therapeutic recreational services shall have the following qualification:

- a. a degree in therapeutic recreational services from an accredited post-secondary institution; or
- b. a degree in another field of study and has also attained certification in accordance with the National Council for Therapeutic Recreation Certification requirements; or
- c. a minimum of 10 years' experience providing therapeutic recreational services; or
- d. be currently employed as a therapeutic recreational services specialist 2 per Louisiana Civil Service requirements.

3. Therapeutic recreational services shall be designed to:

- a. restore, remediate, and rehabilitate a person's level of functioning and independence in life activities;
- b. promote health and wellness; and
- c. reduce or eliminate the activity limitations and restrictions to participation in life situations caused by an illness or disabling condition.

NOTE: Examples of intervention modalities include, but are not limited to, creative arts (e.g., crafts, music, dance, drama, among others), sports, adventure programming, dance/movement, and leisure education.

AUTHORITY NOTE: Promulgated in accordance with R.S.36:254 and R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:2426 (November 2003), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1489 (August 2015), amended by the Department of Health, Health Standards Section, LR 50:

Subchapter S. Obstetrical and Newborn Services (Optional)

§9511. General Provisions for Hospitals Licensed After January 1, 2022, and for Existing Hospitals Beginning July 1, 2023

A. - C. ...

D. For purposes of this Subchapter, the requirements for hospital staff and/or equipment as being physically present at all times specifies the hospital staff and/or equipment shall be on-site in the location 24 hours a day, 7 days a week.

E. For purposes of this Subchapter, the requirements for hospital staff and/or equipment as being readily available at all times specifies the hospital staff and/or equipment shall be available, as approved by hospital policy, 24 hours a day, 7 days a week.

F. - H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S.36:254 and R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:2428 (November 2003), amended LR 33:286 (February 2007), amended by the Department of Health, Bureau of Health Services Financing, LR 43:78 (January 2017), LR

48:2569 (October 2022), amended by the Department of Health, Health Standards Section, LR 50:

§9513. Organization and Staffing

A. - B. ...

C. For purposes of this Subchapter, the requirements for hospital staff and/or equipment as being physically present at all times specifies the hospital staff and/or equipment shall be on-site in the location 24 hours a day, 7 days a week.

D. For purposes of this Subchapter, the requirements for hospital staff and/or equipment as being readily available at all times means that the hospital staff and/or equipment shall be available, as approved by hospital policy, 24 hours a day, 7 days a week.

E. - G. ...

AUTHORITY NOTE: Promulgated in accordance with R.S.36:254 and R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:2429 (November 2003), amended LR 33:286 (February 2007), amended by the Department of Health, Bureau of Health Services Financing, LR 43:78 (January 2017), LR 43:1979 (October 2017), LR 48:2569 (October 2022), amended by the Department of Health, Health Standards Section, LR 50:

§9517. Obstetrical Unit Functions

A. - B.2.b.v. ...

vi. A lactation consultant or counselor, on staff or contracted, holding certification by a nationally recognized board on breastfeeding shall be available to assist breastfeeding mothers as needed. Such services may be provided through the use of telehealth.

vii. Repealed.

B.3. - E.3.b.ii.(b). ...

AUTHORITY NOTE: Promulgated in accordance with R.S.36:254 and R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 48:2570 (October 2022), amended by the Department of Health, Health Standards Section, LR 50:

§9521. Neonatal Unit Functions [Formerly LAC 48:1.9513]

A. - B.3.a.ii. ...

C. Level III NICU

1. - 1.a. ...

b. This unit shall have either a neonatologist, a neonatal nurse practitioner, a physician assistant-certified, or a neonatology fellow in-house 24 hours per day.

c. The staffing of this unit shall be based on patient acuity and consistent with the recommended acceptable, nationally recognized standards of practice and/or guidelines of the American Academy of Pediatrics (AAP). For medical sub-specialty requirements, refer to Table 1, Neonatal Medical Subspecialties and Transport Requirements.

C.2. - E.2.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S.36:254 and R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 48:2576 (October 2022), amended by the Department of Health, Health Standards Section, LR 50:

Subchapter T. Pediatric Services (Optional)

§9525. General Provisions

A. Pediatric services shall be under the medical direction of a qualified physician who is a member of the medical staff with pediatric privileges and appointed by the governing body. Hospitals admitting children shall have proper facilities for their care apart from adult patients and the newborn, in accordance with hospital policies and procedures. Pediatric and adolescent patients, to the extent their condition permits, shall be grouped together in distinct units or district areas of general units separate from adults. Pediatric patients shall not be placed in rooms with adult patients.

B. The hospital shall ensure that there are policies and procedures in place and implemented in accordance with acceptable, nationally recognized standards of practice and/or guidelines, to promote the safety and security of pediatric patients.

C. In hospitals with a separate designated pediatric unit in existence prior to March 1, 1995, the maximum number of beds permitted in each pediatric room shall be eight and shall meet the same spatial standards as specified in Subchapter J of these requirements. In hospitals with a separate designated pediatric unit subsequent to March 1, 1995, the maximum number of beds permitted in each pediatric room shall be four and shall meet the same spatial standards as specified in Subchapter J of these requirements.

AUTHORITY NOTE: Promulgated in accordance with R.S.36:254 and R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:2431 (November 2003), amended by the Department of Health, Health Standards Section, LR 50:

§9531. Facilities

A. - B. ...

C. The Emergency Department (ED) shall have a separate covered entrance. Two or more areas within the ED shall have the capacity and equipment to resuscitate any pediatric patient with any medical, surgical or traumatic illness within facilities with Level I units. Hospitals with Level II units only need one such area. The emergency room shall be staffed 24 hours a day in facilities with either Level I or Level II units.

D. There shall be an operating suite with one room available within 30 minutes and a second room within 45 minutes, 24 hours a day. Hospitals with Level I units shall have the capability of providing cardiopulmonary bypass, pediatric bronchoscopy, and radiography.

E. Clinical Laboratories

1. Clinical laboratories shall have microspecimen capability and the capability to perform clotting studies with one-hour turn around. There shall also be the capability to perform:

a. - k. ...

2. Preparation of gram stains and bacteriologic cultures shall be available 24 hours per day. Blood gas values shall be available within 15 minutes. Results of drug screening and levels of serum ammonia, serum, and urine osmolarity, phosphorus and magnesium shall be available within three hours for Level I units.

F. There shall be a blood bank able to provide all blood components 24 hours a day in both Levels I and II. Cross

matching shall allow for transfusions within one hour unless some unusual antibody is encountered.

G. Hospitals with Level I units shall have radiology services capable of radiography, fluoroscopy, computerized tomography scanning, ultrasonography, and nuclear scanning angiography.

H. ...

I. A catheterization laboratory or angiography suite shall either be in the same building with a Level I units or available at another campus location of the hospital where these services are provided.

1. Policies and procedures shall be developed and implemented related to the staffing, transportation of PICU Level I patients requiring cardiac catheterizations at another of the hospital's campuses.

J. ...

AUTHORITY NOTE: Promulgated in accordance with R.S.36:254 and R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:2431 (November 2003), amended by the Department of Health, Health Standards Section, LR 50:

§9535. Medical Staff

A. The medical director in Level I units shall be:

1. board certified in pediatrics and board certified or in the process of board certification in pediatric critical care medicine (certification shall be completed within five years);

2. - 3. ...

B. ...

C. Levels I and II units shall have at least one physician of at least the postgraduate year two assigned to the PICU in-house 24 hours per day.

D. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S.36:254 and R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:2432 (November 2003), amended by the Department of Health, Health Standards Section, LR 50:

§9539. Supplies and Equipment

A. - C. ...

D. There shall be bedside monitoring in Level I and II PICUs with the capability for continuously monitoring heart rate and rhythm, respiratory rate, temperature, and one hemodynamic pressure. Level I units shall also have the ability to monitor systemic arterial, central venous, pulmonary arterial, and intracranial pressures. The monitors shall have alarms with both high and low settings, and they shall also have both audible and visible capability. There shall be a maintenance and calibration schedule maintained for all monitoring devices.

AUTHORITY NOTE: Promulgated in accordance with R.S.36:254 and R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:2432 (November 2003), amended by the Department of Health, Health Standards Section, LR 50:

§9541. Miscellaneous

A. ...

B. Each Level I PICU shall offer pediatric critical care education for EMS providers, emergency department, and transport personnel as well as for the general public. The staff nurses and respiratory therapists shall also have basic life support certification.

C. Level I PICUs offering a fellowship program in pediatric critical care shall possess sufficient patient volume, teaching expertise, and research capability to support such a fellowship. Programs providing sub-specialty training in critical care shall possess approval by the residency review committee of the Accreditation Council on Graduate Medical Education.

AUTHORITY NOTE: Promulgated in accordance with R.S.36:254 and R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:2433 (November 2003), amended by the Department of Health, Health Standards Section, LR 50:

Subchapter U. Alternative Birthing Units

§9553. Definitions

* * *

Certified Nurse Midwife (CNM)—an advanced practice registered nurse as defined in R.S. 37:913, or current law.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S.36:254 and R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 40:1099 (June 2014), amended by the Department of Health, Health Standards Section, LR 50:

§9555. Program Requirements

A. ...

1. In order for a pregnant woman to be admitted to an ABU, the following admission requirements shall be met.

1.a. - G.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S.36:254 and R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 40:1099 (June 2014), amended by the Department of Health, Health Standards Section, LR 50:

§9559. Physical Environment

A. An ABU shall submit, meet, and obtain approval for facility plan review from the OSFM prior to construction in accordance with Section 9305.N of this Rule.

A.1. - U. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S.36:254 and R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 40:1101 (June 2014), amended by the Department of Health, Health Standards Section, LR 50:

§9563. Services

A. - C.4. ...

D. Requirements for Staff to Patient Ratio

1. A CNM shall be present at all times while a laboring patient is in the ABU.

2. - 6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S.36:254 and R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 40:1103 (June 2014), amended by the Department of Health, Health Standards Section, LR 50:

Subchapter W. Mobile Unit - Offsite Rural Health Clinic Services

§9575. General Provisions

A. All hospital providers with an offsite rural health clinic offering services via a mobile unit, shall notify the HSS prior to providing services via a mobile unit.

B. The mobile unit operated by the offsite rural health clinic shall be maintained in safe working order and in compliance with applicable state and federal regulations and laws, including but not limited to, those regulations and law relative to the safe and effective operation of motor vehicles.

C. Hospitals with an offsite rural health clinic that provides mobile services shall:

1. develop policies and procedures that address the health, safety, or welfare of the patients utilizing mobile units;

2. provide the vehicle identification number, license plate number, proof of insurance, vehicle registration, and copy of the inspection sticker for the mobile unit upon request;

3. develop a written schedule of locations the mobile units will be stationed and maintain site verifications for each of these locations;

4. provide secure storage for medications on the mobile unit;

5. store emergency equipment and emergency medications on the mobile unit;

6. provide a hand washing sink in the mobile unit; and

7. be handicap accessible.

AUTHORITY NOTE: Promulgated in accordance with R.S.36:254 and R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health, Health Standards Section, LR 50:

Subchapter X. Burn Centers (Optional)

§9583. General Provisions

A. If the hospital provides burn center services, the services shall be well organized and provided in accordance with acceptable, nationally recognized standards of practice and/or guidelines from the American Burn Association.

B. The burn center shall ensure that there are policies and procedures in place, and that the policies and procedures are implemented in accordance with acceptable, nationally recognized standards of practice and/or guidelines, to promote the safety and security of the burn center patients.

C. The burn center shall have an internal registry for all inpatients and shall participate in an externally based registry. A member of the burn center or hospital staff shall be assigned to maintain data and develop statistics regarding the causes of injuries sustained by burn center inpatients.

D. Each burn center system shall participate in a public burn awareness program covering the prevention and immediate treatment of burn injuries.

E. There shall be a direct communication link between the prehospital system and the burn center. The contact point shall be either in the burn center or in the emergency department.

F. The burn center shall cooperate with the Louisiana Emergency Response Network (LERN), and the appropriate audit committees of the regional or state Emergency Medical Services (EMS) system, where they exist, by providing patient care data for system management, quality assessment, and operations research. Patient care data shall be provided, both routinely and in response to special requests, and by participating in local audits of the EMS system.

G. Hospitals without qualified personnel or equipment for the care of pediatric burn patients, shall transfer pediatric burn patients to a facility that has a pediatric intensive care unit or a pediatric unit with access to burn services.

AUTHORITY NOTE: Promulgated in accordance with R.S.36:254 and R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health, Health Standards Section, LR 50:

§9585. Organization and Staffing

A. The organization of services shall be appropriate to the scope of burn center services offered. The burn center shall employ and define the leadership structure in accordance with the facility's administration. All staff shall be licensed and credentialed as required by their respective discipline.

B. Medical Director

1. The medical director of the burn center shall:

a. be designated by the institution, with the appropriate authority and responsibility, to direct and coordinate all medical services to patients admitted to the burn center;

b. be a currently licensed, board-certified general surgeon or plastic surgeon on the active medical staff of the institution responsible for the management of burn patients in a burn center, with at least two years' experience during the previous five years, or have completed a burn fellowship;

c. be responsible for regular communications with physicians and other authorities regarding referred patients, and for appropriate burn center management functions, including:

i. quality assurance;

ii. liaison with adjacent burn centers;

iii. internal and external education programs; and

iv. coordination with regional or state EMS programs, where they exist, and the Louisiana Emergency Response Network; and

d. direct the burn care of at least 50 inpatient or outpatient acutely burned patients annually over a three-year period. For facilities that treat acutely burned pediatric patients, the burn center director shall have directed the burn care of at least 25 inpatient or outpatient pediatric cases annually over a three-year period.

2. Medical care to burn center patients shall be provided by the burn center medical director, or other appropriately licensed, board-certified or board eligible physicians operating with the medical director's approval, and utilizing standard burn center patient care protocols.

3. The medical director shall designate one or more appropriately licensed, board-certified or board eligible physician(s) with at least six months experience in the management of the patient with burns, to be accessible for administrative and clinical decisions when the medical director is not available.

C. Nurse Manager

1. The nurse manager shall be a Registered Nurse (RN) who is currently licensed to practice in the state of Louisiana and has at least three years of experience as a RN. Two of these years shall consist of full-time experience in providing direct patient care in an intensive care setting, and one of these years shall consist of full-time experience in providing direct patient care in a burn center.

D. Registered Dietician

1. A registered dietitian, currently licensed to practice in Louisiana, with critical care and burn care experience, shall be available for consultation to burn center medical staff, nursing staff, and patients, as needed.

E. Registered Pharmacist

1. A clinical registered pharmacist, currently licensed to practice in Louisiana, shall be available for consultation to burn center medical staff, nursing staff, and patients, as needed.

2. The registered pharmacist licensed to practice in Louisiana, shall have critical care and burn care experience.

F. Respiratory Therapy

1. Respiratory therapists, currently licensed to practice in Louisiana, shall be available to participate in the assessment and treatment of all burn center patients, as needed.

G. Staff Specialists

1. Board certified and credentialed staff, currently licensed to practice in Louisiana in the following surgical specialties, shall be available as needed:

- a. general;
- b. cardiothoracic;
- c. neurologic;
- d. obstetric/gynecologic;
- e. ophthalmologic;
- f. oral;
- g. orthopedic;
- h. otorhinolaryngologic;
- i. pediatric, where applicable;
- j. plastics; and
- k. urologic.

2. Board certified and credentialed staff, currently licensed to practice in Louisiana in the following nonsurgical specialties, shall be available as needed:

- a. anesthesiology;
- b. cardiology;
- c. gastroenterology;
- d. hematology;
- e. infectious disease;
- f. internal medicine;
- g. nephrology;
- h. neurology;
- i. pathology;
- j. pediatrics, where applicable;
- k. physiatry;
- l. psychiatry;
- m. pulmonary; and
- o. radiology.

3. A board certified surgeon, currently licensed to practice in Louisiana, shall be involved, as needed, in the management of patients with burns for a minimum of 150 annual inpatient admissions to the burn center.

4. Staff specialists shall be available, as needed, for consultation in the specialties listed above. The initial response may be provided by resident physician(s), designated nurse practitioner(s), or physician assistant(s) who are capable of assessing emergency situations in their respective specialties, with appropriate supervision, and who can provide any immediately indicated treatment.

5. The availability and accessibility of consultation by current licensed to practice in Louisiana, board certified physicians and surgeons in all specialties relevant to the care of the patient with burns shall be documented.

H. Other Staff

1. The following staff shall be available to the burn service, as needed:

- a. clinical psychologist(s) and/or psychiatrist(s);
- b. member(s) of clergy;
- c. social worker;
- d. case manager(s); and/or
- e. child life specialist, where applicable.

AUTHORITY NOTE: Promulgated in accordance with R.S.36:254 and R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health, Health Standards Section, LR 50:

§9587. Ancillary Services

A. In addition to all other required hospital ancillary services provided in Sections 9361, 9371, and 9327 of these rules, the following additional ancillary services shall be required for burn centers:

1. Dialysis

a. There shall be provisions for renal dialysis 24-hours per day when required, or a written transfer agreement with an available and accessible dialysis facility in another hospital.

2. Operating Services

a. An operating room shall be readily accessible to the burn center 24-hours per day.

b. Equipment and supplies required in burn operating room(s) shall be determined by the burn center medical director.

3. Burn operating rooms shall be able to reach sufficient temperatures or have procedures to maintain patient normothermia.

C. Rehabilitation Program

1. The burn center shall provide the following:

a. recreational and educational services, as defined by institutional policy, during hospitalization for those patients able to utilize them;

b. evaluation of needs and support capabilities of patient's family or other significant persons, and cooperative planning with family or other significant persons for patient discharge;

c. documentation of need for and availability and accessibility of community resources to assist in meeting the patient's physical, psychosocial, educational, and vocational needs following discharge. The social worker assigned to the burn center shall coordinate these activities. A clinical psychologist or psychiatrist shall be available for consultation, as needed; and

d. plans for readmission for treatment of post medical/surgical complications, or rehabilitation and reconstruction.

D. Tissue Bank

1. The hospital's burn center policies and procedures regarding the use of allograft tissues shall be in compliance with all federal and state requirements, and when feasible and appropriate, with acceptable, nationally recognized standards of practice and/or guidelines of the American Association of Tissue Banks (or equivalent).

AUTHORITY NOTE: Promulgated in accordance with R.S.36:254 and R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health, Health Standards Section, LR 50:

§9589. Patient Rooms and Support Space

A. The burn center shall contain beds that shall be used predominantly for the care of patients with burn injuries, or those suffering from other injuries or skin disorders whose

treatment requirements are similar to those of patients with burns. The maximum number of patient beds per room shall be one.

B. ICU patient rooms shall be designed as intensive care acuity adaptable with direct access to toilet/bathing room. Each room shall be equipped with heating equipment or have processes in place to maintain patient normothermia as required by building and construction guidelines.

C. All patient rooms shall be designed as protective environment rooms with consideration to provide airborne isolation infection/protective rooms in centers with suspected or confirmed airborne infections.

D. Where a hydrotherapy room is provided, it shall be readily accessible to the burn center patient.

E. A conference room/meeting room, a family room, and an adequate exercise area shall be available.

AUTHORITY NOTE: Promulgated in accordance with R.S.36:254 and R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health, Health Standards Section, LR 50:

§9591. Education Program

A. Medical, nursing, and ancillary staff of the burn center shall participate in burn-specific educational programs or activities developed especially related to burn care, both at initial orientation and during planned, organized, and coordinated in-services.

B. Annual continuing education shall be required for all medical, nursing, and ancillary staff employed in the burn center with burn care content equivalent to approximately four continuing education units.

AUTHORITY NOTE: Promulgated in accordance with R.S.36:254 and R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health, Health Standards Section, LR 50:

§9593. Conferences

A. Multi-disciplinary conferences shall be held at least weekly to review and evaluate the status of each burn center inpatient with representation by each clinical discipline regularly involved in burn center care. The conference shall include a review of each patient's:

1. progress in recovery;
2. necessity for surgery; and
3. rehabilitation needs, both physical and psychosocial.

