

CONTENTS

I. EXECUTIVE ORDERS

BR 88-46—Creates Special Budget Task Force	839
BR 88-47—Amends BR 88-44—Reestablishing Governor's Advisory Council on Drug-Free Schools and Communities	839
BR 88-48—Transfers particular programs or functions of several offices and abolishes certain offices within DHH.	839
BR 88-49—Appoints Task Force on Minority Participation in State Government	840
BR 88-50—Establishes joint committees with France, Canada, Quebec and Belgium	840
BR 88-51—Transfers Coastal Vegetation and Wetland Technical Assistance and Geotechnical Contract and Data Management to DNR.	841
BR 88-52—Establishes Job Training Coordinating Council in Labor Department.	841
BR 88-53—Imposes tolls on certain New Orleans bridges	843

II. EMERGENCY RULES

Economic Development Department:	
Office of Financial Institutions—Judicial interest rate (1989)	844
Real Estate Commission—Applications for initial licenses: Examinations	844
Education Department:	
Board of Elementary and Secondary Education—8(g) Policy and Procedure Manual	845

III. RULES

Civil Service Department:	
Board of Ethics for Elected Officials—Political committee fees	845
Culture, Recreation and Tourism Department:	
Office of Cultural Development-Division of the Arts—Guide to Arts Program	845
Economic Development Department:	
Office of Financial Institutions—Depositor preference rule (LAC 10:III.5101)	858
Licensure of mortgage lenders and brokers (LAC 10:I.1941-1953)	858
Limited function financial institutions (LAC 10:I.1971-1977)	859
Education Department:	
Board of Elementary and Secondary Education—Bulletin 741-Eleventh Grade graduation test	860
Noncertified school personnel	861
Superintendent (state) personnel policy and procedure	861
Temporary employment permit	861
VTIE Tuition Exemption	862
Environmental Quality Department:	
Office of Water Resources—Construction grants priority system (LAC 33:IX.Chapter 21)	862
Health and Hospitals Department:	
Board of Certified Social Work Examiners—General provisions: procedural rules (LAC 46:XXV.Chapters 1, 3)	862
Board of Nursing—Board meetings (LAC 46:XLVII.3307)	868
Office of Public Health—Sanitary Code-Ambulatory and renal dialysis centers	868
Sanitary Code-Rabies control	868
WIC Program-Eligibility requirements	868
Office of the Secretary—Inpatient psychiatric service reimbursement	869
MAP-Medical transportation provider liability insurance increase	869
Physician inclusion of podiatrists	869
Refugee medical assistance limitations	870
SNF/ID level of care and reimbursement standards	870
SOBRA implementation	870
Social Services Department-Office of Eligibility Determinations-AFDC-Need standards	870
Food Stamp Program-Migrant and seasonal farmworkers	871
RCA Program-Eligibility periods for refugees	871
Revenue and Taxation Department:	
Tax Commission—Real/personal property (LAC 61:V)	872
Treasury Department:	
Board of Trustees of the State Employees Group Benefits Program—Claims review and appeal committee	872
Claims review and appeal hearings	872
No. 1 COBRA dependents	872

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IV. NOTICES OF INTENT

Economic Development Department:	
Real Estate Commission—License applications; Exams (LAC LXVII. Chapters 3, 5)	872
Education Department:	
Board of Elementary and Secondary Education—8(g) Policy and Procedure Manual	873
Environmental Quality Department:	
Office of Solid and Hazardous Waste-Hazardous Waste Division-Closure and Waste requirements (LAC 33)	874
Hazardous waste amendments (LAC 33)	875
Governor's Office:	
Division of Administration—Office of Risk Management-State insurance (LAC 37: Chapters 27, 31, 32)	875
Health and Hospitals Department:	
Board of Examiners in Dietetics and Nutrition—Foreign graduates licensure qualifications (LAC 46:LXIX.103)	878
Board of Psychologists—Doctoral programs in Psychology (LAC 46:LXIII.303)	878
Public display of board's address (LAC 46:LXIII.1903)	880
Public display of license (LAC 46:LXIII.1901)	880
Office of Eligibility Determinations—AFDC-Child Support Enforcement-IV-D—Eliminates five-month period for former clients	880
Food Stamp Program—Work requirements.	881
Office of Public Health—Parish Lead Poisoning Prevention and Treatment Program	882
Sanitary Code—Non-dairy frozen desserts	883
Sanitary Code—Temporary food service.	884
Office of the Secretary—Bureau of Health Services Financing—LTC income disregards.	887
Sliding fee policy (LAC 48:I.Chapter 21)	888
Public Safety and Corrections Department:	
Office of Motor Vehicles-Planning and Coordination Section-Mobility impaired parking cards	889
Office of State Fire Marshal—Emergency generator for health care facilities (LAC 55:V.1301)	889
Life Safety Code-building inspections, plans, specifications (LAC 55:V.103.303)	890
Secretary of State Department:	
Office of the Secretary—Penalty schedule for foreign corporations acting without a certificate of authority	891
Treasury Department:	
Board of Trustees of the State Employees Group Benefits Program—Dental surgical benefits	892
Health Maintenance Organizations	893
Obesity treatment	895
Out-patient surgery.	896

V. POTPOURRI

Agriculture Department:	
Horticulture Commission—Floristry Exam	896
Civil Service Department:	
Civil Service Commission—Public hearing	896

Executive Orders

EXECUTIVE ORDER BR 88 - 47

Section 1 of Executive Order No. BR 88 - 44 issued October 25, 1988 is hereby amended to read as follows:

SECTION 1: The Governor's Advisory Council on Drug-Free Schools and Communities is hereby reestablished within the Department of Education.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this the 28th day of November, 1988.

Buddy Roemer
Governor of Louisiana

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State

EXECUTIVE ORDER BR 88-46

WHEREAS, the State of Louisiana has suffered severe economic setbacks over the past seven years; and

WHEREAS, the State of Louisiana has faced increasingly mounting budgetary emergencies over those years, resulting in a deficit in excess of 1.2 billion dollars; and

WHEREAS, the entire state budget and budgetary process must be re-structured in order to set priorities for state services and be able to meet those needs with available state revenues; and

WHEREAS, this restructuring will require extensive study and consultation between the Governor's office and the legislature;

NOW, THEREFORE, I, BUDDY ROEMER, Governor of the State of Louisiana do hereby create the Special Budget Task Force in order to study, monitor and make recommendations concerning state expenditures which would make Louisiana state government more efficient and fair in its stewardship of the public fisc.

SECTION 1: The task force will meet continuously throughout the year and consult continuously with the Governor.

SECTION 2: The Special Budget Task Force shall be composed of members of both the House and the Senate.

SECTION 3: The following are appointed members of the Special Task Force from the House of Representatives: Messrs. Robert Adley, Bo Ackal, John Ensminger, Kip Holden, and Raymond Laborde. The following are appointed members of the Special Task Force from the Senate: Messrs. Dennis Bagneris, Larry Bankston, Oswald Decuir, Randy Ewing, and John Hainkel.

SECTION 4: Senator John Hanikel is hereby appointed Chairman of the Special Budget Task Force.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this 15th day of November, 1988.

Buddy Roemer
Governor of Louisiana

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State

EXECUTIVE ORDER BR 88 - 48

WHEREAS, Act 1 of the First Extraordinary Session (hereinafter referred to as Act 1), as amended by Act 858 of the 1988 Regular Session (hereinafter referred to as Act 858) abolished the Department of Health and Human Resources (DHHR) and created in its stead the Department of Health and Hospitals (DHH) and the Department of Social Services, and

WHEREAS, the legislature recognized with the enactment of Act 1 as amended by Act 858 that the transfer of some agencies formerly within the Department of Health and Human Resources to the Department of Health and Hospitals and the Department of Social Services would require a period of transition, but that said transfers would have to be completed not later than July 1, 1989; and

WHEREAS, in order to provide for an orderly transfer of agency functions and responsibilities during the authorized transition period, Act 1 as amended by Act 858 created a Policy Coordinating Council to determine workable transition plans to transfer programs and functions to the Department of Health and Hospitals and the Department of Social Services, such plans to include detailed procedures for realignment, distribution assignment, consolidation and coordination of agencies, programs and functions, procedures for the transfer and utilization of positions, personnel, funds, office space, facilities and equipment, and any other details as necessary to effectuate the purpose of Act 1 as amended by Act 858; and

WHEREAS, Act 1 as amended by Act 858 authorized the Policy Coordinating Council to certify to the governor that the procedure of such a plan had been completed with respect to the transfer of particular agencies, programs or functions whereupon the governor by executive order could authorize the full implementation of the transfer of agencies, programs and functions to the Department of Health and Hospitals and the Department of Social Services; and

WHEREAS, the Policy Coordinating Council has certified to me that procedures for a plan to transfer particular agencies, programs or functions to the Department of Social Services have been completed;

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

SECTION 1. The executive secretary of the secretary of the Department of Social Services as created by R.S. 36:471C along with such bureaus as the secretary may create in said office to assist her in the performance of those duties, functions and responsibilities authorized by law is hereby acknowledged and authorized.

SECTION 2: All functions, duties, and responsibilities of the office of eligibility determinations in the Department of Health and Hospitals are hereby transferred to the office of eligibility determinations in the Department of Social Services. All positions, personnel, funds, office space, facilities, equipment, books, papers, records, money, actions, and other property of every kind, movable or immovable, real and personal heretofore possessed, controlled, or used by the office of eligibility determinations of the Department of Health and Hospitals are hereby transferred to the office of eligibility determinations of the Department of Social Services.

SECTION 3: All functions, duties, responsibilities of the office of community services in the Department of Health and Hospitals are hereby transferred to the office of community services in the Department of Social Services. All positions, personnel, funds, office space, facilities, equipment, books, papers, records, money, actions and other property of every kind, movable or immovable, real and personal heretofore possessed, controlled, or used by the office of community services of the Department of Health and Hospitals are hereby transferred to the office of community services of the Department of Social Services.

SECTION 4: The office of eligibility determinations of the Department of Health and Hospitals is hereby abolished.

SECTION 5: The office of community services of the Department of Health and Hospitals is hereby abolished.

SECTION 6: This order shall supersede and rescind all prior executive orders not consistent herewith.

SECTION 7: This order shall be effective upon signature of the governor.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this 18th day, of November, 1988.

Buddy Roemer
Governor of Louisiana

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State

EXECUTIVE ORDER BR 88 - 49

WHEREAS, it is in the best interest of the State of Louisiana to provide the maximum practical opportunity for increased participation by the broadest number of minority owned businesses in public works and the process by which goods and services are procured by state agencies and educational institutions from the private sector; and

WHEREAS, the legislature enacted Act 653 in 1984, currently referenced as Louisiana Revised Statute 39:1951 et seq., in order to advance the state's interest in the minority procurement area; and

WHEREAS, efforts to implement said legislation have been woefully inadequate and need direction and guidance by a cohesive and concerned group;

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

SECTION 1: I hereby appoint a Task Force on Minority Participation in State Procurement, said Task Force to be comprised of the Executive Director of the Office of Minority and Women's Business Enterprise, the Commissioner of the Division of Administration, a representative of the Governor's office, representatives, to be selected by the Governor, from the Division of Administration, a representative from the Board of Regents, a representative from the BESE Board, and secretaries or representatives of the following departments, the Department of Economic Development, the Department of Health and Hospitals, the Department of Labor, the Department of Education, the Department of Transportation and Development, the Department of Social Services, and the Department of the Treasury.

SECTION 2: The purpose of the Task Force will be to formulate an interagency plan which would educate, solicit, and provide needed opportunities in state agencies and educational institutions to minority enterprises for the purpose of insuring that minority participation in state procurement complies with state law.

SECTION 3: The Task Force is hereby directed to submit a preliminary plan to the Governor on or before March 1, 1989.

SECTION 4: This Task Force shall continue to serve at the pleasure of the Governor until amended or modified by the Governor or until terminated by operation of law.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this 22nd day November, 1988.

Buddy Roemer
Governor of Louisiana

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State

EXECUTIVE ORDER BR 88 - 50

WHEREAS, the State of Louisiana through its Council for the Development of French in Louisiana (CODOFIL) and through its Consortium of Louisiana Universities is committed to preserving its French heritage and has developed considerable expertise in the promotion of the French language and culture; and

WHEREAS, the State of Louisiana through its Council for the Development of French in Louisiana (CODOFIL) and through its Consortium of Louisiana Universities has managed numerous programs pursuant to the teaching of French at all levels and to the training of Louisiana teachers of French; and

WHEREAS, the State of Louisiana is deeply interested in pursuing opportunities to share its French heritage with French-speaking entities, particularly with France, Canada-Quebec, and Belgium with whom the United States and the State of Louisiana have enjoyed cordial and productive relations over the years; and

WHEREAS, France, Canada-Quebec, and Belgium have pledged and demonstrated outstanding support for the efforts of the State of Louisiana to develop its cultural heritage in a spirit of international friendship and understanding; and

WHEREAS, France, Canada-Quebec, and Belgium, and the State of Louisiana have regularly met over the years in joint commission meetings to discuss and organize various prospects of pursuing educational, cultural, and touristic exchanges; and

WHEREAS, it is the mutual interest of the State of Louisiana and the people of France, Canada-Quebec, and Belgium to further this international cooperation and develop their cultural and commercial exchanges;

NOW THEREFORE I, BUDDY ROEMER, Governor of the State of Louisiana, issue the following executive order:

SECTION 1: The France-Louisiana Joint Committee, the Canada-Quebec-Louisiana Joint Committee, and the Belgium-Louisiana Joint Committee are hereby established.

SECTION 2: These committees shall be composed of the following members: the Governor or his designee; the Lieutenant Governor or his designee; the Chairman of CODOFIL or his designee; the State Superintendent of Education or his designee; the Chairman of the CODOFIL Consortium of Universities or his designee; the Director of CODOFIL; the President of the State Board of Elementary and Secondary Education or his designee.

SECTION 3: The Chairman of CODOFIL shall serve as chairman of these committees.

SECTION 4: These committees shall meet at least once every three years.

SECTION 5: No member of these committees shall receive a per diem or other compensation for his services.

SECTION 6: The actual expenses of the members of the committees may be borne by the appropriate agency of the state government.

SECTION 7: This order shall remain in effect until modified, amended, or rescinded by the Governor or until terminated by operation of law.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana at the Capitol, in the City of Baton Rouge on this 22nd day of November, 1988.

Buddy Roemer
Governor of Louisiana

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State

EXECUTIVE ORDER BR 88 - 51

WHEREAS, coastal land loss in Louisiana has been estimated to exceed 50 square miles per year; and

WHEREAS, continued loss of coastal wetlands and associated resource values is of great concern to the citizens of Louisiana and the nation; and

WHEREAS, the Department of Natural Resources has made a commitment to elevate its coastal protection efforts by creating the Division of Coastal Restoration; and

WHEREAS, the new Division of Coastal Restoration must acquire division-level capabilities not presently available if it is to address the state's enormous coastal land loss problem; and

WHEREAS, the Division of Coastal Restoration now has ongoing contracts with Louisiana State University that provide for long-term functions essential to the success of the state's coastal restoration efforts; and

WHEREAS, the state's coastal restoration efforts would be best served by transfer of the employees, equipment, functions, and budget provided by the ongoing contracts from LSU to the Division of Coastal Restoration as part of the classified civil service system; and

WHEREAS, notwithstanding any other law to the contrary, the functions of any department, agency, or budget unit of the executive branch, except functions in departments, agencies, or budget units of other statewide elected officials, may be transferred to a different department, agency, or budget unit for the purpose of economizing the operations of state government by executive order of the governor; and

WHEREAS, the number of authorized positions approved for each department or agency as a result of the passage of Act 19 of the 1988 Regular Session may be increased by the Commissioner of Administration in conjunction with the transfer of functions or funds to that department or agency;

NOW THEREFORE I, BUDDY ROEMER, Governor of the State of Louisiana, by virtue of the power vested in me, pursuant to the Constitution and applicable statutes of the State of Louisiana, do hereby transfer the unclassified staff, functions, equipment, and budgets of DNR contracts 21940-86-21 (Coastal Vegetation and Wetland Technical Assistance) and 21940-86-20 (Geotechnical Contract and Data Management) from Louisiana State University to the Division of Coastal Restoration, Louisiana Department of Natural Resources. The four unclassified staff positions shall be transferred into the civil service system of classified employees and the number of approved positions in the Division of Coastal Restoration shall be increased by four. The budget for the Division shall be increased by an amount equal to the sum of the funds remaining in the two upon the date of transfer, and the contracts shall considered to be terminated as of that same date.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge on this 30th day of November, 1988.

Buddy Roemer
Governor of Louisiana

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State

EXECUTIVE ORDER BR 88 - 52

WHEREAS, the Job Training Partnership Act of 1982 (JTPA), (Public Law 97-300), as amended, establishes a partnership between the private and public sectors in aspects of local policymaking, planning, administration, and program operations to help prepare persons with serious employment barriers to be productive members of the labor force; and

WHEREAS, the JTPA requires the governor to coordinate and approve job training policy, plans and services of each substate and service delivery area and state agency throughout the State of Louisiana; and

WHEREAS, the term "job training" includes training, education programs, and supportive services aimed at increasing the skills and employment opportunities for persons who are economically disadvantaged and other individuals who are in special need of such training to obtain productive employment; and

WHEREAS, it is mandated that state and local agencies closely coordinate their efforts in developing plans which meet the locally determined need for programs to alleviate employment problems; in reducing duplication and gaps in program plans and services, and in effectively and economically utilizing state and federal funds; and

WHEREAS, employment and training programs should be coordinated with human services to better serve those in need of training in our society; and

WHEREAS, a State Job Training Coordinating Council must be established in accordance with the guidelines set forth in the JTPA, and in the Secretary of Labor's rules and regulations as published in the U.S. Federal Register.

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

SECTION 1: The Louisiana Department of Labor is designated as the administrative entity for all JTPA operations in the state.

SECTION 2: The Governor's State Job Training Coordinating Council is established in the Office of the Secretary of the Department of Labor and shall consist of the following members, each of whom shall be appointed by the governor:

A. Thirty percent of the membership of the state council shall be representatives of business and industry (including agriculture, where appropriate), including individuals who are representatives of business and industry on private industry councils within the state.

B. Thirty percent of the membership of the state council shall be:

(i) representatives of the state legislature, and state agencies and organizations, such as the state educational agency, the state vocational education board, the state advisory council on vocational education, the state board of education (when not otherwise represented), state public assistance agencies, the state employment security agency, the state rehabilitation agency, the state occupational information coordinating committee, state postsecondary institutions, the state economic development agency, state veterans' affairs agencies or equivalent, and such other agencies as the governor determines to have a direct interest in employment and training and human resource utilization within the state; and

(ii) representatives of the units of consortia of general local government in the state who shall be nominated by the chief elected officials of the units or consortia of units of general local government, and the representative of local educational agencies who shall be nominated by local educational agencies.

C. Thirty percent of the membership of the state council shall be representatives of organized labor and representatives of community-based organizations in the state.

D. Ten percent of the membership of the state council shall be appointed from the general public by the governor of the state.

E. The governor shall select one nongovernmental mem-

ber to serve as chairman of the council. Each member shall serve at the pleasure of the governor.

SECTION 3: The council shall meet at regular intervals and at other times it deems advisable.

SECTION 4: The council shall be provided professional, technical, and clerical staff of the Department of Labor and shall be answerable to the Secretary of the Department of Labor or their designee.

SECTION 5: The plans and decisions of the council shall be subject to approval by the governor or his designee.

SECTION 6: The council shall:

A. Plan, coordinate and monitor the programs and services under the JTPA.

B. Recommend a governor's coordination and special services plan.

C. Recommend to the governor substate service delivery areas, and shall plan resource allocations under Section 302(b) for the governor's coordination and special services plan; develop appropriate linkage with other programs; coordinate activities with private industry councils; and shall recommend variations in performance standards.

D. Advise the governor and local entities on job training plans and certify the consistency of such plans with criteria under the governor's coordination and special services plan for coordination of activities under the JTPA with other federal, state, and local employment-related programs, including programs operated in designated enterprise zones.

E. Review the operation of programs conducted in each service delivery area, and the availability, responsiveness, and adequacy of state services, and shall make recommendations to the governor, appropriate elected officials, and private industry councils, service providers, the legislature, and the general public as to the ways to improve the effectiveness of such programs or services.

F. Review and comment on the state plan developed for the state employment service agency.

G. Make an annual report to the governor (which shall be a public document) and issue such other studies, reports or documents as it deems advisable to assist service delivery areas in carrying out the purpose of the JTPA.

H. Identify, in coordination with the appropriate state agencies, the employment, training, and vocational education needs throughout the state and assess the extent to which employment and training, vocational education, rehabilitation services, public assistance, economic development, and other federal, state, and local programs and services represent a consistent and integrated approach to meeting such needs.

I. Comment at least once annually on the measures taken pursuant to Section 113(b)(9) of the Carl D. Perkins Vocational Education Act.

J. Review plans of each state agency providing employment, training, and related services, and provide comments and recommendations to the governor, the legislature, state agencies, and the appropriate federal agencies on the relevancy and effectiveness of employment and training and related service delivery systems in the state.

K. Carry out the functions specified under Section 317 of the Economic Dislocation and Worker Adjustment Assistance Act (EDWAA) of the Trade Bill (P.L. 100-418).

SECTION 7: No member of the council, other than a legislator serving thereon, shall receive a per diem or other compensation for his duties pursuant to this order, but shall be reimbursed for his actual expenses incurred in the performance of his

duties in accordance with the rules and regulations of the Division of Administration. A legislator serving as a member of the council shall receive a per diem in accordance with law.

SECTION 8: This order shall remain in effect until amended, modified, or rescinded by the governor, or until terminated by operation of law.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this the 30th day of November, 1988.

Buddy Roemer
Governor of Louisiana

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State

EXECUTIVE ORDER BR 88 - 53

PREAMBLE

WHEREAS, legislation dating back to 1976 has had as its stated intent completion at the earliest possible time of a New Bridge Project across the Mississippi River near the existing Bridge in the vicinity of Thalia Street on the East Bank of the River in the City of New Orleans and Bringier Street on the West Bank of the River in the City of New Orleans, connecting to the West Bank Expressway (La.-U.S. 90 Business) and its supporting highway systems and connecting to the major East Bank highway systems such as the Pontchartrain Expressway, La. U.S. Highway 90, La.-U.S. Highway 61, and La.-U.S. Interstate 10, east and west, together with approach structures, ramps, toll plazas and other facilities appurtenant thereto, to be undertaken and completed at the earliest possible time with a substantial portion of the project cost to be derived from toll-funded revenue bonds:

WHEREAS, Act 402 of 1976, as amended, providing for the above Bridge Project completion, was most recently amended by Act 762 of 1988, enacted specifically to provide for the issuance of revenue bonds to be funded by the imposition of tolls for use of the bridges to provide for the funds for the completion of the project, and further providing that the toll revenue bonds so directed and provided for by the legislature for issuance shall be authorized by executive order of the governor and shall further be issued pursuant to resolutions executed by the Secretary of the Department of Transportation and Development and approved by the State Bond Commission;

WHEREAS, the New Bridge Project in New Orleans has reached a stage to where it has been open for partial usage, but there remain substantial portions to be financed and constructed;

WHEREAS, the authorizing legislation provides for construction costs as well as operation and maintenance expenses of the bridges and the funding of the outstanding indebtedness remaining relative to the construction of the existing bridge, but the appropriated funds for the current fiscal year do not contain funds for that purpose nor did the legislature provide a source of capital funds to complete the project other than toll-funded revenue bonds, and this executive order is therefore required by the above-mentioned laws and circumstances to meet the outstand-

ing obligations relative to the bridges and to provide for completion of the bridge project, all as provided in the above-referenced Act and those set forth hereafter;

WHEREAS, pursuant to the authority of Act 402 of the 1976 Regular Session of the Legislature and amendments thereto relative to the Mississippi River Bridge crossings at New Orleans to which such Acts apply, specifically including Act 762 of the 1988 Regular Session; the Executive Reorganization Act, R.S. 36:504, 509, 901 et seq.; La. R.S. 48:26; La. R.S. 48:1091 et seq.; and other laws relative thereto; there has been required authorization of tolls to meet the obligations of The Mississippi River Bridge Authority/Louisiana Department of Transportation and Development in order to pay for the operation and maintenance expenses of the bridges and the outstanding obligations of the bridges and to fund the costs of completion of the project as defined in such Acts by issuance of revenue bonds when feasible by the imposition of tolls for the use of the bridges across the Mississippi River in the City of New Orleans:

ORDER

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

A. The imposition of tolls on the Greater New Orleans Mississippi River Bridge No. 2 shall be made in accordance herewith by order of the secretary of the Department of Transportation and Development as provided by the Acts referenced in the Preamble to this Order, and shall commence on January 4, 1989.

B. The tolls to be imposed commencing January 4, 1989 shall be used in accordance with law for the funding of the operation and maintenance of the bridges now familiarly known as Greater New Orleans Bridge No. 1 and Greater New Orleans Bridge No. 2 but which in the future may be known by any other name placed upon them, and for funding of the outstanding obligations of the bridges and to fund the costs of completion of the project by issuance of revenue bonds to be funded by the tolls imposed in this Order when feasible.

C. The tolls will fund the operation and maintenance of the bridges and the outstanding obligations in accordance with existing bond maturity schedules and will fund the maintenance and operations of Greater New Orleans Bridge No. 1 and Greater New Orleans Bridge No. 2 and will fund the costs of completion of the project by the issuance of revenue bonds when feasible, and will fund the debt services of existing bonds and future bonds, and all toll revenues collected are to be used for those purposes as more fully set forth in Part D below, and for no other purpose.

D. The toll revenues derived, as provided by Act 762 of 1988 Regular Session shall be kept in separate accounts to be used to (i) pay all or a portion of the operation and maintenance expenses of the bridges and principal of and interest on any bonds issued pursuant to the provisions hereof, (ii) fund all or any portion of any reserve funds, and (iii) provide sufficient funds to comply with any toll covenant of The Mississippi River Bridge Authority/Louisiana Department of Transportation and Development contained in any resolution or instrument authorizing the issuance of bonds pursuant to the provisions hereof. The bonds are hereby directed to be issued when feasible to issue and market such revenue bonds with the expectation that such revenue bonds will issue on or before the first day of July, 1989.

E. The tolls shall continue to be collected so long as is

necessary to carry out the intents and purposes of the above-referenced obligations and laws.

F. The toll-funded revenue bonds to complete the project are to be issued in accordance with law in such amounts as authorized by law and at such time as is feasible pursuant to resolution or resolutions of the secretary of the Department of Transportation and Development and approved by the State Bond Commission as provided by law.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this 7th day of December, 1988.

Buddy Roemer
Governor of Louisiana

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State

Emergency Rules

DECLARATION OF EMERGENCY

Department of Economic Development Office of Financial Institutions

The Office of Financial Institutions, Department of Economic Development, hereby adopts, as an emergency rule to become effective January 1, 1989, the judicial interest rate which will be applicable for the calendar year 1989. This emergency adoption is pursuant to R.S. 49.953(B) and was made necessary by the narrow time frame established in Act 883 of 1987, amending La. C.C. art. 2924, for determining the judicial interest rate. Act 883 mandates that the commissioner of Financial Institutions determines the prime rate of interest established by four major banks in New York and California and which are in force on December 1. Act 883 further mandates that the effective judicial interest rate shall be one percentage point "above an average prime rate" which is determined by averaging the prime interest rate of the four banks enumerated in the Act. Because the notice requirements and time limitations set out in R.S. 49.953(A) cannot be complied with because of the mandated December 1 computation date, an emergency exists.

No fiscal impact statement is required because the foregoing rule is being adopted as an emergency rule. R.S. 49.953(E).

The commissioner of Financial Institutions has directed letters to the governor and the attorney general of Louisiana, informing each of them that an emergency exists and the reason for that finding, thus asking for dispensation from notice or hearing requirements of R.S. 49:953(A).

The text of the rule and the authority for its adoption are stated as follows:

RULE

Pursuant to the authority granted by La. Civil Code article 2924(B)(3), as added by Act 883 of 1987, the commissioner of Financial Institutions has determined the rate of judicial interest for the period beginning January 1, 1989 and ending December 31, 1989 in accordance with the formula mandated by Act 883 of 1987, as follows:

The terms "prime rate" and "reference rate" shall be deemed synonymous for purposes of this rule. Prime rate is the rate of interest established by a bank for its most favored corporate clients in commercial loan transactions.

The "prime rate" or "reference rate" was 10.5 percent on December 1, 1988 for *each of the banks enumerated* in Subsection (B)(3) of Article 2924 of the Civil Code. The effective date of the prime rate fixing is stated in parenthesis following the name of each bank, as follows: Chase Manhattan Bank, N.A. (November 28, 1988); Manufacturers Hanover Trust Company of New York (November 28, 1988); Morgan Guaranty Trust Company of New York (November 28, 1988); and Bank of America National Trust and Savings Association, a wholly owned subsidiary of BankAmerica Corporation, a holding company (November 28, 1988); and Citibank, N.A., a subsidiary of Citicorp, a holding company (November 28, 1988).

Act 883 of 1987 mandates that the rate of judicial interest shall be "one percentage point above an average prime rate" and that "[t]he average prime rate shall be computed by taking the average of the prime rates established by [the banking associations listed in the preceding paragraph] for their most favored corporate clients.

The effective judicial interest rate for the calendar year beginning on January 1, 1989 shall be 11.5 percent.

Fred C. Dent
Commissioner

DECLARATION OF EMERGENCY

Department of Economic Development Real Estate Commission

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS Part LXVII. Real Estate

Chapter 3. Applications for Initial Licenses §305. Receipt of Applications

All applications for the real estate license examination must be submitted to the Commission in accordance with scheduled Application Processing Division deadline. Applicants will not be scheduled for the exam until Application Processing determines the applicant meets all requirements. The responsibility for timely submission of initial applications rests solely with each individual applicant.

§313. Admittance Authorization

Upon complying with the above requirements, an applicant shall be issued an admittance authorization from the testing service prior to the date of the examination. The admittance authorization will specify the date, place and time of the examination for which admittance is authorized. An applicant must present his/her authorization and photographic evidence of the

applicant's identity (e.g. driver's license, I.D. card) before taking the examination.

Chapter 5. Exams

§503. Information on Admittance Authorization

An examination may be taken only at the place, on the date and time authorized by the testing service.

Jane H. Moody
Executive Director

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

Amendments to 8(g) Policy and Procedure Manual

The State Board of Elementary and Secondary Education, at its meeting of November 17, 1988, exercised those powers conferred by the emergency provisions of the Administrative Procedure Act, R. S. 49:953B and approved the following amendments to the 8(g) Policy and Procedure Manual:

Page 5, amend Definition 23 to read:

Exemplary Program - defined as a model program or project which is worthy of imitation and which provided the following results:

- a. there was ample objective evidence of effectiveness;
- b. the state objectives were obtained;
- c. the educational needs of the students were met; and
- d. there was a clear and attributable connection between treatment and effect.

Page 29, No. 162, Provisions Relative to Exemplary Programs in Elementary and Secondary Schools and Postsecondary Vocational-Technical Institutions:

Delete paragraph "A" and renumber subsequent paragraphs accordingly.

This emergency adoption is necessary in order that the revised definition can be incorporated into the guidelines for the 8(g) proposals. In keeping with the schedule for awarding 8(g) allocations, these guidelines must come to the board for approval at its December meeting.

Em Tampke
Executive Director

Rules

RULE

Department of Civil Service Board of Ethics for Elected Officials

The Board of Ethics for Elected Officials, acting in its capacity as the Supervisory Committee on Campaign Finance Disclosure pursuant to R.S. 18:1511.A, adopted the following rules

concerning fees to be paid by political committees at its November 30, 1988 meeting.

FEES FOR POLITICAL COMMITTEES

1. In accordance with R.S. 18:1491.E, the Supervisory Committee hereby imposes a fee of \$100 to be remitted with each statement of organization required to be filed by a political committee.

2. The \$100 fee shall be due only once per calendar year per committee. In the event that an amended statement of organization is filed by a political committee, no additional fee is required to be paid.

3. All fees paid in compliance with this section shall be by check drawn upon the designated depository of the political committee.

4. Certificates of registration will be issued to political committees only after a sufficient time has elapsed to insure that the check used to pay the required fee has been paid by the bank upon which it is drawn.

R. Gray Sexton
Executive Secretary

RULE

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

Title 25

CULTURAL RESOURCES

Part I. Office of Cultural Development

Chapter 3. Division of the Arts

§301. Introduction: Arts Programs in Louisiana

A. The Louisiana State Arts Council and the Division of the Arts: Believing that public support for the arts is in the public interest, the Louisiana State Legislature has created the Louisiana State Arts Council (also called the Council or LSAC) and the Louisiana Division of the Arts (also called the Division or DOA) to administer arts programs for the state.

B. The Louisiana State Arts Council, made up of 22 members appointed by the governor, is an advisory body to the division regarding matters relating to support of the arts in Louisiana. The council is responsible for making recommendations on cultural policy, for preparing an annual state plan for the arts, for initiating and coordinating statewide arts programs, for providing technical assistance to community and state art organizations, and for promoting other artistic activities in the state. Further, the council is responsible for the allocation of arts grant funds.

C. The Division of the Arts, the "official state arts agency," is in the Office of Cultural Development, Department of Culture, Recreation and Tourism. The division administers state and federal funds appropriated for arts grants in Louisiana.

D. Philosophy of Assistance: The Louisiana State Arts Council has formally adopted the following policy statement: "The arts are an essential part of life in Louisiana. Each citizen has the right to the arts. The Louisiana State Arts Council is a catalyst for participation, education, development, and promotion of excellence in the arts. It is our responsibility to support established arts organizations, nurture emerging organizations, and assist individual artists."

