

I. EXECUTIVE ORDERS
 JBE 20-19 Coastal Resilience 1343
 JBE 20-20 Flags at Half-Staff—Former Governor Murphy J. “Mike” Foster, Jr. 1344

II. EMERGENCY RULES

Agriculture and Forestry
 Office of Agriculture and Environmental Sciences, Structural Pest Control Commission—Continuing
 Education for Registered Technicians (LAC 7:XXV.113) 1346

Children and Family Services
 Licensing Section—Suspension of License Renewal Fees—Child Residential Care Class B, Residential
 Homes (Type IV), Child Placing Agencies—General Provisions, and Juvenile Detention
 (LAC 67:V.6953, 7103, 7303, and 7503)..... 1346

Education
 Board of Regents, Office of Student Financial Assistance—Scholarship/Grant Programs—Hurricane Laura
 Exceptions and Deferments (LAC 28:IV.2103 and 2105)..... 1347

Governor
 Boxing and Wrestling Commission—Class "B" Wrestling—Lab Reports (LAC 46:XI.525) 1349
 Division of Administration, Patient's Compensation Fund Oversight Board—Qualified Health Care
 Provider Services (LAC 37:III.127)..... 1349
 Used Motor Vehicle Commission—Suspension of Renewal Fees for Businesses Reopening or
 Recovering from COVID-19 (LAC 46:V.4301)..... 1351

Health
 Bureau of Health Services Financing—Emergency Telemedicine (LAC 50:I.505)..... 1352
 Home and Community-Based Services Providers—Licensing Standards (LAC 48:I.5038) 1352
 Programs and Services Amendments Due to the Coronavirus Disease 2019 (COVID-19)
 Public Health Emergency..... 1353
 Programs and Services Amendments Due to the Coronavirus Disease 2019 (COVID-19)
 Public Health Emergency..... 1355
 Licensed Professional Counselors Board of Examiners—Continuing Education Requirements for
 Licensed Marriage and Family Therapists (LAC 46:LX.3503)..... 1357
 Office of Aging and Adult Services— Programs and Services Amendments Due to the Coronavirus
 Disease 2019 (COVID-19) Public Health Emergency 1353
 Office of Behavioral Health—Programs and Services Amendments Due to the Coronavirus
 Disease 2019 (COVID-19) Public Health Emergency 1353

Public Safety and Corrections
 Liquefied Petroleum Gas Commission—Class I-E Permit (LAC 55:I.Chapter 1) 1358
 Office of the State Fire Marshal—Fire-Resistant Material Applicators (LAC 55:V.Chapter 34) 1361

Revenue
 Policy Services Division—Frontline Workers COVID-19 Hazard Pay Rebate Program (LAC 61:I.1919) 1364

State
 Elections Division—Opportunity to Cure Deficiencies in Absentee by Mail Ballots (LAC 31:I.Chapter 3)..... 1366

Wildlife and Fisheries
 Wildlife and Fisheries Commission—Extension of the Alligator Hunting Season (LAC 76:V.701) 1367
 Suspension of In-Person Appearance Requirement for Oyster Lease Renewal Applicants..... 1368

Workforce
 Office of Workers' Compensation Administration—Medical Treatment Guidelines (LAC 40:I.5125 and 5157).... 1368

This public document was published at a total cost of \$1,650. Two hundred fifty copies of this public document were published in this monthly printing at a cost of \$1,650. The total cost of all printings of this document including reprints is \$1,650. This document was published by Moran Printing, Inc. 5425 Florida Boulevard, Baton Rouge, LA 70806, as a service to the state agencies in keeping them cognizant of the new rules and regulations under the authority of R.S. 49:950-971 and R.S. 49:981-999. This material was printed in accordance with standards for printing by state agencies established pursuant to R.S. 43:31. Printing of this material was purchased in accordance with the provisions of Title 43 of the Louisiana Revised Statutes.

The Office of the State Register provides auxiliary aids for the *Louisiana Register* for visually impaired individuals. By appointment, oral presentation of the *Louisiana Register* is available at the Office of the State Register, or an audio cd of requested sections of the *Louisiana Register* can be provided for the production cost incurred. For more information, contact the Office of the State Register

III. RULES

Agriculture and Forestry

Office of Agriculture and Environmental Sciences—Guava Root Knot Nematode Quarantine (LAC 7:XV.171) .. 1371

Civil Service

Division of Administration—Commencement of Adjudication (LAC 1:III.509) 1371

Education

Board of Elementary and Secondary Education— Bulletin 111--The Louisiana School, District, and State Accountability System (LAC 28:XI.301, 801, and 803)..... 1372

Bulletin 118—Statewide Assessment Standards and Practices— LEAP 2025 Transfer Rules (LAC 28:XI.6829) 1372

Bulletin 139—Louisiana Child Care and Development Fund Programs—CCAP Household Eligibility (LAC 28:CLXV.509)..... 1373

Bulletin 746—Louisiana Standards for State Certification of School Personnel Deaf or Hard of Hearing; Certification; Accredited Institutions; Teaching Authorizations; and Montessori Training Providers (LAC 28:CXXXI.Chapters 2-7, 803, 805, 1103, 1105, 1203, 1205, and 1305) 1373

Environmental Quality

Office of the Secretary, Legal Affairs and Criminal Investigations Division— Petition Provisions of the Title V Permitting Program (LAC 33:III.531 and 533)(AQ387ft) 1385

Governor

Office of Financial Institutions—Applications and Notices (LAC 10:I.Chapter 5) 1387

Health

Bureau of Health Services Financing—End Stage Renal Disease Facilities—Reimbursement for Independent Laboratory Services (LAC 50:XI.6901)..... 1392

Medicaid Eligibility—Qualified Disabled and Working Individual Program Resources (LAC 50:III.10703 and 10705)..... 1392

Nursing Facilities—Licensing Standards (LAC 48:I.9701 and 9943)..... 1393

Out-of-State Medical Services (LAC 50:I.701) 1393

Public Safety and Corrections

Corrections Services—Telephone Use and Policy on Monitoring of Calls (LAC 22:I.315)..... 1395

Transportation and Development

Professional Engineering and Land Surveying Board—Practice of Engineering and Supervising Professionals (LAC 46:LXI.105 and 2305)..... 1397

Wildlife and Fisheries

Wildlife and Fisheries Commission—Alligators (LAC 76:V.701) 1398

King and Spanish Mackerel and Cobia Size Limits (LAC 76:VII.323) 1399

Reef Fish—Harvest Regulations (LAC 76:VII.335) 1399

Workforce

Office of Unemployment Insurance Administration—Employer Requirement to Provide Notification of the Availability of Unemployment Insurance Benefits to Each Individual Employee at the Time of Separation (LAC 40:IV.381) 1400

Office of Workers' Compensation Administration—Medical Treatment Guidelines (LAC 40:I.5125 and 5157)..... 1400

IV. NOTICES OF INTENT

Agriculture and Forestry

Office of Agro Consumer Services—Commercial Weighing and Measuring Device; Meat Labeling; and Fuel Price Advertising (LAC 7:XXXV.127, 135, and 321) 1403

Truth in Labeling of Food Products (LAC 7:XXXV.701-715) 1405

Children and Family Services

Division of Child Welfare—Extended Foster Care Services (LAC 67:V.3903) 1408

Economic Stability—Vulnerable Communities and Peoples Initiative (LAC 67:III.5553) 1409

Education

Board of Regents, Office of Student Financial Assistance—Scholarship/Grant Programs Hurricane Laura Exceptions and Deferments (LAC 28:IV.2103 and 2105) 1410

Governor

Crime Victims Reparations Board—Compensation to Victims..... 1411

Health

Board of Medical Examiners—Adjudication; Practice (LAC 46:XL.9935) 1412

Licensure and Certification; Physicians (LAC 46:XLV.Chapter 3) 1414

Licensure and Application (LAC 46:XLV.Chapter 3)..... 1419

Licensure and Certification (LAC 46:XLV.1307) 1421

Physician Licensure and Certification (LAC 46:XLV.315, 415, and 417)..... 1423

Provisional Temporary Permits (LAC 46:XLV.402)..... 1417

Rules of Procedure; Complaints and Investigations (LAC 46:XLV.9714) 1425

Rules of Procedure; Complaint Disposition Guidelines (LAC 46:XLV.9716) 1426

Rules of Procedure; Petitions for Rulemaking (LAC 46:XLV.Chapter 93) 1429

Board of Pharmacy—Licensing for Military Families (LAC 46:LIII.506 and 904)	1431
Marijuana Recommendations (LAC 46:LIII.2457)	1435
Pharmacy Benefit Managers (LAC 46:LIII.Chapter 30)	1438
Bureau of Health Services Financing—Federally Qualified Health Centers (LAC 50:XI.10301, 10303, 10503 and 10701)	1440
Home and Community-Based Services Providers—Licensing Standards (LAC 48:I.5038)	1442
Professional Services Program (LAC 50:IX.Chapters 3-9)	1444
Professional Services Program—Immunizations (LAC 50:IX.Chapters 83 and 85)	1446
Rural Health Clinics (LAC 50:XI.Subpart 15.16301,16303,16503, and 16701)	1448
Office of Public Health—Public Health—Sanitary Code Disease Reporting Requirements (LAC 51:II.105 and 107)	1449
Insurance	
Office of the Commissioner—Regulation 39—Statement of Actuarial Opinion (LAC 37:XIII.705)	1451
Regulation 42—Group Self-Insurance Funds (LAC 37:XIII.1101)	1453
Natural Resources	
Office of Conservation—Class VI Injection Wells (LAC 43:XVII.Chapter 6)	1454
Public Safety and Corrections	
Office of the State Fire Marshal—Uniform Construction Code (LAC 17:I.Chapter 1)	1481
V. POLICY AND PROCEDURE MEMORANDA	
Office of the Governor, Division of Administration—PPM 49—General Travel Regulations (LAC 4:V.1506)	1484
VI. ADMINISTRATIVE CODE UPDATE	
Cumulative—January 2020 through September 2020	1485
VII. POTPOURRI	
Economic Development	
Office of Business Development—Angel Investor Tax Credit Program—Hearing Extension (LAC13:I.Chapter 33)	1487
Enterprise Zone Program—Hearing Extension (LAC 13:I.Chapter 7)	1487
Quality Jobs Program—Hearing Extension (LAC 13:I.Chapter 11)	1487
Natural Resources	
Office of Conservation—Orphaned Oilfield Sites	1487
Public Safety and Corrections	
Gaming Control Board—Public Hearing—Substantive Changes to Proposed Rule—Fantasy Sports Contests (LAC 42:III.102, 104, 105, 107, 120, 1907, and VII.Chapters 1-13)	1489
VIII. AGENCY HEARINGS	
Emergency Cancellations or Modifications	1494
IX. INDEX	1495

Executive Orders

EXECUTIVE ORDER JBE 20-19

Coastal Resilience

WHEREAS, Louisiana and its citizens have suffered catastrophic losses and human, economic, and social harm as a result of increased flood risk due to coastal land, and the continued threat of further land loss to Louisiana's working coast threatens the viability of residential, agricultural, energy, and industry development as well as valuable fish and wildlife production in coastal Louisiana;

WHEREAS, Louisiana continues to experience one of the fastest rates of land loss in the world, and parts of our state remain unprotected from or vulnerable to future hurricane and flood event impacts;

WHEREAS, our working coast is a national treasure which provides protection for infrastructure that supplies 90% of the nation's outer continental oil and gas, 20% of the nation's annual waterborne commerce, 26% (by weight) of the continental U.S. commercial fishing lands, and winter habitat for five million migratory waterfowl;

WHEREAS, coastal Louisiana is also a vital regional asset which serves as residence to 2.5 million people and as a historical foundation to our unique cultural heritage;

WHEREAS, Louisiana's first coastal master plan, *Integrated Ecosystem Restoration and Hurricane Protection: Louisiana's Comprehensive Master Plan for a Sustainable Coast* ("master plan") was approved by the Coastal Protection and Restoration Authority ("CPRA") Board at its April 12, 2007, meeting and unanimously approved by the Louisiana Legislature through Senate Concurrent Resolution No. 11 during the 2007 Regular Session;

WHEREAS, Louisiana's second master plan was approved by the CPRA Board at its March 21, 2012, meeting, and the revised master plan was unanimously approved by the Louisiana Legislature through Senate Concurrent Resolution No. 46 during the 2012 Regular Session;

WHEREAS, Louisiana's third master plan was approved by the CPRA Board at its April 20, 2017, meeting, and the revised master plan was unanimously approved by the Louisiana Legislature through Senate Concurrent Resolution No. 1 during the 2017 Regular Session;

WHEREAS, Act 244 of the 2018 Regular Session requires the CPRA Board to develop a Coastal Master Plan, at a minimum every six years;

WHEREAS, the master plan integrates coastal protection strategies and coastal restoration strategies to provide increased flood protection for communities and to maximize the amount of land maintained or restored in coastal Louisiana;

WHEREAS, billions of dollars have been invested in the implementation of projects included in the master plan and tremendous progress has been made since the 2007 master plan, including building or improving approximately 297 miles of levees, constructing 60 miles of barrier islands

and berms, and benefiting over 41,305 acres of coastal habitat;

WHEREAS, the Coastal Master Plan is a \$50 billion, 50-year plan and is a funding-constrained plan that will require new investments beyond what has currently been identified to fully implement the plan;

WHEREAS, even if the CPRA funded and completed all projects in the 2017 Coastal Master Plan, future, escalating environmental challenges and risks such as climate change driven sea level rise are such that the entire coast of Louisiana cannot be preserved as it presently exists;

WHEREAS, as the coastal crisis continues to unfold in the decades to come the State must not only continue to prepare for singular natural disasters like hurricanes and floods, but also slow-moving, longer-term changes that will encompass more than flood risk and land loss but also include implications for the economy, transportation systems, culture, health, workforce development, and fish and wildlife;

WHEREAS, these challenges will require a coordinated, intentional, collaborative state effort to build resilience;

WHEREAS, when it created the Coastal Protection and Restoration Authority Board, the legislature acknowledged the need for coordination among government agencies, as well as our local and federal partners, in order to ensure consistency with the master plan and to achieve the master plan's missions and objectives;

WHEREAS, state agencies must work in a cooperative manner and ensure activities subject to its jurisdictional authority are performed in a manner that expedites and promotes integrated coastal protection projects;

WHEREAS, Louisiana Revised Statute 49:214.3.1 directs the Governor, through his Executive Assistant for Coastal Activities, to "coordinate the powers, duties, functions, and responsibilities of any state agency relative to integrated coastal protection";

WHEREAS, the master plan is the State's plan for a sustainable coast and not just the Coastal Protection and Restoration Authority's implementation plan;

WHEREAS, the full breadth of tools, expertise, and missions of Louisiana's various state agencies must be brought to bear to more fully and more directly address the economic and social implications of Louisiana's degrading coast; and

WHEREAS, this multi-agency approach will ensure the best outcomes for the people of Louisiana and better position the state to partner with the parishes and municipalities most at risk from coastal change.

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

SECTION 1: In order to effectively and efficiently pursue the State's integrated coastal protection goals, all state agencies, departments, and offices shall administer

their regulatory practices, programs, projects, contracts, grants, and all other functions vested in them in a manner consistent with the Coastal Master Plan and public interest to the maximum extent possible.

To enhance and further the State's interest in developing a more comprehensive and coordinated response to the coastal crisis and to meeting the goals and objectives of the Coastal Master Plan, the position of Chief Resilience Officer is hereby created within the Office of the Governor under the direction of the Governor's Executive Assistant for Coastal Activities to further coordinate a cross-agency effort to build coastal resilience.

A. The Chief Resilience Officer will lead efforts to collaborate across agencies to assess the vulnerability to assets and mission areas posed by coastal change.

B. The Chief Resilience Officer will provide support to agencies as they identify and incorporate projections related to coastal change provided by the Coastal Master Plan into their strategic plans.

C. The Chief Resilience Officer will work in cooperation with individual agencies and in small groups of related agencies to discuss the impacts of coastal change and proposed adaptation actions thematically and to collaborate on new projects or initiatives to better serve the residents and businesses of Louisiana's coast.

State agencies shall appoint a "resilience coordinator" to be the agency's point person for adaptation and resilience efforts; and to coordinate with the Chief Resilience Officer and CPRA Board as requested. The resilience coordinator should be an undersecretary or comparable in rank and knowledge; able to bring an awareness of the full breadth of an agency's programs and mission.

SECTION 2: State agencies will further contribute to Louisiana's improved coastal resilience through the incorporation of current and future coastal change considerations as expressed in *Louisiana's Comprehensive Master Plan for a Sustainable Coast* into agency plans and investments. This effort will begin with an assessment of agency vulnerabilities to extreme weather events and persistent coastal change and the identification of adaptation options for agency assets and the agency's ability to carry out its mission.

SECTION 3: Each agency will incorporate the results from the vulnerability assessment into existing policies and strategic plans.

Each agency will publish within two years of the issuance of this Executive Order an update to its strategic plan that shall:

A. Consider and integrate coastal change information from the master plan into all planning and investments, including accounting for current and future conditions in infrastructure investment.

B. Describe agency-specific resilience strategies that align with the goals and objectives of the master plan.

C. Prioritize resilience-building actions and investments with a timeline for achieving those actions and investments.

D. Identify funding sources and financing strategies and key partners applicable to the implementation of the actions and investments proposed.

E. Identify and seek to remove or reform barriers that discourage investments or other actions to increase the state's resilience.

F. Recognize that coastal change will disproportionately affect some of the state's most vulnerable people and consider how adaptation and resilience activities can address that inequity through the vision, goals, and actions undertaken in the agency's strategic plan.

SECTION 4: Agencies shall report to the Governor the results of their vulnerability assessments and how their strategic resilience plans, once completed, compliment and align with the goals and objectives of the coastal master plan.

After the completion of the initial strategic plan update, agencies will again update strategic plans within one year of the adoption of each new master plan.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 19th day of August, 2020.

John Bell Edwards
Governor

ATTEST BY
THE GOVERNOR
R. Kyle Aroin
Secretary of State
2010#025

EXECUTIVE ORDER JBE 20-20

Flags at Half-Staff—Former Governor
Murphy J. "Mike" Foster, Jr.

WHEREAS, former Governor Murphy James "Mike" Foster, Jr. died on October 4, 2020, at the age of 90;

WHEREAS, on January 8, 1996, Murphy J. Foster, Jr. was sworn in as the 53rd governor of the State of Louisiana;

WHEREAS, on January 10, 2000, he again took the oath of office for a second term as the Governor of Louisiana, serving until January 12, 2004;

WHEREAS, with vision and integrity, Governor Foster united the people of Louisiana to bring the state into this new century;

WHEREAS, Murphy James Foster, Jr. was born in Franklin, Louisiana, on July 11, 1930, the son of Murphy and Olive Foster and the grandson of Louisiana's 31st Governor, Murphy J. Foster;

WHEREAS, he proudly served his nation during the Korean War, serving in the United States Air Force from 1952 until 1956;

WHEREAS, before serving in the state's top office, he served in the Louisiana Senate, representing Louisiana's 21st Senatorial District;

WHEREAS, fifty-two years after graduating from Louisiana State University with a degree in chemistry, Governor Foster demonstrated a lifelong commitment to learning and knowledge when he earned his Juris Doctorate from the Southern University Law Center in 2004, having completed his course of legal studies during his tenure as Governor of Louisiana;

WHEREAS, Governor Foster was a champion of education and educators, creating the Louisiana Community and Technical College System, dramatically expanding the state's Taylor Opportunity Program for Students to provide greater access to college education to Louisiana's youth, and successfully fighting to raise public teachers' wages six of the eight years he served in office;

WHEREAS, a relative latecomer to politics, he began his career in the public spotlight at the age of 57 with his 1987 election to the Louisiana Senate, and he quickly rose in public stature for eight years before his historic victory in the 1995 race for Governor;

WHEREAS, in 2003, Governor Foster was inducted into the Louisiana Political Museum and Hall of Fame;

WHEREAS, Governor Foster was married to his loving wife and biggest supporter, Alice, for over fifty years; and

WHEREAS, a veteran, a businessman and a sportsman, Governor Foster was a man of strength, vision, integrity, and faith; and while he will be greatly missed, the legacy of his work on behalf of the people of Louisiana will live on for generations to come.

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

SECTION 1: As an expression of respect and to honor former Governor Murphy James "Mike" Foster, Jr., the flags of the United States and the State of Louisiana shall be flown at half-staff over the State Capitol and all state buildings from sunrise on October 5, 2020, through sunset on October 9, 2020.

SECTION 2: This Order is effective upon signature and shall remain in effect until sunset, October 9, 2020.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 4th day of October, 2020.

John Bell Edwards
Governor

ATTEST BY
THE GOVERNOR
R. Kyle Aroin
Secretary of State
2010#024

Emergency Rules

DECLARATION OF EMERGENCY

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

Continuing Education for Registered Technicians
(LAC 7:XXV.113)

In accordance with the emergency provisions of the Administrative Procedure Act, R.S. 49:953(B), and under the authority of R.S. 3:3370(K), the Commissioner of Agriculture and Forestry and Louisiana Structural Pest Control Commission declare an emergency to exist and hereby adopt by emergency process the attached regulation to supersede the current permanent regulations found at LAC 7:XXV.113. The implementation of these regulations by the emergency process is necessary to protect the public health and safety of employees of structural pest control businesses and related businesses during the COVID-19 pandemic.

The implementation of this Emergency Rule removes the requirement of participation in continuing education programs by currently employed and registered technicians of permitted place of business to maintain registration status for the remainder of 2020 and extends registration card expiration dates by a year (12/31/2020 to 12/31/2021). This Rule does not prohibit participation and the SPCC encourages all employees of structural pest control companies to continue their education by participating in programs that offer protection for their health and safety during the pandemic and improves their knowledge of structural pests and pest control strategies.

This Emergency Rule shall become effective upon signature, and shall remain in effect for 120 days, unless renewed or until the permanent rules and regulations become effective.

Title 7

AGRICULTURE AND ANIMALS

Part XXV. Structural Pest Control

Chapter 1. Structural Pest Control Commission

§113. Registration of Employees; Duties of Licensee and Registered Employee with Respect to Registration

A. - O. ...

P. Each registered technician shall participate in an entire continuing education program as a condition of maintaining his or her status as a registered technician at least once annually (January 1 to December 31). Any registered technician currently employed by a permitted Place of Business with a registration card expiration date of 12/31/2020 will not be required to participate in a continuing education program for the year of 2020 as a condition of maintaining his or her status as a registered technician and his or her registration card expiration date will be extended to 12/31/2021.

1. - 3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3366, 3368 and 3369.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Structural Pest Control Commission, LR 11:327 (April 1985), amended by the Department of Agriculture and Forestry, Structural Pest Control Commission, LR 15:956 (November 1989), LR 32:797 (May 2006), repromulgated LR 32:1016 (June 2006), amended LR 35:207 (February 2009), LR 37:279 (January 2011), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Structural Pest Control Commission, LR 39:301 (February 2013), LR 42:213 (February 2016); LR 44:1236 (July 2018), LR 46:

Mike Strain DVM
Commissioner

2010#005

DECLARATION OF EMERGENCY

Department of Children and Family Services Licensing Section

Suspension of License Renewal Fees—Child Residential Care Class B, Residential Homes (Type IV), Child Placing Agencies—General Provisions, and Juvenile Detention
(LAC 67:V.6953, 7103, 7303, and 7503)

The Department of Children and Family Services (DCFS) has exercised the emergency provisions of the Administrative Procedure Act, R.S. 49:953 (B) to amend LAC 67, Part V, Subpart 8, Chapter 69, Child Residential Care, Class B, Section 6953; Chapter 71, Residential Homes-Type IV, Section 7103; Chapter 73, Child Placing Agencies, Section 7303; and Chapter 75, Juvenile Detention Facilities, Section 7503. This declaration is necessary to extend the original Emergency Rule since it is effective for a maximum of 120 days and will expire before the Final Rule takes effect. This Emergency Rule extension is effective on October 28, 2020, and shall remain in effect for a period of 120 days.

In accordance with HCR 71 of the 2020 Legislative Session, it is necessary to promulgate an Emergency Rule to implement a temporary suspension of license renewal fees for a limited period of time. During their 2020 Regular Session, the Louisiana Legislature adopted House Concurrent Resolution 71 which directs state agencies to adopt emergency rules to suspend the collection of license renewal fees for existing businesses based in Louisiana for renewals due from July 1, 2020 through June 30, 2021 as part of Louisiana's response to and as a way to help businesses reopen and recover from COVID-19. This emergency rule is necessary to comply with the legislative mandate in House Concurrent Resolution 71 of the 2020 Regular Session of the Louisiana Legislature.

Title 67
SOCIAL SERVICES
Part V. Child Welfare

Subpart 8. Residential Licensing

Chapter 69. Child Residential Care, Class B

§6953. Authority

A. ...

1. In accordance with HCR 71 of the 2020 Legislative Session, license renewal fees due from July 1, 2020 through June 30, 2021 are hereby suspended for existing residential homes located in Louisiana as part of Louisiana's response to and as a way to help businesses reopen and recover from COVID-19.

B. - C.3. ...

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

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 27:1565 (September 2001), repromulgated by the Department of Social Services, Office of the Secretary, Bureau of Residential Licensing, LR 33:2740 (December 2007), repromulgated by the Department of Social Services, Office of Community Services, LR 35:1617 (August 2009), amended LR 36:331 (February 2010), amended by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 39:66 (January 2013), amended by the Department of Children and Family Services, Licensing Section, LR 46:

Chapter 71. Residential Homes—Type IV

§7103. Authority

A. Legislative Provisions

1. - 1.a. ...

2. In accordance with HCR 71 of the 2020 Legislative Session, license renewal fees due from July 1, 2020 through June 30, 2021 are hereby suspended for existing residential homes located in Louisiana as part of Louisiana's response to and as a way to help businesses reopen and recover from COVID-19.

B. - C.3. ...

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

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Community Service, LR 36:805 (April 2010), amended by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 39:67 (January 2013), amended by the Department of Children and Family Services, Licensing Section, LR 43:246 (February 2017), LR 46:

Chapter 73. Child Placing Agencies—General Provisions

§7303. Authority - Foster Care, Adoption, Transitional Placing

A. - A.6. ...

7. In accordance with HCR 71 of the 2020 Legislative Session, license renewal fees due from July 1, 2020 through June 30, 2021 are hereby suspended for existing child placing agencies located in Louisiana as part of Louisiana's response to and as a way to help businesses reopen and recover from COVID-19.

B. - E.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1407(D).

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Licensing Section, LR 45:352 (March 2019), effective April 1, 2019, amended LR 46:

Chapter 75. Juvenile Detention Facilities

§7503. Authority

A. Legislative Provisions

1. ...

2. In accordance with HCR 71 of the 2020 Legislative Session, license renewal fees due from July 1, 2020 through June 30, 2021 are hereby suspended for existing juvenile detention facilities located in Louisiana as part of Louisiana's response to and as a way to help businesses reopen and recover from COVID-19.

B. - C.1.d. ...

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

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:1559 (July 2012), amended LR 39:1006 (April 2013), effective July 1, 2013, repromulgated LR 39:1264 (May 2013), amended by the Department of Children and Family Services, Licensing Section, LR 46:

Marketa Garner Walters
Secretary

2010#070

DECLARATION OF EMERGENCY

Board of Regents

Office of Student Financial Assistance

Scholarship/Grant Programs—Hurricane Laura
Exceptions and Deferments (LAC 28:IV.2103 and 2105)

The Louisiana Board of Regents is exercising the emergency provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) to amend the rules of the Scholarship/Grant programs [R.S. 17:3021-3025, R.S. 3041.10-3041.15, R.S. 17:3042.1.1-3042.8, R.S. 17:5001 et seq., and R.S. 56:797.D(2)].

This rulemaking provides for a blanket exception to the requirements to enroll full time each semester/term during the academic year, to maintain continuous enrollment, and to earn the required academic hours each academic year for TOPS, Rockefeller State Wildlife Scholarship, and GO Youth Challenge Recipients impacted by Hurricane Laura. In addition, this rulemaking provides deferments for students who are currently in repayment status for the Rockefeller State Wildlife Scholarship Program and TOPS Teacher.

This Emergency Rule is necessary to implement changes to the Scholarship/Grant programs to allow the Louisiana Office of Student Financial Assistance and state educational institutions to effectively administer these programs. A delay in promulgating rules would have an adverse impact on the financial welfare of the eligible students and the financial condition of their families. The Board of Regents has determined that this Emergency Rule is necessary in order to prevent imminent financial peril to the welfare of the affected students.

This Declaration of Emergency is effective on September 23, 2020, and shall remain in effect for the maximum period allowed under the Administrative Procedure Act. (SG21193E)

**Title 28
EDUCATION**

**Part IV. Student Financial Assistance—
Higher Education**

Chapter 21. Miscellaneous Provisions and Exceptions
**§2103. Circumstances Warranting Exception to the
Initial and Continuous Enrollment
Requirements**

A. - G.5.b.iii. ...

H. Hurricane Laura Exceptions

1. For the purposes of this subsection, *displaced students* are TOPS, Rockefeller State Wildlife Scholarship, and GO Youth Challenge recipients and students eligible for TOPS and on August 26, 2020:

a. were enrolled at SOWELA Technical Community College; or

b. whose home of record was one of the following parishes:

- i. Acadia;
- ii. Allen;
- iii. Beauregard;
- iv. Caddo;
- v.

Calcasieu;

- vi. Cameron;
- vii. Grant;
- viii. Jackson;
- ix. Jefferson Davis;
- x. LaSalle;
- xi. Lincoln;
- xii. Morehouse;
- xiii. Natchitoches;
- xiv. Ouachita;
- xv. Rapides;
- xvi. Sabine;
- xvii. St. Landry;
- xviii. Union;
- xix. Vermilion;
- xx. Vernon; or
- xxi. Winn.

2. For the purposes of this Subsection, *home of record* is:

a. the domiciliary address of a dependent student's parent or court-ordered custodian; or

b. the domiciliary address of an independent student.

3. For the 2020-2021 academic year (TOPS), displaced students are not required to enroll as full-time students, to maintain continuous enrollment, or to earn at least 24 hours during the 2020-2021 academic year (TOPS).

4. Displaced students may enroll on a part-time basis in an eligible college or university without losing TOPS eligibility.

a. Upon request of the student, the eligible college or university may bill for the TOPS award for these part-time students.

b. The terms of eligibility for a displaced student whose part-time enrollment is paid by TOPS will be reduced by one full semester (term) for each semester (term) paid.

c. Institutions must document the displaced student's request for part-time payment of TOPS under these circumstances.

d. Any grades earned by a displaced student who enrolls part-time during the 2020-2021 academic year (TOPS) will be included in the calculation of the student's cumulative grade point average.

5. Displaced students who are Rockefeller State Wildlife Scholarship recipients may enroll full-time or part-time in a college or university that does not offer a course of study leading to an undergraduate or graduate degree in wildlife, forestry or marine science.

a. Upon request of the student, the eligible college or university may bill for the Rockefeller State Wildlife Scholarship for these students.

b. The amount paid for any such semester of enrollment in accordance with this Subsection shall reduce the student's total eligibility for the Rockefeller State Wildlife Scholarship Program.

c. Institutions must document the displaced student's request for payment in accordance with this Subsection.

d. Any grades earned by a displaced student who enrolls in school during the 2020-2021 in accordance with this Subsection will be included in the calculation of the student's cumulative grade point average.

6. For the 2020-2021 academic year (TOPS), students who are not displaced students, but who, due to the effects of Hurricane Laura were unable to enroll for the first time as full time students by the applicable deadline, to enroll as full-time students, to maintain continuous enrollment in school, or to earn 24 hours during the 2020-2021 academic year (TOPS) may submit a request for exception in accordance with §2103.D. based on the circumstances provided in §2103.E.12.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3025, R.S. 17:5001 et seq., and R.S. 17:3050.1-3050.4.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 22:338 (May 1996), amended LR 23:1648 (December 1997), repromulgated LR 24:647 (April 1998), amended LR 24:1916 (October 1998), LR 26:1015 (May 2000), LR 26:2002 (September 2000), LR 27:36 (January 2001), repromulgated LR 27:1866 (November 2001), amended LR 27:1875 (November 2001), LR 28:46 (January 2002), LR 28:449 (March 2002), LR 28:775 (April 2002), LR 28:2330 and 2333 (November 2002), LR 29:126 (February 2003), LR 29:2373 (November 2003), LR 29:2373 (November 2003), LR 30:785 (April 2004), LR 30:1167 (June 2004), LR 31:1060 (May 2005), LR 33:440 (March 2007), LR 35:1233 (July 2009), LR 38:3160 (December 2012), LR 41:657, 667 (April 2015), amended by the Board of Regents, Office of Student Financial Assistance, LR 44:562 (March 2018), LR 45:1173 (September 2019), LR 46:

**§2105. Repayment Obligation, Deferment, Cancellation
and Reduced Payments**

A. - B.9.e.iii.

10. Hurricane Laura Deferments

a. For the purposes of this Subsection, *displaced students* are recipients of the Rockefeller State Wildlife Scholarship or TOPS Teacher Award who are in repayment status and whose Home of Record on August 26, 2020, and whose Home of Record was one of the following parishes:

- i. Acadia;
- ii. Allen;
- iii. Beauregard;
- iv. Caddo;

- v. Calcasieu;
- vi. Cameron;
- vii. Grant;
- viii. Jackson;
- ix. Jefferson Davis;
- x. LaSalle;
- xi. Lincoln;
- xii. Morehouse;
- xiii. Natchitoches;
- xiv. Ouachita;
- xv. Rapides;
- xvi. Sabine;
- xvii. St. Landry;
- xviii. Union;
- xix. Vermilion;
- xx. Vernon; or
- xxi. Winn.

11. For the purposes of this Subsection, home of record is the domiciliary address of the recipient who is in repayment status.

12. The loans repayments for displaced students are deferred and accrual of interest is suspended from August 26, 2020, through August 31, 2021.

13. For the period August 26, 2020, through August 31, 2021, recipients of the Rockefeller State Wildlife Scholarship or the TOPS Teacher Award who are not displaced students, but who, due to the effects of Hurricane Laura, are unable to repay their loan may submit a request for exception in accordance with §2103.D based on the circumstances provided in §2103.E.12.

C. - H.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3031 and R.S. 17:3042.1.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 24:649 (April 1998), amended LR 24:1918 (October 1998), LR 26:1603 (August 2000), repromulgated LR 27:1868 (November 2001), amended LR 28:775 (April 2002), LR 30:781 (April 2004), LR 30:1167, 1168 (June 2004), LR 33:442 (March 2007), amended by the Board of Regents, Office of Student Financial Assistance, LR 44:566 (March 2018), LR 46:

Robyn Rhea Lively
Senior Attorney

2010#011

DECLARATION OF EMERGENCY

Office of the Governor Boxing and Wrestling Commission

Class "B" Wrestling—Lab Reports (LAC 46:XI.525)

The Louisiana State Boxing and Wrestling Commission does hereby exercise the emergency provisions of the Administrative Procedure Act, R.S. 49:953(B). By this Emergency Rule, the commission will amend Chapter 5, Subchapter B. Class "B" Wrestling to provide small event wrestling promoters' relief from the responsibility of verifying bloodwork lab reports. This responsibility was formerly held by ring doctors and/or event coordinators under Chapter 1. General Rules. Due to the promulgation of R.S. 4.83(B) in 2018, Class B events are not required to have

a doctor, event coordinator or commissioner in attendance at these events to review and verify bloodwork lab reports to ensure the validity and negative results of HIV, Hepatitis B and C. The commission will provide an avenue for collection of these Class "B" lab reports and establish a database whereupon the commission will become responsible for the review and verification of these lab reports for a fee of \$150 per event. The database will contain no personal medical information. This database will be restricted to the name of the contestant, date of blood testing, the negative or positive results and expiration date so as to track when contestants require new testing every six months in accordance with §108.A, Medical Requirements, under this title.

This Emergency Rule is effective October 20, 2020, and will remain in effect for a period of 120 days, unless renewed by the Commissioner or until adoption of the final Rule, whichever occurs first.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Chapter 5. Professional Wrestling

Subchapter B. Class "B" Wrestling

§525. Wrestling Promoters Class "B" Licensing

A. - F. ...

G. Blood work laboratory results for Class "B" contestants, as required by §108.A, Medical Requirements, will be reviewed and verified by the commission and the results entered into an established database.

1. Class "B" contestant's lab reports will be submitted to the commission directly from the testing physician's laboratory or independent laboratory via hard copy, fax or other electronic submission to confirm negative results and verification of legitimacy.

2. A fee of \$150 per Class "B" event will be collected by the commission from the promoter to cover the costs of this verification process.

AUTHORITY NOTE: Promulgated in accordance with 4:64, 4:65 and 4:83(B)

HISTORICAL NOTE: Adopted by the Office of the Governor, Boxing and Wrestling Commission, LR 45:541 (April 2019) amended LR 46:

Addie L. Fields
Administrative Assistant

2010#027

DECLARATION OF EMERGENCY

Office of the Governor Division of Administration Patient's Compensation Fund Oversight Board

Qualified Health Care Provider Services (LAC 37:III.127)

A state of emergency for the state of Louisiana was declared by President Donald J. Trump both in August and September 2020 due to the devastation caused by Hurricane Laura and its aftermath. In addition, pursuant to Proclamation Nos. 108, 115, and 124 JBE 2020, Governor John Bel Edwards declared a state of emergency for Louisiana due to the effects of Hurricane Laura on Louisiana and its citizens.

Under Section 2 of Proclamation No. 115 JBE 2020, the Commissioner of Insurance for the State of Louisiana, James J. Donelon (Commissioner Donelon), shall have limited transfer of authority from Governor John Bel Edwards to suspend provisions of any statute of the Louisiana Insurance Code, Title 22 of the Louisiana Revised Statutes of 1950, concerning the cancellation, termination, nonrenewal, and reinstatement provisions of Title 22. Proclamation No. 124 JBE 2020 extended the limited transfer of authority from Governor John Bel Edwards to Commissioner Donelon to October 19, 2020.

Pursuant to said Proclamations, Commissioner Donelon caused the promulgation of Emergency Rule 45, entitled "Suspension of Certain Statutes Regarding Cancellations, Termination, Non-Renewals, and Nonreinstatements, Premium Payments, Claim Filings and Related Provisions Regarding Any and All Insurance Matters Affecting Insureds in Louisiana Caused by the state of emergency Declared by Governor John Bel Edwards on August 31, 2020, Due to Hurricane Laura", which addressed the devastation caused by Hurricane Laura and its aftermath that created emergency conditions threatening the health, safety and welfare of the citizens of Louisiana who are insureds and who either reside in, have insured property located in or whose primary place of employment is or was in, one of the following 16 parishes, to wit: Acadia, Allen, Beauregard, Calcasieu, Cameron, Grant, Jackson, Jefferson Davis, Lincoln, Natchitoches, Ouachita, Rapides, Sabine, Vermilion, Vernon, or Winn. Emergency Rule 45 suspends certain statutes and regulations regarding cancellations, non-renewals, reinstatements, premium payments, claim filings and related provisions regarding any and all insurance matters affecting these certain insureds, including healthcare providers, and was published in the September 2020 issue of the *Louisiana Register*.