B. A documented quality/performance improvement conference shall be held at least monthly, with input from peers to improve patient care.

AUTHORITY NOTE: Promulgated in accordance with R.S.36:254 and R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health, Health Standards Section, LR 50:

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule may have a positive impact on family functioning, stability, and autonomy as described in R.S. 49:972 by expanding the availability of services.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this

proposed Rule will have no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

Small Business Analysis

In compliance with the Small Business Protection Act, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule will may have an indeterminable impact on small business since there is no way to determine how many hospitals will be required to add exterior signage stating that the hospital does not provide emergency services.

Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule may have an impact on staffing level requirements or qualifications required to provide the same level of service, and may have an indeterminable impact on the direct or indirect cost to the provider and on the provider’s ability to provide the same level of service as described in HCR 170, since there is no way to determine how many hospitals will be required to add exterior signage stating that the hospital does not provide emergency services.

Public Comments

Interested persons may submit written comments to Tasheka Dukes, RN, Health Standards Section, P.O. Box 3767, Baton Rouge, LA 70821. Ms. Dukes is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is at 4:30 p.m. on January 29, 2024.

Public Hearing

Interested persons may submit a written request to conduct a public hearing by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on January 9, 2024. If the criteria set forth in R.S. 49:961(B)(1) are satisfied, LDH will conduct a public hearing at 9:30 a.m. on January 24, 2024 in Room 118 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after January 9, 2024. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing.

Stephen R. Russo, JD
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Hospital Licensing Standards**

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

It is anticipated that implementation of this proposed rule will have no programmatic fiscal impact to the state other than

the cost of promulgation for FY 23-24. It is anticipated that \$10,476 will be expended in FY 23-24 for the state’s administrative expense for promulgation of this proposed rule and the final rule.

This proposed rule amends the provisions governing the licensing of hospitals in order to add and update definitions, to update existing licensure requirements, and to adopt requirements for issuing statements of deficiency, licensure inactivation due to disasters or emergencies, mobile units, and burn center services.

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

It is anticipated that implementation of this proposed rule will have no impact on state revenue collections in FY 23-24, FY 24-25, and FY 25-26. Hospitals pay one license fee regardless of the type of services provided.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

This proposed rule amends the provisions governing the licensing of hospitals in order to add and update definitions, to update existing licensure requirements, and to adopt requirements for issuing statements of deficiency, licensure inactivation due to disasters or emergencies, mobile units, and burn center services.

It is anticipated that implementation of this proposed rule may result in an indeterminable cost to hospitals in FY 23-24, FY 24-25, and FY 25-26, since there is no way to determine how many hospitals will be required to add exterior signage stating that the hospital does not provide emergency services.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This rule has no known effect on competition and employment.

Tasheka Dukes, RN
Deputy Assistant Secretary
2312#044

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Health
Office of the Secretary**

Americans with Disabilities Act (ADA) Accessibility
(LAC 4:XXIII.Chapter 3)

The Department of Health, Office of the Secretary proposes to adopt LAC 4:XXIII.Chapter 3, as authorized by R.S. 36:254. The proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

In accordance with Act 393 of the 2023 Regular Legislative Session, the Department of Health proposes to adopt Chapter 3 of Title 4, Americans with Disabilities Act (ADA) Accessibility by adopting the framework for participation in public meetings, via teleconference or videoconference. The proposed Rule will benefit persons who have ADA accessibility issues by allowing them to participate in open public meetings, via teleconference or videoconference.

Title 4
ADMINISTRATION
Part XXIII. ADA Accessibility

Chapter 3. Department of Health
Subchapter A. Public Participation via Teleconference or Videoconference

§301. Notice

A. Each public body shall include an email address, for receiving requests for a disability based accommodation, within the notice and agenda for the meeting.

B. Each public body shall email the notice and agenda including the public link and email address for requests for ADA recognized disability accommodations to any member of the public or news media who requests notice of meetings of the public body.

C. Prior notice containing instructions for virtual participation for members must be provided to each member at least 24-hours in advance of a meeting. The notice must include, at a minimum:

1. the online platform being used by the public body;
2. registration information, hosting URL, and passwords (if applicable); and
3. the name and phone number of the person responsible for questions and/or technical support for virtual participation.

D. Accessibility. Each meeting shall be conducted in accordance with R.S. 42:17.2, or current law.

1. The platform used by the public body must provide:
 - a. communication access real-time translation (CART) or real-time captioning capabilities;
 - b. availability for digital distribution of supplementary materials; and
 - c. an avenue for comments and votes by members.

2. All printed or visual materials used at the meeting must be provided to the members through the hosting platform.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of the Secretary, LR 50:

§303. Public Comments

A. Written public comments may be submitted electronically either prior to the meeting or during any meeting via electronic means.

B. Oral public comments may be made by members of the public during the meeting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of the Secretary, LR 50:

§305. Accommodation of Public Participation

A. The public body shall post a link on its website where documents related to the meeting may be accessed by members of the public.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of the Secretary, LR 50:

Subchapter B. Members of a Public Body Participation in Open Meetings

§307. Accommodations Provided for Member Participation

A. All members of the body shall be provided all reasonable accommodations necessary for him or her to participate in the meeting in accordance with R.S. 42:11 et seq., or current law.

1. The ADA accommodation(s) granted to a member of a public body shall be valid for the duration of the member's term, or a shorter period upon written notice by the member that the accommodation is no longer needed.

2. Subject to the requirements of R.S. 42:14 or current law, the department shall post a registration form on its website requesting registration for an accommodation to attend for the next open meeting.

a. The registration form shall allow the member of the public to specify their accessibility/accommodation needs and the registration form shall provide a reasonable deadline in advance of the public meeting for submission of such requests.

4. Subject to the requirement of R.S. 42:14 or current law, after a request for ADA accommodation is received by the deadline described in §107 A. 3. a, and if the public body does not have the capability to allow a member of the public with a disability recognized by the ADA or a designated caregiver of such a person to participate in its meetings virtually as defined in R.S. 42:17.2, or current law, the department shall postpone the meeting no later than 24 hours prior to the meeting to facilitate viable alternative methods for a member of the public with the ADA recognized disability or a designated caregiver of such a person to participate in its meetings. Once a viable alternative method is developed, the department shall issue notice of the new meeting date as prescribed in R.S. 42:11 et seq., and include instructions for a viable alternative method(s) of participation for the public to accommodate the requests for ADA accommodation(s).

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of the Secretary, LR 50:

§309. Quorum

A. The public body shall count all members of the public body attending the meeting via teleconference or videoconference for purposes of achieving a quorum, if the member(s) in attendance is/are in compliance with R.S. 42:11 et seq., or current law.

B. If any member of the public body participating via teleconference or videoconference, in accordance with R.S. 42:11 et seq., or current law, experiences technical problems, the presiding officer shall recess the meeting until the member of the public body is able to reconnect or resolve the technical problem.

C. If a quorum is lost because of technical problems, the public body shall take no further action.

1. The meeting shall be recessed until the member of the public body is able to rejoin the meeting either via teleconference or videoconference.

2. If the member of the public body is unable to rejoin within one hour of the time connectivity was lost, the meeting shall be adjourned.

D. If technical problems do not cause the loss of a quorum, the presiding officer shall recess the meeting for at least fifteen minutes to give the member of the public body participating via teleconference or videoconference time to reconnect.

1. If a member of the public body is not able to reconnect, the meeting may continue only if a quorum is present.

E. If the anchor site experiences technical problems that cause a loss of quorum, the presiding officer shall recess the meeting.

1. If the technical problems at the anchor site cannot be resolved within one hour of the time the technical problem began, the meeting shall be adjourned.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of the Secretary, LR 50:

§311. Voting

A. If a member of a public body is participating via videoconference in accordance with R.S. 42:11 et seq., or current law, he or she shall be visible to cast a vote.

B. If a member of a public body cannot be visible at the time a vote is taken and is participating via videoconference in accordance with R.S. 42:11 et seq., or current law, he or she shall state his or her full name and his or her vote.

C. Notwithstanding any provision of R.S. 42:11 et seq., or current law, that requires a member of a public body to be physically present in order to be counted for a quorum and to participate and vote in a meeting, a member of a public body who has a disability recognized by the ADA shall be allowed to participate and vote in a meeting via electronic means as defined in R.S. 42:17.2 or current law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of the Secretary, LR 50:

§321. Policy

A. Each public body may develop and implement policies and procedures that are consistent with these regulations for members of a public body participating via teleconference or videoconference in accordance with R.S. 42:11 et seq., or current law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of the Secretary, LR 50:

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability and autonomy as described in R.S. 49:972.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this

proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

Small Business Analysis

In compliance with the Small Business Protection Act, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule will have no impact on small businesses.

Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, no direct or indirect cost to the provider to provide the same level of service, and will have no impact on the provider's ability to provide the same level of service as described in HCR 170.

Public Comments

Interested persons may submit written comments on the proposed Rule. Such comments must be received no later than Tuesday, January 9, 2024 at COB, 4:30 PM, and should be addressed to Regan Jones, Bureau of Legal Services, P.O. Box 3836, Bin #20, Baton Rouge, LA 70821-3836. The deadline for submitting written comments is at 4:30 p.m. on Wednesday, January 24, 2024.

Public Hearing

Interested persons may submit a written request to conduct a public hearing by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on Wednesday, January 10, 2024. If the criteria set forth in R.S. 49:961(B)(1) are satisfied, LDH will conduct a public hearing at 9:30 a.m. on Wednesday, January 24, 2024 in Room 118 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after Tuesday, January 9, 2024. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing.

Stephen R. Russo, JD
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Americans with Disabilities Act (ADA) Accessibility

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

It is anticipated that implementation of this proposed rule will have no programmatic fiscal impact to the state other than the cost of promulgation for FY 24-25. It is anticipated that \$1,080 will be expended in FY 24-25 for the state's administrative expense for promulgation of this proposed rule and the final rule.

In accordance with Act 393 of the 2023 Regular Legislative Session, the LDH proposes to adopt Chapter 3 of Title 4,

Americans with Disabilities Act (ADA) Accessibility by adopting the framework for participation in public meetings via teleconference or videoconference.

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

It is estimated the proposed rule will not have any effect on revenue collection of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule may result in travel savings to certain individuals that can now participate in meetings virtually.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule is not anticipated to have an effect on competition and employment.

Stephen R. Russo, JD
Secretary
2312#038

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Insurance Office of the Commissioner

Regulation 104—Corporate Governance Annual Disclosure (LAC 37:XIII.Chapter 2)

The Department of Insurance, pursuant to the authority of the Louisiana Insurance Code, R.S. 22:1 et seq., and in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., hereby gives notice of its intent to amend Regulation 104.

The purpose of the amendment to Regulation 104 is to add a definition of “Insurance Group” and to correct typographical errors and statutory references.

Title 37

INSURANCE

Part XIII. Regulations

Chapter 2. Regulation 104—Corporate Governance Annual Disclosure

§201. Purpose

A. The purpose of this regulation is to set forth rules and procedural requirements which the commissioner deems necessary to carry out the provisions of R.S. 22:691.51-691.58 of the Insurance Code. The information called for by this regulation is hereby declared to be necessary and appropriate in the public interest and for the protection of the policyholders in this state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11 and 22:691.51-691.58.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, LR 41:2663 (December 2015), amended LR 50:

§203. Definitions

Commissioner—commissioner of insurance for the state of Louisiana.

Corporate Governance Annual Disclosure or *CGAD*—a confidential report filed by the insurer or insurance group compiled in accordance with the requirements of R.S. 22:691.51-691.58 and Regulation 104.

Insurance Group—those insurers and affiliates included within an insurance holding company system as defined in R.S. 22:691.2(8).

Insurer—shall have the same meaning as set forth in R.S. 22:46(14). For the purposes of this Subpart, a health maintenance organization as defined R.S. 22:242(6) shall also be considered an insurer. The term “insurer” shall not include agencies, authorities, or instrumentalities of the United States, its possessions and territories, the Commonwealth of Puerto Rico, the District of Columbia, or a state or political subdivision of a state.

Senior Management—any corporate officer responsible for reporting information to the board of directors at regular intervals or providing this information to shareholders or regulators and shall include, for example and without limitation, the chief executive officer (CEO), chief financial officer (CFO), chief operations officer (COO), chief procurement officer (CPO), Chief Legal Officer (CFO), chief information officer (CIO), chief technology officer (CTO), chief revenue officer (CRO), chief visionary officer (CVO), or any other “C” level executive.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11 and 22:691.51-691.58.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, LR 41:2663 (December 2015), amended LR 50:

§205. Filing Procedures

A. An insurer, or the insurance group of which the insurer is a member, required to file a CGAD by R.S. 22:691.53 shall, no later than June 1 of each calendar year, submit to the commission a CGAD that contains the information described in §207 of this regulation.

B. - D. ...

E. Notwithstanding Subsection A of this Section, and as outlined in R.S. 22:691.53, if the CGAD is completed at the insurance group level, then it shall be filed with the lead state of the group as determined by the procedures outlined in the most recent Financial Analysis Handbook adopted by the NAIC. In these instances, a copy of the CGAD shall also be provided to the chief regulatory official of any state in which the insurance group has a domestic insurer, upon request.

F. - G. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11 and 22:691.51-691.58.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, LR 41:2663 (December 2015), amended LR 50:

Family Impact Statement

1. Describe the Effect of the Proposed Regulation on the Stability of the Family. The proposed regulation should have no measurable impact upon the stability of the family.

2. Describe the Effect of the Proposed Regulation on the Authority and Rights of Parents Regarding the Education and Supervision of their Children. The proposed regulation should have no impact upon the rights and authority of children regarding the education and supervision of their children.

3. Describe the Effect of the Proposed Regulation on the Functioning of the Family. The proposed regulation should have no direct impact upon the functioning of the family.

4. Describe the Effect of the Proposed Regulation on Family Earnings and Budget. The proposed regulation should have no direct impact upon family earnings and budget.

5. Describe the Effect of the Proposed Regulation on the Behavior and Personal Responsibility of Children. The proposed regulation should have no impact upon the behavior and personal responsibility of children.

6. Describe the Effect of the Proposed Regulation on the Ability of the Family or a Local Government to Perform the Function as Contained in the Rule. The proposed regulation should have no impact upon the ability of the family or a local governmental unit to perform the function as contained in the rule.

Poverty Impact Statement

1. Describe the Effect on Household Income, Assets, and Financial Security. The proposed regulation should have no effect on household income assets and financial security.

2. Describe the Effect on Early Childhood Development and Preschool through Postsecondary Education Development. The proposed regulation should have no effect on early childhood development and preschool through postsecondary education development.

3. Describe the Effect on Employment and Workforce Development. The proposed regulation should have no effect on employment and workforce development.

4. Describe the Effect on Taxes and Tax Credits. The proposed regulation should have no effect on taxes and tax credits.

5. Describe the Effect on Child and Dependent Care, Housing, Health Care, Nutrition, Transportation and Utilities Assistance. The proposed regulation should have no effect on child and dependent care, housing, health care, nutrition, transportation and utilities assistance.

Small Business Analysis

The impact of the proposed regulation on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed regulation that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed regulation on small businesses.

1. Identification and Estimate of the Number of the Small Businesses Subject to the Proposed Rule. The proposed regulation should have no measurable impact upon small businesses.

2. The Projected Reporting, Record Keeping, and Other Administrative Costs Required for Compliance with the Proposed Rule, Including the Type of Professional Skills Necessary for Preparation of the Report or Record. The proposed regulation should have no measurable impact upon small businesses.

3. A Statement of the Probable Effect on Impacted Small Businesses. The proposed regulation should have no measurable impact upon small businesses.

4. Describe any Less Intrusive or Less Costly Alternative Methods of Achieving the Purpose of the Proposed Rule. The proposed regulation should have no measurable impact on small businesses; therefore, will have no less intrusive or less cost alternative methods.

Provider Impact Statement

1. Describe the Effect on the Staffing Level Requirements or Qualifications Required to Provide the Same Level of Service. The proposed regulation will have no effect.

2. The Total Direct and Indirect Effect on the Cost to the Provider to Provide the Same Level of Service. The proposed regulation will have no effect.

3. The Overall Effect on the Ability of the Provider to Provide the Same Level of Service. The proposed regulation will have no effect.

Public Comments

Interested persons who wish to make comments may do so by writing to Jennifer Land, Staff Attorney, Louisiana Department of Insurance, P.O. Box 94214, Baton Rouge, LA 70804-9214, by faxing comments to (225) 342-1632, or electronically at regulations@ldi.la.gov. Comments will be accepted through the close of business, 4:30 p.m., January 10, 2024.

James J. Donelon
Commissioner

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Regulation 104 Corporate Governance Annual Disclosure

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

The proposed amended rule is not anticipated to result in implementation costs or savings to the state or local governmental units. The proposed rule is being amended to add a definition of "Insurance Group" and to correct typographical errors and statutory references.

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

The proposed rule changes will have no impact on state or local governmental revenues.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed amended rule will have no costs and/or economic benefits to directly affected persons, small businesses, or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule changes will have no impact upon competition and employment in the state.

Lance Herrin
Deputy Commissioner
2312#052

Alan M. Boxberger
Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Insurance
Office of the Commissioner**

**Rule 13—Special Assessment to Pay the Cost of
Investigation, Enforcement, and Prosecution
of Insurance Fraud (LAC 37:XI.Chapter 23)**

The Department of Insurance, pursuant to the authority of the Louisiana Insurance Code, R.S. 22:1 et seq., and in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., hereby gives notice of its intent to amend Rule 13.

The purpose of the amendment to Rule 13 is to implement the provisions of R.S. 40:1428 by assessing a fee on insurers to pay the cost of investigation, enforcement, public education and public awareness, and prosecution of insurance fraud in this state more fully described in R.S. 40:1421-1429 and this rule.

In accordance with the Administrative Procedure Act, and through the authority granted under R.S. 22:1 and 22:11 et seq., the Department of Insurance has amended Rule 13. Rule 13 was originally promulgated in 2000, in accordance with the authority provided through R.S. 40:1428 and 1429. Since Rule 13 was originally published, R.S. 40:1428 and 1429 have been amended by Act 369 of the 2001 Regular Session; Act 293 of the 2003 Regular Session; Act 1013 of the 2010 Regular Session; Act 193 of the 2016 Regular Session, Act 147 of the 2018 Regular Session, and Act 114 of the 2021 Regular Session.

**Title 37
INSURANCE
Part XI. Rules**

**Chapter 23. Rule 13—Special Assessment to Pay the
Cost of Investigation, Enforcement, and
Prosecution of Insurance Fraud**

§2303. Fee Assessment

A. - C. ...

D. Prior to making the allocations specified in §2307 of this Rule, the Commissioner of Insurance is authorized to withhold the sum of \$30,000 per year from the fees collected to defray the expenses of collection of the fees, enforcement of this Subpart, and operation of the Department of Insurance and shall withhold \$187,000 to fund the Automobile Theft and Insurance Fraud Prevention Authority Dedicated Fund Account pursuant to R.S. 22:2134.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2 and 40:1428.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, LR 26:323 (February 2000), amended LR 45:64 (January 2019), LR 50:

§2307. Allocation of the Fee Assessment

A. Except as otherwise provided in §2303.D of this rule, fees shall be allocated as follows.

1. Seventy-five percent of the fees collected shall be allocated to the Insurance Fraud Investigation Unit within the Office of State Police.

2. Fifteen percent of the fees collected shall be allocated to the Department of Justice to be used solely for the Insurance Fraud Support Unit.

3. Ten percent of the fees collected shall be allocated to the Department of Insurance to be used solely for the Office of Insurance Fraud.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2 and 40:1428.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, LR 26:323 (February 2000), amended LR 45:64 (January 2019), LR 50:

§2309. Payment of the Fee Assessment

A. The fee established in R.S. 40:1428 and in this rule shall be paid to the Commissioner of Insurance as required by R.S. 40:1428(B).