1. The council and the division, aware that funds are not sufficient to address all the needs of the arts in Louisiana, agree that their resources are best used to the following ends:

- a. the support of organizations which have demonstrated their ability to present or to sponsor programs of demonstrable quality and professionalism with significant impact on the community and the state;
- b. the support of quality arts activities which are the result of community-based effort and planning;
- c. the support of individual artists in their creative work;
- d. the promotion of consideration for the aesthetic quality of the physical environment;
- e. the initiation of arts activities which are statewide in scope and impact;
- f. further, the division and the council believe that their role is to supplement the resources of existing arts organizations. Grants are not designed to serve as the primary source of funds for an organization.

2. Goals: The council and the division have adopted the following goals as appropriate means of achieving the ends set forth in their philosophy of assistance:

- a. to assist in providing access to quality arts experiences to the people of Louisiana;
- b. to promote a variety of artistic activities within the state and to make the arts available to every segment of the population;
- c. to assure the equitable distribution of grants to all of the arts and to all areas of the state;
- d. to encourage private-sector support of art activities so as to enable the arts and artists to flourish;
- e. to develop partnerships between state and local arts agencies as these bodies determine arts policy and implement projects;
- f. to emphasize the importance of the arts as an integral part of basic education;
- g. to aid in the identification, preservation, and the presentation of Louisiana folk culture;
- h. to promote professionalism in the arts;
- i. each of the goals established by the council and the division is important to the state and its citizens.

E. Advisory Panels

1. The council and the division have established advisory panels to assist in administering arts grant programs. Panelists are experienced artists, arts administrators, and other professionals knowledgeable in the arts who have been recommended by individuals, organizations, and division staff. The council selects panelists to represent all geographic areas and differing aesthetic and cultural perspectives. Appointments are for one year and may be extended to no more than three consecutive years. Contact the division for the forms to be used to nominate panelists.

2. The specific functions of advisory panels are to advise the council and the division concerning the appropriateness of levels of support requested in grant applications, to provide ratings relative to the artistic and administrative merit of proposed projects, and to evaluate the work of applicants for fellowships.

3. Panels have been appointed to review proposals in the following areas: arts development, dance, design arts, folklife, literature, media, music, theater, visual arts and crafts, arts in education, presenters, local arts agencies, and major arts institutions.

F. The Grants Process

1. The following narrative is intended to provide an overview of the complex process that takes place before a single

organization or individual can receive money approved by the Louisiana State Arts Council and disbursed by the Louisiana Division of the Arts. In the fall preceding the grant year (i.e., July 1 through June 30, the state fiscal year), the division of the arts prepares its budget request for the coming fiscal year. The request is based upon such considerations as the number of applications from prior years, the total amount of money requested, and anticipated availability of money from the state and from federal and regional grants-making organizations. The request is subject to review by the Office of Cultural Development and the Department of Culture, Recreation and Tourism.

2. The division budget request is further reviewed by the governor's office before it is incorporated into the administration appropriations bill and introduced during the Regular Legislative Session. After passing the House Appropriations Committee, the House of Representatives, the Senate Finance Committee, and the Senate, it returns to the governor for his approval and signature. Legislative action is usually completed by late June. Funds for any grant year will come from money appropriated in the Regular Session of the Legislature of the previous calendar year. It is only after passage of the Appropriations Bill that the division has an indication of the amount of money available for the grant year.

3. Grant applications are due in the division office by 4:30 p.m. on the announced deadline date, usually the first working day in March.

4. The application review process takes approximately five months from the receipt of an application until the applicant is notified that a grant has been approved. Grant recipients should not expect payment for at least three months after approval by the council.

5. During the review and approval phase, the application goes through the following steps:

- a. The division receives the application, determines that the applicant and the proposal are eligible for assistance, and that the application complies with division guidelines.

- b. The appropriate advisory panel evaluates the proposal and makes recommendations.

- c. The division reviews the application and prepares recommendations.

- d. The application (with recommendations from the advisory panel and the division) is referred for further review to the Executive Committee of the council which acts as the Grants Review Committee. Recommendations and proposed grant amounts are incorporated into the Preliminary Funding Report. Preliminary funding recommendations will be available upon request after the meeting of the Grants Review Committee.

- e. Recommendations in the Preliminary Funding Report are subject to reevaluation by way of a modified appeals procedure provided that applicants who wish to make use of the procedure request reevaluation in writing within a specified period. Contact the division after May 15 to find out the dates on which the Preliminary Funding Report will be completed and the final date for requesting reevaluation. Such request must contain a justification indicating that actions of the advisory panel or the Grants Review Committee were based upon insufficient or incorrect information resulting from something other than the fault of the applicant. Written requests for reevaluation should be directed to the director of the Division of the Arts.

- f. The director reviews all applications for which he has received requests for reevaluation and provides recommendations to the Grants Review Committee.

- g. The Grants Review Committee considers requests for

reevaluation along with the director's recommendations and amends the Preliminary Funding Report appropriately.

h. The Preliminary Funding Report is approved by the council at its next regular meeting. The council determines the applications to be funded and the amount of the grants.

i. Once an application has been approved and money allocated by the council and after the division receives its approved budget, applicants receive notification of approval and formal grant agreements are processed. Subject to the availability of funds and the initiation of project activities, grant payments usually begin in early October.

j. In no instance does the division release funds until there is a signed grant agreement between the division and the recipient of a grant.

k. Within 30 days of the completion of grant-sponsored activities, grantee organizations must submit a final report accounting for all income and expenditures and an evaluation of the completed project or services.

AUTHORITY NOTE: Promulgated in accordance with R. S. 25:896.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of Cultural Development, Division of the Arts, in LR 11:341 (April 1985), amended LR 13:740 (December 1987), amended LR 14: (December 1988).

§303. Eligibility and Administration

A. Eligibility

1. The council and the division make grants to qualified organizations under a number of programs. Grants to individuals are available through the Individual Artist Program and the Project Assistance Program (provided that an eligible organization agrees to act as fiscal agent). Individual artists may apply to be listed in the "Louisiana Artist Roster" to become eligible for artist residencies. For more information, see the program descriptions elsewhere in this Chapter. Organizations domiciled in Louisiana are eligible to apply for grants to support arts activities taking place in Louisiana.

2. Applicants should study carefully the description of each program, paying particular attention to the standards and conditions for eligibility. If there are any questions as to eligibility, request a determination from the Division of Arts immediately.

3. Eligible applicants generally fall into one of the following categories:

a. non-profit organizations with a letter from the Internal Revenue Service declaring the organization exempt from federal income tax under Section 501(c)(3) of the Federal Tax Code;

b. public or private educational institutions, such as school boards and elementary or secondary schools. Private educational institutions must meet the requirements for non-profit organizations;

c. colleges or universities sponsoring arts activities intended for community participation (as opposed to academic, credit-producing, or curriculum-oriented projects). Such activities must provide significant access and the probability of significant attendance by the general public as demonstrated by past attendance records, promotional efforts directed to a public audience, and evidence of coordination with a local arts agency, school, or other community organizations. Note: Contributions of staff, faculty, facilities or equipment may be used only for in-kind match;

d. agencies of local, parish, or state government such as state or parish libraries, units of municipal government, parish police juries, or agencies of state government;

e. sub-applicants;

f. individuals.

B. Administration

1. Grant Amounts and Matching Requirements

a. All grants must be matched at least dollar for dollar.

The match may consist of cash or a combination of cash and in-kind contributions. Please consult the descriptions of each program for specific funding amounts and additional matching requirements.

i. Cash represents a grantee's cash outlay, including contributions to the grantee from other sources, for grant-supported activities, projects, or services. Note: State funds received by an arts organization through a local grant program may not be used as match in an application for a grant from the council and the division.

ii. In-kind contributions represent the monetary value of non-cash contributions provided by the grantee or any other agency, institution, organization, or individual.

iii. Generally, administrative costs from state and parish institutions will be considered in-kind match for all division applications. Administrative costs are eligible as cash match in those cases in which additional personnel hired to provide proposed services are not paid with state or federal funds.

b. Generally, the division and the council will not consider requests for less than \$500; consult division staff for additional information.

c. When the costs of activities are to be off set by anticipated grants from the National Endowment for the Arts, the Southern Arts Federation, or a local arts agency regranting program, the total combined funding from the division and those granting sources may not exceed 50 percent of the total cost of the activity.

d. An eligible nonprofit organization may serve as the fiscal agent for up to three projects. There should be a reasonable relationship between the project type and the primary purpose of the fiscal agent; however, the project must clearly be an individual artist project or a project by an independent subapplicant organization and not an extension of the fiscal agent's programming.

e. Funds requested in support of individual artist projects or projects undertaken by a subapplicant organizations do not affect request ceilings for fiscal agent organizations. However, default of such a project will clearly be the responsibility of the fiscal agent organization.

f. Depending on the type of match required for a particular grant (either cash or cash and in-kind), all contributions are allowable as part of the grantee's match for a grant when such contributions meet all of the following criteria:

i. they are carefully defined as to use;

ii. they are related to a specific project request;

iii. they are used for costs allowable under this guide;

iv. they are specifically identified as line items in the approved grant budget;

v. they are not used to match grants from other state sources;

vi. they are not federal funds paid to the grantee by the National Endowment for the Arts or other federal agencies for the same arts projects;

vii. they are not revenues collected as a result of indirect costs charged to any public funding source by a division grantee organization or institution;

viii. they are not state funds paid to the grantee through a legislative appropriation or any other form of financial assistance.

2. Use of Grant Funds

a. The division must receive a signed Grant Agreement before any funds will be disbursed. The budget approved by the division and the original application are considered to be part of the grant agreement.

b. All division grant funds are the grantee's matching funds must be used exclusively for expenses incurred within the grant period specified in the grant agreement. Grant funds are not transferrable and must be used only to pay for services listed in the approved budget.

c. No grant period shall be extended beyond the end of the state fiscal year. Funds not expended at the end of the grant period must be refunded to the division and cannot be reprogrammed into a subsequent fiscal year. At no time shall payment by the division to a grantee exceed the amount specified in the grant agreement.

3. Funding Restrictions: The council and the division do not fund:

a. purchase or long-term rentals of equipment, property, library holdings, or acquisitions;

b. capital improvements such as construction, structural renovation, or restoration;

c. college or university faculty exhibitions;

d. a series of activities presented as a single project;

e. scholarships, purchase awards, or cash prizes;

f. projects using artists' entry or exhibition fees as match funds;

g. projects and tours to take place outside the state;

h. activities intended primarily for fund-raising;

i. food or beverages for hospitality or entertainment functions;

j. requests designed to reduce or eliminate existing deficits;

k. licensing fees of any kind;

l. requests where an indirect cost rate will be charged by a grantee organization or institution;

m. fines, penalties, interest on loans, or costs of litigation.

4. Division grantees must comply with all state laws applicable to the grants program and to those federal laws required by the National Endowment for the Arts. A list of applicable laws will be made part of the grant agreement.

5. Public Acknowledgement: Each grantee must give credit for grant-supported activities in all printed and broadcast promotion, publicity, advertising, and printed programs must include the following credit line: "Supported by a grant from the Louisiana State Arts Council, the Louisiana Division of Arts, and the National Endowment for the Arts."

6. Compliance with Administrative Regulations: Grantees must comply with administrative requirements of the state and any additional requirements by the National Endowment for the Arts including those promulgated by the Office of Management and Budget (OMB): OMB Circular A-128 and OMB Circular A-102 if the grantee is an agency of state or local government or OMB Circular A-110 if the grantee organization is a nonprofit organization or university.

7. Standards for Financial Management

a. A grantee organization must comply with generally accepted accounting procedures. The accounting system should clearly separate grant funds from other revenues and records should identify adequately the source and use of funds for grant-supported activities.

b. All expenditures authorized under the grant shall be itemized and documented with verifiable receipts and in sufficient

detail to show the exact nature of each expenditure. In-kind contributions should be documented with adequate records such as time sheets for volunteers or contracts of use for donated equipment or facilities.

c. Grantee organizations must also comply with the following procedures:

i. a grantee must retain records for three years from the date of the final report or until all audit findings involving the records have been resolved, whichever is the longer period.

ii. should the division require it, copies of the documents supporting all expenditures of grant funds must be submitted with the final report;

iii. The grantee must conduct an annual, independent audit of financial operations and assure timely and appropriate resolution of audit findings and recommendations.

d. Documentation

i. Grantee organizations with unqualified annual audits on file with the division may not have to submit supporting documentation of expenditures with final reports. However, the grantee organization must keep appropriate records for the three years specified in the Standards for Financial Management section of this publication.

ii. First-time grantees are required to submit documentation with the final report until such time as audits are available which include division grants.

iii. The division maintains the option of requiring documentation relative to any grant. If, for auditing purposes, supporting documentation is requested at a later date, the grantee is responsible for producing such documentation.

e. Single Audits: The following grantee organizations are required to submit annual Single Audits:

i. organizations to which OMB Circular A-128 applies;

ii. organizations which receive \$25,000 or more from the division in state funds, federal funds, or a combination of both;

iii. grantees in the Major Arts Institutions or Advanced Local Arts Agency Programs;

iv. private universities which must have audits prepared in accordance with OMB Circular A-110;

v. contact the Grants Office of the Division of the Arts for additional information concerning required audits.

f. Final Reports: Within 30 days of completion of grant-sponsored activities, Grantee organizations must submit a final report on forms supplied by the division. The final report must include a full accounting of all income and expenditures and an evaluation of the completed project or services. The grantee should also supply copies of promotional materials, newspaper accounts, and other written evidence that the project actually took place as well as appropriate black and white photographs for the use of the division.

9. Penalties: If the division determines that a grantee has failed to comply with the terms and conditions set forth in the grant agreement, that grantee shall become ineligible to receive any remaining payments authorized under the grant agreement. For a year following the determination of noncompliance, that grantee will be ineligible to receive any new grants. Subsequent failure to comply with division requirements may result in legal action and the grantee may become ineligible to receive future grants.

AUTHORITY NOTE: Promulgated in accordance with R. S. 25:896.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of Cultural Development, Division of the Arts, in LR 11:341 (April 1985), amended

LR 13:740 (December 1987), amended LR 14: (December 1988).

§305: Guidelines for Applications to Grant Programs

A. General Application Requirements

1. All applications must reach the Grants Office of the Division of the Arts before 4:30 p.m. on the day of the announced deadline, usually the first working day in March. The division will not assume responsibility for lost or misdirected mail nor for late delivery of applications. Late applications will be ineligible.

2. It is important for prospective applicants to study the guidelines for each grant program described elsewhere in this guide to determine the most appropriate programs to which to submit applications. If there are questions, consult with division staff.

3. Applications will be accepted only for arts activities scheduled to begin not earlier than July 1 and end not later than June 30 of the grant year.

4. Eligibility. See the General Eligibility requirements listed in §303 of this Chapter.

5. Requests for grants must be submitted on current grant application forms. The forms may not be altered in any way. Application forms may be requested by calling the division.

6. Complete the forms, supply appropriate supplemental information, and submit signed originals to the division by 4:30 p.m. on the day of the announced deadline. Consult program descriptions to determine the required supplemental materials. Incomplete applications are ineligible.

7. Submit a separate application form for each project or service. Also, supply a self-addressed, stamped envelope for the return of supplemental materials submitted with the application.

8. All applicants should note that submission of a signed grant application to the division constitutes, first, verification that the applicant has read and understood the information contained in this guide and, second assurance that the applicant will comply with all rules, regulations, laws, terms, and conditions described in this Chapter or the grant agreement. The original application and the budget approved by the division are considered to be part of the grant agreement.

B. Project Assistance Program

1. Purpose. With project assistance, the Louisiana State Arts Council and the Division of the Arts offer financial assistance for a wide range of community-oriented arts projects. Project support for specific activities or services, growth and administrative development, increased arts services for the community, opportunities for involvement of individual artists, and contributions to the cultural enrichment of the general public are all considered. Organizations are expected to work to make projects self-supporting after three consecutive years of division funding.

2. Grant Amounts and Matching Requirements. An applicant may submit no more than three project applications with the total amount requested not to exceed \$20,000.

a. Grants must be matched at least dollar for dollar in either cash or a combination of cash and in-kind contributions. At least 50 percent of the amount requested must be matched with cash.

b. Applicants submitting more than one application for project assistance must rank the applications by priority.

3. Eligibility. See §303 of this Chapter.

4. Evaluation Criteria

a. clear need for the proposed project;

b. intent to provide educational experiences, expanded

public awareness, and public involvement in the arts;

c. degree to which a project will involve or benefit minorities and special constituencies;

d. evidence of broad-based participation by the members of the organization and the community in the design of the proposed project;

e. support of professional Louisiana artists and potential benefits to art forms or to applicant organizations;

f. direct involvement in the project on the part of qualified, professional artists;

g. demonstrated quality of the proposed project;

h. effectiveness of the proposed plan for implementing and evaluating the proposed project;

i. extent to which there is a defined need for financial support;

j. degree of cash match and extent to which other funding sources will contribute to the project;

k. ratio of the number of people served per dollar requested;

l. appropriateness of proposed budget;

m. applicant's ability to administer a potential grant based on completeness of the application, qualified administrative personnel, past record of cooperation, and compliance with division requirements;

n. demonstration of significant economic impact within the community.

5. The division and the council do not fund:

a. operating costs not associated with the proposed projects;

b. costs for permanent or primary administrative or artistic staff;

c. activities for a closed membership not open to the public;

d. a series of projects or activities that constitute the majority of an organization's scope of programming or regular season of productions;

e. costs related to the creation of a new organization;

f. regrants by the applicant to other organizations for programming activities;

g. theater productions by children;

h. sidewalk art shows outside a festival setting;

i. non-arts oriented exhibitions;

j. restoration projects on historic buildings, sites, or non-arts related collections;

k. the creation of textbooks or classroom materials;

l. projects used for academic degrees;

m. purchase of permanent equipment, capital improvements, acquisition of entire collections or works of art.

6. Arts Development Projects: The purpose of this category is to provide financial assistance for multi-disciplinary projects designed to increase the involvement or the awareness of the general public or to address the needs of a broad range of special constituencies. First efforts at stimulating the arts in a given area of the state and development of initiatives are recognized as important and necessary in this component. Apply under the Arts in Education program for in-school projects.

7. Dance Projects: The purpose of this category is to assist organizations which make quality dance available to broader audiences and to encourage innovation in dance as an art form with specific projects that strengthen the artistic or administrative abilities of applicant organizations. Applications for projects involving commissions for the creation or production of new work must be accompanied by samples of work by artists involved in

the project. See also "Louisiana Dance Initiative" and "Documentation and Samples of Work," at the end of this Section, for instructions about submitting samples of work.

8. Design Arts Projects. The purpose of this category is to promote excellence in the design fields of architecture; landscape architecture; urban design, historic preservation and planning; interior design; industrial design; graphic design; and fashion design. This program area provides an opportunity for visual artists and design professionals to collaborate on projects involving practice, media, theory, research, and education about design. Projects may include publications, audio-visual presentations, films, or conferences. Applications must include samples of work. See "Documentation and Samples of Work," at the end of this Section, for instructions about submitting samples of work.

9. Folklife Projects. This category is designed to support organizations and projects that focus on the traditional arts. The involvement of folklorists or other relevant professionals is strongly encouraged in project planning and implementation. For additional information, see "Louisiana Folklife Program" in §307. See "Documentation and Samples of Work," at the end of this Section, for instructions about submitting samples of work.

a. In addition to the general project assistance evaluation criteria, folklife projects will be evaluated according to the following:

i. evidence that a folk community or material items are to be treated and presented in an appropriate and culturally significant manner;

ii. the opportunity to support traditional folk artists or craftsmen.

iii. the degree to which the proposed activity would expand awareness and appreciation of folklife and folk artists or craftsmen at the community and state level;

iv. the assessed quality of the materials to be preserved, presented, or identified;

v. the involvement of a trained folklorist.

10. Literature Projects: This category is intended to support specific projects that present the literary arts to the public and to promote the works of poets, novelists, short-story writers, etc. In addition, the category is designed to help support not-for-profit magazines that publish fiction, poetry, creative prose, or literary criticism. Such magazines must have been published at least once, and a sample copy must be submitted with the application. See "Documentation and Samples of Work," at the end of this Section, for instructions about submitting samples of work.

11. Media Projects. This category provides financial assistance to organizations involved in film, video, photography, radio, or related media. See "Documentation and Samples of Work," at the end of this Section, for instructions about submitting samples of work.

12. Music Projects. This category is designed to assist organizations presenting musical programming all genres. Samples of work must accompany all applications involving the creation or production of new works. See "Documentation and Samples of Work," at the end of this Section, for instructions about submitting samples of work.

13. Theater Projects. This category is designed to assist organizations with projects that make high quality dramatic and musical theater available to a larger audience or which involves the development of nonprofit professional theater. Samples of work must accompany applications involving the creation or production of new works. See "Documentation and Sample of

Work," at the end of this Section, for instructions about submitting samples of work.

14. Visual Arts and Crafts Projects. This category is designed to support projects or services of museums, art galleries, art centers, and other organizations concerned with visual arts and crafts programming. Priority will be given to activities involving professional artists and craftsmen. Samples of work are required for any project involving commissions for the creation of work for art in public places. See "Documentation and Samples of Work," at the end of this Section, for instructions about submitting samples of work.

C. Arts in Education Program

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

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

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

2. Grant Amounts and Matching Requirements: Grants may be requested for up to 50 percent of the total cost of a project or artist residency. Grants must be matched at least dollar for dollar in cash or a combination of cash and in-kind contributions. At least 50 percent of the amount requested must be matched with cash. Applicants may submit no more than three applications with the total request not to exceed \$25,000.

a. Applicants submitting more than one application to this program must rank the applications by priority.

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

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

3. Eligibility

a. See §303 of this Chapter.

b. Schools must obtain approval from their school boards for all residency applications. A letter of such approval must accompany all applications.

4. Evaluation Criteria

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

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

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

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

e. Extent of long-range planning.

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

- g. Appropriateness of proposed budget.
 - h. Clarity and strength of objectives.
 - i. Qualifications of persons directly responsible for implementing the proposal.
 - j. Potential artistic quality of the proposed activity.
 - k. Appropriateness of the proposed efforts for documentation and evaluation.
 - l. Past record of assuming responsibility for funding artist residencies after three consecutive years of funding from the Division of Arts.
 - m. Duration (number of days per site) of residency or project educational activity.
5. The council and the division do not fund:
- a. recurring or traditional school activities;
 - b. payment of administrative or teaching staff for any school or school system;
 - c. artists in residence filling teacher vacancies;
 - d. residencies that do not allow for contact between the resident artist and students during regular school hours;
 - e. residencies during which the school or school system does not provide studio time and space for the growth and development of the artist.
6. Arts-in-Education Residencies: The Arts-in-Education Residency Program places professional artists in educational settings to teach the elements of their disciplines to students and teachers and, when it is appropriate, to relate their art forms to other curriculum areas. The program is intended to provide sustained interaction among artists, students, teachers, administrators, and members of the community and to stimulate continuing collaboration for the support of the arts programs.
- a. To be eligible to receive division funding in the Arts-in-Education Residency Program, applicants must hire an artist on the approved "Louisiana Artist Roster." Contact the division for application procedures to the "Artist Roster."
 - b. An artist's placement in a school system is considered a residency when the artist is employed by one school system for a minimum of one semester and serving a maximum of four schools per semester. Both long-term (40-plus days per site or school) and short-term (11 to 40 days) residencies are funded in this program area. Note: Visiting Artists (one to 10 days per site) are funded under Arts-in-Education Projects.
 - c. Restriction: Requests for residencies involving the same artist and site for more than three years will be ineligible.
 - d. Residencies should be designed to involve artists in educational settings to complement rather than to replace teachers in the arts or in any other academic discipline.
 - e. Types of residencies
 - i. Residencies may involve any of the following disciplines: crafts, dance, design arts, film or video, folk arts, literature, music, theater, or visual arts.
 - ii. A visiting artist in one discipline (e.g., music) may be integrated into a long-term residency in another discipline (e.g., dance or literature).
 - iii. A trained folklorist or cultural anthropologist may serve in a residency to present visiting folk artists, interpret their traditions, and help to integrate the folk arts into various curriculum areas.
7. The "Louisiana Artist Roster." To insure quality arts experiences and to assist artists, schools, and schools systems, the division has compiled the "Louisiana Artist Roster" for the use of grant applicants. A professional advisory panel identifies and approves professional artists for residencies in schools throughout the state. To be eligible to receive division funding in

the Arts-in-Education Residency Program, applicants must hire an artist listed on the approved "Louisiana Artist Roster." Contact the division for information. See "Individual Artist Programs" for application procedures to the "Artist Roster."

8. Arts-in-Education Projects

a. Arts-in-Education projects support specific arts-related activities (other than long-term residencies) which relate to the artistic educational development of elementary and secondary school students. Projects should focus on the arts as an integral part of the educational environment and should allow for broad community participation in planning and implementation.

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

c. Applicants for Arts-in-Education Presenter projects must meet all of the requirements for the Presenter Program, but they must submit applications under the Arts-in-Education Program.

D. Presenter Program and the Louisiana Dance Initiative

1. Purpose: Grants under the Presenter Program are intended to defray partially the costs of booking and presenting performances or exhibitions for the general public.

a. All applications permitted under this program must include a general public performance.

b. Applicants sponsoring touring events available through the Southern Arts Federation (SAF) must have submitted an application to SAF before applying to the division for additional support. Contact the division performing arts coordinator for additional details.

2. Grant Amounts and Matching Requirements

a. Applications for grants under the Presenter Program must be matched by cash. In-kind match is not permitted.

b. Applicants may submit up to three applications for grants under the Presenter Program with the total request not to exceed \$20,000.

c. Under the Louisiana Dance Initiative, applicants may submit two additional grant applications with the total not to exceed \$20,000.

d. Applicants submitting more than one application to the Presenter or Dance Initiative Program must rank the applications by priority.

e. Sponsors of performances may request up to 50 percent of the engagement fee of a performing arts company. Sponsors of exhibitions may request up to 50 percent of the combined cost of the fee, shipping, and insurance for an exhibition.

f. When the costs of sponsored presentations are to be offset by anticipated grants from the National Endowment for the Arts, the Southern Arts Federation, or a local-arts-agency re-granting program, the total combined funding from the division and those granting sources may not exceed 50 percent of the allowable engagement fee.

g. Requests for in-school performances or exhibitions must meet all the requirements for the Presenter Program, but they must be submitted under the Arts-in-Education Program.

3. Eligibility: Any organization eligible for assistance under the general eligibility guidelines (with the exception of major arts institutions and local arts agencies) may apply for grants from the presenter program.

a. Applications must include a copy of a contract or letter of intent signed by both an authorized official of the presenting organization and the provider of services (i.e., the performing arts company or exhibitor coordinator).

b. Contracts between a provider of services and a third party representing the presenting organization are acceptable only when block-booking is arranged by a third party. In such cases, a signed contract between the presenting organization and the third-party booking agent must be attached to the letter of intent or the contract between the presenting organization and the provider of services.

4. Evaluation Criteria

a. past record of successful sponsorship by presenting organizations;

b. compliance with division grant requirements and procedures;

c. administrative ability of the presenting organization to sponsor successfully the performance or exhibit;

d. clearly defined cultural need of the community;

e. defined financial need of the presenting organization;

f. extent of residency or workshop activity associated with the performance or exhibit;

g. adequacy of proposed promotional efforts;

h. objectivity and effectiveness of proposed methods of evaluation;

i. significance of the activity in relation to the overall programming of the presenting organization and the proposed audience;

j. appropriateness of fees and overall budget for the project;

k. quality of the company, performers, or exhibiting artists to be sponsored by the presenting organization;

l. accessibility of the presentation to such special constituencies as minorities and the handicapped;

m. demonstration of significant economic impact within the community.

5. The council and the division do not fund:

a. touring of in-state, performing-arts groups or touring exhibitions supported by grants from other programs administered by the division;

b. consultants, long-term residencies, or guest artists performing with local groups;

c. the majority of an organization's scope of programming or regular season of productions;

d. A series of activities presented as a single project.

E. Louisiana Dance Initiative

1. Purpose. The Louisiana Dance Initiative is intended to increase the number and quality of dance presentations and residencies throughout the state with particular emphasis on such diverse dance forms and idioms as the ethnic, avant garde, and post-modern.

a. Funds are available to dance companies and presenting organizations to provide support for presenting approved, out-of-state dance companies and choreographers of professional caliber.

b. Grants funded by the Louisiana Dance Initiative are supported by the Dance/Inter-Arts/State Programs (DIS) of the National Endowment for the Arts. When negotiating agreements under the Louisiana Dance Initiative, presenter organizations must inform the company or choreographer that funds will be requested under the DIS program of the National Endowment for the Arts.

2. Grant Amounts and Matching Requirements: Presenting organizations may request up to 50 percent of company or choreographic fees for performances or residencies. Grants must be matched at least dollar for dollar in cash. In-kind match is not acceptable. Contact the Division Performing-Arts Coordinator

for information about dance companies and choreographers approved for the current grant year and about block-booking opportunities.

3. Evaluation Criteria

a. The evaluation criteria used for the Presenter Program apply as well to the Louisiana Dance Initiative.

b. Note: Though not appropriate under the Presenter Program, applications for funding of long-term choreographic residencies are appropriate under the Louisiana Dance Initiative.

F. Local Arts Agencies. Basic and Advanced Programs

1. Purpose: A local arts agency (LAA) is a governmental agency or non-profit, community organization, officially designated by municipal or parish governments to provide financing, services, or other programs for arts organizations and individual artists within a city, parish, or region of adjacent parishes. The LAA grant program is intended to enhance, stimulate, and nurture partnerships between state and local governments to assure public support for the arts. Further, the program is designed to serve the common goal of cultural enrichment at the state and local level and to acknowledge the diverse methods necessary to meet the specialized needs of individual communities, regions, populations, and art forms.

a. The Basic LAA Program is designed to support local arts agencies in early stages of development; the Advanced LAA Program is designed for mature organizations with a record of successful service and administrative competence.

b. The two components are specialized to meet differing needs as organizations and programs evolve and mature. Each local arts agency must choose the program category best suited to its needs and apply to the appropriate program.

2. Eligibility. In addition to the General Eligibility Requirements in §303 of this Chapter, organizations or governmental agencies must meet the following conditions to be eligible to apply for LAA Basic or Advanced Grants:

a. The LAA must be officially designated by the municipal or parish governing body with jurisdiction over the service area to act on its behalf as the local arts agency. Regional arts agencies must be officially designated by each governing body or LAA which they represent.

b. The LAA must have a governing board with the responsibility and the legal power to set agency policy.

c. The LAA must submit a comprehensive arts plan consistent with standards and format adopted by the division.

3. Evaluation Criteria. The following eligibility criteria apply to both LAA Basic Support and LAA Advanced Programs:

a. defined cultural need and potential benefit for LAA development in the community or area;

b. effectiveness of programs;

c. potential benefits to artists, arts organizations, and to the community;

d. degree and breadth of public participation in planning and implementing programs with significant attention to the input and participation of special constituencies;

e. level of local commitment as evidenced by both cash and in-kind contributions.

f. evidence of local government support and participation in the development of proposed activities;

g. objectivity and effectiveness of methods of evaluating proposed activities;

h. evidence that the organization has an effective and efficient administration responsible for grant funding;

i. demonstrated likelihood of significant economic impact within a local community or region;

- j. quality and thoroughness of planning;
- k. ability and readiness to respond to current cultural needs;

l. appropriate relationship between the budget and proposed activities;

m. Note: Additional evaluation criteria are listed below under LAA Advanced Program.

4. LAA Basic Support

a. Purpose. Basic LAA Grants provide support to communities committed to establishing an LAA and to LAA's in the early stages of development. Basic grants may be used for planning, operation, special projects, or organizational and professional development.

b. Grant Amounts and Matching Requirements. Basic LAA Grant requests may not exceed the lesser of \$20,000 or 50 percent of the projected year's budget. Grants must be matched at least dollar for dollar. At least 50 percent of the applicant match must be in cash. The remainder may be in-kind contributions (e.g., an application for a maximum Basic LAA Grant must indicate cash resources of at least \$10,000 and in-kind contribution of \$10,000 or more). Although the cash resources of an organization are considered important, in-kind contributions are a significant indication of community support.

5. LAA Advanced Program

a. Purpose. The LAA Advanced Program is designed for established LAA's that provide diverse programs and services in their communities or region. There should be a significant relationship between local government and the LAA. Grant applications and plans submitted to the division must indicate the impact of LAA activities on the economy of the community or region.

b. Eligibility. In addition to the eligibility requirements for all LAA grants, an LAA applying for funds under the Advanced LAA Program must meet the following criteria:

- i. the LAA must have been incorporated and have had non-profit tax status for at least three years prior to application;
- ii. the LAA must have at least one full-time, paid professional staff member;
- iii. the LAA must provide a single audit in compliance with OMB Circular A-128;
- iv. the LAA must demonstrate significant financial support from local government.

c. Grant Amounts and Matching Requirements

i. Advanced Local Arts Agencies may apply for grants for general support and for re grants to arts organizations within the LAA service area. Grants must be matched in cash that flows through and is part of the LAA operating budget. Applicants must provide a dollar-for-dollar cash match. Although in-kind contributions are not required and may not be used as match for an LAA advanced grant, such revenues are indicative of the extent of community support.

ii. Total requests in all Division of the Arts program areas may not exceed the lesser of \$350,000 or 50 percent of the projected year's cash budget excluding Division of the Arts grants.

d. General Support. Applicants may request grants of up to 25 percent of the agency's actual cash operating revenues for the prior fiscal year (excluding grants from the division). General Support funds may be used at the discretion of the agency for a variety of purposes such as arts programs, salaries, artist fees, supplies, or operating expenses.

e. Re grants

- i. Applications for funds to be used for regranting may

not exceed 50 percent of the local public money appropriated by a public governing body and allocated to an LAA for the purpose of regranting. These local funds must be designated for and committed to the grant period in questions. Grants in this category must be used exclusively for re grants.

ii. Applications for re grant funds must include a copy of local grant guidelines in effect on the date of the application. The local grant program must conform to all federal and state laws governing grant making. The quality of the guidelines will be an important factor in the consideration for funding.

f. Evaluation Criteria: In addition to general evaluation criteria for the LAA Program, agencies applying as advanced local arts agencies will be evaluated according to the following criteria:

- i. ability to develop, sustain, and increase the commitment of public funds for the support of the arts;
- ii. strength of the agency's regional development initiatives;
- iii. strength of the agency's Arts-in-Education initiatives;
- iv. successful community education concerning the necessity for general public support for the arts and the contribution of the arts to the education, economy, and spiritual well-being of the community.