Upon finding that imminent peril to the public health, safety or welfare required adoption of an emergency rule, the Patient's Compensation Fund Oversight Board (oversight board), under authority of the Louisiana Medical Malpractice Act, R.S. 40:1231.1 et seq. (MMA), and in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., adopted this Emergency Rule 7 at its meeting held on October 1, 2020.

Many qualified healthcare providers (QHCPs) enrolled in the Patient's Compensation Fund (fund or PCF) are being severely impacted by Hurricane Laura and the disruptions therefrom. It is believed that these disruptions have affected and will continue to affect for some time, the ability of these QHCPs to timely pay their annual renewal PCF surcharges in full and, as such, may seriously affect the provision of health care services by QHCPs to patients in Louisiana. This public health emergency has undoubtedly created a mass disruption to the normalcy previously enjoyed by QHCPs and patients and produced an immediate threat to the public health, safety, and welfare of Louisiana citizens, both patients and QHCPs alike.

Accordingly, Emergency Rule 7 was adopted by the Oversight Board and shall apply to all QHCPs as set forth in this Emergency Rule.

In the ordinary course of business and pursuant to LAC 37:III.517, a QHCP is allowed a grace period of 30 days in which to pay the annual renewal PCF surcharge in full to the insurer, the PCF or to the self-insurance trust, as applicable, to extend PCF coverage for another year. Hurricane Laura and its aftermath and the public health emergency resulting therefrom have produced a disruption in the ability of many QHCPs to timely pay the annual renewal PCF surcharge in full to maintain their enrollment in the fund. This could result in a QHCP being without PCF coverage or having a gap in PCF coverage. Emergency Rule 7 was adopted to provide emergency relief to QHCPs as set forth therein.

Title 37

INSURANCE

Part III. Patient's Compensation Fund

Chapter 1. General Provisions

§127. Qualified Health Care Provider Services (Emergency Rule 7)

A.1. Emergency Rule 7 shall apply to all QHCPs:

a. who either reside in or whose primary place of employment is or was in, one of the following 16 parishes, to wit: Acadia, Allen, Beauregard, Calcasieu, Cameron, Grant, Jackson, Jefferson Davis, Lincoln, Natchitoches, Ouachita, Rapides, Sabine, Vermilion, Vernon, or Winn; and

b. whose renewal date or 30-day grace period for payment of the PCF annual renewal surcharge occurs on or after August 27, 2020 but prior to the expiration of this Emergency Rule.

2. For purposes of this Emergency Rule 7, QHCPs who meet the above criteria shall be referred to herein as affected QHCPs. The provisions of this Emergency Rule 7 shall not apply to any health care provider not previously enrolled in the PCF prior to August 27, 2020.

3. The Oversight Board's rules, previously promulgated in the *Louisiana Register*, and the applicable provisions of the PCF's Rate Manual, to the extent that said regulatory provisions impose upon QHCPs a time limit to pay the applicable annual PCF renewal surcharges, shall be suspended for Affected QHCPs during the effective periods set forth in this Emergency Rule 7. Except as provided for in Paragraph A.5 of this Section, the cancellation of PCF qualification for affected QHCPs for failure to timely pay an annual PCF renewal surcharge is hereby suspended until the earlier of October 24, 2020 or the date the governor lifts the state of emergency presently in effect as a result of Hurricane Laura and its aftermath, inclusive of any renewal thereof.

a. PCF surcharges for all affected QHCPs whose renewal date or 30 day grace period for payment of the annual PCF renewal surcharge occurs on or after August 27, 2020 but prior to or on the earlier of October 24, 2020 or the date the governor lifts the state of emergency presently in effect as a result of Hurricane Laura and its aftermath, inclusive of any renewal thereof (suspension period), shall be due and owing on the date that is 30 days immediately following the earlier of October 24, 2020 or the date the governor lifts the state of emergency presently in effect as a result of Hurricane Laura and its aftermath, inclusive of any renewal thereof. affected QHCPs shall also furnish the

required proof of financial responsibility concurrently with the payment of the appropriate surcharge. PCF surcharges for all other QHCPs shall be due, owing and payable consistent with the oversight board's previously promulgated rules.

b. The executive director is hereby granted continuing authority to reasonably extend the suspension period for those affected QHCPs who certify to the oversight board in writing that said affected QHCP was impacted by the state of emergency in a manner, including but not limited to, evacuation, displacement, business interruption, or temporary relocation, sufficient to prevent the timely payment of the renewal surcharge (extended suspension period).

c. The 30 day grace period provided for in LAC 37:III.517 for payment of the annual PCF renewal surcharge by affected QHCPs who have been granted an extension of the suspension period shall commence on the day immediately following the end of the extended suspension period; the 30 day grace period for all other affected QHCPs shall commence on the day immediately following the earlier of October 24, 2020 or the date the governor lifts the state of emergency presently in effect as a result of Hurricane Laura and its aftermath, inclusive of any renewal thereof.

4. In the event an insurer, agent or trust fund collects a renewal surcharge during the suspension period from an affected QHCP, then the renewal surcharge shall be timely remitted to the PCF consistent with the MMA and the Oversight Board's applicable rules.

5. A cancellation of PCF qualification for an affected QHCP shall not occur prior to the earlier of October 24, 2020 or the date the governor lifts the state of emergency presently in effect as a result of Hurricane Laura and its aftermath, inclusive of any renewal thereof, unless upon the documented written request or written concurrence of the affected QHCP.

6. Unless otherwise cancelled pursuant to the provisions of Paragraph 5 herein, nothing in this Emergency Rule 7 shall be construed to exempt or excuse an affected QHCP from the obligation to pay the applicable PCF surcharge for renewal or for an extended reporting endorsement otherwise due for actual PCF qualification provided during the suspension period or the extended suspension period.

7. Emergency Rule 7 shall not relieve an affected QHCP from compliance with the MMA and the applicable Oversight Board's rules upon receiving notice of the filing of a medical review panel request (claim) against the affected QHCP.

8. The provisions of Emergency Rule 7 shall be liberally construed to effectuate the intent and purposes expressed herein and to afford maximum protection for the affected QHCPs and the citizens of Louisiana.

9. Emergency Rule 7 became effective on August 27, 2020 and shall continue in full force and effect to the earlier of October 24, 2020 or the date the governor lifts the state of emergency presently in effect as a result of Hurricane Laura and its aftermath, inclusive of any renewal thereof.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1231.4(D)(3) and to be consistent with Emergency Rule No. 45 of the Louisiana Department of Insurance.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Patient's Compensation Fund Oversight Board, LR 46:

§129. Termination; Survival

A. Emergency Rule 7 shall terminate on the earlier of October 24, 2020 or the date the governor lifts the state of emergency presently in effect as a result of Hurricane Laura and its aftermath, inclusive of any renewal thereof. However, Paragraphs A.3 and A.6 through A.8 of §127 shall survive the termination of this Emergency Rule 7.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1231.4(D)(3) and to be consistent with Emergency Rule No. 45 of the Department of Insurance.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Patient's Compensation Fund Oversight Board, LR 46:

§131. Severability Clause

A. If any section or provision of Emergency Rule 7, as originally adopted and/or amended, is held invalid, such invalidity or determination shall not affect other Sections or provisions, or the application of Emergency Rule 7, as originally adopted and/or amended, to the affected QHCPs or circumstances that can be given effect without the invalid Sections or provisions and the application to affected QHCPs or circumstances shall be severable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1231.4(D)(3) and to be consistent with Emergency Rule No. 45 of the Department of Insurance.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Patient's Compensation Fund Oversight Board, LR 46:

Ken Schnauder
Executive Director

2010#020

DECLARATION OF EMERGENCY

Office of the Governor Used Motor Vehicle Commission

Suspension of Renewal Fees for Businesses Reopening
or Recovering from COVID-19 (LAC 46:V.4301)

The Louisiana Used Motor Vehicle Commission is promulgating this rule change as an Emergency Rule pursuant to R.S. 49:953(B) to avoid imminent peril to the public health, safety, or welfare of businesses reopening or recovering from COVID-19 and to comply with the time periods established by House Concurrent Resolution No. 71 of the 2020 Regular Session of the Louisiana Legislature.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part V. Automotive Industry

Subpart 2. Used Motor Vehicles

Chapter 43. License Renewal

§4301. Period for Renewals

A. Applications should be submitted by November 1 of each year. If applications have not been made for renewal of existing licenses, such licenses shall expire December 31

and it shall be illegal for any person to represent himself as a dealer thereafter. The commission shall issue all new licenses by January 10 of each year.

B. Pursuant to the directive to certain licensing boards in HCR 71 (2020), the Commission hereby suspends the renewal fees from July 1, 2020 through June 30, 2021 for businesses existing on June 1, 2020 based in Louisiana reopening or recovering from COVID-19 for the following license types:

1. automotive dismantlers and parts recyclers;
2. auction dealers;
3. used motor vehicle crushers;
4. daily rental dealers;
5. rent with the option to purchase dealers;
6. used motor vehicle dealers;
7. used parts and accessories dealers.

C. Fees suspended pursuant to this section shall be submitted with the first renewal application filed after June 30, 2021.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:774.B(4); House Concurrent Resolution No. 71 (2020)

HISTORICAL NOTE: Promulgated by the Department of Commerce, Used Motor Vehicle and Parts Commission, LR 11:1064 (November 1985). Promulgated by the Office of the Governor, Used Louisiana Motor Vehicle Commission LR 46:

Derek Parnell
Executive Director

2010#002

DECLARATION OF EMERGENCY

Department of Health Bureau of Health Services Financing

Emergency Telemedicine
(LAC 50:I.505)

The Department of Health, Bureau of Health Services Financing adopts LAC 50:I.505 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health, Bureau of Health Services Financing promulgated an Emergency Rule which adopted provisions governing coverage of telemedicine during a declared disaster (*Louisiana Register*, Volume 46, Number 4). This Emergency Rule is being promulgated in order to continue the provisions of the March 16, 2020 Emergency Rule. This action is being taken to promote the health and welfare of Medicaid recipients by ensuring continued and expanded access to telemedicine services during a declared emergency.

Effective November 13, 2020, the Department of Health, Bureau of Health Services Financing adopts provisions governing the coverage of telemedicine during a declared emergency.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part I. Administration

Subpart 1. General Provisions

Chapter 5. Telemedicine

§505. Telemedicine in the Event of an Emergency

A. In the event of a declared emergency, Medicaid may temporarily cover services provided through the use of an interactive audio telecommunications system, without the requirement of video, if such action is determined to be necessary to ensure sufficient services are available to meet recipients' needs.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 46:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Interested persons may submit written comments to Ruth Johnson, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. Ms. Johnson is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Dr. Courtney N. Phillips
Secretary

2010#041

DECLARATION OF EMERGENCY

Department of Health Bureau of Health Services Financing

Home and Community-Based Services Providers
Licensing Standards (LAC 48:I.5038)

The Department of Health, Bureau of Health Services Financing adopts LAC 48:I.5038 as authorized by R.S. 36:254 and R.S. 40:2120.2. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health, Bureau of Health Services Financing amends the provisions governing the licensing standards for home and community-based services (HCBS) providers in order to adopt provisions to allow licensed HCBS providers to operate and provide services outside of their licensed geographic areas to existing clients who have evacuated or temporarily relocated to another location in the state due to a gubernatorial declared state of emergency or disaster in Louisiana.

This action is being taken to promote the health and welfare of Louisiana citizens by assuring continued access to home and community-based services during a declared emergency or disaster. It is estimated that implementation of

this Emergency Rule will have no programmatic costs for state fiscal year 2020-2021.

Effective September 21, 2020, the Department of Health, Bureau of Health Services Financing adopts provisions to allow licensed home and community-based services providers to operate outside of their licensed geographic areas in the event of a gubernatorial declared state of emergency or disaster in Louisiana.

Title 48

PUBLIC HEALTH—GENERAL

Part I. General Administration

Subpart 3. Licensing and Certification

Chapter 50. Home and Community-Based Services

Providers Licensing Standards

Subchapter C. Admission, Transfer and Discharge

Criteria

§5038. Provisions for Services to Clients Outside of Licensed Geographic Area in Event of a Gubernatorial Declared State of Emergency or Disaster

A. To ensure the health and safety of clients, and the coordination and continuation of services to clients, during a gubernatorial declared state of emergency or disaster in Louisiana, the department, through written notice sent electronically to licensed HCBS providers, may allow a licensed HCBS provider to operate and provide services to existing clients who are receiving personal care services and respite services and who have evacuated or temporarily relocated to another location in the state when the following apply:

1. the client has evacuated or temporarily relocated to a location outside of the provider’s licensed region due to the declared state of emergency or disaster;
2. the client shall have been a client of the HCBS provider as of the date of the declared emergency or disaster, with an approved plan of care;
3. the client’s existing caregiver(s) go with the client or provide services to the client at the client’s temporary location;
4. the provider is responsible for ensuring that all essential care and services, in accordance with the plan of care, are provided to the client, and the provider shall have sufficient staff and back-up caregivers available to provide services; and
5. the provider shall not interfere with the client’s right to choose a provider of his/her choice if the client elects a new HCBS provider in the area where the client relocates. The provider shall facilitate client’s selection.

B. The provisions of this Section shall not apply to providers of center based respite services.

C. To ensure the health and safety of clients, and the coordination and continuation of services to clients, during a gubernatorial declared state of emergency or disaster in Louisiana, the department, through written notice sent electronically to licensed HCBS providers, may allow a licensed HCBS provider to operate and provide services to existing clients who are receiving supervised independent living services (SIL) and who have evacuated or temporarily relocated to another location in the state when the following apply:

1. the client has evacuated or temporarily relocated to a location outside of the provider’s licensed region due to the declared state of emergency or disaster;
2. the client shall have been a client of the HCBS provider as of the declared state of emergency or disaster, with an approved plan of care;
3. the provider has sufficient and qualified staff to provide SIL services at the client’s temporary location;
4. the provider is responsible for ensuring that all essential SIL services, in accordance with the plan of care, are provided to the client; and
5. the provider shall not interfere with the client’s right to choose a provider of his/her choice if the client elects a new HCBS provider in the area where the client relocates. The provider shall facilitate client’s selection.

D. Under the provisions of this Section, the department’s initial written notice to licensed HCBS providers to authorize these allowances shall be for a period not to exceed 45 days. The department may extend this initial period, not to exceed an additional 45 days, upon written notice sent electronically to the licensed HCBS providers.

E. Under the provisions of this Section, the department in its discretion may authorize these allowances statewide or to certain affected parishes.

F. An HCBS provider who wants to provide services to a client that has temporarily relocated out of state must contact that state’s licensing/certification department to obtain any necessary licensing and/or certification before providing services in that state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2120.2.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 46:

Interested persons may submit written comments to Cecile Castello, Health Standards Section, P.O. Box 3767, Baton Rouge, LA 70821. Ms. Castello is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Dr. Courtney N. Phillips
Secretary

2010#010

DECLARATION OF EMERGENCY

**Department of Health
Bureau of Health Services Financing
and
Office of Aging and Adult Services
and
Office of Behavioral Health**

Programs and Services Amendments Due to the Coronavirus Disease 2019 (COVID-19) Public Health Emergency

On January 30, 2020, the World Health Organization declared a public health emergency of international concern and on January 31, 2020, U.S. Health and Human Services Secretary Alex M. Azar II declared a public health emergency, effective as of January 27, 2020, for the United

States in response to the recent coronavirus disease 2019 (hereafter referred to as COVID-19) outbreak. On March 11, 2020, Governor John Bel Edwards declared a statewide public health emergency to exist in the State of Louisiana as a result of the imminent threat posed to Louisiana citizens by COVID-19. Likewise, the presidential declaration of a national emergency due to COVID-19 has an effective date of March 1, 2020.

In response to these public health emergency declarations and the rapid advancement of COVID-19 throughout Louisiana, the Department of Health, Bureau of Health Services Financing, the Office of Aging and Adult Services (OAAS), and the Office of Behavioral Health (OBH) promulgated an Emergency Rule which amended the provisions of Title 50 of the *Louisiana Administrative Code* in order to adopt temporary measures to provide for the continuation of essential programs and services to ensure the health and welfare of the citizens of Louisiana in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq. (*Louisiana Register*, Volume 46, Number 4). This Emergency Rule is being promulgated to continue the provisions of the Emergency Rule adopted on March 19, 2020. This Emergency Rule shall be in effect for the maximum period allowed under the Act or the duration of the COVID-19 public health emergency declaration, whichever comes first.

Effective November 16, 2020, the department amends Title 50 of the *Louisiana Administrative Code* to continue the following provisions of the Emergency Rule adopted on March 19, 2020 throughout the duration of the COVID-19 public health emergency declaration:

**Nursing Facilities—Reimbursement Methodology—
Reimbursement Adjustment (LAC 50:II.20006)**

The per diem rate paid to non-state nursing facilities shall contain an add-on of \$12 for the period of the COVID-19 public health emergency declaration.

**Nursing Facilities—Reimbursement Methodology—
Leave of Absence Days (LAC 50:II.20021)**

For each Medicaid recipient, nursing facilities shall be reimbursed for up to seven hospital leave of absence days per occurrence and 15 home leave of absence days per calendar year.

For dates of service during the COVID-19 public health emergency declaration, the state may allow the reimbursement paid for leave of absence days to be equal to 100 percent of the applicable per diem rate.

**Intermediate Care Facilities for Persons with Intellectual
Disabilities—Emergency Awareness—Payment
Limitations (LAC 50:VII.33101)**

For dates of service during the COVID-19 public health emergency declaration, the state may waive the annual 45 day limit on the client's leave of absence, the limitation of 30 consecutive days, and the inclusion of the leave in the written individual habilitation plan for recipients that return to the facility for at least 24 hours prior to any discharge/transfer.

Payments to providers for these days will not include any enhanced rate add-ons (i.e., Complex Care, Pervasive Plus), and providers will appropriately submit them as leave days when billing for payment.

**Services for Special Populations—Personal Care Services
(LAC 50:XV.Subpart 9)**

Relaxation of long term-personal care services (LT-PCS) provisions during the COVID-19 public health emergency declaration:

Recipients of long term-personal care services (LT-PCS) may receive more weekly service hours than what is assigned for his/her level of support category;

The state may increase the maximum number of LT-PCS hours received per week;

Recipients may receive LT-PCS in another state without prior approval of OAAS or its designee;

Recipients may receive LT-PCS while living in a home or property owned, operated or controlled by a provider of services who is not related by blood or marriage to the recipient;

Individuals may concurrently serve as a responsible representative for more than two recipients without an exception from OAAS;

The following individuals may provide services to the recipient of LT-PCS: the recipient's spouse; the recipient's curator; the recipient's tutor; the recipient's legal guardian; the recipient's responsible representative; or the person to whom the recipient has given representative and mandate authority (also known as power of attorney);

The state may allow exceptions to the requirements that services must be provided in accordance with the approved plan of care and/or supporting documentation;

The state may allow exceptions to LT-PCS prior authorization requirements;

The state may increase and/or modify reimbursement rates for LT-PCS;

Recipients may orally designate/authorize or make changes to the responsible representative during the emergency. However, once the emergency declaration is over, the recipient must submit a written designation on the appropriate OAAS form to designate a responsible representative;

The state may offer recipients the freedom to choose another LT-PCS provider if the designated provider is not able to provide services;

The state may modify the minimum age requirement for direct care workers; and

The state may allow exceptions to the requirement that the place(s) of service must be documented in the plan of care.

**Home and Community-Based Services Waivers—
Adult Day Health Care Waiver (LAC 50:XXI.Subpart 3)**

With approval from the Centers for Medicare and Medicaid Services (CMS) as applicable, the following provisions of the Adult Day Health Care (ADHC) Waiver are relaxed during the COVID-19 public health emergency declaration:

Adult Day Health Care (ADHC) Waiver participants are allowed to receive ADHC services in his/her home by licensed and/or certified ADHC staff (i.e. RN, LPN, PCA and/or CNA);

The current assessments/re-assessments remain in effect past the annual (12 month) requirement;

Participants are not discharged if services are interrupted for a period of 30 consecutive days as a result of not receiving or refusing ADHC services;

Participants are not discharged for failure to attend the ADHC center for a minimum of 36 days per calendar quarter;

The state may elect to make retainer payments to ADHC providers when the ADHC center is closed;

Individuals may concurrently serve as a responsible representative for more than two participants without an exception from OAAS;

The state may allow exceptions to prior authorization requirements;

The state may increase and/or modify reimbursement rates for ADHC providers; and

The state may allow exceptions to the requirements that services must be provided in accordance with the approved plan of care and/or supporting documentation.

Home and Community-Based Services—Waivers Community Choices Waiver (LAC 50:XXI.Subpart 7)

With approval from the Centers for Medicare and Medicaid Services (CMS) as applicable, the following provisions of the Community Choices Waiver (CCW) are relaxed during the COVID-19 public health emergency declaration:

Community Choices Waiver (CCW) participants are allowed to receive personal assistance services (PAS) in another state without prior approval of OAAS or its designee;

Participants may receive PAS while living in a home or property owned, operated or controlled by a provider of services who is not related by blood or marriage to the participant without prior approval of OAAS or its designee;

The current assessment/re-assessment remains in effect past the annual (12 month) requirement;

CCW participants are not discharged if services are interrupted for a period of 30 consecutive days as a result of not receiving and/or refusing services;

Participants are not discharged from CCW self-directed services for failure to receive those services for 90 days or more;

Individuals may concurrently serve as a responsible representative for more than two participants without an exception from OAAS;

Participants may receive an increase in his/her annual services budget;

The following individuals may provide services to the participant: the participant's spouse; the participant's curator; the participant's tutor; the participant's legal guardian; the participant's responsible representative; or the person to whom the participant has given representative and mandate authority (also known as power of attorney);

Participants may receive Adult Day Health Care (ADHC) services in his/her home by licensed and/or certified ADHC staff (i.e. RN, LPN, PCA and/or CNA);

The state may elect to make retainer payments to ADHC providers when the ADHC center is closed;

The state may allow exceptions to the requirements that services must be provided in accordance with the approved plan of care and/or supporting documentation;

The state may allow exceptions to prior authorization requirements;

Participants may receive more than two home delivered meals per day;

The state may allow monitored in-home caregiving (MIHC) providers to monitor participants via frequent telephone contacts and/or telehealth;

The state may modify the minimum age requirement for direct care workers; and

The state may increase and/or modify reimbursement rates for CCW providers.

Behavioral Health Services—Home and Community-Based Services Waiver (LAC 50:XXXIII.Subpart 9)

With approval from the Centers for Medicare and Medicaid Services (CMS) as applicable, the following provisions of the Coordinated System of Care (CSoC) Waiver are relaxed during the COVID-19 public health emergency declaration:

Coordinated System of Care (CSoC) Waiver participants are allowed to receive CSoC waiver services in another state;

The current level of care evaluation/re-evaluation remains in effect beyond the semi-annual requirement;

CSoC participants are not discharged for failing to receive a face-to-face visit from the wraparound facilitator for 60 consecutive calendar days or more;

Services may be provided telephonically or through videoconferencing means in accordance with LDH-issued guidance;

Providers and wraparound facilitators are required to document all service activities in accordance with guidance issued by LDH and the CSoC contractor; and

Plan of care reviews and timelines may be extended.

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Interested persons may submit written comments to Ruth Johnson, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. Ms. Johnson is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Dr. Courtney N. Phillips
Secretary

2010#042

DECLARATION OF EMERGENCY

Department of Health Bureau of Health Services Financing

Programs and Services Amendments Due to the Coronavirus Disease 2019 (COVID-19) Public Health Emergency

On January 30, 2020, the World Health Organization declared a public health emergency of international concern and on January 31, 2020, U.S. Health and Human Services Secretary Alex M. Azar II declared a public health

emergency for the United States, effective as of January 27, 2020, in response to the recent coronavirus disease 2019 (hereafter referred to as COVID-19) outbreak. On March 11, 2020, Governor John Bel Edwards declared a statewide public health emergency to exist in the State of Louisiana as a result of the imminent threat posed to Louisiana citizens by COVID-19. Likewise, the presidential declaration of a national emergency due to COVID-19 has an effective date of March 1, 2020.

In response to these public health emergency declarations and the rapid advancement of COVID-19 throughout Louisiana, the Department of Health, Bureau of Health Services Financing, the Office of Aging and Adult Services (OAAS), the Office of Behavioral Health (OBH), and the Office for Citizens with Developmental Disabilities (OCDD) promulgated Emergency Rules which amended the provisions of Title 50 of the Louisiana Administrative Code in order to adopt temporary measures to provide for the continuation of essential programs and services to ensure the health and welfare of the citizens of Louisiana in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq. (*Louisiana Register*, Volume 46, Number 4). The department subsequently promulgated an Emergency Rule, adopted on June 24, 2020, which further amended Title 50 of the Louisiana Administrative Code due to the COVID-19 public health emergency (*Louisiana Register*, Volume 46, Number 7). This Emergency Rule is being promulgated to continue the provisions of the Emergency Rule adopted on June 24, 2020. This Emergency Rule shall be in effect for the maximum period allowed under the Act or the duration of the COVID-19 public health emergency declaration, whichever comes first.

Effective October 23, 2020, the Department of Health, Bureau of Health Services Financing hereby amends Title 50 of the *Louisiana Administrative Code* to continue the following provisions of the Emergency Rule adopted on June 24, 2020 throughout the duration of the COVID-19 public health emergency declaration:

Medicaid Eligibility (LAC 50:III.Subpart 1)

For the duration of the COVID-19 public health emergency declaration, the following requirements for coverage under the Medical Assistance Program (Medicaid) will be relaxed:

§101.C. General Provisions—Hearings

The 30 day requirement for the applicant and enrollee to request a fair hearing shall be waived.

Applicants and enrollees must request a fair hearing within 120 days of the date of the adequate and/or timely decision notice issued by the Medicaid Program or its designee.

§301. Asset Verification Program - General Provisions

Asset verification for aged, blind, and disabled applicants will be performed through a post-eligibility review following the certification.

Chapter 23. Eligibility Groups and Medicaid Programs

The department shall provide coverage under the Medical Assistance Program for uninsured individuals described at section 1902(a)(10)(A)(ii)(XXIII) and 1902(ss) of the Social Security Act as follows:

In accordance with section 1902(a)(10)(XVIII) of the Social Security Act, the medical assistance made available to uninsured individuals (as defined in subsection 1902(ss)) eligible for medical assistance only because of subparagraph (A)(ii)(XXIII) is limited to medical assistance for any in vitro diagnostic product described in section 1905(a)(3)(B) administered during the COVID-19 public health emergency declaration (and the administration of such product) and any visit described in section 1916(a)(2)(G) furnished during the emergency period.

Services for Special Populations—Hospice Recipient Eligibility—Waiver of Payment for Other Services (LAC 50:XV.3503)

During the COVID-19 public health emergency declaration, the department waives the provisions requiring daily visits by the hospice provider to all clients under the age of 21 in order to facilitate continued care while maintaining the safety of staff and beneficiaries. Visits will still be completed based on clinical need of the beneficiary and family, and availability of staff as requested by the family. The use of telemedicine visits as an alternative is allowed.

Medical Transportation Program—Emergency Medical Transportation—Ground Transportation Reimbursement (LAC 50:XXVII.325)

For the duration of the COVID-19 public health emergency declaration, reimbursement will be allowed for ambulance providers for allowable services on site without transport. Services provided by the ambulance provider shall be within established treatment protocols, under the direct supervision of a licensed physician.

Pharmacy—Copayment and Maximum Quantity (LAC 50:XXIX.111 and 119)

During the period of state or federal declared emergency, member co-pays may be waived and select pharmacy edits may be revised to encourage recipients to get all necessary maintenance medications during one pharmacy visit.

Members are able to start receiving up to a 90-day supply, as appropriate, of maintenance medications that are not controlled substances. These include cardiovascular drugs (hypertension, coronary artery disease, thrombosis), diabetes drugs, respiratory drugs (inhaled and oral), contraceptives, antiretrovirals, direct-acting antivirals for hepatitis C, immunosuppressives, antipsychotics, and antidepressants, among others.

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Interested persons may submit written comments to Ruth Johnson, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. Ms. Johnson is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Dr. Courtney N. Phillips
Secretary

2010#043

DECLARATION OF EMERGENCY

Department of Health Licensed Professional Counselors Board of Examiners

Continuing Education Requirements for Licensed Marriage and Family Therapists (LAC 46:LX.3503)

The Louisiana Department of Health, Louisiana Licensed Professional Counselors Board of Examiners has exercised the emergency provisions of the Administrative Procedures Act, specifically R.S. 49:953(B), to rescind rules relative to the Practice of Mental Health Counseling, specifically a line in §3503.C.2. which requires Continuing Education Hours to not be accrued in an online format. The LPCBE finds an imminent danger to the public's health, safety, and welfare; thereby, requiring the immediate adoption of this rule to respond to the Covid-19 health emergency. The following Emergency Rule, effective October 7, 2020, shall remain in effect for a maximum of 120 days.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS REVISED

Part LX. Licensed Professional Counselors Board of Examiners

Subpart 1. Licensed Professional Counselors

Chapter 35. Renewal of License for Licensed Marriage and Family Therapists

§3503. Continuing Education Requirements for Provisional Licensed Professional Counselors

A. - C.1. ...

2. An LMFT may obtain the 40 clock hours of continuing education through the options listed:

2.a. - 3.g. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1123.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 29:160 (February 2003), repromulgated LR 29:581 (April 2003), amended LR 29:2789 (December 2003), LR 41:752 (April 2015), LR 46:

Jamie S. Doming
Executive Director

2010#033

DECLARATION OF EMERGENCY

Department of Public Safety and Correction Liquefied Petroleum Gas Commission

Class I-E Permit (LAC 55:IX:Chapter 1)

The Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, has exercised the emergency provision in accordance with R.S. 49:953(B), the Administrative Procedure Act, to amend LAC 55:IX:Chapter 1, as authorized by R.S. 40:1846. Furthermore, the Liquefied Petroleum Gas Commission, hereafter referred to as the "Commission", has found an immediate need to adopt amendments to create an additional Class I permit, the Class I-E permit, the provisions of which are applicable to emergencies and/or disasters.

In August and September 2020, President Donald J. Trump declared a State of Emergency in Louisiana due to the devastation caused by Hurricane Laura and its aftermath. Concurrently, Governor John Bel Edwards declared a State of Emergency in Louisiana for the same reasons. Furthermore, President Donald J. Trump invoked the Stafford Act and declared a national emergency regarding Hurricane Laura and its aftermath, which has caused destruction and devastation to the lives and property of Louisiana residents. As such, the residual effects of the storm present a substantial risk to the health, safety and welfare of a significant number of citizens in our state. Many people were forced to evacuate their homes and businesses, including numerous individuals who own, operate, and work in the liquefied petroleum gas trade, commonly known as the propane industry. From dealers whose businesses are currently inoperable to displaced employees who delivered propane and serviced tanks, the industry now faces a shortage in the workforce.

Liquefied petroleum gas, also referred to as propane or butane, is an efficient energy source used in home and water heating appliances and cooking equipment such as stoves and grills. In times of emergencies and/or disasters, it is also used to operate generators and power temporary/transient housing, such as FEMA trailers. Therefore, it is an imminent peril to the public health, safety and welfare that the industry supply the necessary propane needed to fulfill the supply and demand necessitated at this time. Due to the shortage of personnel, it is crucial to permit additional, qualified individuals from other jurisdictions.

In particular, the Emergency Rule amends LAC 55:IX:Chapter 1, Section 107, to permit nonresidents in other jurisdictions to enter any phase of the liquefied petroleum gas business during an emergency and/or disaster, only after the Commission has reached a reciprocal agreement with the liquefied petroleum gas regulating authority of the state in which the permit applicant resides. The Class I-E permit is an exception to the Class I permit, as it omits the requirement that holders of the permit provide a storage capacity for liquefied petroleum gas of not less than 15,000 gallons in one location, under fence, located within the dealer trade area within the state of Louisiana. It also excludes the requirement that the permit holder show evidence of ownership of the storage tank, or in the alternative, a bona fide lease of five years minimum. This requirement is not applicable due to the fact that the Class I-E permit is only valid during an emergency and/or disaster and is issued for a period of 90 days. However, the permit may be renewed, prior to its expiration date, during the course of the emergency and/or disaster that it was initially applied for.

The adoption of this Rule on an emergency basis is also necessary due to the hazardous components of liquefied petroleum gas, which are flammable mixtures of hydrocarbon. As a result of the storm, many propane tanks may have been dislodged or flooded. In haste to evacuate, some may have failed to shut off the main gas supply valve to their homes or on propane tanks. In addition, water and debris may have inundated regulators and controls, causing potential safety issues, requiring a qualified propane dealer or service technician to inspect the propane system to ensure

it is leak free. Fallen trees and power lines can create further safety concerns. The Commission finds that an imminent peril to the public health, safety and welfare requires adoption of this Rule. The Emergency Rule was adopted and became effective September 8, 2020, upon the signature of the agency head, John W. Alario, Executive Director. It shall remain in effect for the maximum period allowed under the Administrative Procedure Act, 120 days, or until adoption of the final Rule, whichever occurs first.

Title 55

PUBLIC SAFETY

Part IX. Liquefied Petroleum Gas

Chapter 1. General Requirements

Subchapter A. New Dealers

§103. Definitions

A. The following terms, as used in this Part, have the meanings listed below.

* * *

Disaster—the result of a natural or man-made event which causes loss of life, injury, and property damage, including but not limited to natural disasters such as a hurricane, tornado, storm, flood, high winds, and other weather related events, forest and marsh fires, and man-made disasters, including but not limited to nuclear power plant incidents, hazardous materials incidents, oil spills, explosion, civil disturbances, public calamity, acts of terrorism, hostile military action, and other events related hereto.

* * *

Emergency—the actual or threatened condition which has been or may be created by a disaster or; any natural or man-made event which results in an interruption in the delivery of utility services to any consumer of such services and which affects the safety, health, or welfare of a Louisiana resident; or

a. any instance in which a utility's property is damaged and such damage creates a dangerous condition to the public;

b. any national or state emergency, including acts of terrorism or a congressional authorization or presidential declaration pursuant to the War Powers Resolution (50 U.S.C. 1541 et seq.).

* * *

State of Emergency or Disaster—any event declared by the governor of the state by his authority under the "Louisiana Homeland Security and Emergency Assistance and Disaster Act" under R.S. 29:721 et seq.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 24:459 (March 1998), LR 29:2508 (November 2003), LR 31:2556 (October 2005), LR 33:1139 (June 2007), effective July 1, 2007, LR 36:2571 (November 2010), LR 38:1255 (May 2012), LR 46:

§107. Requirements

A. Before any permit or registration may be issued from the office of the director; all applicants shall have complied with or agree to comply with the applicable requirements as follows:

1. Shall deposit filing fee of \$100 for Class I, I-E, IV and VI; \$50 for class VI-X and \$25 for all remaining permits. This fee shall accompany the application.

2. - 5.b. ...

c. Each location of Class I, Class I-E, Class VI and Class VIII dealers, which fill DOT specification cylinders of 200 lbs. or less, liquefied petroleum gas capacity, that are in commerce or transportation, shall provide a suitable weighing device (scales).

6. Applicants shall have paid a permit fee in the amount of \$150, and Class III which shall be \$500 and R-1, R-2 registrations, which shall be \$37.50 and Class VI-X shall be in the amount of \$150 for each location. For fiscal year 2014-2015, and for each subsequent fiscal year, the permit fee shall be 0.1369 of 1 percent of annual gross sales of liquefied petroleum gas with a minimum of \$150 for each location. For classes not selling liquefied petroleum gases in succeeding years the permit fee shall be \$150, except registrations shall be \$37.50 per year.

6.a. - 10. ...

11. Applicants for change of name shall deposit a filing fee of \$25 with a formal application for a name change. The office of the director shall administratively grant the name change after all commission requirements are met. The commission shall ratify the name change at the next commission meeting after which a minimum of 20 days have elapsed since the administrative granting of the name change. A representative of the new firm or corporation shall be required to be present when the application is ratified by the commission, except in the cases of Class VI-X, and R-1 and R-2 registrations, when appearance is waived. All certificates of competency shall be changed to new name, except Class VI-X which does not require certificates of competency.

12. ...

13. The commission shall grant Class I and Class I-E Liquefied Petroleum Gas permits to nonresident applicants only after the commission has reached a reciprocal agreement with the Liquefied Petroleum Gas regulating authority of the state in which the applicant resides.

14. - 15. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, LR 1:315 (July 1975), LR 4:86 (March 1978), LR 7:633 (December 1981), amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 11:557 (May 1985), LR 15:854 (October 1989), LR 16:1063 (December 1990), LR 20:1400 (December 1994), LR 24:461 (March 1998), LR 24:2311 (December 1998), LR 25:1262 (July 1999), LR 25:2410 (December 1999), LR 26:1487 (July 2000), LR 27:2256 (December 2001), LR 28:2553 (December 2002), LR 29:2509 (November 2003), LR 31:2567 (October 2005), LR 33:1140 (June 2007), effective July 1, 2007, LR 35:2201 (October 2009), LR 35:2465 (November 2009), LR 38:1256 (May 2012), LR 41:395 (February 2015), LR 42:427 (March 2016), LR 42:1671 (October 2016), LR 43:967 (May 2017), LR 46:188 (February 2020), LR 46:

§109. Compliance with Rules

A. Compliance with all other applicable statutes, rules and regulations is a mandatory requirement for all permit holders.

B. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 11:557 (May 1985), LR 25:2411 (December 1999), LR 31:2567 (October 2005), LR 38:1259 (May 2012), LR 46:188 (February 2020), LR 46:

§111. Re-Application

A. Any person, firm or corporation who has made application for a permit to enter the liquefied petroleum gas business and whose request for permit has been denied, may resubmit a permit application 90 days after the date of denial, with the exception of a Class I-E permit application. Any person, firm or corporation who has made application for a Class I-E permit to enter the liquefied petroleum gas business and whose request for permit has been denied, may resubmit a permit application any time during the same disaster and/or emergency that the initial permit application was submitted to the commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, LR 7:633 (December 1981), LR 38 1259 (May 2012), LR 46:

§113. Classes of Permits and Registrations

A. - A.1.f. ...

2. Class I-E. Holders of these permits may enter any phase of the liquefied petroleum gas business. These permits shall only be granted during an emergency and/or disaster. These permits are valid for 90 days from the date of issuance. Permits may be renewed prior to the expiration date of the permit during the course of the emergency and/or disaster that it was initially applied for.

a. Holders of these permits shall furnish evidence of general liability insurance in the minimum sum of \$1,000,000 coverage per:

- i. products;
- ii. manufacturers and contractors; and
- iii. automobile liability.

b. Where fuel is used direct from cargo tank, an approved valve with proper excess flow device shall be used. Connector to vehicle's engine shall be approved for such use and protected from mechanical injury.

c. No truck shall be parked on a street or highway at night in any city, town, or village, except for the purpose of serving a customer.

d. Compliance with all other applicable statutes, rules and regulations is a mandatory requirement.

e. The name of the dealer shall appear on all tank trucks, storage tank sites, and/or advertising being used by the dealer. At consumer premises, where the tank or the container is owned by the dealer, the dealer's name shall be affixed. This requirement is considered met if documentation is provided, upon demand, that the dealer's name was affixed at the time of installation. Consumer premises requirement is not retroactive.