B. After compliance with the requirements of Article VII, Section 9(B) of the Constitution of Louisiana relative to the Bond Security and Redemption Fund, an amount equal to that deposited as required by R.S. 40:1428 (C) shall be credited to the Insurance Fraud Investigation Dedication Fund Account in the state treasury. The monies shall be irrevocably dedicated and deposited in the insurance fraud investigation dedication fund account and shall be used solely as provided in R.S. 40:1428(A) and only in the amounts appropriated by the legislature. Monies in the fund shall be appropriated, administered, and used solely and exclusively for the purposes of the fraud unit, fraud support unit, office of insurance fraud, LATIFPA, and as further provided in R.S. 40:1428. All unexpended and unencumbered monies in this fund at the end of the fiscal year shall be refunded to each insurer licensed by the Department of Insurance to conduct business in this state assessed a fee pursuant to R.S. 40:1428 on a pro-rata basis based on each insurer's proportionate share of the total fees collected pursuant to this section.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2 and 40:1428.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, LR 26:323 (February 2000), amended LR 45:64 (January 2019), LR 50:

§2313. Sunset

A. The special assessment for the automobile theft and insurance fraud prevention authority dedicated fund account as well as the insurance fraud investigation dedication fund account shall be null, void, and unenforceable on July 1, 2024, unless legislative authorization for this rule is reenacted, amended, or re-promulgated prior to July 1, 2024.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2 and 40:1428.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, LR 26:323 (February 2000), amended LR 45:65 (January 2019), amended LR 50:

Family Impact Statement

1. Describe the Effect of the Proposed Regulation on the Stability of the Family. The proposed amended and repealed regulation should have no measurable impact upon the stability of the family.

2. Describe the Effect of the Proposed Regulation on the Authority and Rights of Parents Regarding the Education and Supervision of their Children. The proposed amended and repealed regulation should have no impact upon the rights and authority of parents regarding the education and supervision of their children.

3. Describe the Effect of the Proposed Regulation on the Functioning of the Family. The proposed amended and

repealed regulation should have no direct impact upon the functioning of the family.

4. Describe the Effect of the Proposed Regulation on Family Earnings and Budget. The proposed amended and repealed regulation should have no direct impact upon family earnings and budget.

5. Describe the Effect of the Proposed Regulation on the Behavior and Personal Responsibility of Children. The proposed amended and repealed regulation should have no impact upon the behavior and personal responsibility of children.

6. Describe the Effect of the Proposed Regulation on the Ability of the Family or a Local Government to Perform the Function as Contained in the Rule. The proposed amended and repealed regulation should have no impact upon the ability of the family or a local governmental unit to perform the function as contained in the rule.

Poverty Impact Statement

1. Describe the Effect on Household Income, Assets, and Financial Security. The proposed amended and repealed regulation should have no effect on household income assets and financial security.

2. Describe the Effect on Early Childhood Development and Preschool through Postsecondary Education Development. The proposed amended and repealed regulation should have no effect on early childhood development and preschool through postsecondary education development.

3. Describe the Effect on Employment and Workforce Development. The proposed amended and repealed regulation should have no effect on employment and workforce development.

4. Describe the Effect on Taxes and Tax Credits. The proposed amended and repealed regulation should have no effect on taxes and tax credits.

5. Describe the Effect on Child and Dependent Care, Housing, Health Care, Nutrition, Transportation and Utilities Assistance. The proposed amended and repealed regulation should have no effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Small Business Analysis

The impact of the proposed amended and repealed regulation on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed amended and repealed regulation is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed amended and repealed regulation that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed regulation on small businesses.

1. Identification and Estimate of the Number of the Small Businesses Subject to the Proposed Rule. The proposed amended and repealed regulation should have no measurable impact upon small businesses.

2. The Projected Reporting, Record Keeping, and Other Administrative Costs Required for Compliance with the Proposed Rule, Including the Type of Professional Skills Necessary for Preparation of the Report or Record. The

proposed amended and repealed regulation should have no measurable impact upon small businesses.

3. A Statement of the Probable Effect on Impacted Small Businesses. The proposed amended and repealed regulation should have no measurable impact upon small businesses.

4. Describe any Less Intrusive or Less Costly Alternative Methods of Achieving the Purpose of the Proposed Rule. The proposed amended and repealed regulation should have no measurable impact on small businesses; therefore, there is no less intrusive or less costly alternative method of achieving the purpose of the proposed regulation.

Provider Impact Statement

1. Describe the Effect on the Staffing Level Requirements or Qualifications Required to Provide the Same Level of Service. The proposed amended and repealed regulation will have no effect.

2. The Total Direct and Indirect Effect on the Cost to the Provider to Provide the Same Level of Service. The proposed amended and repealed regulation will have no effect.

3. The Overall Effect on the Ability of the Provider to Provide the Same Level of Service. The proposed amended and repealed regulation will have no effect.

Public Comments

Interested persons who wish to make comments may do so by writing to Danielle Linkford, Staff Attorney, Louisiana Department of Insurance, P.O. Box 94214, Baton Rouge, LA 70804-9214, by faxing comments to (225) 342-1632, or electronically at regulations@ldi.la.gov. Comments will be accepted through the close of business, 4:30 p.m., January 9, 2024.

James J. Donelon
Commissioner

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Rule 13—Special Assessment to Pay the Cost of Investigation, Enforcement, and Prosecution of Insurance

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

The proposed rule changes will not result in additional costs or savings for state or local governmental units. The proposed rule changes incorporate and reference the current editions of handbooks, guidelines, forms, and instructions adopted by the National Association of Insurance Commissioners (NAIC) and referenced in the Louisiana Insurance Code. The current editions of these publications serve as the most current professional guidance for entities regulated by the LA Dept. of Insurance (LDI).

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

The proposed rule changes will have no impact on state or local governmental revenues.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule changes will benefit persons and entities seeking to identify which handbooks or guidelines are currently

being incorporated by reference that serve as professional guidance for entities under the purview of LDI. These handbooks and guidelines will be available for public viewing in hardcopy form at the offices of the LDI and Office of State Register and online at the NAIC website.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule changes will have no impact upon competition and employment in the state.

Lance Herrin
Deputy Commissioner
2312#019

Alan M. Boxberger
Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Public Safety and Corrections
Office of the State Fire Marshal
Uniform Construction Code Council**

Uniform Construction Code
(LAC 17:I.101,103, 105, 107, and 111)

In accordance with the provisions of R.S. 40:1730.26 and R.S. 40:1730.28, relative to the authority of the Louisiana State Uniform Construction Code Council (LSUCCC) to promulgate and enforce rules and in accordance with R.S. 49:953(B), the Administrative Procedure Act, the Department of Public Safety and Corrections, Office of the State Fire Marshal, Louisiana State Uniform Construction Code Council (LSUCCC) hereby gives notice that it proposes to amend and adopt the following Rule. The purpose of adopting and amending the currently adopted construction codes is to replace them with more recent technology, methods and materials for the 2021 editions of the *International Residential Code*, *International Building Code*, *International Existing Building Code*, and *International Plumbing Code*. This Rule will make corrections and add clarity to the previously adopted rule and will become effective April 1, 2024.

Title 17

CONSTRUCTION

Part I. Uniform Construction Code

Chapter 1. Uniform Construction Code

§101. Louisiana State Uniform Construction Code (Formerly LAC 55:VI.301.A)

A. In accordance with the requirements set forth in R.S.40:1730.28, effective February 1, 2018 the following is hereby adopted as an amendment to the *Louisiana state Uniform Construction Code*.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1730.22(C) and (D) and 40:1730.26(1).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, State Uniform Construction Code Council, LR 33:291 (February 2007), amended LR 34:93 (January 2008), LR 34:883 (May 2008), LR 34:2205 (October 2008), LR 35:1904 (September 2009), LR 36:2574 (November 2010), effective January 1, 2011, LR 37:601 (February 2011), LR 37:913 (March 2011), repromulgated LR 37:2187 (July 2011), repromulgated LR 37:2726 (September 2011), LR 37:3065 (October 2011), LR 38:1994 (August 2012), amended by the Department of Public Safety and Corrections, Uniform Construction Code Council, LR 39:1825 (July 2013), LR 39:2512 (September 2013), LR 40:2609 (December 2014), amended by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 41:2380 (November 2015), amended by the Department of Public Safety and Corrections, Office of State Fire Marshal, Uniform Construction Code Council, LR 42:1672 (October 2016), LR 44:75 (January 2018), repromulgated LR 45:912 (July 2019), amended LR 47:80 (January 2021), LR 48:2577 (October 2022), LR 50:

§103. International Building Code (Formerly LAC 55:VI.301.A.1)

A. *International Building Code* (IBC), 2021 Edition, not including Chapter 1, Administration, Chapter 11, Accessibility, Chapter 27, Electrical. The applicable standards referenced in that code are included for regulation of construction within this state. Furthermore, IBC shall be amended as follows and shall only apply to the *International Building Code*.

* * *		
Repeal	Section 1207, Enhanced Classroom Acoustics.	
Amend	Section 1603.1.5, Earthquake Design Data.	The following information related to seismic loads shall be shown, regardless of whether seismic loads govern the design of the lateral-force-resisting system of the building: a. seismic importance factor, I, and occupancy category; b. mapped spectral response accelerations, SS and S1; c. site class; d. spectral response coefficients, SDS and SD1; e. seismic design category; f. basic seismic-force-resisting system(s); g. design base shear; h. seismic response coefficient(s), CS; i. response modification factor(s), R; j. analysis procedure used;
* * *		

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1730.22(C) and (D) and 40:1730.26(1).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, State Uniform Construction Code Council, LR 33:291 (February 2007), amended LR 34:93 (January 2008), LR 34:883 (May 2008), LR 34:2205 (October 2008), LR 35:1904 (September 2009), LR 36:2574 (November 2010),

effective January 1, 2011, LR 37:601 (February 2011), LR 37:913 (March 2011), repromulgated LR 37:2187 (July 2011), repromulgated LR 37:2726 (September 2011), LR 37:3065 (October 2011), LR 38:1994 (August 2012), amended by the Department of Public Safety and Corrections, Uniform Construction Code Council, LR 39:1825 (July 2013), LR 39:2512 (September 2013), LR 40:2609 (December 2014), amended by the

Department of Public Safety and Corrections, Office of State Fire Marshal, LR 41:2380 (November 2015), amended by the Department of Public Safety and Corrections, Office of the State Fire Marshal, Uniform Construction Code Council, LR 44:75 (January 2018), repromulgated LR 45:912 (July 2019), amended LR 45:1786 (December 2019), LR 48:2578 (October 2022, LR 49:1141 (June 2023), effective August 1, 2023, repromulgated LR 49:1448 (August 2023), LR 50:

§105. International Existing Building Code (Formerly LAC 55:VI.301.A.2)

A. *International Existing Building Code (IEBC)*, 2021 Edition, not including Chapter 1, Administration, and the standards referenced in that code for regulation of construction within this state.

* * *		
Repeal	Section 506.6 Enhanced Classroom Acoustics	
Repeal	Section 903.4 Enhanced Classroom Acoustics	
Repeal	Section 1011.4 Enhanced Classroom Acoustics	
Repeal	Section 1101.4 Enhanced Classroom Acoustics	

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1730.22(C) and (D) and 40:1730.26(1).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, State Uniform Construction Code Council, LR 33:291 (February 2007), amended LR 34:93 (January 2008), LR 34:883 (May 2008), LR 34:2205 (October 2008), LR 35:1904 (September 2009), LR 36:2574 (November 2010), effective January 1, 2011, LR 37:601 (February 2011), LR 37:913 (March 2011), repromulgated LR 37:2187 (July 2011), repromulgated LR 37:2726 (September 2011), LR 37:3065 (October 2011), LR 38:1994 (August 2012), amended by the Department of Public Safety and Corrections, Uniform Construction Code Council, LR 39:1825 (July 2013), LR 39:2512 (September 2013), LR 40:2609 (December 2014), amended by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 41: 2383 (November 2015), amended by the Department of Public Safety and Corrections, Office of the State Fire Marshal, Uniform Construction Code Council, LR 44:79

(January 2018), repromulgated LR 45:916 (July 2019), amended LR 48:2582 (October 2022), LR 50:

§107. International Residential Code (Formerly LAC 55:VI.301.A.3.a)

A.1. *International Residential Code*, 2021 Edition, not including Parts I-Administrative, and VIII-Electrical. The applicable standards referenced in that code are included for regulation of construction within this state. The enforcement of such standards shall be mandatory only with respect to new construction, reconstruction, additions to homes previously built to the *International Residential Code*, and extensive alterations. 2021 *International Residential Code*, Appendix AQ, Tiny Houses, with inspections on site and or in the manufacturing plant as required by the LSUCCC regulations. Appendix J, Existing Buildings and Structures, may be adopted and enforced only at the option of a parish, municipality, or regional planning commission.

* * *		
Adopt	Item (1.)	(1.) On lots that are 50 feet or less in width and that contain a one or two family dwelling or townhouse that was in existence prior to October 1, 2005, the following are permitted for rebuilding: (a.) a projection 2 feet from the property line with a 1 hour minimum fire-resistance rating on the underside; (b.) a wall 3 feet or more from the property with a 0 hour minimum fire-resistance rating.
Amend	Section R303.4 Mechanical Ventilation	Where the air infiltration rate of a dwelling unit is less than 3.00 air changes per hour where tested with a blower door at a pressure of 0.2 inch w.c. (50 Pa) in accordance with Section N1102.4.1.2, the dwelling unit shall be provided with whole-house mechanical ventilation in accordance with Section M1505.
Amend	2021 IRC Section 313.1, Townhouse Automatic Sprinkler System. Per Act No. 685 of the 2010 Regular Session of the Louisiana Legislature.	The council shall not adopt or enforce any part of the <i>International Residential Code</i> or any other code or regulation that requires a fire protection sprinkler system in one- or two-family dwellings. Further, no municipality or parish shall adopt or enforce an ordinance or other regulation requiring a fire protection sprinkler system in one- or two-family dwellings.
* * *		
Amend	Section 602.10 ,Wall Bracing	Where a building, or portion thereof, does not comply with the bracing requirements of this section, those portions shall be designed and constructed in accordance with Section 302.1. In Climate Zone 2A, one and two family dwellings shall be continuously sheathed with a minimum 7/16” wood structural panels (Table R602.10.4 CS-WSP), or it’s structural equivalent as per an ICC-ESR and approved by the local building official.
Amend	Section R 1006.1, Exterior Air.	Factory-built or masonry fireplaces covered in this chapter shall be equipped with an exterior air supply to assure proper fuel combustion
* * *		
Amend	Section P2725.1	
Adopt	Exception	
Adopt	Item (1.)	(1). Compost toilets are prohibited.

Amend	P2801.6.1	The drain pan shall be a minimum of 2-inches (2") (50.8 mm) in depth and shall be of sufficient size and shape to receive all dripping or condensate from the tank or water heater. The pan shall be drained by an indirect waste pipe having a diameter of not less than 1-inch (25.4 mm). Piping for safety pan drains shall be of those materials listed in Table 605.4.
Amend	Section P2804.6.1, Requirements for discharge pipe.	(5.) Discharge to the floor, a waste receptor, mop sinks or to the outdoors.
* * *		

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1730.22(C) and (D) and 40:1730.26(1).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, State Uniform Construction Code Council, LR 33:291 (February 2007), amended LR 34:93 (January 2008), LR 34:883 (May 2008), LR 34:2205 (October 2008), LR 35:1904 (September 2009), LR 36:2574 (November 2010), effective January 1, 2011, LR 37:601 (February 2011), LR 37:913 (March 2011), repromulgated LR 37:2187 (July 2011), repromulgated LR 37:2726 (September 2011), LR 37:3065 (October 2011), LR 38:1994 (August 2012), amended by the Department of Public Safety and Corrections, Uniform Construction Code Council, LR 39:1825 (July 2013), LR 39:2512 (September 2013), LR 40:2609 (December 2014), amended by the Department of Public Safety and Corrections, Office of State Fire Marshall, LR 41:2383 (November 2015), amended LR 42:1672

(October 2016), amended by the Department of Public Safety and Corrections, Office of the State Fire Marshal, Uniform Construction Code Council, LR 44:79 (January 2018), amended LR 44:2218 (December 2018), repromulgated LR 45:916 (July 2019), amended LR 45:1789 (December 2019), amended LR 48:2582 (October 2022), LR 49:1142 (June 2023), effective August 1, 2023, repromulgated LR 49:1448 (August 2023), LR 50:

§111. The International Plumbing Code (Formerly LAC 55:VI.301.A.5)

A. The *International Plumbing Code*, 2021 Edition. The appendices of that code may be adopted as needed, but the specific appendix or appendices shall be referenced by name or letter designation at the time of adoption (per R.S. 40:1730.28, eff. 1/1/16).

* * *		
Amend	Section 312.3, Drainage and Vent Test.	An air test shall be made by forcing air into the system until there is a uniform gauge pressure of 5 psi (34.5 kPa) or sufficient to balance a 10-inch (254 mm) column of mercury. This pressure shall be held for a test period of not less than 15 minutes. Any adjustments to the test pressure required because of changes in ambient temperatures or the seating of gaskets shall be made prior to the beginning of the test period.
Amend	Section 312.5, Water Supply System Test.	Upon completion of a section of or the entire water supply system, during the rough-in inspection, the system, or portion completed, shall be tested and proved tight under a hydrostatic water pressure not less than 1.5 times the working pressure of the system, but not less than 140 psi; or, for piping systems other than plastic, by an air test of not less than 50 psi (344 kPa). This pressure shall be held for not less than 15 minutes. The water utilized for tests shall be obtained from a potable source of supply. The required tests shall be performed in accordance with this section and Section 112
Amend	Section 312.10 Installation, Inspection and Testing of Backflow Prevention Assemblies, Barometric Loops and Air Gaps.	Installation, inspection and testing shall comply with Sections 312.10.1 through 312.10.3.
* * *		
Amend	Section 403.1.1.	
Amend	Exceptions	
Amend	Item (2.)	Where multiple-user facilities are designed to serve all genders, the minimum fixture count shall be calculated 100 percent, based on total occupant load. In such multiple-user facilities, each fixture type shall be in accordance with ICC A117.1 and each urinal that is provided shall be located in a room, created by walls from floor to ceiling, with a solid door.
Adopt	Item (4)	Child day care occupancies shall not be required to have bathtubs or showers.
Amend	Section 403.2, Separate facilities.	
Amend	Exception	
Amend	Item (6.)	Separate facilities shall not be required where rooms, created by walls from floor to ceiling, with a solid door, having both water closets and lavatory fixtures are designed for use by both sexes and privacy for water closets is provided in accordance with Section 405.3.4. Urinals shall be located in a room, created by walls from floor to ceiling, with a solid door.
Adopt	Item (7.)	Separate facilities shall not be required for existing tenant spaces under 1800 sq. ft. where the occupancy classification is either B or M.
Amend	Section 403.3 Employee and public toilet facilities.	
Amend	Exception	
	Item 2	Structures and tenant spaces intended for quick transactions, including takeout, pickup and drop-off, having a public access area less than or equal to 300 square feet (28 m ²) and shall be prohibited from containing public tables or chairs on the premises.
Amend	Section 403.3.3, Location of Toilet Facilities in Occupancies other than Malls and Educational Buildings.	In occupancies other than covered and open mall buildings, and educational buildings, the required public and employee toilet facilities shall be located not more than one story above or below the space required to be provided with toilet facilities, and the path of travel to such facilities shall not exceed a distance of 500 feet (152 m).