G. Major Arts Institutions Program

1. Purpose: The Major Arts Institution Program provides support for organizations whose programming has major impact on their communities and on the state's cultural environment. Eligible organizations must have established:

- a. high levels of administrative and artistic professionalism;
- b. a wide range of quality programs;
- c. effective fund raising;
- d. provision for free public performances.

2. Grant Amounts and Matching Requirements.

a. Total requests in all Division-of-the-Arts program areas may not exceed the lesser of \$350,000 or 50 percent of the projected year's cash budget excluding division grants. Also, requests may not exceed 25 percent of the prior year's actual cash operating revenues excluding support from the division and revenues for such capital outlays as construction or permanent renovation projects.

b. Grants must be matched by cash reflected in the operating budget approved by the organization's governing board.

c. Although in-kind contributions are not required and may not be used as match for a grant, such revenues are indicative of the extent of community support.

3. Eligibility. To be eligible under the Major Arts Institution Program, an organization must meet both the general eligibility requirements listed in §303 of this Chapter and must:

- a. have been incorporated as an arts producing and programming organization for at least three years prior to the application deadline;
- b. have had annual cash operating revenues of over \$100,000 for the preceding year;
- c. have an independent governing board empowered for formulate polices and execute programs;
- d. have paid, professional staff responsible for the administrative and artistic functions of the organization;
- e. have a full season of at least four major public productions or exhibitions in the community of origin;
- f. have generated state, regional, and national recognition, in the form of articles or reviews, of the institution's activities during the preceding year;

g. have significant educational activities for children and adults;

h. have produced at least one free, community performance during the preceding year.

i. provide, with the application, a complete copy of an independent financial audit for the organization's prior year if such audit has not previously been submitted to the division. The audit must comply with OMB Circular A-128;

j. comply with the Accumulated Deficit Policy explained below.

4. Accumulated Deficit Policy. The council has adopted an Accumulated Deficit Policy to assure that Major Arts Institutions demonstrate sufficient fiscal accountability to insure their continued existence.

a. organizations which have significantly reduced operating or capital deficits within the most recent three fiscal years since fiscal year 1985-86 are not affected by the Accumulated Deficit Policy.

b. an organization which has increased or failed to reduce an operating or capital budget deficit for three consecutive years since the 1985-86 fiscal year is not eligible to apply for a division grant under the Major Arts Institutions Program unless the organization has ended the most recent fiscal year with a balanced budget, can demonstrate that it has made a significant effort to reduce the deficit during the fiscal year preceding the application, can and provide a deficit-elimination schedule approved by its governing body and acceptable to the division and the council.

5. Evaluation Criteria

a. artistic excellence;

b. administrative stability and competence;

c. quality of administrative and programmatic planning;

d. extent to which programs or services respond to the needs of the community;

e. extent to which proposed programs reflect quality activities having a positive cultural impact on the community and the state as a whole;

f. extent of effort to design and produce programs with specifically educational intent;

g. evidence of cooperation or coordination with area cultural institutions, organizations, and other cultural resources;

h. scope of outreach programs designed to serve new audiences and special constituencies such as handicapped persons, multi-cultural artists, folk artists, arts organizations, and rural communities in the region served by the institution;

i. degree of opportunity provided for the involvement and direct support of Louisiana artists;

j. strength of fund raising efforts in both earned and unearned income;

k. extent to which the organization's revenues reflect a broad base of financial support;

l. objectivity and effectiveness of methods of evaluating the organization and its programs;

m. past record of administrative cooperation and compliance with laws or other provisions governing division grants;

n. significant economic impact within the community.

H. Individual Artist Programs

1. Purpose. The Individual Artist Program provides support for individual folk and contemporary artists through fellowships, apprenticeships, and project assistance.

2. Artist Fellowships. Artist Fellowships of up to \$5,000 are available to contemporary or folk artists of exceptional talent to enable them to pursue their artistic goals.

a. Grant Amounts. Artist Fellowships of up to \$5,000 are available to artists selected from each discipline. The council may award more than one fellowship per discipline but does not guarantee that an artist in each sub-category or discipline will receive a fellowship.

b. Applicants must designate a specific discipline and sub-category in which to be considered:

i. crafts, glass, ceramics, fiber, wood, metal, etc.;

ii. dance: performance or choreography;

iii. design arts: architecture; landscape architecture; urban design, historic preservation and planning; interior design; industrial design; graphic design; and fashion design;

iv. folk arts: traditional arts and crafts, and such performing arts as music, storytelling, and dance;

v. literature: fiction, nonfiction, and poetry;

vi. media: film, audio, video, or photography;

vii. music: vocal performance, instrumental performance, or composition;

viii. theater: dramatic performance (acting), screen play, or play writing;

ix. visual arts: painting, printmaking, drawing, sculpture, etc.

c. Eligibility. Applicants should have demonstrated professional experience in their fields with serious career commitment and some degree of peer acceptance either as emerging artists of outstanding promise or established artists with a body of work.

i. The applicant must be a legal resident of Louisiana, living in the state for at least the 24 consecutive months prior to the application deadline.

ii. Absences from this state for six or more months during the two years prior to the application deadline disqualify the artist.

iii. Students or persons enrolled in an arts-related degree or certificate-granting program are not eligible.

iv. No artist may submit more than one fellowship application per grant deadline.

v. Previous recipients of division fellowships are not eligible to apply; the division encourages former applicants who have not received a fellowship to reapply.

vi. Artists must submit samples of work with their applications. See "Documentation and Samples of Work" at the end of this Section.

d. Evaluation Criteria (Artist Fellowships). Artist fellowships will be awarded primarily on the basis of the quality of the work submitted for review. The identities of applicants will not be disclosed to panelists during the initial review in order to assure that the judging process is anonymous and based solely on the quality of the work submitted. After the initial review, panelists will be provided additional information about the applicants. During the second state of review, panelists will consider the following criteria in addition to the quality of work:

i. demonstrated creativity and technical proficiency in the artist's respective discipline;

ii. artistic focus and consistent artistic development as evidenced by the body of work submitted with the application;

iii. record of achievement and activity;

iv. quality and appropriateness of documentation and samples of work accompanying the application. For example, inferior or flawed reproductions such as slides, recordings, video tapes, manuscripts, etc. are a liability;

v. impact of the fellowship on the artist's career.

3. Folklife Apprenticeships: Folklife Apprenticeships enable master folk artists or craftsmen and apprentices to study

together for a period of time so that master folk craftsmen, musicians, or storytellers are able to pass on their skills within their communities.

a. Grant Amounts: Nonmatching apprenticeship grants of up to \$5,000 are available to master folk artists and apprentices who will work together during an apprenticeship period. Applicants may be submitted by either party, but descriptive information and samples of work should be submitted by both the apprentice and the master.

b. Eligibility: Applicants should be seriously committed to the apprenticeship and have some degree of peer acceptance either as a master or a potential apprentice.

i. The applicant must be legal resident of Louisiana and have lived in the state for at least the 24 consecutive months prior to the application deadline.

ii. Absences from this state for six or more months during the two years prior to the application deadline disqualify the applicant.

iii. Students or persons enrolled in an arts-related degree or certificate-granting program are not eligible.

iv. No applicant may submit more than one apprenticeship application per grant deadline.

v. Previous recipients of apprenticeships are not eligible to apply; the division encourages former applicants who have not received apprenticeships to reapply.

vi. Both master folk artists and potential apprentices must submit samples of work with their application. See "Documentation and Samples of Work" at the end of this Section.

a. Evaluation Criteria (Folklife Apprenticeships)

i. quality of the work of both the master teacher and the apprentice;

ii. significance of the art form or skill to be perpetuated or documented through the teacher-pupil experience;

iii. sufficient time for the apprenticeship to achieve meaningful results;

iv. benefits to the master artist or craftsman, the apprentice, and the community;

v. potential for follow-up and spin-off activities;

vi. demonstrated commitment by both parties to the apprenticeship arrangement.

4. Louisiana Artist Roster: The Division of the Arts awards to Louisiana school systems and other non-profit organizations for Arts-in-Education projects and residences. The Arts-in-Education Program is designed to allow students and teachers the opportunity to participate in sustained arts experiences within educational settings.

a. An artist must have been accepted to the "Louisiana Artist Roster" in order to serve as a resident artist in a grant-supported residency. Artists wishing to apply must fill out application forms provided by the division and must submit samples of work and three letters of recommendation. See "Documentation and Sample of Work" at the end of this Section.

b. The application deadline for the "Louisiana Artist Roster" is the same as that for other programs.

c. Evaluation Criteria (Artist Roster): Applications will be reviewed by an artist-selection panel using the following criteria:

i. previous training, education, and experience;

ii. proven expertise and professionalism as evidenced by samples of work;

iii. ability to function successfully in a residency setting.

5. Individual Artist Projects, Fiscal Agents

a. Purpose: Projects of exceptional merit initiated by individual artists may be supported through the Division Project-

Assistance Program when the individual artists can arrange for a qualified nonprofit organization to act as fiscal agent for the project. While the fiscal agent is not required to provide financial support for the proposed project, the agent organization must accept fiscal accountability for the project in accordance with state and federal laws regarding division project-assistance grants.

i. No part of the division grant may be used to defray administrative costs of the organization acting as fiscal agent.

ii. The division recommends that the fiscal agent and the individual artist have a third-party contractual agreement outlining the terms of the sponsorship.

iii. An individual artist project must comply with all project-assistance eligibility requirements and will be reviewed in relation to project-assistance criteria appropriate to the artistic discipline involved.

b. An eligible nonprofit organization may serve as the fiscal agent for up to three projects. There should be a reasonable relationship between the project type and the primary purpose of the fiscal agent; however, the project must clearly be an individual artist project and not an extension of the fiscal agent's programming.

c. Funds requested in support of projects by individual artists or by sub-applicant organizations do not affect request ceilings for fiscal-agent organizations. However, default of such a project clearly will be the responsibility of the fiscal-agent organization. For more information about individual artist projects, contact the Division of the Arts.

1. Documentation and Samples of Work. Documentation of work completed within the past two years in format and number requested must accompany the application. Applications that do not include the requested documentation will be considered ineligible. All documentation of work must be submitted by the deadline.

1. Crafts. Craftsmen should refer to the Visual Arts section for instruction on submitting documentation.

2. Design Arts. Artists working in the Design Arts should refer to the Visual Arts section for instructions on submitting documentation.

3. Dance, Dance Performance and Choreography. Submit two selections of up to 10 minutes each from works performed or choreographed within the past two years in the form of VHS or standard 3/4 inch video cassettes. Each tape should be clearly marked selection #1 and selection #2. Tapes should be cued to the sections you want reviewed. Include tape counter numbers for both selections. It is recommended that each selection be on a separate tape. Clearly list the following information on each cassette: your name, title of piece, date performed or choreographed, and total playing time. Please attach an additional sheet listing the names of all performers with the names of the roles they portray on the tape.

4. Folk Arts. Fellowship applications will be accepted in Material Culture and Performing Traditions.

a. Material Culture. Artists working in this category should refer to the Visual Arts section for instructions on submitting documentation. Instrument makers must submit slides of their work as well as an audio cassette documenting the sound of the instrument. Follow the instructions for submitting samples of work that are found below in the music section. If the instrument maker is also the performer, please so indicate.

b. Performing Traditions. Artists working in this category should refer to the music performance sections for instructions on submitting documentation.

5. Literature: Fiction, Nonfiction, and Poetry. Submit eight, collated, clearly reproduced copies of the materials listed below based on the artist's primary areas of expertise. Works may have been published but must be submitted as typed manuscript. Note: Your name and address must appear only on the cover page; your name must not appear on other pages of the manuscript since the initial review is anonymous.

a. Fiction and nonfiction: Submit eight copies of a maximum of 30 pages of work completed within the last two years. Manuscripts must be typed double-spaced on one side of an 8¹/₂" × 11" sheet.

b. Poetry: Submit eight copies of a maximum of 15 pages of work completed within the last two year. Poems must be typed on one side of an 8¹/₂" × 11" sheet and may be single spaced, but no more than one poem should be on a single page.

6. Media

a. Film and Video. Artists working in film and video should submit two, 10-minute selections of work completed in the past two years on 16mm film or standard 3/4 inch video cassettes. Each sample should be clearly marked selection #1 or selection #2. Films and video should be cued to the selections to be reviewed. Include tape counter numbers for both selections. It is recommended that each selection be on a separate tape. Clearly list the following information on each sample: your name, title of piece, date produced, and total playing time. Please attach an additional sheet listing the names and roles of all performers and technicians involved in producing the tape.

b. Photography. Photographers should refer to the Visual Arts section for instructions on submitting documentation. Please note, original prints will not be accepted as documentation. Photographers must submit slides only.

c. Audio. Artists working in audio should submit two, 10-minute selections of works competed within the past two years in reel-to-reel or standard audio cassette format. Each tape should be clearly marked selection #1 or selection #2. Tapes should be cued to the sections you want reviewed. Include tape counter numbers for both selections. It is recommended that each selection be on a separate tape. Clearly list the following information on each cassette: your name, title of the piece, date produced, and total playing time. Please attach an additional sheet listing the names and roles of all performers or technicians involved in producing the tape submitted.

7. Music: Instrumental or Vocal Performances and Musical Composition. Submit two pieces totaling at least 10 minutes, each recorded on separate standard audio cassettes or reel-to-reel tape. The selections must have been performed or composed within the last two years. Musical composition applicants should include a copy of the score. Each tape is to be cued to the beginning of the selection you want reviewed and should be labeled #1 and #2 to indicate the priority of listening. Clearly list the following information on each tape: your name, title of piece, date composed or performed, and total playing time. Please attach an additional sheet listing the names of all performers with the names of the instruments they are playing on the tape.

8. Theater

a. Dramatic performance (acting). Submit two, 10-minute selections from works performed within the past two years in the form of VHS or standard 3/4 inch video cassettes. Each tape should be clearly marked selection #1 and selection #2. Tapes should be cued to the sections to be reviewed. Include tape counter numbers for both selections. It is recommended that

each selection be on a separate tape. Clearly list the following information on each cassette: your name, title of piece, date performed, and total playing time. Please attach an additional sheet with names of all performers and the roles they portray on the tape.

b. Plays and Screen Plays. Submit eight copies of a maximum of 30 pages of work completed within the last two years. Submit one completed act or scene. Scripts should be typed in a professional format. If the play is an opera or musical theater piece, an audio tape and score must accompany the script. A plot summary may be included as part of the 30-day sample. Note: Your name and address must appear only on the cover page; your name must not appear on other pages of the manuscript since the initial review is anonymous.

9. Visual Arts

a. Sculpture, Painting, Drawing, Printmaking, etc. Submit a maximum of 10 35mm slides of work completed within the past two years. You may include different views or details of individual pieces. You are encouraged to show at least five different works. Artists should consider consistency in the body of work submitted for review. Slides are reviewed five at a time. Slides #1, #2, #3, #4, and #5 are projected simultaneously, then #6, #7, #8, #9, and #10. If you plan to show details or different views of a work, your slides should be ordered in such a way that related slides are projected together.

b. Format. All slides must be clearly numbered one through ten and placed in order in a clear plastic slide sheet. Slides must be suitable for 35mm carousel projection. Glass or thick plastic slide mounts are not acceptable. Label each slide with the following: your name, title of work, date of execution, medium, and dimensions (height × width × depth). Place a red dot in the bottom left corner of the slide.

c. Note: Since award decisions are heavily based on documentation and samples of work, it is very important to submit slides of the highest quality.

AUTHORITY NOTE: Promulgated in accordance with R. S. 25:896.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of Cultural Development, Division of the Arts, in LR 11:341 (April 1985), amended LR 13:740 (December 1987), amended LR 14: (December 1988)

§307. Special Initiatives

A. Purpose. The Initiatives Program provides the division with a means to initiate activities that address specific needs in the arts identified by the division and by the Louisiana State Arts Council. The objective of the Initiatives Program is to expand the audience for the arts (for the benefit of artists and the cultural heritage of the state) particularly in areas which for geographical or economic reasons historically have lacked exposure to the arts.

B. Arts and Economic Development Initiative. The Arts and Economic Development Initiative provides funds for special projects or activities such as arts promotion, special festivals, or other programs having significant potential for improving the economic development of the state through the arts. Contact division staff for additional information.

C. Comprehensive Arts-In-Education Initiative. The council has identified arts education as a priority issue. In addition to conferences, seminar, and program assistance, the council is particularly interested in the development of model projects for curriculum-based arts education in K-12 schools. Contact the

Division Arts-in-Education Coordinators for additional information.

D. Design Arts Initiative/Cities by Design: The Division Design-Arts Program is a cooperative project with the National Endowment for the Arts designed to increase awareness and participation in the field of design and to demonstrate the impact of design on the cultural and economic development of communities. The Initiative provides funding opportunities for cities and municipally designated organizations which are committed to the enhancement of their communities through public/private participation in community design, education, and planning. Cities and organizations interested in participating in this program are encouraged to contact the division for more information.

E. Louisiana Dance Initiative. The Louisiana Dance Initiative is a cooperative project with the Dance/Inter-Arts/State Programs (DIS) of the National Endowment for the Arts. The Initiative is designed to enhance the number and quality of professional dance presentations in Louisiana and to establish a statewide consortium of dance companies, presenters, and choreographers. The program provides fee assistance for Louisiana presenters and dance companies using designated dance companies and choreographers. The initiative also includes the development of an annual statewide dance conference to improve the exchange of information and the sharing of resources among dance companies and dance presenters across the state. For details about the Louisiana Dance Touring Workshop and approved companies and choreographers for the current grant year, contact the Division Performing Arts Coordinator.

F. Minority and Rural Development Initiative: The division has established a minority and rural initiative to identify artists and arts organizations of all kinds from rural and minority communities and to offer special assistance and information relative to establishing programs, obtaining grant support, and working with existing arts agencies. In addition, the division has joined with the Southern Arts Federation in the development of additional programs to develop rural and minority arts centers and presenter/producer organizations. The program will work with established rural and minority organizations that have demonstrated interest and commitment to presenting the cultural arts in their community and sharing their resources with similar communities. Participating organizations will receive long-term technical assistance, including the identification of additional resources. The program will also provide priority funding for rural and minority presenters. For more information on these and other aspects of the Minority and Rural Development Program, contact division staff.

G. Louisiana Crafts Program. The Louisiana Crafts Program is an economic diversification program designed to stimulate the economy by providing marketing assistance to jury-approved craftsmen. The program manager serves as the craftsmen's contact with gift shops, museum shops, the tourist market, the corporate gift market, the interior design market, and architects. These markets will have the greatest economic impact on the crafts industry.

1. Benefits to Program Participants. Jury-approved program participants are eligible for such varied marketing opportunities as use of a distinctive logo identifying their work as "Handmade by Louisiana Craftsmen" and having samples of their work shown at trade shows. The program is so designed that craftsmen retain complete control over their businesses and participate at their own levels.

2. Marketing Education. The Louisiana Crafts Program

conducts or sponsors a variety of marketing workshops which may be requested from the program manager. The program also funds *Louisiana Crafts Marketer*, a crafts marketing newsletter published by the Louisiana Crafts Council and available upon request at no charge.

3. Application Procedure: Contemporary, folk, or revivalist craftsmen are eligible to apply. Application deadlines occur twice a year. Contact the Crafts Program Manager for additional information. Craftsmen must submit the application form with five slides of their work. To become a program participant, craftsmen must be accepted by:

- a. a jury judging slides and presentations;
- b. a jury judging samples of work for technique and design;
- c. the Louisiana State Arts Council.

4. Services to Retailers, Festival Organizers, and Design Professionals. Participant craftsmen may choose to provide the Louisiana Crafts Program with samples of their work, photographs, business cards, brochures, and slides which are available by appointment to show owners, festival organizers, and interior designers. Please call the program manager to make an appointment.

H. Louisiana Folklife Program. The Louisiana Folklife Program is designed to identify, document, preserve, and present folk culture resources of Louisiana. Folklife includes: the living traditions of ethnic, regional, occupational, and family groups (See Folklife under Project Assistance Program).

1. The council and division support Louisiana folklife in four program areas: Project Assistance, Individual Artist Program, Arts-in-Education Residencies, and Arts-in-Education Projects.

2. When the Folklife Program initiates projects in partnership with another organizations, it shall be considered the co-producer or co-publisher and share copyright as appropriate.

3. Individuals or organizations planning folklife projects should consult with the Folklife Program Manager whether or not they anticipate applying for a grant.

4. The Louisiana Folklife Program will continue to sponsor or to assist in programming the Louisiana State Folklife Festival.

5. Special Folklife Programs Include:

a. The Louisiana Folklife Survey. The survey is an ongoing project that seeks out traditional artists and communities, documenting them through interview surveys, tape, or film. The survey is useful to teachers, museums, festivals, and other organizations. Any individual or group may nominate individuals with folk-art skills or knowledge to be included in the division's folklife records.

b. The Creole State: An Exhibit of Louisiana Folklife. The Creole State Exhibit features folk artifacts from the diverse ethnic groups throughout Louisiana. It is located in the State Capitol in Baton Rouge. A "Teacher's Guide" to the exhibit is available upon request.

c. "Louisiana Folklife: A Guide to the State." The Folklife Guide is a resource directory that has been compiled to expand awareness and to assist with documentation and presentation of Louisiana folklife. The Folklife Guide is available at state, parish, and university libraries.

d. The Louisiana Folklife Recording Series (LFRS). The Folklife Recording Series documents traditional musicians and storytellers otherwise unlikely to be recorded by commercial la-

bels. Examples of appropriate material include: Afro-American worksongs, delta blues, old time Cajun and country music. Albums from the Louisiana Folklife Recording Series are available at parish and university libraries.

Henry A. Truxillo
Secretary

RULE

Department of Economic Development Office of Financial Institutions

Pursuant to the authority granted to the Commissioner of Financial Institutions by R.S. 6:121(B)(1) and (C), the commissioner has adopted a permanent rule making the depositor preference rule, as contained in Chapter 3, Part II, of Title 6 of the Louisiana Revised Statutes, applicable to all financial institutions chartered by the state and whose deposits are insured by an agency of the federal government.

Title 10

BANKS AND SAVINGS AND LOANS

Part III. Homestead and Building and Loan Associations

Chapter 51. Conservatorship and Receivorship

§5101. Distribution of Assets

A. All claims against the assets of a state-chartered financial institution whose deposits are insured by an agency of the federal government, proved to the receiver's satisfaction, or approved by the receivership court, shall be paid in the following order:

1. administration expenses of the liquidation;
2. claims given priority under other provisions of state or federal law;
3. deposit obligations;
4. other general liabilities;
5. debt subordinated to the claims of depositors and general creditors;
6. equity capital securities.

B. No interest on any claim shall be paid until all claims within the same class have received the full principal amount of the claim.

The rule takes effect December 20, 1988.

Fred C. Dent
Commissioner

RULE

Department of Economic Development Office of Financial Institutions

Title 10

BANKS AND SAVINGS AND LOANS

Part I. Banks

Chapter 19. Related Organizations and Services

Subchapter D. Mortgage Lender and Mortgage Broker

§1971. Term and Continuation of License

A. Each license shall be issued for a term of one year, and shall expire on December 31 of the year in which said license was issued.

B. Each license may be extended for an additional term of one year upon the payment of a renewal fee of \$100 prior to the date of expiration.

C. The delay granted in Section 1123 Of Title 6 to persons engaged in business as a mortgage lender or a mortgage broker on January 1, 1988, in applying for licensure shall also apply to persons engaged in such business or businesses between January 1, 1988 and July 1, 1988, who must apply for licensure under the foregoing rule.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:1121-1126.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Financial Institutions, LR 14: (December 1988).

§1973. Definitions

A. *Licensee* - means a mortgage lender and/or mortgage broker licensed under the provisions of R.S. 6:1121, et seq.

B. *Place of business* - means the principal or main office from which a licensee will be making or brokering mortgage loans. Said office shall be designated within the parish or municipality where it is situated as a commercial location. No licensee shall operate out of a private residence, which shall include private homes, apartments, condominiums, or any other structure normally used as a residence.

C. *Person* - means a natural person, partnership or corporation organized under the laws of any state or the laws of the United States of America.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:1121-1126.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Financial Institutions, LR 14: (December 1988).

§1975. Multiple Offices Within the State

If a license is required for a mortgage lender or mortgage broker that has multiple office locations, all such offices can be included under a single license by including in the application for such license, the address and the location of each office operated by the same person applying for such license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:1121-1126.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Financial Institutions, LR 14: (December 1988).

§1977. Exemptions

A. The exemptions set forth in Subsection 3 of Section 1124 of Title 6, shall also apply to any mortgage lender as defined in this Chapter which is subject to licensing, supervision or auditing by the Federal National Mortgage Association, or the Federal Home Loan Mortgage Corporation, or the United States

Department of Housing and Urban Development, or the Government National Mortgage Association as an approved seller and servicer or issuer; provided, however, upon the request by the commissioner, such mortgage lender shall submit evidence of its continued licensing, supervision or auditing by one of these entities.

B. Any mortgage lender relying upon an exemption under the foregoing rule shall file with the commissioner an Annual Registration Statement in a form prescribed by the commissioner, which form shall include the information required by Subsections B (1), (2), (3), or (4), of Section 1125 of Title 6, and shall set forth the exemption claimed under Section 1124 of Title 6 and in this rule. The commissioner shall determine the availability of the exemption claimed. The commissioner may not disallow an exemption that is validly claimed.

C. If a person who is otherwise exempt under Subsection 9 of Section 1124 of Title 6, directly or indirectly, receives compensation or expects to receive compensation for negotiating, placing or finding mortgage loans for another person, they shall be considered a mortgage broker and subject to the licensing requirements of this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:1121-1126.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Financial Institutions, LR 14: (December 1988).

§1979. Record Keeping and Retention

A. Every lender or broker required to be licensed under this Chapter shall maintain in its offices such books, accounts and records as the commissioner may reasonably require in order to determine whether such lender or broker is complying with the provisions of this Chapter and rules and regulations adopted in furtherance thereof. Such books, accounts and records shall be maintained apart and separate from any other business in which the lender or broker is involved.

B. Each mortgage lender required to be licensed under this Chapter shall retain for at least three years after final payment is made on any mortgage loan or the mortgage loan is sold, which ever first occurs, copies of the note, settlement statement, truth-in-lending disclosure and such other papers or records relating to the loan as may be required by rule or regulation. Each mortgage broker required to be licensed under this Chapter shall retain for at least three years after a mortgage loan is made the original contract for his compensation, a copy of the settlement statement, and an account of fees received in connection with the loan and such other papers or records as may be required by rule or regulation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:1121-1126.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Financial Institutions, LR 14: (December 1988).

§1981. Bond and Disclosure Requirements

Applicants for licensure as a mortgage broker shall comply with all of the provisions of R.S. 51:1911, 51:1912, 51:1913 and 51:1914.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:1121-1126.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Financial Institutions, LR 14: (December 1988).

§1983. Approval of License by Commissioner; Filing and Recording Requirements

Upon approval of an application under this Chapter, the commissioner shall only issue a license upon receipt of a certified copy of the surety bond and disclosure statement required and filed in accordance with the provisions of R.S. 51:1911, et seq., as set out above.

Fred C. Dent
Commissioner

RULE

Department of Economic Development Office of Financial Institutions

Title 10

BANKS AND SAVINGS AND LOANS

Part I. Banks

Chapter 19. Related Organizations and Services

Subchapter E. Limited Function Financial Institutions

§1991. Applications; Filing, Processing, and Approval

A. Only those corporations which organize under the provisions of R.S. 6:451 shall be "limited function financial institutions" under the laws of this state.

B. One or more natural persons, the majority of whom must be domiciled in this state, desiring to incorporate and operate a limited function financial institution shall file with the commissioner an application for a certificate of authority to operate a limited function financial institution upon such form as the commissioner may from time to time prescribe. At the time of the filing of the application the commissioner shall collect a filing fee in the amount of \$2,000.

C. This filing fee shall be assessed for investigating and processing each application for a certificate of authority as a limited function financial institution.

D. Pursuant to the power granted the commissioner in R.S. 6:126, every limited function financial institution subject to the jurisdiction of the Office of Financial Institutions shall be assessed an annual renewal fee in the amount of \$1,000.

E. When an application for a certificate of authority has been filed with the commissioner, he shall conduct an investigation to determine whether the public interest will be served by permitting the organization of the proposed limited function financial institution. In making his investigation, the commissioner shall determine whether the character, financial responsibility and general fitness of the persons named in the applications as proposed incorporators, proposed directors, proposed stockholders and proposed executive officers are such as to command the confidence of the community in which such limited function financial institution is proposed to be located.

F. The commissioner shall also examine the need for additional limited function financial institutions facilities in the community where the limited function financial institution is to be located and the ability of the community to support such additional facilities. If the applicant is a supervised lender under the authority granted in R.S. 9:3510, et seq., it shall provide to the Office of Financial Institutions in its application a certificate of good standing evidencing same. The commissioner may consider such other facts and circumstances bearing on the pro-

posed limited function financial institution and its relation to the community as he may deem relevant.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:451.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Financial Institutions, LR 14: (December 1988).

§1993. Certificate of Authority; Issuance, Refusal, and Renewal

A. The commissioner shall issue a certificate of authority to transact business as a limited function financial institution only upon the fulfillment of the requirements of this Chapter.

B. If the commissioner finds that the public interest will not be served by permitting the organization of the proposed limited function financial institution, that there is no need for additional facilities in the community where the limited function financial institution is to be located, or that there is a lack of ability within that community to support additional facilities, he shall refuse to issue the certificate of authority.

C. A certificate of authority shall expire on December 31 in the year of its issuance. An annual renewal fee as indicated in Section 1971(D) shall be assessed for renewal of said certificate of authority for additional periods of one year.

D. There shall be no pro-rata rebate of any application or renewal fee to licensee upon cancellation by it or upon revocation by the commissioner of a certificate of authority.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:451.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Financial Institutions, LR 14: (December 1988).

§1995. Certificate of Authority; Powers and Authority; Prohibitions

A. In addition to the general corporate powers conferred in R.S. 6:451 and the powers conferred by other provisions of the laws of this state, a state-chartered limited function financial institution shall have the following additional powers and those incidental to the exercise of these powers:

1. a. The sole activity that the licensee shall engage in is the accepting of the deposits from corporations of which at least 25 percent of the voting stock and 25 percent of the total equity interest is owned by licensee's parent corporation.

b. The authority granted by this license shall be in addition to and not supersede the authority of licensee as the holder of a supervised lenders license.

c. Each deposit shall be evidenced by a certificate of deposit, which shall be numbered in sequence.

2. The licensee shall at all times remain the wholly-owned subsidiary of its parent corporation.

3. a. Each certificate of deposit issued by licensee shall have printed on its face in bold-type the following: "THE DEPOSIT EVIDENCED BY THIS CERTIFICATE IS NOT INSURED BY ANY AGENCY OF THE UNITED STATES OF AMERICA OR STATE OF LOUISIANA OR BY A PRIVATE INSURER."

b. No certificate of deposit shall be issued by licensee in the amount of less than \$100,000.

c. The minimum term for each certificate of deposit shall be 30 days and shall not be construed as a demand deposit.

d. Each certificate of deposit shall be issued at an interest rate stated on its face.

4. The licensee shall annually furnish to the Office of Financial Institutions its December 31 year-end unqualified financial statement which shall have been audited by an independent certified public accountant, to be filed no later than March 30 of the following year.

5. The licensee shall be subject to examination by the Office of Financial Institutions. The cost for any such examination shall be borne by the licensee and shall be assessed at the cost incurred by the Office of Financial Institutions in performing the examination at the rate of \$500 or \$30 per hour whichever is greater.

6. The licensee shall annually furnish on December 31 to the Office of Financial Institutions a complete listing of all deposit activity which has taken place during the previous 12 months, to be filed no later than March 30 of the following year, which shall include:

a. the amount of each deposit and the identifying number of the certificate issued therefor;

b. the name and address of the maker of each deposit;

c. the issue and maturity dates of each deposit;

d. the interest rate of each deposit;

e. the name of any entity to whom a certificate of deposit is pledged, mortgaged or otherwise encumbered;

f. any other special condition of the deposit.

7. The licensee at all times shall maintain a ratio of total stockholders equity to deposits of at least 10 percent.

8. The licensee shall notify the Office of Financial Institutions in writing within 24 hours of its failure to honor a withdrawal request of a depositor at maturity of a deposit.

9. A limited function financial institution shall not be authorized to operate a branch within the state.

B. The licensee shall not be exempt from the securities laws of the State of Louisiana and the United States of America and shall maintain compliance with any such applicable law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:451.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Financial Institutions, LR 14: (December 1988).

§1997. Records and Funds

The books and records of the limited function financial institution shall be kept separate and distinct from those of the parent or other subsidiaries and funds of the parent or other subsidiaries shall not be commingled with those of the limited function financial institution.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:451.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Financial Institutions, LR 14: (December 1988).