3. Class II. Holders of these permits may install and service liquefied petroleum gas containers, piping, and appliances but shall not sell nor deliver gas with this permit. This class is also applicable to the installation and service of

liquefied petroleum gas containers, piping, and appliances on mobile homes, modular homes, manufactured homes, motor homes, travel trailers homes or any other recreational vehicles.

a. Holders of these permits shall furnish evidence of general liability insurance in the minimum sum of \$1,000,000 coverage per:

- i. products;
- ii. manufacturers and contractors; and
- iii. motor vehicle liability.

b. Louisiana manufacturers and dealers of mobile homes, manufactured homes, modular homes, motor homes, travel trailers, or any recreational vehicles shall comply with all state and federal safety standards and perform all safety tests on mobile homes, modular homes, manufacture homes, motor homes, travel trailers, or any recreational vehicles using liquefied petroleum gas.

c. Upon delivery of a mobile home, manufactured homes, modular homes, motor home, travel trailer, or any other recreational vehicle, new or used, the required installation report and inspection and testing of any liquefied petroleum gas system and appliances shall be performed by the dealer or any entity performing functions as a dealer using liquefied petroleum gas in the system. An installation report properly completed and signed by the customer or his/her authorized representative shall be sent to the office of the director verifying that the tests were performed and that the test was eye witnessed by the customer or his/her authorized representative.

d. The mobile home, manufactured homes, modular homes or recreational vehicle dealer or entity performing functions as a dealer shall have a permit with this commission and is responsible to this commission to make the required installation report, perform the required inspection and safety tests, or make arrangements for it to be made by a qualified permit holder.

e. Compliance with all other applicable statutes, rules and regulations is a mandatory requirement.

4. Class III. Brokers/Special Vendors. Holders of these permits may purchase liquefied petroleum gas only from dealers who hold a valid liquefied petroleum gas permit and resell the aforementioned purchased liquefied petroleum gas product to end users utilizing floor maintenance machines and/or industrial trucks (forklifts) on their premises. Holders of these permits shall not deliver gas or engage in repairing liquefied petroleum gas containers or systems.

a. Holders of these permits shall furnish evidence of general liability insurance in the minimum sum of \$1,000,000 per products liability coverage.

b. Shall submit a completed "location approval form" for each physical location being served, with a handling fee of \$150 for each location being served.

c. Compliance with all other statutes, rules and regulations is a mandatory requirement.

d. Shall provide 24-hour emergency contact information at each liquefied petroleum gas storage location. The person deemed the emergency contact shall have basic knowledge regarding liquefied petroleum gas emergencies and shall maintain contact information per the servicing liquefied petroleum gas supplier.

e. The Class III permit holder shall post the servicing liquefied petroleum gas supplier's name (name on

Louisiana liquefied petroleum gas permit) at each liquefied petroleum gas storage site and each end user's location.

5. Class IV. Resellers (Wholesalers). Holders of these permits may deliver and transport liquefied petroleum gas over the highways of the state; may sell liquefied petroleum gases only to manufacturers of liquefied petroleum gases, or manufacturers of products which liquefied petroleum gases form a component part, or to dealers who hold a permit with this commission; utilize aboveground steel storage and/or approved salt dome, shale and other underground caverns for the storage of liquefied petroleum gases; do general maintenance work on their equipment, using qualified personnel, but shall not sell or install systems and appliances.

a. Shall furnish evidence of general liability insurance in the minimum sum of \$1,000,000 coverage per:

- i. products;
- ii. manufacturers and contractors; and
- iii. automobile liability.

b. The name of the dealer shall appear on all tank trucks which require registration with the commission and storage tank sites.

c. Compliance with all other applicable statutes, rules and regulations is a mandatory requirement.

6. Class V. Carburetion Permit. Holders of these permits may install equipment, including containers, and service liquefied petroleum gas equipment used on internal combustion engines. They shall not deliver liquefied petroleum gas.

a. Holders of these permits shall furnish evidence of general liability insurance in the minimum sum of \$1,000,000 per manufacturers and contractors liability coverage.

b. Compliance with all other applicable statutes, rules and regulations is a mandatory requirement.

7. Class VI. Holders of these permits may engage in the filling of approved cylinders and motor fuel tanks with liquefied petroleum gas on their premises, but shall not deliver gas.

a. Holders of these permits shall furnish evidence of general liability insurance in the minimum sum of \$1,000,000 per products liability coverage.

b. The name of the dealer shall appear on storage tank sites.

c. Compliance with all other applicable statutes, rules and regulations is a mandatory requirement.

8. Class VI-X. Holders of these permits may engage in the exchange of approved liquefied petroleum gas cylinders on their premises, but shall not fill cylinders. They shall not deliver gas.

a. Holders of these permits shall furnish evidence of general liability insurance in the minimum sum of \$1,000,000 per products liability coverage.

b. Any current Class VI permit holder may convert to a Class VI-X permit by filing formal application with the commission and submitting a \$25 filing fee. Presence of the applicant at the commission meeting will be waived. Upon receipt of the application and filing fee, permit shall be issued.

c. Compliance with all other applicable statutes, rules and regulations is a mandatory requirement.

9. Class VII. Holders of these permits may transport liquefied petroleum gas by motor vehicle over the highways of the state of Louisiana but shall not sell product in the state.

a. Holders of these permits shall furnish evidence of general liability insurance in the minimum sum of \$1,000,000 per automobile liability coverage.

b. Where fuel is used direct from cargo tank, an approved valve with proper excess flow device shall be used. Connector to vehicle's engine shall be approved for such use and protected from mechanical injury.

c. No truck shall be parked on a street or highway at night in any city, town, or village, except for the purpose of serving a customer.

d. The name of the dealer shall appear on all tank trucks which require registration with the commission.

e. Compliance with all other applicable statutes, rules and regulations is a mandatory requirement.

10. Reserved.

11. Class VIII. Holders of these permits may store, transport and sell liquefied petroleum gas used solely in the cutting and metal working industry, sell and install piping and containers for those gases and engage in the filling of approved ASME tanks, ICC or DOT containers used in the metal working industry.

a. Holders of these permits shall furnish evidence of general liability insurance in the minimum sum of \$1,000,000 per products, manufacturers and contractors, and automobile liability coverage.

b. The name of the dealer shall appear on all tank trucks which require registration with the commission and storage tank sites.

c. Compliance with all other applicable statutes, rules and regulations is a mandatory requirement.

12. Class IX. Holders of these permits may inspect, recertify and recondition DOT and ICC cylinders. They shall not sell or deliver liquefied petroleum gas or anhydrous ammonia.

a. Holders of these permits shall obtain from DOT a retesters identification number, and provide proof of such to the commission.

b. Holders of these permits shall furnish evidence of general liability insurance in the minimum sum of \$1,000,000 per products liability coverage.

c. Holders of these permits shall provide drawing and description of equipment to be installed to retest cylinders. Drawing and description shall be submitted to the office of the director for his approval before installation.

d. Holders of these permits shall maintain an accurate log of all cylinders that have been retested by date, size, manufacturer name, and serial number. The commission reserves the right to inspect such logs at any time through its representative.

e. Compliance with all other applicable statutes, rules and regulations is a mandatory requirement.

13. Registration 1 (R-1). Holders of these registrations shall be a person, firm, or corporation who is engaged in the business of plumbing and holds a master plumber's license issued by the state of Louisiana. They may install liquefied petroleum gas or anhydrous ammonia piping and make alterations or modifications to existing piping systems.

These registrations shall be issued by the office of the director upon meeting the applicable requirements of §107 and the following:

a. Holders of these permits shall furnish evidence of general liability insurance in the minimum sum of \$1,000,000 per manufacturers and contractors liability coverage.

b. Compliance with the provisions of NFPA Pamphlet Number 54 (*National Fuel Gas Code*) and NFPA Number 58 (*Standard for the Storing and Handling of Liquefied Petroleum Gas*) and ANSI K 61.1-1989 is a mandatory requirement.

c. Compliance with all other applicable statutes, rules and regulations of the commission is a mandatory requirement.

14. Registration 2 (R-2). Holders of these registrations shall be a person, firm, or corporation engaged in the mechanical contracting business. They may install liquefied petroleum gas and/or anhydrous ammonia appliances and equipment, and make alterations or modifications to existing liquefied petroleum gas and/or anhydrous ammonia appliances and equipment. These registrations shall be issued by the office of the director upon meeting the applicable requirements of §107 and the following:

a. Holders of these permits shall furnish evidence of general liability insurance in the minimum sum of \$1,000,000 per products and manufacturers and contractors liability coverage.

b. Compliance with the provisions of NFPA Pamphlet Number 54 (*National Fuel Gas Code*) and NFPA Number 58 (*Standard for the Storing and Handling of Liquefied Petroleum Gas*) and ANSI K 61.1-1989 is a mandatory requirement.

c. Compliance with all other applicable statutes, rules and regulations of the commission is a mandatory requirement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, amended and promulgated LR 3:315 (July 1977), amended LR 7:633 (December 1981), LR 8:53 (January 1982), amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 11:557 (May 1985), LR 12:841 (December 1986), LR 15:855 (October 1989), LR 16:1063 (December 1990), LR 19:904 (July 1993), LR 20:1400 (December 1994), LR 21:701 (July 1995), LR 24:461 (March 1998), LR 25:2411 (December 1999), LR 29:2509 (November 2003), LR 33:1141 (June 2007), effective July 1, 2007, LR 38:1259 (May 2012), LR 41:395 (February 2015), LR 43:967 (May 2017), LR 46:188 (February 2020), LR 46:

Subchapter B. Dealers

§119. Permit Fees

A. All fees pursuant to R.S. 40:1849 shall be paid before a new permit will be issued each year, with the exception of a Class I-E permit. For a Class I-E permit, all fees shall be paid prior to a renewal permit being issued by the commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, amended by the Department of Public

Safety and Corrections, Liquefied Petroleum Gas Commission, LR 16:1063 (December 1990), LR 38:1262 (May 2012), LR 46:

§131. Compliance with Rules

A. Compliance with all other statutes, rules and regulations will be required for all permit holders.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 46:

John W. Alario

Executive Director

2010#001

DECLARATION OF EMERGENCY

Department of Public Safety and Corrections Office of the State Fire Marshal

Fire-Resistant Material Applicators (LAC 55:V.Chapter 34)

Notice is hereby given that the Louisiana Office of State Fire Marshal is adopting an emergency rule enacting LAC Title 55, Part V, Chapter 34, §3401 through §3429. The law which prompted the promulgation of these rules (La. R.S. 40:1603) was adopted in the 2019 Legislative session. It is necessary to have rules in place for the enforcement and penalties associated with fire-resistant material applicators for the protection and safety of the public and to establish accuracy concerning heat and flame protection. These rules also explain the training and certification process for a person seeking a certificate of registration as a fire-resistant material applicator as required in R.S. 40:1603. These rules ensure that those people conducting fire-resistant material application activities are properly trained, certified and registered which assures that the work was properly performed. The emergency adoption of these rules will further safeguard the citizens and visitors present in commercial structures by ensuring that they are safe from fires. As such, the Office of State Fire Marshal finds that an imminent peril to the public safety and welfare requires adoption of this Rule upon shorter notice than that provided in R.S. 49:953(A), as provided in R.S. 49:953(B)(1)(a). This Emergency Rule is being proposed pursuant to the authority of the Office of State Fire Marshal contained in R.S. 40:1563 and R.S. 40:1603.

This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 953(B)(1) et seq., and becomes effective upon signature of the Undersecretary of the Louisiana Department of Public Safety and Corrections, September 28, 2020, and shall remain in effect for 120 days, unless rescinded, renewed or until the permanent rules become effective.

Title 55

PUBLIC SAFETY

Part V. Fire Protection

Chapter 34. Fire-resistant Material Applicators

§3401. Purpose

A. The provisions of this Chapter are to establish the training, registration and certification requirements for fire-

resistant material applicators. The requirements for the enforcement of these provisions are established by this chapter in the interest of protecting and preserving lives pursuant to authority of R.S. 40:1603.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563 and R.S. 40:1603.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 46:

§3403. Administration

A. The Office of State Fire Marshal, which administers the provisions of R.S. 40:1603, relating to fire-resistant material applicators, is located at 8181 Independence Blvd., Baton Rouge, Louisiana 70806.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563 and R.S. 40:1603.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 46:

§3405. Applicability of Rules

A. These rules shall apply to all persons engaged in the activity of fire-resistant material application.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563 and R.S. 40:1603.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 46:

§3407. Exceptions

A. These rules shall not apply to firms that employ persons engaging in the activity of fire-resistant material application. The requirements only apply to the individual fire-resistant material applicators.

These rules do not apply to any persons or firms engaged in the application of fire-stopping material.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563 and R.S. 40:1603.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 46:

§3409. Notices by the State Fire Marshal

A. Any notice required to be given by the Office of State Fire Marshal by any provision of law or these rules shall be provided as follows:

1. personal or domiciliary service or mailed, postage prepaid, to the person's residence and/or firm address as it appears on the records in the Office of State Fire Marshal. It is the responsibility of the person involved to ensure that the Office of State Fire Marshal has a correct address for the person and firm; or

2. electronic transmission or electronic mail (email) if the electronic transmission or email is retrievable in a perceivable form and the office and recipient have consented in writing to the use of such form of electronic transmission or email for purposes of notice or communication between the parties. It is the responsibility of the applicant or registered individual to ensure that the Office of State Fire Marshal has a correct email address for the person and firm.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563 and R.S. 40:1603.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 46:

§3411. Definitions

A. The following words and terms, when used in these rules, shall have the following meanings, unless the context clearly indicates otherwise.

Certificate of Registration—that document issued by the Office of State Fire Marshal to a person authorizing him or her to engage in fire-resistant material activity, certifying that he or she has obtained the appropriate training as required in R.S. 40:1603 and these rules.

Digital Registration Identification—that electronic document provided by the Office of State Fire Marshal to a person registered to engage in fire-resistant material activity, with the ability to be displayed on a phone or other electronic device bearing a photographic image of the person and his or her name, evidencing the Office of State Fire Marshal's authorization of the person to engage in the activities as defined by these rules.

Fireproofing—the act of rendering an object, such as a structure or material, resistant to fire or incombustible via the application of a listed and approved fire-resistant material.

Fire-Resistant Material—includes cementitious, fibrous and intumescent materials that are sprayed or applied onto a surface to provide fire-resistant protection of the substrate.

Fire-Resistant Material Activity—the application or the act of applying fire-resistant material onto a surface to provide fire-resistant protection of the substrate.

Fire-Resistant Material Applicator—an individual who applies fire-resistant material.

Firestops or Fire-stopping material—a listed and approved material used as a form of passive fire protection that is utilized for sealing around openings and penetrations in fire-rated walls or flooring. The purpose of the utilization of firestops and/or fire-stopping material is to impede the spread of fire and smoke from one room or area to an adjacent room or area. Fire-resistant material is not included in this definition.

Firm—a sole proprietorship, partnership, corporation, limited liability company, or any other entity that employs the individual fire-resistant material applicators.

Office—the Office of State Fire Marshal.

Person—a natural individual.

Pocket Registration Card—that document issued by the Office to a person registered to engage in fire-resistant material activity, in pocket size and bearing a photographic image of the person and his or her name, evidencing the Office of State Fire Marshal's authorization of the person to engage in the activities as defined by these rules.

Substrate—an underlying material or layer of materials upon which other materials are applied, such as a fire-resistant coating.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563 and R.S. 40:1603.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 46:

§3413. Registration Required

A. Any person engaged in fire-resistant material activity shall be registered in accordance with these rules prior to conducting any such activity in this state. Each person who

is registered with the Office shall receive a certificate of registration and a pocket registration card or a digital registration identification.

B. Any person described in Subsection A of this Section who has not registered with the Office shall immediately cease such fire-resistant material activities. The Office may take any steps necessary to enforce an order to cease and desist such activity.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563 and R.S. 40:1603.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 46:

§3415. Required Training and Certification

A. Required Certification

1. Applicants for fire-resistant material applicator registration are required to meet the certification requirements pursuant to R.S. 40:1603 and these rules.

B. Training and certification(s) acceptable to the Office shall include:

1. training provided by the manufacturer(s) of the fire-resistant spray materials specific to those that the applicator(s) will be utilizing. The applicant shall submit a copy of all relevant documentation, including training completion and certifications, to the office for verification of training provided by the manufacturer(s). If an individual applies fire-resistant spray material from multiple and/or varying manufacturers, the individual must have training and certification from each manufacturer. If an individual applies fire-resistant material of a manufacturer for which he or she has not received training and certification, that individual is considered unregistered and/or operating outside his certificate of registration and in violation of R.S. 40:1603 and these rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563 and R.S. 40:1603.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 46:

§3417. Initial Registration; Annual Renewals

A. Applicants for individual initial registration are required to meet the initial registration requirements. As such, applications shall provide the following information:

1. name;
2. address;
3. phone number;
4. email address;
5. firm name (if any);
6. firm address;
7. firm phone number; and
8. copies of manufacturers' training and/or certifications.

B. Annual registration renewals required. On or before the expiration date, which is displayed on the certificate of registration, each person shall submit an application for the renewal of their certificate.

C. Initial and renewal applications for certificates of registration shall be submitted on forms provided the Office of State Fire Marshal.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563 and R.S. 40:1603.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 46:

§3419. Certificate of Registration

A. Every person must obtain from the Office a certificate of registration as provided for by R.S. 40:1603, before engaging in fire-resistant material activity.

B. The following shall apply to certificates of registration.

1. Duplicates. A duplicate certificate or pocket registration card must be obtained from the Office to replace a lost or destroyed certificate or card. The certificate holder must submit written or electronic notification of the loss or destruction of the certificate within 10 days from the date of loss.

2. Revisions/Changes. The change of a person's name, mailing address, firm, firm address, phone number or email address requires a revision of the certificate of registration. Certificates requiring changes must be surrendered to the Office within 10 calendar days after the change requiring the revision. The person must submit written notification of the change with the surrendered certificate.

3. Non-Transferability. A certificate of registration is not transferable from one person to another.

4. Validity. A certificate of registration is valid for one year and shall be renewed annually. For a certificate of registration to remain valid, the person must provide current documentation of required information and training, as established by the Office.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563 and R.S. 40:1603.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 46:

§3421. Alteration of Certificates of Registration.

A. Any alteration of a certificate of registration or pocket registration card renders both invalid and such alteration shall be the basis for administrative action in accordance with penalties set forth in R.S. 40:1603 and these rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563 and R.S. 40:1603.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 46:

§3423. Enforcement; Investigations

A. The state fire marshal or his/her designated representative shall investigate all complaints of alleged violations of R.S. 40:1603 and these rules. Complaints of alleged violations shall be made in writing to the Office of State Fire Marshal. The Office shall make available a complaint form to be used as needed. Penalties shall be administered to those persons found to have violated these laws and/or rules. Proposed administrative penalty letters provided to violators in accordance with these rules shall act as official notification of alleged violations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563 and R.S. 40:1603.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 46:

§3425. Administrative Actions

A. The State Fire Marshal may refuse the issuance or renewal of, suspend, or revoke a certificate of registration and impose administrative penalties, if, after notice and hearing, as provided for by the Administrative Procedure Act, it is found that a person failed to comply with the provisions of R.S. 40:1603 or these rules.

DECLARATION OF EMERGENCY

Department of Revenue Policy Services Division

Frontline Workers COVID-19 Hazard Pay Rebate Program (LAC 61:I.1919)

1. Offenses
a. Any person applying fire-resistant material who is not registered with the Office shall be fined up to \$250 per violation.

b. Any person who does not receive the required training and/or does not obtain a certificate of registration in accordance with R.S. 40:1603 and these rules shall be fined up to two hundred-fifty (\$250.00) per violation.

c. Any person who continues to engage in fire resistant material activity and fails to annually register, herein referred to as renewing, shall be fined up to \$250 per violation.

d. Any person subject to R.S. 40:1603 who fails to maintain his or her registration in accordance with R.S. 40:1603 and these rules shall be fined up \$250 per violation.

B. Fines shall be made payable to the Office of State Fire Marshal.

C. The Office is empowered to issue an order to any person or firm engaged in any activity, conduct, or practice constituting a violation of any provision of R.S. 40:1603, directing such person or firm to cease and desist from such activity, conduct, or practice without a certificate of registration. Such order shall be issued in the name of the state of Louisiana under the official seal of the State Fire Marshal.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563 and R.S. 40:1603.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 46:

§3427. Severability

A. If any provision of these rules or the application thereof to a person is held invalid for any reason, the invalidity shall not affect the other provisions or any other application of these rules which can be given effect without the invalid provisions or application. To this end, all provisions of these rules are declared to be severable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563 and R.S. 40:1603.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 46:

§3429. Miscellaneous Provisions

A. Nothing in these rules shall prevent an appropriately-registered person from conducting the activity of fire-resistant material application.

B. Service Invoices. All service invoices shall reflect all fire-resistant material application activity, date the work was performed, the name of the employing firm and the name of the certified person(s) who performed the work.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563 and R.S. 40:1603.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 46:

Lt. Col. Jason Starnes
Chief Administrative Officer

2010#012

In accordance with the emergency provisions of the Administrative Procedures Act, R.S. 49:953 (B), notice is hereby given that the Department of Revenue (“Department”) is, by Emergency Rule, adopting LAC 61:I.1919. The purpose of this regulation is to administer and implement, on an emergency basis, the provisions of Act No. 12 of the 2020 First Extraordinary Session of the Louisiana Legislature. This Emergency Rule revokes the previous Emergency Rule issued on July 13, 2020, and shall be effective September 16, 2020 and continue in effect for 120 days, unless renewed or revoked. This Emergency Rule modifies Section 1919(F)(3) to reduce the reserved allocation of funds for paper applications from 25 percent (\$12,500,000) to 2 percent (\$1,000,000) and is based on the quantity of paper applications received by the Department since inception of the Frontline Workers COVID-10 Hazard Pay Rebate Program.

The promulgation of this Rule on an emergency basis is necessary to avoid sanctions or penalties from the United States Government under the Coronavirus Aid, Relief, and Economic and Security Act (the “CARES Act”). The CARES Act established the Coronavirus Relief Fund (the “Fund”) and Louisiana received over \$1.8 billion from the Fund. The Louisiana Legislature has authorized the utilization of \$50 million of the CARES Act funding to provide a one-time hazard pay rebate for essential critical infrastructure workers. The CARES Act provides that payments from the Fund may only be used for COVID-19 related expenses and the United States Treasury has issued Guidance for State, Local and Tribal Governments providing Treasury’s interpretation on the permissible uses of the Fund (the “Guidance”). In accordance with the Guidance and the Coronavirus Relief Fund Frequently Asked Questions Updated as of July 8, 2020, any program created using monies from the Fund should be administered in a manner that satisfies the requirements of the CARES Act and maintain records sufficient to demonstrate the monies have been used in accordance with Section 601(d) of the Social Security Act. Any State not utilizing the funding in accordance with the CARES Act and Guidance is subject to a repayment requirement.

This Emergency Rule provides for the administration and implementation of Act No. 12 to provide the \$50 million from the Fund is timely and efficiently distributed to Louisiana’s frontline workers during an application window of July 15 to October 31, 2020 in accordance with the CARES Act and the Guidance. Absent utilization of the emergency rule process, the time delay in the rulemaking procedures of R.S. 49:953(A) would render this program obsolete because adoption and promulgation would not occur until after the program’s application period ends.

Authorization for promulgation of this rule on an emergency basis is hereby deemed necessary by the Secretary of Revenue as legislatively delegated to her by R.S. 51:1787(K)(6).

Under the authority of R.S. 51:1787(K)(6) and 47:1511 and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Policy Services Division, adopts LAC 61:I.1919 regarding the Frontline Workers COVID-19 Hazard Pay Rebate Program.

**Title 61
REVENUE AND TAXATION**

**Part I. Taxes Collected and Administered by the
Secretary of Revenue**

**Chapter 19. Miscellaneous Tax Exemptions, Credits
and Deductions**

**§1919. Frontline Workers COVID-19 Hazard Pay
Rebate Program**

A. General Description. Act 12 of the 2020 First Extraordinary Session of the Louisiana Legislature provides for a one-time hazard pay rebate for essential critical infrastructure workers as those terms are defined in the enabling legislation.

B. Definitions

Assistants and Aides—assistants and aides providing services in the medical and healthcare fields

Department—the Louisiana Department of Revenue.

In-Person Services—services provided on the frontline within Louisiana where the worker was in contact with customers, patients, or the general public and shall not include call center personnel or persons whose job is conducted exclusively via telephone, computer, or other remote or virtual means.

Rebate—one-time hazard pay rebate as defined by Act 12.

Rebate Program—the Frontline Workers COVID-19 Hazard Pay Rebate Program.

Storage and Disposal Personnel—storage and disposal personnel providing services related to residential, commercial, and industrial solid waste and hazardous waste.

Workers—essential critical infrastructure workers as defined by Act 12.

Worker's Residence—any residence or other dwelling occupied by the worker, including the worker's primary residence.

C. Eligibility

1. The Frontline Workers COVID-19 Hazard Pay Rebate Program provides a one-time \$250 rebate for applicants who meet all of the following eligibility requirements:

a. the applicant is determined to be an essential critical infrastructure worker as that term is defined by the federal Cybersecurity and Infrastructure Security Agency (CISA) in its publication "Guidance on the Essential Critical Infrastructure Workforce: Ensuring Community and National Resilience in COVID-19 Response Version 3.1";

b. the applicant was employed in at least one of the following jobs on or after March 11, 2020:

i. nurses, assistants, aides, medical residents, pharmacy staff, phlebotomists, respiratory therapist, and workers providing direct patient care in inpatient and outpatient dialysis facilities;

ii. housekeeping, laundry services, food services and waste management personnel in hospitals and healthcare facilities;

iii. long-term care facility personnel, outpatient care workers, home care workers, personal assistance providers, home health providers, home delivered meal providers, and childcare service providers;

iv. emergency medical services (EMS) personnel, fire and rescue personnel, law enforcement personnel, and public health epidemiologists;

v. bus drivers; retail fuel service personnel; sanitation personnel; residential, commercial and industrial solid waste and hazardous waste removal personnel; storage and disposal personnel;

vi. grocery store, convenience store, and food assistance program personnel;

vii. mortuary service providers; or

viii. veterinary service staff; and

c. the applicant was required to provide in-person services outside of the worker's residence substantially dedicated to responding to or mitigating the COVID-19 public health emergency for at least 200 hours during the period from March 22, 2020, through May 14, 2020.

2. Only applicants whose adjusted gross income is \$50,000 or less are eligible for the rebate. For purposes of this requirement, the adjusted gross income on the applicant's 2019 income tax return shall be used. If the applicant has not filed his or her 2019 income tax return, the adjusted gross income from the applicant's 2018 income tax return shall be used.

3. If the applicant is employed in one of the enumerated jobs in Subparagraph C.1.b above and worked at least 200 hours outside his or her residence during the period between March 22, 2020, and May 14, 2020, the applicant shall be presumed to have been responding to or mitigating the COVID-19 public health emergency.

a. This presumption shall be rebuttable by evidence or documentation obtained from the applicant's employer.

4. To the extent possible, the department shall rely upon definitions in the CISA guidance of the enumerated jobs listed in Subparagraph C.1.b of this Section. However, when no definition is provided, the department shall apply a broad, definitional approach giving words their common, generally understood meaning for purposes of determining applicant eligibility.

5. The representative of the estate of any worker who met all rebate eligibility requirements, but who died before applying for the rebate, shall be allowed to claim the benefit on behalf of the worker.

D. Application

1. The department shall receive applications for the rebate between July 15, 2020, and October 31, 2020, on Form R-6186, *Frontline Workers COVID-19 Hazard Pay Rebate Application*.

2. Applicants may apply either electronically by utilizing a portal on the department's website or by submitting a paper form to the department.

3. If an applicant files both or more than one electronic and paper application, the application received first by the department shall be reviewed for eligibility purposes, and the second and subsequent applications received by the department shall be denied.

4. If an applicant does not complete the application in its entirety, the department shall notify the applicant of the deficiencies by mail. The applicant shall have 30 calendar days from the date of the department's notification to correct the deficiencies. If the applicant fails to respond during the 30-day window, the application shall be denied.

5. The department may consult with Louisiana Department of Economic Development or the Louisiana Workforce Commission to verify information provided on the application. The applicant shall certify on the application that information contained in the files or records of the Louisiana Workforce Commission may be shared with the department.

6. Applications for the rebate shall be considered a report filed for purposes of R.S. 47:1565. Applications and applicant submitted documentation are the records and files of the Secretary of the Department of Revenue and are subject to the confidentiality provisions of R.S. 47:1508.

7. The department may request additional information from an applicant to determine eligibility. A request for additional information shall not impact or change the application's received date for purposes of administration of the rebate program cap if the applicant provides the requested information within 30 calendar days from date of the department's request letter.

E. Payment and Offset of the Rebate

1. Payment of the Rebate

a. after review and verification of the application, payment of the rebate shall be made by direct deposit if bank account and routing information is provided with the application and verified in the Department's record. Otherwise, the payment shall be made by paper check.

b. The rebate shall only be direct deposited into a bank account on which the applicant is a named account holder.

2. Offset of the Rebate

a. After consultation with the Department of Children and Family Services, the department shall offset the rebate for any delinquent child support payments.

b. The department shall also offset the rebate for any reported delinquent spousal support payments.

c. The department shall not offset the rebate for any outstanding tax liabilities or other outstanding judgments or liabilities reported to the department. Creditors and banks shall take reasonable steps to ensure rebates are not seized pursuant to existing judgments and orders.

F. Limitations on the Rebate Program. The rebate program is subject to a \$50,000,000 program cap. Additional rebates beyond the \$50,000,000 may be paid if monies are made available and the Joint Legislative Committee on the Budget approves payment of additional rebates.

2. The cap shall be administered on a first-come, first-served basis based upon the date that the department is in receipt of the application. Applications received on the day the cap is reached shall be paid in the order in which the applications were received and the rebates shall not be prorated.

a. For electronic applications, the receipt date shall be the date the application is submitted through the department's website.

b. For paper applications mailed via the U.S. Postal Service, the receipt date shall be the postmark date as shown on the envelope containing the paper application.

c. For paper applications transmitted via common carrier, the receipt date shall be the date the application is delivered to the department.

3. Two percent of the cap, or \$1,000,000, shall be reserved for rebate claims filed on paper applications. If the entire \$1,000,000 is not utilized to pay rebate claims filed by paper applications received on or before October 31, 2020, the remaining available amount shall be used to pay any remaining rebate claims received by electronically submitted applications which have not been paid because the remaining \$49,000,000 cap has been exhausted.

4. In the event additional rebates over the \$50,000,000 program cap are made available and the Joint Legislative Committee on the Budget approves payment of additional rebates, rebate claims previously denied due to the attainment of the \$50,000,000 cap shall take priority and be issued in order of the date that the department received the application. In this event, applicants shall not be required to submit a subsequent application.

G. Recapture of the Rebate

1. In accordance with R.S. 47:1561.2, rebates previously granted to an applicant, but later disallowed, may be recovered by the secretary of the Department of Revenue through any collection remedy authorized by R.S. 47:1561 and initiated within three years from December 31 of the year in which the rebate was paid or to assess or to collect under any other provision of law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1511 and R.S. 51:1787(K).

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 46:

Kimberly Lewis Robinson
Secretary

2010#006

DECLARATION OF EMERGENCY

Department of State Elections Division

Opportunity to Cure Deficiencies in Absentee by Mail Ballots (LAC 31:I:Chapter 3)

The Louisiana Department of State has exercised the emergency provisions of the Administrative Procedure Act, specifically R.S. 18:18(A)(3) and R.S. 36:742, the Louisiana Department of State, Elections Division, is requesting Emergency Rules, which will add language to Part I, Chapter 3. The added chapter will allow a procedure for absentee by mail ballot envelope flaps with deficiencies to be cured. An Emergency Rule is necessary so that a procedure may be provided for curing absentee by mail ballot envelope flaps with deficiencies prior to the November 3, 2020 and December 5, 2020 elections. A prior rule of a similar nature was made effective on June 15, 2020, and will expire on October 12, 2020. This Emergency Rule, in effect, renews the prior rule for 120 days to include the

November 3, 2020 and December 5, 2020 election days. Only provisions relating to the July 11, 2020 and August 15, 2020 election have been removed. The absence of such a procedure creates an imminent peril to the welfare of the citizens of Louisiana and their right to vote, thereby making this emergency rule necessary. This Emergency Rule shall have the force and effect of law on October 12, 2020, and will remain in effect 120 days, unless renewed by the Department of State, or until permanent rules are promulgated in accordance with law.

**Title 31
ELECTIONS**

Part I. Election Process

Chapter 3. Opportunity to Cure Deficiencies in Absentee by Mail Ballots

§301. Absentee by Mail Ballot Deficiencies that May be Cured

A. Each registrar of voters shall review the absentee by mail ballot envelope flap for the following deficiencies:

1. missing voter signature;
2. missing witness signature; and
3. incomplete affidavit information, including but not limited to missing election date and voter information.

B. This review shall be conducted immediately upon receipt of the absentee by mail ballot.

AUTHORITY NOTE: Promulgated in accordance with R.S. 18:18(A)(3) and R.S. 36:742.

HISTORICAL NOTE: Promulgated by the Department of State, Elections Division, LR 46:

§303. Absentee Ballot Deficiency Notification

A. Upon receipt of an absentee by mail ballot envelope flap with one or more of the above identified deficiencies, the registrar of voters shall segregate the ballot envelope and promptly notify the voter of the ballot envelope flap deficiency and of the opportunity to cure the deficiency.

B. The registrar of voters shall identify the ballot in the voter's absentee record and notate it as "deficient with opportunity to cure."

C. The registrar shall contact the voter using the telephone number and email address available in the voter's registration record. The registrar shall also mail a written notice of the ballot envelope flap deficiency and the opportunity to cure the deficiency.

D. All deficiency notifications shall inform the voter of the type of deficiency, the process for curing the deficiency, and the deadline and method to cure the deficiency. The registrar shall make a log of the date and methods of contact for each voter.

E. Voters are required to appear in person at their registrar of voters office during normal business hours until 4:30 p.m. the day before the election to cure the ballot envelope flap deficiency.

AUTHORITY NOTE: Promulgated in accordance with R.S. 18:18(A)(3) and R.S. 36:742.

HISTORICAL NOTE: Promulgated by the Department of State, Elections Division, LR 46:

§305. Curing Absentee by Mail Ballot Deficiencies

A. To cure a missing voter signature, the voter shall appear at the office of the registrar and sign the ballot envelope flap in the presence of an employee of the registrar of voters. The employee of the registrar who observes the signature shall also sign the ballot envelope flap as witness.

B. To cure a missing witness signature, the voter shall appear at the office of the registrar and resign the ballot envelope flap in the presence of an employee of the registrar of voters. The employee of the registrar who observes the signature shall sign the ballot envelope flap as witness.

C. To cure an incomplete affidavit, the voter shall appear at the office of the registrar and complete the affidavit on the ballot envelope flap.

D. If the voter appears at the office of the registrar to cure the deficiency, the notation in the voter's absentee record shall be updated to so reflect.

AUTHORITY NOTE: Promulgated in accordance with R.S. 18:18(A)(3) and R.S. 36:742.

HISTORICAL NOTE: Promulgated by the Department of State, Elections Division, LR 46:

R. Kyle Ardoin
Secretary of State

2010#073

DECLARATION OF EMERGENCY

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

Extension of the Alligator Hunting Season (LAC 76:V.701)The Wildlife and Fisheries Commission has historically set a 30-day Alligator Hunting Season beginning the last Wednesday of August in the east zone and the first Wednesday in September in the west zone. The Commission has authorized the Secretary of the Department of Wildlife and Fisheries to close, extend, delay, or reopen the season as biologically justifiable. Recognizing a desire to provide for additional opportunity for hunters and greater flexibility for tag holders, and that alligator harvest is strictly regulated based upon habitat and biological factors, the Wildlife and Fisheries Commission took action to extend the alligator hunting season from 30 to 60 days at its May 7, 2020 meeting and published the Notice of Intent in the June edition of the *Louisiana Register*. However, that rule will not be final before the current 30-day season ends. The secretary hereby exercises his authority to modify the season to be consistent with the intention of the commission's action and extend the current season from 30 to 60 days.

In accordance with the provisions of R.S. 49:953(H) which allows the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission to employ emergency procedures to promulgate rules and regulations relative to hunting seasons and all rules and regulations pursuant thereto, R.S. 56:115 and 56:259 which provide that the Wildlife and Fisheries Commission may set seasons and establish associated rules and regulations for hunting alligator, the Department of Wildlife and Fisheries hereby adopts the following Emergency Rule amending the Alligator Hunting Season dates for the 2020 season:

Title 76

WILDLIFE AND FISHERIES

Part V. Wild Quadrupeds and Wild Birds

Chapter 7. Alligators

§701. Alligator Regulations

A - A.6.f.vii. ...

7. Open Season, Open Areas, and Quotas

a. Open seasons are as follows.

i. The state shall be divided into the east and west alligator hunting zones by the following boundary: beginning at the southwestern most part of Point Au Fer Island thence north along the western boundary of Terrebonne Parish to the Atchafalaya River, thence north along the Atchafalaya River to the East Atchafalaya Protection Levee, thence north along the East Atchafalaya Protection Levee, to Interstate 10, thence east along Interstate 10 to Interstate 12, thence east along Interstate 12 to Interstate 55, thence north along Interstate 55 to the Mississippi state line. The season for taking alligators in the wild shall open on the last Wednesday of August in the east zone and the first Wednesday of September in the west zone and will remain open for 60 days thereafter in each zone. The secretary shall be authorized to close, extend, delay, or reopen the season as biologically justifiable.

A.7.a.ii. - A.18.c. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115, R.S. 56:259, R.S. 56:262, R.S. 56:263 and R.S. 56:280.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 16:1070 (December 1990), amended LR 17:892 (September 1991), LR 19:215 (February 1993), LR 20:321 (March 1994), LR 26:1492 (July 2000), LR 28:1996 (September 2002), LR 30:2338 (October 2004), LR 30:2878 (December 2004), LR 31:2267 (September 2005), LR 33:677 (April 2007), LR 35:690 (April 2009), LR 37:2421 (August 2011), LR 39:2291 (August 2013), LR 42:909 (June 2016), LR 43:90 (January 2017), LR 46:50 (January 2020), LR 46:

This Emergency Rule shall become effective September 20, 2020, and remain in effect for the duration of the 2020 Alligator Hunting Season, or until adoption of a final rule modifying the Alligator Hunting Season from 30 to 60 days, whichever occurs first.

Jack Montoucet
Secretary

2010#002

DECLARATION OF EMERGENCY

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

Suspension of In-Person Appearance Requirement for Oyster Lease Renewal Applicants
The Wildlife and Fisheries Commission has established by Rule in LAC 76:VII.501.C.2 that all applicants must appear in person at the oyster lease section office to apply for an oyster lease renewal. Due to the current public health emergency caused by COVID-19 and in an effort to reduce the need for exposure of oyster lessees and Department of Wildlife and Fisheries staff to the virus, the Wildlife and Fisheries Commission hereby suspends the in-person appearance requirement for oyster lease renewal applicants for the 2020-21 renewal period and directs the Department of Wildlife and Fisheries to develop an alternative method for applicants to submit oyster lease renewal applications in compliance with all other applicable laws and rules.

The Wildlife and Fisheries Commission finds that imminent peril to the public welfare requires temporary suspension of a Rule due to the extremely communicable characteristics of the Novel Coronavirus and the serious health risks associated with the COVID-19 epidemic. It is necessary to adopt this Emergency Rule to temporarily suspend the requirement for in-person appearance to prevent mandated interaction for vulnerable individuals in the midst of a public health crisis.