* * *		
Adopt	Section 1604.1, General.	Every mobile/manufactured home and travel trailer site shall be provided with an individual branch water service line delivering potable water.
Adopt	Section 1604.2, Water Service Lines.	Water service lines to each travel trailer site shall be sized to provide a minimum of 8 gpm (0.505 L/s) at the point of connection with the trailer's water distribution system. Water service lines to each mobile/manufactured home site shall be sized to provide a minimum of 17 gpm (1.1 L/s) at the point of connection with the mobile/manufactured home's water distribution system. All water service lines shall be a minimum of 3/4 inch. A separate service shutoff valve shall be installed on each water service line. In instances where a backflow prevention device or assembly is installed on the water service line (see Section 608.16.23), the shutoff valve shall be located on the supply side of the device or assembly.
Adopt	Section 1604.3, Water Service Connections.	The water service connection from the water service line to the mobile/manufactured home or travel trailer site shall be not less than 1/2-inch diameter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1730.22(C) and (D) and 40:1730.26(1) and Act836 of the 2014 of the Regular Louisiana Legislative Session.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, State Uniform Construction Code Council, LR 33:291 (February 2007), amended LR 34:93 (January 2008), LR 34:883 (May 2008), LR 34:2205 (October 2008), LR 35:1904 (September 2009), LR 36:2574 (November 2010), effective January 1, 2011, LR 37:601 (February 2011), LR 37:913 (March 2011), repromulgated LR 37:2187 (July 2011), repromulgated LR 37:2726 (September 2011), LR 37:3065 (October 2011), LR 38:1994 (August 2012), amended by the Department of Public Safety and Corrections, Uniform Construction Code Council, LR 39:1825 (July 2013), LR 39:2512 (September 2013), LR 40:2609 (December 2014), amended by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 41:2386 (November 2015), amended by the Department of Public Safety and Corrections, Office of State Fire Marshal, Uniform Construction Code Council, LR 42:1672 (October 2016), LR 44:81 (January 2018), repromulgated LR 45:919 (July 2019), amended LR 45:1794 (December 2019), LR 46:1611 (November 2020), amended LR 48:2589 (October 2022), LR 50:

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family formation/functioning, stability, and autonomy as described in R.S. 49:972.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or family poverty in relation to individual or community asset development as described in the R.S. 49:973.

Small Business Analysis

In compliance with Act 820, of the 2008 Regular Legislative Session of the Louisiana Legislature, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule will have no impact on small businesses, as described in R.S. 49:965.6.

Provider Impact Statement

As described in HCR 170 of the 2014 Regular Legislative Session, the impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications

required to provide the same level of service, no direct or indirect cost to the provider to provide the same level of service, and will have no impact on the provider's ability to provide the same level of service as described in HCR 170.

Public Comments

All interested persons are invited to submit written comments on the proposed regulation. Such comments should be submitted via the U.S. Mail to Mark Joiner, Office of State Fire Marshal, 8181 Independence Blvd. Baton Rouge, LA 70806. Written comments may also be hand-delivered to Mark Joiner, Office of State Fire Marshal, 8181 Independence Boulevard, Baton Rouge, LA 70806. All written comments are required to be signed by the person submitting the comments, dated, and received on or before January 10, 2024 at 4:30 p.m. If necessary, a public hearing will be scheduled pursuant to R.S. 49:953(A)(1)(a).

Chief Daniel H. Wallis
State Fire Marshal

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Uniform Construction Code

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

The proposed rule will not result in any costs or savings to state and local governmental units. This proposed rule will add clarity and require the same installation requirements found in the *International Residential Code* plumbing sections with the *International Plumbing Code* amendments for commercial buildings.

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

The proposed rule changes will not affect revenue collections for state or local governments.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule changes will result in no impact to persons, small businesses or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule changes will not affect competition or employment.

Daniel H. Wallis
Fire Marshal
2312#059

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Public Safety and Corrections
Office of the State Fire Marshal
Uniform Construction Code Council**

Uniform Construction Code
(LAC 17:I.103,107,111, and 115)

In accordance with the provisions of R.S. 40:1730.26 and R.S. 40:1730.28, relative to the authority of the Louisiana State Uniform Construction Code Council (LSUCCC) to promulgate and enforce rules and in accordance with R.S. 49:953(B), the Administrative Procedure Act, the Department of Public Safety and Corrections, Office of the State Fire Marshal, Louisiana State Uniform Construction Code Council (LSUCCC) hereby gives notice that it proposes to amend and adopt the following Rule. The purpose of adopting and amending the currently adopted construction codes is to replace them with more recent technology, methods and materials for the 2021 editions of

the *International Residential Code, International Building Code, International Plumbing Code and National Electrical Code*, to also comply with more current FEMA regulations and to replace an emergency rule dated October 19, 2023. This Rule will become effective April 1, 2024

**Title 17
CONSTRUCTION**

Part I. Uniform Construction Code

**Chapter 1. Adoption of the *Louisiana State Uniform Construction Code*
(Formerly LAC 55:VI.Chapter 3)**

**§103. *International Building Code*
(Formerly LAC 55:VI.301.A.1)**

A. *International Building Code* (IBC), 2021 Edition, not including Chapter 1, Administration, Chapter 11, Accessibility, Chapter 27, Electrical. The applicable standards referenced in that code are included for regulation of construction within this state. Furthermore, IBC shall be amended as follows and shall only apply to the *International Building Code*.

Repeal	Section 3314, Fire Watch During Construction	
Adopt	Appendix G	
Amend	User Notes	
Repeal		
Amend	Section G102 Definitions	
Repeal	Manufactured Home	
Repeal	Manufactured Home Park or Subdivision	
Repeal	Recreational Vehicle	
Amend	Section G103.1 General	
Repeal	Item 1	
Repeal	Item 2	
Repeal	Item 3	
Repeal	Item 4	
Repeal	Item 7	
Amend	Section G104 Power and Duties	
Repeal	Section G104.5.1 Floodway revisions	
Repeal	Section G104.6 Watercourse alteration	
Repeal	Section G104.6.1 Engineering analysis	
Repeal	Section G104.7 Alterations in coastal area	
Amend	Section G105 Permits	
Repeal	Section G105.2 Application for permit	
Repeal	Item 1	
Repeal	Item 2	
Repeal	Item 3	
Repeal	Item 4	
Repeal	Item 5	
Repeal	Item 6	
Repeal	Item 7	
Repeal	Item 8	
Amend	Section G106 Variances	
Amend	Section G106.7 Conditions for issuance	
Repeal	Item 5	
Repeal	Section G107 Subdivisions	
Repeal	Section G107.1 General	
Repeal	Item 1	
Repeal	Item 2	
Repeal	Item 3	

Repeal	Section G 107.2 Subdivision requirements	
Repeal	Item 1	
Repeal	Item 2	
Repeal	Item 3	
Repeal	Item 4	
Amend	Section G108 Site Improvement	
Repeal	Section G108.3 Sewer Facilities	
Repeal	Section G108.4 Water Facilities	
Repeal	Section G108.5 Storm drainage	
Repeal	Section G108.6 Streets and sidewalks	
Repeal	Section G109 Manufactured Homes	
Repeal	Section G109.1 Elevation	
Repeal	Section G109.2 Foundations	
Repeal	Section G109.3 Anchoring	
Repeal	Section G109.4 Protection of mechanical equipment and outside appliances	
Repeal	Exception	
Repeal	Section G109.5 Enclosures	
Repeal	Section G 110 Recreational Vehicles	
Repeal	Section G110.1 Placement prohibited	
Repeal	Section G110.2 Temporary placement	
Repeal	Section G110.3 Permanent Placement	
Repeal	Section G111 Tanks	
Repeal	Section G111.1 Tanks	
Amend	Section 112 Other Building Work	
Repeal	Section G112.2 Fences	
Repeal	Section G112.3 Oil derricks	
Repeal	Section G112.4 Retaining walls, sidewalks and driveways	
Repeal	Section G112.5 Swimming pools	
Repeal	Section G112.6 Decks, porches, and patios	
Repeal	Section G112.7 Nonstructural concrete slabs in coastal high-hazard areas and coastal A zones	
Repeal	Section G112.8 Roads and watercourse crossings in regulated floodways	
Amend	Section G114 Utility and Miscellaneous Group U	
Amend	Section G114.1 Utility and Miscellaneous Group U	Utility and miscellaneous Group U includes buildings that are accessory in character and miscellaneous structures not classified in any specific occupancy in this code, including, but not limited to, agricultural buildings, aircraft hangars (accessory to a one- or two-family residence), barns, carports, grain silos (accessory to a residential occupancy), greenhouses, livestock shelters, private garages, sheds, and stables.
* * *		

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1730.22(C) and (D) and 40:1730.26(1).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, State Uniform Construction Code Council, LR 33:291 (February 2007), amended LR 34:93 (January 2008), LR 34:883 (May 2008), LR 34:2205 (October 2008), LR 35:1904 (September 2009), LR 36:2574 (November 2010), effective January 1, 2011, LR 37:601 (February 2011), LR 37:913

(March 2011), repromulgated LR 37:2187 (July 2011), repromulgated LR 37:2726 (September 2011), LR 37:3065 (October 2011), LR 38:1994 (August 2012), amended by the Department of Public Safety and Corrections, Uniform Construction Code Council, LR 39:1825 (July 2013), LR 39:2512 (September 2013), LR 40:2609 (December 2014), amended by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 41:2380 (November 2015), amended by the

§107. International Residential Code (Formerly LAC 55:VI.301.A.3.a)

A.1. ...

* * *				
Amend	2021 IRC Section 313.2, One- and Two-Family Dwellings Automatic Fire Systems. Per Act No. 685 of the 2010 Regular Session of the Louisiana Legislature.	The council shall not adopt or enforce any part of the <i>International Residential Code</i> or any other code or regulation that requires a fire protection sprinkler system in one- or two-family dwellings. Further, no municipality or parish shall adopt or enforce an ordinance or other regulation requiring a fire protection sprinkler system in one- or two-family dwellings.		
Amend	Exception			
	Item (1.)	(1.) If an owner voluntarily chooses to install an automatic residential fire sprinkler system, it shall be installed per Section R313.2.1, Design and Installation.		
Amend	Section R315.3 Location			
Adopt	Exception			
Adopt		When a Fuel Fired Standby generator(s) or Transfer Switch (Automatic or Manual) is installed, it shall be located outside the dwelling, it shall be installed per the manufacturer's installation instructions and the additional following requirements shall be as follows:		
Adopt	Item 1	A Carbon Monoxide Alarm shall be permanently installed in each sleeping area inside the dwelling and an additional Carbon Monoxide Alarm shall be permanently installed outside of each separate sleeping area in the immediate vicinity of the bedroom, as approved by the building official. The single detector shall be located in a hallway or room adjacent of the bedrooms.		
Adopt	Item 2	The Carbon Monoxide Alarm(s) shall be permanently installed, as determined by the owner, as either stand alone or interconnected		
Adopt	Item 3	The Carbon Monoxide Alarm(s) shall receive their power from either a battery and or a building wire circuit.		
Amend	Section R317.1			
* * *				
Amend	Section R506.2.3	A minimum 6 mil (0.006 inch) vapor retarder conforming to ASTM E1745 Class A requirements with joints lapped not less than 6 inches (152 mm) shall be placed between the concrete floor slab and the base course or the prepared subgrade where a base course does not exist.		
Amend	Table R602.3(1)			
			SPACING OF FASTENERS	
ITEM	DESCRIPTION OF BUILDING ELEMENTS	NUMBER AND TYPE OF FASTENER ^{a, b, c}	Edges ^h (inches)	Intermediate supports ^{c, e} (inches)
Wood structural panels, subfloor, roof and interior wall sheathing to framing and particleboard wall sheathing to framing [see Table R 602.3(3) for wood structural panel exterior wall sheathing to wall framing]				
31	3/8" - 1/2"	6d common or deformed (2" x 0.113" x 0.266" head); or 2 3/8" x 0.113" x 0.266" head nail (subfloor, wall) ⁱ	6	6f
		8d common (2 1/2" x 0.131") nail (roof); (Only allowed in areas where wind design is not required); or RSRS-01 (2 3/8" x 0.113") nail (roof) ^b (Option for all geographical locations, required in areas where wind design is required)	6	6f
32	19/32" - 3/4"	8d common (2-2 1/2" x 0.131") nail (subfloor, wall)	6	12
		8d common (2 1/2" x 0.131") nail (roof); (Only allowed in areas where wind design is not required); or RSRS-01; (2 3/8" x 0.113") nail (roof) ^b (Option for all geographical locations, required in areas where wind design is required)	6	6f
		Deformed 2 3/8" x 0.113" x 0.266" head (wall or subfloor)	6	12
Amend	Section 602.10 ,Wall Bracing	Where a building, or portion thereof, does not comply with the bracing requirements of this section, those portions shall be designed and constructed in accordance with Section 302.1. In Climate Zone 2A, one and two family dwellings shall be continuously sheathed with a minimum 7/16" wood structural panels (Table R602.10.4 CS-WSP), or it's structural equivalent as per an ICC-ESR and approved by the local building official.		

* * *		
Amend	Section P3005.2.2, Building sewers.	Building sewers smaller than 8 inches (203 mm) shall have cleanouts located at intervals of not more than 100 feet (30 480 mm). Building sewers 8 inches (203 mm) and larger shall have a manhole located not more than 80 feet from the junction of the building drain and building sewer and at intervals of not more than 400 feet (122 m). The interval length shall be measured from the cleanout or manhole opening, along the developed length of the piping to the next drainage fitting providing access for cleaning, a manhole or the end of the building sewer.
Adopt	Section P3005.2.2.1, Minimum Size Building Sewer.	No building sewer shall be less than 4 inches in size with the exception of force lines.
Adopt	Exception	
Adopt		A 2 inch sink or washing machine drain shall be allowed to continue, greater than 30 inches of developed length, from the edge of the foundation continuous to the 4 inch building sewer if it meets ALL of the following conditions:
Adopt	Item 1.	The allowable fall per inch over the entire length of pipe shall be maintained.
Adopt	Item 2.	No solid waste shall be allowed within the drain system.
Adopt	Item 3.	A disposal shall not be allowed within the drain system.
Adopt	Section P3005.6, Underground Drainage Piping.	Any portion of the drainage system installed underground or below a basement or cellar shall not be less than 2-inch diameter. In addition, any portion of the drainage system installed underground which is located upstream from a grease trap or grease interceptor as well as the underground horizontal branch receiving the discharge there from shall not be less than 3-inch diameter.
* * *		

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1730.22(C) and (D) and 40:1730.26(1).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, State Uniform Construction Code Council, LR 33:291 (February 2007), amended LR 34:93 (January 2008), LR 34:883 (May 2008), LR 34:2205 (October 2008), LR 35:1904 (September 2009), LR 36:2574 (November 2010), effective January 1, 2011, LR 37:601 (February 2011), LR 37:913 (March 2011), repromulgated LR 37:2187 (July 2011), repromulgated LR 37:2726 (September 2011), LR 37:3065 (October 2011), LR 38:1994 (August 2012), amended by the Department of Public Safety and Corrections, Uniform Construction Code Council, LR 39:1825 (July 2013), LR 39:2512 (September 2013), LR 40:2609 (December 2014), amended by the Department of Public Safety and Corrections, Office of State Fire Marshall, LR 41:2383 (November 2015), amended LR 42:1672

(October 2016), amended by the Department of Public Safety and Corrections, Office of the State Fire Marshal, Uniform Construction Code Council, LR 44:79 (January 2018), amended LR 44:2218 (December 2018), repromulgated LR 45:916 (July 2019), amended LR 45:1789 (December 2019), amended LR 48:2582 (October 2022), LR 49:1142 (June 2023), effective August 1, 2023, repromulgated LR 49:1448 (August 2023), LR 50:

**§111. *The International Plumbing Code*
(Formerly LAC 55:VI.301.A.5)**

A. *The International Plumbing Code*, 2021 Edition. The appendices of that code may be adopted as needed, but the specific appendix or appendices shall be referenced by name or letter designation at the time of adoption (per R.S. 40:1730.28, eff. 1/1/16).

* * *		
Adopt	Section 703.7, Minimum Size Building Sewer.	No building sewer shall be less than 4 inches in size with the exception of force lines.
Adopt	Exception	
Adopt		A 2 inch sink or washing machine drain shall be allowed to continue, greater than 30 inches of developed length, from the edge of the foundation continuous to the 4 inch building sewer if it meets ALL of the following conditions:
Adopt	Item 1.	The allowable fall per inch over the entire length of pipe shall be maintained.
Adopt	Item 2.	No solid waste shall be allowed within the drain system.
Adopt	Item 3.	A disposal shall not be allowed within the drain system.
Amend	Section 710.1, Maximum Fixture Unit Load.	The maximum number of drainage fixture units connected to a given size of building sewer, building drain or horizontal branch of the building drain shall be determined using Table 710.1(1). The maximum number of drainage fixture units connected to a given size vertical soil or waste stack, or horizontal branch connecting to a vertical soil or waste stack, shall be determined using Table 710.1(2).
* * *		

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1730.22(C) and (D) and 40:1730.26(1) and Act836 of the 2014 of the Regular Louisiana Legislative Session.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, State Uniform Construction Code Council, LR 33:291 (February 2007), amended LR 34:93 (January 2008), LR 34:883 (May 2008), LR 34:2205 (October 2008), LR 35:1904 (September 2009), LR 36:2574 (November 2010), effective January 1, 2011, LR 37:601 (February 2011), LR 37:913 (March 2011), repromulgated LR 37:2187 (July 2011), repromulgated LR 37:2726 (September 2011), LR 37:3065 (October 2011), LR 38:1994 (August 2012), amended by the Department of Public Safety and Corrections, Uniform Construction Code Council, LR 39:1825 (July 2013), LR 39:2512

(September 2013), LR 40:2609 (December 2014), amended by the Department of Public Safety and Corrections, Office of State Fire Marshall, LR 41:2386 (November 2015), amended by the Department of Public Safety and Corrections, Office of State Fire Marshal, Uniform Construction Code Council, LR 42:1672 (October 2016), LR 44:81 (January 2018), repromulgated LR 45:919 (July 2019), amended LR 45:1794 (December 2019), LR 46:1611 (November 2020), amended LR 48:2589 (October 2022), LR 50:

**§115. *National Electric Code*
(Formerly LAC 55:VI.301.A.7)**

A. *National Electric Code* (NEC), 2020 Edition, and the standards referenced in that code for regulation of construction in this state.