Fred C. Dent
Commissioner

RULE

Board of Elementary and Secondary Education

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to notice of intent published September 20, 1988 and under the authority contained in Loui-

siana State Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session, adopted an amendment to Bulletin 741 relative to implementation of the Eleventh Grade Graduation Test as follows:
Rule 3.01.51.aa(2)
Standard 2.099.00

In addition to completing a minimum of 23 Carnegie Units of credit, the student shall also be required to pass the graduation test, beginning with the 1991 graduating class. This shall first apply to students classified as sophomores in 1988-89 and thereafter.

The English language arts, writing, and mathematics components of the graduation test shall first be administered to students in the tenth grade.

The science and social studies components of the graduation test shall first be administered to students in the eleventh grade.

Remediation and retake opportunities will be provided for students who do not pass the test.
Standard 2.099.01

All city and parish school systems shall notify each student, and parents or guardian of the requirement of passing the graduation test prior to or upon the student entering the tenth grade

Students transferring to any high school of a city or parish school system shall be notified by that system of the requirement of passing the graduation test upon entering that school system.

Em Tampke
Executive Director

RULE

Board of Elementary and Secondary Education

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to notice of intent published September 20, 1988 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session, adopted the rule listed below:
Rule 3.01.70.v(37)

The board adopted an extension of the board policy for hiring full-time/part-time noncertified school personnel with the exception of speech, language, and hearing specialists and for it to remain in effect until July 1, 1989.

Em Tampke
Executive Director

RULE

Board of Elementary and Secondary Education

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to notice of intent published September 20, 1988 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session, adopted the rule listed below:
Rule 6.00.15(b)

The board adopted the following policies relative to personnel appointments by the state superintendent of education:

The State Superintendent of Education shall exercise his responsibilities for personnel appointments in the following manner:

1. The superintendent may establish or abolish positions that direct the offices and bureaus and otherwise organize the major units of the department with the consent of the board.

2. The superintendent shall determine the duties and responsibilities of all personnel assigned to positions in the department.

3. The selection of appointees to classified positions in the department shall be in accordance with procedures approved by the Civil Service Department.

4. Appointments of senior departmental personnel to unclassified positions shall be made by the superintendent with the prior consent of the board. They shall serve at the pleasure of the superintendent in accordance with the law.

5. Appointments of personnel to unclassified positions in the vocational-technical schools, special schools and Special School District #1, shall be made by the superintendent with the prior approval of the board.

6. The superintendent may delegate, subject to the approval of the board, the appointing authority conferred upon him to directors or administrative heads of vocational-technical schools, special schools, and other administrative units.

7. The selection of appointees to all unclassified positions shall be based on professional, technical, and/or clerical qualifications appropriate to each position.

8. No person shall, on the basis of race, color, religion, sex, age, national origin, handicap, veteran status or any other non-merit factor, be discriminated against in any employment practice.

9. A monthly report on all new appointments and terminations will be provided to the members of the board.

10. In addition to the above, the superintendent shall exercise his responsibilities for personnel matters in accordance with the constitution and laws of the state.

Em Tampke
Executive Director

RULE

Board of Elementary and Secondary Education

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to notice of intent published September 20, 1988 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session, adopted the rule listed below:
Rule 3.01.70.v(22)(1)

The board adopted an extension of the Temporary Employment Permit for the 1988-89 school year for individuals seeking Louisiana teacher certification.

Em Tampke
Executive Director

RULE

Board of Elementary and Secondary Education

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to notice of intent published September 20, 1988 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session, adopted the rule listed below: Rule 5.00.80(2)

The board adopted the VTIE Tuition Exemption Program. (See pages 519-520 of the August, 1988 *Louisiana Register* for complete text of the regulations.)

Em Tampke
Executive Director

RULE

Department of Environmental Quality Office of Water Resources

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:1051 et seq., and in particular Section 1094 (A)(4) and (B)(6) and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary of the Department of Environmental Quality, Paul H. Templet, Ph.D., adopted the rules and regulations for the Municipal Facilities Revolving Loan Fund on November 9, 1988. The effective date of these regulations will be upon publication in the December 20, 1988, *Louisiana Register*.

The secretary initiated rulemaking procedures to adopt this rule on September 20, 1988, with the publication of the Notice of Intent in the *Louisiana Register*. Prior to the final adoption by the secretary, this rule was forwarded to, and found acceptable by, the Joint Committees on Natural Resources.

Persons requesting copies and/or further information concerning the rule may contact Diane Snyder, Department of Environmental Quality, Municipal Facilities Division, 11720 Airline Highway, Baton Rouge, LA 70817, (504) 295-8900.

Paul H. Templet, Ph.D.
Secretary

RULE

Department of Health and Hospitals Board of Certified Social Work Examiners

The Board of Certified Social Work Examiners adopted the following rules and regulations as governed by R.S. 37:2701-2718 of the 1972 Regular Session of the Louisiana Legislature, as amended, and by the State Administrative Procedure Act, R.S. 49:950-970. All prior rules are hereby repealed upon adoption of these rules.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XXV. Certified Social Workers

CHAPTER I. GENERAL PROVISIONS

§101. Definitions

Social Work Employee - Such status requires that the social worker provide direct or indirect social work services, receive remuneration from an employer for these services, and that the social worker's employer deduct federal withholding tax and FICA from the salary or wages.

Clinical Social Work - The process of clinical social work is undertaken within the objectives of board certified social work and the principles and values reflected in Board Certified Social Work Ethical Standards. Clinical social work practice includes provision of mental health services for diagnosis, treatment and prevention of mental and emotional disorders in individuals, families and groups. Clinical social work practice is based on knowledge and theory of psycho-social development, behavior, psychotherapy, unconscious motivation, interpersonal relations, prevention of mental and emotional disorders in individuals, families and groups. Treatment interventions include, but are not limited to individual, marital, family and group psychotherapy.

Private Practice - Such status is characterized by contracting directly and receiving direct payment from clients or agencies to provide clinical services, educational services, consultation or supervision, as an autonomous practitioner solely responsible for the welfare of the client and for the services rendered.

Full-Time Employee - A social worker who works 30 clock hours or more per week for salary or wages.

Part-Time Employee - A social worker who works at least 18 hours per week but less than 30 hours per week for salary or wages.

Gross Negligence - In the practice of social work, means conduct by either act or omission involving a legal or professional duty about which the social worker displays conscious indifference and where the consequences of such conduct could adversely affect the rights or welfare of those persons to whom the social worker owes the duty.

Good Moral Character - The aggregate of qualities evidenced by past conduct, social relations, or life habits, which actually provide persons acquainted with the applicant a basis to form a common favorable opinion regarding the applicant's ethics and responsibility to duty.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705(C).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Certified Social Work Examiners, L.R.10:203 (March 1984); repromulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 14: (December 1988).

§103. Ethical Standards

Social Workers certified by the Louisiana State Board of Certified Social Work Examiners must observe and comply with the following ethical standards. Violations of any of the following principles shall be regarded as unethical conduct and conduct which shall discredit the profession of social work. Such conduct shall be grounds for disciplinary action.

A. In providing services, a social worker must safeguard information given by clients. Except when required by law or judicial order or for the purposes of professional supervision and/or consultation, a social worker must obtain the client's informed written consent before releasing confidential information.

B. A social worker must provide a clear description of what the client may expect in the way of services, reports, fees, billing and schedules.

C. A social worker must obtain the client's or legal guardian's informed written consent when a client is to be involved in any research project. A social worker must explain the research, including any risk or potential consequences, and the subject's right to withdraw from the study at any time.

D. A social worker must not misrepresent his qualifications, training or experience. If a social worker engages in advertising, his credentials must be presented factually.

E. A social worker may not practice beyond his competence. A social worker must make appropriate referrals when the client's needs exceed the social worker's competency level. Such referrals should be timely.

F. A social worker must not divide a fee with a referral source. A social worker must not accept the division of a fee as compensation for a referral. This provision is intended to assure that referrals are always based solely on the best interests of the client.

G. A social worker must not provide social work services while under the influence of alcohol or other mind-altering or mood-altering drugs which impair delivery of such services.

H. Relationships with clients, students and supervisees must not be exploited by the social worker for personal gain. A social worker must not violate such positions of trust and dependency by committing any act detrimental to a client, student or supervisee.

I. A social worker must not engage in sexual activity with a client. Termination of treatment does not terminate the therapeutic relationship.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705(C).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Certified Social Work Examiners LR 10:203. (March 1984); repromulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 14: (December 1988).

§105. Practice

A. *Private Practice* - Only a social worker currently licensed as a board certified social worker by the State of Louisiana may engage in the private practice of social work. Any person practicing board certified social work without a license is subject to the provisions of LSA-R.S. 37:2717, including injunctive proceedings and prosecution.

B. *Non-Licensed social workers shall not:*

1. contract directly with clients, agencies or institutions to provide clinical services, consultation, supervision or educational services;

2. bill clients for services rendered;

3. receive direct payment from clients; or

4. claim to be licensed or in private practice.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705(C).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Certified Social Work Examiners, LR 10:203. (March 1984); repromulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 14: (December 1988).

§107. Qualifications for Licensure

A. The candidate:

1. is at least 21 years of age;

2. is of good moral character;

3. has obtained a master's degree from an accredited graduate school of social work;

4. has satisfactorily passed an examination in social work approved by the board;

5. has had at least two years postmaster's experience in a social work setting as a full-time employee under the supervision of:

a. a board certified social worker; or

b. a physician licensed to practice medicine in the State of Louisiana and certified by the American Board of Psychiatry and Neurology.

B. Experience may be satisfied by:

1. two years of full-time employment;

2. part-time employment according to the following schedule:

Hours Worked	No. of Years	No. of Weeks of Supervision
18-20	4	208
21-22	3 ¹ / ₂	182
23-26	3	156
27-29	2 ¹ / ₂	130

3. supervised volunteer work, with prior approval by the board, in accordance with the employment schedules above.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705(C).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Certified Social Work Examiners, LR 10:203 (March 1984); repromulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 14: (December 1988).

§109. Administration of Examination

A. Examination

1. The board certified social work examination shall be administered at least once per calendar year at a time and place designated by the board.

2. *Examination Pass Point:* The board shall administer and grade a written examination or employ a national recognized testing firm to do the same. Whichever method is used, the board will consistently strive to improve reciprocity with other states having licensure comparable to Louisiana. A pass score of 70 will be used to grade the examination.

B. Preparatory Course

1. The board shall not endorse nor in any way participate in the operation or planning of any preparatory or cram course allegedly preparing applicants for the board certified social work examination.

2. No former member of the board of examiners may take part in the development, sponsorship or administration of any preparatory or cram course offered to candidates for the board certified social work examination for three years after said board member's term of office has expired.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705(C).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board Certified Social Work Examiners LR 10:203 (March 1984); repromulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 14: (December 1988).

§111. Minimum Supervision Requirement

A. Supervisor's Qualifications:

1. maintenance of licensure or certification in accordance with the Act (LSA-R.S. 37:2706);

2. five years of full-time work experience (or equivalent) beyond the master's degree in social work;

3. two letters of reference submitted to the board from other mental health professionals, one of whom should be a board certified social worker, who is familiar with the licensee's work, including supervisory and appropriate professional skills;

4. participation, after licensure, in a board sponsored supervision workshop or other supervision workshop or supervision course pre-approved by the board;

5. within 90 days of adoption of these rules and regulations, all board certified social workers in good standing may grandfather in as board approved supervisors by submitting the appropriate application form. The requirements of this Section shall not invalidate nor prohibit the continuation of any supervision undertaken prior to the adoption of these rules and regulations, provided that within 90 days of adoption thereof, all board certified social workers providing supervision shall submit the application for board approval of their supervisory status. This form will be mailed to all BCSWs.

B. A supervisee must receive an average of one hour per week of face-to-face supervision for two cumulative years. Group supervision is acceptable only if such supervision does not exceed one-half of the total supervisory time.

C. A contract shall be negotiated by the supervisor and supervisee, recorded on a form provided by the board and submitted to the board within 30 days of beginning supervision.

D. Should the supervisory relationship be terminated before the end of the two-year period, the supervisee is responsible for negotiating a new contract with another supervisor which shall be recorded on the form provided by the board and submitted to the board within 30 days of beginning supervision.

E. There shall be a written evaluation completed by the supervisor, submitted to both the supervisee and the board, using the form provided by the board, at the end of the first year.

F. If the supervisee is being supervised on agency time and/or money, the agency has a right to enter the evaluation as a part of the supervisee's personnel file.

G. When the supervision is by a non-agency supervisor, the person requesting supervision is responsible for securing written agreement to the supervisory plan from the agency administration. The non-agency supervisor should be available to agency administrators to clarify the supervisory role, responsibilities and the content of supervision.

H. If supervision is terminated by either party, the supervisor is responsible for completing the termination of supervision and evaluation forms provided by the board, and submitting them to the board within 30 days of the end of supervision.

I. Any licensee who is engaged in the supervision of a potential applicant for qualification under LSA-R.S. 37:2706(A), (6), whose license has lapsed for any period of time under LSA-R.S. 37:2710(B), shall immediately notify all such supervisees of the period of the lapsed certificate. A copy of this letter shall be forwarded to the board. Upon reinstatement and/or renewal of the certificate, the licensee, at his expense shall promptly notify all such supervisees with a copy of this notification forwarded to the board. The same rules apply to any licensee whose license is suspended, revoked, or is under board sanction incompatible with supervisory activity.

J. Any disputes concerning the applicability of the supervised service during period of lapsed licenses, suspensions, revocations or other sanctions shall be the sole determination of the board.

K. The board shall have the right to review supervision in accordance with R.S. 37:2706, (A), (6). The board may request verification of dates, length of time and content of supervisory sessions.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705(C).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Certified Social Work Examiners, LR 10:203. (March 1984); repromulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 14: (December 1988).

§113. Reciprocity and Endorsement

A. Reciprocity with other states and territories having comparable licensure is permissible as approved by the board.

B. In cases wherein no formal reciprocity agreement has been made, the board may endorse the license of a social worker moving to Louisiana from a state or territory with equivalent licensure standards.

C. The written examination may be waived by the board and a Louisiana license issued if the following specific requirements are met:

1. The applicant is currently licensed to practice social work in another state.

2. The applicant presents evidence that he/she meets the qualifications required by LSA-R.S. 37:2701-2718.

3. The applicant has passed a comparable written examination in order to secure his current social work license.

4. The applicant submits the required fees.

5. The applicant submits the completed application for endorsement.

6. The Verification of License in Other State Form is completed by the state in which the applicant has current licensure and submitted to the Louisiana board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2708.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Certified Social Work Examiners, LR 10:203. (March 1984); repromulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 14: (December 1988).

§115. Application Procedure

A. Application forms and instructions may be obtained by making a written request to the board's office.

B. The applicant must secure, complete and submit the appropriate application form at least 60 days prior to the examination date. The board may refuse to consider any application not complete in every detail, including submission of every document required by the application form. At the board's discretion a more detailed or complete response to any request for information set forth on the application form may be required.

C. The official transcript from a university verifying receipt of a master's degree must be received directly from the university.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705(C).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Certified Social Work Examiners, LR 10:203. repromulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 14: (December 1988).

§117. License Renewals and Cancellations

A. Renewal notices are mailed on June 20, of each year. The renewal fee is due between June 20, and November 30, of each year. Board certified social workers must list those social workers under their supervision on their renewal form.

B. A lapsed license fee may be paid between December 1, and February 28, of each year and the certificate will be renewed. (The lapsed license fee equals twice the amount of the renewal fee.)

C. Without payment of the lapsed license fee, the license is cancelled after February 28, and a certified notice of cancellation is mailed.

D. When a license is allowed to lapse after February 28, the applicant will be required to pay the registration and examination fees and pass the examination.

E. It is the board certified social worker's responsibility to keep the board informed of his/her current mailing address.

F. A licensee who allows his or her certificate to lapse for a period of six months or longer without renewal, or who is unsuccessful at a compliance hearing concerning this matter, shall be required to file a new application, subject to the examination procedures, and pay those required fees. However, such an applicant need not duplicate the two years of social work supervision or proof of graduate degree and may be reinstated upon successful completion of the examination and payment of the appropriate fees.

G. No inactive or retired status shall be granted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705(C).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Certified Social Work Examiners, LR 10:203. (March 1984); repromulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 14: (December 1988).

§119. Disciplinary Action

A. Reporting of Violations by BCSWs

Any board certified social worker who knows of a violation or infraction of LSA-R.S.37:2701-2718, rules or ethical standards and who fails to report such violation in writing to the board, shall be considered to be negligent and is subject to prosecution under Section 2713 of said Act.

B. Denial, Suspension or Revocation of License (Certificate)

Certificate denial, suspension or revocation shall be accomplished in accordance with Section 2713.(B), of LSA-R.S. 37:2701-2718, the State Administrative Procedure Act, and the procedural rules provided in Chapter II hereof.

C. Disciplinary Options Available to the Board

In accordance with LSA-R.S. 37:2713, the following disciplinary options are available to the board.

1. *Revocation* - The involuntary termination of the licensee's license.

2. *Suspension* - The licensee is not permitted to practice for a specified period of time. Rehabilitative conditions may be imposed to run concurrently with the suspension period.

3. *Probation* - The licensee is permitted to practice, but the board has imposed conditions upon the practice or the practitioner including, but not limited to, rehabilitation. Once the time period has elapsed, and the licensee has complied with the terms of probation and/or rehabilitation, the board will allow the practitioner to resume practice unconditionally.

4. *Restriction of License* - A reduction in the scope of practice.

5. *Censure* - The board makes an official statement of censure concerning the individual.

6. *Reprimand* - Similar to censure. The board reprovokes the licensee. There may be public or private reprimands.

7. *Restitution* - A requirement imposed upon the licensee that he make financial or other restitution to a client or other injured party.

D. Publication of Disciplinary Action

The board will notify the professional community within 30 days of any disciplinary action, including the disciplined social worker's name, location, offense and sanction imposed. A notice of disciplinary action will also be published in the BCSW Newsletter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2713.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Certified Social Work Examiners, LR 10:203. (March 1984); repromulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 14: (December 1988).

§121. Fees

The fees charged in connection with a board certified social work certificate shall be appropriately differentiated and shall not be more than the following amounts:

A. Examination Fee	\$90
B. Registration Fee	50
C. Re-Examination Fee	75
D. Certificate of Reciprocity	50
E. Renewal Fee	50
F. Reissuance of lost or destroyed certificate	15

All fees are non-refundable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2712.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Certified Social Work Examiners, LR 10:203. (March 1984); repromulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 14: (December 1988).

§123. Certificate Lettering

Only the individual's name will identify the licensee on the certificate. No degrees, honors or other information shall be added.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705(C).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Certified Social Work Examiners, LR 10:203. (March 1984); repromulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 14: (December 1988).

Chapter 3. Procedural Rules

§301. Authority

Consistent with the legislative purpose enumerated in LSA-R.S. 37:2701-2718, and to further protect the safety and welfare of the people of this state against unauthorized, unqualified and improper practice of board certified social work, the following rules of procedure are established under this board's rulemaking authority of LSA-R.S. 37:2705(C), 37:2713 and R.S. 49:952.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705(C).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Certified Social Work

Examiners, LR 10:203. (March 1984); repromulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 14: (December 1988).

§303. Investigation of Complaints

A. The board is authorized to receive complaints against licensees or applicants from any person.

B. Any complaint bearing on a licensee's professional competence, conviction of a crime, unauthorized practice, mental competence, neglect of practice or violation of the state law or ethical standards where applicable to the practice of social work, should be submitted to the board.

C. Once a written complaint is received, the board will initiate a review of the allegations. The board may dispose of the complaint informally through correspondence or conference with the licensee and/or the complainant which may result in a consent order agreeable to both parties. If the licensee stipulates to the complaint and waives his right to formal hearing, the board may impose appropriate sanctions without delay. If the board finds that a complaint cannot be resolved informally, the written complaint will be forwarded to the board's designated complaint investigation officer (hereinafter referred to as the CIO) for investigation.

D. The board's CIO shall have authority to investigate the nature of the complaint through conference and correspondence directed to those parties or witnesses involved. The officer shall send the involved licensee notice of the investigation, containing a short summary of the complaint and any questions the officer may direct to the licensee relative to the complaint. All letters to the involved licensee, the complainant, or any other witness, shall be sent by registered mail, with the designation "Personal and Confidential" clearly marked on the outside of the envelope.

E. The CIO shall conclude the investigation as quickly as possible without compromising thoroughness. Unless good cause is shown by the CIO satisfactory to the board, which may extend the time for the investigation, the investigation and recommended action shall be completed within 30 days of the date the CIO first receives the complaint.

F. The CIO shall report to the board and make a recommendation for procedure to informal hearing, formal hearing or dismissal of the complaint. When the CIO's recommended action might lead to denial, suspension, or revocation of the certificate, the board shall immediately convene a formal adjudication hearing, pursuant to LSA-R.S. 37:2713. The officer may determine that the licensee's explanation satisfactorily answers the complaint and may recommend to the board that the matter be dropped. The recommended remedial action or dismissal of the complaint shall be forwarded to the involved complainant and licensee.

G. The CIO may also resolve the complaint through a consent order entered into by the licensee and the complainant. If the order contains any agreement by the licensee to some remedial course of action, the agreement must be signed by the complainant, the licensee and the board. The CIO will make note of any settlement arrived at between the complainant and the licensee, but such a settlement does not necessarily preclude further disciplinary action by the board.

H. If the CIO's recommendation for informal hearing is accepted by the board, the officer shall notify the licensee of the time and place of the conference and of the issues to be discussed. The licensee shall appear on a voluntary basis. The licensee shall be advised that the hearing will be informal, no lawyers will be utilized and no transcript of the hearing made.

Any witnesses used will not be placed under oath, and no subpoenas will be issued. The licensee shall be informed that any statements made at the informal hearing may not be used or introduced at a formal hearing, unless all parties consent, in the event the complaint cannot be resolved informally. If the licensee notifies the CIO that he does not wish such an informal hearing, none shall be held. In that event, the CIO shall recommend to the board the initiation of a formal disciplinary hearing.

I. If the investigation disclosed any of the following: that the complaint is sufficiently serious to require formal adjudication; the licensee fails to respond to the CIO's correspondence concerning the complaint; the licensee's response to the CIO's letter discloses that further action is necessary: an informal hearing is held but does not resolve all of the issues; or the licensee refuses to comply with the recommended remedial action, the CIO shall recommend to the board the initiation of a formal disciplinary hearing.

J. In any recommended action submitted to the board by the CIO, the recommended action should be submitted in brief, concise language, without any reference to the particulars of the investigation, or any findings of fact or conclusions or law arrived at during the investigative process.

K. The board shall also have authority to delegate to the CIO any alleged violations of LSA-R.S. 37:2716, prior to board action on such alleged violations. In that event, the CIO shall submit to the board the complete details of the investigation, including all facts and the complete investigation file, if requested by the board. Final authority for appropriate action rests solely with the board.

L. At no time shall the CIO investigate any case as authorized by the board or this Section where said officer has any personal or economic interest in the outcome of the investigation, or is personally related to or close friends with the complainant, the licensee, or any of the involved witnesses. In such event, the officer shall immediately contact the board, who shall have authority to appoint a CIO ad hoc for disposition of that case.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705(C).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Certified Social Work Examiners, LR 10:203. (March 1984); repromulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 14: (December 1988).

§305. Conduct of Hearing

The board shall be authorized to conduct two types of hearings: compliance hearings and formal disciplinary hearings.

A. Compliance Hearing

1. The board will provide a compliance hearing to a rejected applicant under LSA-R.S. 37:2706(B), provided the rejected applicant requests a compliance hearing, in writing, within 30 days after the receipt of the notice of the rejection, in which request the applicant shall state the opposition to the rejected application.

2. A licensee, whose certificate is deemed lapsed, under LSA-R.S. 37:2710(B), shall be entitled to a compliance hearing, provided the licensee requests same, in writing, within 10 days after the receipt of the notice of the lapsed certificate: or in the event that the licensee did not receive notice of the lapsed certificate within 30 days of the date upon which the license would have lapsed by operation of law.

3. Whenever possible, the board shall schedule a compliance hearing on a rejected application in such a manner that the

applicant is given an opportunity to present evidence of compliance and the board to rule thereon in sufficient time to allow the applicant to take the next scheduled examination, if the board decides in favor of the applicant. If this is not possible, and the board has reason to believe that the applicant's opposition has merit, the applicant shall be allowed to take the examination provisionally, pending the hearing and determination of the board. In no event shall the compliance hearing be conducted later than 30 days after requested. This time limitation applies to rejected applicants, as well as licensees with lapsed certificates.

4. The purpose and the intent of the compliance hearing is to provide a forum for the applicant or licensee to present documentary evidence in the form of affidavits, court records, official records, letters, etc., along with under-oath testimony to establish that they do, in fact, meet the lawful requirements for the application or for the retention of the license. The board shall have the authority to administer oaths, hear the testimony and conduct the hearing. No transcript of the hearing is required. The applicant or licensee may be represented by counsel, or may represent themselves in proper person.

5. In any compliance hearing, the burden shall be on the applicant or licensee to establish that he meets the criteria for licensure or that his certificate was timely renewed.

6. Within 15 days after the compliance hearing, the board will forward its final decision, including findings of fact and conclusions of law, by registered mail, to the unsuccessful applicant or licensee.

7. Thereafter, the unsuccessful applicant or licensee may apply for a re-hearing, as provided in LSA-R.S. 49:959, subject to further judicial review, pursuant to LSA-R.S. 49:964, 965.

B. Formal Disciplinary Hearing

1. The board shall also be authorized to conduct formal disciplinary hearings pursuant to LSA-R.S. 37:2713(B). The board shall promptly notify the attorney general, who is authorized and directed to appear on behalf of the state.

2. The hearing shall be held before the board only after the involved licensee is given at least 30 days notice by registered mail. The content of the notice, as well as the conduct of the hearing, shall be governed by R.S. 49:955, being further provided that the licensee be advised of his right to be represented by legal counsel; and that the board shall arrange for a court reporter to make an accurate recording of all testimony presented at the hearing. By bringing a complaint, the client waives the privilege of confidentiality for the purpose of the hearing.

3. The rules of evidence, notice, authority to administer oaths, issue subpoenas, conduct depositions and control confidential or privileged information, will apply to the formal adjudication hearing in the form specified by LSA-R.S. 39:956.

4. It is the licensee's continuing obligation to keep the board informed of his whereabouts. Accordingly, if notice of the hearing cannot be delivered by mail because of a change of address and the new address is not provided to the board, the board may hold the hearing in the licensee's absence, after making reasonable efforts to obtain the licensee's new address.

5. When the licensee receives notice, he may file an answer to the notice denying some or all of the charges, or offering any explanation or assert whatever defense is deemed applicable.

6. For good cause shown, the board has discretion to extend or continue the time set for the hearing for such reasons as ill health, inability to obtain counsel, the complexities of the case, or such other matters deemed by the board to present good cause.

7. The board shall elect from its membership a person to act as presiding officer at the hearing, to make rulings on objections, the admissibility of evidence, and to insure that the conduct of the hearing proceeds without delay and pursuant to law. The other board members may not delegate their decision-making and fact-finding duties to the presiding officer; nor shall the presiding officer have any greater weight in the decision-making process. The board's finding of fact and conclusions of law shall be signed by the majority of the board finding those facts and conclusions of law. Any board member disagreeing with those findings of fact and conclusions of law may also file in the record a dissent.

8. Any board member having reason to believe that he or she is biased or prejudiced against one of the parties to the proceeding or has a personal interest in the outcome shall immediately notify the remaining board members and request to be disqualified. Likewise, any party to such a hearing may file with the board an affidavit requesting a disqualification because of bias or personal interest. As soon as possible, but not later than the beginning of the hearing, the majority of the board must pass upon the requests for disqualification. The concerned board member shall not participate in the action to disqualify and shall not vote on the issue. If the board is quite certain that there is no merit to the requests for disqualification, the board will proceed with the hearing. However, any doubt should be resolved in favor of disqualification. In that event, the board should immediately contact the governor to appoint a board member pro tem to replace the disqualified member for the hearing in progress only.

9. The parties to the hearing are urged to confer prior to the hearing through their respective counsel, or personally to attempt to reduce or simplify the issues to be heard. This procedure is not required. The board will, however, honor any stipulations arrived at between the parties as proven fact at the hearing. The purpose of the prehearing conference is to insure that the hearing is not unusually delayed by receiving testimony or other evidence on matters which are not seriously in dispute.

10. The board shall have discretion to consolidate one or more cases for hearing involving the same or related parties, or substantially the same questions of law or fact. The board may also grant separate hearings if such a joint hearing would be prejudicial to one or more of the parties. If hearings are to be consolidated, notice must be given to all parties in advance of the hearing.

11. The presiding officer shall consider a motion to modify or quash any subpoena issued in connection with the hearing, provided that such motion is filed, by registered mail, with the board not later than three days prior to the hearing date, or the date scheduled for the deposition, if the subpoena was issued in connection with a deposition. Possible grounds to quash or limit the subpoena include, but are not limited to, testimony or material protected by privilege of statute, regulation, or other law; burdensomeness that would not be justified in light of the evidence's importance to the case, undue hardship on a witness; vagueness; and immateriality.

12. The procedures to be followed in conducting the hearing governing the order of proceedings, rulings on evidence, and the board's decision are contained in Chapters 11 through 14, respectively, of the Disciplinary Action Manual for Occupational Licensing Boards, prepared by the Louisiana Department of Justice, 1979, through the office of the attorney general. A copy of these pertinent chapters will be provided to an interested

party involved with a hearing, by written request submitted to the board.

13. The burden of proof rests upon the attorney general who is bringing the charge before the board. No sanctions shall be imposed or order be issued, except upon consideration of the whole record, as supported by and in accordance with reliable, probative and substantial evidence. While proof beyond all reasonable doubt is not required to establish a given fact as true, the burden must be carried by a clear preponderance of the evidence. This standard of proof shall obtain in all hearings conducted before the board and for any review or examination of evidence provided by LSA-R.S. 39:957, Section 958, or any re-hearing requested, pursuant to LSA-R.S. 49:959.

14. Any party or person deemed to be governed by or under the jurisdiction of LSA-R.S. 37:2701-2718, may apply to the board for a declaratory order or ruling in order to determine the applicability of a statutory provision or rule of this board to said party or person. The board shall issue the declaratory order or ruling in connection with the request by majority vote of the board, signed and mailed to the requesting party within 30 days of the request, except that the board may seek legal counsel or an attorney general's opinion in connection with the request, in which case the declaratory order or ruling may be issued within 60 days of its request.

15. Judicial review and appeal of any decision or order of the board shall be governed by LSA-R.S. 49:964-965.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705(C).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Social Work Examiners, LR 10:203. (March 1984); repromulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 14: (December 1988).

Marguerite (Peggy) Salley
Secretary

RULE

Department of Health and Hospitals Board of Nursing

The Louisiana State Board of Nursing hereby adopts revisions to LAC 46:XLVII.3307.B.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XLVII. Nurses

Subpart 2. Registered Nurses

Chapter 33. General Rules

Subchapter A. Board of Nursing

§3307. Meetings of the Board

A. . . .

B. A minimum of four regular meetings shall be held each year. The annual meeting shall be held at the May meeting, prior to the beginning of the fiscal year, July 1.

C. - G. . . .

Barbara L. Morvant, R.N., M.N.
Interim Executive Director

RULE

Department of Health and Hospitals Office of Public Health

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Health and Hospitals, Office of Public Health has amended Chapter XIX of the state Sanitary Code as follows:

Sanitary Code
Chapter XIX

Hospitals, Ambulatory Surgical Centers, Renal Dialysis Centers
Subsection 19:043

Cystoscopy-type room and out-patient ophthalmological surgery room, minimum of 250 sq. ft. (23.23 sq. m.)

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR (December 1988).

David L. Ramsey
Secretary

RULE

Department of Health and Hospitals Office of Public Health

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Health and Hospitals, Office of Public Health has repealed Subsection 3:005 of Chapter III of the state Sanitary Code as follows:

Sanitary Code
Chapter III

The Control of Rabies

Subsection 3:005 is repealed in its entirety.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals.

Office of Public Health, LR (December 1988).

David L. Ramsey
Secretary

RULE

Department of Health and Hospitals Office of Public Health

In accordance with the Administrative Procedure Act, as amended, the Department of Health and Hospitals, Office of Public Health has amended the income eligibility criteria for participation in the federally funded Special Supplemental Nutrition Program for Women, Infants and Children (WIC) from 140 percent of poverty level to 185 percent of poverty level as authorized in 7 CFR Part 246.7(c)(1). The Office of Public Health has also amended the definition of "family" to agree with the definition used by the Family Planning Program of the agency.

Title 48
PROFESSIONAL AND OCCUPATIONAL STANDARDS
Part V. Preventive Health Services
Subpart 15. Supplemental Food Services for
Women, Infants and Children (WIC)

Chapter 41. General Provisions

§4103. Definitions

Family includes persons related by blood, marriage or legal adoption living together as one economic unit.

AUTHORITY NOTE: Promulgated in accordance with 7 CFR Part 246 and 42USC 1786 and R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by Department of Health and Hospitals, Office of Public Health, LR: (December 1988).

Chapter 43. Patient Eligibility Criteria

§4303. Eligibility Criteria

A. . . .

B. Income Criteria and Income Eligibility Determination

1. Income criteria for the program is established at 185 percent of the Poverty Level as issued annually by the U.S. Department of Health and Human Services. This shall have an effective date of July 1, 1988.