This Emergency Rule is promulgated in accordance with the emergency provisions of the Administrative Procedures Act, R.S. 49:953(B)(1) et seq., and shall become effective on November 1, 2020. It shall remain in effect for the maximum period allowed under the Act (120 days) and expire on February 28, 2021.

Jerri Smitko
Vice-Chair

2010#016

DECLARATION OF EMERGENCY

**Workforce Commission
Office of Workers' Compensation**

Medical Treatment Guidelines
(LAC 40:I.5125 and 5157)

The Louisiana Workforce Commission has exercised the emergency provision in accordance with R.S. 49:953 (B), the Administrative Procedure Act to amend certain portions of the Medical Guidelines contained in the Louisiana Administrative Code, Title 40, Labor and Employment, Part I, Workers' Compensation Administration, Subpart 2, Medical Guidelines, Chapter 51. This Emergency Rule effective September 21, 2020, will remain in effect for a period of 35 days.

The aim of this Emergency Rule is to temporarily add additional codes for the purpose of delivering care and allowing providers to use telemedicine/telehealth methods. This does not affect current existing CPT codes.

COVID-19 has created a mass disruption to the normalcy previously enjoyed by Louisianans and is an immediate threat to the public health, safety, and welfare of Louisiana citizens. In order to respond to the emergency and to protect and safeguard the public, health, safety and welfare of the citizens of this state, it is necessary to issue this Emergency Rule.

The department considers emergency action necessary to facilitate the timely payment to HCP for services rendered to injured workers pending enactment of a rule through regular administrative procedure. Notice is hereby given, in accordance with R.S. 49:950, et seq., that the Louisiana Workforce Commission, Office of Workers' Compensation, pursuant to authority vested in the Assistant Secretary of the Office of Workers' Compensation by R.S. 23:1291 and 23:1310.1, and in accordance with applicable provisions of the Administrative Procedure Act, proposes to amend LAC 40:I, Subpart 2, Chapters 51.

Title 40

LABOR AND EMPLOYMENT

Part I. Workers' Compensation Administration

Subpart 2. Medical Guidelines

Chapter 51. Medical Reimbursement Schedule

Editor's Note: The following Sections of this Chapter are applicable and shall be used for the Chapters in this Part governing reimbursement. These specific Chapters are: Chapter 25, Hospital Reimbursement; Chapter 29, Pharmacy; Chapter 31, Vision Care Services; Chapter 33, Hearing Aid Equipment and Services; Chapter 35, Nursing/Attendant Care and Home Health Services; Chapter 37, Home and Vehicle Modification; Chapter 39, Medical Transportation; Chapter 41, Durable Medical Equipment and Supplies; Chapter 43, Prosthetic and Orthopedic Equipment; Chapter 45, Respiratory Services; Chapter 47, Miscellaneous Claimant Expenses; Chapter 49, Vocational Rehabilitation Consultant; Chapter 51, Medical Reimbursement Schedule; and Chapter 53, Dental Care Services.

§5125. Special Instructions

A. Procedure Codes Not Listed in Rules

1. - 3. ...

B. Modifiers

1. Modifier codes must be used by providers to identify procedures or services that are modified due to specific circumstances.

2. Modifiers listed in the CPT must be added to the procedure code when the service or procedure has been altered from the basic procedure described by the descriptor.

B. Table 2

3. When modifier-22 is used to report an unusual service, a report explaining the medical necessity of the situation must be submitted with the claim to the carrier. It is not appropriate to use modifier-22 for routine billing.

4. The use of modifiers does not imply or guarantee that a provider will receive reimbursement as billed. Reimbursement for modified services or procedures must be based on documentation of medical necessity and must be determined on a case by case basis.

5. The modifier 95 appended to a code indicates it was performed by telemedicine/telehealth methods. Services should be reimbursed the same amount as the exact same codes without the modifier as long as the Emergency Rule exist. If carrier requires a place of service (POS) code for telemedicine/telehealth, code 02 may be used.

C. - F. 2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1034.2.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation, LR 19:54 (January 1993), repromulgated LR 19:212 (February 1993), amended LR 20:1299 (November 1994), amended by the Louisiana Workforce Commission, Office of Workers' Compensation, LR 46:

§5157. Maximum Reimbursement Allowances

A. Table 1

* * *

CPT Code	Mod	Description	Global Days	Maximum Allowance	Non-Facility Maximum	Facility Maximum
		* * *				
86328		IA Infectious Agt Antibody SARS-COV-2 COVID-19		\$90		
		* * *				
86769		Antb Severe AQT Respir Synd SARS-COV-2 COVID19		\$84		
		* * *				
87635		IADNA SARS-COV-2 COVID-19 Amplified Probe TQ		\$103		
		* * *				
90791		Psychiatric Diagnostic Evaluation		BR		
90792		Psychiatric Diagnostic Eval w/Medical Services		BR		
		* * *				
90832		PSYCHOTHERAPY w/PATIENT 30 MINUTES		BR		
90833		PSYCHOTHERAPY w/PATIENT w/E&M SRVCS 30 MIN		BR		
90834		Psychotherapy w/Patient 45 Minutes		BR		
90836		Psychotherapy w/Patient w/E&M Srvc 45 Min		BR		
90837		Psychotherapy w/Patient 60 Minutes		BR		
90838		Psychotherapy w/Patient w/E&M Srvc 60 Min		BR		
		* * *				
90863		Pharmacologic Management w/Psychotherapy		BR		
		* * *				
92521		Evaluation Of Speech Fluency (Stutter Clutter)		BR		
92522		Evaluation Of Speech Sound Production Articulate		BR		
92523		Eval Speech Sound Product Language Comprehension		BR		
92524		Behavioral and Qualit Analysis Voice and Resonance		BR		
		* * *				
96105		Assessment Aphasia w/Interp and Report Per Hour		BR		
		* * *				
96156		Health Behavior Assessment/Re-Assessment		BR		
96158		Health Behavior IVNTJ Indiv F2F 1ST 30 MIN		BR		
96159		Health Behavior IVNTJ Indiv F2F EA Addl 15 MIN		BR		
		* * *				
97129		Ther IVNTJ Cog Funcj Cntct 1ST 15 Minutes		BR		
97130		Ther IVNTJ Cog Funcj Cntct Ea Addl 15 Minutes		BR		
		* * *				
97161		Physical Therapy Evaluation Low Complex 20 Mins		BR		
97162		Physical Therapy Evaluation Mod Complex 30 Mins		BR		

CPT Code	Mod	Description	Global Days	Maximum Allowance	Non-Facility Maximum	Facility Maximum
97163		Physical Therapy Evaluation High Complex 45 Mins		BR		
97164		Physical Therapy Re-Eval Est Plan Care 20 Mins		BR		
97165		Occupational Therapy Eval Low Complex 30 Mins		BR		
97166		Occupational Therapy Eval Mod Complex 45 Mins		BR		
97167		Occupational Therapy Eval High Complex 60 Mins		BR		
97168		Occupational Ther Re-Eval Est Plan Care 30 Mins		BR		
* * *						
98970		QNHP OL Digital Assmt and Mgmt Est PT <7 D 5-10 MIN		\$25		
98971		QNHP OL Digital Assmt and Mgmt EST PT <7 D 11-20 MIN		\$65		
98972		QNHP OL Digital Assmt and Mgmt EST PT <7 D 21+ MIN		\$150		
* * *						
99421		Online Digital E/M SVC EST PT <7 D 5-10 Minutes			\$31	\$27
99422		online digital E/M SVC EST PT <7 D 11-20 Minutes			\$62	\$55
99423		Online Digital E/M SVC EST PT <7 D 21+ Minutes			\$100	\$87
* * *						
99495		Transitional Care Manage Srvc 14 Day Discharge		BR		
99496		Transitional Care Manage Srvc 7 Day Discharge		BR		
* * *						

C. Table 3

Code	Mod	Description	Global Days	Maximum Allowance	Non-Facility Maximum	Facility Maximum
C9803		COVID-19 Specimen Collection HOPD		BR		
G2010		Remot Image Submit By PT		\$24		
G2012		Brief Check In By MD/QHP		\$27		
G2023		Specimen Collect COVID-19		\$47		
G2024		Spec Coll SNF/Lab COVID-19		\$51		
G2061		Qual Nonmd Est PT 5-10M		\$25		
G2062		Qual Nonmd Est PT 11-20M		\$43		
G2063		Qual Nonmd Est PT 21>Min		\$68		
U0001		2019-NCOV Diagnostic P		\$72		
U0002		COVID-19 Lab Test Non-CDC		\$103		
U0003		SARS-COV-2 COVID-19 AMP PRB HTT		\$200		
U0004		COVID-19 Lab Test Non-CDC HTT		\$200		

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1034.2.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation, LR 19:54 (January 1993), repromulgated LR 19:212 (February 1993), amended LR 20:1299 (November 1994), LR 27:314 (March 2001), amended by the Workforce Commission, Office of Workers' Compensation, LR 39:1854 (July 2013), LR 40:379 (February 2014), amended by the Workforce Commission, Office of Workers' Compensation Administration, LR 42:1696 (October 2016). amended by the

Louisiana Workforce Commission, Office of Workers' Compensation, LR 46:

Inquiries concerning the proposed enactment may be sent to Assistant Secretary Sheral Kellar, OWC-Administration, 1001 North 23rd Street, Baton Rouge, LA 70802 or at MedicalServices@lwc.la.gov.

Ava Dejoie
Secretary

2010#007

Rules

RULE

Department of Agriculture and Forestry Office of Agriculture and Environmental Sciences

Guava Root Knot Nematode Quarantine (LAC 7:XV.171)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., and pursuant to the authority set forth in R.S. 3:1652, the Department of Agriculture and Forestry (department) has adopted the Rule set forth below by amending LAC 7:XV.171. These amendments will allow sweet potatoes for processing from quarantined areas into Louisiana under special permit.

The department previously adopted the Guava Root Knot Nematode (GRKN) quarantine which restricts the movement of sweet potatoes into Louisiana. Excessive rainfall during the 2019 fall harvest season has caused a hardship on sweet potato production which will likely affect the welfare of the sweet potato processing industry in Louisiana if measures are not taken to mitigate the situation. A shortage of sweet potatoes caused by adverse environmental conditions, along with the GRKN quarantine currently in place, has limited the amount of sweet potatoes the processing industry can source from Louisiana producers and producers from surrounding states. Due to these adverse conditions and the current GRKN quarantine, Louisiana processors will be short of their annual sweet potato volume needed to keep processing facilities running year round. Without the ability to purchase additional sweet potatoes from outside the mid-south region, the industry is in jeopardy of having to cease operations for several months. Employees of processing facilities may be affected by potential plant closings which could result in lost wages and benefits for plant employees. Potential plant closings could also affect the welfare of the sweet potato industry by creating a limited market for producers to sell their sweet potatoes to processors. In 2019, sweet potato acreage in Louisiana was approximately 7,600 acres. According to Louisiana State University AgCenter, the processing market in Louisiana is a significant market and utilizes 65 percent of Louisiana's sweet potato crop. This proposed amendment is required in order to provide the sweet potato processing industry an opportunity to source sweet potatoes from areas quarantined for GRKN to the processing facility under special permit issued by the department. This Rule is hereby adopted on the day of promulgation.

Title 7

AGRICULTURE AND ANIMALS

Part XV. Plant Protection and Quarantine

Chapter 1. Crop Pests and Diseases

Subchapter H. Guava Root Knot Nematode Quarantine

§171. Guava Root Knot Nematode Quarantine

A. - D.1. ...

2. certified seed sweet potatoes and sweet potatoes for processing may be moved from the quarantine area into

Louisiana under a special permit issued by Louisiana Department of Agriculture and Forestry.

D.3. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1652, 3:1653.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 45:1437 (October 2019), amended LR 46:1371 (October 2020).

Mike Strain, DVM
Commissioner

2010#014

RULE

Department of Civil Service Division of Administrative Law

Commencement of Adjudications (LAC 1:III.509)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and pursuant to the authority set forth in R.S. 49:996(7), the Division of Administrative Law has amended LAC 1:III.509. The Rule removes unnecessary language, updates the Rule to reflect current law and practice regarding the date a pleading or document that is electronically transmitted is deemed filed, and makes technical changes. This Rule is hereby adopted on the day of promulgation.

Title 1

ADMINISTRATIVE LAW

Part III. Division of Administrative Law

Chapter 5. Commencement of Adjudications

§509. Filing of Pleadings and Documents (formerly §307)

A. Any pleading, document, or other item filed with the Administrative Hearings Clerk into the adjudicatory record shall be filed by hand delivery, postal mail, common carrier, or transmitted by facsimile or other electronic means. Documents sent by facsimile should not exceed 20 pages.

B. Unless otherwise provided by law, all pleadings, documents, or other items submitted by hand delivery, facsimile, or other electronic means shall be deemed filed on the date received by the Administrative Hearings Clerk. Pleadings, documents, or other items submitted by postal mail or common carrier shall be deemed timely if postmarked by the legal deadline.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:991 et seq.

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Division of Administrative Law, LR 28:41 (January 2002), amended LR 38:2946 (November 2012), repromulgated LR 46:319 (March 2020), amended LR 46:1371 (October 2020).

Emalie A. Boyce
Director

2010#069

RULE

Board of Elementary and Secondary Education

Bulletin 111—The Louisiana School, District, and State Accountability System (LAC 28:XI.301, 801 and 803)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., and R.S. 17:6(A)(10), the Board of Elementary and Secondary Education has amended LAC 28:XI, *Accountability/Testing*, Subpart 1, *Bulletin 111—The Louisiana School, District, and State Accountability System*. Proposed amendments provide for a continuation of policy related to the Interests and Opportunities index for purposes of calculating School Performance Scores (SPS). This Rule is hereby adopted on the day of promulgation.

Title 28

EDUCATION

Part XI. Accountability/Testing

Subpart 1. Bulletin 111—The Louisiana School, District, and State Accountability System

Chapter 3. School Performance Score Component

§301. School Performance Score Goal [Formerly LAC 28:LXXXIII.301]

A. - C.3. ...

* * *

4. For the 2020-2021 school year, when calculating the 2021 school performance scores (SPS), if the interests and opportunities measure results in a lower SPS than a school would earn using the 2018-2019 weights, then the SPS will be calculated without the interests and opportunities measure using the 2018-2019 weights.

5. - 6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2737 (December 2003), amended LR 31:1512 (July 2005), LR 32:1017 (June 2006), LR 32:2034, 2035 (November 2006), LR 33:424 (March 2007), LR 33:2349 (November 2007), LR 33:2593 (December 2007), LR 34:430 (March 2008), LR 35:639 (April 2009), LR 36:1987 (September 2010), LR 38:3105 (December 2012), LR 39:305 (February 2013), LR 39:1421 (June 2013), LR 39:2441 (September 2013), LR 40:1313 (July 2014), LR 40:2507 (December 2014), LR 41:1481 (August 2015), LR 41:2578 (December 2015), LR 42:2171, 2172 (December 2016), LR 44:447 (March 2018), LR 45:1449 (October 2019), LR 46:1372 (October 2020).

Chapter 8. Interests and Opportunities Index Calculations

§801. Interests and Opportunities Index Components

A. ...

B. For the 2019-2020 baseline school year and 2020-2021 school year, the interests and opportunities index for K-8 schools will be based in equal parts on survey completion and course enrollment.

* * *

C. For the 2019-2020 baseline school year and 2020-2021 school year, the interests and opportunities index for high schools will be based on survey completion.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 45:1450 (October 2019), amended LR 46:0000 (October 2020).

§803. Calculating a Survey Completion Score

A. The LDE will administer an online survey in 2019-2020 and 2020-2021 to be completed by the principal of every school in order to establish baseline data.

B. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 45:1450 (October 2019), amended LR 46:1372 (October 2020).

Shan N. Davis
Executive Director

2010#053

RULE

Board of Elementary and Secondary Education

Bulletin 118—Statewide Assessment Standards and Practices—LEAP 2025 Transfer Rules (LAC 28:XI.6829)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has amended *Bulletin 118—Statewide Assessment Standards and Practices*. The revisions remove the requirement that Louisiana public and/or scholarship school students, who earned a high school assessment-eligible course credit in the spring of the 2019-2020 school year, take the LEAP 2025 high school assessment that corresponds to course credits earned in the spring of 2020. This Rule is hereby adopted on the day of promulgation.

Title 28

EDUCATION

Part XI. Accountability/Testing

Subpart 3. Bulletin 118—Statewide Assessment Standards and Practices

Chapter 68. LEAP 2025 Assessments for High School Subchapter C. LEAP 2025 for High School Administrative Rules

§6829. LEAP 2025 Transfer Rules [Formerly LAC 28:CXI.1829]

A. The following applies to a transfer student who is a Louisiana resident transferring into a Louisiana public school district from an out-of-state school, nonpublic school, or approved home study program.

1. - 3. ...

B. Exception. A student who earned a high school assessment-eligible course credit in the spring of the 2019-2020 school year in a Louisiana public or scholarship school, and has never taken the corresponding LEAP 2025 test for the course, does not need to take or pass the LEAP 2025 subject test for the course in order to meet graduation requirements.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:24.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 36:978 (May 2010), amended LR 37:820 (March 2011), LR 44:471 (March 2018), LR 46:1372 (October 2020).

Shan N. Davis
Executive Director

2010#054

RULE

Board of Elementary and Secondary Education

Bulletin 139—Louisiana Child Care and Development Fund Programs—CCAP Household Eligibility (LAC 28:CLXV.509)

In accordance with R.S. 17:6 and R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has amended *Bulletin 139—Louisiana Child Care and Development Fund Programs*. The amendments create a limited exception, allowing families to qualify for the Child Care Assistance Program (CCAP) while seeking employment or enrolling in school. This Rule is hereby adopted on the day of promulgation.

Title 28

EDUCATION

Part CLXV. Bulletin 139—Louisiana Child Care and Development Fund Programs

Chapter 5. CCAP Household Eligibility §509. Certification Requirements for Non-Categorically Eligible Households

A. - A.5.d. ...

e. Exception. If the head of household is actively seeking employment and/or training, the employment and/or training requirements for household certification provided for in this Paragraph may be waived for 90 days.

i. To become certified as a CCAP household in accordance with this exception, the household must meet all certification requirements in this Section other than the employment and/or training activities required in this Paragraph, and must submit all documentation required for certification, as well as documentation establishing that the head of household is actively seeking employment and/or training.

ii. A household certified for CCAP in accordance with this exception will be certified for 90 days, beginning on the day the household is certified. At the end of 90 days from the date of certification, certification under this exception ends. However, during the 90-day certification period, if the head of household submits documentation establishing employment and/or training, meeting the requirements in Subparagraph a of this Paragraph, then the household may continue to be certified without interruption in accordance with the general certification requirements in this Section.

iii. An application for household certification under this exception will be denied if the household has previously been certified under this exception within the past 24 months.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.28 and 45 CFR parts 98 and 99.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42:43 (January 2016), amended LR 42:2175 (December 2016), LR 44:261 (February 2018), effective March 1, 2018, LR 45:900 (July 2019), LR 46:1373 (October 2020).

Shan N. Davis
Executive Director

2010#055

RULE

Board of Elementary and Secondary Education

Bulletin 746—Louisiana Standards for State Certification of School Personnel Deaf or Hard of Hearing; Certification; Accredited Institutions; Teaching Authorizations; and Montessori Training Providers (LAC 28:CXXXI.Chapters 2-7, 803, 805, 1103, 1105, 1203, 1205, and 1305)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., and R.S. 17:6(A)(10), the Board of Elementary and Secondary Education has amended LAC 28:CXXXI (Bulletin 746). These amendments will align state regulations with the *Code of Federal Regulations* and clarify requirements that are either outdated or inconsistent, by:

- aligning terminology with state guidelines by replacing references to “hearing impaired” with “deaf or hard of hearing;”
- updating eligibility requirements for the child nutrition program supervisor certification to align with federal regulations;
- aligning terminology with new federal regulations relative to national accreditation by replacing references to “regionally-accredited” institutions with “institutions accredited in accordance with 34 CFR 602”;
- removing teacher qualifications that were aligned with 20 CFR, known as the federal “No Child Left Behind Act,” due to these federal regulations being repealed;
- updating requirements to permit the status for educators with standard certificates, ancillary certificates, and CTTIE certificates;
- allowing educators applying for an out-of-state (OS) certificate or a resident certificate to waive Praxis with a master’s degree, consistent with current regulations that allow this waiver for the issuance of a practitioner’s license and temporary authority to teach (TAT) authorizations;
- allowing a letter of eligibility for educational leadership I certificates that is consistent with current regulations that allow this for the OS certificate only;
- updating advancement and renewal requirements for non-public certificates to align with advancement and renewal requirements for public certificates;
- aligning type C renewal requirements with renewal requirements for level I certificates; and
- adding the International Montessori Council as a Montessori training provider.

This Rule is hereby adopted on the day of promulgation.

**Title 28
EDUCATION**

**Part CXXXI. Bulletin 746—Louisiana Standards for
State Certification of School Personnel**

Chapter 2. Initial Teacher Certification

Subchapter A. Teacher Certification Areas and Required Competencies

§201. Overview

A. - C. ...

* * *

D. Certification Areas and Required Competencies

Certification Areas	Required Competencies
* * *	
Special Education Certification Areas	
Early Interventionist Birth to Five Years	Subchapter H, Section 239.A

Certification Areas	Required Competencies
Hearing Impaired K-12—Repealed.	
	Subchapter D, Special Education Teacher Competencies
Deaf or Hard of Hearing K-12	Subchapter H, Section 239.B
Mild to Moderate Disabilities 1-5, 4-8, 6-12	Subchapter D, Special Education Teacher Competencies
* * *	
	Subchapter D, Special Education Teacher Competencies
Visual Impairments/Blind K-12	Subchapter H, Section 239.C

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1783 (October 2006), amended LR 43:1291 (July 2017), LR 46:1374 (October 2020).

Subchapter B. Testing Required for Certification Areas

**§203. Certification Exams and Scores
(Formerly §243)**

A. - C.2. ...

* * *

D. Special Education Areas

Area	Content Exam	Score	Pedagogy Requirement	Score
All Special Education Area(s)				
Early Interventionist	Prior to 9/1/15:	150	Effective 1/1/12:	145
	Elementary Content Knowledge (0014 or 5014)	163	Special Education: Core Knowledge and Applications (0354 or 5354) and	157
	Effective 9/1/15 to 8/31/17	157	Principles of Learning and Teaching: Early Childhood (0621 or 5621)	159
	Elementary Education: Content Knowledge (5018)	157	Effective 1/1/14:	157
	OR	155	Special Education: Early Childhood (0691)	
	Elementary Education: Multiple Subjects (5001)	159	AND	
	• Reading/Language Arts(5002)	157	Principles of Learning and Teaching: Early Childhood (0621 or 5621)	
	• Mathematics (5003)	157		
	• Social Studies (5004)	155		
	• Science (5005)	159		
Mandatory 9/1/17: Elementary Education: Multiple Subjects (5001)				
• Reading/Language Arts(5002)				
• Mathematics (5003)				
• Social Studies (5004)				
• Science (5005)				
Hearing Impaired—Repealed.				
Deaf or Hard of Hearing	Prior to 9/1/15:	150	Effective 11/1/11:	145
	Elementary Content Knowledge (0014 or 5014)	163	Special Education: Core Knowledge and Applications (0354 or 5354)	160
	Effective 9/1/15 to 8/31/17:	163	AND	145
	Elementary Education: Content Knowledge (5018)		Education of Deaf and Hard of Hearing Students (0271)	160
	OR		Effective 1/1/14:	
	Elementary Education: Multiple Subjects (5001)	157	Special Education: Core Knowledge and Applications (0354 or 5354)	
	• Reading/Language Arts(5002)	157	AND	
	• Mathematics (5003)	155	Special Education: Education of Deaf and Hard of Hearing Students (0272 or 5272)	
	• Social Studies (5004)	159		
	• Science (5005)			
Mandatory 9/1/17:				
Elementary Education: Multiple Subjects (5001)				
• Reading/Language Arts(5002)	157			
• Mathematics (5003)	157			
• Social Studies (5004)	155			
• Science (5005)	159			
Mild to Moderate Disabilities	ALL Candidates must pass a content area exam appropriate to certification level 1-5, 4-8, 6-12 (e.g., Elementary, or core subject-specific exams for middle or secondary grades)		Special Education: Core Knowledge and Mild to Moderate Applications (0543 or 5543)	153
			AND	
			PLT specific to grade level (K-6, 5-9, or 7-12)	
* * *				

E. Administrative and Instructional Support Areas

Certification Area	Name of Test	Area Test Score
Mentor Teacher - Content Leader	Repealed.	
Educational Leader—Level 1	School Leaders Licensure Assessment (1011 or 6011)	166 (Effective until 7/31/20)
	School Leaders Licensure Assessment (6990)	151 (Effective 9/1/19)

School Librarian	Library Media Specialist (0311 or 5311)	136

1. Praxis scores, for certification purposes, must be received by the LDE via one of the following ways:

- a. the electronic ETS Praxis score report forwarded directly from ETS; or
- b. the original Praxis score report issued by ETS submitted with the certification application.

F. Mentor Teacher and Content Leader. The mentor teacher certificate and the content leader certificate may be earned by passing the applicable Louisiana assessment series.

Certification Area	Name of Test	Number of Tests/Score
Mentor Teacher	Louisiana Mentor Teacher Assessment Series—Elementary	4
	Louisiana Mentor Teacher Assessment Series—Secondary ELA	
	Louisiana Mentor Teacher Assessment Series—Secondary Math	
	Louisiana Mentor Teacher Assessment Series—Universal	
Content Leader	Louisiana Content Leader Assessment Series	5

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1833 (October 2006), amended LR 36:485 and 488 (March 2010), LR 36:2265 (October 2010), LR 37:551 (February 2011), repromulgated LR 37:556 (February 2011), amended LR 37:3210 (November 2011), LR 39:1461 (June 2013), LR 40:277 (February 2014), LR 40:1680 (September 2014), LR 41:645 (April 2015), LR 41:916 (May 2015), LR 42:233 (February 2016), LR 43:1292 (July 2017), LR 44:264 (February 2018), LR 44:1999 (November 2018), LR 45:228, 230 (February 2019), repromulgated LR 45:403 (March 2019), amended LR 45:1458 (October 2019), LR 46:325 (March 2020), LR 46:557 (April 2020), LR 46:1374 (October 2020).

Subchapter H. Other Certification Area Competencies §239. Other Special Education Areas

- A. ...
- B. Deaf or Hard of Hearing K-12: CEC Initial Special Education Deaf and Hard of Hearing Specialty Set
- C. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1303 (July 2017), amended LR 46:1375 (October 2020).

Chapter 3. Teaching Authorizations and Certifications

Subchapter A. Standard Teaching Authorizations

Editor's Note: The name of the Division of Student Standards and Assessments has been changed to The Division of Student Standards, Assessments, and Accountability.

§303. Introduction

A. The seven types of standard teaching authorizations issued by the state of Louisiana:

1. - 3. ...
 4. world language certificates (WLC);
 5. ...
 6. extended endorsement license (EEL); and
 7. standard certificates for teachers in non-public schools.
 8. Repealed.
- B. ...

C. Non-Practicing Status or Operational Role Status for Standard Teaching Certificates

1. The LDE may grant:
 - a. non-practicing status to any teacher who applies after ceasing employment as a teacher or leader in a local education agency;
 - b. operational role status to any teacher who is serving in a role that cannot be evaluated per student growth measures.

2. Non-practicing status will take effect on the last day of employment in the local education agency evaluated role, as verified by the employing LEA.

3. Operational role status will take effect on the first day of employment in a role that cannot be evaluated per student growth measures, as verified by the employing LEA.

4. Operational role teachers returning to a role that can be evaluated per student growth measures must be evaluated with student growth measures upon return to that role.

5. Non-practicing teachers returning to practice and operational role teachers returning to a role that can be evaluated per student growth measures may apply through a local education agency for an extension of the certificate for the number of years remaining in the renewal period of the certificate.

6. Final effectiveness ratings earned while in active status will be retained during non-practicing status and operational role status and applied to any subsequent renewal or extension.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1797 (October 2006), amended LR 37:558 (February 2011), LR 38:1951 (August 2012), LR 46:01375 (October 2020).

§305. Professional Level Certificates

- A. - A.1.a.(e). ...
- b. Out-of-State Graduate
 - i. Eligibility requirements:
 - (a). possess a minimum of a baccalaureate degree from a college or university accredited in accordance with 34 CFR 602;

i.(b). - ii.(c). ...

c. Foreign Applicant—(OS) Certificate

i. Eligibility requirements:

(a). bachelor's or higher level degree verified by an institution in the United States accredited in accordance with 34 CFR 602. If the institution is located in Louisiana, the dean of the College of Education must recommend the applicant for certification based upon Louisiana requirements. If the institution is located in another state/country, the guidelines prescribed for out-of-state applicants must be followed; or

(b). ...

d. Foreign Applicant—Level 1 Certificate

i. Eligibility requirements:

(a). bachelor's or higher level degree verified by an institution in the United States accredited in accordance with 34 CFR 602. If the institution is located in Louisiana, the dean of the College of Education must recommend the applicant for certification based upon Louisiana requirements. If the institution is located in another state/country, the guidelines prescribed for out-of-state applicants must be followed; or

A.1.d.i.(b). - C.1.a. ...

b. a master's degree from a college or university accredited in accordance with 34 CFR 602;

C.1.c. - D.2.b. ...

E. - E.6. Repealed.

AUTHORITY NOTE: Promulgated in accordance with 34 CFR 602 and R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1797 (October 2006), amended LR 33:433 (March 2007), LR 34:233 (February 2008), LR 34:1611 (August 2008), LR 35:222 (February 2009), LR 37:558 (February 2011), LR 38:1951 (August 2012), LR 40:279 (February 2014), LR 41:2128 (October 2015), LR 43:1304 (July 2017), LR 44:745 (April 2018), LR 45:525 (April 2019), LR 45:1458 (October 2019), LR 45:1748 (December 2019), LR 46:326 (March 2020), LR 46:1375 (October 2020).

§307. Type C Certificates

A. - B.1.d. ...

2. Renewal Guidelines. The type C certificate may be renewed for an additional one-year period upon the request of the Louisiana employing authority, subject to the approval of the LDE. Type C certificates are limited to two such extensions.

C. - D.1.b. ...

c. a master's degree from an institution of higher education accredited in accordance with 34 CFR 602; and

D.1.d. - E.3. ...

AUTHORITY NOTE: Promulgated in accordance with 34 CFR 602 and R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1798 (October 2006), amended LR 37:559 (February 2011), LR 38:3136 (December 2012), LR 43:1306 (July 2017), LR 45:1459 (October 2019), LR 46:1376 (October 2020).

§309. Out-of-State (OS) Certificate

A. ...

B. Eligibility requirements:

1. baccalaureate degree from a college or university accredited in accordance with 34 CFR 602;

B.2. - C.1. ...

a. present appropriate scores on the NTE core battery (common exams) or the corresponding Praxis exams (core academic skills for educators in reading, writing, and mathematics); the principles of learning and teaching (PLT) or other pedagogy exam required for the area(s) of certification; and the specialty area exam in the certification area in which the teacher preparation program was completed or in which the initial certificate was issued:

i. applicants possessing a graduate degree in a major other than education from a college or university accredited in accordance with 34 CFR 602 will be exempted from the Praxis core academic skills for educators requirement;

b. - c.iii. ...

AUTHORITY NOTE: Promulgated in accordance with 34 CFR 602 and R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1799 (October 2006), amended LR 33:433 (March 2007), LR 34:1611 (August 2008), LR 35:222 (February 2009), LR 35:894 (May 2009), LR 37:559 (February 2011), LR 37:882 (March 2011), LR 40:280 (February 2014), LR 43:1306 (July 2017), LR 45:1459 (October 2019), LR 46:1376 (October 2020).

§313. Practitioner Licenses

A. - A.3. ...

B. Practitioner License 1—issued to a candidate who is admitted to and enrolled in a state-approved practitioner teacher program.

1. Eligibility requirements:

a. baccalaureate degree from a college or university accredited in accordance with 34 CFR 602;

b. ...

c. passing scores on Praxis core academic skills for educators and current Praxis content area exam(s). If no examination has been adopted for Louisiana in the certification area, candidates must present a minimum of 30 semester hours of coursework specific to the content area for admission to the program. Candidates possessing a graduate degree from a college or university accredited in accordance with 34 CFR 602 will be exempted from the core academic skills for educators requirement.

2. - 4.e. ...

C. Practitioner License 2—issued to a candidate who is admitted to and enrolled in a state-approved certification-only alternate certification program.

1. Eligibility requirements:

a. baccalaureate degree from a college or university accredited in accordance with 34 CFR 602;

b. ...

c. passing scores on Praxis core academic skills for educators and current Praxis content area exam(s). If no examination has been adopted for Louisiana in the certification area, candidates must present a minimum of 30 semester hours of coursework specific to the content area for admission to the program. Candidates possessing a graduate degree from a college or university accredited in accordance with 34 CFR 602 will be exempted from the core academic skills for educators requirement.

2. - 4.d. ...

D. Practitioner License 3—issued to a candidate who is admitted to and enrolled in a state-approved master's degree alternate certification program.

1. Eligibility requirements:

a. baccalaureate degree from a college or university accredited in accordance with 34 CFR 602;

b. ...

c. passing scores on Praxis core academic skills for educators and current Praxis content area exam(s). If no examination has been adopted for Louisiana in the certification area, candidates must present a minimum of 30 semester hours of coursework specific to the content area for admission to the program. Candidates possessing a graduate degree from a college or university accredited in accordance with 34 CFR 602 will be exempted from the core academic skills for educators requirement.

2. - 4.d. ...

AUTHORITY NOTE: Promulgated in accordance with 34 CFR 602 and R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1800 (October 2006), amended LR 35:221 (February 2009), LR 38:1952 (August 2012), LR 40:280 (February 2014), LR 43:1307 (July 2017), LR 45:1748 (December 2019), LR 46:326 (March 2020), LR 46:1376 (October 2020).

§315. Standard Certificates for Teachers in Nonpublic Schools

A. A standard certificate with an asterisk (*) following the certificate type is issued to a teacher in a nonpublic school and is valid in a nonpublic school setting. Upon issuance of a level 2* or level 3* certificate, a teacher's standard certificate will be placed into non-practicing status. If the teacher enters a public school system in Louisiana, the educator will be required to meet the standards of effectiveness pursuant to state law and in accordance with LAC 28:CXLVII (Bulletin 130) for issuance of a level 2 or level 3 teaching certificate.

B. Level 2* (2-asterisk) Certificate—valid for five years.

1. - 1.b....

c. completed a teacher evaluation program for three years at a nonpublic school, with the principal as evaluator and the teacher performance rated as satisfactory in the areas of planning, management, instruction, and professional development.

2. ...

3. Repealed.

C. Level 3* (3-asterisk) Certificate—valid for five years.

1. - 1.c. ...

d. completed a teacher evaluation program for three years at a nonpublic school, with the principal as evaluator and the teacher performance rated as satisfactory in the areas of planning, management, instruction, and professional development.

2. ...

3. Renewal Guidelines for Level 2* and Level 3* Certificates

a. A teacher must earn effective ratings per local personnel evaluations for at least three years during the five-year initial or renewal period.

b. The Louisiana employing authority must request renewal of a level 2* or level 3* certificate.

4. - 4.d.Repealed.

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

c. master's degree from a college or university accredited in accordance with 34 CFR 602;

1.d. - 3. ...

F. Reinstating Lapsed Levels 2* or 3*, Types B* or A* Certificate

1. If the holder of a level 2*, level 3*, type B*, or type A* certificate allows a period of five consecutive calendar years to pass in which the educator is not a regularly employed teacher for at least one semester, or 90 consecutive days, the certificate will lapse for disuse.

2. To reinstate a lapsed certificate, the holder must present evidence that the educator earned six semester hours of credit in state-approved courses (see Chapter 13) during the five-year period immediately preceding the request for reinstatement.

3. If the holder did not earn six semester hours or equivalent, the lapsed certificate may be reactivated upon request (at the level that was attained prior to disuse) for a period of one year, during which time the holder must complete reinstatement requirements.

F.3.a. - G.3. Repealed.

AUTHORITY NOTE: Promulgated in accordance with 34 CFR 602 and R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1801 (October 2006), amended LR 36:752 (April 2010), LR 37:559 (February 2011), LR 38:1952 (August 2012), LR 43:1309 (July 2017), LR 46:1377 (October 2020).

Subchapter B. Nonstandard Teaching Authorizations

§325. Out-of-Field Authorization to Teach (OFAT)

A. - C.2. ...

a. applicants pursuing certification in academically gifted, significant disabilities, early interventionist, deaf or hard of hearing, and visual impairments/blind may be granted two additional years of renewal;

b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1804 (October 2006), amended LR 33:2355 (November 2007), LR 35:1487 (August 2009), LR 43:1311 (July 2017), LR 46:1377 (October 2020).

§328. Resident Teacher Certificate (R)

A. - C.2.a. ...

3. passing scores on required core academic skills exams for initial issuance:

a. applicants possessing a graduate degree in a major other than education from a college or university accredited in accordance with 34 CFR 602 will be exempted from the Praxis core academic skills for educators requirement; and

C.4. - G. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1312 (July 2017), amended LR 46:1377 (October 2020), LR 1377 (October 2020).

Subchapter C. Ancillary Teaching Certificates

§341. Introduction

A. - A.2.h. ...

3. Non-Practicing Status or Operational Role Status for Ancillary Teaching Certificates Renewal via the Standards for Effectiveness in accordance with LAC 28:CXLVII (Bulletin 130) and R.S. 17:3902

a. The LDE may grant:

i. non-practicing status to any teacher who applies after ceasing employment as a teacher or leader in a local education agency.

ii. operational role status to any teacher who is serving in a role that cannot be evaluated per student growth measures.

b. Non-practicing status will take effect on the last day of employment in the local education agency evaluated role, as verified by the employing LEA.

c. Operational role status will take effect on the first day of employment in a role that cannot be evaluated per student growth measures, as verified by the employing LEA.

d. Operational role teachers returning to a role that can be evaluated per student growth measures must be evaluated with student growth measures upon return to that role.

e. Non-practicing teachers returning to practice and operational role teachers returning to a role that can be evaluated per student growth measures may apply through a local education agency for an extension of the certificate for the number of years remaining in the renewal period of the certificate.

f. Final effectiveness ratings earned while in active status will be retained during non-practicing status and operational role status and applied to any subsequent renewal or extension.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1805 (October 2006), amended LR 41:917 (May 2015), LR 45:230 (February 2019), LR 46:1378 (October 2020).

§344. Early Childhood Ancillary Certificate

A. - B.1.b.iii.(h). ...

c. an associate degree in an early childhood related field from a college or university accredited in accordance with 34 CFR 602;

1.d. - 2.b.ii. ...

AUTHORITY NOTE: Promulgated in accordance with 34 CFR 602 and R.S. 17:17:6(A)(10), (11), and (15), 17:7(6), and 17:407.81.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:917 (May 2015), amended LR 43:2135 (November 2017), LR 46:1378 (October 2020).