* * *		
Adopt	Item (G) Areas where welders are operated	All 125-volt, 15- and 20-ampere receptacles, supplied by single-phase branch circuits rated 150 volts or less to ground, where welders are operated, for electrical hand tools or portable lighting equipment shall have ground-fault circuit interrupter protection for personnel.
Amend	210.52(C)(2) Island and Peninsular Countertops and Work Surfaces	
Amend		Receptacle outlets, if installed to serve an island or peninsular countertop or work surface, shall be installed in accordance with 210.52(C)(3). If a receptacle outlet is not provided to serve an island or peninsular countertop or work surface, provisions shall be provided at the island or peninsula for future addition of a receptacle outlet to serve the island or peninsular countertop or work surface. These provisions shall be a dedicated circuit.
Repeal	Item (a)	
Repeal	Item (b)	
Repeal		
Amend	210.52(C)(3) Receptacle Outlet Location	Receptacle outlets shall be located in one or more of the following:
Amend	Item 1	On or above, but not more than 500 mm (20 in.) above, a countertop or work surface.
Amend	Item 2	In a countertop using receptacle outlet assemblies listed for use in countertops.
Amend	Item 3	Below countertop or work surfaces: Not more than 300 mm (12 in.) below the countertop or work surface or in a work surface using receptacle outlet assemblies listed for use in work surfaces or listed for use in countertops
Adopt		Receptacles installed below a countertop or work surface shall not be located where the countertop or work surface extends more than 150 mm (6 in.) beyond its support base.
Adopt		Receptacle outlets rendered not readily accessible by appliances fastened in place, appliance garages, sinks, or rangetops as covered in 210.52(C)(1), Exception or appliances occupying assigned spaces shall not be considered as these required outlets.
Amend	230.67 Surge Protection	
Amend	230.67(A) Surge-Protective Device	
Adopt	Exception	Services for Manufactured Housing units shall not be required to be provided with a surge-protective device (SPD)
Amend	Article 230.71, Maximum Number of Disconnects.	
Adopt	Exception	
Adopt	Item (1)	All pre-existing, renovations, alterations, repairs, or substantial improvement services shall not be required to have only one disconnecting means. The service disconnecting means for these listed construction types shall consist of not more than six switches or sets of circuit breakers, or a combination of not more than six switches and sets of circuit breakers, mounted in a single enclosure, in a group of enclosures, or in or on a switchboard or in a switchgear. There shall not be more than six sets of disconnects per service grouped in any one location.
* * *		
Amend	Article 230.85 Emergency Disconnects	A. For one- and two-family dwelling units, all service conductors shall terminate in disconnecting means having a short-circuit current rating equal to or greater than the available fault current, installed in a readily accessible outdoor location. If more than one disconnect is provided, they shall be grouped. Each disconnect shall be one of the following:
	Item 1	Service disconnects marked as follows: EMERGENCY DISCONNECT, SERVICE DISCONNECT
	Item 2	Meter disconnects installed per 230.82(3) and marked as follows: EMERGENCY DISCONNECT, METER DISCONNECT, NOT SERVICE EQUIPMENT
	Item 3	Other listed disconnect switches or circuit breakers on the supply side of each service disconnect that are suitable for use as service equipment and marked as follows: EMERGENCY DISCONNECT, NOT SERVICE EQUIPMENT
		Markings shall comply with 110.21(B)
Adopt	Article 230.85(B) Identification of Other Isolation Disconnects	Where equipment for isolation of other energy source systems is not located adjacent to the emergency disconnect required by this section, an approved plaque or directory identifying the location of all equipment for isolation of other energy sources shall be located adjacent to the disconnecting means required by this section.
Adopt	Informational Note:	See 445.18, 480.7, 705.20, and 706.15 for examples of other energy source system isolation means.
Adopt	Article 230.85(C) Marking	
Adopt	Article 230.85(C)(1) Marking Text.	The disconnecting means shall marked as follows:
Adopt	Item 1	Service disconnect: EMERGENCY DISCONNECT, SERVICE DISCONNECT
Adopt	Item 2	Meter disconnects installed in accordance with 230.82(3) and marked as follows: EMERGENCY DISCONNECT, METER DISCONNECT, NOT SERVICE EQUIPMENT
Adopt	Item 3	Other listed disconnect switches or circuit breakers on the supply side of each service disconnect that are marked suitable for use as service equipment and marked as follows: EMERGENCY DISCONNECT, NOT SERVICE EQUIPMENT
Adopt	Article 230.85(C)(2) Marking Location and Size	Markings shall comply with 110.21(B) and both of the following:

Adopt	Item 1	The marking or labels shall be located on the outside front of the disconnect enclosure with red background and white text.
Adopt	Item 2	The letters shall be at least 13 mm (1/2 in.) high
Amend	Article 551.71 Type Receptacles Provided	
* * *		

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1730.22(C) and (D) and 40:1730.26(1).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, State Uniform Construction Code Council, LR 33:291 (February 2007), amended LR 34:93 (January 2008), LR 34:883 (May 2008), LR 34:2205 (October 2008), LR 35:1904 (September 2009), LR 36:2574 (November 2010), effective January 1, 2011, LR 37:601 (February 2011), LR 37:913 (March 2011), repromulgated LR 37:2187 (July 2011), repromulgated LR 37:2726 (September 2011), LR 37:3065 (October 2011), LR 38:1994 (August 2012), amended by the Department of Public Safety and Corrections, Uniform Construction Code Council, LR 39:1825 (July 2013), LR 39:2512 (September 2013), LR 40:2609 (December 2014), amended by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 41:2387 (November 2015), amended by the Department of Public Safety and Corrections, Office of the State Fire Marshal, Uniform Construction Code Council, LR 44:95 (January 2018), repromulgated LR 45:932 (July 2019), amended LR 48:2606 (October 2022), LR 50:

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family formation/functioning, stability, and autonomy as described in R.S. 49:972.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or family poverty in relation to individual or community asset development as described in the R.S. 49:973.

Small Business Analysis

In compliance with Act 820, of the 2008 Regular Legislative Session of the Louisiana Legislature, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule will have no impact on small businesses, as described in R.S. 49:965.6.

Provider Impact Statement

As described in HCR 170 of the 2014 Regular Legislative Session, the impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, no direct or indirect cost to the provider to provide the same level of service, and will have no impact on the provider's ability to provide the same level of service as described in HCR 170.

Public Comments

All interested persons are invited to submit written comments on the proposed regulation. Such comments should be submitted via the U.S. Mail to Mark Joiner, Office of State Fire Marshal, 8181 Independence Blvd. Baton Rouge, LA 70806. Written comments may also be hand-

delivered to Mark Joiner, Office of State Fire Marshal, 8181 Independence Boulevard, Baton Rouge, LA 70806. All written comments are required to be signed by the person submitting the comments, dated, and received on or before January 10, 2024 at 4:30 p.m. If necessary, a public hearing will be scheduled pursuant to R.S. 49:953(A)(1)(a).

Chief Daniel H. Wallis
State Fire Marshal

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Uniform Construction Code

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

The proposed rule will not result in any costs or savings to state and local governmental units. This proposed rule takes the place of an emergency rule filed October 19, 2023. The emergency rule helped address health, Welfare and Lie Safety issues brought to the attention of the LSUCCC from the public and local jurisdictions.

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

The proposed rule changes will not affect revenue collections for state for local governments.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule changes will result in no impact to persons, small business or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule changes will not affect competition or employment.

Daniel H. Wallis
Fire Marshal
2312#060

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Revenue Tax Policy and Planning Division

Election of Pass-Through Entities
(LAC 61:I.1001)

Under the authority of R.S. 47:1511, 287.732.2, 300.6 and 300.7, and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Tax Policy and Planning Division, proposes to amend LAC 61:I.1001.

The primary purpose of the proposed Rule is to implement Act 450 of the 2023 Regular Session of the Louisiana Legislature relative to the pass-through entity election pursuant to R.S. 47:287.732.2.

The proposed Rule is written in plain language in an effort to increase transparency.

Title 61

REVENUE AND TAXATION

Part I. Taxes Collected and Administered by the Secretary of Revenue

Chapter 10. Income: Pass-Through Entities

§1001. Election of Pass-Through Entities

A. - B.3.a.ii. ...

iii. Repealed.

iv. formation documents of the entity such as the Articles of Incorporation, Partnership Agreement or Operating Agreement which specifically set forth how profits, losses and other tax items are distributed to the owners; and

v. a list of all unused Louisiana net operating losses, tax credit balances and other tax items earned at the entity level prior to the election.

vi. Repealed.

B.4. - C.3. ...

a. Repealed.

b. Schedule K-1s as actually issued to the owners of the entity for the taxable year as well as Louisiana Form R-6981, *Statement of Owner's Share of Entity Level Tax Items*, reflecting any income that remains taxable to the entity's owners in Louisiana after the election such as dividends and interest; and

c. Louisiana Form R-6982, *Schedule of Tax Paid if Paid by Owner*, calculating how much tax would have been due if the entity had passed the income through to its owners and the tax had been paid at the owner level.

4. Modification of Income and Loss

a. Taxpayers with an ownership interest in an entity making the election shall make a modification, as follows:

i. Resident individual taxpayers shall make a modification on Schedule E of their Louisiana Form IT-540, *Louisiana Resident Income Tax Return*, in accordance with R.S. 47:297.14. A non-resident or part-year resident shall make the modification on the Nonresident and Part-Year Resident (NPR) Worksheet of the Louisiana Form IT-540B, *Louisiana Nonresident and Part-Year Resident Income Tax Return*.

ii. Resident and nonresident trusts or estates shall make a modification on Lines 2D and 3D and Schedule A, respectively, of their Louisiana Form IT-541, *Fiduciary Income Tax Return*.

b. The modification shall be made for all income or loss of the entity that was included by the individual or fiduciary owners in the calculation of federal adjusted gross income or federal taxable income, respectively, but which is being taxed at the entity level for Louisiana income tax purposes after the election is made.

c. The modification shall not be made for any income or loss that remains taxable for Louisiana individual or fiduciary income tax purposes to the entity's owners, such as interest income and dividend income.

d. For calculation purposes, individual or fiduciary income taxpayers with an ownership interest in an entity making the election shall submit a *pro forma* Federal Form 1040 or 1041, respectively, that excludes any income, deductions or other tax items that were included in the

calculation of Louisiana net income on the entity's Louisiana Form CIFT-620.

C.5. - C.6.b. ...

D. Termination of the Election. Entities who make the election pursuant to R.S. 47:287.732.2, may apply to the secretary of the Department of Revenue to terminate the election. Any such termination request requires the written approval of more than one-half of the ownership interest based upon capital account balances on the date the request is submitted. A taxpayer may request a termination of the election by electronic submission of Louisiana Form R-6983, *Termination of the Pass-Through Entity Tax Election*, and satisfying the requirements of either method of termination, as follows:

1. The secretary may terminate the election if the entity shows a material change in circumstances.

a. - b. ...

c. The request to terminate the election shall include a written explanation of the material change which warrants termination.

d. Once the entity has filed a Louisiana income tax return for a taxable year for which the election has been made or a subsequent taxable year, the secretary shall not grant a termination of the election to apply to such taxable year for which a return has already been filed.

2. A taxpayer may terminate the election by filing an application for prospective termination.

a. For purposes of this Paragraph, an application shall be considered timely and complete when all required documentation has been submitted on or before November 1 prior to the close of the taxable year for calendar year filers or sixty days prior to the close of the taxable year for fiscal year filers.

3. An entity applying for termination under either method provided in this Subsection must provide the Department either:

a. A resolution signed by secretary of the corporation or equivalent officer manager verifying that more than one-half the ownership interest in the entity based upon capital account balances approved the election, or

b. Other written proof that more than one-half the ownership interest in the entity based upon capital account balances approved the request for termination.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:287.732.2, 300.6, 300.7 and 1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 46:43 (January 2020), amended by the Department of Revenue, Policy Services Division, LR:48:2991(December 2022); amended by the Department of Revenue, Tax Policy and Planning Division, LR:50:

Family Impact Statement

The proposed Rule has no known or foreseeable impact on any family as defined by R.S. 49:972(D) or on family formation, stability and autonomy. Specifically, the implementation of the proposed amendment will have no known or foreseeable effect on:

1. The stability of the family.

2. The authority and rights of parents regarding the education and supervision of their children.

3. The functioning of the family.

4. Family earnings and family budget.

5. The behavior and personal responsibility of children.

6. The ability of the family or a local government to perform this function.

Poverty Statement

The proposed Rule will have no known impact on poverty as described in R.S. 49:973.

Small Business Analysis

The proposed Rule will have no known adverse impact on small businesses as defined in the Regulatory Flexibility Act. The agency, consistent with health, safety, environmental and economic factors has considered and, where possible, utilized regulatory methods in drafting this proposed amendment to accomplish the objectives of applicable statutes while minimizing any anticipated adverse impact on small businesses.

Provider Impact Statement

The proposed Rule will have no known or foreseeable effect on:

1. The staffing levels requirements or qualifications required to provide the same level of service.

2. The total direct and indirect effect on the cost to the provider to provide the same level of service.

3. The overall effect on the ability of the provider to provide the same level of service.

Public Comments

Any interested person may submit written data, views, arguments or comments regarding these proposed amendments to Brad Blanchard, Attorney, Policy Services Division, Office of Legal Affairs by mail to P.O. Box 44098, Baton Rouge, LA 70804-4098. All comments must be received no later than 4 p.m., Tuesday, January 23, 2024.

Public Hearing

A public hearing will be held on Wednesday, January 24, 2024, at 10 a.m. in the River Room, on the seventh floor of the LaSalle Building, 617 North Third Street, Baton Rouge, LA 70802. Should individuals with a disability need an accommodation in order to participate, contact Brad Blanchard at the address given above in the Public Comments section, by phone at (225) 219-2780, or by email at LDRadarequests@la.gov.

Kevin J. Richard, CPA
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Election of Pass-Through Entities

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

The Louisiana Department of Revenue ("LDR") will incur one-time costs of \$81,360 in FY 24 for computer system development and testing, modification to tax forms, and Revenue Processing Center scanners.

The purpose of the proposed amendment is to implement Act 450 of the 2023 Regular Session of the Louisiana Legislature relative to the pass-through entity (PTE) election provided for in R.S. 47:287.732.2. Act 450 authorizes the use of the pass-through entity exclusion of net income or loss by estates, trusts, and partnerships. Act 450 additionally authorizes an application process to be administered by LDR that would allow the termination of pass-through entity status in the

taxable year following submission and disallows additional status changes for the following five taxable years.

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

The impact on state revenue collections is indeterminable. LDR does not have the information necessary to estimate the impact. There are possible individual scenarios where overall state tax receipts will decrease and possible scenarios where overall state tax receipts will increase. Each situation is dependent on the estate or trust's tax situation and the entity actually making the election, which cannot be predicted.

The proposed rule addresses the authorization for fiduciary entities who are members, partners, or shareholders of an entity that made the election to exclude any income or loss from that pass-through entity from their taxable income. Partnership provisions are already in current practice and would be of no effect since partnerships do not pay income tax.

The rule also addresses the authorization of a prospective termination of pass-through entity status by application to LDR once per five years. The resulting impact on state tax revenue may be either negative or positive, and thus is indeterminable.

With no local income tax, there is no impact to local governmental revenue as a result of this rule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

Businesses will need to submit an application to the Department in order to apply for termination of the election. Additional costs for completion and submission of the required paperwork of this proposed rule are expected to be minor.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No material impact on competition or employment is anticipated due to this proposal.

Kevin J. Richard, CPA
Secretary
2312#046

Deborah A. Vivien
Chief Economist
Legislative Fiscal Office

NOTICE OF INTENT

Department of Revenue Tax Policy and Planning Division

Open Meetings via Electronic Means
(LAC 61:III.Chapter 2)

Under the authority of R.S. 42:14(E), 42:17.2 and 47:1511, and in accordance with the provisions of the Administrative Procedures Act, R.S. 49:950 et seq., the Department of Revenue, Tax Policy and Planning Division, proposes to adopt LAC 61:III.201, 203, 205, and 207 relative to Louisiana's open meetings law.

Act 393 of the 2023 Regular Session amended R.S. 42:17.2 of Louisiana's Open Meetings law to permit certain, eligible public bodies and agencies to conduct its open meetings via electronic means (e.g., videoconference or teleconference). Regardless of its eligibility status, agencies are required by R.S. 42:14(E) to provide electronic or alternate participation in open meetings as an ADA accommodation for people with disabilities. In order to implement such provisions, R.S. 42:14(E) requires agencies to promulgate rules in accordance with the Administrative Procedures Act. The Department of Revenue meets the criteria set forth in R.S. 42:17.2 for eligibility to conduct open public meetings via electronic means. Therefore, the

primary purpose of this proposed regulation is to promulgate rules as required by R.S. 42:14(E) and R.S. 42:17.2.

Title 61

REVENUE AND TAXATION

Part III. Administrative and Miscellaneous Provisions

Chapter 2. Open Meetings via Electronic Means Policy

§201. Postings Prior to Meeting via Electronic Means

A. The Department of Revenue shall provide notice in accordance with R.S. 42:17.2 on the department's website at www.revenue.louisiana.gov.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:14(E), R.S. 42:17.2 and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Tax Policy and Planning Division, LR 50:

§203. Electronic Meeting Requirements and Limitations

A. For any meeting conducted via electronic means, the Department of Revenue shall ensure compliance with all requirements outlined in R.S. 42:17.2(C).

B. An online archive of any open meetings conducted via electronic means shall be maintained and available for two years on the agency's website at www.revenue.louisiana.gov.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:14(E), R.S. 42:17.2 and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Tax Policy and Planning Division, LR 50:

§205. Disability Accommodations

A. Although an open meeting may be scheduled as in-person, the Department of Revenue is obligated to provide for participation via electronic means on an individualized basis by people with disabilities.

B. People with disabilities are defined as any of the following:

1. a member of the public with a disability recognized by the Americans with Disabilities Act (ADA);
2. a designated caregiver of such a person; or
3. a participant member of the agency with an ADA-qualifying disability.

C. The Department of Revenue shall ensure that the written public notice for an open meeting, as required by R.S. 42:19, includes the name, telephone number and email address of the designated agency representative to whom a disability accommodation may be submitted.

D. The requestor with an accommodation will receive a teleconference and/or video conference link for participation via electronic means as soon as possible following receipt of the request, but no later than the start of the scheduled meeting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:14(E), R.S. 42:17.2 and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Tax Policy and Planning Division, LR 50:

Family Impact Statement

The proposed Rule should not have any known or foreseeable impact on any family as defined by R.S. 49:972(D) or on family formation, stability and autonomy. Specifically, the implementation of this proposed rule will have no known or foreseeable effect on:

1. The stability of the family.
2. The authority and rights of parents regarding the education and supervision of their children.
3. The functioning of the family.
4. Family earnings and family budget.
5. The behavior and personal responsibility of children.
6. The ability of the family or a local government to perform this function.

Poverty Statement

This proposed Rule will have no foreseeable impact on poverty as described in R.S. 49:973.

Small Business Analysis

The proposed Rule is not expected to have a significant adverse impact on small businesses as defined in the Regulatory Flexibility Act. The agency, consistent with health, safety, environmental and economic factors has considered and, where possible, utilized regulatory methods in drafting this proposed amendment to accomplish the objectives of applicable statutes while minimizing any anticipated adverse impact on small businesses.

Provider Impact Statement

The proposed Rule will have no known or foreseeable effect on:

1. The staffing levels requirements or qualifications required to provide the same level of service.
2. The total direct and indirect effect on the cost to the provider to provide the same level of service.
3. The overall effect on the ability of the provider to provide the same level of service.

Public Comments

Any interested person may submit written data, views, arguments or comments regarding these proposed amendments to Christina Junker, Attorney, Policy Services Division, Office of Legal Affairs by mail to P.O. Box 44098, Baton Rouge, LA 70804-4098. All comments must be received no later than 4 p.m., Wednesday, December 20, 2023.

Public Hearing

A public hearing will be held on Thursday, December 21, 2023, at 10 AM in the River Room, on the seventh floor of the LaSalle Building, 617 North Third Street, Baton Rouge, LA 70802. Should individuals with a disability need an accommodation in order to participate, contact Christina Junker at the address given above in the Public Comments section, by phone at (225) 219-7823, or by e-mail at christina.junker2@la.gov.

Kevin J. Richard, CPA
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Open Meetings via Electronic Means

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

The purpose of this proposed rule is to implement the provisions of La. R.S. 42:14(E) and 42:17.2 enacted by ACT 393 of the 2023 Regular Session of the Louisiana Legislature.

La. R.S. 42:14(E) requires agencies (with certain exceptions) to provide electronic or alternate participation in open meetings as an ADA accommodation for people with disabilities. Additionally, La. R.S. 42:17.2 was amended to permit certain, eligible public bodies and agencies to conduct open meetings via electronic means (e.g., videoconference or teleconference).

Louisiana Department of Revenue's (LDR) implementation costs are expected to be minimal. Zoom is the predominant video conference software utilized by state agencies. The cost for a commercial Zoom license starts at \$150 per year but may be higher depending on the needs of the meeting. Alternatives such as Skype and GoTo Meeting are also available. Additional features such as captioning and webinar software to provide moderated public participation may pose additional costs. For example, a Zoom Webinars license for up to 500 attendees costs \$690 per year. An online archive of any open meetings conducted via electronic means shall be maintained and available for two years on the agency's website.

The agency currently has sufficient funding to implement the proposed rule.

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

The proposed rule is not anticipated to have any effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

There are no anticipated costs to directly affected persons, small businesses, or non-governmental groups. To the extent someone is able to attend a meeting via electronic means that might not otherwise be able to, an economic impact may result.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated impact on competition or employment.