2. In determining income eligibility of an applicant, the local health unit applies the definition of family used by the Family Planning program of the agency. The new definition of family includes persons related by blood, marriage or legal adoption living together as one economic unit. The health unit shall consider the average of all the money or benefits, (except food stamps, federal in-kind housing, and payments received under job training programs and student financial assistance as specific tuition, equipment, and supplies and transportation), received by a family during the past 12 months or the family's current monthly rate of income, whichever favors the applicant.

AUTHORITY NOTE: Promulgated in accordance with 7 CFR Part 246 and 42USC 1786 and R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by Department of Health and Hospitals, Office of Public Health, LR: (December 1988).

David L. Ramsey
Secretary

RULE

Department of Health and Hospitals
Office of the Secretary

The Bureau of Medical Services Financing is adopting the following rule effective January 1, 1989 which was published as a notice of intent in the *Louisiana Register* Vol. 14, No. 10, dated October 20, 1988.

RULE

Reimbursement for inpatient services provided by an institution for mental diseases (IMD) to individuals under 21 or over 65 years of age; or services provided to Medicaid eligibles in a psychiatric unit within an acute general care hospital, shall be a prospective statewide per diem rate. The rate shall be based on the statewide weighted average cost per day, using cost reporting periods ending in State fiscal year 86/87 as a base period; and trended forward by the Health Care Financing Administration's

(HCFA) target rate percentage for hospitals excluded from Medicare's prospective payment system (PPS). Rate for subsequent cost reporting periods shall be determined by increasing the previous year's per diem rate by HCFA's target rate percent for non-PPS hospitals for the applicable year. Distinct part psychiatric units (as defined by Medicare) within general hospitals shall be required to enroll as providers of inpatient psychiatric services.

David L. Ramsey
Secretary

RULE

Department of Health and Hospitals
Office of the Secretary

The Bureau of Medical Services Financing is adopting the following rule which was published as a Notice of Intent in the *Louisiana Register* Vol. 14, No. 10, dated October 20, 1988.

RULE

Medical Transportation providers shall have a minimum liability insurance coverage of \$100,000 per person and \$300,000 per accident or a \$300,000 combined service limits policy. The liability policy shall cover (1) any autos, (2) hired autos, (3) non-owned autos.

David L. Ramsey
Secretary

RULE

Department of Health and Hospitals
Office of the Secretary

The Bureau of Medical Services Financing is adopting the following rule which was published as a notice of intent in the *Louisiana Register* Vol. 14, No. 10 dated October 20, 1988.

RULE

Podiatrists shall be limited to performing only those Health Care Procedural Codes (HCPC) they are licensed to perform under State Law which are currently covered under Louisiana's Title XIX program as Physician services as defined in 42 CFR 440.50. Podiatrists and recipients (seeking treatment from Podiatrists) shall be subject to the same service requirements and limitations as other practitioners included in Physician Services reimbursement.

Podiatrists shall be reimbursed under the same methodology used to reimburse physician providers. Reimbursement is limited to podiatrists who are licensed by the state and who engage in the practice of their profession in accordance with all rules and regulations set forth by the Louisiana State Board of Podiatrists. To be reimbursed for services, a provider must have on file with the Bureau of Medical Services, a valid provider enrollment form. Providers of services must submit a properly executed claim form for each individual recipient treated.

David L. Ramsey
Secretary

RULE

**Department of Health and Hospitals
Office of the Secretary**

The Bureau of Medical Services Financing is adopting the following rule which was published as a Notice of Intent in the *Louisiana Register* Vol. 14, No. 10, dated October 20, 1988.

RULE

The period of eligibility for Refugee Medical Assistance shall be limited to 12 months beginning with the first month the eligible refugee entered the United States.

David L. Ramsey
Secretary

RULE

**Department of Health and Hospitals
Office of the Secretary**

The Bureau of Medical Services Financing is adopting the following rule which was published as a notice of intent in the *Louisiana Register* Vol. 14, No. 10, dated October 20, 1988.

RULE

Skilled Nursing Facility/Infectious Disease services shall be covered under the state's Title XIX Medical Assistance Program in accordance with all applicable federal and state rules and regulations. Participating provider reimbursement shall be limited to 90 percent of the current rate paid for inpatient hospitalization treatment of AIDS at the state's charity hospital in New Orleans. Reimbursement shall be based upon allowable costs to be determined in accordance with HIM-15 standards. A prospective rate shall be established for these facilities after they have achieved occupancy levels of at least 85 percent.

Newly enrolled facilities shall be required to submit a proposed budget displaying anticipated costs at 20 percent occupancy, 40 percent occupancy, 60 percent occupancy and 85 percent occupancy. Such budget information shall be subjected to agency review and approval. The initial per diem will be set at the proposed maximum payment level until the facility achieves 20 percent occupancy. This landmark will trigger a downward adjustment in the per diem to reflect the approved budget at the 20 percent occupancy level. Similar adjustments shall be made as the facility reaches the 40 percent, 60 percent, and 85 percent occupancy levels. At the end of the first year of operation, the facility shall file a standard long term care facility cost report that shall be subject to audit and cost settlement. All participating facilities will be expected to work closely with the agency to insure that services are provided at the most cost effective rate.

SNF/ID Facilities certified for participation shall adhere to all agency Standards for Payment applicable to Skilled Nursing Facilities. In addition, SNF/ID facility dieticians shall be required to monitor client lab values to determine nutritional status and recommend dietary treatment as necessary, to the physician.

David L. Ramsey
Secretary

RULE

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

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing will implement a program to provide health care services to indigent pregnant women and to children born after September 30, 1983 until they reach their eighth birthday. Medicaid coverage may be granted to persons in these population groups who have net family incomes which do not exceed 100 percent of the poverty level, effective January 1, 1989.

This program is intended to increase access to prenatal care for Louisiana's poor women who typically receive less care than recommended by medical standards, and, therefore, to reduce the incidence of infant mortality and morbidity. It is also intended to increase access to health care, particularly preventive care, for poor children.

The program includes a mechanism for granting presumptive eligibility for 45 days to pregnant women so that they can begin to receive ambulatory prenatal care while the application for full eligibility is being processed. After a woman is fully certified, she is covered for all pregnancy-related services until 60 days after delivery. Children are covered for the full range of Medicaid services.

The new program will change the Title XIX State Plan (pending approval of the Health Care Financing Administration). Policy for the new program is contained in Chapter 19, the Medical Assistance Policy Manual.

The authorization for this program is provided by the Sixth Omnibus Budget Reconciliation Act of 1986, the Medicare Catastrophic Coverage Act of 1988 and by HCR 29.

David L. Ramsey
Secretary

RULE

**Department of Health and Hospitals
Department of Social Services
Office of Eligibility Determinations**

The Department of Social Services, Office of Eligibility Determinations shall adopt a 4.13 percent increase in the Aid to Families With Dependent Children's (AFDC) Program.

Revised Statute 46.447 of the 1978 Legislature requires that the Office of Eligibility Determinations establish AFDC and GA Need Standards and that those standards be adjusted each year effective January 1, to reflect the cost of living increase as reported in the Department of Labor's Consumer Price Index.

RULE

The current need standards are shown below along with the new AFDC and GA Need Standards based on a 4.13% increase in the cost of living:

Non-Urban

Urban-Orleans, Jefferson, East Baton Rouge
and St. Bernard

Size of Household	Current Need Standard	Increased Need Standard	Current Need Standard	Increased Need Standard
1	\$ 217	\$ 225	\$ 236	\$ 245
2	406	422	454	472
3	576	599	632	658
4	718	747	777	809
5	854	889	918	955
6	982	1022	1046	1089
7	1109	1154	1169	1217
8	1232	1282	1294	1347
9	1350	1405	1413	1471
10	1471	1531	1532	1595
11	1601	1667	1663	1731
12	1731	1802	1796	1870
13	1873	1950	1926	2005
14	2010	2093	2061	2146
15	2148	2236	2201	2291
16	2285	2379	2348	2444
17	2426	2526	2463	2564
18	2563	2668	2619	2727

To determine the need standard amount for households exceeding 18 persons, the need standard amount for the number in excess of 18 shall be added to the need standard amount for 18 persons.

GA NEED STANDARD

This is not applicable since the GA program was discontinued as of July 1, 1986.

May Nelson
Secretary

RULE

**Department of Health and Hospitals
Department of Social Services
Office of Eligibility Determinations**

The Department of Social Services, Office of Eligibility Determinations, proposes to adopt the following rule in the Food Stamp Program.

This rule is mandated by the Drought Relief Act which amended the Food Stamp Program's procedures effective for applications received as of September 1, 1988 or for allotments issued for the month of September. This was published as an emergency rule in the September, 1988 issue of the *Louisiana Register*.

RULE

Two provisions of the Drought Relief Act changed the Food Stamp Program's procedures pertaining to the determination of eligibility and benefit levels for migrant or seasonal farmworkers. This is effective for applications received as of Sep-

tember 1, 1988 or allotments issued for the month of September, 1988.

1. Prorations of Initial Month's Benefits (C-652). The first provision affects the proration of benefits after a break in participation in the Food Stamp Program. This provision requires that migrant and seasonal farmworkers receive the full allotment for a month of application when the household has participated in the Program within 30 days prior to the date of application. Thus, unless the households' break in participation exceeds 30 days, the migrant or seasonal farmworker household is eligible for a full month's allotment, rather than a prorated allotment, in the month of application. A local ATP card shall be issued for the full allotment.

2. Income exclusion for Emergency PA or GA Assistance Payments. The second provision provides an income exclusion for any emergency PA or GA assistance payment which is provided to a third party on behalf of the migrant or seasonal farmworker household (i.e., vendor payments) while the household is in the job stream. This assistance may include, but is not limited to, emergency vendor payments for housing or transportation.

May Nelson
Secretary

RULE

**Department of Health and Hospitals
Department of Social Services
Office of Eligibility Determinations**

The Department of Social Services, Office of Eligibility Determinations, shall adopt the following rule in the Refugee Cash Assistance Program.

This action was mandated by federal regulations published in the *Federal Register*, Vol. 53, No. 164, Wednesday, August 24, 1988, pages 32222-32225. This rule hereby amends the rule entitled "Cuban/Haitian Program Limitation", published in the *Louisiana Register*, Vol. 8, No. 4, April 20, 1982, page 189. It was published as an emergency rule in the September 20, 1988 issue of the *Louisiana Register*.

RULE

Effective October 1, 1988, the period of eligibility for the Refugee Cash Assistance (RCA) Program changes from a 18-month period beginning with the first month a refugee entered the United States to a 12-month period beginning with such first month.

May Nelson
Secretary

RULE

**Department of Revenue and Taxation
Tax Commission**

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

In accordance with provisions of the Administrative Procedure Act (R.S. 49:950 et seq.), the Louisiana Tax Commission adopted amendments to the following sections of the Louisiana Tax Commission Real/Personal Property Rules and Regulations:

Loan and Finance Companies (LAC 61:V.503), pages LF-2 and LF-3

Watercraft (LAC 61:V.703), pages WC-2, WC-3 and WC-4

Oil and Gas Properties (LAC 61:V.909), pages OG-6 and OG-13

Aircraft (LAC 61:V.1503), page AC-2

Inventories (LAC 61:V.1705), pages IV-5 and IV-6

General Business Assets (LAC 61:V.2503), pages GB-10 and GB-12

Use Value (LAC 61:V.2705, 2707 and 2713), pages UV-3, UV-5, UV-6 and UV-9

These amendments are available in the office of the Louisiana Tax Commission, 923 Executive Park Avenue, Suite 12, Baton Rouge, LA between the hours of 8 a.m. and 4 p.m.

Mary K. Zervigon
Chairman

of Benefits entitled Claims Review and Appeal Subsection Vi, Item B as follows:

Section VI. B

Notice of the time and place fixed for the hearing shall be mailed to the appealing party at least 20 calendar days prior to the date of the hearing.

James D. McElveen
Executive Director

RULE

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

Pursuant to the authority granted by R.S. 42:871(c) and R.S. 42:874 the Board of Trustees of the State Employees Group Benefits Program has amended Article 1, Section III (K)(3) of its Plan Document of Benefits as follows:

3. For those covered persons who have elected to continue coverage pursuant to Section III, C through J, only newly acquired dependents may be added during the period of continued coverage subject to the provisions of Article 1, Section II, C and E.

James D. McElveen
Executive Director

RULE

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

Pursuant to the authority granted by R.S. 42:871(c) and R.S. 42:874 the Board of Trustees of the State Employees Group Benefits Program has amended Article 5 of the Plan Document of Benefits entitled Claims Review and Appeal Subsection V, as follows:

Section V.

The chairman of the board shall appoint a Claims Review committee to sit in panels of not less than three members.

James D. McElveen
Executive Director

RULE

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

Pursuant to the authority granted by R.S. 42:871(c) and 42:874 the Board of Trustees of the State Employees Group Benefits Program has amended Article 5 of the Plan Document

Notices of Intent

NOTICE OF INTENT

**Department of Economic Development
Real Estate Commission**

Notice is hereby given that the Louisiana Real Estate Commission will consider amendments to the following rules and regulations of the Commission: LAC 46:LXVII. 303 and 313 deleting the 30-day filing deadline for examination applications and the 10-day notification from the testing service of the scheduled examination; the proposed rules provide that filing and notification deadlines will be scheduled and announced in advance by the Commission; and Section 503 deletes the requirement for the date, time and place of the scheduled examination to be provided to the applicant on the testing service submitted admittance ticket.

Title 46
PROFESSIONAL AND OCCUPATIONAL STANDARDS
Part LXVII. Real Estate

Chapter 3. Applications for Initial Licenses

§305. Receipt of Applications

All applications for the real estate license examination must be submitted to the Commission in accordance with scheduled Application Processing Division deadline. Applicants will not be scheduled for the exam until Application Processing determines the applicant meets all requirements. The responsibility for timely submission of initial applications rests solely with each individual applicant.

§313. Admittance Authorization

Upon complying with the above requirements, an applicant shall be issued an admittance authorization from the testing service prior to the date of the examination. The admittance authorization will specify the date, place and time of the examination for which admittance is authorized. An applicant must present his/her authorization and photographic evidence of the applicant's identity (e.g. driver's license, I.D. card) before taking the examination.

Chapter 5. Exams

§503. Information on Admittance Authorization

An examination may be taken only at the place, on the date and time authorized by the testing service.

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

Jane H. Moody
Executive Director

Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Applications for Initial Licenses

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no impact on cost to the agency through amendment of this rule.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no effect on revenues through this rule change.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

Deletion of the 30-day filing deadline for all examination applicants would not affect the applicants. The commission would still establish a 30-day deadline for filing for the regular scheduled examinations. Any special provision examinations would be scheduled by the individuals as to their choices. However, providing appointment and walk-in testing services as an option to the applicants is a convenience and more readily available and flexible service to them should they choose to use this method of testing.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This rule change will not affect competition or employment.

Jane H. Moody
Executive Director

John R. Rombach
Legislative Fiscal Officer

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

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no impact on cost to the agency through amendment of this rule.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no effect on revenues through this rule change.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
Deletion of the admittance ticket from testing service to those selecting optional testing methods allows flexibility in scheduling appointment or walk-in testing.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
This rule change will not affect competition or employment.

Jane H. Moody
Executive Director

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

Board of Elementary and Secondary Education

Amendments to 8(g) Policy and Procedure Manual

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved the following amendments to the 8(g) Policy and Procedure Manual:

Page 5. amend Definition 23 to read:

Exemplary Program - defined as a model program or project which is worthy of imitation and which provided the following results:

- a. there was ample objective evidence of effectiveness;
- b. the state objectives were obtained;
- c. the educational needs of the students were met; and
- d. there was a clear and attributable connection between

treatment and effect.

Page 29, No. 162.

Provisions Relative to Exemplary Programs in Elementary and Secondary Schools and Postsecondary Vocational-Technical Institutions:

Delete paragraph "A" and renumber subsequent paragraphs accordingly.

Interested persons may comment on the proposed policy change and/or additions in writing, until 4:30 p.m. February 7, 1989 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Em Tampke
Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Amendment to the 8(g) Policy and
Procedure Manual**

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

There are no implementation costs or savings to state or local governmental units associated with this rule.

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

There are no effects on revenue collections of state or local governmental units associated with this rule.

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

There are no costs or economic benefits to directly affected persons or non-governmental units associated with this rule.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There are no effects on competition and employment associated with this rule.

Em Tampke
Executive Director

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

DEPARTMENT OF ENVIRONMENTAL QUALITY

**Office of Solid and Hazardous Waste
Hazardous Waste Division**

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:1051 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Louisiana Hazardous Waste Regulations (LAC, Volume 13, Title 33).

The proposed amendments to the Louisiana Hazardous Waste Regulations are to implement rules previously adopted by emergency rule on November 10, 1988.

The proposed regulations are to become effective on February 21, 1989, or as soon thereafter as practical upon publication in the *Louisiana Register*.

A public hearing will be at 10 a.m. on January 6, 1989, in the Mineral Board Hearing Room, State Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA. Interested persons are invited to attend and submit oral comments on the proposed regulations.

All interested persons are invited to submit written comments on the proposed regulations. Such comments should be submitted no later than January 20, 1989 to Glenn Miller, Administrator, Hazardous Waste Division, Department of Environmental Quality, Box 44307, Baton Rouge, LA 70804-4307, telephone (504) 342-9072. A copy of the proposed regulations may be obtained from the Hazardous Waste Division at the address provided. In addition, copies of the proposed regulations are also available for inspection at the following locations from 8 a.m. until 4:30 p.m.

State Land and Natural Resources Building, Room 615, Sixth Floor, 625 North Fourth Street, Baton Rouge, LA 70804.

State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101.

Department of Environmental Quality, 1155 Ryan Street, Second Floor, Lake Charles, LA 70601.

Department of Environmental Quality, 804 31st Street, Monroe, LA 71201.

Department of Environmental Quality, 2945 North I-10 Service Road, Metairie, LA 70002.

Department of Environmental Quality, 100 Eppler Road, Lafayette, LA 70506.

Paul H. Templet, Ph.D.
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Closure and Waste Requirements**

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

There will be no implementation cost or savings to local governmental units because these amendments are to correct existing rules and to implement rules previously adopted by emergency procedure on November 10, 1988. The adoption of these rules will have no impact, cost or savings to local governmental units or the regulated community. These standards were already imposed by federal regulations.

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

There will be no effect on revenue collections of state or local governmental units.

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

There will be no economic benefits nor any affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment.

Timothy W. Hardy
Assistant Secretary

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT
DEPARTMENT OF ENVIRONMENTAL QUALITY

Office of Solid and Hazardous Waste
Hazardous Waste Division

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:1051 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Louisiana Hazardous Waste Regulations (LAC, Volume 13, Title 33).

The proposed amendments to the Louisiana Hazardous Waste Regulations are to correct existing regulations.

The proposed regulations are to become effective on February 21, 1989, or as soon thereafter as practical upon publication in the *Louisiana Register*.

A public hearing will be at 10 a.m. on January 6, 1989, in the Mineral Board Hearing Room, State Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA. Interested persons are invited to attend and submit oral comments on the proposed regulations.

All interested persons are invited to submit written comments on the proposed regulations. Such comments should be submitted no later than January 20, 1989 to Glenn Miller, Administrator, Hazardous Waste Division, Department of Environmental Quality, Box 44307, Baton Rouge, LA 70804-4307, telephone (504) 342-9072. A copy of the proposed regulations may be obtained from the Hazardous Waste Division at the address provided. In addition, copies of the proposed regulations are also available for inspection at the following locations from 8 a.m. until 4:30 p.m.

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State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101.

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Department of Environmental Quality, 804 31st Street, Monroe, LA 71201.

Department of Environmental Quality, 2945 North I-10 Service Road, Metairie, LA 70002.

Department of Environmental Quality, 100 Eppler Road, Lafayette, LA 70506.

Paul H. Templet, Ph.D.
Secretary

Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Corrections to Existing Rules II

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no implementation cost or savings to local governmental units because these amendments are corrections to existing rules.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no effect on revenue collections of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-

GOVERNMENTAL GROUPS (Summary)

There will be no economic benefits to any affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment.

Timothy W. Hardy
Assistant Secretary

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

Office of the Governor
Division of Administration
Office of Risk Management

The Office of Risk Management has the responsibility in accordance with the provisions of R.S. 39:1527 et seq., to manage all state insurance except as specifically otherwise provided to the contrary, and in accordance with R.S. 39:1527 et seq., the Office of Risk Management proposes to adopt the following rules:

Title 37
INSURANCE

Part I. Risk Management

Subpart 2. Insurance Related Matters

Chapter 27. Auditing and Statistics

§2701. Auditing and Statistics

A. The exposure data requested by the Office of Risk Management (ORM) are to be submitted in a timely manner and in the form specified. The exposures may include, but are not limited to: (1) payroll, (2) maritime payroll, (3) number of board and commission members (4) mileage of all licensed vehicles which are state-owned or leased, and all mileage on personal vehicles driven in the course and scope of state employment, (5) number of licensed vehicles, (6) acquisition or appraised value of property including but not limited to buildings, improvements and inventory (includes contents, all equipment including mobile equipment and watercraft 26-feet and under), and boiler and machinery, (7) medical malpractice exposures including but not limited to patient days, clinic visits, emergency room visits, number of residents/interns, and miscellaneous categories, (8) number of employees, and miscellaneous or special classes not falling within these definitions as required.

B. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1527 et seq.

HISTORICAL NOTE: Promulgated by the Division of Administration, Office of Risk Management, LR 13:19 (January 1987), amended LR.

Chapter 31. Reporting of Claims

§3101. Reporting of Property Damage Claims

H. Any claim paid by legislative appropriation is to be reported to the Office of Risk Management by Statewide Reporting.

I. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1527 et seq.

HISTORICAL NOTE: Promulgated by the Division of Administration, Office of Risk Management, LR 13:20 (January 1987), amended LR.

§3103. Reporting of Boiler and Machinery Claims

A. - H. ...

I. Any claim paid by legislative appropriation is to be reported to the Office of Risk Management by Statewide Reporting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1527 et seq.

HISTORICAL NOTE: Promulgated by the Division of Administration, Office of Risk Management, LR 13:20 (January 1987), amended LR.

§3105. Reporting of Comprehensive General Liability Claims

A. - H. ...

I. Any claim paid by legislative appropriation is to be reported to the Office of Risk Management by Statewide Reporting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1527 et seq.

HISTORICAL NOTE: Promulgated by the Division of Administration, Office of Risk Management, LR 13:20 (January 1987), amended LR.

§3107. Reporting of Worker's Compensation and Maritime Claims

A. - H. ...

I. Any claim paid by legislative appropriation is to be reported to the Office of Risk Management by Statewide Reporting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1527 et seq.

HISTORICAL NOTE: Promulgated by the Division of Administration, Office of Risk Management, LR 13:21 (January 1987), amended LR.

§3109. Reporting of State Automobile Liability and Physical Damage Claims

A. - I. ...

J. Any claim paid by legislative appropriation is to be reported to the Office of Risk Management by Statewide Reporting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1527 et seq.

HISTORICAL NOTE: Promulgated by the Division of Administration, Office of Risk Management, LR 13:21 (January 1987), amended LR.

§3111. Reporting of Aviation Claims

A. - F. ...

G. Any claim paid by legislative appropriation is to be reported to the Office of Risk Management by Statewide Reporting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1527 et seq.

HISTORICAL NOTE: Promulgated by the Division of Administration, Office of Risk Management, LR 13:21 (January 1987), amended LR.

§3113. Reporting of Wet Marine Claims

A. - G. ...

H. Any claim paid by legislative appropriation is to be reported to the Office of Risk Management by Statewide Reporting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1527 et seq.

HISTORICAL NOTE: Promulgated by the Division of Administration, Office of Risk Management, LR 13:21 (January 1987), amended LR.

§3115. Reporting of Bond and Crime Claims

A. - E. ...

F. Any claim paid by legislative appropriation is to be reported to the Office of Risk Management by Statewide Reporting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1527 et seq.

HISTORICAL NOTE: Promulgated by the Division of Administration, Office of Risk Management, LR 13:22 (January 1987), amended LR.

§3117. Reporting of Medical Malpractice Liability Claims

A. Prior to July 1, 1988, the State of Louisiana provided medical malpractice coverage in accordance with the provision of R.S. 40:1299.39 which details coverage and liability provisions. Effective July 1, 1988, the State of Louisiana became self-insured for medical malpractice. Medical malpractice coverage is extended to state health care facilities and individuals acting in a professional capacity in providing health care services by or on behalf of the state, including medical, surgical, dental, or nursery treatment of patients.

B. Coverage excludes the following:

- 1. premises liability;
- 2. bodily injury to employees arising out of employment by the insured;
- 3. all obligations under workers' compensation or similar laws; and

4. bodily injury in handling or maintenance of automobiles, aircraft, watercraft, or transportation of mobile equipment by an auto owned, operated, rented, or loaned to any insured.

C. Claims are to be submitted in writing to the Office of Risk Management, Box 94095, Baton Rouge, LA 70804-9095.

D. If a loss is serious in nature, it is to be reported by telephone to the Office of Risk Management for review to determine if coverage is applicable.

E. Claims which are made against a state agency by a third party are to be submitted to the Office of Risk Management for review to determine if coverage is applicable.

F. All lawsuits, demands, notices, summons, or other legal documents pertaining to a claim against a state agency are to be forwarded immediately to the Office of Risk Management's Medical Malpractice Claim Unit for further handling.

G. Any objects and/or products which may have caused, contributed to or which are suspected of causing an accident are to be retained and preserved as evidence.

H. If a loss occurs or a claim arises, the agency is not to assume any obligation or incur any expenses without authority from the Office of Risk Management.

I. Any claim paid by legislative appropriation is to be reported to the Office of Risk Management by Statewide Reporting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1527 et seq.

HISTORICAL NOTE: Promulgated by the Division of Administration, Office of Risk Management, LR 13:21 (January 1987), amended LR.

§3119. Reporting of Road and Bridge Hazard Claims (Department of Transportation and Development)

A. The State of Louisiana provides road and bridge hazard liability coverage for bodily injury and property damage claims resulting from the establishment, design, construction, ex-

istence, ownership, maintenance, use, extension, improvement, repair, or regulation of any state bridge, tunnel, dam, street, road, highway, or expressway for which the agency could be held legally liable.

B. All road and bridge hazard claims are to be submitted in writing to the Office of Risk Management on an Accord CGL form. Accord CGL forms can be obtained from the Office of Risk Management's Road and Bridge Hazard Claims Unit.

C. Claims are to be submitted in writing to the Office of Risk Management, Box 94095, Baton Rouge, LA 70804-9095.

D. If a loss is serious in nature, it is to be reported by telephone to the Office of Risk Management for review to determine if coverage is applicable.

E. Claims which are made against a state agency by a third party are to be submitted to the Office of Risk Management for review to determine if coverage is applicable.

F. All lawsuits, demands, notices, summons, or other legal documents pertaining to a claim against a state agency are to be forwarded immediately to the Office of Risk Management's Claim Office for further handling.

G. Any objects and/or products which may have caused, contributed to or which are suspected of causing an accident are to be retained and preserved as evidence.

H. If a loss or a claim arises, the agency is not to assume any obligation or incur any expenses without authority from the Office of Risk Management.

I. It would be the responsibility of the district office of the Department of Transportation and Development to verify the following:

1. that the alleged accident occurred on a state maintained highway/road;
2. existence of the damage;
3. whether the state had knowledge of the defect prior to the alleged accident;
4. the existence of any contract which may exist between the state and any municipality, contractor or other party.

J. Any claim paid by legislative appropriation is to be reported to the Office of Risk Management by Statewide Reporting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1527 et seq.

HISTORICAL NOTE: Promulgated by the Division of Administration, Office of Risk Management, LR 14.

§3121. Claims Unit Contacts

A. For further information on reporting a claim or requesting information regarding a specific claim, contact the Office of Risk Management in writing at Box 94095, Capitol Station, Baton Rouge, LA 70804-9095 or telephone the appropriate claims unit.

Unit	Contact the Following Telephone Number(s)
B. Claims Administrative	(504) 342-8433 or LINC 421-8433
C. Property	(504) 342-8442 or LINC 421-8442
1. Buildings and Improvements, Contents and equipment excluding Boiler and Machinery	
2. Boiler and Machinery	
3. Bonds and Crime	
D. Transportation	(504) 342-8463 or LINC 421-8466
1. Automobile Liability	
2. Automobile Comprehensive and Collision	
3. Aviation	
4. Wet Marine	

Unit	Contact the Following Telephone Number(s)
E. General Liability	(504) 342-8463 or LINC 421-8463
All Comprehensive General Liability	
F. Medical Malpractice	(504) 342-8441 or LINC 421-8441
G. Workers' Compensation	(504) 342-8458 or LINC 421-8458
	(504) 342-8451 or LINC 421-8451
	(504) 342-8438 or LINC 421-8438
1. Statutory and Employer's Liability	
2. Maritime Compensation	
H. Road and Bridge Hazards	(504) 342-8459 or LINC 421-8459
All Road and Bridge Hazards	

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1527 et seq.

HISTORICAL NOTE: Promulgated by the Division of Administration, Office of Risk Management, LR 13:21 (January 1987), amended LR.

Chapter 32. Risk Analysis and Loss Prevention

§3201. Risk Analysis and Loss Prevention

A. - B. 2. ...

B. 3. Inspection Program - A program to maintain a safe environment and control unsafe acts and/or conditions by regular and periodic facility, equipment and roadway inspections.

4-8. ...

9. Record Keeping - Records to establish a procedure for the uniform development and maintenance of loss prevention and control documents to be retained for one year. This will include inspection reports, accident investigation reports, minutes of safety meetings, training records, boiler and machinery maintenance records, roadway hazard inspection reports, and medical malpractice records.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1527 et seq.

HISTORICAL NOTE: Promulgated by the Division of Administration, Office of Risk Management, LR 14:349 (June 1988), amended LR.

Interested persons may present their views on the proposed rules, in writing, until December 31, 1988 at the following address: J. Douglas Higley, State Risk Director, Office of Risk Management, Box 94095, Baton Rouge, LA 70804-9095. He is the person responsible for responding to inquiries about the proposed rules.

J. Douglas Higley
Director

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

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

The estimated implementation costs of the proposed rule requiring all Medical Malpractice, Road and Bridge Hazard, and CGL claims to be forwarded to the Office of Risk Management along with all information relevant to the case is minimal.

Implementation of the proposed rule is projected to produce cost savings of \$7,038,000 for FY 88-89, \$8,238,000 for FY 89-90 and \$9,501,000 for FY 90-91.

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

The proposed rule will have no effect on revenue collection of state or local government.

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

While it is not possible to directly calculate a dollar effect the economic benefit of the proposed rule change would directly impact individuals as well as society as a whole by reducing the number of incidents of Medical Malpractice/Road and Bridge injuries with the resultant loss of productive man hours, shifting of resources away from productive output into medical services and the drain of state funds away from publicly beneficial operations/projects into non-productive loss payments to damaged individuals.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change will have no effect on competition or employment.

J. Douglas Higley
State Risk Director

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Health and Hospitals
Board of Examiners in Dietetics and Nutrition**

The Louisiana Board of Examiners in Dietetics and Nutrition, in order to comply with a ruling from the Commission on Dietetic Registration of the American Dietetic Association, plans to amend Section 103 (B) of the existing Rules and Regulations to read:

Title 46

**PROFESSIONAL AND OCCUPATIONAL STANDARDS
Part LXIX. Registered Dietitians**

Chapter 1. General Information

§103. Qualifications for Licensure

A. ...

B. Professional Experience

An applicant for licensure shall submit to the board evidence of having successfully completed a planned continuous supervised practice component in dietetic practice of not less than 900 hours under the supervision of a registered dietitian or a licensed dietitian/nutritionist. The experience must be completed on the United States or its territories. Supervised dietetic practice approved by the American Dietetic Association will be accepted in lieu of the board approved plan.

The board voted unanimously to promulgate this amendment because it does not substantially change the existing rules and regulations and will allow the Louisiana board to use the commission on Dietetic Registration's examination as the board's licensure examination. Any comments on this amendment should be submitted in writing to the State Board of Examiners in Dietetics and Nutrition, Box 577, Prairieville, LA 70769 prior to December 31, 1988.

Beth Reames, R.D.
Chairperson

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

**Rule Title: Revision of Section 103 (B), Foreign
Graduates Professional Experience**

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

There will be no cost or savings to the State of Louisiana or the Louisiana Board of Examiners in Dietetics and Nutrition.

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

There will be no effect on revenue collections of the state or the Louisiana Board of Examiners in Dietetics and Nutrition.

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

There will be no cost or economic benefits direct to licensees. The rule requires that all professional experience be obtained with the United States and its territories.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There could be some foreign graduates who would not qualify for licensure if their professional experience was obtained outside of the United States, however, the board has licensed 600 individuals as of November 1, 1988 and no one has submitted professional experience outside of the United States.

Suzanne L. Pevey
Executive Secretary

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Health and Hospitals
Board of Psychologists**

The following notice of intent is to clarify §303 and to add §303.D. to the Louisiana Administrative Code, Volume 3.

Title 46

**PROFESSIONAL AND OCCUPATIONAL STANDARDS
Part LXIII. Psychologists**

Chapter 3. Training and Credentials

§303. Doctoral Programs in Psychology

A. A graduate of a doctoral program that is listed by the American Association of State Psychology Boards and the National Register in *Designated Doctoral Programs in Psychology* is recognized as holding a doctoral degree with a major in psychology from a university offering a full-time graduate course of study in psychology.

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

C. A graduate of a doctoral program that is neither listed in *Designated Doctoral Programs in Psychology* nor accredited

by the American Psychological Association must meet criteria 1 through 11 below.

D. All graduates of all programs, regardless of designation status, must meet criterion 10 and 11 below.

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

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

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

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

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

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

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

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

9. The program shall be an internal degree program (as opposed to an external degree program) unless it is either designated by the American Association of State Psychology Boards and the National Register or it is accredited by the American Psychological Association.