§345. Nonpublic Montessori Teacher Certificate

A. - B. ...

C. Eligibility Guidelines

1. For a Type C Montessori Certificate—the teacher must have completed training from one of the approved providers listed in §669 of this Part.

a. - g. Repealed.

2. For a type B Montessori certificate:

a. - a.i. ...

b. completed training from one of the approved providers listed in §669 of this Part.

i. - vii. Repealed.

3. For type A, junior class A, and junior Montessori certificates:

a. a bachelor's degree from a college or university accredited in accordance with 34 CFR 602;

b. - b.i. ...

c. completed training from one of the approved providers listed in §669 of this Part.

i. - vii. Repealed.

D. This certificate is valid for five years initially and may be renewed thereafter for a period of five years at the request of a LEA. For renewal of the ancillary certificate, candidates must earn effective ratings per local personnel evaluations for at least three years during the five-year initial or renewal period pursuant to in accordance with LAC 28:CXLVII (Bulletin 130) and R.S. 17:3902.

E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1805 (October 2006), amended LR 38:3136 (December 2012), LR 45:1459 (October 2019), LR 46:1378 (October 2020).

§346. Family and Consumer Sciences (Occupational Programs)

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

2. Renewal Guidelines—valid for three years initially and may be renewed thereafter for a period of five years at the request of an LEA. For renewal of the ancillary certificate, candidates must successfully meet the standards of effectiveness for at least three years during initial or renewal period in accordance with LAC 28:CXLVII (Bulletin 130) and R.S. 17:3902.

C. - C.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1806 (October 2006), amended LR 38:3137 (December 2012), LR 45:1459 (October 2019), LR 46:1378 (October 2020).

§348. Math for Professionals Certificate

A. An ancillary math for professionals certificate is issued to an applicant who has an undergraduate degree from a university accredited in accordance with 34 CFR 602 and/or evidence of a math and/or science work-related background.

B. - B.1.c.

2. Renewal requirements:

a. valid for three years initially and may be renewed thereafter for a period of five years at the request of an LEA;

b. for renewal of the certificate, a candidate must successfully meet the standards of effectiveness for at least three years during the initial or renewal period in accordance with LAC 28:CXLVII (Bulletin 130) and R.S. 17:3902.

3. ...

AUTHORITY NOTE: Promulgated in accordance with 34 CFR 602 and R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:220 (February 2009), amended LR 39:1463 (June 2013), LR 40:281 (February 2014), LR 44:2000 (November 2018), LR 45:228 (February 2019), LR 46:1378 (October 2020).

§350. Mentor Teacher Ancillary Certificate

A. - C.3. ...

4. On September 1, 2023, the mentor teacher ancillary certificate will replace the supervisor of student teaching certificate. Individuals who were issued the supervisor of student teaching certificate on or before December 31, 2020, may serve as a mentor until August 31, 2023.

D. - E.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 45:230 (February 2019), amended LR 45:1460 (October 2019), LR 46:1379 (October 2020).

Chapter 4. Ancillary School Service Certificates

Subchapter A. General Ancillary School Certificates

§403. Child Nutrition Program Supervisor

A. ...

B. For certificates issued July 1, 2020 and beyond, the minimum eligibility requirements are as follows:

1. for Child Nutrition Program supervisors in LEAs with a student enrollment of 2,499 or less:

a. at least 8 hours of food safety training is required either not more than five years prior to the date of employment or completed within 30 calendar days of the date of employment and:

i. a bachelor's degree, or equivalent educational experience, with an academic major or concentration in food and nutrition, food service management, dietetics, family and consumer sciences, nutrition education, culinary arts, business, or a related field; or

ii. a bachelor's degree, or equivalent educational experience, with any academic major or area of concentration, and either a state-recognized certificate for school nutrition directors or at least one year of relevant food service experience; or

iii. an associate's degree, or equivalent educational experience, with an academic major or concentration in food and nutrition, food service management, dietetics, family and consumer sciences, nutrition education, culinary arts, business, or a related field, and at least one year of relevant school nutrition program experience; or

iv. a high school diploma or state-issued high school equivalency credential and three years of relevant food service experience;

2. for Child Nutrition Program supervisors in LEAs with a student enrollment of 2,500 - 9,999:

a. at least 8 hours of food safety training is required either not more than five years prior to the date of employment or completed within 30 calendar days of the date of employment and:

i. a bachelor's degree, or equivalent educational experience, with an academic major or concentration in food and nutrition, food service management, dietetics, family

and consumer sciences, nutrition education, culinary arts, business, or a related field; or

ii. a bachelor's degree, or equivalent educational experience, with any academic major or area of concentration, and a state-recognized certificate for school nutrition directors; or

iii. a bachelor's degree in any academic major and at least two years of relevant school nutrition program experience; or

iv. an associate's degree, or equivalent educational experience, with an academic major or concentration in food and nutrition, food service management, dietetics, family and consumer sciences, nutrition education, culinary arts, business, or a related field, and at least two years of relevant school nutrition program experience;

3. for Child Nutrition Program supervisors in LEAs with a student enrollment of 10,000 or more:

a. at least 8 hours of food safety training is required either not more than five years prior to the date of employment or completed within 30 calendar days of the date of employment and:

i. a bachelor's degree, or equivalent educational experience, with academic major or concentration in food and nutrition, food service management, dietetics, family and consumer sciences, nutrition education, culinary arts, business, or a related field; or

ii. a bachelor's degree, or equivalent educational experience, with any academic major or area of concentration, and a state-recognized certificate for school nutrition directors; or

iii. a bachelor's degree in any major and at least five years of experience in management of school nutrition programs.

C. Reinstatement of a Lapsed Certificate. If a certificate holder allows a period of five consecutive calendar years to pass in which he/she is not regularly employed as a child nutrition program supervisor for at least one semester, or 90 consecutive days, he/she must present evidence of having earned six semester hours of credit in state-approved courses (see Chapter 13). The six semester credit hours must be earned during the five-year period immediately preceding reinstatement.

1. - 2.b.iv.(e). Repealed.

D. A special provisional certificate, acting child nutrition program supervisor, may be issued to an individual employed in such capacity.

1. Eligibility Requirements. A baccalaureate or master's degree from an institution of higher education accredited in accordance with 34 CFR 602.

2. Renewal Guidelines. Valid for one year and renewable each year thereafter upon presentation of six semester hours of applicable credit toward completion of all requirements for permanent certification as a child nutrition program supervisor.

E. - E.2. Repealed.

AUTHORITY NOTE: Promulgated in accordance with 7 CFR 201.30 and R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1807 (October 2006), amended LR 33:280 (February 2007), LR 34:432 (March 2008), LR 46:1379 (October 2020).

§409. School Librarian

A. School Librarian—valid for five years.

1. Eligibility requirements:

a. master's degree in library science from an institution accredited in accordance with 34 CFR 602; and

1.b. - 2.b. ...

AUTHORITY NOTE: Promulgated in accordance with 34 CFR 602 and R.S. 17:6 (A)(10), (11), (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1808 (October 2006), repromulgated LR 33:1617 (August 2007), amended LR 36:489 (March 2010), LR 39:1463 (June 2013), LR 46:1380 (October 2020).

§410. Orientation and Mobility

A. - A.1.a. ...

b. completion of an individual plan of study in orientation and mobility at a college or university accredited in accordance with 34 CFR 602; and

c. - d. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:894 (May 2009), amended LR 46:1380 (October 2020).

§411. School Nurse

A. - C.1.a. ...

b. baccalaureate degree in nursing or a health-related field from a college or university accredited in accordance with 34 CFR 602; and

1.c. - 2. ...

AUTHORITY NOTE: Promulgated in accordance with 34 CFR 602 and R.S. 17:6 (A)(10), (11), (15); 17:7(6); 17:10; 17:22(6); 17:391.1-391.10; and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1808 (October 2006), amended LR 36:1998 (September 2010), LR 37:883 (March 2011), LR 38:44 (January 2012), LR 38:2366 (September 2012), LR 46:1380 (October 2020).

§415. Special Education Examiners

A. - D.1.a.ii. ...

b. Levels

i. Level A—Applicants must meet requirements for the standard certificate and possess a doctoral degree (such as Ph.D., Ed. D., or Psy.D.) from an institution accredited in accordance with 34 CFR 602, in school psychology or in psychology with a program of study emphasizing child development and knowledge and skills in education and assessment.

ii. Level B—Applicants must meet requirements for the standard certificate and possess a master's or specialist degree from a school psychology training program in an institution accredited in accordance with 34 CFR 602.

D.1.c. - F.2. ...

3. Eligibility requirements:

a. an earned baccalaureate degree in speech/language pathology from an institution accredited in accordance with 34 CFR 602;

3.b. - 5. ...

G. Speech Pathologist

1. Provisional Certificate in Speech Pathology—valid for three years.

a. Eligibility requirements: master's degree in speech pathology from a college or university accredited in accordance with 34 CFR 602.

b. ...

2. Qualified Certificate in Speech Pathology—valid for life with continuous service, provided the holder maintains a current Louisiana license to serve as a speech pathologist. Eligibility requirements are:

a. master's degree in speech pathology, as specified under speech pathology guidelines, from a college or university accredited in accordance with 34 CFR 602; and

G.2.b. - H.4. ...

AUTHORITY NOTE: Promulgated in accordance with 34 CFR 602 and R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1809 (October 2006), amended LR 38:768 (March 2012), LR 46:1380 (October 2020).

§417. Educational Leader in Special Education

Ancillary Certificate

A. - D.2.a. ...

3. have completed a graduate degree program from an institution of postsecondary education accredited in accordance with 34 CFR 602;

4. - 5. ...

AUTHORITY NOTE: Promulgated in accordance with 34 CFR 602 and R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42:1879 (November 2016), LR 43:1312 (July 2017), LR 45:1460 (October 2019), LR 46:1380 (October 2020).

§421. Overview

A. - G.1.a. ...

i. bachelor's degree from a college or university accredited in accordance with 34 CFR 602;

1.a.ii. - 2.a. ...

i. master's degree from a college or university accredited in accordance with 34 CFR 602;

a.ii. - b. ...

AUTHORITY NOTE: Promulgated in accordance with 34 CFR 602 and R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1811 (October 2006), amended LR 34:433 (March 2008), LR 37:884 (March 2011), LR 37:2135 (July 2011), LR 46:1380 (October 2020).

Chapter 5. Standards for Secondary Career and Technical Trade and Industrial Education Personnel

§501. Introduction

A. Career and technical trade and industrial education (CTTIE) certificates authorize full-time or part-time employment for instructors of CTTIE classes. The applicant being certified under the requirements found in this Part may teach CTTIE courses as listed on the LDE Teach Louisiana website (<http://www.teachlouisiana.net>).

B. Non-Practicing Status or Operational Role Status for CTTIE Certificates Renewable via the Standards for Effectiveness in accordance with LAC 28:CXLVII (Bulletin 130) and R.S. 17:3902

1. The LDE may grant:

a. non-practicing status to any teacher who applies after ceasing employment as a teacher or leader in a local education agency.

b. operational role status to any teacher who is serving in a role that cannot be evaluated per student growth measures.

2. Non-practicing status will take effect on the last day of employment in the local education agency evaluated role, as verified by the employing LEA.

3. Operational role status will take effect on the first day of employment in a role that cannot be evaluated per student growth measures, as verified by the employing LEA.

4. Operational role teachers returning to a role that can be evaluated per student growth measures must be evaluated with student growth measures upon return to that role.

5. Non-practicing teachers returning to practice and operational role teachers returning to a role that can be evaluated per student growth measures may apply through a local education agency for an extension of the certificate for the number of years remaining in the renewal period of the certificate.

a. Final effectiveness ratings earned while in active status will be retained during non-practicing status and operational role status and applied to any subsequent renewal or extension.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1812 (October 2006), amended LR 35:2752 (December 2009), LR 40:1329 (July 2014), LR 46:1380 (October 2020).

§506. CTTIE-1 and CTTIE-2 Certificate Eligibility Requirements [Formerly §505]

A. - B.2.b. ...

c. graduates with a bachelor's degree from a college or university accredited in accordance with 34 CFR 602 will be given credit for two years or 3,840 hours of experience;

d. graduates with an advanced degree from a college or university accredited in accordance with 34 CFR 602 will be given credit for three years or 5,760 hours of occupational experience;

e. graduates with a technical degree in the selected field and a bachelor's degree from a college or university accredited in accordance with 34 CFR 602 will be given credit for three years or 5,760 hours of occupational experience;

f. graduates with a bachelor's degree from a college or university accredited in accordance with 34 CFR 602 and an industry based certification (IBC) in the selected field, or who pass the appropriate national occupational competency testing institute (NOCTI) exam if industry-based certification is not available, will be given credit for three years or 5,760 hours of occupational experience;

2.g. - 6. ...

C. CTTIE-2 Eligibility Requirements

1. Applicants must hold a current, appropriate, and recognized industry instructor certificate aligned with the Louisiana Workforce Investment Council IBC list, if applicable as determined by the LDE, or a bachelor's degree from a college or university accredited in accordance with 34 CFR 602.

2. ...

AUTHORITY NOTE: Promulgated in accordance with 34 CFR 602 and R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1813 (October 2006), amended LR 35:2752 (December 2009), LR 36:2843 (December 2010), LR 38:2366 (September 2012), LR 40:1330 (July 2014), LR 45:1460 (October 2019), LR 46:1381 (October 2020).

§507. CTTIE Areas of Specialization [Formerly §505]

A. - D.1. ...

2. Applicants pursuing a master's degree in athletic training who are working as an athletic trainer graduate assistant at a university accredited in accordance with 34 CFR 602 may count these work experience hours toward meeting the required work hours for the CTTIE application. CTTIE application must include a letter from the director of athletics at the university with the actual number of hours worked as well as assigned duties.

E. Jobs for America's Graduates (JAG) Louisiana Job Specialist eligibility requirements (one of the following):

1. a bachelor's degree from a state-approved college or university accredited in accordance with 34 CFR 602, plus two years of full-time work experience, or 3,840 hours of work experience within four years of date of application; or

2. ...

AUTHORITY NOTE: Promulgated in accordance with 34 CFR 602 and R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1813 (October 2006), amended LR 35:2752 (December 2009), LR 36:2843 (December 2010), LR 38:2366 (September 2012), LR 40:1331 (July 2014), LR 46:1381 (October 2020).

§509. CTTIE-1 Certificate Renewal Guidelines for Certificates Initially issued prior to September 1, 2014 [Formerly §507]

A. - B.18. ...

19. other education pedagogy courses, including online courses, from institutions accredited in accordance with 34 CFR 602 and must have prior approval from the employing LEA.

C. - D. ...

AUTHORITY NOTE: Promulgated in accordance with 34 CFR 602 and R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1814 (October 2006), amended LR 33:2356 (November 2007), LR 35:2753 (December 2009), LR 36:2000 (September 2010), LR 38:3137 (December 2012), LR 40:1331 (July 2014), LR 45:1460 (October 2019), LR 46:1381 (October 2020).

Chapter 6. Endorsements to Existing Certificates

§601. Introduction

A. - A.4. ...

5. Semester hours earned from an institution accredited in accordance with 34 CFR 602 or equivalent contact hours from a non-university private provider of teacher and/or educational leader preparation program are acceptable for endorsement purposes. One semester hour is equivalent to 15 contact hours.

6. - 7. ...

B. A formal request for an additional authorization on a certificate must be directed to the LDE. An official transcript from an institution accredited in accordance with 34 CFR 602, verifying successful completion of endorsement requirements (semester hours) or documentation from the non-university private provider verifying successful completion of endorsement requirements (contact hours) must accompany the request. The final authority for approval of an additional authorization is the LDE.

C. - C.3. ...

AUTHORITY NOTE: Promulgated in accordance with 34 CFR 602 and R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1814 (October 2006), amended LR 37:1381 (May 2011), LR 40:2242 (November 2014), LR 45:1460 (October 2019), LR 46:1382 (October 2020).

Subchapter B. Special Education Level and Area Endorsements

§627. Requirements to add Deaf or Hard of Hearing K-12

A. ...

1. 21 semester credit hours that pertain to children who are deaf or hard of hearing, as follows:

2. - 8. ...

B. Three semester hours of internship of students who are deaf or hard of hearing or three years of successful teaching experience of students who are deaf or hard of hearing.

B.1. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1817 (October 2006), amended LR 37:552 (February 2011), LR 40:281 (February 2014), LR 45:1460 (October 2019), LR 46:1382 (October 2020).

§629. Requirements to add Mild/Moderate

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1817 (October 2006), amended LR 35:221 (February 2009), LR 35:1485 (August 2009), LR 37:553 (February 2011), LR 39:1464 (June 2013), repealed LR 46:1382 (October 2020).

§630. Requirements to add Mild/Moderate (1-5), (4-8) and (6-12)—Mandatory 7/1/2010

A. - A.2. ...

B. Mild/Moderate: 1-5. Individuals holding a valid upper elementary or middle school certificate (e.g., 4-8, 5-8, 6-8),

secondary certificate (e.g., 6-12, 7-12, 9-12), all-level special education certificate (Significant Disabilities, Visually Impaired or Deaf or Hard of Hearing), or an all-level K-12 certificate (art, dance, foreign language, health, physical education, health and physical education, and music) must achieve the following:

B.1. - D.2.b. ...

E. Mild/Moderate: Middle Grades 4-8 and Secondary 6-12. Individuals holding a valid secondary certificate (e.g., 6-12, 7-12, 9-12), all-level special education certificate (Significant Disabilities, Visually Impaired or Deaf or Hard of Hearing), or an all-level K-12 certificate (art, dance, foreign language, health, physical education, health and physical education, and music) must achieve the following:

1. - 2.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:1485 (August 2009), amended LR 37:553 (February 2011), LR 39:1464 (June 2013), LR 41:648 (April 2015), LR 41:1271 (July 2015), amended LR 46:1382 (October 2020).

Subchapter C. All Other Teaching Endorsement Areas §657. Cooperative Education

A. - A.3. ...

4. have a minimum of 1,500 hours of employment in program occupations approved by LDE, or a minimum of 120 hours in a supervised field practicum in the area of occupational certification, offered by a post-secondary institution accredited in accordance with 34 CFR 602, or other requirements as specified by the industry.

B. - B.3. ...

AUTHORITY NOTE: Promulgated in accordance with 34 CFR 602 and R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1819 (October 2006), amended LR 34:869 (May 2008), LR 46:1382 (October 2020).

§663. Educational Diagnostician (Special Education)

A. Eligibility requirements:

1. a minimum of a master's degree in education earned from an institution of higher education accredited in accordance with 34 CFR 602;

A.2. - B. ...

AUTHORITY NOTE: Promulgated in accordance with 34 CFR 602 and R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1820 (October 2006), amended LR 46:1382 (October 2020).

§665. Educational Technology Areas

A. - A.1.b.i.(c). ...

ii. - ii.(e). Repealed.

A.1.c. - C.1.c. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1820 (October 2006), amended LR 34:2033 (October 2008), LR 38:766 (March 2012), LR 46:1382 (October 2020).

§669. Montessori Teacher Certification

A. - A.6. ...

7. International Montessori Council;

8. any other course jointly approved by the Board of Elementary and Secondary Education and the Louisiana Montessori Association.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1821 (October 2006), amended LR 46:1383 (October 2020).

§671. Reading Specialist

A. - B.1. ...

2. advanced degree from an institution accredited in accordance with 34 CFR 602; and

3. - 3.c. ...

AUTHORITY NOTE: Promulgated in accordance with 34 CFR 602 and R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1822 (October 2006), amended LR 46:1383 (October 2020).

Chapter 7. Administrative and Supervisory Credentials

Subchapter A. The Educational Leadership Certificate

§705. Educational Leader Certificate Level 1 (EDL 1)

A. - A.1.a. ...

b. complete a competency-based graduate degree preparation program in the area of educational leadership from an institution of higher education accredited in accordance with 34 CFR 602, which may be inclusive of BESE-approved mentor teacher or content leader training; and

1.c. - 2.a.i. ...

b. have previously completed a graduate degree program from an institution of higher education accredited in accordance with 34 CFR 602;

c. meet competency-based requirements, as demonstrated by completion of an individualized program of educational leadership from an institution of higher education accredited in accordance with 34 CFR 602. An individualized program will be developed based on a screening of candidate competencies upon entering into a graduate alternative certification program. Service as a mentor teacher, content leader, or BESE-approved mentor teacher or content leader training may fulfill a maximum of 40 percent of an individualized program; and

2.d. - 3.a.ii. ...

b. have previously completed a graduate degree program in education from an institution of higher education accredited in accordance with 34 CFR 602;

c. - d. ...

4. Alternate Pathway 3. The alternate pathway 3 is for persons who already hold a baccalaureate degree from an institution of higher education accredited in accordance with 34 CFR 602 and are seeking to receive an EDL 1 through a competency-based educational leader practitioner (residency) program found in LAC 28:XLV (Bulletin 996, Chapter 7). The candidate must:

4.a.i. - 6. ...

AUTHORITY NOTE: Promulgated in accordance with 34 CFR 602 and R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1823 (October 2006), amended LR 33:819 (May 2007), LR 38:43 (January 2012), LR 38:3138 (December 2012), LR 39:1465 (June 2013), LR 43:1313 (July 2017), LR 45:231 (February 2019), LR 45:526 (April 2019), LR 45:1461 (October 2019), LR 46:1383 (October 2020).

§725. Out-of-State Superintendent (OSS)

A. - A.1.b. ...

c. a master's degree from an institution of higher education accredited in accordance with 34 CFR 602;

1.d. - 2....

AUTHORITY NOTE: Promulgated in accordance with 34 CFR 602 and R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1825 (October 2006), amended LR 38:3140 (December 2012), LR 45:527 (April 2019), LR 45:1462 (October 2019), LR 46:1383 (October 2020).

Subchapter C. Teacher Preparation Programs

§743. Elementary School Principal

A. - A.1. ...

2. master's degree from an institution of higher education accredited in accordance with 34 CFR 602;

A.3. - E. ...

AUTHORITY NOTE: Promulgated in accordance with 34 CFR 602 and R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1825 (October 2006), amended LR 46:1383 (October 2020).

§745. Secondary School Principal

A. - A.1. ...

2. master's degree from an institution of higher education accredited in accordance with 34 CFR 602;

A.3. - E. ...

AUTHORITY NOTE: Promulgated in accordance with 34 CFR 602 and R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1826 (October 2006), amended LR 46:1383 (October 2020).

§747. Parish or City School Superintendent

A. - A.2.a. ...

3. master's degree from an institution of higher education accredited in accordance with 34 CFR 602;

A.4. - C.1. ...

2. master's degree in educational administration, business administration, public administration, or a related area of study including, but not limited to, accounting, finance, banking, insurance, and law, from an institution of higher education accredited in accordance with 34 CFR 602;

3. ...

AUTHORITY NOTE: Promulgated in accordance with 34 CFR 602 and R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1333 (July 2017), amended LR 45:229 (February 2019), LR 46:1383 (October 2020).

§749. Parish or City School Supervisor of Instruction

A. - A.1. ...

2. master's degree from an institution of higher education accredited in accordance with 34 CFR 602; and

A.3. - B. ...

AUTHORITY NOTE: Promulgated in accordance with 34 CFR 602 and R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1827 (October 2006), amended LR 46:1383 (October 2020).

§751. Parish or City School Supervisor/Director of Special Education

A. - A.2. ...

3. master's degree from an institution of higher education accredited in accordance with 34 CFR 602;

A.4. - B. ...

AUTHORITY NOTE: Promulgated in accordance with 34 CFR 602 and R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1827 (October 2006), LR 46:1384 (October 2020).

§755. Supervisor of Child Welfare and Attendance and/or Visiting Teacher

A. - A.1. ...

2. master's degree from an institution accredited in accordance with 34 CFR 602, including 15 semester hours of professional education at the graduate level to include three semester hours in each of the following areas:

A.2.a. - B. ...

AUTHORITY NOTE: Promulgated in accordance with 34 CFR 602 and R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1828 (October 2006), amended LR 46:1384 (October 2020).

§761. Title Equivalencies

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1828 (October 2006), amended LR 45:232 (February 2019), repealed LR 46:1384 (October 2020).

Subchapter D. All Other Supervisory Endorsements

§783. Supervisor of School Libraries—Eligibility Requirements

A. - A.2.a. ...

3. master's degree in library science from an institution accredited in accordance with 34 CFR 602, including 12 semester hours of graduate training in library science and a minimum of 21 semester hours of undergraduate credit in library science.

AUTHORITY NOTE: Promulgated in accordance with 34 CFR 602 and R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1828 (October 2006), amended LR 45:1463 (October 2019), LR 46:1384 (October 2020).

§785. Supervisor of Parish or City Materials and/or Media Centers

A. - A.1. ...

2. advanced degree from an institution accredited in accordance with 34 CFR 602;

3. - 3.d. ...

AUTHORITY NOTE: Promulgated in accordance with 34 CFR 602 and R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1828 (October 2006), amended LR 46:1384 (October 2020).

§787. Supervisor of Student Teaching

A. - B.3. ...

4. valid Type B or Level 2 Louisiana certificate in the field of the supervisory assignment and National Board Certification in Subsection C of this Section.

C. On September 1, 2023 the mentor teacher ancillary certificate will replace the supervisor of student teaching certificate. The supervisor of student teaching certificate will no longer be issued effective December 31, 2020. Educators who were issued a supervisor of student teaching certificate on or before December 31, 2020, may serve as a mentor teacher until August 31, 2023.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1829 (October 2006), amended LR 37:2136 (July 2011), LR 45:232 (February 2019), LR 46:1384 (October 2020).

Chapter 8. Certification Appeal Process

§803. Appeal Process

A. - A.3.e. ...

f. lack a degree from a college or university accredited in accordance with 34 CFR 602; or

3.g. - 4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1829 (October 2006), amended LR 36:487 (March 2010), LR 38:3140 (December 2012), LR 43:1314 (July 2017), LR 44:2002 (November 2018), LR 45:1750 (December 2019), LR 46:1384 (October 2020).

§805. Application Packet

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1829 (October 2006), amended LR 36:2843 (December 2010), LR 46:1384 (October 2020).

Chapter 10. Definitions

§1001. Terms

Accredited (formerly *regionally accredited*)—a term used to denote the status of public recognition that a regionally recognized accrediting agency grants to an educational institution or program that meets the agency's standards and requirements in accordance with 34 CFR 602.

NOTE: When used in this Part, *regionally accredited* shall be replaced with *accredited* in accordance with 34 CFR 602.

Alternate Teacher Preparation Program—a pathway designed for candidates with a minimum of a baccalaureate degree earned at an institution accredited in accordance with 34 CFR 602. An alternate program combines professional knowledge with field experiences, including a one-year supervised internship in a school setting. For admission to an alternate program, applicants must demonstrate content mastery.

* * *

Non-Education Baccalaureate Degree—a baccalaureate degree earned through an institution of higher education accredited in accordance with 34 CFR 602 that does not result in eligibility for teacher certification in the state in which the program is approved to operate.

* * *

Regionally Accredited—see the definition for accredited in this Section.

NOTE: When used in this Part, regionally accredited shall be replaced with accredited in accordance with 34 CFR 602.

* * *

AUTHORITY NOTE: Promulgated in accordance with 34 CFR 602 and R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1833 (October 2006), amended LR 37:560 (February 2011), LR 43:1314 (July 2017), LR 45:233 (February 2019), LR 46:1384 (October 2020).

Chapter 11. State Guidelines Related to Qualifications for Paraprofessionals and Continuing Learning Units

§1103. Highly Qualified Policy for Teachers

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 33:2053 (October 2007), amended LR 35:643 (April 2009), repealed LR 46:1385 (October 2020).

§1105. Paraprofessional Qualifications

A. - F.1.a. ...

b. has 2 years of full-time study (48 semester credit hours) from the recommended list of state-approved institutions of higher education or from an institution of higher education accredited in accordance with 34 CFR 602. A total of 15 hours of general education course requirements include English composition (3), English/reading (6), and mathematics (6). For the remaining 33 hours of coursework, acceptance of credit for a course shown on a transcript from an approved higher education institution is left to school district discretion in addressing the needs of the specific job;

1.c. - 2.a. ...

b. has 2 years of full-time study (48 semester credit hours) from the recommended list of state-approved institutions of higher education or from an institution of higher education accredited in accordance with 34 CFR 602. A total of 15 hours of general education course requirements include English composition (3), English/reading (6), and mathematics (6). For the remaining 33 hours of coursework, acceptance of credit for a course shown on a transcript from an approved higher education institution is left to school district discretion in addressing the needs of the specific job;

F.2.c. - G.3.b.iii.(b). ...

AUTHORITY NOTE: Promulgated in accordance with 34 CFR 602 and R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 33:2056 (October 2007), amended LR 43:1315 (July 2017), LR 46:1385 (October 2020).

Chapter 12. Approved Courses to Reinstate Lapsed Certificates

§1203. Reinstatement of a Lapsed Certificate

A. Reinstatement of a lapsed certificate is made only on evidence that the holder has earned six semester hours of credit in approved courses from an institution of higher education accredited in accordance with 34 CFR 602. The credit must be earned within the five-year period immediately preceding reinstatement of the certificate.

AUTHORITY NOTE: Promulgated in accordance with 34 CFR 602 and R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 33:2058 (October 2007), amended LR 46:1385 (October 2020).

§1205. Certificate Reinstatement Coursework

A. - A.1. ...

2. Coursework must be reflected on a transcript from an institution of higher education accredited in accordance with 34 CFR 602.

3. - 4. ...

AUTHORITY NOTE: Promulgated in accordance with 34 CFR 602 and R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 33:2058 (October 2007), amended LR 46:1385 (October 2020).

Chapter 13. Ancillary Certification

§1305. Ancillary School Service Certificates

A. - A.7.e. ...

f. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 33:2060 (October 2007), amended LR 46:1385 (October 2020).

Shan N. Davis
Executive Director

2010#056

RULE

Department of Environmental Quality Office of the Secretary Legal Affairs and Criminal Investigations Division

Petition Provisions of the Title V Permitting Program
(LAC 33:III.531 and 533)(AQ387ft)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary has amended the air regulations, LAC 33:III.531 and 533 (Log # AQ387ft).

This Rule is identical to federal regulations found in 85 CFR Part 24, pages 6431-6446, 40 CFR Part 70.7(h)(2), (5), (6), 70.8(a)(1) and (d), 70.12(a), and 70.14, which are applicable in Louisiana. For more information regarding the federal requirement, contact Deidra Johnson at (225) 219-3985. No fiscal or economic impact will result from the

Rule. This Rule will be promulgated in accordance with the procedures in R.S. 49:953(F)(3) and (4).

On February 5, 2020, the Environmental Protection Agency (EPA) revised its regulations to streamline and clarify processes related to submission and review of Title V petitions. This Rule will incorporate the relevant provisions of the federal Rule into LAC 33:III.531 and 533. Most notably, the Rule will require LDEQ to provide EPA with a written response to significant comments received on proposed Title V permit actions in order to commence EPA's 45-day review period described in LAC 33:III.533.C.

LDEQ's Part 70 operating permits program, which is codified in LAC 33:III.507 and several other sections of LAC 33:III.Chapter 5, must conform to the minimum requirements of 40 CFR Part 70 (State Operating Permit Programs). Per 40 CFR 70.1, "[t]hese regulations define the minimum elements required by the Act for State operating permit programs." 40 CFR 70.4(i) allows a state with an approved Part 70 operating permits program, like Louisiana, to initiate a program revision when relevant federal regulations are modified or supplemented. The basis and rationale for this Rule are to incorporate the relevant provisions of EPA's Rule entitled, "Revisions to the Petition Provisions of the Title V Permitting Program" into LAC 33:III.531 and 533. This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This Rule is hereby adopted on the day of promulgation.

Title 33

ENVIRONMENTAL QUALITY

Part III. Air

Chapter 5. Permit Procedures

§531. Public Notice and Affected State Notice

A. - A.3.a.ii. ...

b. Such notice shall identify:

i. - iv. ...

v. the name or title, address, and telephone number of an LDEQ employee from whom additional information may be obtained, including copies of the proposed permit, the application, and all supporting materials, including the Statement of Basis required by Paragraph A.4 of this Section;

b.vi. - d. ...

4. Statement of Basis. The permitting authority shall provide a statement that sets forth the legal and factual basis for the proposed permit conditions of any permit issued to a Part 70 source, including references to the applicable statutory or regulatory provisions. The permitting authority shall send this statement to any person who requests it and to EPA.

B. - B.3. ...

C. The permitting authority shall keep a record of the commenters and of the issues raised during the public participation process, as well as records of the written comments submitted during that process. Such records shall be available to the public. This requirement may be met by making the written comments received and any public hearing transcript available on the department's electronic document management system.

D. The permitting authority shall respond in writing to all significant comments raised during the public participation process, including any such written comments submitted during the public comment period and any such comments raised during any public hearing on the proposed permit. A copy of the written response to significant comments shall be made available to the public on the department's electronic document management system.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 19:1420 (November 1993), amended by the Office of the Secretary, Legal Affairs Division, LR 32:1841 (October 2006), amended by the Office of the Secretary, Legal Division, LR 43:926 (May 2017), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:1386 (October 2020).

§533. EPA Notice, Review, and Objection

A. ...

B. Transmittal of Information

1. A copy of each permit application pertaining to a major Part 70 source (including an application for a significant or minor permit modification) shall be provided to EPA by the owner or operator at the time the application is submitted to the permitting authority.

2. A copy of each proposed permit and Statement of Basis (SOB) pertaining to a major Part 70 source shall be provided to EPA by the permitting authority.

a. If, during the public participation process, the permitting authority receives significant comments on the proposed permit before a copy of the proposed permit and SOB have been provided to EPA, the permitting authority shall provide EPA with a written response to significant comments along with the proposed permit and SOB.

b. If, during the public participation process, the permitting authority receives significant comments on the proposed permit after a copy of the proposed permit and SOB have been provided to EPA, the permitting authority shall make any necessary revisions to the permit and/or SOB to address such comments and provide EPA with the proposed permit, SOB, and written response to significant comments after the public comment period has closed. The permit submitted to EPA with the written response to significant comments after the public comment period has closed shall be considered the proposed permit for purposes of this Paragraph.

3. A copy of each final permit issued to a major Part 70 source shall be provided to EPA by the permitting authority. If significant comments were received during any required public participation process, a copy of the written response to significant comments shall also be provided to EPA.

B.4. - D.3. ...

E. Public Petitions to EPA

1. If the administrator does not object in writing under Subsection D of this Section, any person may petition the administrator to make such objection. Such petitions must be made within 60 days after the expiration of the administrator's 45-day review period.

a. Each public petition filed with the administrator must include the elements described in 40 CFR 70.12(a) in the order set forth therein and be submitted by one of the methods listed in 40 CFR 70.14.

b. The petitioner shall provide a copy of the petition to the permitting authority and to the permit applicant.

2. - 5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 19:1420 (November 1993), amended LR 20:1376 (December 1994), amended by the Office of the Secretary, Legal Division, LR 38:2745 (November 2012), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:1386 (October 2020).

Courtney J. Burdette
General Counsel

2010#028

RULE

Office of the Governor Office of Financial Institutions

Applications and Notices (LAC 10:I.Chapter 5)

The Office of Financial Institutions (OFI) has amended LAC 10.I.501 and 509, and adopt LAC 10.I.511 and 513 relative to Loan Production Offices, deposit production offices, and Combination Offices, respectively, of banks, savings banks, homestead associations, building and loan associations, and savings and loan associations, as authorized by R.S. 6:452 and 453. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

OFI proposes to amend the provisions governing the aforementioned offices of affected financial institutions to be consistent with Act 183 of the 2020 regular legislative session. The amendments allow state-chartered institutions to open loan production offices with notice to the Commissioner and provide a process by which an institution may request permission to engage in activities permissible for national banks through such offices. The adoption of §§511 and 513 provide similarly relative to deposit production offices and combination offices, respectively, without restriction on the placement of electronic financial terminals. This Rule is hereby adopted on the day of promulgation.

Title 10

FINANCIAL INSTITUTIONS, CONSUMER CREDIT, INVESTMENT SECURITIES AND UCC

Part I. Financial Institutions

Chapter 5. Applications and Notices

Subchapter A Certificate of Authority for New Financial Institutions; Branches; or Relocation of Main Office or Branch Office

§501. Definitions

* * *

Deposit Production Office—a physically manned location, in the State of Louisiana, in another state, or the District of Columbia, other than the main office or branch office of a

financial institution, from which the financial institution intends to provide information about deposit products offered by such financial institution, solicit deposits, and assist persons in completing application forms and related documents to open deposit accounts. A deposit production office may be a wholly-owned operating subsidiary of a financial institution. A deposit production office may also be referred to in this rule as a “DPO”.

* * *

Loan Production Office—a physically manned location, in the state of Louisiana, in another state or the District of Columbia, other than the main office or branch office of a financial institution from which the financial institution intends to provide information about, and solicit and/or originate applications for, loans, by such financial institution. A loan production office may be a wholly-owned operating subsidiary of a financial institution. A loan production office may also be referred to in this rule as an “LPO”.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:121(B)(1).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Financial Institutions, LR 19:1414 (November 1993), amended by the Office of the Governor, Office of Financial Institutions, LR 31:2894 (November 2005), LR 46:1387 (October 2020).

Subchapter B. Loan Production Offices, Deposit Production Offices, and Electronic Financial Terminals; Notice, Activities and Requirements

§509. Loan Production Office

A. Definitions

Applicant—repealed.

Application—repealed.

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

Federal Financial Institution—any national bank, federal savings association, or other depository institution chartered by the Office of the Comptroller of the Currency.

Financial Institution—any federal financial institution, Louisiana financial institution, or out-of-state financial institution.

Letter of Notification—written notice submitted to the commissioner by a financial institution indicating its intent to establish one or more loan production office(s). The Letter of Notification shall identify the financial institution and provide the municipal address of the proposed LPO location. If the ratio of premises and fixed assets to Tier 1 capital plus the allowance for loan and lease losses will, at any time, exceed 50 percent, or 45 percent for a new institution, the financial institution must also provide supporting documentation and a request to exceed this threshold pursuant to LAC X:I.1101.

Loan Production Office—a physically manned location, in the state of Louisiana, in another state or the District of Columbia, other than the main office or branch office of a financial institution from which the financial institution intends to provide information about, and solicit and/or originate applications for, loans, by such financial institution. A loan production office may be a wholly-owned

operating subsidiary of a financial institution. A loan production office may also be referred to in this rule as an "LPO".

Louisiana Financial Institution—any Louisiana state-chartered bank, savings bank, homestead association, building and loan association, or savings and loan association.

Out-of-State Financial Institution—any state-chartered bank, savings bank, homestead association, building and loan association, or savings and loan association, chartered in a state other than Louisiana or chartered in the District of Columbia.

B. Prior Notification

1. In accordance with R.S. 6:452, a Louisiana financial institution seeking to open a loan production office shall provide written prior notification, to the commissioner, of the planned loan production office. The notification shall be sent to the commissioner at least 45 days prior to the proposed opening date of the LPO.

2. Notification to the commissioner may be delivered by U.S. Mail, private commercial courier, hand-delivered, or by electronic mail.

3. If at the time of the notification to the commissioner, a Louisiana financial institution plans to share the location of an LPO with one or more other financial institutions, the name and domicile of each such other financial institution shall be included in the written prior notice to the commissioner.