Kevin J. Richard
Secretary
2312#010

Deborah A. Vivien
Chief Economist
Legislative Fiscal Office

NOTICE OF INTENT

Department of Transportation and Development Professional Engineering and Land Surveying Board

Boundary Surveys—Standards of Practice
(LAC 46:LXI.2903, 2905, 2910 and 2913)

Under the authority of the Louisiana professional engineering and land surveying licensure law, R.S. 37:681 et seq., and in accordance with the Louisiana Administrative Procedure Act, R.S. 49:950 et seq., notice is hereby given that the Louisiana Professional Engineering and Land Surveying Board has initiated procedures to adopt LAC 46:LXI.2910 and to amend its rules contained in LAC 46:LXI.2903, 2905 and 2913.

This is an adoption of a new rule, as well as a revision of existing rules under which LAPELS operates. The new Rule provides for DOTD right-of-way surveys. The revision updates terminology for boundary surveys and clarifies surveying closure requirements for small tracts. The anticipated effective date of this proposed new Rule and these proposed Rule amendments is the date of promulgation.

Title 46 PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LXI. Professional Engineers and Land Surveyors Chapter 29. Standards of Practice for Boundary Surveys

§2903. Definitions

A. Any terms not specifically defined herein shall be as defined in the most current publication of *Definitions of Surveying and Associated Terms* as published by the National Society of Professional Surveyors. For the purpose of this Chapter, all the definitions listed that differ from any other source are to be interpreted as written herein.

* * *

Right-of-Way—any strip or area of land, including surface, overhead, or underground, encumbered by a servitude. Rights are typically granted by deed for access or for construction, operation and/or maintenance purposes, according to the terms of the grant.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 16:1064 (December 1990), amended LR 22:713 (August 1996), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1042 (July 2001), LR 30:1725 (August 2004), LR 37:2414 (August 2011), LR 50:

§2905. Classification of Boundary Surveys

A. Types of Boundary Surveys. Four types of boundary surveys, which relate to or define property boundaries, are regulated by these standards of practice. These are property boundary surveys, route surveys, DOTD right-of-way surveys and mineral unitization surveys.

B. - B.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 16:1065 (December 1990), amended LR 22:714 (August 1996), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1043 (July 2001), LR 30:1726 (August 2004), LR 37:2415 (August 2011), LR 44:627 (March 2018), LR 50:

§2910. DOTD Right-of-Way Survey

A. Definition

DOTD Right-of-Way Survey—a survey for determining the route of a proposed public road or other linear facilities in order for the Department of Transportation and Development or another governmental agency to acquire ownership of real property, or a public servitude or easement, from the property owner being crossed.

B. Scope and Product. A DOTD right-of-way survey shall, as a minimum, consist of the following elements.

1. The professional land surveyor shall utilize sufficient title information and research as needed to define the tract boundaries.

2. The professional land surveyor shall locate sufficient evidence, on the ground, to determine the location of all boundary lines that will be crossed by the real property, or the proposed public servitude or easement, to be acquired. Installation of new monuments is not required

when defining the limits of the public servitude or easement to be acquired; however, subsequent to completion of construction of the public road or other linear facilities, installation of right-of-way monuments is required when defining the limits of the real property acquired.

3. The professional land surveyor shall prepare a plat(s) or map(s) for those tracts being crossed, showing the alignment of the proposed route and the length of the real property to be acquired or the proposed public servitude or easement across the tract. These plats or maps shall be prepared in compliance with those requirements for property boundary survey plats or maps that are specifically contained in §2907.G.1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 13, 14 and 15. These final plats or maps issued to the Department of Transportation and Development or other governmental agency shall contain a statement by the professional land surveyor certifying its authenticity (that it represents his/her survey) and stating that the DOTD right-of-way survey complies with the applicable standards of practice as stipulated in this Chapter. Sufficient information to re-establish the real property (or public servitude or easement) acquired, including any found monuments, must be shown at a suitable scale or in a separate detail on each plat or map. These plats or maps shall be known as DOTD right-of-way maps.

4. The right-of-way monuments installed subsequent to completion of construction of the public road or other linear facilities define the limits of the real property acquired. The right-of-way monuments shall be installed in accordance with the current Department of Transportation and Development standard specifications for right-of-way monuments. The professional land surveyor shall prepare a plat(s) or map(s) showing the alignment of the route and the length of the real property acquired as shown on the corresponding DOTD right-of-way map, but in doing so shall be exempt from requirements contained in Paragraph 2 of Subsection B. These plats or maps shall be prepared in compliance with those requirements for property boundary survey plats or maps that are specifically contained in §2907.G.1, 2, 3, 4, 6, 7, 9, 13, 14 and 15. These final plats or maps issued to the Department of Transportation and Development or other governmental agency shall contain a statement by the professional land surveyor certifying its

authenticity (that it represents his/her survey) and stating that the right-of-way monuments were installed and comply with the applicable standards of practice as stipulated in this Chapter. Sufficient information to re-establish the real property acquired, including any found monuments, must be shown at a suitable scale or in a separate detail on each plat or map. These plats or maps shall be known as DOTD right-of-way monument location maps.

5. It is not required that the professional land surveyor who prepared the DOTD right-of-way map referenced in Paragraph 3 of Subsection B be the same professional land surveyor who prepared the DOTD right-of-way monument location map referenced in Paragraph 4 of Subsection B.

6. If requested by the Department of Transportation and Development or other governmental agency, the professional land surveyor shall prepare a legal description of the real property to be acquired and the proposed public servitude or easement for each tract crossed by the proposed public road or other linear facility. The description shall describe the alignment and length of the real property to be acquired and the proposed public servitude or easement and shall comply with those requirements for legal descriptions for property boundary surveys that are specifically contained in §2907.H.6-9. The Department of Transportation and Development and other governmental agencies may require an additional electronic file that generates the legal description, which shall also comply with this Paragraph.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 50:

§2913. Positional Accuracy Specification and Positional Tolerances
[Formerly §2909]

A. If radial survey methods, global positioning systems (GPS) or other acceptable technologies or procedures are used to locate or establish points on the boundary survey, the professional land surveyor shall apply acceptable surveying procedures in order to assure that the allowable positional accuracy and/or positional tolerance of such points are not exceeded. Any conversion from meters to feet shall use U.S. Survey Feet.

Condition	A	B	C	D	Remarks and Formula
	Urban Business District	Urban	Suburban	Rural	
Unadjusted Closure (maximum allowable)	1:15,000	1:10,000	1:7,500	1:5,000	Traverse Loop or between Control Monuments (closed traverse)
Angular Closure (maximum allowable)	10"√N	15"√N	25"√N	30"√N	N = Number of Angles in Traverse (closed traverse)
Accuracy of Bearing	± 15 Sec.	± 20 Sec.	± 30 Sec.	± 40 Sec.	In Relation to Source (closed traverse, radial or GPS)
Linear Distances Accurate to: (maximum allowable)	0.05 ft ± ± 0.05 ft per 1,000 ft	0.05 ft ± ± 0.1 ft per 1,000 ft	0.07 ft + ± 0.15 ft per 1,000 ft	0.1 ft + ± 0.2 ft per 1,000 ft	Applies when the Distance is not part of a Closed Traverse (radial or GPS)
Positional Tolerance and Positional Accuracy of any Monument (maximum)	0.1' + AC/15,000	0.1' + AC/10,000	0.1' + AC/7,500	0.2' + AC/5,000	AC = Length of Any Course* (closed traverse, radial or GPS)

Condition	A	B	C	D	Remarks and Formula
	Urban Business District	Urban	Suburban	Rural	
Calculation of area - accurate and carried to nearest _____ (decimal place) of an acre (closed traverse, radial or GPS)	0.001 0.001 0.01 0.1	0.001 0.001 0.01 0.1	0.001 0.01 0.1 0.2	0.001 0.01 0.1 0.3	To 1 acre To 10 acres To 100 acres To 1,000 acres
Elevations for Boundaries Controlled by Tides, Contours, Rivers, etc. Accurate to:	0.2 ft.	0.3 ft.	0.4 ft.	0.5 ft.	Based on Accepted Local Datum (closed traverse, radial or GPS)
Location of Improvements, Structures, Paving, etc. (Tie Measurements)	± 0.1 ft.	± 0.2 ft.	± 0.5 ft.	± 1 ft.	(closed traverse, radial or GPS)
Adjusted Mathematical Closure to Survey (Minimum)**	1:50,000	1:50,000	1:50,000	1:50,000	(closed traverse, radial or GPS)

*Short courses in classes "A" and "B" may generate positional errors of less than 0.01 feet. A minimum course distance of 200 feet shall be used in calculating positional error.

**Smaller tracts may result in a closure less than 1:50,000. Professional land surveyor shall minimize closure constrained by precision of bearing (nearest second of angle) and distance (one hundredth of a foot).

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 16:1068 (December 1990), amended LR 22:716 (August 1996), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1046 (July 2001), LR 30:1729 (August 2004), LR 37:2419 (August 2011), LR 44:628 (March 2018), LR 50:

Family Impact Statement

In accordance with R.S. 49:961(A)(2)(h)(i) and 972, the following Family Impact Statement is submitted with the Notice of Intent for publication in the *Louisiana Register*: The proposed Rule has no known impact on family formation, stability or autonomy.

Poverty Impact Statement

In accordance with R.S. 49:961(A)(2)(h)(ii) and 973, the following Poverty Impact Statement is submitted with the Notice of Intent for publication in the *Louisiana Register*: The proposed Rule has no known impact on child, individual or family poverty in relation to individual or community asset development.

Small Business Analysis

In accordance with R.S. 49:961(A)(2)(h)(iv) and 974.5, the following Small Business Regulatory Flexibility Analysis is submitted with the Notice of Intent for publication in the *Louisiana Register*: The impact of the proposed Rule on small businesses has been considered. LAPELS has, consistent with health, safety, environmental and economic welfare, considered utilizing regulatory methods that will accomplish the objectives of applicable statutes while minimizing adverse impact on small businesses. The proposed Rule is not anticipated to have an adverse impact on small businesses.

Provider Impact Statement

In accordance with HCR No. 170 of the 2014 Regular Session, the following Provider Impact Statement is

submitted with the Notice of Intent for publication in the *Louisiana Register*: The proposed Rule has no known effect on the staffing level requirements or qualifications required to provide the same level of service, the cost to the provider to provide the same level of service or the ability of the provider to provide the same level of service.

Public Comments

Interested parties are invited to submit written comments on the proposed Rule through January 10, 2024 at 4:30 p.m., to Donna D. Sentell, Executive Director, Louisiana Professional Engineering and Land Surveying Board, 9643 Brookline Avenue, Suite 121, Baton Rouge, LA 70809-1433.

Donna D. Sentell
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: **Boundary Surveys Standards of Practice**

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

There are no estimated implementation costs or savings to state or local governmental units resulting from this proposed rule change. The proposed rule change establishes the DOTD right-of-way survey and provides the definition of a DOTD right-of-way survey and the minimum requirements for scope and product of the survey. The proposed rule change also makes various technical changes. The proposed rule change was approved by the Louisiana Professional Engineering and Land Surveying Board at its October 30, 2023 board meeting.

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 as a result of this proposed rule change.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule change has no estimated impact on costs and/or economic benefits to directly affected persons, small businesses or non-governmental groups. The proposed rule change does not change the definition of a right-of-way, but establishes guidelines for the Louisiana Department of Transportation and Development (DOTD) to follow when conducting DOTD right-of-way surveys.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT
(Summary)

There is no estimated effect on competition and employment in the public and private sectors as a result of the proposed rule change.

Donna D. Sentell
Executive Director
2312#035

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

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

**Bear Hunting Areas, Seasons, Rules and Bag Limits
(LAC 76:XIX.109)**

Notice is hereby given that the Wildlife and Fisheries Commission proposes to adopt a Louisiana Black Bear hunting season for the 2024 hunting season. The department manages the take of resident game, outlaw quadrupeds and migratory birds in Louisiana and this action defines legal participants, sets the legal season bag limits along with legal methods of take and hunting season dates for the Louisiana Black Bear during 2024 hunting season.

The secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the commission to promulgate and effectuate this Notice of Intent, including but not limited to, the filing of the Fiscal and Economic Impact Statement, the filing of the Notice of Intent and compiling public comments and submissions for the commission's review and consideration. In the absence of any further action by the commission following an opportunity to consider all public comments regarding the proposed rule, the secretary is authorized and directed to prepare and transmit a summary report to the legislative oversight committees and file the final rule.

Title 76

WILDLIFE AND FISHERIES

Part XIX. Hunting and WMA Regulations

Chapter 1. Resident Game Hunting Season

§109. Bear Hunting Areas, Seasons, Rules and Bag Limits

A. Bear Hunting 2024

1. Hunting only allowed in Bear Area 4 and shall be still hunt only.

2. Bear season will be from the first Saturday in December to the Sunday following the third Saturday in December. Harvest limit is one bear per season.

3. The use of dogs when hunting bear is prohibited.

4. Cubs and females with cubs are not legal to harvest. A cub is defined as any bear less than or equal to 75 pounds.

5. Bear hunting is restricted to bona fide resident hunters who are properly licensed, hunter safety certified, and selected by lottery. Successful applicants will be issued permits. The number of bear harvest permits issued will be determined based on Bear Area specific population estimates and vital rate data acquired at regular intervals. The number of bear harvest permits issued at any given time during the season shall not allow the harvest to exceed the number of female or male bears in any Bear Area that would compromise the long-term sustainability of the Bear Area population.

6. Harvest of bears without a permit is prohibited. Bear hunting permits will consist of three types: Wildlife Management Area (WMA), Private Landowner, and General.

a. WMA Permits will authorize bear harvest for specified WMAs.

b. Private Landowner Permits will be allocated to qualifying private landowners, or their designee, in Bear Areas with an open season for that permit year. To qualify for a Private Landowner Permit, applicants must provide evidence of qualifying acreage (40+ contiguous acres), proof of ownership, and payment of property taxes for property within the Bear Area for which they apply.

c. General Permits authorize hunting on private property, with landowner permission, within Bear Areas with an open season for that permit year. Individuals receiving a General Permit are responsible for coordinating with landowners to gain permission and access to hunting on their property.

7. Permits shall only be issued by lottery. Applicants shall apply to LDWF on department-approved applications prior to each season. Applicants not chosen will be given preference points in following years. Successful applicants are not allowed to apply for another bear permit for two years after being drawn. All applications require a non-refundable application fee. Consult the regulations pamphlet or contact any department office for details.

8. Transferability of bear permits: Only the private landowner permits are transferrable. Transferees must be a properly licensed Louisiana resident age 18 and over. Permits being transferred must be arranged prior to the mandatory training session. A permit may only be transferred one time. The Department of Wildlife and Fisheries shall be notified once a permit has been transferred and provided the transferees name, address, and phone number.

9. Bear hunter training: All successful applicants or transferees will be required to attend a department bear hunter training course prior to going afield. Individuals not attending a department bear hunter training course will be prohibited from hunting. Successful youth applicants must attend bear hunting training with a properly licensed adult. The adult attending the training is responsible for supervising the youth during the bear hunt and must be within arm's reach or within the same stand or blind as the youth.

10. Baiting and scent attractants: Baiting allowed two weeks prior to season opening to the day the season closes. Hunting over specified unprocessed bait, specified processed bait, and the use of a scent lure is allowed. Unprocessed bait is defined as any raw product legal for baiting bears. Legal specified unprocessed baits are raw meat and fish, grains, nuts, and fruits where legal. Specified processed bait is defined as any baked or cooked product legal for baiting bears. Legal processed baits are donuts and like pastries (e.g., cinnamon rolls, honey buns, muffins). Use of chocolate is prohibited as bait or scent. Scent lure is any non-food product that is used as a scent attractant legal for use in Louisiana.

11. Harvested bears must be tagged immediately upon harvest and prior to being moved from site of harvest. All successful bear hunters must immediately contact their

designated department biologist (see permit) to report their kill and schedule biological data collection.

12. Hunter Orange or Blaze Pink: Any person hunting bears shall display on his head, chest and/or back a total of not less than 400 square inches of “hunter orange” or “blaze pink”. Persons hunting on privately owned land may wear a “hunter orange” or “blaze pink” cap or hat in lieu of the 400 square inches. These provisions shall not apply to persons hunting bear from elevated stands on property that is privately owned or to archery bear hunters hunting on lands where firearm hunting is not allowed by agreement of the landowner or lessee. However, anyone hunting bear on such lands where hunting with firearms is allowed shall be required to display the 400 square inches or a “hunter orange” or “blaze pink” cap or hat while walking to and from elevated stands. While a person is hunting from an elevated stand, the 400 square inches or cap or hat may be concealed. Warning: bear hunters are cautioned to watch for persons hunting other game or engaged in activities not requiring “hunter orange” or “blaze pink”.

13. All successful bear hunters are required to remove the edible portions of meat from the bear. “Edible portions” include, at a minimum, all four quarters, all backstraps and tenderloins along the backbone.

14. Methods of take:

a. Bear may be taken with the following firearms, any of which may be fitted with a magnified scope:

i. Centerfire firearms .25 caliber or larger, rimfire firearms .30 caliber or larger, and shotguns 10 gauge and smaller using slugs, all of which must load exclusively from the breech.

ii. Rifles and pistols, .44 caliber or larger, or shotguns 10 gauge and smaller, all of which must load exclusively from the muzzle, use black powder or approved substitute only, take ball or bullet projectile only, including sabot bullets.

b. Bear may be taken by legal archery gear with a minimum draw weight of no less than 30 pounds, including traditional bow, compound bow, crossbow, or any bow drawn, held or released by mechanical means.

c. All other methods of take are prohibited.

B. Description of Bear Areas

1. Area 1

a. All of the following parishes:

i. Acadia, Assumption, Cameron, Iberia, Jefferson, Lafayette, Lafourche, St. Mary, Terrebonne, and Vermillion.

b. Portions of the following parishes:

i. Allen—that portion south of US 190 and east of US 165;

ii. Ascension—that portion west of the Mississippi River;

iii. Calcasieu—that portion south of Interstate 10;

iv. Iberville—that portion south of Interstate 10 and west of the Mississippi River;

v. Jefferson—that portion west of the Mississippi River;

vi. Orleans—that portion west of the Mississippi River;

vii. Plaquemines—that portion west of the Mississippi River;

viii. St. Charles—that portion west of the Mississippi River;

ix. St. James—that portion west of the Mississippi River;

x. St. John the Baptist—that portion west of the Mississippi River;

xi. St. Martin—that portion south of Interstate 10;

xii. West Baton Rouge—that portion south of Interstate 10.

2. Area 2

a. All of the following parishes: Pointe Coupee, West Feliciana.

b. Portions of the following parishes:

i. Iberville—that portion north of Interstate 10;

ii. St. Landry—that portion east of Interstate 49;

iii. St. Martin—that portion north of Interstate 10;

iv. West Baton Rouge—that portion north of Interstate 10.

3. Area 3

a. All of the following parishes: Avoyelles, Concordia, LaSalle.

b. Portions of the following parish:

i. Catahoula—that portion west of US Highway 425.

4. Area 4

a. All of the following parishes: East Carroll, Madison, Tensas, West Carroll.

b. Portions of the following parishes:

i. Catahoula—that portion east of US Highway 425;

ii. Franklin—that portion east of US Highway 425;

iii. Richland—that portion east of US Highway 425.

5. Area 5

a. All of the following parishes: Caldwell, Ouachita, Morehouse, Union.

b. Portions of the following parishes:

i. Franklin—that portion west of US Highway 425;

ii. Richland—that portion west of US Highway 425.