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

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

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

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

c. Social bases of behavior: Social psychology, group processes, organizational and systems theory.

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

In addition, all professional doctoral programs in psychology will include course requirements in specialty areas.

D. Graduates of foreign programs will be evaluated according to the following:

1. Graduates of foreign programs must meet the "substantial equivalent" of criteria B. 1 - 11 above. "Substantial equivalent" does not apply to graduates from colleges, universi-

ties, or professional schools in the United States, Canada, or any jurisdiction under the American Association of State Psychology Boards. The board may "assess" a foreign applicant to recover expenses incurred in reviewing unusual credentials.

2. Applicants for licensure whose applications are based on graduation from foreign universities shall provide the board with such documents and evidence to establish that their formal education is equivalent to a doctoral degree in psychology granted by a United States university that is regionally accredited. The applicant shall provide the board with the following:

a. an original diploma or other certificate of graduation, which will be returned, and a photostatic copy of such a document, which shall be retained;

b. a transcript or comparable document of all course work completed;

c. a certified translation of all documents submitted in a language other than English;

d. satisfactory evidence of supervised experience;

e. evidence that the doctoral dissertation was primarily psychological in nature. In its discretion, the board may require an applicant to file a copy of the dissertation itself;

f. a statement prepared by the applicant based on the documents referred to in this section, indicating the chronological sequence of studies and research. The format of this statement shall be as comparable as possible to a transcript issued by American universities.

Interested persons may comment on the proposed notice of intent in writing at the following address: Greg Gormanous, Ph.D., Chair, Board of Examiners of Psychologists, Box 14782, Baton Rouge, LA 70898.

Greg Gormanous, Ph.D.
Chair

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Doctoral Programs in Psychology**

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

There will be no implementation costs or savings as a result of this proposed rule change.

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

There will be no effect on revenues.

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

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

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition or employment.

Greg Gormanous, Ph.D.
Chair of the Board

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

**Department of Health and Hospitals
Board of Psychologists**

The following notice of intent is to add Chapter 19, §1901 to the Louisiana Administrative Code, Volume 3.

Title 46

**PROFESSIONAL AND OCCUPATIONAL STANDARDS
Part LXIII. Psychologists**

Chapter 19. Public Information

§1903. Public Display of Board's Address

There shall at all times be prominently displayed in the place(s) of business of each licensee regulated under this law the official sign provided by the board containing the name, mailing address, and telephone number of the board. Any reproduction displayed in lieu of the above is unauthorized by the board.

The official sign will read as follows:

LOUISIANA STATE BOARD OF
EXAMINERS OF PSYCHOLOGISTS

Be it known that

The Louisiana State Board of Examiners of Psychologists
receives questions regarding
the practice of psychology
For assistance please contact

LOUISIANA STATE BOARD OF EXAMINERS OF PSYCHOLOGISTS
P.O. BOX 14782
Baton Rouge, Louisiana 70898
504/293-2238

Interested persons may comment on the proposed notice of intent in writing at the following address: Greg Gormanous, Ph.D., Chair, Board of Examiners of Psychologists, Box 14782, Baton Rouge, LA 70898.

Greg Gormanous, Ph.D.
Chair

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Public Display of Board's Address**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no implementation costs or savings as a result of this proposed rule change.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no effect on revenues.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
There will be no costs and/or economic benefits to directly affected persons or non-governmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There will be no effect on competition or employment.

Greg Gormanous, Ph.D.
Chair of the Board

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

**Department of Health and Hospitals
Board of Psychologists**

The following notice of intent is to add Chapter 19, §1901 to the Louisiana Administrative Code, Volume 3.

Title 46

**PROFESSIONAL AND OCCUPATIONAL STANDARDS
Part LXIII. Psychologists**

Chapter 19. Public Information

§1901. Public Display of License

The license of the psychologist shall be publicly displayed in the office where services are offered. When a psychologist works in two or more settings, the license should be publicly displayed in the primary office location.

Interested persons may comment on the proposed notice of intent in writing at the following address: Greg Gormanous, Ph.D., Chair, Board of Examiners of Psychologists, Box 14782, Baton Rouge, LA 70898.

Greg Gormanous, Ph.D.
Chair

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Public Display of License**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no implementation costs or savings as a result of this proposed rule change.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no effect on revenues.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
There will be no costs and/or economic benefits to directly affected persons or non-governmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There will be no effect on competition or employment.

Greg Gormanous, Ph.D.
Chair of the Board

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

**Department of Health and Hospitals
Office of Eligibility Determinations**

The Department of Health and Hospitals, Office of Eligibility Determinations, proposes to adopt the following rule in the Child Support Enforcement Program.

The Child Support Enforcement Amendments of 1984 (P.L. 98-378) prevented states from recovering costs of providing services and charging an application fee, and specified a distinctive distribution methodology, for a period of five months following the termination of AFDC eligibility for a family. The Omnibus Budget Reconciliation Act of 1987 (P.L. 100-203)

abolished these provisions. This change was implemented October 1, 1988 with an emergency rule published in the October, 1988 *Louisiana Register*.

PROPOSED RULE

Effective October 1, 1988, an application fee will be charged to any former AFDC recipient who reapplies for support enforcement services more than 30 days after services are discontinued because of failure to cooperate. An application fee will also be charged to any former AFDC recipient who reapplies for Support Enforcement Services after services are discontinued at the recipient's request. Any child support collected for a former AFDC recipient will be distributed using the same methodology that is used for collections for Non-AFDC recipients.

Interested persons may submit written comments to the following address: Howard L. Prejean, Deputy Assistant Secretary, Office of Eligibility Determinations, Box 94065, Baton Rouge, LA 70804-4065. He is the person responsible for responding to inquiries regarding this proposed rule. A copy of this proposed rule and its fiscal and economic impact statement is available for review from the local Office of Eligibility Determinations.

A public hearing on the proposed rule will be held January 4, 1989 in the Louisiana State Library Auditorium, 760 North Riverside, Baton Rouge, LA beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing, at said hearing.

May Nelson
Secretary

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: IV-D - Elimination of 5 Month period for Former AFDC Clients

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

There will be a one-time implementation cost of \$100 for issuance of an Executive Bulletin, manual policy implementation, and forms development.

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

There will be no effect on revenues since the only change would be an increase in Non-AFDC application fees reported as a result of implementing this rule. Considering that persons affected would be only those whose AFDC cases closed and who failed to cooperate or asked services to stop, and who then reapplied within five months after closure, this is a negligible group. By far, closed AFDC cases continue to receive services and therefore never pay an application fee.

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

There will be no costs to report regarding the payment of an application fee because the criteria for obtaining fees (addressed in II. above) would reduce the affected population to nil.

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

There is no effect on competition and employment.

Howard L. Prejean
Deputy Assistant Secretary

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Health and Hospitals Office of Eligibility Determinations

The Department of Health and Hospitals, Office of Eligibility Determinations proposes to adopt the following rule in the Food Stamp Program.

This was published as an emergency rule in the November, 1988 *Louisiana Register*, Vol. 14, No. 11, as the federal regulations published in the *Federal Register*, Vol. 53, No. 161, Friday, August 19, 1988, pages 31641 - 31646 mandate an implementation date of October 18, 1988. The rule entitled "Food Stamp Program - Work Requirements" published in the *Louisiana Register*, Vol. 13, No. 7, July 20, 1987, page 394-395 is hereby amended. The rule entitled "Voluntary Quit in the Food Stamp Program" published in the *Louisiana Register*, Vol. 11, No. 1, January, 1985 pages 38-39 is also hereby amended.

Proposed Rule

Effective October 18, 1988, the following revisions will be made in work requirements:

I. Ending or Avoiding Employment and Training (E&T) or Voluntary Quit Sanctions

A. New Head of Household

If a household is disqualified because the head of household failed to comply with an employment and training (LaJET) requirement or voluntarily quits a job, and a new member joins this household, the worker shall:

1. Determine whether the new member would have been the head of household at the time of the non-compliance or Voluntary Quit

2. If the new member becomes the designated head of household:

a. The voluntary quit sanction shall be terminated.

b. The LaJET sanction shall terminate for the head of household but the member who failed to comply shall remain ineligible for the entire sanction period or until he complies with LaJET.

B. Comparable Hours or Salary

A head of household can avoid a voluntary quit penalty by accepting employment of comparable hours or salary.

Comparable employment may entail fewer hours or a lower net salary than the job which was quit. If an individual quits a job of twenty hours a week or more, secures new employment at comparable wages or hours, and is then laid off, or (through no fault of his own) loses his new job, the earlier quit will not form the basis for a disqualification.

II. Voluntary Quit Prior to Certification

If a voluntary quit which occurred prior to certification is discovered after certification, the disqualification period shall be for three months.

III. Voluntary Quit Occurring Near the End of Certification

In the following instances the household shall be denied recertification for a period of three months:

1. when the voluntary quit occurs in the last months of the certification period; or

2. when the worker determines voluntary quit so late in the certification period that a notice of adverse action would not become effective before the end of certification.

IV. Voluntary Quit Claims

If a household does not reapply by the end of the certification period a claim shall be established for three months for the benefits received by the household.

If there are fewer than three months from the first month after the quit occurred to the end of the certification period, a claim shall be established for the months that were left in the certification. The household shall be disqualified for any remaining months for which a claim is not established.

V. Notice of Adverse Action For Voluntary Quit.

The worker shall provide a notice of adverse action which contains:

1. the specific act of non-compliance,
2. the period of ineligibility,
3. the action which the household may take to avoid or end the disqualification (Comparable Hours or Salary), and
4. that the household may reapply at the end of the disqualification period.

Interested persons may submit written comments to the following address: Howard L. Prejean, Deputy Assistant Secretary, Office of Eligibility Determinations, Box 94065, Baton Rouge, LA 70804-4065. He is the person responsible for responding to inquiries regarding this proposed rule. A copy of this proposed rule and its fiscal and economic impact statement is available for review from the local Office of Eligibility Determinations.

A public hearing on the proposed rule will be held January 4, 1989, in the Louisiana State Library Auditorium, 760 Riverside, Baton Rouge, LA beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing, at said hearing.

David L. Ramsey
Secretary

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

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

The estimated cost in FY 88/89 is \$100 (\$50 federal and \$50 state).

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

There is no effect on revenue collections.

Food Stamp benefits are 100 percent federally funded.

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

Some households that would have been disqualified from the program before might now be able to avoid the sanctions under certain circumstances.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no effect on competition and employment.

Howard L. Prejean
Deputy Assistant Secretary

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

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

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Health and Hospitals, Office of Public Health proposes to implement Act 626 of the 1988 Regular Session of the 1988 Louisiana Legislature, Parish Lead Poisoning Prevention and Treatment Programs, as follows:

R.S. 40:1299.20 A. (2):

The lead poisoning control director of each parish shall be the health officer of that parish, who is the medical director of the parish health unit. In the absence of a medical director, the parish health unit public health nursing supervisor shall be the lead poisoning control director.

R.S. 40:1299.21

"Lead Poisoning" in children under six years of age is defined as:

(1) Acute symptomatic illness consisting of lead colic with or without lead encephalopathy, or

(2) chronic symptomatic illness consisting of the signs and symptoms of chronic plumbism, including, but not limited to anemia, nephropathy, neuropathy, loss of developmental skills, recurrent lead colic and/or recurrent lead encephalopathy, or

(3) a confirmed concentration of lead in whole blood of 25 micrograms per deciliter or greater, with or without a concomitant erythrocyte protoporphyrin level in whole blood of 35 micrograms per deciliter or greater.

"Previously reported" is defined as any case of lead poisoning which has been diagnosed by a physician, licensed to practice medicine in Louisiana, using the definition of lead poisoning given above, which has been reported to the state health officer at any time by the attending physician, the local health officer, the parish health unit public health nursing supervisor, the parish health unit sanitarian supervisor, a public health nurse or public health sanitarian, a hospital or other authorized agency or person.

Cases must be reported using the confidential disease case report form, number CDC 43.11 (Revised 2/82). Reports will be sent to the parish health unit or to the Epidemiology Section, Louisiana Office of Public Health, 325 Loyola Avenue, Room 615, Box 60630, New Orleans, LA 70160. Forms may be obtained at any parish health unit or from the Epidemiology Section Office, telephone number (504) 568-5005 or LINC 621-5005.

Form number CDC 43.11 (Revised 2/82) is reproduced below:

CONFIDENTIAL DISEASE CASE REPORT

DISEASE		DATE OF REPORT	DATE OF ONSET	
PATIENT'S NAME		RACE/ETHNIC*	SEX	DATE OF BIRTH
ADDRESS	STREET NO. (R. F. D. if rural)		APT. NO.	
	CITY OR COUNTY			
NAME OF HEAD OF HOUSEHOLD				
REMARKS				
NAME OF REPORTING PHYSICIAN, HOSPITAL, OR OTHER AUTHORIZED PERSON				
OFFICE ADDRESS				

* CONFIDENTIAL REPORT OF SEXUALLY TRANSMITTED DISEASE
*Wh = White, not of Hispanic origin; Bl = Black, not of Hispanic origin; Hisp = Hispanic; Pac Is/Asi = Pacific Islander or Asian; Am Ind/Al Na = American Indian or Alaskan Native.
CDC 43.11 (f. 4.2430) Rev. 2/82 Check here if additional cards are needed.

Interested persons may submit written comments or questions to: Louis Trachtman, M.D., Acting State Health Officer, Office of Public Health, Department of Health and Hospitals, Box 60630, New Orleans, LA 70160.

David L. Ramsey
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Parish Lead Poisoning Prevention and
Treatment Programs**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
It is estimated that there are no implementation costs or savings associated with this rule.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
It is estimated that there is no effect on revenue collections associated with this rule.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
It is estimated that there are no real costs and/or economic benefits to directly affected persons or non-governmental groups associated with this rule.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
It is estimated that there is no effect on competition and employment associated with this rule.

Joseph D. Kimbrell
Deputy Assistant Secretary

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

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

The Department of Health and Hospitals, Office of Public Health intends to amend the Definitions and Standards, the General Requirements and Pasteurization requirements for frozen desserts as prescribed by Chapter VIII, Sec 8:001, Sec 8:013 (b) and Sec 8:015 of the Sanitary Code of the State of Louisiana. A notice of intent to amend those specific provisions of the Sanitary Code, State of Louisiana was published in the September 20, 1988 issue of the *Louisiana Register*. The current notice is being published in order to accommodate changes requested by a manufacturer of Dry Non Dairy Desserts.

The current requirements will be changed as follows:

**8:001 DEFINITIONS AND STANDARDS OF IDENTITY
NON-DAIRY FROZEN DESSERTS**

(A) Non-Dairy Frozen Dessert is the food which is prepared by freezing, while stirring, a non-dairy frozen dessert mix composed of one or more of the optional characterizing ingredients specified in Paragraph (B) of this Section, sweetened with one or more of the optional sweetening ingredients specified in Paragraph (C) of this Section. The non-dairy product, with or without water added, may be seasoned with salt. One or more

of the ingredients specified in Paragraph (D) may be used. Pasteurization is not required. The optional caseinates specified in Paragraph (D) (i) are deemed not to be dairy products.

(B) The optional flavoring ingredients referred to in Paragraph (A) are natural and artificial flavorings and characterizing food ingredients.

(C) The optional sweetening ingredients referred to in Paragraph (A) of this Section are: Sugar (sucrose), dextrose, invert sugar (paste or syrup), glucose syrup, dried glucose syrup, corn sweetener, dried corn sweetener, malt syrup, malt extract, dried malt syrup, dried malt extract, maltose syrup and dried maltose syrup.

(D) Other optional ingredients referred to in Paragraph (A) of this Section are:

(i) Casein prepared by precipitation with gums, ammonium caseinate, caseinate, calcium caseinate, potassium caseinate or sodium caseinate.

(ii) Hydrogenated and partially hydrogenated vegetable oil.

(iii) Dipotassium phosphate.

(iv) Coloring, including artificial coloring.

(v) Monoglycerides, diglycerides or polysorbates.

(vi) Thickening ingredients such as agar-agar, algin (sodium alginate), egg white, gelatin, gum acacia, guar seed gum, gum karaya, locust bean gum, oat gum, gum tragacanth, hydroxypropyl, methyl cellulose, carrageenan, salts of carrageenan, furcelleran, salts of furcelleran, propylene glycol alginate, pectin, psyllium seed husk, sodium carboxymethylcellulose.

(E) Such non-dairy frozen desserts are deemed "processed" when manufactured as a dry powdered mix.

(F) Dry Non-Dairy Frozen Dessert Mixes shall be reconstituted with potable tap water in a sanitary manner and shall be rapidly cooled to a temperature of 45°F or below within four hours of reconstitution.

(G) The product shall meet the bacterial standards prescribed in Section 8:016 of this code.

(H) The name of the food is Non-Dairy Frozen Dessert.

(I) The fact that the product offered for sale is a non-dairy frozen dessert shall be conspicuously displayed on or near the dispensing freezer in a manner and print that is easily readable by the consumer.

8:013. GENERAL REQUIREMENTS

The processing, handling, and distribution of milk and milk products in the manufacture of frozen desserts shall conform to the minimum requirements for Grade A milk as prescribed in Chapter VII of the Louisiana State Sanitary Code. All milk and milk products shall be of quality approved by the state health officer. Counter freezer operations which freeze mixes and sell only at retail on the premises shall comply with the following requirements:

(a) Only mixes that have been processed and packaged in an approved plant shall be allowed;

(b) Counter freezers used for freezing mixes which contain milk solids, milk fat, or vegetable fat shall be located only in premises which meet the minimum requirements for eating and drinking establishments as prescribed in Chapter XXIII of this Code;

(c) The frozen dessert operator shall be a food handler other than the cashier of a grocery or convenience store.

8:015. PASTEURIZATION: All frozen dessert mixes except Non-Dairy Frozen Desserts shall be pasteurized. The term "pasteurized" means the process of heating every particle of the mix to at least 155°F, and holding at such temperature for at

least 30 minutes in approved and properly operated equipment; provided, that nothing contained in this definition shall be construed as disbaring any other process demonstrated to be equally efficient and approved by the state health officer.

Interested persons may submit comments on the proposed changes to Joseph D. Kimbrell, Deputy Assistant Secretary, Department of Health and Hospitals, Office of Public Health, Box 60630, New Orleans, LA 70160.

David L. Ramsey
Secretary

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Chapter VIII Sec 8:001, Sec 8:013, Sec 8:015

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no additional implementation costs (savings) to state or local governmental units.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no direct effect on revenue collections of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
The private sector may experience economic benefits as a result of product sales.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There will be no impact on competition or employment in governmental units and only minimal impact on the private sector.

Joseph D. Kimbrell
Deputy Assistant Secretary

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Health and Hospitals Office of Public Health

The Department of Health and Hospitals, Office of Public Health intends to change Chapter XXIII A of the State Sanitary Code to conform with Act 644 of the 1988 Regular Session of the Louisiana Legislature. This rulemaking rescinds the rule promulgated in the February 20, 1988 issue of the *Louisiana Register* on Page 92.

The current Chapter XXIII A will be changed to read as follows:

CHAPTER XXIII A TEMPORARY FOOD SERVICE

23A:001. DEFINITIONS: Unless otherwise specifically provided herein, the following words and terms used in this Chapter of the Sanitary Code, and all other Chapters which are adopted or may be adopted, are defined for the purposes thereof as follows:

Festivals or fairs shall mean a gathering of persons for an event such as a bazaar, carnival, circus, public exhibition or other similar gathering for the purpose of celebration, competition, entertainment, distribution or sale of foods or goods, exhibition, religious activity, or other such purposes, which will operate for only a temporary period in any one location.

Recognized Louisiana Festival or fair - For purposes of this regulation, the words "Recognized Louisiana Festival or Fair" shall mean those that are officially acknowledged, in writing, as recognized by a state, parish, or municipal governmental body or by the Louisiana Association of Fairs and Festivals.

C. All fairs or festivals not exempted by 23A:003A, shall not be allowed to operate until applying for, paying applicable fees, and receiving a valid permit to operate from the state health officer or his/her duly authorized representative.

closures, plates, knives, forks, spoons, stirrers, paddles, straws, napkins, wrapping materials, toothpicks, and small articles intended for one-time, one-person use and then discarded.

Temporary Food Service shall mean a food service that operates for a period of time of not more than 21 consecutive days in conjunction with a single event in a single location such as, but not limited to a festival or fair.

Potentially Hazardous Food means any food that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacea, or other ingredients, including synthetic ingredients, in a form capable of supporting rapid and progressive growth of infectious or toxicogenic microorganisms.

Organizer/Promoter/Chairman means that person responsible for managing the festival or fair. In the event of his/her unavailability, the assistant shall be deemed the responsible person.

Individual Food Operator/Responsible Person means the person responsible for operating the individual food service concession.

Food Vendor/Food Concessionaire shall mean any person who handles food or drink during preparation or serving, or who comes in contact with any eating or cooking utensils, or who is employed at any time in a room in which food or drink is prepared or served.

Interpretation: This chapter shall be interpreted and applied to promote its underlying purpose of protecting the public health.

PART 1. TEMPORARY FOOD SERVICE REGULATIONS:

23A:002. GENERAL: The state health officer or his/her duly authorized representative may impose requirements in addition to those set forth below to protect against health hazards related to the operation of the temporary food service, may prohibit the sale of some or all potentially hazardous foods, and when no health hazard will result, may waive or modify requirements of the Code, in accordance with Administrative Procedures. Nothing in this Chapter shall be construed to abridge the constitutional right of the people to peaceably assemble.

23A:003 PERMITS:

A. A temporary food service permit is not required for those fairs or festivals expressly exempted from regulation by this Code by R.S. 40:4.1 thru R.S. 40:4.6 inclusive.

B. When an organizer, promoter, or chairman of an exempted fair or festival makes written request for Office of Public Health inspections and permits and pays applicable fees, he or she shall comply with 23A:003-1 of this Code.

C. All fairs or festivals not exempted by 23A:003A, shall not be allowed to operate until applying for, paying applicable fees, and receiving a valid permit to operate from the state health

officer or his/her duly authorized representative.

23A:003-1 Written application for permit (LHS-31A), signed agreement, and supplemental application (obtainable from parish health unit) should be received by the state health officer or his/her duly authorized representative at least 30 days in advance of the proposed gathering.

A permit to operate shall be required of the festival, fair or other special event organizer or promoter and must be obtained from the local parish health unit. The following shall be included with the application for permit:

- (A) name of special event;
- (B) location of special event;
- (C) permanent mailing address;
- (D) telephone number;
- (E) name of property owner;
- (F) opening date;
- (G) closing date;
- (H) daily hours of operation;
- (I) size of site (square feet);
- (J) anticipated maximum attendance at any one time;
- (K) name of event organizer or promoter;
- (L) home address of organizer or promoter;
- (M) home phone number of organizer or promoter;
- (N) business address and phone number of organizer or promoter;
- (O) list of each Individual Food Operator/Responsible Person, including their home address, home phone number, business phone, and food items to be sold.
- (P) outline map showing the locations of all proposed and existing:
 - (1) toilets;
 - (2) lavatory facilities;
 - (3) water supply sources (including storage tanks) and distribution system;
 - (4) food service areas (including diagram and description of the types of booths, tents, etc. to be used for the preparation of or dispensing of any food or beverage products);
 - (5) garbage and refuse storage and disposal areas;
 - (6) special event command post;
 - (7) location of sewage disposal;
- (Q) the following optional information is recommended to be included with the application for permit (on the outline map):
 - (1) areas of assemblage;
 - (2) camping areas (if any);
 - (3) entrance and exits to public roadways;
 - (4) emergency ingress and egress roads;
 - (5) emergency medical command post;
 - (6) local enforcement command post;
 - (7) parking facilities;
 - (8) written plan for dust control;
 - (9) written plan for emergency situations (e.g. inclement weather, etc.).

A permit to operate shall also be required of each Individual Food Operator/Responsible Person operating a temporary food service unit and must be obtained from the local parish health unit. Permits are not transferrable, shall be issued for each food and/or beverage stand and shall be posted in the temporary food service unit/booth.

23A:004 ICE/WET STORAGE: Ice that is consumed or that contacts food shall be made under conditions meeting the requirements of this Code. The ice shall be drained and held in a way that protects it from contamination. ICE SCOOPS MUST BE USED. (i.e. ice used for food storage shall not be used for

human consumption). The use of dry ice and/or frozen gel packs are recommended for cold storage. Storage of packaged food in contact with water or undrained ice is prohibited. Sandwiches shall not be stored in direct contact with ice.

23A:004-1 EQUIPMENT: Equipment and food contact surfaces must be of good construction, in good repair, clean, and located and installed in a way that prevents food contamination.

23A:005 FOOD PROTECTION:

23A:005-1 SOURCE: Food shall be in sound condition, free from spoilage, filth or other contamination and shall be safe for human consumption. Food shall be obtained from sources that comply with all laws and regulations related to food and food labeling.

The use of canned food not prepared in a food processing establishment is prohibited.

The sale of potentially hazardous home prepared food is prohibited. Food prepared away from the site must be prepared in an approved facility, handled, transported, stored, and served in accordance with applicable provisions of the Sanitary Code as described in Chapter XXIII.

23A:005-2 TEMPERATURE CONTROL: All potentially hazardous (and readily perishable) foods shall be maintained at a temperature of 45°F or below, or at a temperature of 140°F or above at all times, including during transportation if prepared off site and during storage. A thermometer should be provided in all perishable food storage facilities.

23A:005-3 CROSS CONTAMINATION: Cooked food shall be protected from contamination by raw foods or items coming in contact with raw foods. The re-use of containers made of paper, wood, wax or plastic coated cardboard is prohibited. Containers made of glass, metal, or hard plastic may be reused only after they are properly washed, rinsed, and sanitized.

23A:006 FOOD AND FOOD SERVICE SUPPLIES:

23A:006-1 STORAGE: Food offered for human consumption shall not be openly displayed, and must be adequately protected from dust, flies, and other vermin at all times. Additionally, food and food service supplies must be stored off the ground/floor.

23A:006-2 DISPLAY AND SERVICE: Food and food service supplies shall be protected from contamination by consumers and other contaminating agents during display and service.

Sugar, salt, pepper and other condiments must be served in approved containers (i.e. shakers, squeeze bottles, or self-dispensing pumps) or individual packages. The use of bulk or open containers is prohibited.

Eating utensils and items such as straws and toothpicks, must be dispensed by the food vendor or individually wrapped or dispensed from self-dispensing containers.

All beverages must be dispensed/served from a closed container, with a spigot, or from the original container.

All milk dispensed must be served in individual containers or from approved bulk dispensers. Only pasteurized milk or cream, from approved sources, shall be used or served.

23A:007 PERSONAL HYGIENE: Each person working in a food booth must be in good health, free of any communicable disease, have no open sores, in clean clothing, and have their hair restrained (i.e. caps, sunvisors, etc.). Food handlers shall thoroughly wash their hands with soap and warm water before starting work, during work as often as is necessary to keep them clean, and after smoking, eating, drinking or using the toilet. Smoking in food booths and food preparation areas is prohibited.

23A:008 FOOD STAND/BOOTH CONSTRUCTION:

23A:008-1 INDOOR BOOTHS must be constructed with tables, counters, and/or walls on all sides to control patron access. Food service must be from the rear area of the booth or otherwise dispensed to prevent contamination by customers' coughing and sneezing.

23A:008-2 OUTDOOR BOOTHS must be constructed to include a roof made of wood, canvas, or other material that protects the interior of the booth from the weather and be enclosed by counters/walls to control patrons access.

It is recommended that the booth be enclosed on three sides with the fourth, front side encompassing the service area, so constructed as to minimize the entrance of dust, flies and vermin; the use of screen, mosquito netting, or polyurethane for this purpose is acceptable; counter-service openings shall be minimal.

Additional protective covering must be provided to completely enclose outer openings in the event of rain, dust storms or other inclement weather.

23A:008-3 FLOORS shall be kept clean, in good repair and level, so as not to allow the pooling of water. It is recommended that floors be constructed of concrete, asphalt, or similar material. Dirt or gravel, when graded to drain, may be used, however, clean removable pallets, duckboards, plywood, or other similar material is recommended.

23A:008-4 BARBECUE PLACES: Places where barbecue is cooked must be provided with a cover impenetrable by rain or barbecue pits must be provided with covers. All food storage and handling must be as per Section 23A:006.

23A:008-5 SEAFOOD BOILS: Seafood boils are permissible as long as the boiling areas are provided with a cover impenetrable to rain or a covered boiling apparatus. Care must be given to avoid cross contamination and maintain proper temperature control.

23A:008-6 EXCEPTION: Pre-packaged, pre-wrapped and properly labeled (according to the provisions of Louisiana's Food, Drug and Cosmetic Law) foods may be offered for sale in open type food stands, providing such food is properly stored and handled as described in Chapter XXIII.

23A:009 SANITIZING OF UTENSILS AND EQUIPMENT: All utensils and equipment must be washed, rinsed, and sanitized at least daily, or when needed, in order to prevent contamination as described in Chapter XXIII.

Soft service frozen dessert machines are permissible as long as facilities are provided on site for cleaning and sanitizing. Such machines must be broken down, cleaned, and sanitized daily.

All glasses, cups, spoons and other utensils which come in contact with the mouth or lips must be properly cleaned and sanitized after each use; single service utensils can be used only once.

23A:010 WATER: Enough potable water shall be available for food preparation, for cleaning and sanitizing utensils and equipment, and for hand washing. A heating facility capable of producing enough hot water for these purposes shall be required.

Water supply lines and appurtenances shall be of good construction, in good repair and properly maintained. Adequate protection, including vacuum breakers, shall be provided in order to protect the public water supply. Water faucets or drinking fountains shall be of approved type, conveniently accessible and well identified.

Potable (drinking) water requirements are contained in Chapter XII of this Code.

23A:011 SEWAGE (TOILETS AND WASTE): Approved facilities shall be provided and properly maintained for the disposal or collection, treatment, and disposal of all sewage and liquid waste, as provided in Chapter XIII of this Code.

No person shall discharge, or allow to be discharged, the contents or effluent from any water closet, sink, lavatory, bath tub, shower drain, kitchen fixture, laundry fixture, vault, privy, leaching pit, chemical toilet, or septic tank, directly or indirectly, into any street, gutter, ditch, water course, body of water, or onto the surface of the ground. Toilets shall be provided at the rate of one per 200 persons or fractional part thereof.

23A:012 HAND WASHING: When water under pressure is available, a convenient hand washing facility with hot and cold water, through a mixer faucet shall be provided for employee hand washing in the food preparation, food service, and equipment washing area. Soap and sanitary towels must be provided at the lavatory. Reusable towels for common use are prohibited. When water under pressure is not available at the serving or food dispensing booth, two buckets of water shall be provided for each concessionaire. One bucket containing potable water must be provided to remove extraneous materials or excess food particles; a second bucket containing a sanitizing solution (100 ppm chlorine, or 25 ppm iodine, or 200 ppm quaternary ammonia) must be provided as a hand dip well.

23A:013 REFUSE (GARBAGE AND TRASH): Refuse means all combustible or non-combustible, putrescible or non-putrescible solid or liquid wastes. The storage, collection, transportation, and disposal of refuse shall be so conducted as to prevent odor, insect, rodent, and other nuisance conditions.

One 50-gallon refuse container shall be provided for each 100 persons at peak anticipated attendance. Additionally, each food vendor must have a covered container for booth use. All refuse shall be collected at least once each day of the assembly (or more often, if necessary), and handled, transported and disposed of in an approved manner, in order to insure that no nuisance is created.

Grease containers will be provided and ALL used grease must be deposited in these containers. IT MUST NOT BE Poured DOWN ANY DRAIN.

The grounds and immediate surrounding properties shall be cleaned of refuse as soon as possible following the assembly, within and not exceeding 24 hours.

23A:014 MISCELLANEOUS:

23A:014-1 GROUNDS: Each fair, festival and/or temporary food service site shall be well drained and so arranged to provide sufficient space for people assembled, vehicles, sanitary facilities, and equipment.

All tents, cars, trailers, food stands and other appurtenances connected with said activity shall at all times be kept in a clean and sanitary condition; and the grounds on which located shall be kept and, when vacated, left in a clean and sanitary condition.

The grounds shall be maintained free from dust wherever possible, accumulations of refuse, and other health and safety hazards.

23A:014-2 VECTOR CONTROL: Insects, rodents and other vermin shall be controlled by proper sanitary practices, extermination, or other safe and effective control methods.

23A:015 INSPECTIONS/VIOLATIONS/CLOSURE: All food operations are subject to at least daily inspections by repre-

sentatives of the Department of Health and Hospitals.

Critical violations (i.e. temperature control, food handling, food protection, sewage and water, etc.) noted at the time of inspection are expected to be corrected immediately. Non-critical violations must be corrected as soon as possible. Failure to make the necessary corrections or repeated violations will result in suspension of permit or seizure of food stuffs and/or further legal action.

Interested persons may submit comments on the proposed changes to Joseph D. Kimbrell, Deputy Assistant Secretary, Department of Health and Hospitals, Office of Public Health, Box 60630, New Orleans, LA 70160.

David L. Ramsey
Secretary

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

Rule Title: Chapter XXIIIA State Sanitary Code

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There are no estimated implementation costs.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
We anticipate no more than 10 fairs or festivals making application, therefore, the \$250 generated is insignificant.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
Any recognized Louisiana fair or festival official or organizer who requests an inspection and subsequent issuance of a permit will be charged a fee of \$25. This would allow food service operators at fairs and festivals to meet the requirements of the Sanitary Code while providing a margin of protection to the consuming public.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There is no estimated effect on competition and employment.