C. Objection by Commissioner

1. In accordance with R.S. 6:452, after a Louisiana financial institution sends notification of its intent to open an LPO, the commissioner may object to the proposed loan production office based on any of the reasons set forth in Paragraph C.2. The commissioner may timely object by notifying the Louisiana financial institution within 45 days of receiving the Louisiana financial institution's notification of its intent to open an LPO. If the commissioner timely objects to the proposed LPO, the Louisiana financial institution shall refrain from opening the proposed LPO.

2. Reasons for Objection. The following factors may form the basis for the commissioner's objection to a loan production office as well as any additional factors deemed necessary and appropriate:

- a. financial history and condition;
- b. adequacy of capital;
- c. future earnings prospects;
- d. management;
- e. convenience and needs of the community;
- f. concentration risk.

3. Written Reasons for Objection by Commissioner. Following an objection by the commissioner to a Louisiana financial institution's proposed loan production office, a Louisiana financial institution may request written reasons for the objection.

4. Out-of-State Financial Institutions. An out-of-state financial institution may establish one or more LPOs in Louisiana as allowed by, and in compliance with, the laws, regulations, rulings, and pronouncements of the state or district where such financial institution is chartered that apply to the establishment of an LPO by such out-of-state financial institution and may conduct at, or from, any of its LPOs in Louisiana such activities as are authorized by the

laws, regulations, rulings, and pronouncements of the state or district where such out-of-state financial institution is chartered. Except for the requirements of this Paragraph, out-of-state financial institutions are not subject to the requirements of this Section or §511 of this Chapter.

5. Federal Financial Institutions. A federal financial institution may establish one or more LPOs in Louisiana as allowed by, and in compliance with the federal laws, regulations, rulings, and pronouncements that apply to the establishment of an LPO by a federal financial institution. Except for the requirements of this Paragraph, federal financial institutions are not subject to the requirements of this Section or §511 of this Chapter.

D. Activities

1. Permissible Activities. A loan production office of a Louisiana financial institution is limited to the following activities:

- a. soliciting, and originating, loans on behalf of the Louisiana financial institution;
- b. providing information on loan rates and terms;
- c. interviewing and counseling loan applicants regarding loans and any provisions for disclosure required by various regulation;
- d. aiding customers in the loan application process, including the completing of loan applications, the obtaining of credit investigations, obtaining title insurance premiums, attorney's fees, title abstract fees, mortgage certificate fees, hazard insurance premiums, flood insurance premiums, survey costs, recording costs, and any other information needed to prepare a good faith estimate, to complete a loan application, or to prepare a loan for closing;
- e. making credit decisions and approving or declining loans, in accordance with the Louisiana financial institution's lending policies; and
- f. signing any and all loan documents and disclosures, including but not limited to promissory notes, line of credit agreements, mortgages, security agreements, guarantee agreements, any other agreement establishing collateral to secure the repayment of the loan, and other instruments obligating the loan customer to the Louisiana financial institution.

2. Activities Parity. In addition to the permissible activities set forth above, a Louisiana financial institution may conduct at, or from, any of its loan production offices any other activity that is a permissible for an LPO of a national bank or other federal financial institution by complying with R.S. 6:242(C).

3. Electronic Financial Terminals. In addition to the permissible activities set forth above, a Louisiana financial institution may operate an electronic financial terminal (EFT) facility within, adjacent to, or in close proximity to, any of its loan production offices, provided that it complies with the notice requirements contained in §511 of this Chapter. An EFT is defined in R.S. 6:2(7).

4. Prohibited Activities. The following activities may not be conducted at a loan production office of a Louisiana financial institution unless the Louisiana financial institution has established a combined loan production office and deposit production office in accordance with R.S. 6:454, and with §511 of this Chapter:

- a. providing forms which enable the customer to open deposit accounts directly or by mail;

b. counseling customers regarding savings accounts, checking accounts or any other services except loan origination services;

c. advertising, stating or implying that the loan production office provides services other than loan origination services;

5. Loan Payments. A loan production office of a Louisiana financial institution shall not accept loan payments; however, the occasional acceptance of loan payments is permissible in the event borrowers fail to follow established loan payment procedures.

6. Loan proceeds shall not be physically disbursed in-person to the borrower at an LPO of a Louisiana financial institution. However, this does not restrict the disbursement of loan proceeds electronically.

E. Closure or Change of Location of Loan Production Office

1. Prior to closing or relocating a loan production office of a Louisiana financial institution, the Louisiana financial institution shall give prior written notice to the commissioner for approval at least 45 days prior to closing or relocating the LPO. The notification of a relocation shall contain the current physical address of the loan production office, the proposed new address and the anticipated date of relocation. The notification of a closure shall include the current location of the loan production office, the reason for the closure and the anticipated date of the closure. Approval will be deemed to have been granted if the commissioner does not respond to the notice within 45 days of receipt. This provision may be waived by the commissioner.

2. At least 30 days prior to the closure date or relocation date, the Louisiana financial institution shall post a notice in a conspicuous location in the loan production office to be closed or relocated, that the LPO will be closed or relocated. If the LPO is to be closed, the notice shall state the closing date and the nearest location where a customer may obtain access to services. If the LPO is to be relocated, the notice shall state the relocation date and the address of the new location.

3. The requirements contained in Paragraph E.2 of this Subsection may be waived by the commissioner to prevent or alleviate any condition which he or she may reasonably expect to create an emergency relative to that Louisiana financial institution, its employees, or its customers.

F. Other

1. Emergency Acquisition of a Louisiana Loan Production Office. In the case of the acquisition of a failed or failing Louisiana financial institution, the commissioner may waive any provision of this rule which is not required by statute for the purpose of allowing an acquiring financial institution to operate a loan production office of the failed or failing financial institution.

2. Name. Each loan production office of a Louisiana financial institution shall include the words "Loan Production Office" on one primary exterior sign at the loan production office and all other signage shall include the words "Loan Production Office" or the initials "LPO." The words "Loan Production Office" and the initials "LPO" must be reproduced in at least one-half as large a font size as the font size used for the name of the Louisiana financial institution on signage at the loan production office.

3. Sharing of Loan Production Office Locations

a. Loan production office locations may be shared by one or more financial institutions provided that each Louisiana financial institution complies with the provisions of this rule. In addition, any written agreement related to the sharing of a loan production office shall accompany, or be included in, the prior notice submitted to the commissioner as required by §509.B. Further, when engaging in the sharing of a loan production office location, the Louisiana financial institution shall ensure that:

i. each financial institution is conspicuously, accurately, and separately identified;

ii. each financial institution provides its own employee(s) and their affiliation with the financial institution by which they are employed is clearly and fully disclosed to customers so that customers will know the identity of the financial institution that is providing the product or service;

iii. the arrangement does not constitute a joint venture or partnership with the other financial institution under applicable state law;

iv. all aspects of the relationship between the financial institutions are conducted at arm's length;

vi. security issues arising from the activities of the other financial institution on the premises are addressed;

vi. the activities of the other financial institution do not adversely affect the safety and soundness of such financial institution; and

vii. the assets and records of the financial institutions are segregated.

b. An LPO location sharing agreement involving a Louisiana financial institution should outline the manner in which:

i. the operations of each of the financial institutions will be separately identified and maintained within the loan production office location;

ii. the assets and records of the financial institutions will be segregated;

iii. expenses will be shared;

iv. confidentiality of each of the financial institution's records will be maintained; and

v. any additional provisions deemed applicable.

4. Any an exception and/or waiver of any provision of this rule requires the written approval of the commissioner.

5. Effective Date. This rule shall become effective upon final publication.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:452.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Financial Institutions, LR 21:1217 (November 1995), amended by the Office of the Governor, Office of Financial Institutions, LR 46:1387 (October 2020).

§511. Deposit Production Office

A. Definitions

Commissioner—the commissioner of the Louisiana Office of financial institutions.

Deposit Production Office—a physically manned location, in the State of Louisiana, in another state, or the District of Columbia, other than the main office or branch office of a financial institution, from which the financial institution intends to provide information about deposit products offered by such financial institution, solicit deposits, and assist persons in completing application forms and related

documents to open deposit accounts. A deposit production office may be a wholly-owned operating subsidiary of a financial institution. A deposit production office may also be referred to in this rule as a “DPO”.

Federal Financial Institution—any national bank or federal savings association, or other depository institution chartered by the Office of the comptroller of the currency.

Financial Institution—any federal financial institution, Louisiana financial institution, or out-of-state financial institution.

Letter of Notification—written notice submitted to the commissioner by a Louisiana financial institution indicating its intent to establish a deposit production office. The letter of notification shall identify the Louisiana financial institution and provide the municipal address of the proposed DPO location. If the ratio of premises and fixed assets to Tier 1 Capital plus the allowance for loan and lease losses will, at any time, exceed 50 percent, or 45 percent for a new institution, the financial institution must also provide supporting documentation with a request to exceed this threshold pursuant to LAC X:I.1101.

Louisiana Financial Institution—any Louisiana state-chartered bank, savings bank, homestead association, building and loan association, or savings and loan association.

Out-of-State Financial Institution—any state-chartered bank, savings bank, homestead association, building and loan association, or savings and loan association chartered in a state other than Louisiana or in the District of Columbia.

B. Prior Notification

1. In accordance with R.S. 6:453, a Louisiana financial institution seeking to open a deposit production office shall provide written prior notification, to the commissioner, of the planned deposit production office. The notification shall be sent to the commissioner at least 45 days prior to the proposed opening date of the DPO.

2. Notification to the commissioner may be delivered by U.S. Mail, private commercial courier, hand-delivered, or by electronic mail.

3. If at the time of the notification to the commissioner, the Louisiana financial institution plans to share the location of the DPO with another financial institution, the name and domicile of each such other financial institution shall be included in the written prior notice to the commissioner.

C. Objection by Commissioner

1. In accordance with R.S. 6:453, after a Louisiana financial institution sends notification of its intent to open an DPO, the commissioner may object to the proposed deposit production office based on any of the reasons set forth in Paragraph C.2. The commissioner may timely object by notifying the Louisiana financial institution within 45 days of receiving the Louisiana financial institution’s notification of its intent to open a DPO. If the commissioner timely objects to the proposed DPO, the Louisiana financial institution shall refrain from opening the proposed DPO.

2. Reasons for Objection. The following factors may form the basis of the commissioner’s objection to a deposit production office as well as any additional factors deemed necessary and appropriate:

- a. financial history and condition;
- b. adequacy of capital;
- c. future earnings prospects;
- d. management;
- e. convenience and needs of the community;
- f. concentration risk.

3. Written Reasons for Objection by Commissioner.

Following an objection by the commissioner to a Louisiana financial institution’s proposed deposit production office, a Louisiana financial institution may request written reasons for the objection.

4. Out-of-State Financial Institutions. An out-of-state financial institution may establish a one or more DPOs in Louisiana as allowed by, and in compliance with, the laws, regulations, rulings, and pronouncements of the state or district where the out-of-state financial institution is chartered that apply to the establishment of a DPO by such out-of-state financial institution and may conduct at, or from any of its DPOs in Louisiana such activities as are authorized by the laws, regulations, rulings, and pronouncements of the state or district where such out-of-state financial institution is chartered. Except for the requirements of this Paragraph, out-of-state financial institutions are not subject to the requirements of this Section or §511 of this Chapter.

5. Federal Financial Institutions. A federal financial institution may establish one or more DPOs in Louisiana as allowed by, and in compliance with, the federal laws, regulations, rulings, and pronouncements that apply to the establishment of a DPO by a federal financial institution. Except for the requirements of this Paragraph, federal financial institutions are not subject to the requirements of this Section or §511 of this Chapter.

D. Activities

1. Permissible Activities. A deposit production office of a Louisiana financial institution is limited to the following activities:

- a. providing information about deposit products;
- b. assisting persons in completing application forms and related documents to open deposit accounts;
- c. providing forms which enable the customer to open deposit accounts directly, online, or by mail;
- d. counseling customers regarding savings accounts, checking accounts or any other deposit products; and
- e. advertising or promoting deposit products.

2. Activities Parity. In addition to the permissible activities set forth above, a Louisiana financial institution may conduct at, or from, any of its deposit production offices any activity that is permissible for a DPO of a national bank or other federal financial institution by complying with R.S. 6:242(C).

3. Electronic Financial Terminals. In addition to the permissible activities set forth above, a Louisiana financial institution may operate an electronic financial terminal (EFT) facility within, adjacent to, or in close proximity to, any of its deposit production offices, provided that it complies with the notice requirements contained in §511 of this Chapter. An EFT is defined in R.S. 6:2(7).

4. Prohibited Activities. The following activities may not be conducted at a deposit production office of a

Louisiana financial institution unless the Louisiana financial institution has established a combined loan production office and deposit production office in accordance with R.S. 6:454, and with Section 511 of this Chapter:

- a. soliciting loans on behalf of the Louisiana financial institution or one of its wholly-owned subsidiaries;
- b. providing information on loan rates and terms;
- c. interviewing and counseling loan applicants regarding loans and any provisions for disclosure required by various regulation; or
- d. aiding customers in the completion of loan applications, including the obtaining of credit investigations, obtaining title insurance premiums, attorneys fees, title abstract fees, mortgage certificates, hazard insurance premiums, flood insurance premiums, survey costs, recording costs, and any other information needed to prepare a good faith estimate, to complete a loan application, or to prepare a loan for closing.

E. Closure or Change of Location of Deposit Production Office

1. Prior to closing or relocating a deposit production office of a Louisiana financial institution, the Louisiana financial institution shall give prior written notice to the commissioner for approval at least 45 days prior to closing or relocating the DPO. The notification of a relocation shall contain the current physical address of the deposit production office, the proposed new address and the anticipated date of relocation. The notification of a closure shall include the current location of the deposit production office, the reason for the closure and the anticipated date of the closure. Approval will be deemed to have been granted if the commissioner does not respond to the notice within 45 days of receipt. This provision may be waived by the commissioner.

2. At least 30 days prior to the closure date or relocation date, the Louisiana financial institution shall post a notice in a conspicuous location in the deposit production office to be closed or relocated, that the DPO will be closed or relocated. If the DPO is to be closed, the notice shall state the closing date. If the DPO is to be relocated, the notice shall state the relocation date and the address of the new location.

3. The requirements contained in Paragraph E.2 of this Subsection may be waived by the commissioner to prevent or alleviate any condition which he or she may reasonably expect to create an emergency relative to that Louisiana financial institution, its employees, or its customers.

F. Other

1. Emergency Acquisition of a Deposit Production Office. In the case of the acquisition of a failed or failing Louisiana financial institution, the commissioner may waive any provision of this rule which is not required by statute for the purpose of allowing an acquiring financial institution to operate a deposit production office of the failed or failing financial institution.

2. Name. Deposit production offices of Louisiana financial institutions shall include the words "Deposit Production Office" on one primary exterior sign at the

deposit production office and all other signage shall include the words "Deposit Production Office" or the initials "DPO." The words "Deposit Production Office" and the initials "DPO" must be reproduced in at least one-half as large a font size as the font size used for the name of the Louisiana financial institution on signage at the deposit production office.

3. Sharing of Deposit Production Office Locations

a. Deposit production office locations may be shared by one or more financial institutions provided that each Louisiana financial institution complies with the provisions of this rule. In addition, any written agreement related to the sharing of a deposit production office shall accompany, or be included in, the Prior Notice submitted to the commissioner as required by §510.B, a brief explanation of such written agreement, including the names of the financial institutions that will share the same location, shall accompany, or be included in, the prior notice submitted to the commissioner as required by §510.B. Further, when engaging in the sharing of a deposit production office, the Louisiana financial institution shall ensure that:

- i. each other financial institution is conspicuously, accurately, and separately identified;
- ii. each financial institution provides its own employee(s) and their affiliation with the other financial institution is clearly and fully disclosed to customers so that customers will know the identity of the financial institution that is providing the product or service;
- iii. the arrangement does not constitute a joint venture or partnership with the other financial institution under applicable state law;
- iv. all aspects of the relationship between the financial institutions are conducted at arm's length;
- v. security issues arising from the activities of the other financial institution on the premises are addressed;
- vi. the activities of the other financial institutions do not adversely affect the safety and soundness of the Louisiana financial institution; and
- vii. the assets and records of the financial institutions are segregated.

b. A DPO location sharing agreement involving a Louisiana financial institution should outline the manner in which:

- i. the operations of each financial institution will be separately identified and maintained within the deposit production office location;
- ii. the assets and records of the financial institutions will be segregated;
- iii. expenses will be shared;
- iv. confidentiality of each of the financial institution's records will be maintained; and
- v. any additional provisions deemed applicable.

4. Any exception and/or waiver of any provision of this rule requires the written approval of the commissioner.

5. Effective Date. This rule shall become effective upon final publication.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:453.

HISTORICAL NOTE: Promulgated by the Office of Governor, Office of Financial Institutions, LR 46:1389 (October 2020).

§513. Combination of Loan Production Office, Deposit Production Office, and Electronic Financial Terminal

A. Definitions. For purposes of this Section, the definitions provided in §§509 and 510 are applicable.

B. Combined Prior Notification

1. Any Louisiana financial institution seeking to operate at the same location, a loan production office, a deposit production office, and an electronic financial terminal, or any combination of these facilities, shall provide written notice to the commissioner at least 45 days prior to the proposed opening date.

2. A Louisiana financial institution may satisfy the notice requirements of R.S. 6:452 and 453 by submitting one combined written notice to the commissioner pursuant to this Section.

C. Upon receiving the written notice, the commissioner has 45 days to object. If the commissioner does not raise a timely objection, the Louisiana financial institution may proceed with opening the combined facility. If the commissioner raises an objection, the commissioner shall, upon request, notify the Louisiana financial institution in writing as to the nature of the objection. The commissioner may consider the reasons for objection set forth in §§509.C and 510.C of this Chapter.

E. Effective Date. This rule shall become effective upon final publication.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:454.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Financial Institutions, LR 46:1392 (October 2020).

John Ducrest
Commissioner

2010#068

RULE

**Department of Health
Bureau of Health Services Financing**

End Stage Renal Disease Facilities
Reimbursement for Independent Laboratory Services
(LAC 50:XI.6901)

The Department of Health, Bureau of Health Services Financing has amended LAC 50:XI.6901 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. This Rule is hereby adopted on the day of promulgation.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part XI. Clinic Services

Subpart 9. End Stage Renal Disease Facilities

Chapter 69. Reimbursement

§6901. General Provisions

A. ...

B. Covered non-routine dialysis services, continuous ambulatory peritoneal dialysis (CAPD), continuous cycling

peritoneal dialysis (CCPD), epogen (EPO) and injectable drugs are reimbursed separately from the composite rate.

1. Covered non-routine laboratory services may be billed by either the ESRD facility or the facility's contracted outside laboratory.

C. - G. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 30:1022 (May 2004), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 35:1891 (September 2009), LR 36:2040 (September 2010), LR 37:1599 (June 2011), LR 39:1284 (May 2013), amended by the Department of Health, Bureau of Health Services Financing, LR 46:1392 (October 2020).

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Dr. Courtney N. Phillips
Secretary

2010#049

RULE

**Department of Health
Bureau of Health Services Financing**

Medicaid Eligibility
Qualified Disabled and Working Individual Program
Resources
(LAC 50:III.10703 and 10705)

The Department of Health, Bureau of Health Services Financing has amended LAC 50:III.10703 and §10705 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R. S. 49:950 et seq. This Rule is hereby adopted on the day of promulgation.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part III. Eligibility

Subpart 5. Financial Eligibility

Chapter 107. Resources

§10703. General Provisions

A. - B. ...

C. The following individual's resources shall be considered in determining eligibility for the Qualified Disabled and Working Individual (QDWI) Program:

1. the applicant/recipient; and

a. - b. Repealed.

2. the spouse living in the home with the applicant/recipient.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 36:2867 (December 2010), amended by the Department of Health, Bureau of Health Services Financing, LR 45:1772 (December 2019), LR 46:1392 (October 2020.).

§10705. Resource Disregards

A. - B.1. ...

C. All resources shall be disregarded in eligibility determinations for the Qualified Medicare Beneficiaries (QMB), Specified Low Income Beneficiaries (SLMB) and Qualifying Individuals (QI) Programs.

D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 35:1899 (September 2009), amended LR 36:2867 (December 2010), LR 41:949 (May 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 45:1772 (December 2019), LR 46:1393 (October 2020).

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Dr. Courtney N. Phillips
Secretary

2010#050

RULE

**Department of Health
Bureau of Health Services Financing**

Nursing Facilities
Licensing Standards
(LAC 48:I.9701 and 9943)

The Department of Health, Bureau of Health Services Financing has amended LAC 48:I.9701 and 9943 as authorized by R.S. 36:254 and 40:2109. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. This Rule is hereby adopted on the day of promulgation.

Title 48

PUBLIC HEALTH—GENERAL

Part I. General Administration

Subpart 3. Licensing and Certification

Chapter 97. Nursing Facilities

Subchapter A. General Provisions

§9701. Definitions

* * *

Coronavirus disease 2019 (COVID-19)—a communicable, contagious, and infectious disease/virus (more specifically, a coronavirus) identified as the cause of an outbreak of respiratory illness first detected in Wuhan, China. COVID-19 is a new disease, caused by a novel (or new) coronavirus that has not previously been seen in humans. Persons with COVID-19 have had a wide range of symptoms reported-ranging from mild symptoms to severe illness.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2009.1-2116.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 42:1891 (November 2016), amended LR 46:1393 (October 2020).

Chapter 99. Nursing Facilities

Subchapter C. Infection Control and Sanitation

§9943. Infection Control Program

A. - D. ...

E. Reportable diseases as expressed in the *LAC Title 51, Public Health—Sanitary Code* shall be reported to the local parish health unit of OPH and other agencies as required by state and/or federal laws, statutes, and ordinances.

F. Coronavirus Disease 2019 (COVID-19) Reporting. The facility, in addition to any state and/or local reporting, shall:

1. electronically report information about COVID-19 in the standardized format, and at the frequency, required by the Centers for Medicare and Medicaid Services (CMS) and the Centers for Disease Control and Prevention (CDC); and

2. inform residents, their representatives, and families of those residing in facilities, of the conditions of residents in the facility, within the timeframe and requirements as specified by CMS regulations and CDC reporting guidelines.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2009.1-2116.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 42:1930 (November 2016), amended LR 46:1393 (October 2020).

Dr. Courtney N. Phillips
Secretary

2010#051

RULE

**Department of Health
Bureau of Health Services Financing**

Out-of-State Medical Services
(LAC 50:I.701)

The Department of Health, Bureau of Health Services Financing has amended LAC 50:I.701 as authorized by R.S. 36:254 and 254.3, and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R. S. 49:950 et seq.

The Department of Health, Bureau of Health Services Financing proposes to amend the provisions governing out-of-state medical services in order to reflect current practices and to align the administrative Rule with Centers for Medicare and Medicaid Services regulations regarding out-of-state care.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part I. Administration

Subpart 1. General Provisions

Chapter 7. Out-of-State Services

§701. Out-of-State Medical Care

A. Medical claims for out-of-state services are honored when:

1. medical services are needed because of a medical emergency;

2. medical services are needed and the beneficiary's health would be in danger if the beneficiary were required to travel to the beneficiary's state of residence;

3. the state determines, on the basis of medical advice, that the needed medical services, or necessary supplementary resources, are more readily available in the other state; or

4. it is general practice for beneficiaries in a particular locality to use medical resources in another state.

B. Prior authorization is required for out-of-state non-emergency care.

1. - 4. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, LR 5:24 (February 1979), amended LR 6:491 (August 1980), amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 32:847 (May 2006), amended by the Department of Health, Bureau of Health Services Financing, LR 46:1393.

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability and autonomy as described in R.S. 49:972.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

Small Business Analysis

In compliance with Act 820 of the 2008 Regular Session of the Louisiana Legislature, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule will have no impact on small businesses, as described in R.S. 49:965.2 et seq.

Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, no direct or indirect cost to the provider to provide the same level of service, and will have no impact on the provider's ability to provide the same level of service as described in HCR 170.

Public Comments

Interested persons may submit written comments to Ruth Johnson, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. Ms. Johnson is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is at 4:30 p.m. on August 29, 2020.

Public Hearing

Interested persons may submit a written request to conduct a public hearing by U.S. mail to the Office of the

Secretary ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on August 10, 2020. If the criteria set forth in R.S. 49:953(A)(2)(a) are satisfied, LDH will conduct a public hearing at 9:30 a.m. on August 27, 2020 in Room 118 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after August 10, 2020. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing. In the event of a hearing, parking is available to the public in the Galvez Parking Garage, which is located between North Sixth and North Fifth/North and Main Streets (cater-corner from the Bienville Building). Validated parking for the Galvez Garage may be available to public hearing attendees when the parking ticket is presented to LDH staff at the hearing.

Dr. Courtney N. Phillips
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Out-of-State Medical Services

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

It is anticipated that implementation of this proposed rule will have no programmatic fiscal impact to the state other than the cost of promulgation for FY 20-21. It is anticipated that \$540 (\$270 SGF and \$270 FED) will be expended in FY 20-21 for the state's administrative expense for promulgation of this proposed rule and the final rule.

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

It is anticipated that the implementation of this proposed rule will have no effect on revenue collections other than the federal share of the promulgation costs for FY 20-21. It is anticipated that \$270 will be collected in FY 20-21 for the federal share of the expense for promulgation of this proposed rule and the final rule.

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

This proposed rule amends the provisions governing out-of-state medical services in order to reflect current practices and to align the administrative Rule with Centers for Medicare and Medicaid Services regulations regarding out-of-state care. This proposed Rule makes technical language revisions to the current administrative Rule which will have no effect on recipients or small businesses. It is anticipated that implementation of this proposed Rule will not result in any increase or decrease in payments to Medicaid providers in FY 20-21, FY 21-22, and FY 22-23 but will be beneficial by ensuring that the provisions are accurately promulgated in the Louisiana Administrative Code.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This rule has no known effect on competition and employment.

Ruth Johnson
Medicaid Executive Director
2007#049

Christopher Keaton
Legislative Fiscal Officer
Legislative Fiscal Office

RULE

Department of Public Safety and Corrections Corrections Services

Telephone Use and Policy on Monitoring of Calls (LAC 22:I.315)

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950), the Department of Public Safety and Corrections, Corrections Services, has amended the contents of §315, Telephone Use and Policy, on Monitoring of Calls. This Rule is hereby adopted on the day of promulgation.

Title 22 CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT

Part I. Corrections

Chapter 3. Adult Services

§315. Telephone Use and Policy on Monitoring of Calls

A. Purpose. To state the secretary's policy regarding the use of telephones by offenders and the monitoring of offender telephone calls at all adult institutions.

B. Applicability—Deputy Secretary, Chief of Operations, Regional Wardens and Wardens. Each warden is responsible for ensuring that appropriate unit written policy and procedures are in place to comply with the provisions of this regulation and for implementing and notifying all affected persons of its contents.

C. Policy. It is the secretary's policy that uniform telephone procedures, including the ability to monitor and/or record offender telephone calls to preserve the security and orderly management of the institution and to protect public safety, shall be adhered to at all institutions. Each institution shall offer offenders (including the hearing and/or speech impaired) reasonable access to telephone communication without overtaxing the institution's ability to properly maintain security and to avoid abuse of this privilege on the part of any offender. Offenders with hearing and/or speech disabilities and offenders who wish to communicate with parties who have such disabilities shall be given access to appropriate auxiliary aids and services. It is further the secretary's policy to encourage offenders to maintain telephone communications while incarcerated in order to maintain family connections that will promote unification upon release.

D. Procedures

1. General

a. Each offender shall be assigned a personal identification number (PIN) which must be used when placing outgoing telephone calls; the PIN shall be the offender's DOC number.

b. Each offender will provide his assigned institution a master list of up to 20 frequently called telephone numbers inclusive of all family, personal and legal calls. Each offender's outgoing telephone calls shall be limited to those telephone numbers he has placed on his master list. Changes may be made to the master list at the discretion of the warden, but no less than once each quarter. These changes may be entered by the contractor or by appropriately trained institutional staff. No offender shall place the telephone number of the family of another offender

on his master list "except for verified members of his own family."

c. For new offenders, PIN and master list numbers shall be entered into the telephone system upon intake at the reception and diagnostic centers.

d. All offender telephone calls made through use of the offender telephone system shall be recorded and are subject to monitoring, this includes calls made to attorneys using the offender telephone system. (See Clause D.6.a.iii for additional information.)

e. A visible sign by each offender telephone shall place offenders on notice that all calls shall be recorded and are subject to monitoring.

f. A recorded message shall notify all parties that all calls shall be recorded and are subject to monitoring and that the call originated from a correctional facility.

g. Use of the offender telephone system shall constitute consent by all parties to the recording and/or monitoring of the call.

h. Upon the request of a telephone subscriber, the institution shall block a telephone number and prevent the subscriber from receiving calls from an offender housed in the facility. To accomplish a block of a particular number for all state facilities, the institution should contact the contractor to request that a universal block be put into place.

i. Offenders are allowed to make collect calls to cell phones. These calls must be set up as direct remit accounts with the department's phone service provider. This shall be done after approval is received from the department to add the cell number. Prepaid cell phones are not allowed to set up the direct bill accounts. Cell phones must have a provider from a major wireless company i.e., AT and T, Sprint, Verizon, T-Mobile, etc.

j. Disciplinary sanctions may include certain restrictions on phone privileges; however, all offenders shall be allowed two collect calls per month.

k. Any offender placed in segregation shall be allowed one phone call (either at the offender's expense or via a collect call) within 24 hours of placement into a segregation housing unit.

2. Dormitory Housing (Minimum or Medium Custody)

a. Personal or Family Calls (routine). Collect telephone access should be available on a relatively non-restricted basis. The specific hours in the various living areas at the individual institutions shall be established by the warden of each institution. The warden shall communicate the telephone schedule to the offender population. A time limit should be established.

b. Personal or Family Calls (emergency). Requests for access outside of normally scheduled hours may be made through the dormitory officer, shift supervisor or other appropriate staff who decides if the justification the offender presents warrants the request. That decision is then logged. No frequency for this type call is established as the severity and duration of the emergency may vary.

c. Legal Calls. The warden shall establish a schedule for legal calls. Offenders are generally able to place legal calls during the lunch period "non-working hours," or after the afternoon count (when "normal office hours" are in effect for attorneys.) The warden shall establish an alternate procedure if this is not adequate.

3. Cellblock Housing (Maximum Custody)

a. Personal or Family Calls (Routine). Collect telephone access is generally located in the cellblock lobby. (In those situations where the telephone is on the tier, the offender may be allowed access during the shower or exercise period.) Lobby placement may restrict offender access. Therefore, posted policy may limit routine personal calls for offenders assigned to cellblocks. Access may vary by offender classification status. A time limit should be established.

b. Personal or Family Calls (Emergency). In all subclasses of maximum custody, the offender is required to request consideration for this type call from the warden's designee (shift supervisor, unit major, or program staff) who decides if the justification the offender presents warrants the request. That decision is then logged. No frequency for this type call is established as the severity and duration of the emergency may vary.

c. Legal Calls. The warden shall establish a procedure for placing legal calls on a reasonable basis during "normal office hours." Each housing unit shall maintain a legal telephone log for the purpose of monitoring the number of legal calls made by offenders on a weekly basis. All legal calls are to be logged with the attorney's full name, bar number, telephone number called, date, time and whether completed.

4. Incoming Calls

a. Personal or Family calls (Routine). Messages are not accepted or relayed on a routine basis for any offender.

b. Legal Calls. Offenders may be given notice that their attorney has requested contact. Complete verification is required prior to processing. If minimum or medium custody, the offender may call from the dormitory during lunch or after work. If maximum custody, the offender may be allowed to call during "normal office hours" at a time which does not interfere with the orderly operation of the unit.

5. Emergency Messages/Important Telephone Calls Based upon Faith-Based Programs and Services

a. Emergency messages concerning a serious illness, injury, death or other family crisis, etc. shall be delivered to an offender by the chaplain or other person designated by the warden. Exceptions to this paragraph shall only be granted by the warden or designee.

b. Notification to an offender's emergency contact (or other appropriate person as the situation warrants) of an offender's serious illness, injury or death shall be made in a timely manner by the chaplain or other person designated by the warden.

c. Chaplains are allowed discretion to make telephone calls for offenders for the purposes of dealing with emergency matters.

6. Monitoring

a. Offenders shall be put on notice of the following:

i. telephone calls in housing areas shall be recorded and are subject to monitoring and that "use" constitutes "consent";

ii. it is the offender's responsibility to advise all other parties that conversations are subject to being monitored and/or recorded;

iii. telephone calls to the offender's designated attorney(s) will not be routinely monitored. Any telephone

calls placed on offender telephones to attorneys shall be recorded but not monitored unless the warden determines a security need exists. Prior to examination of the content of the conversation with the attorney, the party requesting examination must put in writing the factors supporting the good cause and submit to the warden for approval. Only after approval has been received, shall the conversation be examined. Only investigators approved by the chief of operations shall be allowed to monitor the calls.

b. The telephone system will normally terminate a call at the end of the authorized period (normally 15 minutes); however, the warden or designee may authorize calls of a longer duration as circumstances warrant. Persons using the TDD system shall be allowed one-hour telephone calls.

c. Offenders shall not be allowed access to home telephone numbers nor be allowed to call any staff member of the department (including volunteers, contract workers, etc.) by any means whether through call forwarding, texting, web based or similar communication platforms or systems.

d. Only authorized (i.e., those who have been assigned a login/password) personnel approved by the warden or designee may monitor offender telephone calls. Information gained from monitoring calls which affects the security of the institution or threatens the protection of the public shall be communicated to the warden and other law enforcement agencies.

e. Offenders being processed into the system through the reception and diagnostic centers shall be required to give "consent" in writing, acknowledging that they are aware that their telephone calls shall be recorded and are subject to monitoring. A copy of this "consent" shall be placed in the offender's master record.

f. Each institution's orientation manual shall include the information contained in this regulation as a means to notify the offender population of its contents and verbal notification shall be given during the orientation program. A sign shall be posted at each offender telephone which states the following information:

ATTENTION

This telephone has been electronically programmed to monitor and/or record telephone calls. By using this telephone, you consent to the monitoring and/or recording of your conversation. Telephone calls to your designated attorney(s) will not be routinely monitored.

Department of Public Safety and Corrections
Department Regulation No. OP-C-8

7. Remote Call Forwarding

a. Remote Call Forwarding (RCF) is a mechanism by which offenders may employ a local telephone number that automatically forwards the telephone call to a pre-selected number generally located out of the local calling area code or long distance. RCF in essence is an automated 3-way call.

b. RCF is also known as automated call forwarding or PBX call forwarding. Use of this automated and remote mechanism represents significant security risks for several reasons. The telephone call terminated number (the end destination of the call) cannot be readily identified or verified. This number is not a traditional telephone number located at a residence, business or other such location but merely a number within the telephone switching equipment local to the facility where the offender is housed.

c. RCF initiated calls to an unidentified terminated number can and are being easily forwarded to unauthorized telephones. This forwarding is done through the normal 3-way call hook ups. This in fact negates the security mechanisms achieved by the requirement of approved telephone lists. Safeguards to prevent calls to victims, to blocked or restricted numbers or to prevent other unauthorized call activities are defeated by the use of an RCF number.

d. RCF usage creates an opportunity to conduct criminal or illegal or unauthorized activities since the end call location is not readily being identified, verified or its actual location known. This affords untold opportunity for offenders to engage in potential scams, to call victims, to facilitate escape attempts and to engage in other conduct representing significant security risks to the facility.

e. The offender population shall be put on notice that all third-party telephone calls, including RCF calls, are strictly prohibited and such activity shall result in appropriate disciplinary action.

f. Wardens shall develop a monitoring system to analyze the frequency of local calls. High frequency may indicate RCF utilization. When RCF calls are discovered, a system-wide block of the number shall be initiated pursuant to Subparagraph D.1.i. of this regulation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:829.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Corrections Services, LR 29:360 (March 2003), amended LR 29:2849 (December 2003), LR 35:87 (January 2009), LR 37:599 (February 2011), LR 46:1395 (October 2020).

James M. Le Blanc
Secretary

2010#030

RULE

Department of Transportation and Development Professional Engineering and Land Surveying Board

Practice of Engineering and Supervising Professionals (LAC 46:LXI.105 and 2305)

Under the authority of the Louisiana Professional Engineering and Land Surveying Licensure Law, R.S. 37:681 et seq., and in accordance with the Louisiana Administrative Procedure Act, R.S. 49:950 et seq., the Louisiana Professional Engineering and Land Surveying Board has amended its rules contained in LAC 46:LXI.105 and 2305.

This is a technical revision of existing rules under which LAPELS operates. The revision clarifies ~~(a) the circumstances under which an architect can perform minor mechanical, electrical or civil structural engineering work necessarily incidental to his/her practice of architecture and~~ (b) the amount of time that certain licensed professionals must work for (and/or the amount of ownership interest that certain licensed professionals must have in) a licensed firm to be able to serve as the firm's supervising professional. This Rule is hereby adopted on the day of promulgation.

Title 46 PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LXI. Professional Engineers and Land Surveyors Chapter 1. General Provisions §105. Definitions

A. The words and phrases defined in R.S. 37:682 shall apply to these rules. In addition, the following words and phrases shall have the following meanings, unless the content of the rules clearly states otherwise.

* * *

~~Practice of Engineering—~~

a. ~~practice of engineering is defined in R.S. 37:682. The board recognizes in the design of buildings and similar structures that there is overlap between the work of architects and professional engineers. It is recognized that an architect who has complied with all of the current laws of Louisiana relating to the practice of architecture has a right to engage in some activities properly classifiable as the practice of engineering insofar as it is necessarily incidental to his/her work as an architect. Likewise, it is recognized that the professional engineer who has complied with all of the current laws of Louisiana and is properly licensed has the right to engage in some activities properly classifiable as architecture insofar as it is necessarily incidental to his/her work as a professional engineer. Furthermore, the architect or the professional engineer, as the case may be, shall assume all responsibility for compliance with all the laws or ordinances relating to the designs or projects in which he/she may be engaged.~~

~~b.i. an architect may perform minor mechanical, electrical or civil structural engineering work necessarily incidental to his/her practice of architecture, but such incidental engineering work shall not include a complete engineering system unless such complete engineering system does not exceed the area thresholds under the occupancy types listed in clause v below. The incidental engineering work shall be of a secondary nature and shall be substantially less in scope and magnitude when compared to the architectural portion of the work. Incidental engineering work includes renovations or alterations of any size building that do not require significant adjustments to the engineering calculations for the changes to the engineering system(s) or component(s). The incidental work must be safely and competently performed by the architect without jeopardizing the life, health, property and welfare of the public. The incidental engineering work must also satisfy all of the following conditions in new or renovated projects:~~

~~(a) the total occupant load must not exceed 49 individuals. The occupant load is defined and determined by the method set forth in the currently enforced building code;~~

~~(b) the construction value of the incidental engineering work must not exceed 15 percent of the total construction value for new construction;~~

~~(c) any addition to a building or structure must not cause the gross floor areas of the entire building or structure to exceed those listed in clause v below;~~

~~(d) any renovations or alterations must not cause the overall construction cost to exceed \$125,000, exclusive of building finishes and furnishings; and~~

~~(e). any incidental engineering work must not exceed the area thresholds under the following occupancy types:~~

- ~~(i). storage 6,250 sq. ft.;~~
- ~~(ii). factory and industrial 5,000 sq. ft.;~~
- ~~(iii). mercantile 4,000 sq. ft.;~~
- ~~(iv). residential (excluding single family) 4,000 sq. ft.;~~
- ~~(v). educational 2,500 sq. ft.;~~
- ~~(vi). institutional 2,500 sq. ft.;~~
- ~~(vii). high hazard 1,500 sq. ft.;~~
- ~~(viii). assembly 2,650 sq. ft.;~~
- ~~(ix). business 4,000 sq. ft.;~~
- ~~(x). utility and maintenance 5,000 sq. ft.~~

~~ii. Professional judgment should be exercised in determining the need for an architect or professional engineer on complex projects that do not exceed these area thresholds.~~

~~e. teaching of engineering design and the responsible charge of the teaching of engineering design shall be considered as the practice of engineering. An accredited engineering curriculum ensures the minimum quality requirements for the teaching of engineering design. Thus, the teaching of engineering design courses and the responsible charge of the teaching of engineering design courses must be conducted by professional engineers or by engineering faculty in an accredited engineering curriculum. These unlicensed engineering faculty members are exempt from licensure by the board only for the purpose of teaching of engineering design courses and the responsible charge of the teaching of engineering design courses in an accredited engineering curriculum and shall not otherwise practice or offer to practice engineering in the state of Louisiana as defined by R.S. 37:682 without being licensed by the board.~~

~~* * *~~

~~AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.~~

~~HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Surveyors, LR 4:298 (August 1978), amended LR 5:110 (May 1979), LR 7:643 (December 1981), LR 14:449 (July 1988), LR 16:772 (September 1990), LR 17:804 (August 1991), LR 20:901 (August 1994), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1020 (July 2001), LR 30:1704 (August 2004), LR 32:1618 (September 2006), LR 35:1908 (September 2009), LR 38:835 (March 2012), repromulgated LR 38:1030 (April 2012), amended LR 44:612 (March 2018), LR 45:75 (January 2019), LR 46:1397 (October 2020).~~

Chapter 23. Firms

§2305. Supervising Professional

A.1. Each firm licensed with the board shall designate one or more supervising professionals. Each supervising professional shall be a licensed professional:

a. whose primary employment is with the firm, provided the supervising professional works for the firm for a 12-month average of at least 30 hours per week or 130 hours per month; or

b. whose employment is with the firm, provided the supervising professional has at least a 25 percent ownership interest in the firm.