6. Area 6

a. All of the following parishes: Beauregard, Bienville, Bossier, Caddo, Claiborne, Desoto, Evangeline, Grant, Jackson, Lincoln, Natchitoches, Rapides, Red River, Sabine, Webster, Winn.

b. Portions of the following parishes:

i. Allen—that portion north of US 190 and west of US 165;

ii. Calcasieu—that portion north of Interstate 10;

iii. Jefferson Davis—that portion south of US 190 and east of US 165;

iv. St. Landry—that portion west of Interstate 49.

7. Area 7

a. All of the following parishes: East Baton Rouge, East Feliciana, Livingston, St. Bernard, St. Helena, St. Tammany, Tangipahoa, Washington.

b. Portions of the following parishes:

i. Ascension—that portion east of the Mississippi River;

- ii. Iberville—that portion east of the Mississippi River;
- iii. Jefferson—that portion east of the Mississippi River;
- iv. Orleans—that portion east of the Mississippi River;
- v. Plaquemines—that portion east of the Mississippi River;
- vi. St. Charles—that portion east of the Mississippi River;
- vii. St. James—that portion east of the Mississippi River;
- viii. St. John the Baptist—that portion east of the Mississippi River.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115, R.S. 56:109(B) and R.S. 56:141(C).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 50:

Family Impact Statement

In accordance with Act 1183 of 1999 Regular Session of the Louisiana Legislature, the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission hereby issues its Family Impact Statement in connection with the preceding Notice of Intent. This Notice of Intent will have no impact on the six criteria set out at R.S. 49:972(B).

Poverty Impact Statement

This proposed Rule will have no impact on poverty as described in R.S. 49:973.

Small Business Analysis

This proposed Rule has no known impact on small businesses as described in R.S. 49:965.2 through R.S. 49:965.8.

Provider Impact Statement

This proposed Rule has no known impact on providers as described in HCR 170 of 2014.

Public Comments

Interested persons may submit written comments relative to the proposed Rule until February 5, 2024, to John Hanks, Office of Wildlife, Department of Wildlife and Fisheries, P. O. Box 98000, Baton Rouge, LA 70898-9000 or via e-mail to jhanks@wlf.la.gov.

Andrew J. Blanchard
Chairman

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Bear Hunting Areas, Seasons, Rules and Bag Limits

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

The proposed rule change will have no expenditure impact on state or local governmental units. The proposed rule change establishes regulations for hunting bear in Louisiana, including the following:

- Delineates seven "bear areas" for the state of Louisiana;

- Creates a 16-day bear hunting season in December 2024 in Bear Area (BA) 4 in northeast Louisiana;

- Sets standards for means of hunting, baits and attractants, and methods of take;

- Sets training requirements and mandates the use of hunter orange or blaze pink;

- Sets tagging and reporting requirements for harvested bears;

- Establishes a lottery system for the distribution of bear-hunting permits and sets standards for eligibility. It requires a non-refundable fee for all applicants;

- Defines three types of bear-hunting permits (general permits, permits for specific WMA, and private landowner permits); and

- Prohibits the harvest of cubs and females with cubs and prohibits the use of dogs to hunt bears.

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

The proposed rule change is expected to increase revenue collections of state but not local governmental units by an indeterminate amount. The collections will originate from application fees paid to enter the bear hunt tag lottery and the bear hunting permit. The collection amounts will be determined by the fees established through actions of the legislature in a future legislative session.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule change is expected to benefit hunters by providing sustainable opportunities to harvest black bears. It may offer additional potential income to landowners who receive tags, that may be sold to qualified Louisiana resident hunters who seek to pursue bears and to other landowners who lease lands to bear hunters. The proposed rule change may result in additional expenditures for lottery fees and hunting permits if the Louisiana legislature sets fees for bear hunting permits and establishes a lottery.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change is anticipated to have no impact on competition and employment.

Bryan McClinton
Undersecretary
2312#041

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

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

**General and WMA Turkey Hunting Regulations
(LAC 76:XIX.113)**

Notice is hereby given that the Wildlife and Fisheries Commission proposes to amend the turkey hunting areas for the 2024 hunting season. The department manages the take of resident game, outlaw quadrupeds and migratory birds in Louisiana and this action defines legal turkey hunting areas during 2024 turkey hunting season.

The secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the commission to promulgate and effectuate this Notice of Intent, including but not limited to, the filing of the Fiscal and Economic Impact Statement, the filing of the Notice of Intent and compiling public comments and submissions for the commission's review and consideration. In the absence of any further action by the commission following an opportunity to consider all public comments regarding the proposed Rule, the secretary is authorized and directed to prepare and transmit a summary report to the legislative oversight committees and file the final Rule.

Title 76

WILDLIFE AND FISHERIES

Part XIX. Hunting and WMA Regulations

Chapter 1. Resident Game Hunting Season

§113. General and WMA Turkey Hunting Regulations

A. - E. ...

F. Turkey Hunting Area Descriptions

1. Area A

a. All of the following parishes are open:

- i. Beauregard;
- ii. Bienville;
- iii. Bossier;
- iv. Claiborne;

Exception: see federal lands hunting schedule for Kisatchie National Forest dates.

- v. East Baton Rouge;
- vi. East Feliciana;
- vii. Grant;

Exception: see federal lands hunting schedule for Kisatchie National Forest dates;

- viii. Jackson;
- ix. LaSalle;
- x. Lincoln;
- xi. Livingston;
- xii. Natchitoches;

Exception: see federal lands hunting schedule for Kisatchie National Forest dates.

- xiii. Sabine;
- xiv. St. Helena;
- xv. St. Tammany;
- xvi. Tangipahoa;
- xvii. Union;
- xviii. Vernon;

Exception: see federal lands hunting schedule for Kisatchie National Forest dates.

- xix. Washington;
- xx. Webster
- xxi. West Feliciana (including Raccourci Island);
- xxii. Winn.

Exception: see federal lands hunting schedule for Kisatchie National Forest dates.

b. Portions of the following parishes are also open:

- i. Allen—north of US 190 east of Kinder, west of US 165 south of Kinder;
- ii. Calcasieu—north of I-10;
- iii. Caldwell—west of Ouachita River southward to Catahoula Parish line;
- iv. Catahoula—south and west of the Ouachita River from the Caldwell Parish line southward to LA 8 at Harrisonburg, north and west of LA 8 from Harrisonburg to the LaSalle Parish line, also that portion lying east of LA 15;
- v. East Carroll—that portion east of the main channel of the Mississippi River;
- vi. Evangeline—north and west of LA 115, north of LA 106 west of LA 115 to US 167, west of US 167 south to LA 10, north of LA 10 west of US 167 to LA 13, west of LA 13 south of LA 10 to Mamou and north of LA 104 west of Mamou;
- vii. Jefferson Davis—north of US 190 from junction with LA 26 to Kinder, west of US 165 and north of I-10 west from junction of US 165;
- viii. Madison—that portion east of the main channel of the Mississippi River;

ix. Morehouse—west of US 165 from the Arkansas line to the junction of LA 140 at Bonita, north and west of LA 140 to junction of LA 830-4 (Cooper Lake Road), west of LA 830-4 to US 165 at Bastrop, south of US 165 to junction of LA 3051 (Grabault Road) south of LA 3051 to junction of LA 138, west of LA 138 to junction of LA 134, north of LA 134 to the Ouachita Parish line;

x. Ouachita—all west of the Ouachita River. That portion east of the Ouachita River lying north of US 80;

xi. Rapides—all west of Red River and north of LA 28 east from Pineville, LA east to LaSalle Parish line;

xii. Tensas—that portion east of the main channel of the Mississippi River.

Exception: see federal lands hunting schedule for Kisatchie National Forest dates.

2. Area B

a. All of the following parishes are open:

- i. Caddo;
- ii. DeSoto;
- iii. Red River.

3. Area C

a. All of the following parishes are open:

- i. Ascension;
- ii. Concordia;
- iii. Franklin;
- iv. Iberville;
- v. Pointe Coupee;
- vi. West Baton Rouge.

b. Portions of the following parishes are open:

i. Avoyelles—that portion bounded on the east by the Atchafalaya River, on the north by Red River to the Brouillette Community, on the west by LA 452 from Brouillette to LA 1, on the south by LA 1, eastward to Hamburg, thence by the west Atchafalaya Basin protection levee southward;

ii. Caldwell—all east of the Ouachita River;

iii. Catahoula—all of the parish except for that portion located in area A;

iv. Iberia—east of the west Atchafalaya Basin protection levee;

v. Madison—that portion lying east of US 65 from East Carroll Parish line to US 80 and south of US 80;

vi. Richland—west of LA 17 from Franklin Parish line to Ringle Road, south of Ringle Road to Ferguson Road, south of Ferguson Road to Little Road, south of Little Road to Big Creek, east of Big Creek to Franklin Parish line and that portion south of US 80 and east of LA 17;

vii. St. Landry—that portion bounded on the west by the west Atchafalaya Basin Protection Levee and on the east by the Atchafalaya River;

Exception: the Indian Bayou area; see federal lands hunting schedule for Indian Bayou area dates.

viii. Tensas—that portion west of the main channel of the Mississippi River;

ix. Upper St. Martin—all within the Atchafalaya Basin; in addition, that area bounded on the North by LA 352; on the West by LA 349, to LA 3039, to LA 347, to the Catahoula Hwy. (LA 96), to LA 679, to LA 345; and on the south by LA 3242;

Exceptions: Indian Bayou area, see federal lands hunting schedule for Indian Bayou dates.

4. Turkey season dates on wildlife management areas, national wildlife refuges, Kisatchie National Forest and U.S. Army Corps of Engineers land located within areas A, B, and C may vary from the season set for the parish in which they are located. Seasons for these lands are specified in LAC 76:XIX.115.

G - G.2.a. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 25:2263 (November 1999), amended LR 26:2634 (November 2000), LR 27:2270 (December 2001), LR 28:2375 (November 2002), LR 29:2512 (November 2003), LR 30:2874 (December 2004), LR 31:3167 (December 2005), LR 32:2272 (December 2006), LR 33:2469 (November 2007), LR 35:91 (January 2009), LR 35:2478 (November 2009), LR 36:2581 (November 2010), LR 37:3535 (December 2011), LR 38:2941 (November 2012), LR 40:96 (January 2014), LR 40:1554 (August 2014), LR 41:977 (May 2015), LR 42:1127 (July 2016), LR 43:1426 (July 2017), LR 44:1303 (July 2018), LR 45:964 (July 2019), LR 46:988 (July 2020), LR 47:934 (July 2021), LR 48:1897 (July 2022), LR 49:1266 (July 2023), LR .

Family Impact Statement

In accordance with Act 1183 of 1999 Regular Session of the Louisiana Legislature, the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission hereby issues its Family Impact Statement in connection with the preceding Notice of Intent. This Notice of Intent will have no impact on the six criteria set out at R.S. 49:972(B).

Poverty Impact Statement

This proposed Rule will have no impact on poverty as described in R.S. 49:973.

Small Business Analysis

This proposed Rule has no known impact on small businesses as described in R.S. 49:965.2 through R.S. 49:965.8.

Provider Impact Statement

This proposed Rule has no known impact on providers as described in HCR 170 of 2014.

Public Comments

Interested persons may submit written comments relative to the proposed Rule until February 5, 2024, to Cody Cedotal, Office of Wildlife, Department of Wildlife and Fisheries, P. O. Box 98000, Baton Rouge, LA 70898-9000 or via e-mail to ccedotal@wlf.la.gov.

Andrew J. Blanchard
Chairman

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: General and WMA Turkey Hunting Regulations

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

The proposed rule change will have no expenditure impact on state or local governmental units. The proposed rule change moves portions of Madison and Tensas parishes situated to the east of the main channel of the Mississippi River from Turkey Area C to Area A. It adds all of East Carroll Parish situated to the east of the main channel of the Mississippi River to Turkey Area A.

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

The proposed rule change is expected to have no effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule change will benefit hunters who hunt turkeys in the specified areas by offering an additional 14 days of hunting opportunities in parts of Madison and Tensas parishes and establish 30 days of hunting opportunities in a portion of East Carroll Parish.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change is anticipated to have no impact on competition and employment.

Bryan McClinton
Undersecretary
2312#040

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Open Meetings via Electronic Means
(LAC 76:I.101, 103, and 105)

The Wildlife and Fisheries Commission, in accordance with Act 393 of the 2023 Regular Legislative Session, does hereby promulgate regulations relative to open meetings, conducting meetings via electronic means; and provide for public notice and participation requirements.

The Secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the commission to promulgate and effectuate this Notice of Intent, including but not limited to, the filing of the Fiscal and Economic Impact Statement, the filing of the Notice of Intent and compiling public comments and submissions for the commission's review and consideration. In the absence of any further action by the commission following an opportunity to consider all public comments regarding the proposed rule, the secretary is authorized and directed to prepare and transmit a summary report to the legislative oversight committees and file the final Rule.

Title 76

WILDLIFE AND FISHERIES

Part I. Wildlife and Fisheries Commission and Agencies Thereunder

Chapter 1. General Provisions

Subchapter A. Open Meetings via Electronic Means

§101. Postings Prior to Meeting via Electronic Means

A. At least 24 hours prior to the meeting, the Wildlife and Fisheries Commission shall post the following at wlf.louisiana.gov:

1. meeting notice and agenda; and
2. detailed information regarding how members of the public may:
 - a. participate in the meeting via electronic means, including the applicable videoconference link and/or teleconference phone number; and
 - b. submit written comments regarding matters on the agenda prior to the meeting.

AUTHORITY NOTE: Promulgated in accordance with Act 393 of the 2023 Regular Session of the Louisiana Legislature.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 50:

§103. Electronic Meeting Requirements and Limitations

A. A schedule of meetings identifying which will be conducted via electronic means and which will be conducted as in-person meetings shall be posted on the agency's website at wlf.louisiana.gov.

B. All members of the Wildlife and Fisheries Commission, whether participating from the anchor location or via electronic means, shall be counted for the purpose of establishing a quorum and may vote.

AUTHORITY NOTE: Promulgated in accordance with Act 393 of the 2023 Regular Session of the Louisiana Legislature.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 50:

§105. Disability Accommodations

A. Although an open meeting may be scheduled as in-person, the Wildlife and Fisheries Commission shall provide for participation via electronic means on an individualized basis by people with disabilities.

B. People with disabilities are defined as a person with a disability recognized by the Americans with Disabilities Act (ADA) or the designated caregiver of such a person.

C. The Wildlife and Fisheries Commission shall ensure that the written public notice for an open meeting includes the contact information of the designated agency representative to whom a disability accommodation must be submitted.

D. Accommodation requests should be made as far in advance as possible to allow time to provide an accommodation. Upon receipt of an accommodation request, the designated agency representative shall provide the requestor with an accommodation, if possible, no later than the start of the scheduled meeting.

E. Any member of the Wildlife and Fisheries Commission who qualifies as a person with a disability under the ADA and this Section and timely requests an accommodation may participate in the meeting via electronic means. Notwithstanding law to the contrary, participation via electronic means shall count for purposes of establishing quorum and voting.

AUTHORITY NOTE: Promulgated in accordance with Act 393 of the 2023 Regular Session of the Louisiana Legislature.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 50:

Family Impact Statement

In accordance with Act 1183 of 1999 Regular Session of the Louisiana Legislature, the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission hereby issues its Family Impact Statement in connection with the preceding Notice of Intent. This Notice of Intent will have no impact on the six criteria set out at R.S. 49:972(B).

Poverty Impact Statement

This proposed Rule will have no impact on poverty as described in R.S. 49:973.

Small Business Analysis

This proposed Rule has no known impact on small businesses as described in R.S. 49:965.2 through R.S. 49:965.8.

Provider Impact Statement

This proposed Rule has no known impact on providers as described in HCR 170 of 2014.

Public Comments

Interested persons may submit written comments relative to the proposed Rule until February 5, 2024, to Cole Garrett, General Counsel, Department of Wildlife and Fisheries, P. O. Box 98000, Baton Rouge, LA 70898-9000 or via e-mail to cgarrett@wlf.la.gov.

Andrew J. Blanchard
Chairman

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Open Meetings via Electronic Means

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

The proposed rule change will not have an expenditure impact on state or local governmental units.

The proposed rule change requires the Louisiana Wildlife and Fisheries Commission (Commission) to post the notice and agenda for every Commission meeting on the Louisiana Department of Wildlife and Fisheries (LDWF) website at least 24 hours prior to the meeting's commencement in accordance with Act 393 of the 2023 Regular Session of the Louisiana Legislature. The notice shall also include detailed information regarding how members of the public may participate in the meeting by electronic means and submit written comments prior to the meeting.

In addition, this rule grants the Commission the authority to conduct up to one-third of its meetings electronically. The rule describes the process by which persons with disabilities may request accommodations necessary to observe and participate in Commission meetings through electronic means.

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

The proposed rule change is expected to have no effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule change will benefit interested members of the public by offering opportunities to observe and participate in Commission meetings without incurring the expense, effort, and inconvenience of traveling to the meeting's site.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change is anticipated to have no impact on competition and employment.

Bryan McClinton
Undersecretary
2312#016

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Office of the Governor
Division of Administration
Patient's Compensation Fund Oversight Board**

Disability Accommodations (LAC 37:III.302)

The Louisiana Patient's Compensation Fund Oversight Board (the "board"), under authority of the Louisiana Medical Malpractice Act, R.S. 40:1231.1, et seq., and in accordance with the Administrative Procedure Act, R.S. 49:950, et seq., specifically R.S. 49:961(C), proposes to adopt the following rule setting forth accommodations the board will provide for any member of the public or the board to participate in the public meetings of the board via teleconference or video conference upon receiving a request for such prior to the meeting. Pursuant to R.S. 42:14(E), the board is obligated to provide for participation via teleconference or video conference by any member of the public or the board with a disability recognized by the Americans with Disabilities Act, 42 USCA 12101 et seq. (the ADA), who prior to the meeting requests such accommodation.

Title 37 INSURANCE

Part III. Patient's Compensation Fund Oversight Board Chapter 3. Organization, Functions, Delegations of Authority, and Disability Accommodations

§302. Disability Accommodations

A. A person with a disability is defined as any of the following:

1. a member of the public or the board with a disability recognized by the ADA; or
2. a designated caregiver of such a person.

B. The written public notice for an open meeting, as required by R.S. 42:19, includes the name, telephone number and email address of a board representative to whom a disability accommodation may be submitted.

C. The requestor shall be provided with an accommodation, including the teleconference number and/or video conference link, for participation via electronic means as soon as possible following receipt of the request, but no later than the start of the scheduled meeting.

D. Participation via electronic means (teleconference or video conference) by a board member who has requested a disability accommodation shall count for purposes of establishing quorum and voting. The presiding officer of the board shall ensure that the voting decision of any member of the board who participates via electronic means is clearly identified, recorded and included in the minutes of the meeting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1231.4(D)(3) and Act 393 of the 2023 Regular Session of the Louisiana Legislature.

HISTORICAL NOTE: Promulgated by Office of the Governor, Patient's Compensation Fund Oversight Board, LR 50:

Family Impact Statement

This Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972, considering:

1. the effect on the stability of the family;

2. the effect on the authority and rights of parents regarding the education and supervision of their children;
3. the effect on the functioning of the family;
4. the effect on family earnings and family budget;
5. the effect on the behavior and personal responsibility of children; and
6. the ability of the family or a local government to perform the function as contained in this proposed rule.

Notwithstanding, this Rule provides for participation via teleconference or video conference by any member of the public with a disability recognized by the Americans with Disabilities Act, 42 USCA 12101 et seq. (the ADA), in the public meetings of the board upon receiving a request for such prior to the meeting.

Poverty Impact Statement

This Rule has no known impact on child, individual, or family poverty as described in R.S. 49:973, considering:

1. the effect on household income, assets, and financial security;
2. the effect on early childhood development and preschool through postsecondary education development;
3. the effect on employment and workforce development;
4. the effect on taxes and tax credits; and
5. the effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Notwithstanding, this Rule provides for participation via teleconference or video conference by any member of the public with a disability recognized by the Americans with Disabilities Act, 42 USCA 12101 et seq. (the ADA), in the public meetings of the board upon receiving a request for such prior to the meeting.