Joseph D. Kimbrell John R. Rombach
Deputy Assistant Secretary/Programs Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Health and Hospitals
Office of the Secretary**

The Department of Health and Hospitals, Office of the Secretary, proposes to adopt the following rule in the Bureau of Health Services Financing.

Currently, recipients in Intermediate Care Facilities for the Mentally Retarded whose physician's plan of care prescribes an income-producing activity are allowed to disregard the first \$65 and one-half of the remaining amount of the income derived from their liability for nursing care. This income disregard has no effect on determining eligibility for Title XIX and is only applicable for those individuals whose income and resources do not exceed program limits.

In the past application of this disregard has not been utilized by recipients in other long term care facilities as the plans of

care prescribed by physicians do not typically include an income-producing activity. As a part of the agency's continuing review of recipients in long term care facilities and working with recipients, their families, and client advocacy groups it has become evident that occasionally a physician may prescribe such activities as painting, crafts, or sculpturing which in time could develop into a limited income-producing activity. To address this concern, the Bureau of Health Services Financing is clarifying application of the income disregard to include individuals in long term care facilities whose physician's plan of care prescribes an income producing activity. This clarification in policy will assure equal application of policy for all individuals in long term care facilities and promote participation in limited activities when prescribed by the physician's plan of care.

PROPOSED RULE

A disregard of the first \$65 and one-half of the remaining amount of the gross monthly income derived from an income-producing activity, prescribed by the physician's plan of care, shall be deducted from the total gross monthly income to be applied toward the recipient's liability for payment of long term care facility services.

Interested persons may submit written comments to the following address: J. Christopher Pilley, Acting Director, Bureau of Medical Services, Box 94065, Baton Rouge LA, 70804-4065. Mr. Pilley is the person responsible for responding to inquiries regarding this proposed rule.

A public hearing on this proposed rule will be held on January 4, 1989 in the Louisiana State Library Auditorium, 760 Riverside, Baton Rouge LA, beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing at said hearing.

David L. Ramsey
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Health Services Financing LTC Income Disregards**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no measurable fiscal impact resulting from this proposed rule. It is possible that clarification of the agency's income producing activity disregard policy could affect one or two cases per year. However there is no data available from which to project any impact.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no measurable impact resulting from this proposed rule.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
There is no measurable impact resulting from this proposed rule.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There is no known effect on competition and employment.

J. Christopher Pilley
Acting Director

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Health and Hospitals Office of the Secretary

The Department of Health and Hospitals, Office of the Secretary, proposes to adopt the sliding fee policy to be contained in LAC Part I, Chapter 21—Fee Schedule and Billing Policy for DHH Provided Services.

This proposed rule will replace LAC Part III, Chapter 7 and LAC Part XI, Chapter 13; therefore, the department proposes to repeal these two chapters.

Interested persons may submit comments on this proposed rule to the following address. Patricia Angelico, Department of Health and Hospitals, Office of the Secretary, 655 North Fifth Street, Suite 307, Baton Rouge, LA 70802. These proposed rules may be viewed in their entirety by contacting Pat Angelico at the above address.

David L. Ramsey
Secretary

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Sliding Fee Policy

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

Implementation costs for revision of forms and manuals and for printing, distribution and posting should be minimal. Some savings may result from the reduced level of billing activity (see II. below).

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

The proposed sliding fee scale will result in a significant expansion of the number of patients who currently qualify for free care in state charity hospitals. The following table compares the monthly income thresholds for free care for various family sizes under the current charity hospital scale and the proposed sliding fee scale. The proposed scale utilizes income levels which are equivalent to those in the federal poverty income guidelines:

Family Size	Current Free Care Threshold	Proposed Free Care Threshold
1	\$500/mo.	\$481/mo
2	600	645
3	700	810
4	800	970
5	900	1135
6	1000	1300
7	1050	1465
8	1100	1630
9	1150	1790
10	1200	1950

The proposed scale will also result in a reduction in the percentage of the total bill owed for those patients who do not have private insurance or other third party payors. This is illustrated by using various monthly income levels for a family of four: \$970 income currently paying 42.5 percent would be reduced to paying 0 percent; \$971-1215 income currently paying 42.75 percent to 100 percent would be re-

duced to paying 20 percent; \$1216-1460 income currently paying 100 percent would be reduced to paying 40 percent; \$1461-1705 income currently paying 100 percent would be reduced to paying 60 percent; and \$1706-1950 income currently paying 100 percent would be reduced to paying 80 percent. Income levels in excess of \$1950 per month for a family of four would continue to pay 100 percent, except as described below.

The proposed scale includes liquid resources (savings accounts, stocks, bonds, etc.) in the calculation of monthly income, whereas the current scale includes only liquid assets in excess of \$3,000. Both the current and proposed scales limit the total of any bill to 20 percent of a family's gross income. Also, both scales have a provision whereby free care will be rendered if medical liabilities incurred during the preceding 12 months exceeds 20 percent of annual gross family income.

DHH Central Collections does not have data regarding the number and amount of billings by family size and income levels. Therefore, the net effect of these changes on revenue collections cannot be determined. The total amount of fees collected from patients ineligible for free care by all DHH offices in 1987-88 was \$21.5 million, of which all but \$451,000 was collected from insurance companies and other third party payors.

Third parties would continue to be billed the full charge for services rendered so the proposed scale will affect only those clients who must pay out of pocket. The \$451,000 mentioned above represents 1.66 percent of total 1987-88 billings of \$27.2 million to patients without third party payment and not eligible for Medicaid or Medicare.

It is apparent that fewer billings would occur because more patients would qualify for free care. Also, many of those who do not qualify for free care would be billed a lower percentage of total charges. Thus, although there would be fewer billings and the percentage billed would be reduced, the amounts billed to families at the high end of the income scale would remain the same, thereby allowing collection activities to focus on those bills with a higher likelihood of being collected.

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

Many recipients of state medical services will benefit by having their bill reduced or, in some cases, eliminated (see II. above). All recipients should benefit by having to be screened for eligibility less frequently and by knowing what percentage of their bill they will be responsible for paying. There will also be a single, uniform billing scale for all DHH offices, thus ending confusion and possible inequities.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There should be no effect on competition and employment.

David L. Ramsey
Secretary

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

Department of Public Safety and Corrections Office of Motor Vehicles Planning and Coordination Section

The Department of Public Safety and Corrections announces its intent to adopt rules to enforce the requirements of LA R.S. 47:463.4 relating to the Mobility Impaired Parking Cards. This Act was passed in the 1988 Regular Legislative Session to provide parking cards for mobility impaired persons.

I. Mobility Impaired - Definition

The term *mobility impaired person* shall include any person who is impaired because of any of the following conditions:

1. Cannot walk 200 feet without stopping to rest.
2. Cannot walk without the assistance of another person, walker, cane, crutches, braces, prosthetic device or wheelchair.
3. Is restricted by a lung disease to such an extent that the person's forced (respiratory) expiratory volume for one second, when measured by spirometry, is less than one liter, or the arterial oxygen tension is less than 60 mm/hg on room air at rest.
4. Uses portable oxygen.
5. Has a cardiac condition to the extent that the person's functional limitations are classified in severity as Class III or Class IV according to standards set by the American Heart Association.
6. Has a diagnosed disease or disorder, including a severe arthritic, neurological or orthopedic impairment, which creates a severe mobility limitation.

II. Persons Eligible

Those who come under statutory definition of a mobility impaired person. Only one parking card per person will be issued.

III. Certification of Mobility Impaired Condition Permanent Parking Card

Each initial application shall be accompanied by a currently dated physician's statement certifying that the applicant is mobility impaired. Certification must state that the physical condition which qualifies applicant for parking card will last or is reasonably expected to last at least two years from the date specified by certifying physician on his statement, whichever is longer.

Temporary Parking Card

Each application shall be accompanied by a currently dated physician's statement certifying that the applicant is mobility impaired. If temporary mobility impairment persists past a year from date of issuance, an additional certification by physician must be submitted upon renewal of temporary parking card.

IV. Duplicate Parking Cards

If a parking card is lost, destroyed or mutilated, the persons to whom the card was issued may obtain a duplicate by submitting an application and furnishing an affidavit attesting to loss, destruction or mutilation. Duplicate cards will be issued for same duration and same expiration date as original card.

V. Fees

Permanent Parking Card

\$3 per year + \$5.50 handling fee - To be issued for four years.

Temporary Parking Card

\$3 per year + \$5.50 handling fee - To be issued for one-year period, however upon recertification may be renewed for an additional one year.

Duplicate Card

\$5 + \$5.50 handling fee - To be issued for same duration as original card.

VI. Proper Display Of Card

Card must be prominently displayed on the dashboard of the driver's side of the vehicle. The international handicap symbol must be clearly visible thru the windshield.

For further information on these rules, please contact: Cynthia McCallum, Office of Motor Vehicles, Planning and Coordination Section, Box 64886, Baton Rouge, LA 70896-4886, 504/925-6280.

Interested persons may comment on the proposed rules in writing or in person at the above address.

Bruce N. Lynn
Secretary

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Mobility Impaired Parking Cards

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

Publication of rules for the mobility impaired parking card program is required by Act 551 of 1988 which implements the program. Implementation costs of the program to the Department of Public Safety will be \$55,000.

Annualized cost of the program for 1989-1990 and 1990-1991 is \$110,000.

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

Estimated annual income is \$97,500 to be deposited in the State General Fund and \$55,000 Self-Generated Revenue to be used for operations of the Office of Motor Vehicles.

Annualized income of the program for 1989-1990 and 1990-1991 is \$305,000.

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

The mobility impaired parking card is in lieu of a handicapped license plate. The cost is the same as a license plate. For those persons who elect to buy cards in addition to any type of license fee, there will be a \$3 annual fee plus a \$5.50 handling fee.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This rule will have no effect on competition or employment.

Rex McDonald
Undersecretary

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Public Safety and Corrections Office of State Fire Marshal

In accordance with R.S. 49:950 et seq, notice is hereby given that the Office of State Fire Marshal intends to amend and reenact the following rule.

Title 55
PUBLIC SAFETY
Part V. Fire Protection

Chapter 13. Health Care Facilities; Hospitals
§1301. Emergency Generator for Health Care Facilities

A. In addition to the requirements of the Life Safety Code as set forth in previous regulations, all hospitals, skilled nursing facilities or any other facility utilizing life support systems on a 24-hour day basis shall comply with the following:

1. An approved motor driven generator shall be provided to supply electric current to the emergency system. This generator shall be of sufficient power and kilowattage to insure the illumination of emergency lighting and other facilities.

2. If the source of fuel for the motor generator is gasoline, diesel, kerosene or other fuels that are supplied independent of the public utilities and in sufficient quantity to last 48 hours, a secondary source of fuel will not be necessary.

3. If the fuel be natural gas or other fuel supplied by the public utilities, piped to the power unit, then a secondary source of fuel shall be provided such as gasoline, kerosene, etc.

4. A sufficient amount of secondary fuel shall be maintained to insure the operation of the power plant for at least 48 hours.

B. If the emergency generation system requires a secondary source of fuel, as determined above, the system shall be installed in accordance with the standards of the appropriate edition for new construction as determined by L.A.C. 55:V:303 in the standard for the Installation and Use of Stationary Combustion Engines and Gas Turbines (NFPA 37) or the Flammable and Combustible Liquid Code (NFPA 30).

Interested persons may comment on the proposed amendment in writing until January 8, 1989 at the following address: Office of State Fire Marshal, Box 66614, Baton Rouge, LA 70896.

Anyone having any questions with the proposed amendments should contact D. Jeffrey Gleason, Supervisor of Technical Services, at (504) 925-4911 or Roger G. Broussard, Attorney for State Fire Marshal at (504) 925-4336.

Carrol L. Herring
State Fire Marshal

Fiscal and Economic Impact Statement
For Administrative Rules

Rule Title: Exemptions from required emergency generator and/or secondary source of fuel in certain health care facilities.

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

This proposed amendment should not require additional funds to implement other than approximately \$50 (printing and postage) to disseminate the revised rule. In addition, the Plan Review Staff of the State Fire Marshal should save approximately 50 hours annually by reducing the number of appeals regarding the required emergency generator and/or secondary source of fuel for emergency generators.

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

The proposed rule will have no affect on revenue collections of the state or local government units.

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

A new intermediate care nursing facility or ambulatory facility will save between \$2,000 and \$5,000 in construction cost by this proposed exemption to the required emergency generator and/or secondary source of fuel. There are approximately 50 new intermediate nursing and ambulatory facilities constructed each year in Louisiana.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule will have no affect on competition or employment in the health care field. But the amendment may reduce the need and therefore the demand for approximately 50 electrical generators per year and reduce the need and demand for fuel storage containers.

Rex McDonald
Undersecretary

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Public Safety and Corrections
Office of State Fire Marshal

In accordance with R.S. 49:950 et seq., the Office of the State Fire Marshal intends to adopt the following rules. L.A.C. 55:103 B is hereby amended to read as follows:

Title 55
PUBLIC SAFETY
Part V. Fire Protection

Chapter 1. Preliminary Provisions
§103. General Provisions

A. ...

B. With regard to buildings constructed or remodeled between September 1, 1986 and February 14, 1989, or whose construction was timely completed pursuant to plans submitted to the Office of State Fire Marshal prior to February 15, 1989, inspections will be made utilizing the requirements set forth in the 1985 edition of the Life Safety Code of the National Fire Protection Association and §506, Special Provision for High Rise Buildings of the Standard Building Code of the 1985 edition of the Southern Building Code Congress International, Incorporated.

L.A.C. 55:103. G is hereby adopted to read as follows:

G. All inspections of the buildings constructed or remodeled pursuant to plans submitted to the Office of State Fire Marshal after February 14, 1989, will be made utilizing the requirements set forth in the 1988 edition of the Life Safety Code of the National Fire Protection Association and §506, Special Provision for High Rise of the Standard Building Code of the 1985 edition of the Southern Building Code Congress International Incorporated.

L.A.C. 55:303 A is hereby amended to read as follows:

Chapter 3. Buildings
§303. Plans and Specifications for New Buildings

A. As of February 15, 1989 the plans and specifications for every structure built or remodeled in the state of Louisiana must be drawn in accordance with the requirements of the 1988

edition of the Life Safety Code of the National Fire Protection Association and for all High Rise Buildings, §506, Special Provisions for High Rise Buildings of the Standard Building Code of the 1985 edition of the Southern Standard Building Code Congress International, Incorporated.

Anyone having any questions with regard to the proposed amendments and rules should contact Roger G. Broussard, Attorney for State Fire Marshal, 265 South Foster Drive, Baton Rouge, LA 70806 (504) 925-4336 or Jerry W. Jones, Chief Architect for State Fire Marshal, 7701 Independence Boulevard, Baton Rouge, LA 70806 (504) 925-4920. There will be a hearing in the Office of State Fire Marshal, located at 109 South Foster Drive, Baton Rouge, Louisiana on January 10, 1989 at 9 a.m. at which time and place any person may present their views orally or up until that time they may present their views in writing.

Carrol L. Herring
State Fire Marshal

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Adoption of 1988 edition of Life Safety Code

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

There will be an implementation cost of approximately \$561 to state governmental units to cover cost of code books and an implementation cost of approximately \$25,000 to local governmental units for training and materials. The \$561 of state government cost will be absorbed in the agency budget through monies appropriated for office supplies.

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

There is no projected impact on revenue collections of state or local governmental units.

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

The adoption of the 1988 edition of the Life Safety Code will effect architects, engineers and building owners.

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

There will be no effect on competition and employment.

Rex McDonald
Undersecretary

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

Office of the Secretary of State Corporations and Business

In accordance with the provisions of the Administrative Procedure Act, R.S. 40:950 et seq., notice is hereby given that the office of the Secretary of State proposes the following schedule of penalties and collection procedure to be applied to foreign corporations transacting business in this state without a certificate of authority as required by R.S. 12:301. The schedule of pen-

alties and collection procedure of such penalties is made pursuant to the authority of Act 513 of the 1988 Louisiana Legislature, enacted as R.S. 12:314.1.

Title 19 CORPORATIONS AND BUSINESS Part VII. Secretary of State

A. The Secretary of State shall investigate any foreign corporation transacting business in this state without a certificate of authority in violation of R.S. 12:301. The Secretary of State shall enforce the collection of a civil penalty after due process from such foreign corporations in accordance with the following schedule:

1. Foreign corporations having transacted business within this state without a certificate of authority for a period of time of one year or less shall be assessed a civil penalty of \$500.

2. Foreign corporations having transacted business within this state without a certificate of authority for a period of time in excess of one year shall be assessed a civil penalty of \$1,000.

B. The Secretary of State shall require a foreign corporation which has transacted business within this state without a certificate of authority to pay an amount equal to all fees and taxes which would have been imposed by law upon such foreign corporation for the year or parts thereof during which it transacted business in this state without a certificate of authority. Such payment of past due fees and taxes shall be made in addition to any penalty assessed under Subsection A, and must be paid by such foreign corporations prior to the issuance of a certificate of authority to transact business within the state.

C. The Secretary of State shall enforce the collection of the penalties scheduled in Subsection A according to the following procedure.

1. The Secretary of State shall investigate any foreign corporation transacting business in this state, and upon receipt of substantiate evidence that such a foreign corporation has transacted business in this state without a certificate of authority in violation of R.S. 12:301, notice of non-compliance with R.S. 12:301 shall be given by the Secretary of State to the non-complying foreign corporation.

2. The notice of non-compliance with R.S. 12:301 will set forth the appropriate penalty for non-compliance as determined by the investigation of the Secretary of State. Any foreign corporation being able to show that the notice of non-compliance was sent in error, or that the penalty assessed under Subsection A is in error may submit a letter to the office of the Secretary of State explaining that the notice of non-compliance was in error or that the penalty assessed was in error. The foreign corporation shall submit substantiate evidence showing that it has never transacted business within this state without a certificate of authority, or that the Secretary of State has assessed the improper grade of penalty under Subsection A. The evidence so submitted shall accompany the letter giving the Secretary of State notice of error. The notice of error and evidence supporting the notice of error shall be delivered to the office of the Secretary of State within 10 working days of receipt of the notice of non-compliance.

3. Upon receipt of notice of error along with supporting evidence, the Secretary of State shall reinvestigate the foreign corporation. If it is found upon reinvestigation that the foreign corporation has never transacted business within this state without a certificate of authority or that the Secretary of State has assessed the improper grade of penalty under Subsection A, the office of the Secretary of State shall notify the foreign corpora-

tion that the penalty has been either withdrawn or reassessed as the case may be. If upon reinvestigation it is found that the foreign corporation has transacted business without a certificate of authority in this state, or that the grade of penalty was correctly assessed, the Secretary of State shall re-notify the foreign corporation of its non-compliance and of the penalty assessment.

4. If the penalty imposed by the Secretary of State pursuant to the authority of R.S. 12:314.1 is not paid within 30 days of notice of non-compliance, notice of reassessment, or re-notice of non-compliance as the case may be, the attorney general shall institute proceedings against the foreign corporation to collect the penalty assessed under Subsection A.

Interested parties may submit their views in writing to Stephen Hawkland, Office of the Secretary of State, Box 94125, Baton Rouge, LA 70804-9125.

Fox McKeithen
Secretary of State

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Penalty Schedule for Foreign Corporations
Acting Without a Certificate of Authority**

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

Collection of penalties will require the addition of three employees, two Corporate Compliance Investigators to be paid \$1,400 per month each and one Corporate Research Specialist to be paid \$1,068 per month. Salaries and benefits for FY 88-89 will be \$32,491, travel expenses will be \$9,041 and other operating expenses will be \$2,100. These expenses are based upon seven months activity in FY 88-89. Other start up costs will be \$2,591 for the acquisition of one typewriter, three desks, three chairs, and one file. Total expenditures will be \$46,223 for FY 88-89. For FY 89-90 expenditures will be \$76,590 based on 12 months activity.

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

According to the Department of State, approximately 150 complaints are received annually from the public concerning foreign corporations acting without a certificate of authority. Assuming that the \$1,000 penalty is imposed upon each of these corporations, an increase of \$150,000 would accrue annually to anticipated revenue. Even if it is assumed that some of these corporations will be assessed only a \$500 penalty the \$150,000 should still be reached as it is expected that many other such foreign corporations will be discovered through the research of the staff. Revenue collections are expected to exceed expenditures by at least \$80,000 each full fiscal year.

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

The cost to foreign corporations acting without a certificate of authority will be a penalty of either \$500 or \$1,000 as the case may be. In addition, such foreign corporations will be required to pay all past due fees and taxes before being issued a certificate of authority.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The penalty assessment on offending foreign corporations will have no effect on competition and employment.

Fox McKeithen
Secretary of State

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

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

Notice is hereby given that the Louisiana Department of the Treasury, Board of Trustees of the State Employees Group Benefits Program intends to amend its Plan Document to clarify the Dental Surgical Benefits as follows:

In the Schedule of Benefits under Other Medical Benefits delete all language after the words "Dental Surgery" and add the words "per schedule" as follows:

Dental Surgery per schedule

Amend Article 3, Section IV (A) by adding the words "for professional services" after the word "incurred" and before the word "for" as follows:

A. When disease, illness, accident or injury requires the Covered Person to undergo any oral surgical procedure listed in the Schedule of Dental Surgical Procedures as herein contained, and the procedure is performed by a doctor of dental surgery (D.D.S.) or doctor of dental medicine (D.M.D.) while this coverage is in force as to such person, the program will pay the reasonable expense actually incurred for professional services for such surgical procedure, including the usual pre-operative and post-operative care, not to exceed the maximum amount payable for the procedure as specified in such schedule. No dental surgical benefits, except those procedures listed in the Schedule of Dental Surgical Procedures, will be considered eligible under this provision.

Comments or objections will be accepted, in writing, by the executive director of the State Employees Group Benefits Program until 4:30 p.m. on February 8, 1989, at the following address: James D. McElveen, Executive Director, State Employees Group Benefits Program, Box 44036, Baton Rouge, LA 70804.

James D. McElveen
Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Dental Surgical Benefit**

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

This proposed rule change will not impact the costs or the savings of state or local governmental units.

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

Revenue collections of state or local governmental units will not be impacted by this rule change.

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

There will be no impact on the costs or economic benefits to the directly affected persons, the plan members of the State Employees Group Benefits Program.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This rule change will not effect competition or employment.

James D. McElveen
Executive Director

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

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

Notice is hereby given that the Louisiana Department of the Treasury, Board of Trustees of the State Employees Group Benefits Program intends to amend its Health Maintenance Organization (HMO) rules to change the open-enrollment date from November to April of each year and the effective date of coverage from January 1 to July 1 of each year, as follows:

Pursuant to the authority granted by R.S. 42:871(c) and R.S. 42:874 the Board of Trustees of the State Employees Group Benefits Program has amended its rules relative to Health Maintenance Organizations.

1. Any health maintenance organization (HMO) or other prepaid medical benefits plan seeking to solicit the membership of employees of the state, its agencies or political subdivisions shall be subject to the regulations and requirements as set forth below, unless:

a. the HMO provides evidence of federal qualification under Section 1301 of P.L. 93-222 (Health Maintenance Organization Act of 1973, as amended), and unless

b. the HMO has activated the dual-choice mandate as provided for in Section 1310 of the Act.

2. For purposes of these regulations the term "HMO" is defined as any legal entity which has received a certificate of authority from the Louisiana Commissioner of Insurance to operate as a health maintenance organization in Louisiana.

3. The Board of Trustees of the State Employees Group Benefits Program specifically reserves the right to disapprove the application of any HMO if, in the opinion of the board, the approval of the application would not serve the best interests of state employees, retirees, and their dependents.

4. In the event the HMO seeks to solicit the membership of employees of the state, its agencies or political subdivisions who reside in a service area other than one previously approved by the Board of Trustees, a separate application for the additional service area shall be required.

GENERAL INFORMATION

The HMO shall furnish the following information:

1. proof that it has received a certificate of authority from the Louisiana Commissioner of Insurance to operate as an HMO in the State of Louisiana, together with a copy of its application to the commissioner for this certificate;

2. a copy of the form of each booklet or certificate of coverage to be issued to the members, and any changes or amendments as may be made from time to time;

3. an accurate comparison of benefits offered by the HMO and the State Employees Group Benefits Plan;

4. a statement describing the HMO's service area by zip code;

5. a participating HMO shall be required to notify the Board of Trustees of its intent to renew its agreement with the program not less than 120 days prior to July 1. The board may require actuarial justification of the HMO's renewal rate and benefit structure. In any event, the Board of Trustees shall advise the HMO of its intent to accept or reject those rates and benefits no less than 60 days prior to July 1.

The Board of Trustees of the State Employees Group Benefits Program shall not be held liable for claims for damages relating to any treatment rendered or arranged for by the HMO.

The HMO shall agree to hold the Board of Trustees of the State Employees Group Benefits Program harmless from all claims for damages relating to any act or omission by the HMO, including any claims relating to failure of the HMO to provide services as specified in its contract with the State of Louisiana due to financial hardship or insolvency.

The HMO shall agree to hold any plan member or dependent harmless from any liability or cost for health maintenance services rendered during enrollment in the HMO, except as may be specifically provided for in the group contract and individual certificates of coverage.

INITIAL ENROLLMENT AND EFFECTIVE DATE

1. The initial enrollment period shall be the month of April following the approval of the HMO by the board. The initial effective date shall be the July 1 next following the completion of this enrollment period.

2. The state shall furnish the HMO with a list of agency personnel officers and their addresses to facilitate agency contact.

3. The state shall provide a letter of introduction by the executive director to the personnel officers encouraging their cooperation with the HMO in scheduling meetings and making the offer to eligible employees.

4. The state shall permit the HMO to use its enrollment form to enroll employees who are currently members of the State Employees Group Benefits Program.

5. The HMO shall use the State Employees Group Benefits Enrollment Document if the employee is not a member of the state plan at the time he elects HMO membership.

6. All documents shall be processed at the State Employees Group Benefits office, including data entry into the billing and eligibility system.

7. During the time an HMO has access to state employees, all marketing material, including written communications, published advertisements, radio and television commercials, etc. shall be submitted to and approved by the State Employees Group Benefits Program prior to issue.

COMPUTER INTERFACING

1. The state shall provide the HMO with a monthly exception tape, detailing by agency: additions, deletions, and changes.

2. The HMO shall maintain all billing records by agency billing codes as established by the State Employees Group Benefits Program.

PREMIUM BILLING AND TRANSFER

1. The HMO shall bill membership fees in a regular monthly invoice, detailed by agency billing codes as established by the State Employees Group Benefits Program.

2. The state shall transfer the reconciled membership fees to the HMO by the fifteenth of each month for the previous month's billing. Remittance will be itemized by agency.

3. The state shall retain a monthly administrative fee for each individual contract, which fee shall be negotiated prior to the initial effective date of the agreement between the state and the HMO. Adjustment of the administrative fee will be made no more often than once a year and only on the annual re-enrollment date July 1.

RATES

1. The HMO shall charge membership fees that are divisible by a number as shall be set forth by the Group Benefits Program.

2. Rates shall be guaranteed for no less than a 12-month period following initial effective date and thereafter shall be increased no more often than once a year and only on the annual re-enrollment date.

3. Notice of premium adjustments shall be given the state at least 120 days prior to the proposed effective date of such adjustment.

4. The HMO shall use a rate structure with classifications compatible with those used by the State Employees Group Benefits Program. The HMO shall provide justification, if required by the board, for board approval, of the rate differential between classes of contracts.

ELIGIBILITY

1. The HMO shall maintain identical eligibility regulations as the State Employees Group Benefits Program with the exception of sponsored adult dependents, who need not be eligible for membership.

2. The HMO shall enroll new employees who choose membership during their initial period of eligibility for an effective date that is compatible with the eligibility requirements of the state program.

3. The HMO shall provide for continuation of membership for surviving spouses and dependents of deceased employees who are HMO members at the time of death. Such continuation provisions shall be identical to those of the Group Benefits Program. Such continuation shall be provided at the benefit level of the group contract and at a cost no greater than comparable monthly premiums charged by the HMO for like classes of group membership. The HMO shall also provide for continuation of coverage under other circumstances as may be required by the program's eligibility provisions or as may be required by state or federal regulations.

4. During initial enrollment and each subsequent annual re-enrollment, the HMO shall offer membership to eligible active employees and eligible retirees on an equal basis.

PRE-EXISTING CONDITIONS

1. The HMO shall impose no limits on coverage for pre-existing conditions for state employees electing membership during their initial period of eligibility.

2. If a state employee fails to elect HMO membership for himself or his dependents during his initial period of eligibility, the HMO, unless prohibited by federal law or regulation, shall impose limitations on coverage for pre-existing conditions as a

requirement for membership, in accordance with the existing regulations of the State Employees Group Benefits Program.

TRANSFERS AND TERMINATIONS

1. The HMO shall hold an annual re-enrollment each April for an effective date of July 1 for employees electing to enter or leave HMO membership. This shall include both active and retired employees.

2. Transfer of coverage from the State Employees Group Benefits Program to the HMO or vice-versa shall be allowed only during the annual re-enrollment period, for an effective date of July 1. Transfer of coverage shall also be allowed as a consequence of the employee's being transferred into or out of the HMO service area, with an effective date of the first of the month following transfer.

3. The HMO shall provide benefits up to but not beyond date of discharge in the event a member or his dependents are hospital confined at the time his membership terminates.

4. The HMO shall allow individual conversions for a 30-day period following the end of the month during which an employee terminates his group membership. The conversion may be an individual HMO membership or fully-insured health contract, but shall be offered without regard to existing medical conditions and at the then-current rate for all other similar conversions. Termination of the group contract shall not constitute individual termination for purpose of conversion.

5. No individual membership shall be terminated by the HMO except for just cause.

6. Should the HMO discontinue services for all of its membership in general or for state employees and their dependents in specific, notification shall be given to the Board of Trustees by the HMO not less than 90 days prior to the discontinuance of services. All plan members participating in that HMO will be automatically transferred into the State Employees Group Benefits Program indemnity plan. There will be no pre-existing condition limitation unless the plan member or dependents had a pre-existing condition limitation in the State Employees Group Benefits Program at the time of transfer to the HMO. The program shall not be responsible for costs for medical services incurred prior to the effective date of transfer. Should a plan member or dependent be confined in a hospital on the effective date of their transfer from the HMO to the state program, the HMO shall remain responsible for that confinement until the discharge.

7. The Board of Trustees specifically reserves the right to cancel any contract between the board and the HMO, with or without cause, with notification to be furnished the HMO not less than 60 days prior to cancellation.

NONDUPLICATION OF COVERAGE

1. If a husband and wife are both state employees and both are eligible for family coverage under the State Employees Group Benefits Program, both must elect membership in the HMO or the state program. Dual coverage shall not be allowed.

2. If a husband and wife are both state employees and have elected single coverage, each may choose membership in either the HMO or the state program.

3. Regardless of any provision of the State Employees Group Benefits Program contract to the contrary, the following apply to any state employee or dependent enrolled in an HMO:

a. The person shall neither be a member of the state program nor a qualified dependent covered under the state program.

b. No benefits will be payable under the state program with respect to charges for services and supplies furnished while the person is enrolled in the HMO.

DISCLOSURE

1. The HMO shall issue to each employee a description of benefits to which he is entitled under the agreement between the HMO and the State of Louisiana.

2. The evidence of coverage shall contain a clear, concise and complete statement of:

a. the health care services and the insurance or other benefits, if any, to which the member is entitled;

b. any exclusions or limitations on the services as benefits to be provided, including any deductible and/or copayment provisions;

c. where and in what manner information is available as how services, including emergency and out-of-area services, may be obtained;

d. the HMO's method for resolving enrollee complaints;

e. conditions of eligibility for employees and their dependents;

f. conditions under which an individual's membership may be terminated.

Comments or objections will be accepted, in writing, by the executive director of the State Employees Group Benefits Program until 4:30 p.m. on February 8, 1989, at the following address: James D. McElveen, Executive Director, State Employees Group Benefits Program, Box 44036, Baton Rouge, LA 70804.

James D. McElveen
Executive Director

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Health Maintenance Organization

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

This proposed rule change will not affect the costs or savings of state or local governmental units.

Because an additional open enrollment will be required during FY 88/89, there will be associated administrative expenses for certain sections of the State Employees Group Benefits Program such as Field Services, Invoicing and Data Processing. These additional administrative expenses will be minimal, however, the exact cost is undeterminable.

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

Revenue collections of state or local governmental units will not be impacted by this proposed rule change.

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

There will be no impact on the costs or economic benefits to the directly affected persons, the plan members of the State Employees Group Benefits Program, as a result of this rule change.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This rule change will not affect competition or employment.

James D. McElveen
Executive Director

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

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

Notice is hereby given that the Louisiana Department of the Treasury, Board of Trustees of the State Employees Group Benefits Program intends to amend the Plan Document to provide for the elimination of payments for the treatment of endogenous obesity or obesity associated with a serious or life-threatening disorder as follows:

Article 3, Section VIII (AA) delete all language in the paragraph following the word "obesity" as follows:

AA. Services, supplies, or treatment in connection with or related to obesity;

Comments or objections will be accepted, in writing, by the Executive Director of the State Employees Group Benefits Program until 4:30 p.m. on February 8, 1989, at the following address: James D. McElveen, Executive Director, State Employees Group Benefits Program, Box 44036, Baton Rouge, LA 70804.

James D. McElveen
Executive Director

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Treatment for Obesity

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

This proposed rule change will not immediately effect the costs or savings to state or local governmental units. The long-term effect could result in a savings to member agencies in the form of a reduced future rate increase as there will be a reduction in the claims payments made by the State Employees Group Benefits Program.

It is estimated that the annual savings to the State Employees Group Benefits Program, from eliminating the treatment of obesity, will be approximately \$1,740,000.

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

The revenue collections of state or local governmental units will not be impacted by this proposed rule change.