A.2. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:689.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 5:115 (May 1979), amended LR 8:191 (April 1982), LR 10:343 (April 1984), LR 11:362 (April 1985), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1036 (July 2001), LR 30:1719 (August 2004), LR 33:2789 (December 2007), LR 35:2856 (December 2009), LR 38:1418 (June 2012), LR 44:623 (March 2018), LR 46:1398 (October 2020).

Donna D. Sentell
Executive Director

2010#022

RULE

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Alligators
(LAC 76:V.701)

The Wildlife and Fisheries Commission has extended the alligator hunting season an additional month and removes the deadline to pick up tags prior to the start of the hunting season for landowners, land managers, and hunters. This Rule is hereby adopted on the day of promulgation.

Title 76

WILDLIFE AND FISHERIES

Part V. Wild Quadrupeds and Wild Birds

Chapter 7. Alligators

§701. Alligator Regulations

A. - A.5.h. ...

6. Alligator Hide Tag Procurement and Tagging Requirements

a. Alligator hide tags may be obtained as follows and only to properly licensed alligator hunters and nongame quadruped breeders.

b. Landowners, Land Managers and Hunters. Upon application to the department on forms provided for tag issuance, applications for alligator tag allotments will be taken annually beginning June 1. For alligator hunters submitting applications with new/additional properties, applications are due by August 20; for alligator hunters submitting an application for property previously hunted, applications are due by the day before the season opens.

A.6.b.i. - A.6.f.vii. ...

7. Open Season, Open Areas, and Quota

a. Open seasons are as follows.

i. The state shall be divided into the east and west alligator hunting zones by the following boundary: beginning at the southwestern most part of Point Au Fer Island thence north along the western boundary of Terrebonne Parish to the Atchafalaya River, thence north along the Atchafalaya River to the East Atchafalaya Protection Levee, thence north along the East Atchafalaya Protection Levee, to Interstate 10, thence east along Interstate 10 to Interstate 12, thence east along Interstate 12 to Interstate 55, thence north along Interstate 55 to the Mississippi state line. The season for taking alligators in the

wild shall open on the last Wednesday of August in the east zone and the first Wednesday of September in the west zone and will remain open for 60 days thereafter in each zone. The secretary shall be authorized to close, extend, delay, or reopen the season as biologically justifiable.

A.7.a.ii. - A.18.c. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115, R.S. 56:259, R.S. 56:262, R.S. 56:263 and R.S. 56:280.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 16:1070 (December 1990), amended LR 17:892 (September 1991), LR 19:215 (February 1993), LR 20:321 (March 1994), LR 26:1492 (July 2000), LR 28:1996 (September 2002), LR 30:2338 (October 2004), LR 30:2878 (December 2004), LR 31:2267 (September 2005), LR 33:677 (April 2007), LR 35:690 (April 2009), LR 37:2421 (August 2011), LR 39:2291 (August 2013), LR 42:909 (June 2016), LR 43:90 (January 2017), LR 46:50 (January 2020), LR 46:1398 (October 2020).

Jack Montoucet
Secretary

2010#017

RULE

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

**King and Spanish Mackerel and Cobia Size Limits
(LAC 76:VII.323)**

The Wildlife and Fisheries Commission has amended LAC 76:VII.323 by modifying the recreational and commercial minimum size limit for cobia (*Rachycentron canadum*) from 33 inches fork length to 36 inches fork length. Authority for this amendment is included in the Administrative Procedure Act, R.S. 49:950 et seq., and through the authority granted in R.S. 56:6(25)(a), R.S. 56:320.2, R.S. 56:326.1, and R.S. 56:326.3 to the Wildlife and Fisheries Commission. This Rule is hereby adopted on the day of promulgation.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 3. Saltwater Sport and Commercial Fishery

§323. Size Limits of King and Spanish Mackerel and Cobia

A. - A.1. ...

2. The minimum legal size for possession of cobia (*Rachycentron canadum*) whether caught within or without the territorial waters of Louisiana shall be 36 inches fork length. No person shall possess, sell, barter, trade, or exchange or attempt to sell, barter, trade, or exchange cobia less than the minimum size requirements.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:326.1 and R.S. 56:326.3.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 13:502 (September 1987), amended LR 17:207 (February 1991), LR 26:1505 (July 2000), LR 46:1399 (October 2020).

Jack Montoucet
Secretary

2010#019

RULE

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

**Reef Fish—Harvest Regulations
(LAC 76:VII.335)**

The Wildlife and Fisheries Commission has amended LAC 76:VII.335, modifying existing reef fish harvest regulations. Changes modify the trip limit for the commercial harvest of greater amberjack and provide authority to the secretary of the department to modify any commercial trip limits for a reef fish species or species group when notified by the Regional Administrator of NOAA Fisheries that such a change has been made in adjacent federal waters. Authority for amendment of this Rule is included in the Administrative Procedure Act, R.S. 49:950 et seq., and through the authority granted in R.S. 56:6(25)(a), 56:320.2, 56:326.1, and 56:326.3 to the Wildlife and Fisheries Commission. This Rule is hereby adopted on the day of promulgation.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 3. Saltwater Sport and Commercial Fishery

§335. Reef Fish—Harvest Regulations

A. - D.7. ...

8. Commercial trip limits shall include those limits listed below. For the purposes of this rule, a trip is defined as a fishing trip, regardless of the number of days' duration, that begins with departure from a dock, berth, beach, seawall or ramp and that terminates with return to a dock, berth, beach, seawall or ramp. The secretary of the Department of Wildlife and Fisheries is authorized, upon notification to the chairman of the Wildlife and Fisheries Commission, to adjust any trip limit for any commercially harvested reef fish species or species group when notified by the Regional Administrator of NOAA Fisheries that an adjustment has been made to the trip limit for a species or species group in adjacent federal waters.

Species or Group	Trip Limit
a. Gray Triggerfish	16 fish
b. Greater Amberjack	1,000 pounds gutted weight

E. - J. ...

AUTHORITY NOTE: Promulgated in accordance with R.S.56:6(25)(a), R.S. 56:320.2(C), R.S. 56:326.1 and R.S. 56:326.3.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 16:539 (June 1990), amended LR 19:1442 (November 1993), LR 20:797 (July 1994), LR 21:1267 (November 1995), LR 22:860 (September 1996), LR 24:1138 (June 1998), LR 24:1139 (June 1998), LR 24:1972 (October 1998), LR 26:793 (April 2000), LR 26:1505 (July 2000), LR 26:2833 (December 2000), LR 31:3166 (December 2005), LR 33:1156 (June 2007), repromulgated LR 33:1397 (July 2007), amended LR 34:2209 (October 2008), LR 34:2682 (December 2008), LR 36:1791 (August 2010), LR 38:2383 (September 2012), LR 39:330 (February 2013), LR 40:95 (January 2014), repromulgated LR 40:1116 (June 2014), amended

LR 40:2281 (November 2014), LR 42:908 (June 2016), repromulgated LR 43:89 (January 2017), amended LR 44:1458 (August 2018), LR 46:705 (May 2020), LR 46:1399 (October 2020).

Jack Montoucet
Secretary

2010#017

RULE

Workforce Commission Office of Unemployment Insurance Administration

Employer Requirement to Provide Notification of the Availability of Unemployment Insurance Benefits to Each Individual Employee at the Time of Separation (LAC 40:IV.381)

Under the authority of and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., specifically R.S. 49:953(C)(1), and through the authority granted in R.S. 36:304, notice is hereby given that the Workforce Commission has adopted LAC 40:IV.381. The Rule sets forth the requirement that employers notify employees of the availability of unemployment insurance benefits upon separation, and details the information that must be included in the notification, as well as the methods of notification. The Rule also advises employers of where a form that fulfills the requirements can be found on the Workforce Commission's website. The Rule is one of the requirements for the receipt of funding by the Workforce Commission under the Families First Coronavirus Response Act, Pub. L. 116-127, more specifically, Division D of the Emergency Unemployment Insurance Stabilization and Access Act of 2020. The Rule is being promulgated in order to continue the provisions of the April 23, 2020 Emergency Rule and the August 20, 2020 Emergency Rule. This Rule is hereby adopted on the day of promulgation.

Title 40

LABOR AND EMPLOYMENT

Part IV. Employment Security

Subpart 1. Board of Review

Chapter 3. Employment Security Law

§381. Employer Requirement to Provide Notification of the Availability of Unemployment Insurance Benefits to Each Individual Employee at the Time of Separation

A. Pursuant to R.S. 23:1621, employers are required to provide notification of the availability of unemployment insurance benefits (UI). This Section prescribes an additional requirement that employers shall notify each individual employee at the time of separation from employment of the following.

1. Employees may file a UI claim in the first week that employment stops or work hours are reduced.

2. Employees shall be informed that a UI claim may be filed by phone or online stating:

a. to file a UI claim by phone, call: 1-866-783-5567;

b. to file a UI claim online, visit:
www.louisianaworks.net/hire;

c. if you have questions about the status of your UI claim, you can call the LWC at 866-783-5567 or visit www.louisianaworks.net/hire.

3. Employees shall be given the Workforce Commission's toll free phone number and web address for filing and assistance with unemployment insurance claims.

4. Employees shall be informed of the need to provide the Workforce Commission with the following information in order for the claim to be processed:

a. full legal name;

b. social security number; and

c. authorization to work (if not a U.S. Citizen or resident).

B. Employers can find a form containing this required information at www.laworks.net/Downloads.

C. Employers shall convey this information at the time of separation. This information shall be provided to employees in writing either via flyer, letter, email, or text message.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1591, R.S. 23:1472(19)(a)(iii), R.S. 23:1621, and R.S. 36:310.

HISTORICAL NOTE: Promulgated by the Louisiana Workforce Commission, Office of Unemployment Insurance Administration, LR 46:1400 (October 2020).

Ava Dejoie
Secretary

2010#013

RULE

Workforce Commission Office of Workers' Compensation Administration

Medical Treatment Guidelines (LAC 40:I.5125 and 5157)

The Louisiana Workforce Commission has amended certain portions of the Medical Guidelines contained in the Louisiana Administrative Code, Title 40, Labor and Employment, Part I, Workers' Compensation Administration, Subpart 2, Medical Guidelines, Chapter 51, §§5125 and 5157 regarding medical reimbursement. The amendments add applicable billing codes that are pandemic related. It allows providers to use telemedicine/telehealth methods and deliver care that was established in response to COVID-19.

This Rule is promulgated by the authority vested in the director of the Office of Workers' Compensation Administration found in R.S. 23:1291 and R.S. 23:1310.1(C). This Rule is hereby adopted upon promulgation.

Title 40

LABOR AND EMPLOYMENT

Part I. Workers' Compensation Administration

Subpart 2. Medical Guidelines

Chapter 51. Medical Reimbursement Schedule

Editor's Note: The following Sections of this Chapter are applicable and shall be used for the Chapters in this Part governing reimbursement. These specific Chapters are: Chapter 25, Hospital Reimbursement; Chapter 29, Pharmacy; Chapter 31, Vision Care Services; Chapter 33, Hearing Aid Equipment and Services; Chapter 35, Nursing/Attendant Care and Home Health Services; Chapter 37, Home and Vehicle

Modification; Chapter 39, Medical Transportation; Chapter 41, Durable Medical Equipment and Supplies; Chapter 43, Prosthetic and Orthopedic Equipment; Chapter 45, Respiratory Services; Chapter 47, Miscellaneous Claimant Expenses; Chapter 49, Vocational Rehabilitation Consultant; Chapter 51, Medical Reimbursement Schedule; and Chapter 53, Dental Care Services.

§5125. Special Instructions

A. Procedure Codes Not Listed in Rules

1. - 3. ...

B. Modifiers

1. Modifier codes must be used by providers to identify procedures or services that are modified due to specific circumstances.

2. Modifiers listed in the CPT must be added to the procedure code when the service or procedure has been altered from the basic procedure described by the descriptor.

3. When Modifier-22 is used to report an unusual service, a report explaining the medical necessity of the situation must be submitted with the claim to the carrier. It is not appropriate to use Modifier-22 for routine billing.

4. The use of modifiers does not imply or guarantee that a provider will receive reimbursement as billed. Reimbursement for modified services or procedures must be based on documentation of medical necessity and must be determined on a case by case basis.

5. The modifier 95 appended to a code indicates it was performed by telemedicine/telehealth methods. Services should be reimbursed the same amount as the exact same codes without the modifier as long as the Emergency Rule exist. If carrier requires a Place of Service (POS) code for telemedicine/telehealth, code 02 may be used.

C. - F. 2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1034.2.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 19:54 (January 1993), repromulgated LR 19:212 (February 1993), amended LR 20:1299 (November 1994), amended by the Louisiana Workforce Commission, Office of Workers' Compensation Administration, LR 46:1400 (October 2020).

§5157. Maximum Reimbursement Allowances

A. Table 1

* * *

B. Table 2

Cpt Code	Mod	Description	Global Days	Maximum Allowance	Non-Facility Maximum	Facility Maximum
* * *						
86328		IA Infectious Agt Antibody SARS-COV-2 COVID-19		\$90		
* * *						
86769		Antb Severe Aqt Respir Synd SARS-COV-2 COVID19		\$84		
* * *						
87635		IADNA SARS-COV-2 COVID-19 Amplified Probe TQ		\$103		
* * *						
90791		Psychiatric Diagnostic Evaluation		BR		
90792		Psychiatric Diagnostic Eval W/Medical Services		BR		
* * *						
90832		Psychotherapy W/Patient 30 Minutes		BR		
90833		Psychotherapy W/Patient W/E&M Srvc 30 Min		BR		
90834		Psychotherapy W/Patient 45 Minutes		BR		
90836		Psychotherapy W/Patient W/E&M Srvc 45 Min		BR		
90837		Psychotherapy W/Patient 60 Minutes		BR		
90838		Psychotherapy W/Patient W/E&M Srvc 60 Min		BR		
* * *						
90863		Pharmacologic Management W/Psychotherapy		BR		
* * *						
92521		Evaluation Of Speech Fluency (Stutter Clutter)		BR		
92522		Evaluation Of Speech Sound Production Articulate		BR		
92523		Eval Speech Sound Product Language Comprehension		BR		
92524		Behavioral & Qualit Analysis Voice And Resonance		BR		
* * *						
96105		Assessment Aphasia W/Interp & Report Per Hour		BR		
* * *						
96156		Health Behavior Assessment/Re-Assessment		BR		
96158		Health Behavior Ivntj Indiv F2f 1st 30 Min		BR		
96159		Health Behavior Ivntj Indiv F2f Ea Addl 15 Min		BR		
* * *						
97129		Ther IVNTJ Cog Funcj CNTCT 1ST 15 Minutes		BR		
97130		Ther IVNTJ Cog Funcj CNTCT EA Addl 15 Minutes		BR		
* * *						
97161		Physical Therapy Evaluation Low Complex 20 Mins		BR		
97162		Physical Therapy Evaluation Mod Complex 30 Mins		BR		
97163		Physical Therapy Evaluation High Complex 45 Mins		BR		
97164		Physical Therapy Re-Eval Est Plan Care 20 Mins		BR		
97165		Occupational Therapy Eval Low Complex 30 Mins		BR		

Cpt Code	Mod	Description	Global Days	Maximum Allowance	Non-Facility Maximum	Facility Maximum
97166		Occupational Therapy Eval Mod Complex 45 Mins		BR		
97167		Occupational Therapy Eval High Complex 60 Mins		BR		
97168		Occupational Ther Re-Eval Est Plan Care 30 Mins		BR		
* * *						
98970		QNHP OI Digital ASSMT&MGMT Est Pt <7 D 5-10 Min		\$25		
98971		QNHP OL Digital Assmt and Mgmt Est PT <7 D 11-20 MIN		\$65		
98972		QNHP OL Digital Assmt and Mgmt Est PT <7 D 21+ MIN		\$150		
* * *						
99421		Online Digital E/M SVC Est Pt <7 D 5-10 Minutes			\$31	\$27
99422		Online Digital E/M SVC Est Pt <7 D 11-20 Minutes			\$62	\$55
99423		Online Digital E/M SVC Est Pt <7 D 21+ Minutes			\$100	\$87
* * *						
99495		Transitional Care Manage Srvc 14 Day Discharge		BR		
99496		Transitional Care Manage Srvc 7 Day Discharge		BR		
* * *						

C. Table 3

Code	Mod	Description	Global Days	Maximum Allowance	Non-Facility Maximum	Facility Maximum
C9803		COVID-19 Specimen Collection HOPD		BR		
G2010		Remot Image Submit By PT		\$24		
G2012		Brief Check In By MD/QHP		\$27		
G2023		Specimen Collect COVID-19		\$47		
G2024		Spec Coll SNF/Lab COVID-19		\$51		
G2061		Qual NonMD Est PT 5-10M		\$25		
G2062		Qual NonMD Est PT 11-20M		\$43		
G2063		Qual NonMD Est PT 21>Min		\$68		
U0001		2019-NCOV Diagnostic P		\$72		
U0002		COVID-19 Lab Test Non-CDC		\$103		
U0003		SARS-COV-2 COVID-19 Amp Prb Htt		\$200		
U0004		COVID-19 Lab Test Non-CDC Htt		\$200		

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1034.2.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 19:54 (January 1993), repromulgated LR 19:212 (February 1993), amended LR 20:1299 (November 1994), LR 27:314 (March 2001), amended by the Workforce Commission, Office of Workers' Compensation Administration, LR 39:1854 (July 2013), LR 40:379

(February 2014), amended by the Workforce Commission, Office of Workers' Compensation Administration, LR 42:1696 (October 2016), LR 46:1401 (October 2020).

Ava Dejoie
Secretary

2010#032

Notices of Intent

NOTICE OF INTENT

Department of Agriculture and Forestry Office of Agro Consumer Services

Commercial Weighing and Measuring Device;
Meat Labeling; and Fuel Price Advertising
(LAC 7:XXXV.127, 135, and 321)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., and pursuant to the authority set forth in R.S. 3:4741 et seq., notice is hereby given that the Department of Agriculture and Forestry (“Department”) intends to adopt the rules set forth below by revising LAC 7:XXXV.127 and 321 and repealing 135. These revisions are authorized by R.S. 3:4603 through 4622 and R.S. 3:4671, 4672, 4673, 4680, and 4681.

The proposed change to LAC 7:XXXV.127.A. clarifies that the owner of a weighing and measuring device is responsible for registering the device with LDAF. LAC 7:XXXV.127.A. As it is written, the section does not specify who shall register the commercial weighing and measuring device. The proposed change to LAC 7:XXXV.127.D eliminates the regulation language that scanning devices be registered by make, model, and serial number. The repeal of LAC 7:XXXV.135 is necessary because the existing rule is in conflict with 7 CFR Part 60 and 65 (USDA Country of Origin Law). Statements of origin are enforced by LDAF’s Meat Inspection Division and are no longer enforced by Weights and Measures. The proposed changes to LAC 7:XXXV.321, include the deletion of the words anti-knock index (AKI), which is no longer used and replaces it with “automotive fuel rating”. Automotive fuel rating is the current terminology used in 16 CFR 306.5 and 306.6. It is also proposed to add a Subsection G to LAC 7:XXXV.321. Subsection G will clarify signage rules for retailers using street signs for advertising fuel prices. The proposed rule states that the prices advertised must be equal to the highest price for the offered product unless it is clearly specified that conditions apply for a lower price. This eliminates consumer confusion over fuel prices.

Title 7

AGRICULTURE AND ANIMALS

Part XXXV. Agro-Consumer Services

Chapter 1. Weights and Measures

§127. Registration

A. Each commercial weighing and measuring device in use in Louisiana shall be registered to the device owner annually with the division insofar as is specified in this regulation.

B. - C.5. ...

D. Scanning devices shall be registered according to the greatest number of scanning devices in use at a location at any given time during the calendar year.

1.- 4. Repealed.

E. - R. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4603 (formerly R.S. 55:3), 3:4607, 4608, and 3:4622.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, Commission of Weights and Measures, LR 13:158 (March 1987), amended LR 15:78 (February 1989), amended by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, Division of Weights and Measures, LR 19:1534 (December 1993), LR 23:857 (July 1997), LR 41:2098 (October 2015), LR 42:1649 (October 2016), amended by the Department of Agriculture and Forestry, Office of Agro-Consumer Services LR 46:

§135. Meat Labeling

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4608, 3:4607 and R.S. 51:614.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, Division of Weights and Measures, LR 27:1672 (October 2001), repealed by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, LR 46:

Chapter 3. Petroleum Products

§321. Classification and Method of Sale of Petroleum Products

A. When gasoline, gasoline-oxygenate blends, reformulated gasoline, M85 and M100 fuel methanol, ethanol flex fuels, biodiesel, biomass-based diesel, biomass-based diesel blend, diesel fuel, kerosene, aviation gasoline, aviation turbine fuels, or fuel oils are sold, an invoice, bill of lading, shipping paper, or other documentation must accompany each delivery other than a retail sale. This documentation must identify the quantity, the name of the product, the particular grade of the product, the applicable automotive fuel rating, oxygenate type and content (if applicable), the name and address of the seller and buyer, and the date and time of the sale. This documentation must be retained at the retail establishment for a period not less than one year. The sale of any product under any grade name that indicates to the purchaser that it is of a certain automotive fuel rating shall not be permitted unless the automotive fuel rating or ASTM grade indicated in the grade name is consistent with the value and meets the requirements of 16 CFR 306.5 and 306.6 for transfers to anyone who is not a consumer, 16 CFR 306.12 for automotive fuel sold to consumers, and this Subchapter.

B. All retail dispensing devices must identify conspicuously the type of product, the particular grade of the product, and the applicable automotive fuel rating. The device shall automatically show on its face the initial zero condition and the quantity delivered (up to the nominal capacity). However, the first 0.03 L (or 0.009 gal.) of a delivery and its associated total sales price need not be indicated. In the event of a power loss, the information needed to complete any transaction in progress at the time of the power loss (such as the quantity and unit price, or sales price) shall be determinable for at least 15 minutes at the dispenser or at the console if the console is accessible to the customer. The device memory shall retain information on the quantity of fuel dispensed and the sales price totals during

power loss. The primary indicating elements, and primary recording elements if the device is equipped to record, shall be readily returnable to a definite zero indication. However, a key-lock operated or other self-operated device may be equipped with cumulative indicating or recording elements, provided that it is also equipped with a zero-return indicating element. It shall not be possible to return primary indicating elements or primary recording elements beyond the correct zero position.

C. - F. ...

G. A retailer is not required to have a street sign or billboard to advertise available motor fuels and their prices or to advertise every grade of motor fuel available at the retail location. However, if a retailer chooses to use a street sign and/or billboard to advertise the retail location's available motor fuels, then the street sign and/or billboard shall conspicuously display the following:

1. type(s) or grade(s) of motor fuel being advertised; and

2. the highest price(s) for the advertised grade(s) of motor fuel(s). In the event that the same grade of motor fuel is sold at different prices at the same retail location, a lower price for that grade of motor fuel may be displayed as long as the conditions under which the lower price may be obtained are clearly posted on the sign and available to everyone who qualifies for that lower price. If the sign or billboard displays a flashing sign with multiple prices for each grade of motor fuel, each price displayed with the conditions under which it may be obtained shall be visible for a period of at least three seconds.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4671, 4672, 4673, 4680, and 4681.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, Division of Weights and Measures, LR 31:31 (January 2005), amended LR 41:2099 (October 2015), amended by the Department of Agriculture and Forestry, Office of Agro-Consumer Services LR 46:

Family Impact Statement

The proposed rule should not have any known or foreseeable impact on family formation, stability, and autonomy. In particular, the proposed Rule has no known or foreseeable impact on:

1. the stability of the family;
2. the authority and rights of persons regarding the education and supervision of their children;
3. the functioning of the family;
4. family earnings and family budget;
5. the behavior and personal responsibility of children;
6. the ability of the family or a local government to perform the function as contained in the proposed Rule.

Poverty Impact Statement

The proposed rule should not have any known or foreseeable impact on any child, individual or family as defined by R.S. 49:973(B). In particular, there should be no known or foreseeable effect on:

1. the effect on household income, assets, and financial security;
2. the effect on early childhood development and preschool through postsecondary education development;

3. the effect on employment and workforce development;

4. the effect on taxes and tax credits;

5. the effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Small Business Analysis

Pursuant to R.S. 49:965.6, methods for reduction of the impact on small business, as defined in the Regulatory Flexibility Act, have been considered when creating this proposed rule. This proposed rule is not anticipated to have an adverse impact on small businesses; therefore, a Small Business Economic Impact Statement has not been prepared.

Provider Impact Statement

The proposed rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;

2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or

3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments, data, opinions and arguments regarding the proposed rule. Written submissions must be directed to Bobby Fletcher, Ph.D., Director of Weights and Measures Division, Department of Agriculture and Forestry, 5825 Florida Blvd., Baton Rouge, LA 70806 and must be received no later than 4 p.m. on the 10th day of ~~September~~ October, 2020.

Mike Strain, DVM
Commissioner

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Commercial Weighing and Measuring Device; Meat Labeling; and Fuel Price Advertising

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

These proposed rule changes are not anticipated to have a cost or savings to the Louisiana Department of Agriculture and Forestry (LDAF) other than the cost of promulgation for FY20. The proposed rule changes are intended to clarify current rules and regulations and eliminate outdated and conflicting provisions of current rules.

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

The proposed rule changes may cause a very small increase in revenue collection for the Weights and Measures Division by clarifying the responsible party for registering commercial weighing and measuring devices (LAC 7:XXXV.127) with LDAF. The estimated revenue increase is \$1288.00. None of the other proposed rule changes are expected to affect revenue collections.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule changes are not anticipated to increase costs to the market.

The change to LAC 7:XXXV.127.A will transfer the responsibility of registration to the owner of the device rather than the user of the device in most applications.

The change to LAC 7:XXXV.127.D. eliminates the need for scanning devices to be registered by make, model, and serial number.

The elimination of LAC 7:XXXV.135 is needed because the section is outdated and in conflict with USDA Country of Origin Law.(COOL) (7 CFR Part 60 & 65).

The change in LAC 7:XXXV.321 clarifies how a retailer must display a price for fuel if they advertise with a “street” sign. Retailers will not be required to purchase or have a street sign.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule changes are not anticipated to have an effect on competition and/or employment. These proposed changes are modified to provide clarity to existing rules and regulations.

Dane Morgan
Assistant Commissioner
2010#008

Christopher A. Keaton
Legislative Fiscal Office
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Agriculture and Forestry Office of Agro Consumer Services

Truth in Labeling of Food Products (LAC 7:XXXV.701-715)

Editor’s Note: This Notice of Intent was originally printed in the July 20, 2020 Louisiana Register on pages 995-998, and is being repomulgated to correct a procedural omission.

In accordance with the Administrative Procedure Act, R.S. 49:950, et seq., and pursuant to the authority set forth in R.S. 3:4741 et seq., notice is hereby given that the Department of Agriculture and Forestry (“Department”) intends to adopt the rules set forth below by promulgating LAC 7:XXXV.701-715. These rules will set forth requirements for labeling food products that are edible by humans and prohibit misleading and false labeling of such products.

The proposed rules, authorized by R.S. 3:4741 through 4746, provide for the labeling of agricultural products, provide for the truth in labeling requirements, provide for definitions; prohibit misbranding or misrepresenting a food product through certain activities; provide for enforcement of violations of these rules and of the Truth in Labeling of Food Products Act; and provide for penalties for such violations.

Title 7

AGRICULTURE AND ANIMALS

Part XXXV. Agro-Consumer Services

Chapter 7. Truth in Labeling of Food Products

§701. Authority

A. The Department of Agriculture and Forestry adopts these regulations under the authority of R.S. 3:4741 et seq. for the purposes of regulating and enforcing the truthfulness in labeling agricultural products and to prohibit the misbranding or misrepresentation of food products.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4741.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, Division of Weights and Measures, LR 46:

§703. Definitions

A. The provisions of R.S. 3:4741 through 4746, relating to definitions, words, and terms are hereby incorporated by reference and made a part hereof and will therefore apply and govern the interpretation of these rules, unless the context otherwise requires or unless specifically redefined in a particular Section. Any word or term not defined in these rules shall have the same meaning ascribed to it in R.S. 3:4741 through 4746. Any word or term not defined in R.S. 3:4741 through 4746 or these regulations shall be construed in accordance with its plain and ordinary meaning.

B. The following words and terms shall have the following meanings for purposes of this Chapter:

Act—Truth in Labeling of Food Products Act, or R.S. 3:4741 et seq.

Agricultural product—any beef, pork, poultry, crawfish, shrimp, meat, sugar, or rice product intended for human consumption.

Beef—the flesh of a domesticated bovine that is suitable for human consumption.

Beef products—agricultural products that are produced, in whole or in part, from beef and are suitable for human consumption. Beef products include, but are not limited to, beef jerky, beef patties, chopped steak, fabricated steak, hamburger, ground beef, ribs, and roast.

Cell Cultured Food Product—any cultured animal tissue produced from *in vitro* animal cell cultures outside of the organism from which it is derived.

Commissioner—the Commissioner of Agriculture and Forestry.

Deceptively Similar—misleading to a reasonable person.

Department—the Department of Agriculture and Forestry.

Food Product—any product sold at retail or offered for retail sale that is intended for human consumption.

Label—a display of written, printed, or graphic matter upon or affixed to the container or wrapper in which a food product is offered for direct retail sale.

Labeling—the act of identifying, describing, or advertising a food product by means of a label or through other means.

Meat—a portion of beef, pork, poultry, alligator, farm-raised deer, turtle, domestic rabbit, crawfish, or shrimp carcass that is suitable for human consumption, but does not include:

a. synthetic product derived from a plant, insect, or other source;

b. cell-cultured food product grown in a laboratory from animal cells.

Meat product—a type of agricultural product that is edible by humans and made wholly or in part from meat or another portion of a beef, pork, poultry, alligator, farm-raised deer, turtle, domestic rabbit, crawfish, or shrimp carcass.

Misbrand—to identify or label a food product in a false or misleading way.

Misrepresent—to use any untrue, misleading, or deceptive oral or written statement, advertisement, label, display, picture, illustration, or sample.

Person—an individual, partnership, limited liability company, limited liability partnership, corporation, trust, firm, company, or other entity doing business in Louisiana.

Pork—the flesh of domesticated swine that is suitable for human consumption.

Pork Products—agricultural products that are produced, in whole or in part, from pork and are suitable for human consumption. Pork products include, but are not limited to, bacon, bratwurst, ground pork, ham, pork chops, ribs, roast, and sausage.

Poultry—the flesh of domesticated birds that is suitable for human consumption.

Principal Display Panel—the part(s) of a label that is so designed as to most likely be displayed, presented, shown, or examined under normal and customary conditions of display, sale, and purchase. Wherever a principal display panel appears more than once on a package, all requirements pertaining to principal display panels shall pertain to all such principal display panels.

Rice—the whole or broken kernels obtained from the species *Oryza sativa L.* or *Oryza glaberrima*, or wild rice, which is obtained from one of the four species of grasses from the genus *Zizania* or *Porteresia*.

Truth in Labeling Food Products Act—R.S. 3:4741 et seq.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4741.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, Division of Weights and Measures, LR 46:

§705. Application

A. The provisions of this Chapter shall apply only to persons who place a label on retail food products sold or offered for sale.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4741.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, Division of Weights and Measures, LR 46:

§707. Requirements for Food Labeling

A. All food products in package form shall bear a printed or stenciled label that clearly and accurately indicates the actual contents of the food product on the principal display panel.

B. If the label of a food product includes the name of a food product or agricultural product that is not contained in the package, the principal display panel must clearly state the actual contents of the package and/or description of the food product contained therein.

C. Nothing in these regulations shall be construed to conflict with any other laws, rules, or regulations regarding the labeling of food products.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4741.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, Division of Weights and Measures, LR 46:

§709. Prohibitions

A. Except as otherwise provided herein, no person shall:

1. misbrand or misrepresent any food product as a covered agricultural product;

2. affix a label to any food product that is false or misleading;

3. Represent a food product as meat or a meat product unless the food product is derived from beef, pork, poultry, alligator, farm-raised deer, turtle, domestic rabbit, crawfish, or shrimp. This shall include representing a cell-cultured food product as a meat product;

4. Represent a food product as rice unless the food product is rice or derived from rice;

a. This shall include using the term “rice” in the name of the food product when the food product is not rice or derived from rice.

5. Represent a food product as beef or a beef product unless the food product is derived from a domesticated bovine;

6. Represent a food product as pork or a pork product unless the food product is derived from a domesticated swine;

7. Represent a food product as poultry or a poultry product unless the food product is derived from poultry, as defined in this Chapter.

8. Represent a food product as sugar unless the food product is an unaltered plant-based simple sugar or sucrose;

9. Utilize a term that is the same or deceptively similar to a term that has been used or defined historically in reference to another agricultural product.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4741.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, Division of Weights and Measures, LR 46:

§711. Complaints and Investigations.

A. The department may receive complaints regarding violations of this Chapter. Complaints may be directed to the department’s Weights and Measures division.

B. Upon receipt of a complaint, the Department may investigate the alleged violation.

C. The department may also investigate possible violations that the department may notice.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4741.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, Division of Weights and Measures, LR 46:

§713. Enforcement

A. Whenever the department has reason to believe that a violation of this Chapter or the Act has occurred, the department may present the alleged violations at an adjudicatory hearing before the Weights and Measures Commission.

B. The department shall notify the respondent of the alleged violation as well as an opportunity to respond thereto, by certified mail, prior to any hearing date in accordance with the Administrative Procedure Act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4741.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, Division of Weights and Measures, LR 46:

§715. Penalties

A. A person who violates any provision of this Chapter or the Act shall be subject to a civil penalty of not more than \$500 for each violation.

B. Each day on which a violation occurs shall constitute a separate offense.

C. Penalties may be assessed only by a ruling of the commissioner based upon a recommendation by the Weights and Measures Commission adjudicatory hearing held pursuant to R.S. 3:4605 and the Administrative Procedures Act.

D. In addition to civil penalties, the commissioner may institute civil proceedings seeking injunctive relief to restrain and prevent violation of the provisions of this Chapter and the Act in any court of proper jurisdiction and venue.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4741.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, Division of Weights and Measures, LR 46:

Family Impact Statement

The proposed Rule should not have any known or foreseeable impact on family formation, stability, and autonomy. In particular, the proposed Rule has no known or foreseeable impact on:

1. the stability of the family;
2. the authority and rights of persons regarding the education and supervision of their children;
3. the functioning of the family;
4. family earnings and family budget;
5. the behavior and personal responsibility of children;
6. the ability of the family or a local government to perform the function as contained in the proposed Rule.

Poverty Impact Statement

The proposed Rule should not have any known or foreseeable impact on any child, individual or family as defined by R.S. 49:973(B). In particular, there should be no known or foreseeable effect on:

1. the effect on household income, assets, and financial security;
2. the effect on early childhood development and preschool through postsecondary education development;
3. the effect on employment and workforce development;
4. the effect on taxes and tax credits;
5. the effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Small Business Analysis

Pursuant to R.S. 49:965.6, methods for reduction of the impact on small business, as defined in the Regulatory Flexibility Act, have been considered when creating this proposed Rule. This proposed Rule is not anticipated to have an adverse impact on small businesses; therefore, a Small Business Economic Impact Statement has not been prepared.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments, data, opinions and arguments regarding the proposed Rule. Written submissions must be directed to Bobby Fletcher, Ph.D., Director of Weights and Measures Division, Department of Agriculture & Forestry, 5825 Florida Blvd., Baton Rouge, LA 70806 and must be received no later than 4 p.m. on August 10, 2020.

Mike Strain, DVM
Commissioner

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Truth in Labeling of Food Products

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

The Department of Agriculture and Forestry ("Department") intends to adopt the proposed rules regarding the regulation and enforcement of truth in labeling of certain food products, as specified and authorized in R.S. 3:4741 et seq. The proposed regulations are being promulgated pursuant to Act 273 of the 2019 Regular Session.

The proposed rule is anticipated to cost \$13,440 of Statutory Dedication funds for the first year and \$6,720 of Statutory Dedications funds annually thereafter as a result of oversight of the truth in labeling of food products program. The annual cost includes \$6,720 of existing Weights and Measures employees' time, based on approximately 160 hours of work at \$42.00 per employee-hour to develop procedures for enforcement, to receive and respond to consumer complaints, perform routine inspections, investigate complaints, conduct enforcement actions, and hold adjudicatory hearings for violations. To perform these inspections, time and resources will be taken from other Weights and Measures programs. The additional cost for the first year consists of an additional \$6,720, which covers employees' time to develop internal operating procedures and training for this new program.

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

The proposed rule is not anticipated to have any direct material effect on revenue collections for the Department or any other state or local governmental entities. There is no inspection or registration fee proposed for these inspections. The only revenue that the Department may realize from this program would be in the form of penalties assessed against violators of these regulations. However, that amount is anticipated to be de minimis, as it is the goal of the Department to ensure compliance with these regulations rather than to impose monetary penalties.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule is not anticipated to increase costs to the market. Producers of food products and agricultural products that are misbranded and/or misrepresented as beef, pork, poultry, alligator, farm-raised deer, turtle, domestic rabbit, crawfish, shrimp, sugar, and/or rice and do not meet the criteria

set forth in these regulations may have a loss in receipts and/or income until such time that their labelling comes into compliance with these regulations.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule prohibits misbranding and misrepresenting some food products as a covered agricultural product. The only effect on competition and/or employment would be on products and companies that are misbranding or misrepresenting their products and violating R.S.3:4741 et seq. and this proposed rule. These products would need to be relabeled to be in compliance or face charges for violating these rules.