Small Business Analysis

This Rule has no known or probable impact on any small businesses as described in R.S. 49:974.4 (formerly R.S. 49:965.5). There are no small businesses subject to this Rule; thus, there are no projected reporting, record keeping, and other administrative costs required for compliance with this Rule.

Provider Impact Statement

This Rule has no known impact on providers of services funded by the State of Louisiana, as described in HCR 170 of 2014, considering:

1. the effect on the staffing level requirements or qualification required to provide the same level of service;
2. the total direct and indirect effect on the cost to the provider to provide the same level of service; and
3. the overall effect on the stability of the provider to provide the same level of service.

Small Business Analysis

This Rule has no known or probable impact on any small businesses as described in R.S. 49:974.5. There are no small businesses subject to this Rule; thus, there are no projected reporting, record keeping, and other administrative costs required for compliance with this Rule.

Public Comments

All interested persons are invited to submit written comments via the U.S. Mail to Kenneth H. Schnauder, Executive Director, Louisiana Patient's Compensation Fund Oversight Board, Iberville Building, 627 North Fourth Street, Suite 2-300, Baton Rouge, LA 70802-5343 and/or to David A. Woolridge, Jr., General Counsel, Louisiana

Patient's Compensation Fund Oversight Board, 10214 Jefferson Highway, Baton Rouge, Louisiana 70809. All written public comments are required to be signed by the person submitting the comments, dated, and received on or before January 10, 2024, by 4:30 p.m.

Kenneth H. Schnauder
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Disability Accommodations**

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

There are no expected implementation costs or savings to the state or local governmental units as a result of this proposed rule because the Patient's Compensation Fund Oversight Board is already in possession of the equipment necessary to provide teleconference or video conference participation in its meetings.

This action is in accordance with the provisions of Act 393 of the 2023 Regular Session, amending and reenacting R.S. 42:14(E), which provides in part: "E. (1) Each public body that has the capability to allow any member of the public with a

disability recognized by the Americans with Disabilities Act or a designated caregiver of such a person to participate in its meetings via teleconference or video conference as defined In R.S. 42:17.2 shall adopt rules, regulations, and procedures to regulate and facilitate participation via teleconference or video conference for any such person who prior to the meeting requests that accommodation. ... (4) State agencies as defined in R.S. 49:951 shall promulgate rules pursuant to the Administrative Procedure Act to implement this Subsection."

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

The proposed rule will have no effect on revenue collections of state or local governmental units.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO
DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL
GROUPS (Summary)**

The proposed rule is not expected to create costs and/or economic benefits to directly affected persons or non-governmental groups.

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

The proposed rule is not expected to affect competition or employment.

Kenneth H. Schnauder
Executive Director
2312#064

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

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Department of Agriculture and Forestry Board of Veterinary Medicine

Board Meeting Dates

The members of the Board of Veterinary Medicine will meet at 8:30 a.m. on the following dates through 2024:

Thursday, February 1, 2024
Thursday, April 4, 2024
Thursday, June 6, 2024
Thursday, August 1, 2024
Thursday, October 3, 2024
Thursday, December 5, 2024

All board meetings will be held at the board office, unless noted otherwise. Dates are subject to change. For more information, please visit www.lsbvm.org/meetingdates or contact the board office via telephone at (225) 925-6620 or via email at admin@lsbvm.org.

Jared Granier, MBA
Executive Director

2312#015

POTPOURRI

Department of Agriculture and Forestry Board of Veterinary Medicine

Board Nominations

The Board of Veterinary Medicine announces that nominations for the position of board member will be taken by the Veterinary Medical Association (LVMA) at the annual winter meeting to be held in late January 2024. Interested persons should submit the names of nominees directly to the LVMA as per R.S. 37:1515. It is not necessary to be a member of the LVMA to be nominated. The LVMA may be contacted via telephone at (225) 928-5862 or via email at office@lvma.org.

Jared Granier, MBA
Executive Director

2312#015

POTPOURRI

Department of Agriculture and Forestry Board of Veterinary Medicine

Examination Dates

The Board of Veterinary Medicine will administer the State Board Examination (SBE) for licensure to practice veterinary medicine in-person in the board office on the first Tuesday of every month but subject to change due to office

closure (i.e. holiday, weather). The SBE can also be taken online once an application for licensure is submitted and fees are paid. Exam dates, deadlines, and sign-up instructions can be found at www.lsbvm.org/sbe.

The board accepts applications for two testing windows to take the North American Veterinary Licensing Examination (NAVLE) which will be administered through the International Council for Veterinary Assessment (ICVA), formerly National Board of Veterinary Medical Examiners (NBVME), and the National Board Examination Committee (NBEC).

The board will also accept applications to take the Veterinary Technician National Examination (VTNE) which will be administered through American Association of Veterinary State Boards (AAVSB), for state registration of veterinary technicians.

The exam window dates and application deadlines for the NAVLE and the VTNE can be found at www.lsbvm.org/deadlines. No late application will be accepted. Requests for special accommodations must be made as early as possible for review and acceptance. Applications and information is available online at www.lsbvm.org. Call 225-925-6620 or email admin@lsbvm.org with any questions.

Jared Granier, MBA
Executive Director

2312#015

POTPOURRI

Office of the Governor Office of Financial Institutions

Judicial Interest Rate for 2024

Pursuant to authority granted by R.S. 13:4202(B)(1), as amended, the Louisiana Commissioner of Financial Institutions has determined that the judicial rate of interest for calendar year 2024 will be eight and three quarters percent (8.75%) per annum.

P. Scott Jolly
Commissioner

2312#001

POTPOURRI

Department of Health Office of Public Health Bureau of Family Health

Maternal and Child (MCH) Block Grant Federal Funding for FFY 2024

The Louisiana Department of Health (LDH) applied for Title V Maternal and Child Health (MCH) Block Grant Federal Funding for FFY 2024 in accordance with Public

Law 97-35 and the Omnibus Budget Reconciliation Act of 1981. The Office of Public Health, Bureau of Family Health is responsible for program administration of the grant.

Title V MCH Block Grant funding application is prepared to address priority needs identified in a statewide needs assessment conducted during 2019-2020. The needs assessment facilitated the definition of a five year State Action Plan (FFY 2021-2025) that outlines the goals and planned activities to advance maternal and child health and systems of care for children and youth with special health care needs. The Title V State Action Plan is reviewed and updated annually based on ongoing needs assessments and other relevant population and performance data. Reports of the progress of Title V MCH Block Grant funded programs are prepared and submitted on an annual basis along with the application for the next Federal Fiscal (FFY) Year funding.

We would like the public to know more about the Title V Block Grant reports and applications and provide feedback to inform future Block Grant applications. The complete Title V MCH Block Grant Report for FFY 2022 and the complete Title V MCH Block Grant Application for FFY 2024, both contained in a single document, is available for review and download at <https://ldh.la.gov/page/935>. If you have any questions and/or want to submit feedback on the report and/or application, please email us at TitleVMCH@la.gov.

Doris Gray Brown, MEd, MS, APRN, CNS
Assistant Secretary

2312#004

POTPOURRI

**Department of Natural Resources
Coastal Protection and Restoration Authority**

Public Hearing—Fiscal Year 2025 Draft Annual Plan

The Louisiana Coastal Protection and Restoration Authority (CPRA) will hold the following public hearings to receive public comments on Louisiana’s “Fiscal Year 2025 Draft Annual Plan.”

Wednesday, January 10	5:00 PM – 7:30 PM	Joseph S. Yenni Building Second Floor Council Chambers 1221 Elmwood Park Blvd Jefferson, LA 70123
Tuesday, January 16	5:00 PM – 7:30 PM	Terrebonne Civic Center 346 Civic Center Blvd. Houma, LA 70360
Wednesday, January 17	5:00 PM – 7:30 PM	Calcasieu Parish School Board 1618 Mill Street Lake Charles, LA 70601

CPRA will receive written comments and recommendations on the Fiscal Year 2025 Draft Annual Plan until February 18, 2024. Written comments should be mailed (to arrive no later than February 18, 2024) to the following address:

Coastal Protection and Restoration Authority
Public Comments
150 Terrace Avenue
Baton Rouge, LA 70802

If, because of a disability, you require special assistance to participate, please contact the CPRA Administrative Assistant at 150 Terrace Avenue, Baton Rouge, LA 70802 or by telephone at (225) 342-7308 at least five working days prior to the hearing.

Interpretation and translation services can also be provided upon request by contacting coastal@la.gov.

Please visit coastal.la.gov/calendar/ for more detailed information and copies of the Fiscal Year 2024 Draft Annual Plan which will be posted prior to the public hearings.

For questions regarding the hearings, please contact Marina Gelpi Clay at Marina.Clay@la.gov or (225) 342-0168.

Janice Lansing
Chief Financial Officer

2312#023

POTPOURRI

**Department of Natural Resources
Office of Conservation**

Orphaned Oilfield Sites

Office of Conservation records indicate that the Oilfield Sites listed in the table below have met the requirements as set forth by Section 91 of Act 404, R.S. 30:80 et seq., and as such are being declared Orphaned Oilfield Sites.

Operator	Field	District	Well Name	Well Number	Serial Number
Energy Properties Inc.	Bay Junop	L	vuc; BJ U3	003	48022
Energy Properties Inc.	Beckwith Creek, North	L	Leroy H Addison Jr et al	001	172863
Energy Properties Inc.	Beckwith Creek, North	L	6600 rab sua; LH Addison Jr et al	002	180807
Energy Properties Inc.	Kings Bayou	L	Dr S O Carter Swd	001	217410
Energy Properties Inc.	Bay Junop	L	vuc;BJ U3	004	219634
Energy Properties Inc.	Lake Lery, West	L	CIB O ra sua; Evans	001	230604
Energy Properties Inc.	Beckwith Creek	L	Temple Inland swd	001	233807
Energy Properties Inc.	Lake Lery, West	L	CIB O ra sub; Delacroix 48	001	234020
Energy Properties Inc.	Beckwith Creek, North	L	6600 ra sua; Conoco-Phillips	001	235225
Energy Properties Inc.	Kings Bayou	L	vua; Dr S O Carter Heirs A	005	237658
Inactive Operator	Caddo Pine Island	S	Noel Estate A	B-13	990491

Operator	Field	District	Well Name	Well Number	Serial Number
Inactive Operator	Caddo Pine Island	S	Jolley	002	990488
Inactive Operator	Edgerly	L	Texas Oil Co.	001	990502
SES Production	Caddo Pine Island	S	Colvin et al	003	169626
Tholl Oil Company	Caddo Pine Island	S	Logan	B-18	67464 (30)
Tholl Oil Company	Caddo Pine Island	S	Logan	B-21	140544 (30)
Tholl Oil Company	Caddo Pine Island	S	Logan	010-B	34412 (30)
Tholl Oil Company	Caddo Pine Island	S	Logan	B-3	40358 (30)
Thomas E. Slack	Sarepta	S	Paul Slack	001	183435
W. C. Curry	Caddo Pine Island	S	Feist	002	39649 (29)
White Oak Operating Co, Llc	Breton Sound Block 23	L	vua; SL 16273	001	225412
WLE, Inc.	Tigre Lagoon	L	I Delcambre Estate	A-2	214409 (30)

Monique M. Edwards
Commissioner

2312#029

POTPOURRI

Department of Revenue Tax Policy and Planning Division

Electric and Hybrid Vehicles (LAC 61:I.5501)

The department published a Notice of Intent to promulgate §5501, Electric and Hybrid Vehicles in the September 20, 2023 edition of the *Louisiana Register* (LR 46:1178-1181). One written comment was received, and one person appeared at the public hearing held on October 25, 2023, but made no comment with regard to the proposed Rule. This Potpourri announces substantive changes to the provisions proposed in the September 20, 2023 Notice of Intent. Subparagraph c of Subsection B.1 relative to demonstrator vehicles was removed in its entirety. These revisions align the proposed Rule with the department's intent and address the concerns brought forth in written comments received from stakeholders.

No fiscal or economic impact will result from the amendments proposed in this notice.

Title 61

REVENUE AND TAXATION

Part I. Taxes Collected and Administered by the Secretary of Revenue

Chapter 55. Electric and Hybrid Vehicles

§5501. Electric and Hybrid Vehicle Road Usage Fee

A. Definitions. The following definitions supplement those contained in R.S. 32:461(B).

Auto Title Companies—shall have the same meaning as ascribed in R.S. 32:702(4).

Dealer—shall have the same meaning as ascribed in R.S. 32:702(7)(a).

Public License Tag Agents—a participant in a system, to include parish governing authorities, licensed new or used motor vehicle dealers or their agents, auto title companies and other entities authorized pursuant to R.S. 47:532.1, to receive and process applications filed for certificates of title, recordation of liens, mortgages, or security interests against motor vehicles, and other actions relative to the transfer of title of vehicles.

B. Application

1. The annual road usage fee imposed by R.S. 32:461 on electric and hybrid vehicles operated on the highways in Louisiana applies to:

- vehicles registered in Louisiana; and
- vehicles registered in another state but which are operated on the highways of Louisiana and required to be registered in Louisiana pursuant to R.S. 47:513, including company vehicles by resident employees, owners with dual- or multiple state residences, or other situations of permanent use.

2. An electric vehicle or hybrid vehicle that is a school bus primarily used to transport Louisiana students is exempt from the road usage fee.

C. Reporting Requirements

1. For individuals, the fee shall be reported on the Louisiana individual income tax return or on Form R-19000, Electric and Hybrid Vehicle Road Usage Fee on or before the statutory due date of May 15.

2. For businesses or other entities, the fee shall be reported on Form R-19000 on or before the statutory due date of May 15.

3. If the fee is reported to the department on Form R-19000, then payment must be remitted with submission of the form.

D. Prorated fees.

1. A vehicle registered in Louisiana for less than one year shall be subject to a partial fee to include all months of registration for that year, with any portion of a month being counted as a whole. For example, a vehicle registered on any day in March of a year will pay a prorated fee to include March through December of that year, or 10 months.

2. A vehicle registered in another state and required to be registered in Louisiana pursuant to R.S. 47:513 shall be subject to a partial fee based on the number of months it is operated on the highways of Louisiana.

3. The prorated fee schedule shall be as follows:

Electric Vehicles		Hybrid Vehicles	
Months Registered/ Operated in Louisiana	Fee	Months Registered/ Operated in Louisiana	Fee
1	\$9	1	\$5
2	\$18	2	\$10
3	\$28	3	\$15
4	\$37	4	\$20
5	\$46	5	\$25
6	\$55	6	\$30
7	\$64	7	\$35
8	\$73	8	\$40
9	\$82	9	\$45
10	\$92	10	\$50
11	\$101	11	\$55
12	\$110	12	\$60

E. Notification Required

1. Dealers selling or leasing electric and hybrid vehicles shall provide written notification to the purchaser or lessee at the time of sale, or no later than January 31 following the year of purchase or beginning of the lease, of the purchaser’s or lessee’s obligation to remit the road usage fee to the Department of Revenue.

2. Auto title companies and other public license tag agents not provided for in Paragraph 1 of this Subsection that process vehicle transactions, including but not limited to sale, donation, transfer, or for the relocation of vehicles from another state, shall provide written notification to the purchasing or transferee owner of the obligation to remit the road usage fee to the Department of Revenue.

3. The notification required in Paragraphs 1 and 2 shall:

- a. inform the owner or lessee of the amount of the annual fee, \$110 for electric vehicles and \$60 for hybrid vehicles and the prorated fee schedules;
- b. inform the vehicle owner or lessee of the permissible reporting methods outlined in Subsection C; and
- c. inform the vehicle owner or lessee of the May 15 due date of the fee.

4. The notification required by this Subsection shall be provided by hand delivery, U.S. Mail, email, text message, or any means that can be verified through records.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1511 and R.S. 32:461.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Tax Planning and Policy Division, LR 49:

Public Comments

All interested persons may submit written data, views, arguments, or comments regarding this proposed Rule to Johnette L. Martin, Attorney, Tax Planning and Policy Division, Office of Legal Affairs, P.O. Box 44098, Baton Rouge, LA 70804-4098. Written comments will be accepted until 4:30 p.m., January 29, 2024.

Public Hearing

A public hearing will be held on January 30, 2024 at 2 p.m. in the River Room located on the seventh floor of the LaSalle Building, 617 North Third Street, Baton Rouge, Louisiana. Should individuals with a disability need an accommodation in order to participate, contact Johnette L. Martin 48 hours prior to the hearing date at the address given above in the Public Comments section, by email at

LDRadarequests@la.gov, or by phone at (225) 219-4920 or (225) 219-2780.

Kevin J. Richard, CPA
Secretary

2312#022

POTPOURRI

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

Public Hearing—Substantive Change to Notice of Intent
Red Drum—Harvest Regulations
(LAC 76:VII.363)

The Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission published a notice of intent to amend its rules in the August 20, 2023 edition of the *Louisiana Register*. The commission proposes to amend the original Notice of Intent to modify the proposed statewide daily size, bag, and possession limits for red drum. The original Notice of Intent proposed a statewide 18-inch minimum and a 24 inch maximum length limit with a bag and possession limit of 3 fish per day, but was rejected by the Legislative Oversight Committees on November 7, 2023. The commission proposes to amend the original Notice of Intent to establish a maximum length limit of 27 inches total length and maintain the 18 inch minimum and 3 fish bag limit. These changes are based upon public comment provided during the comment period for the original Notice of Intent and during the Legislative Oversight hearing held on November 7, 2023.

The secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the commission to promulgate and effectuate this amended Notice of Intent, including but not limited to, the filing of the Fiscal and Economic Impact Statement, the filing of the amended Notice of Intent and compiling public comments and submissions for the commission’s review and consideration. In the absence of any further action by the commission following an opportunity to consider all public comments regarding the amended proposed rule, the secretary is authorized and directed to prepare and transmit a summary report to the legislative oversight committees and file the final Rule.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 3. Saltwater Sport and Commercial Fishery

§363. Red Drum—Harvest Regulations

A. Recreational Regulations.

1. The daily take and possession limit for red drum (*Sciaenops ocellatus*) caught recreationally within or without Louisiana waters shall be three fish per day.

2. The minimum legal size for the recreational taking of red drum shall be 18 inches total length with the mouth closed. The maximum legal size for the taking of red drum shall be 27 inches total length with the mouth closed. Possession of red drum over the prescribed maximum size of 27 inches total length, when measured with the mouth closed, is prohibited.

3. Captain and crew members shall not retain a bag limit of red drum while operating or representing themselves as a charter vessel or headboat. Captain and crew may engage in fishing activity to assist passengers to catch, retrieve, or land red drum, or to demonstrate to passengers how to catch red drum.

B. No person who, pursuant to state or federal law, is subject to the jurisdiction of the state shall violate any federal law, rule or regulation particularly those rules and regulations enacted pursuant to the Magnuson-Stevens Fishery Conservation Act and published in the Code of Federal Regulations as amended Title 50 and 15, for red drum while fishing in the EEZ, or possess, purchase, sell, barter, trade, or exchange red drum within or without the territorial boundaries of Louisiana in violation of any state or federal law, rule or regulation particularly those rules and regulations enacted pursuant to the Magnuson-Stevens Fishery Conservation Act and published in the Code of Federal Regulations as amended Title 50 and 15 law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6(25)(a), R.S. 56:320.2(C), R.S. 56:325.1, R.S. 56: 325.1(A)(2), and 56:326.3.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 27:2266 (December 2001), LR

Public Hearing

In accordance with R.S. 49:966(H)(2), a public hearing on proposed substantive changes will be held by the Department of Wildlife and Fisheries on January 22, 2024 at 10 a.m. in the Joe L. Herring Louisiana Room of the Wildlife and Fisheries Headquarters Building, 2000 Quail Drive, Baton Rouge, LA, 70808. Interested persons are invited to attend and submit oral comments on the proposed amendments.

Andrew J. Blanchard
Chairman

2312#030

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