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

The persons who will be directly effected are the plan members of this agency. The treatment of obesity will be excluded from coverage under our plan document and those

plan members obtaining such treatment will no longer be able to recover a portion of this from this program.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Competition and employment will not be effected by this rule change.

James D. McElveen
Executive Director

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

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

Notice is hereby given that the Louisiana Department of the Treasury, Board of Trustees of the State Employees Group Benefits Program intends to amend the Plan Document as follows:

Eliminate Article 3, Section V, entitled "Out-Patient Surgery."

Comments or objections will be accepted, in writing, by the Executive Director of the State Employees Group Benefits Program until 4:30 p.m. on February 8, 1989, at the following address: James D. McElveen, Executive Director, State Employees Group Benefits Program, Box 44036, Baton Rouge, LA 70804.

James D. McElveen
Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Out-Patient Surgery**

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

This proposed rule change will not immediately impact costs or savings of state or local governmental units.

There will be an annual savings of approximately \$1,301,000 to this agency in the form of reduced claims payments. This savings could reduce future rate increases which would reduce the costs of member agencies in future fiscal years.

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

Revenue collections of state or local governmental units will not be effected by this proposed rule change.

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

There will be no impact on the costs or economic benefits to the directly affected persons, the plan members of the State Employees Group Benefits Program, as a result of this rule change.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This rule change will not effect competition or employment.

James D. McElveen
Executive Director

John R. Rombach
Legislative Fiscal Officer

Potpourri

POTPOURRI

**Department of Agriculture
Horticulture Commission**

The next retail floristry examinations will be given at 10 a.m. daily at McNeese State University in Lake Charles, LA. The deadline for getting in application and fee is January 2, 1989. All applications must be in the Horticulture Commission office no later than 4:30 p.m. on that date. The test dates will be January 24-27, 1989.

Further information concerning examinations may be obtained from Craig M. Roussel, Director, Horticulture Commission, Box 44517, Capitol Station, Baton Rouge, LA 70804, phone (504) 925-7772.

Bob Odom
Commissioner

POTPOURRI

**Department of Civil Service
Civil Service Commission**

The State Civil Service Commission will hold a public hearing on Wednesday, January 11, 1989 amending Civil Service Rules 1.21.1, 6.18 through 6.21, 6.23 through 6.25, 6.27, 8.10.1, 11.28, 11.29, and 17.17(c). Also, the commission will consider abolishing Rule 11.23(e) and amending and re-enacting it as Rule 11.23.2, and will consider adopting Civil Service Rules 1.20.3, 6.28, and 8.2.1. The public hearing will begin at 8 a.m. in the Second Floor Commission Hearing Room, DOTD Annex Building, 1201 Capitol Access Road, Baton Rouge, LA.

These proposals were scheduled to be heard at the December 7, 1988 Civil Service Commission meeting. However, the commission deferred action on these proposals until its January meeting. The text of these rules appeared in the November issue of *The Louisiana Register* as well as in General Circulars No. 893 and 894. Copies of the applicable General Circulars can be obtained from the Department State Civil Service.

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

Herbert L. Sumrall
Director

CUMULATIVE INDEX
(Volume 14, Number 12)

1988

<i>Pages</i>	<i>Issue</i>
3— 63	January
69— 133	February
137— 194	March
201— 271	April
277— 325	May
333— 396	June
405— 501	July
513— 575	August
585— 656	September
679— 746	October
757— 826	November
837— 904	December

AGRICULTURE AND FORESTRY DEPARTMENT

Agricultural and Environmental Sciences, Office of

- Advisory Commission on Pesticides, 450N
- Ag Chemistry Lab Fees, 451N
- Crop Pests and Diseases
 - Quarantine, 268P, 452N
 - Sweet potato, fee, 453N
 - Sweet potato weevil, 365N, 527R
- Feed Commission
 - Registrant probation, 231N, 347R
- Horticulture Commission
 - Citrus Canker quarantine, 213ER, 324P
 - Exam notice, 62P
 - Examination, licensure or permitting, 7R
 - Floristry exam, 127P, 324P, 573P, 896P
- Seed Commission
 - Fees, 453N, 603R
 - Field certification, 191E
 - Irish potato, 232N, 604R
 - Noxious weeds, 232N, 604R
 - Rice certification, 232N, 604R, 694R
 - Tomato, certification, 455N, 603R

Agro-Consumer Services, Office of

- Agricultural Commodities Commission
 - Moisture meter registration and inspection fee, 366N, 528R
 - Schedule of fees, 367N, 527R
- Weights and Measures Commission
 - Registration, 455N

Animal Health Services, Office of

- Livestock Sanitary Board
 - Brucella abortus vaccine, 34N, 217R
 - Brucellosis vaccine fee, 457N
 - Cattle, sale of, 45N, 217R
 - Cattle testing/vaccinating, 305N
 - Definitions, 36N, 217R
 - Equine infectious anemia, 39N, 217R, 300N, 302N
 - Horses, moved by dealer, 43N, 217R
 - Horses, mules, asses, 34N, 40N, 217R, 217R

- Livestock auction market, 41N, 43N, 217R, 300N, 303N, 695R
- Livestock Dealer, 43N, 217R
- Poultry, 44N, 217R

Forestry, Office of

- Meeting, 656P
- Timber stumpage, 9R, 806N
- Timberland fire protection, 456N

Management and Finance, Office of

- Central Registry, 214ER
 - Farm product additions, 339ER, 368N, 529R
 - Fees, 368N, 529R
- Meat, poultry, seafood fee, 458N

Market Commission

- Crawfish Promotion/Research, 718N
- Market bulletin, 459N
- Sweet potato certification, 719N

CIVIL SERVICE DEPARTMENT

Civil Service Commission

- Allocation change, 110N
- Appeals, 214 ER, 233N
- Appointment of eligibles, 214ER, 233N
- Hearing, 46N, 896P
- Layoff, definition, 807N
- Layoff notification, 110N
- Leave policy, 807N
- Noncompetitive reemployment, 214ER, 233N
- On-call pay, 807N
- Overtime, 807N
- Pay rate on promotion, 3ER
- Payroll period, 214ER, 233N
- Probationary appointment, 807N
- Reemployment list, 110N, 214ER, 233N

Ethics for Elected Officials, Board of

- Campaign finance disclosure, 423R
- Political committee fees, 719N, 845R
- Political committee names, 306N

CULTURE, RECREATION AND TOURISM DEPARTMENT

Cultural Development, Office of

- Archaeology grants, 48N
- Arts Program, 720N, 845R
- Black Culture grants, 48N
- Historic preservation grants, 49N

State Parks, Office of

- Fees, Procedures, 632N, 772R
- Park requirements, 634N, 772R

Tourism, Office of

- Litter control, 50N, 143R

CR—Committee Report

EO—Executive Order

ER—Emergency Rule

L—Legislation N—Notice of Intent P—Potpourri

PPM—Policy and Procedure Memorandum R—Rule

ECONOMIC DEVELOPMENT DEPARTMENT

Architectural Examiners, Board of

Building construction cost, 307N, 607R
Registration exam application, 721N

Auctioneers Licensing Board

Licensing, 548N, 781R

Certified Shorthand Reporters, Board of Examiners of

Certificates, 369N, 529R
Certification, 369N, 529R
Examinations, 369N, 529R
Fees, 369N, 529R

Commerce and Industry, Office of

Capital Companies Tax Credit, 769ER
Continuing Care Retirement Community Registration, 75R
Incentive fees, 549N
Tax Credit, 408ER

Economic Development Corporation

Certification, 601ER
Minority and Women Business Development, 761ER, 810N

Financial Institutions, Office of

Bank/bank holding co., 460R, 699R
Depositor preference applicability, 600ER, 722N, 858R
Judicial interest rate, 4ER, 844ER
License application, 744P, 744P, 745P
Limited function, 725N, 859R
Mortgage lenders/brokers license, 723N, 858R
Savings and loan holding company, 111N, 224R

Racing Commission

Application Form, 682ER, 727N
Bleeder medication, 9R, 461N, 550N
Coggins test, 46N, 226R
Determination by lot, 461N
Disclosure, 371N, 700R
Duration of term, 515ER, 550N, 788R
Employment on track grounds, 372N, 700R
Entry after excused, 372N, 702R
Examinations, 373N, 701R
ID badges at hearings, 462N, 701R
ID badges on track, 463N, 701R
Horse registration, 551N
Jockey fee schedules, 373N
Mandatory penalties, 374N, 701R
Off-track breakage, 113N, 287R
Off-track wagering, 114N, 287R
Preference for eliminated horses, 375N, 702R
Purse payments pending licensure, 375N, 702R
Scratched horse, 376N, 702R
Security check, 463N, 700R
State fee, 72ER, 233N
Super six, 552N, 683ER
Timing of entering claiming race, 118N, 292R
Trainer entry of more than one owner's horses, 376N
Triple Play, 79R
Twin Trifecta, 47N, 227R, 601ER, 636N

Real Estate Commission

Certificate of authority, 62CR, 119N, 227R
Escrow disbursement, 62CR

Escrow dispute, 9R
Exams, 844ER, 872N
License application, 844ER, 872N
School advertising, 62CR
School director, 62CR

EDUCATION DEPARTMENT

Elementary and Secondary Education, Board of

8(g) Budget, 121N, 293R, 464N
8(g) Calendar, 727N
8(g) Policy, 10R, 10R, 121N, 293R, 702R, 845ER, 873N
Adult Ed State Plan, 464N, 702R
Biology II curriculum, 10R
Budget adjustment, 552N, 789R
Budget allocations, grants, 554N, 789R
Bulletin 741
Absenteeism, 145R
Band, art, music, 161N, 348R
Child Protection, 139ER, 235N, 423R
College recruitment, 145R
Community/parental involvement, 308N, 531R
Eleventh grade graduation test, 377N, 516ER, 637N, 860R
Financial/statistical report, 234N, 423R
Grade no. limits, 72ER
Instructional time, 377N, 608R
Latin certification, 379N, 609R
Middle school classes, 465N, 703R
Minimum session/instructional day, 120N, 292R
Nonpublic school attendance, 466N, 703R
Nonpublic school standards, 52N, 10R, 227R, 378N, 609R
Pre-Algebra, 811N
Private piano instruction, 378N, 609R
School census, 53N, 227R
School dropout age, 145R
Summer school, 120N, 292R
Temporary certificates, 146R
Bulletin 746
Assistant superintendent, 683ER
Montessori course, 553N, 789R
NTE score list, 553N, 789R
Bulletin 1191
Transportation handbook, 10R
Bulletin 1196
Competitive food policy, 728N
Food and Nutrition programs policy, 378N, 609R
Bulletin 1213
School bus standards, 162N, 348R, 554N, 789R
Bulletin 1706
Teacher aides, 379N, 609R
Bulletin 1794
Textbook review, 54N, 227R

CR – Committee Report

EO – Executive Order

L – Legislation

PPM – Policy and Procedure Memorandum

ER – Emergency Rule

P – Potpourri

R – Rule

Child care food program, 728N
Communicable diseases, 466N, 703R
Early retirement, 81R
Equalization Grant, 555N, 790R
Funeral leave, 122N
Interim superintendent authority, 216ER
Maritime instruction fee, 409ER, 555N, 790R
Migrant education, FY '89, 162N, 348R
Minimum Foundation Equalization Grant, 516ER
Noncertified school personnel, 517ER, 638N, 861R
Nonpublic school services, 465N, 703R
Nutrition and training, 11R
Occupational, physical therapy, 11R
Parent conference, 4ER
Personnel policy, 639N
Special school superintendent residence, 146R
State superintendent, 11R, 145R, 639N, 861R
Teacher certification fee schedule, 340ER, 380N, 609R
Teaching certificate, 729N
Temporary employment permit, 517ER, 639N, 861R
Test Security Policy, 381N
Tuition exemption, 146R, 228R, 517ER, 519ER, 556N, 790R
Vocational Education
Program plan, 382N, 610R
Vocational - Technical School
Bus Transportation, 11R
Student admission, 11R
Tuition, 12R, 409ER, 467N, 704R
VTIE tuition, 640N, 862R

Proprietary School Commission

Occupational studies associate, 81R

ELECTIONS AND REGISTRATIONS DEPARTMENT

Management Information Services, Office of

Voter registration fee, 601ER, 640N

ENVIRONMENTAL QUALITY DEPARTMENT

Air Quality Division

Fees, 467N, 610R
Marine vapor, 308N, 704R
New source performance, 235N, 348R

Ground Water Division

Fees, 477N, 620R

Nuclear Energy Division

Fees, 478N, 622R

Secretary, Office of

Closure requirements, 770ER
Ignitable waste, 770, ER
Incompatible waste, 770ER
LAC codification, 270P
Reactive waste, 770ER

Solid and Hazardous Waste, Office of

Hazardous Waste Division
Amendments, 641N, 790R, 875N
Closure/waste requirements, 874N
Conformity, 641N, 791R
Fees, 478N, 556N, 621R,

Land ban, 236N
Listing identification, 309N, 424R
Solid Waste Division
Fees, 481N, 624R
Operator certification/training, 12R

Underground Storage Tanks

Fees, 482N, 625R

Water Resources, Office of

Construction grants, 642N, 862R
Public hearing, 501P
Municipal Facilities Revolving Loan Fund, 127P
Water Pollution Control Division
Fees, 483N, 626R

EXECUTIVE ORDERS

EWE 87-49—Reduces appropriations for certain budget units, 3
EWE 87-50—Grants private activity bond allocations, 71
EWE 88-1—Reduces appropriations for certain budget units, 71
EWE 88-2—Amends EWE 88-1 rescinding the proposed sale of the King Air (501) aircraft, 139
BR 88-1—Reduced appropriations for FY 87-88 for various budget units, 203
BR 88-2—Freeze on hiring both classified and unclassified state employees, 205
BR 88-3—Termination of per diem expenditures for members of boards and commissions in the executive branch, 206
BR 88-4—Returning all savings from reduced appropriations be credited to state general fund, 206
BR 88-5—Fiscal emergency declared as of March 29, 1988, 207
BR 88-6—Reduction in appropriations for the remainder of FY 1987-88 and future allotments to various budget units, 207
BR 88-7—Reduction in salary of all employees and officers of the governor's executive office by 10 percent FY 87-88, 209
BR 88-8—Appropriation reductions to various departments, 209
BR 88-9—Appropriation reductions to various departments, 210
BR 88-10—Establishment of the Office of Inspector General, 211
BR 88-11—Appropriation reductions to various departments, 212
BR 88-12—Directs the restoration to sale certain state lands, 279
BR 88-13—Establishes the Louisiana Occupational Information Coordinating Committee in the Department of Labor, 279
BR 88-14—Creates the Governor's Commission on a Louisiana Energy Policy, 339
BR 88-15—Directives for the Louisiana Emergency Response Commission, 407
BR 88-16—Directs DEQ to manage toxic chemical data, 407
BR 88-17—Unclassified employees' salary reduction, 1988-89, 408

CR—Committee Report

EO—Executive Order

ER—Emergency Rule

L—Legislation

N—Notice of Intent

P—Potpourri

PPM—Policy and Procedure Memorandum

R—Rule

BR 88-18—Rescinds EWE 87-38 which established the International Trade, Industry and Tourism Commission, 515

BR 88-19—Creates Minority and Women’s Business Enterprise in the Department of Economic Development, 515

BR 88-20—Transfers Research Division to Office of Commerce and Industry within Department of Economic Development, 587

BR 88-21—Directs Minority Business Development Authority to be administered by Department of Economic Development, 587

BR 88-22—Establishes the Drug Policy Board, 587

BR 88-23—Leave benefits for unclassified employees, 588

BR 88-24—Directs Office of Telecommunications Management to coordinate and supervise all procurement activity for communications, 591

BR 88-25—Requires approval of certain cooperative endeavor agreements, 591

BR 88-26—Establishes certain sections within the Division of Administration, 592

BR 88-27—Continues Governor’s Community Development Advisory Committee operations and designates Division of Administration as the recipient of CDBG funds, 592

BR 88-28—Duplicate of Executive Order BR 88-24, 593

BR 88-29—Requires reports regarding grant-in-aid to local governing authorities, 593

BR 88-30—Directs unemployment compensation benefit payments to be based on certain groups of funding, 593

BR 88-31—Small purchase procurement directives, 594

BR 88-32—Duplicate of Executive Order BR 88-29, 595

BR 88-33—Duplicate of Executive Order BR 88-30, 595

BR 88-34—Authorizes the use of inmate labor for Correction’s headquarters renovations and Wade Correctional Center, 595

BR 88-35—Reestablishes the procedure for allocating private activity bonds, 595

BR 88-36—Directs responsibility for enforcement of Housing Development Grant requirements, 598

BR 88-37—Designates the Louisiana Housing Finance Agency as the housing credit agency, 599

BR 88-38—Directs a technology transfer program between NASA/NSTL in Mississippi and Department of Economic Development, 599

BR 88-39—Establishes a Literacy Task Force, 681

BR 88-40—Re-creates the Advisory Board for Native Americans in Louisiana, 681

BR 88-41—Creates Governor’s Special Task Force on Judicial Selection, 759

BR 88-42—Authorizes inmate labor for roof repair of Louisiana Training Institute, 759

BR 88-43—Creates Employee Group Benefits Program Task Force, 760

BR 88-44—Reestablishes Governor’s Advisory Council on Drug-Free Schools and Communities within the DHH, 760

BR 88-45—Amends Section 5 of BR-88-44, 761

BR 88-46—Creates Special Budget Task Force, 839

BR 88-47—Amends BR 88-44—Reestablishing Governor’s Advisory Council on Drug-Free Schools and Communities, 839

BR 88-48—Transfers particular programs or functions of several offices and abolishes certain offices within DHH, 839

BR 88-49—Appoints Task Force on Minority Participation in State Government, 840

BR 88-50—Establishes joint committees with France, Canada, Quebec and Belgium, 840

BR 88-51—Transfers Coastal Vegetation and Wetland Technical Assistance and Geotechnical Contract and Data Management to DNR, 841

BR 88-52—Establishes Job Training Coordinating Council in Labor Department, 841

BR 88-53—Imposes tolls on certain New Orleans bridges, 843

GOVERNOR’S OFFICE

Division of Administration

Commissioner’s Office

Education Procurement, 309N, 429R

Policy and Procedure Memoranda

PPM No. 10, 163N, 293R

PPM No. 49, 72ER, 162N, 293R, 340ER, 487N

PPM No. 64, 238N, 429R

PPM No. 72, 213

Travel regulations, 72ER, 162N, 293R, 340ER, 487N, 629R

Contractual Review, 811N

Risk Management

Insurance, 875N

Medical Fee, 148R

Property claims recovery fund, 163N, 293R

Risk analysis, loss prevention, 237N, 349R

State Planning

LCDBG Program

Final Statement, ’88, 12R, 310N, 429R

State Purchasing

Cash discounts, 139ER

Printing, PPM 64, 238N, 429R

Statewide Reporting and Accounting Policy

Inter/Intro agency billing, 213PPM

Telecommunications Management

Telephone use/repair, 54N, 148R, 311N, 434R

Elderly Affairs, Office of

GOEA Manual, 643N, 791R

JTPA, Older Individuals, 311N, 434R

State Plan on Aging, 139ER, 164N, 294R, 340ER, 382N, 532R

Governor’s Special Commission on Education Services

Application fee, 602ER

Minority Business Enterprise, Office of

Certification procedures, 350R

Tax Appeals Board

Procedures/practice, 4ER

Women’s Services, Office of

Marriage license fee, 122N, 229R

CR—Committee Report

EO—Executive Order

ER—Emergency Rule

L—Legislation

N—Notice of Intent

P—Potpourri

PPM—Policy and Procedure Memorandum

R—Rule

HEALTH AND HOSPITALS DEPARTMENT

(See Health and Human Resources Department)

Certified Social Work Examiners, Board of

General provisions, 488N, 862R

Procedural rules, 488N, 862R

Community Services, Office of

Children, Youth, and Family Services, Division of

Vendor Day Child Care, 341ER, 494N, 630R

Rehabilitation Services

Blind Services merger, 644N, 793R

Order of selection, 351R

Policy Manual, 230R

Dentistry, Office of

Fees, 558N, 791R

Illegal conduct, 558N, 791R

Dietetics and Nutrition Examiners, Board of

Conduct, 243N, 434R

Fees, 243N, 434R

Foreign graduate license, 878N

Licensure, 243N, 434R

Eligibility Determinations, Office of

AFDC Program

Alien status, 280ER, 312N, 438R

Child support enforcement, 684ER, 880N

Fraud control, 312N, 439R

Medicaid eligibility, 602ER, 824P

Need standards, 729N, 870R

Food Stamp Program

Cash charitable contributions, 521ER, 561N, 708R

Dependent care deductions, 684ER, 817N

Migrant/seasonal farmworkers, 602ER, 730N, 871R

Work requirements, 770ER, 881N

Medical Assistance Program

Hospital program rate freeze, 248N, 351R

LTC-drug regimen review, 249N, 352R

LTC-FLA-D payments, 250N, 353R

LTC-SNF, ICF rate freeze, 250N, 353R

Pharmacy Program, LMAC drugs, 251N, 353R

Protected income, 495N, 630R

Refugee Cash Assistance Program

Eligibility periods, 603ER, 731N, 871R

Embalmers and Funeral Directors, Board of

Embalmer requirements, 815N

Exam, 573P, 745P

Medical Assistance, Division of

LTC-limited scope audit, 563N

LTC-patient rights, 564N

Reimbursement methodology, 521ER

Medical Examiners, Board of

Occupational therapist license pending exam, 167N, 350R

Mental Health, Office of

OMR/MH/PRADA, 817N

Nursing, Board of

Education, 247N, 532R

Fees, 248N, 533R

Meetings, 644N, 868R

Pharmacy, Board of

Drugs, 560N

Manufacturer, 560N

Out-of-state license, 248N, 708R

Practical Nurse Examiners, Board of

Requirements, 560N, 708R

Psychologists, Board of

Address display, 880N

Doctoral programs, 878N

License display, 880N

Public Health, Office of

Cancer and Lung Trust Fund, 383N, 534R

Fee adjustment schedule, 384N, 534R

Lead poisoning program, 882N

Nutrition Section

WIC State Plan, 501P

Operator certification, 824P

Sanitary Code

Ambulatory/renal dialysis, 731N, 868R

Frozen desserts, 645N, 883N

Marine freshwater food, 410ER, 562N

Mechanical Wastewater treatment plants, 313N, 439R,
561N, 708R

Rabies control 732N, 868R

Reportable diseases, 496N, 630R

Seafood, 410ER, 562N, 709R

Temporary food service, 884N

Water supplies, 496N

Water/sewerage treatment operator, 562N, 709R

WIC Program

Eligibility, 733N, 868R

Radiologic Technology Board of Examiners

Medical radiation health, safety, 385N, 542R

Secretary, Office of

Adult day health care, 646N, 793R

Capital expenditure review, 314N

Facility need review, 818N

Gary W. Project Office

Reporting alleged mistreatment and/or death of

Gary W. classmates 341ER, 385N, 535R

Home health agency licensure review, 573P

ICF-MR facility rate, 319N, 440R

Inpatient psychiatric service, 734N, 869R

Inpatient reimbursement methodology, 771ER

LTC-income disregards, 887N

LTC-ownership procedure, 421ER

Sliding fee, 888N

MAP

LTC-Limited scope audits, 563N, 714R

LTC-Patient rights, 564N, 714R

Medical transportation provider insurance, 734N,
869R

Restricted formulary, 825P

New health facility review, 315N, 440R

Pharmacy Program

Restricted formulary, 252N, 714R

Physician inclusion of podiatrists, 735N, 869R

Refugee medical assistance, 736N, 870R

Reimbursement methodology, 521ER

CR—Committee Report

EO—Executive Order

ER—Emergency Rule

L—Legislation

N—Notice of Intent

P—Potpourri

PPM—Policy and Procedure Memorandum

R—Rule

Residential care rate, 319N, 542R
SNF/ID level of care, 736N, 870R
SOBRA, 737N, 870R

Speech Pathology and Audiology, Board of

Examiners for

General rules, 386N, 705R

Veterinary Medicine, Board of

Meeting, Exam, 280ER

HEALTH AND HUMAN RESOURCES DEPARTMENT

(See Health and Hospitals Department)

Dietetics and Nutrition Examiners, Board of

Conduct, 243N, 434R

Fees, 243N, 434R

Licensure, 243N, 434R

Embalmers and Funeral Directors, Board of

Exam, 127P

Family Security, Office of

Food Stamp Program

Expedited service, 56N

Homeless individual, 87R

Household composition, 87R

Loss-of-benefits, 56N

Third party payments, 56N, 150R

Medical Assistance Program

Hospital Program rate freeze, 248N

LTC

Drug regimen, 249N, 352R

FLA-D, 250N, 353R

SNF, ICF rates, 250N, 353R

Multiple source drugs, 140ER, 168N, 216ER, 294R

Pharmacy Program

Anticonvulsive drugs, 318N

Dispensing fee, 88R

LMAC drugs, 251N, 353R

Prescription limit, 252N

Restricted formulary, 252N, 714R

Reimbursement limits, 88R

Transportation recipient sanction, 123N, 230R

Vehicle guidelines, 24R

Human Development, Office of

Child abuse prevention, 57N, 151R

DCYFS

Legal fee, 91R

Maintenance payment, 91R

Rehabilitation Services

Personal care assistance, 151R

Policy Manual, 230R

Selection order for handicapped, 140ER, 254N

Special needs child, 90R

Medical Examiners, Board of

Licensure by reciprocity, 149R

Occupational therapist license, 167N, 350R

Physicians, surgeons, 86R

Respiratory therapists/technicians, 86R

Nursing, Board of

Education, 247N

Fees, 248N

Nursing Home Administrators, Board of Examiners for

Complaints, hearings, 165N, 352R

Emergency license, 352R

Examination, 23R, 165N, 352R

Licenses, 55N, 149R, 166N, 167N, 353R

Programs of study, 55N, 149R

Pharmacy, Board of

Out-of-state license, 248N, 708R

Prevention and Recovery from Alcohol/Substance Abuse, Office of

DWI fee assessment, 92R

Preventive and Public Health Services, Office of

AZT Grant, 26R

Family Co-pay, 24R

Sanitary Code

Fairs, festivals, 92R

Sewage for camps, 92R

Water supplies, 255N

Professional Counselors, Board of Examiners for

Licensure, 82R

Radiologic Technology Examiners, Board of

Medical radiation health, safety, 385N, 542R

Secretary, Office of

Ambulatory surgical center, 57N, 154R

Block Grants, 262N, 353R

Board/care home license, 93R

ICF-MR facility rate, 319N, 440R

Licensing and Certification Division

Adult day care center, 59N

Alfentanil, 124N, 230R

Board and care homes, 27R

Trauma center licensure, 59N, 155R

Residential care rate, 319N, 542R

Treatment of patients with infectious diseases, 26R

Speech Pathology and Audiology Examiners, Board of

General regulations, 386N, 705R

INSURANCE DEPARTMENT

Commissioner, Office of

Plan of Operation, 280ER

Licensing Division

HMO agents, 156R

JUSTICE DEPARTMENT

Attorney General, Office of

Electronic video bingo machines, 264N, 354R, 422ER,

522ER, 647N, 793R

LABOR DEPARTMENT

Barber Examiners, Board of

Barbers, 93R

Shops, 93R

Employment Security, Office of

Appealed claims, 169N

CR—Committee Report

EO—Executive Order

ER—Emergency Rule

L—Legislation

N—Notice of Intent

P—Potpourri

PPM—Policy and Procedure Memorandum

R—Rule

Labor, Office of

Private employment, 60N, 156R, 230R

Plumbing Board

Exam requirements, 170N, 440R

Licenses, 170N, 440R

Workers' Compensation, Office of

Employee earnings, 128P

Maximum wage, 573P

LOUISIANA ADMINISTRATIVE CODE UPDATE

December, 1987 — March, 1988 changes, 268

April, 1988 — June, 1988 changes, 500

July, 1988 — September, 1988 changes, 743

NATURAL RESOURCE DEPARTMENT**Conservation, Office of**

Injection and Mining Division

Docket UIC 88-8, 658P, 746P

Statewide Order 29-0-1, 320N, 441R

Statewide Order 29-Q, 542R, 572CR

Fishermen's Gear Compensation Fund

Claims, 62P, 128P, 192P, 271P, 325P, 395P, 501P,

573P, 575P, 656P, 745P, 746P, 825P

Definitions, 390N, 545R

Fund, 658P

Mineral Resources, Office of

Mineral lease fee, 388N, 544R

Secretary, Office of

Bohemia Spillway, 523ER, 648N, 799R, 823CR, 824CR

Fishermen's Gear definitions, 390N, 545R

Phase II State Plan, 649N, 800R

PUBLIC SAFETY AND CORRECTIONS DEPARTMENT**(Corrections)****Juvenile Services, Office of**

Offender assignment, 27R, 284ER

Offender custody/transfer, 30R, 390N

(Public Safety)**Management and Finance, Office of**

Sale of data base information, 391N

Motor Vehicles, Office of

Emission inspection/maintenance, 94R

Fees, 497N

Mobility impaired parking cards, 889N

Registration renewal, 286ER

Transaction fee, 286ER

Private Security Examiners, Board of

Amendments, 819N

State Fire Marshal, Office of

Health care facility emergency generator, 889N

Life Safety Code, 890N

Preliminary provisions, 523ER

State Police, Office of

Breath, Blood Alcohol Analysis, 72ER, 125N, 265N,

360R, 362R, 441R

Charitable Gaming

Bingo, keno, raffles, 171N, 444R

Hazardous Substances Control Section

Alcohol, controlled dangerous substances, 175N, 294R

Civil penalty recovery, 321N, 441R

Materials transported, 177N, 296R

Waste transported, 178N, 297R

Motor carrier safety unit

Materials on public highway, 31R, 179N, 297R

Transportation/Environmental Safety

Right-to-Know, 649N, 800R

REVENUE AND TAXATION DEPARTMENT**Income and Corporation Franchise Tax Division**

Income: Corporation Tax, 95R

Severance Tax Section

Oil, condensate, natural gas, 180N

Tax Commission

Meeting, 656P

Orleans Parish appraisal/assessment study, 395P

Real/personal property, 109R, 565N, 872R

Timber stumpage, 9R, 806N

SECRETARY OF STATE DEPARTMENT**Secretary, Office of**

Foreign corporations penalty schedule, 891N

STEAMSHIP PILOT COMMISSIONERS FOR THE MISSISSIPPI RIVER**Board of New Orleans-Baton Rouge**

Clarifies rules, 140ER, 183N, 298R

TRANSPORTATION AND DEVELOPMENT DEPARTMENT**Highways, Office of**

Ferry toll, 654N, 805R

Outdoor advertising, 32R

Maintenance

Driveway permit, 565N, 684ER, 738N

Registration for Professional Engineers and Land Surveyors, Board of

General provisions: exams, 184N, 449R

Land surveying, 185N

Traffic and Planning

Outdoor advertising, 570N, 684ER, 738N

Weights and Standards

Bridge formula, 566N, 716R

Fuel vendor/distributor, 566N, 684ER, 739N

Material/Testing Manual, 568N, 686ER, 740N

New product evaluation, 567N, 685ER, 739N

Project inspection fee, 568N, 686ER, 741N

Qualified product list, 569N, 685ER, 740N

CR—Committee Report**EO—Executive Order****ER—Emergency Rule****L—Legislation N—Notice of Intent P—Potpourri****PPM—Policy and Procedure Memorandum R—Rule**

TREASURY DEPARTMENT

Bond Commission

Meeting Schedule, 125N, 231R

State Employees Group Benefits Program

Admission dates, 742N

Birth control medication, 60N, 300R

Claims review/appeal, 655N, 656N, 872R, 872R

COBRA dependents, 742N, 872R

Dental benefits, 892N

Health Maintenance Organizations, 392N, 545R,
893N

Obesity treatment, 895N

Out-patient surgery, 896N

Rate increase, 61N, 231R

URBAN AND COMMUNITY AFFAIRS DEPARTMENT

Secretary, Office of

Emergency Shelter Grant, 126N

Hearing, 63P

WILDLIFE AND FISHERIES DEPARTMENT

Coastal and Marine Resources, Office of

Oyster seed grounds, 190N, 716R

Fisheries, Office of

Oyster lease rental, 819N

Oyster lease survey, 820N

Wildlife and Fisheries Commission

Alligator season, 524ER, 570N, 805R

Black bass harvest, 191N, 364R

Black Lake/Clear Lake net ban, 742N

Chicot Lake black bass harvesting restrictions, 364R

Field trials on wildlife management areas, 364R

Firearm/hunter education, 127CR

Free fishing, freshwater, 321N

Free fishing, saltwater, 322N

Fur harvest, 571N, 805R

Goose creeping, 394N, 547R

Inshore shrimp season, 286ER

Management area field trial, 127CR

Menhaden season, 322N, 547R

Migratory bird season, 526ER, 572N, 806R

Oyster season, 526ER, 743N, 771ER

Red drum, commercial, 6ER, 287ER

Red drum, recreational, 6ER, 74ER

Refuges and wildlife management areas, 395N, 717R

Resident game quadrupeds/birds, 323N, 449R

Shrimp season, 7ER, 143ER, 527ER

Shrimping boundaries, 686ER

Spotted seatrout, commercial, 287ER

Toledo Bend reciprocal, 324N, 548R

Waterfowl Conservation stamp, 687ER, 823N

Wildlife and Fisheries, Office of

Game breeder license, 498N, 631R

Non-resident preserve license, 499N, 631R

CR – Committee Report

EO – Executive Order

ER – Emergency Rule

L – Legislation N – Notice of Intent P – Potpourri

PPM – Policy and Procedure Memorandum R – Rule