Dane Morgan
Assistant Commissioner
2010#074

Christopher Keaton
Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Children and Family Services
Division of Child Welfare**

Extended Foster Care Services (LAC 67:V.3903)

In accordance with the provisions of the Administrative Procedure Act, R. S. 49:953 (B), the Department of Children and Family Services (DCFS) proposes to amend LAC 67:V, Subpart 5, Foster Care, Chapter 39, Chafee Foster Care Independence Program and Extended Foster Care, Section 3903.

Pursuant to Act 400 of the 2019 Regular Session of the Louisiana Legislature, DCFS will implement extended foster care services for foster care youth ages 18 to 21 who are completing secondary education or a program leading to an equivalent credential, enrolled in an institution that provides postsecondary or vocational education, participating in a program or activity designed to promote employment or remove barriers to employment, employed at least eighty hours per month, or is incapable of doing any part of the activities in the aforementioned due to a medical condition.

Title 67

SOCIAL SERVICES

Part V. Child Welfare

Subpart 5. Foster Care

Chapter 39. Chafee Foster Care Independence Program and Extended Foster Care

§3903. Extended Foster Care Services

A. The DCFS will continue to provide foster care services to young adults age 18 to 21 who are completing secondary education or a program leading to an equivalent credential, enrolled in institution that provides postsecondary or vocational education, participating in a program or activity designed to promote employment or remove barriers to employment, employed at least eighty hours per month, or is incapable of doing any part of the activities in the aforementioned due to a medical condition in accordance with R.S. 46:288.1, et seq. They shall be eligible for foster care services until their twenty-first birthday as long as the youth is willing and continues to meet the above stated eligibility criteria. The youth initiates extended foster care

services through signing a voluntary placement agreement. The young adult in foster care shall be eligible for all foster care services in accordance with their voluntary placement agreement and case plan; and, their foster parents, custodian or other placement provider continued services and benefits for the period of time the young adult is eligible and participating in the extended foster care program.

B. The DCFS will notify all foster children and their foster parents/custodians/placement provider in writing of the availability of extended foster care services; eligibility for the services; and, the benefits at the foster child's seventeenth birthday. The written notifications will continue every 90 days unless the foster child and foster parents/custodian/placement provider consent to participate in extended foster care, or the child becomes ineligible for participation in the program.

AUTHORITY NOTE: Promulgated in accordance with Act 400 of the 2019 Regular Session and R.S. 46:288.1, et seq.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Child Welfare, LR 45:508 (April 2019), effective May 1, 2019, amended LR 45:

Family Impact Statement

The proposed rule is not anticipated to have an impact on family formation, stability, and autonomy as described in R.S. 49:972.

Poverty Impact Statement

The proposed Rule is not anticipated to have an impact on poverty as defined by R.S. 49:973.

Small Business Analysis

The proposed Rule is not anticipated to have an adverse impact on small businesses as defined in the Regulatory Flexibility Act.

Provider Impact Statement

The proposed rule is not anticipated to have an impact on providers of services funded by the state as described in HCR 170 of the 2014 Regular Legislative Session.

Public Comments

All interested persons may submit written comments through November 24, 2020, to Rhenda Hodnett, Assistant Secretary of Child Welfare, Department of Children and Family Services, P. O. Box 3318, Baton Rouge, LA 70821.

Public Hearing

A virtual public hearing on the proposed rule will be held at 10 a.m. on November 24, 2020, by the Department of Children and Family Services. All interested persons will be afforded an opportunity to submit data, views, or arguments via PC, Mac, Linux, iOS or Android at <https://stateofladcfs.zoom.us/j/99858573455?pwd=SVU3U3I5MkswZWUwd1V1aE5UbCtRdz09> using password 419992; or via telephone by dialing (713)353-0212 and entering conference code 848054. To find local AT&T numbers visit <https://www.teleconference.att.com/servlet/glbAccess?process=1&accessNumber=7133530212&accessCode=848054>. Individuals with disabilities who require special services should contact the DCFS Appeals Unit at least seven working days in advance of the hearing. For assistance, call (225) 342-4120 (Voice and TDD).

Marketa Garner Walters
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

RULE TITLE: Extended Foster Care Services

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

In FY 21, this measure is anticipated to increase the expenses of the Department of Children and Family Services (DCFS) by a maximum of \$1,313,132 and annualized in future fiscal years.

This rule is being promulgated pursuant to Act 400 of the 2019 Regular Legislative Session. The Act provides that youths who are in foster care and enrolled in an educational or job training program or employed for at least 80 hours per month may remain in foster care until the age of 21. The Act also provides for an extension of an adoption and guardianship subsidy for certain youths up to the age of 21.

The measure extends foster care (\$1,203,051), adoption assistance (\$94,797) and guardianship assistance (\$15,284) to age 21 for certain youths, creating a new population of foster, adopted, and youth under guardianship that may be eligible for services and subsidies from DCFS. This cost is based on 100% participation; however, participation in the program is voluntary. To the extent that a youth elects not to participate in extended services, then total cost will be reduced by \$2,892 per youth, per month for extended foster care; \$348 per youth, per month for extended adoption assistance; and \$302 per youth, per month for extended guardianship assistance. Costs associated with these services are funded with 50% State General Fund and 50% Federal Funds.

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

The proposed rule change will not affect revenue collections for state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule provides an economic benefit to foster children, age 18-21 during their transition to adulthood. This rule allows these youth to continue in foster care for the purpose of receiving educational or job training. Additional education and training will positively impact their employability and lifetime earning potential.

Also, certain youth that were placed in guardianship or adopted at age 16 or over will continue to receive a subsidy from age 18-21. The average subsidy for adoption assistance is \$348 per month. The average subsidy for guardianship assistance is \$302 per month.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Implementation of this proposed rule is not expected to have an effect on competition and employment.

Rhenda Hodnett
Assistant Secretary
2010#071

Christopher A. Keaton
Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Children and Family Services
Economic Stability Section**

**Vulnerable Communities and Peoples Initiative
(LAC 67:III.5553)**

In accordance with the provisions of the Administrative Procedure Act R.S. 49:953(A), the Department of Children

and Family Services (DCFS) proposes to adopt LAC 67:III, Subpart 15 Temporary Assistance for Needy Families (TANF) Initiatives, Chapter 55 TANF Initiatives, Section 5553 Vulnerable Communities and Peoples Initiative.

Pursuant to Louisiana's Temporary Assistance for Needy Families (TANF) Block Grant, amendment of Section 5553 adopts provisions necessary to establish the Vulnerable Communities and Peoples Initiative to stabilize families and improve their economic opportunities.

This action was made effective by an Emergency Rule dated and effective August 1, 2020.

Title 67

SOCIAL SERVICES

Part III. Economic Stability

**Subpart 15. Temporary Assistance for Needy Families
(TANF) Initiatives**

Chapter 55. TANF Initiatives

§5553. Vulnerable Communities and Peoples Initiative

A. Effective August 1, 2020, the department shall enter into an agreement with the Southern University Law Center to establish the Vulnerable Communities and Peoples Initiative to stabilize families and improve their economic opportunities by reducing and/or eliminating disparities.

B. Services include, but are not limited to, research and development, community networking and partnership referrals, employment assistance, and direct and indirect legal services.

C. These services meet TANF goal 3, to prevent and reduce the incidence of out-of-wedlock pregnancies and TANF goal 4, to encourage the formation and maintenance of two-parent families by identifying direct and indirect barriers to resources and providing a network of supportive services through governmental agencies and community partnerships, such as application assistance, legal services, and referrals.

D. Eligibility for services is limited to needy, low-income family members identified and served by the Southern University Law Center.

E. Services are considered non-assistance by the department.

F. Services are subject to the availability of funds as approved and designated by the secretary.

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq.; R.S. 46:231; and R.S. 36:474.

HISTORICAL NOTE: Promulgated by Department of Children and Family Services, Economic Stability Section, LR 46:

Family Impact Statement

The proposed rule is not anticipated to have an adverse impact on family formation, stability, and autonomy as described in R.S. 49:972. This rule is anticipated to have a positive effect on the stability and functioning of the family by assisting the family by reducing and/or eliminating disparities.

Poverty Impact Statement

The proposed rule is not anticipated to have a significant negative impact on poverty as described in R.S. 49:973. This rule is anticipated to help alleviate poverty for those participating in the initiative.

Small Business Impact Statement

The proposed rule is not anticipated to have an adverse impact on small businesses as defined in the Regulatory Flexibility Act.

Provider Impact Statement

The proposed rule is not anticipated to have an impact on providers of services funded by the state as described in HCR 170 of the 2014 Regular Legislative Session.

Public Comments

All interested persons may submit written comments through, November 24, 2020 to Shavana Howard, Assistant Secretary of Family Support, Department of Children and Family Services, P.O. Box 94065, Baton Rouge, LA 70804.

Public Hearing

A virtual public hearing on the proposed rule will be held at 9:00 a.m. on November 24, 2020, by the Department of Children and Family Services. All interested persons will be afforded an opportunity to submit data, views, or arguments via PC, Mac, Linux, iOS or Android at <https://stateoflacfcs.zoom.us/j/96143125164?pwd=ZmM5MDAxG9RQXFqa255RnJFcFpudz09> using password 729784; or via telephone by dialing (713) 353-0212 and entering conference code 430033. To find local AT&T numbers visit <https://www.teleconference.att.com/servlet/glbAccess?process=1&accessNumber=USA7133530212&accessCode=430033>. Individuals with disabilities who require special services should contact the DCFS Appeals Unit at least seven working days in advance of the hearing. For assistance, call (225) 342-4120 (Voice and TDD)

Marketa Garner Walters
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: **Vulnerable Communities and Peoples Initiative**

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

In FY 21, this measure is anticipated to increase the expenses of the Department of Children and Family Services (DCFS) by \$150,974 and annualized in future fiscal years at \$359,781. These costs are associated with publication of the rule (\$1,065) and a professional services contract with the Southern University Law Center (SULC) (\$149,909). Costs associated with these services are funded with 100% Federal Funds.

DCFS proposes to adopt LAC 67:III, Subpart 15 Temporary Assistance for Needy Families (TANF) Initiatives, Chapter 55 TANF Initiatives, Section 5553 Vulnerable Communities and Peoples Initiative to stabilize families and improve their economic opportunities by reducing and/or eliminating disparities. DCFS will enter into a contract with SULC to participate in community networking activities and provide partnership referrals, employment assistance, and legal services to low income families.

These services meet TANF goal 3, to prevent and reduce the incidence of out-of-wedlock pregnancies and TANF goal 4, to encourage the formation and maintenance of two-parent families by identifying direct and indirect barriers to resources and providing a network of supportive services through governmental agencies and community partnerships, such as application assistance, legal services, and referrals.

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

The proposed rule change will not affect revenue collections for state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

Implementation of this proposed rule is not anticipated to have a cost or direct economic benefit to small businesses or non-governmental groups. This rule is anticipated to help alleviate poverty for those participating in the initiative.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Implementation of this proposed rule is not expected to have an effect on competition and employment.

Shavana Howard
Assistant Secretary
2010#072

Christopher A. Keaton
Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Board of Regents Office of Student Financial Assistance

Scholarship/Grant Programs
Hurricane Laura Exceptions and Deferments
(LAC 28:IV.2103 and 2105)

The Louisiana Board of Regents announces its intention to amend the scholarship/grant program Rules [R.S. 17:3021-3025, R.S. 3041.10-3041.15, R.S. 17:3042.1.1-3042.8, R.S. 17:5001 et seq., and R.S. 56:797.D(2)].

This rulemaking provides for exceptions to the requirements to enroll full time, to maintain continuous enrollment in school, and to earn the annual required hours for TOPS, Rockefeller State Wildlife Scholarship, and GO Youth Challenge recipients impacted by Hurricane Laura. In addition, this rulemaking provides for deferments for students who are currently in repayment status for the Rockefeller State Wildlife Scholarship Program and TOPS Teacher. (SG21193NI)

The codified text of this proposed rule may be viewed in the Emergency Rule section of this edition of the Louisiana Register.

Family Impact Statement

The proposed rule has no known impact on family formation, stability, or autonomy, as described in R.S. 49:972.

Poverty Impact Statement

The proposed rulemaking will have no impact on poverty as described in R.S. 49:973.

Small Business Analysis

The proposed rule will have no adverse impact on small businesses as described in R.S. 49:965.2 et seq.

Provider Impact Statement

The proposed rule will have no adverse impact on providers of services for individuals with developmental disabilities as described in HCR 170 of 2014.

Public Comments

Interested persons may submit written comments on the proposed changes (SG21192NI) until 4:30 p.m., November 9, 2020, by email to LOSFA.Comments@la.gov or to Sujuan Williams Boutté, Ed. D., Executive Director, Office of Student Financial Assistance, P.O. Box 91202, Baton Rouge, LA 70821-9202.

Robyn Rhea Lively
Senior Attorney

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Scholarship/Grant Programs
Hurricane Laura Exceptions and Deferments**

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

The proposed rule changes are not anticipated to have a significant impact on TOPS expenditures for the current fiscal year, but could result in increased expenditures in future years. A similar rule change was implemented after Hurricanes Katrina/Rita. The combined impact of those two hurricanes resulted in a slight decrease in TOPS expenditures of less than 0.2% for the 2005-2006 Academic Year followed by a slightly more than 3% increase for the 2006-2007 Academic Year. Since Hurricane Laura had a significant but lesser impact than Katrina/Rita on students and educational institutions in the state, and given the continuing impact of the COVID-19 health emergency, it is anticipated that TOPS expenditures will not increase beyond the normal 1% to 3% growth rate for future fiscal years due to these proposed changes.

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

There is no impact on state or local governmental revenues.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO
DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR
NONGOVERNMENTAL GROUPS (Summary)**

Displaced students will be directly and positively affected by the proposed rule. The proposed rule will ensure students are not made ineligible for a TOPS, Rockefeller State Wildlife Scholarship or GO Youth Challenge award or endure an economic hardship due to repayment of a Rockefeller State Wildlife Grant or TOPS Teacher award due solely to the consequences of Hurricane Laura. There are no estimated effects or economic benefits to non-governmental groups resulting from these measures.

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

There are no anticipated effects on competition and employment resulting from these measures other than promoting a better educated pool of workers.

Robyn Rhea Lively
Senior Attorney
2010#015

Alan M. Boxberger
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Office of the Governor
Crime Victims Reparations Board**

Compensation to Victims (LAC 22:XIII. 301)

In accordance with the provisions of R.S. 49:950 et seq., which is the Administrative Procedure Act, and R.S. 46:1801 et seq., which is the Crime Victims Reparations Act, the Crime Victims Reparations Board hereby gives notice of its intent to promulgate rules and regulations regarding the awarding of compensation to applicants. The proposed rule clarifies the procedure for applying for reparations

Title 22

**CORRECTIONS, CRIMINAL JUSTICE AND LAW
ENFORCEMENT**

Part XIII. Crime Victims Reparations Board

Chapter 3. Eligibility and Application Process

§301. Eligibility

A. To be eligible for compensation, an individual must have suffered personal injury, death or catastrophic property loss as a result of a violent crime.

1. Victim Conduct and Behavior

a. The Crime Victims Reparations Board may vote to deny or reduce an award to a claimant who is a victim, or who files an application on behalf of a victim, when any of the following occurs:

i. ...

ii. Repealed.

1.a. iii - 3.g. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1801 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Commission on Law Enforcement and Administration of Criminal Justice, Crime Victims Reparations Board, LR 20:539 (May 1994), amended LR 22:710 (August 1996), amended LR 31:2009 (August 2005), amended LR 35:65 (January 2009), LR 36:2278 (October 2010), LR 37:1605 (June 2011), LR 41:1487 (August 2015), LR 46:

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed rule has been considered. This proposed rule will have no impact on family functioning, stability, or autonomy as described in R.S. 49:972 since it only clarifies the procedures for applying for reparations.

Poverty Impact Statement

The proposed Rule should not have any known or foreseeable impact on any child, individual or family as defined by R.S. 49:973.B. In particular, there should be no known or foreseeable effect on:

1. the effect on household income, assets, and financial security;

2. the effect on early childhood development and preschool through post-secondary education development;

3. the effect on employment and workforce development;

4. the effect on taxes and tax credits;

5. the effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Small Business Analysis

Pursuant to R.S. 49:965.6, methods for reduction of the impact on small business, as defined in the Regulatory Flexibility Act, have been considered when creating this proposed Rule.

This proposed Rule is not anticipated to have an adverse impact on small businesses; therefore, a Small Business Economic Impact Statement has not been prepared.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect of the staffing level requirement or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments on this proposed Rule no later than November 1, 2020, at 5 p.m. to Bob Wertz, Louisiana Commission on Law Enforcement, P.O. Box 3133, Baton Rouge, LA 70821.

Amanda Tonkavitch
Chair

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Compensation to Victims

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

The proposed rule changes will not have a fiscal impact on state or local governmental unit expenditures.

The proposed rule change would comply with the mandate of Act 418 of 2019, to repeal a provision of the administrative code that permitted the Crime Victims Reparations board to deny a claim because of a victim's previous felony conviction in the last three years.

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

It is estimated that implementation of the proposed rule will not increase revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

It is estimated that implementation of the proposed rule will not directly affect persons, small businesses or non-governmental groups. The adoption of the rule seeks to clarify the situations in which applicants for reparations would not be approved.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no effect on competition or employment in the public or private sector as a result of the proposed rule change.

Jim Craft
Executive Director
2010#026

Alan M. Boxberger
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health Board of Medical Examiners

Adjudication; Practice (LAC 46:XL.9935)

Notice is hereby given that in accordance with the Louisiana Administrative Procedure Act, R.S. 49:950 et seq., and pursuant to the authority vested in the Louisiana State Board of Medical Examiners (board) by the Louisiana

Medical Practice Act, R.S. 37:1270, the board proposes to amend its rules governing adjudication, by inserting a new section (§9935), dealing with the assessment of costs and fines in board proceedings. The proposed amendments are set forth below.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XLV. Medical Professions

Subpart 5. Rules of Procedure

Chapter 99. Adjudication

§9935. Assessment of Costs and Fine

A. Assessment. As part of a decision, consent order, or other agreed order, the Board may require a respondent to pay all costs of the board proceedings. If costs are assessed in a consent or other agreed order, the amount shall be stated in the order.

B. Special Definition. *Costs of the Proceedings*—for the purposes of this rule, shall mean a reasonable charge to meet all obligations incurred by the board in the performance of its duties, including but not limited to investigators', stenographers', and attorney fees, witness fees and expenses, and the per diem and expenses of the members of the board's hearing panel.

C. Notice. Notice of the application of this Section shall be provided to a respondent with the written notice of filing of an administrative complaint, pursuant to 9905.

D. Timing; Content; Service; Scope and Limitations; Exceptions and Requests for Modification; Disposition. Statements of Costs shall be processed as follows:

1. Timing. A statement of costs shall be compiled by the board within 20 days from the date on which the board's decision is served on the respondent.

2. Content. A statement of costs must state with particularity the nature and amount of the costs assessed. The statement must be signed and certify that all reasonable attempts have been made to ensure the statement's accuracy.

3. Service. A statement of costs shall be served on respondent by regular and certified mail at the last known address on file with the board not later than 20 days from the date on which the board's decision is served on the respondent.

4. Scope and Limitations. A statement of costs shall be assessed in any decision following an administrative hearing, in which a respondent is found guilty of a violation of a law or rule administered by the board. The statement shall include those costs actually incurred by the board from the time of filing of an administrative complaint until the issuance of a final decision or order; provided, however, and except as provided below, that such costs shall not exceed for a respondent:

a. physician, the sum of \$75,000;

b. allied health care practitioner, as to whom the board is authorized by law to assess the costs of the proceeding, the sum of \$25,000.

5. Exceptions; Requests for Modification. Within 20 days of the date of service of the statement of costs:

a. the respondent may file an exception to, or submit a request for modification of, a statement of costs. Each such exception or request shall be accompanied by a concise statement of the grounds on which the exception or request is based and any supporting legal or other authority.

Within 10 days of such filing or submission, a response may be filed by the complainant;

b. the complainant may request an assessment of costs above the amounts specified above. Such a request shall be made only when the complainant contends a respondent unreasonably increased the costs of the proceedings by activities undertaken to harass or create undue burden, or by the repetitive, unduly burdensome, or unwarranted filing of meritless motions or discovery requests. Within 10 days of the filing of such a request, a response may be filed by the respondent.

6. Disposition of Exceptions and Requests for Modification. Upon timely filing:

a. an exception or request shall be referred to the presiding officer of the hearing panel with respect to the proceeding for a ruling. The presiding officer, in his or her discretion, may refer an exception or request to the entire hearing panel which considered the case for disposition, and any party aggrieved by the ruling of a presiding officer may request, within 10 days of receipt of the ruling, that the exception or request be reconsidered by the entire panel which heard the case;

b. the matter shall be ordinarily be decided on by the presiding officer or the hearing panel, as the case may be, on the papers filed, without hearing. On the written request of respondent or complainant, however, and on demonstration that there are good grounds therefor, the presiding officer may grant opportunity for hearing by oral argument;

c. the president of the board or presiding officer of the hearing panel, as the case may be, may delegate the task of ruling on such exceptions or request to the board's independent legal counsel appointed pursuant to §9921D, who is independent of complaint counsel and who has not participated in the investigation or prosecution of the case.

E. Payment of Costs and Expenses; Periodic Payment Plan; Waiver

1. A statement of costs must be satisfied within 30 days of receipt unless the statement of costs provides otherwise or the respondent enters into a periodic payment plan with the board's compliance officer assigned to the matter or with another individual designated by the board.

2. The board's compliance officer or designee may enter into an agreement with a respondent for a reasonable periodic payment plan if the respondent demonstrates in writing the present inability to pay such costs or provides other satisfactory cause to support the request.

3. A respondent may ask the board to review an adverse determination by its compliance officer or designee regarding specific conditions for a periodic payment plan. Such review shall be conducted in accordance with §9935D.6.

F. Fine. As part of a decision, consent order, or other agreed order, the board may require the payment of a fine; provided, however, that such fine shall not exceed, as to a respondent:

a. physician, the sum of \$5,000;

b. allied health care practitioner, the amount authorized by law, but in no event more than \$5,000.

G. Waiver; Adjustment. A statement of costs or amount of a fine, or both, may be waived or reduced by the board, in its discretion, in whole or part, upon a request submitted in

writing that evidences to the board's satisfaction a significant medical, physical, financial or similar extenuating circumstance precluding the individual's payment of costs or fine or where it appears to the board in the interests of justice to do so.

H. Failure to Comply with Assessment of Costs or Fine. A respondent who fails to timely pay a statement of costs or fine, or who fails to comply with the terms of a periodic payment plan, shall be notified of non-compliance by first class and certified mail at his or her last known address on file with the board. A respondent's failure to comply with such notice within thirty days of mailing may provide a basis for further action by the board.

I. Nothing in this Section shall delay, suspend, extend, or otherwise affect the time authorized by law within which a respondent may file a petition for judicial review of a final decision or order issued by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1261-1292, 37:1270, 37:1285.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 46:

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of the proposed amendments on the family has been considered. It is not anticipated that the proposed amendments will have any impact on family, formation, stability or autonomy, as described in R.S. 49:972.

Poverty Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the impact of the proposed amendments on those that may be living at or below one hundred percent of the federal poverty line has been considered. It is not anticipated that the proposed amendments will have any impact on child, individual or family poverty in relation to individual or community asset development, as described in R.S. 49:973.

Provider Statement

In compliance with HCR 170 of the 2014 Regular Session of the Louisiana Legislature, the impact of the proposed amendments on organizations that provide services for individuals with developmental disabilities has been considered. It is not anticipated that the proposed amendments will have any impact on the staffing, costs or overall ability of such organizations to provide the same level of services, as described in HCR 170.

Small Business Analysis

It is not anticipated that the proposed amendments will have any adverse impact on small businesses as defined in the Regulatory Flexibility Act, R.S. 49:965.2 et seq.

Public Comments

Interested persons may submit written data, views, arguments, information or comments on the proposed amendments to Jacintha Duthu, Confidential Executive Assistant, Louisiana State Board of Medical Examiners, 630 Camp Street, New Orleans, LA 70130, (504) 568-6820, Ex. 2290. She is responsible for responding to inquiries. Written comments will be accepted until the 16th day of November, 2020 at 4 o'clock p.m.

Public Hearing

A request pursuant to R.S. 49:953(A)(2) for a public hearing must be made in writing and received by the board

within 20 days of the date of this notice. If a public hearing is requested to provide data, views, arguments, information or comments orally in accordance with the Louisiana Administrative Procedure Act, the hearing will be held on the the 24th day of November, 2020, starting at 9 o'clock a.m., at the office of the Louisiana State Board of Medical Examiners, 630 Camp Street, New Orleans, LA 70130. Any person wishing to attend should call to confirm that a hearing is being held, especially during COVID, as the attendance may need to occur virtually via Zoom.

Vincent A. Culotta, Jr., MD
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Adjudication; Practice

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

Notice is hereby given that in accordance with the Louisiana Administrative Procedure Act, R.S. 49:950 et seq., and pursuant to the authority vested in the Louisiana State Board of Medical Examiners (board) by the Louisiana Medical Practice Act, R.S. 37:1270, the board proposes to amend its rules on adjudication to insert a new rule regarding the assessment of costs and fines against its licensees pursuant to a decision, consent order, or other agreed order so as to provide for the preparation of a statement detailing the costs, service/notice of the costs, a timeline within which the costs must be paid, and a maximum sum due depending upon whether the licensee is a physician or allied practitioner, with the goal of the licensee-respondent paying all costs of the Board proceedings where the licensee-respondent was found to have violated a law or rule administered by the Board after an administrative hearing. (46:XLV.9935). There are provisions for requests for modification and/or exceptions as well as a periodic payment plan. Finally, there are also provisions for fines as part of a decision, consent order, or other agreed upon order, with failure to comply with either an assessment of costs and/or a fine, establishing a basis for further action at the Board's discretion.

The proposed changes will result in a one-time publication expense estimated at \$789.00, in FY 20 for the Louisiana State Board of Medical Examiners (LSBME). Otherwise, there is no anticipated impact on the LSBME or any state or local governmental unit, inclusive of adjustments in workload and paperwork requirements.

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

Overall, the Rule attempts to recoup monies the LSBME already expends on administrative hearings. Likewise, the provisions for fines also attempt to recoup monies the LSBME expended or will have to expend in connection with drafting or further administration of a consent order or other agreed upon order. Accordingly, the Board anticipates additional revenues of an indeterminable amount.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

It is not anticipated that the proposed amendments will have a material effect on costs, paperwork or workload of physicians or other health care providers licensed by the LSBME, nor on receipts and/or income of licensees, small businesses, or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

It is not anticipated that the proposed changes will have any impact on competition or employment.

Vincent A. Culotta, Jr., MD
Executive Director
2010#058

Alan M. Boxberger
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health Board of Medical Examiners

Licensure and Certification;
Physicians (LAC 46:XLV Chapter 3)

Notice is hereby given that in accordance with the Louisiana Administrative Procedure Act, R.S. 49:950 et seq., and pursuant to the authority vested in the Louisiana State Board of Medical Examiners (board) by the Louisiana Medical Practice Act, R.S. 37:1270, the board proposes to amend its rules governing all licensees (443) as to the method of providing the board with proof of continuing medical education by use of an electronic education tracker (435 and 439), and the rules on renewal ineligibility where the licensee fails to satisfy the continuing medical education requirement (441). The proposed amendments are set forth below.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XLV. Medical Professions

Subpart 2. Licensure and Certification

Chapter 3. Physicians

Subchapter K. Continuing Medical Education

§433. Scope of Subchapter

A. The rules of this Subchapter provide standards for the continuing medical education ("CME") requisite to the renewal or reinstatement of licensure, as provided by §§417 and 419 of these rules and prescribe the procedures applicable to satisfaction and documentation of continuing medical education in connection with applications for renewal or reinstatement of licensure.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and 37:1270(A)(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 26:695 (April 2000), amended LR 46:

§435. Continuing Medical Educational Requirement

A. Subject to the waiver of and exceptions to CME prescribed by §§445 and 447 and the special requirements attendant to initial renewal of licensure specified in §449, every physician seeking the renewal or reinstatement of licensure shall annually evidence and document, in a manner specified by the board, the successful completion of not less than 20 hours of board approved CME.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and 37:1270(A)(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 26:695 (April 2000), amended LR 46:

§437. Qualifying Continuing Medical Education Programs

A. Any program, course, seminar or other activity offering Category 1 CME shall be deemed approved for purposes of satisfying the continuing medical education requirements under this Subchapter, if sponsored or offered by:

1. an organization or entity accredited by the Accreditation Council for Continuing Medical Education (ACCME);
2. a member board of the American Board of Medical Specialties or a specialty board recognized by the AOA;
3. the American Academy of Family Physicians (AAFP);
4. the American College of Obstetricians and Gynecologists (ACOG);
5. the American Osteopathic Association (AOA); or
6. an organization or entity accredited by the Louisiana State Medical Society or any other ACCME recognized state medical society.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, 37:1270(A)(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 26:695 (April 2000), amended LR 31:1584 (July 2005), LR 46:

§439. Documentation Procedure

A. Licensees shall insure that documentation of CME (or “continuing education”) sufficient to satisfy the annual continuing education requirement is submitted to the board. Each licensee shall request the organization or entity sponsoring or offering the activity to submit proof of the licensee’s completion of a continuing education activity to the board’s designated electronic education tracker (“EET”). In the event the sponsoring or offering organization fails or refuses to do so, the licensee shall submit such proof directly to the EET.

B. Each licensee shall be:

1. sent a transcript of the hours/credits/units of qualifying continuing education, which the board has then received from its designated EET for the licensee. The transcript shall reflect the amount of continuing education needed to satisfy the continuing education requirement for license renewal. The transcript shall be electronically transmitted to the licensee’s preferred email address on file with the board at periodic intervals in advance of the date for licensure renewal;

2. obligated and responsible for reviewing his/her continuing education transcript for accuracy and resolving any discrepancies in the amount of credit awarded, lack of reporting to the board, or other issues, with the organization or entity sponsoring or offering the continuing education activity. If issues remain unresolved, the licensee shall attempt resolution by way of the board’s designated EET. If still unsuccessful, the licensee may then supply documentation of his/her efforts to resolve the discrepancy or other issues to the board and request its assistance;

3. A licensee’s failure to notify the board of a change in preferred email address will not absolve the licensee from his/her obligations and responsibilities under this Section.

C. A physician shall maintain a record or certificate of attendance for at least four years from the date of completion of the continuing medical education activity. Satisfactory

evidence shall consist of a certificate or other documentation which shall, at a minimum, contain the:

1. program title;
2. sponsor's name;
3. physician's name;
4. inclusive date or dates and location of the CME event; and
5. documented verification of successful completion of 20 hours of Category 1 CME by stamp, signature, official or other proof acceptable to the board.

D. In addition, the board has the right to audit any questionable documentation of activities.

E. Verification of continuing medical education satisfying the requirements of this Subchapter shall be submitted by a physician to the board within 30 days of the date of mailing of notification of audit or such longer period as the board may designate in such notification. A physician's failure to notify the board of a change of mailing address will not absolve the licensee from the audit requirement.

F. Any certification of continuing medical education which is not approved by the board pursuant to §437 shall not be considered as qualifying for CME recognition by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and 37:1270(A)(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 26:696 (April 2000), amended LR 46:

§441. Failure to Satisfy Continuing Medical Education Requirements

A. Non-Compliance; Reinstatement of Licensure. A licensee:

1. who fails to satisfy the continuing education requirement shall not be eligible for licensure renewal consideration;

2. whose license has not been renewed for failure to satisfy the continuing education requirement may be reinstated upon application to the board, accompanied by payment of the renewal fee required by Subpart 1 of these rules, in addition to all other applicable fees and costs, together with confirmation of completion of the continuing education requirement.

B. The license of a physician which has expired for nonrenewal or been revoked for failure to satisfy the CME requirements of §435 of these rules, may be reinstated pursuant to §419 upon written application to the board, accompanied by payment of the reinstatement fee required by §419, in addition to all other applicable fees and costs, together with documentation and certification that the applicant has, for each year since the date on which the applicant's license was last issued or renewed, completed an aggregate of 20 hours of board approved CME.

C. The license of a physician which has expired, has not been renewed or been revoked for failure to meet the requirements of §449, or one which has expired, has not been renewed or revoked on more than one occasion for failure to satisfy the CME requirements of §435 of these rules shall be deemed in violation of R.S. 37:1285.A(30), providing cause for the board to suspend or revoke, refuse to issue, or impose probationary or other restrictions on any license held or applied for by a physician to practice medicine in the state of Louisiana culpable of such violation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, 37:1270(A)(8) and 37:1280.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 26:696 (April 2000), amended LR 46:

§443. Application of Requirements to All Licensees; Resolution of Conflict

A. Sections 439 and 441 of this Chapter shall apply to physicians and all allied health care providers licensed by the board who are required to complete continuing education as a prerequisite to the renewal of a license or other authority to practice a profession regulated by the board. All references to CME or continuing education and credits or hours, shall apply equally to any word or term utilized in this Part to describe the requirement for or amount of continuing education required for the renewal of such license or other authority. In the event of a conflict between §439 and §441, and those of any other Section in this Part, §439 and §441 shall govern and control.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and 37:1270(A)(8).

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Medical Examiners, LR 46:

§444. Falsification of Continuing Medical Education

A. Any licensee or applicant who falsely certifies attendance at and/or completion of the required continuing medical education requirements of §§433-449 shall be deemed in violation of R.S. 37:1285.A(3), (4), (13) and/or (30), providing cause for the board to suspend or revoke, refuse to issue, or impose probationary or other restrictions on any license held or applied for by a physician to practice medicine in the state of Louisiana culpable of such violation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and 37:1270(A)(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 26:696 (April 2000), amended LR 46:

§445. Waiver of Requirements

A. The board may, in its discretion, waive all or part of the CME required by these rules in favor of a physician who makes written request to the board and evidences to its satisfaction a permanent physical disability, illness, financial hardship or other similar extenuating circumstances precluding the individual's satisfaction of CME requirements.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and 37:1270(A)(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 26:696 (April 2000), amended LR 46:

§447. Exceptions to the Continuing Medical Education Requirements

A. Except as provided in §449, the CME requirements prescribed by this Subchapter prerequisite to renewal or reinstatement of licensure shall not be applicable to a physician:

1. engaged in military service longer than one year's duration outside of Louisiana;
2. who has held an initial Louisiana license on the basis of examination for less than one year;
3. who has within the past year been certified or recertified by a member board of the American Board of

Medical Specialties or a specialty board recognized by the AOA;

4. who is in a residency training program approved by the board; or

5. who is a retired physician in accordance with §418 of these rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and 37:1270(A)(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 26:697 (April 2000), amended LR 31:1585 (July 2005), LR 46:

§449. CME Requirement for Initial Renewal of License

A. Effective on and after January 1, 2002, every physician seeking the initial renewal of medical licensure, whether such license was originally issued by the board on the basis of examination, reciprocity or reinstatement shall, as part of the continuing medical education required by this Subchapter as a condition prerequisite to licensure renewal, evidence and document upon forms supplied by the board attendance at an orientation program sponsored and/or approved by the board.

B. The program required pursuant to §449.A shall be conducted at such locations, on such dates and at such times as may be designated by the board, shall consist of not less than two hours in duration and involve such content, topic and structure as the board may from time to time deem appropriate.

C. Notification of the dates, times and locations at which such programs will be offered, as well as the enrollment procedure, shall be mailed to the most recent address of each applicant subject to the requirements of §449.A as reflected in the official records of the board. A physician's failure to notify the board of a change of mailing address will not absolve the applicant of the requirement to attend a board sponsored/approved orientation program as a condition of approval of an initial request for licensure renewal.

D. A physician required to attend an orientation program pursuant to §449.A shall, for each hour of attendance as may be required by the board, be granted an hour-for-hour credit towards the annual CME requirement specified by §435.

E. A physician who at the time of the initial renewal of medical licensure resides and practices medicine exclusively outside of Louisiana or who has held an unrestricted license to practice medicine in any state for at least 10 years may, in lieu of personal attendance, satisfy the mandatory requirements of Subsection A of this Section by successfully completing the board's orientation program on-line in a manner specified by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, 37:1270(A)(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 26:697 (April 2000), amended LR 27:850 (June 2001), LR 36:1243 (June 2010), LR 46:

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of the proposed amendments on the family has been considered. It is not anticipated that the proposed amendments will have any impact on family, formation, stability or autonomy, as described in R.S. 49:972.

Poverty Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the impact of the proposed amendments on those that may be living at or below one hundred percent of the federal poverty line has been considered. It is not anticipated that the proposed amendments will have any impact on child, individual or family poverty in relation to individual or community asset development, as described in R.S. 49:973.

Provider Statement

In compliance with HCR 170 of the 2014 Regular Session of the Louisiana Legislature, the impact of the proposed amendments on organizations that provide services for individuals with developmental disabilities has been considered. It is not anticipated that the proposed amendments will have any impact on the staffing, costs or overall ability of such organizations to provide the same level of services, as described in HCR 170.

Small Business Analysis

It is not anticipated that the proposed amendments will have any adverse impact on small businesses as defined in the Regulatory Flexibility Act, R.S. 49:965.2 et seq.

Public Comments

Interested persons may submit written data, views, arguments, information or comments on the proposed amendments to Jacintha Duthu, Confidential Executive Assistant, Louisiana State Board of Medical Examiners, 630 Camp Street, New Orleans, LA 70130, (504) 568-6820, Ex. 2290. She is responsible for responding to inquiries. Written comments will be accepted until the 16th day of November, 2020 at 4 o'clock p.m.

Public Hearing

A request pursuant to R.S. 49:953(A)(2) for a public hearing must be made in writing and received by the Board within 20 days of the date of this notice. If a public hearing is requested to provide data, views, arguments, information or comments orally in accordance with the Louisiana Administrative Procedure Act, the hearing will be held on the 24th day of November, 2020, starting at 9 o'clock a.m., at the office of the Louisiana State Board of Medical Examiners, 630 Camp Street, New Orleans, LA 70130. Any person wishing to attend should call to confirm that a hearing is being held, especially during COVID, as the attendance may need to occur virtually via Zoom.

Vincent A. Culotta, Jr., MD
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Licensure and Certification; Physicians

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

Notice is hereby given that in accordance with the Louisiana Administrative Procedure Act, R.S. 49:950 et seq., and pursuant to the authority vested in the Louisiana State Board of Medical Examiners (board) by the Louisiana Medical

Practice Act, R.S. 37:1270, the board proposes to amend its rules on its licensees' continuing medical education requirements to (a) provide a method by which ALL Board licensees must provide the Board, through a Board designated electronic education tracker (EET), with documentation the licensee has timely fulfilled the continuing medical education (CME) requirements of the Board; (b) provide for renewal ineligibility where the licensee fails to satisfy the continuing medical education requirement; and (c) provide a method for and the parameters of licensure reinstatement.

The proposed changes will result in a one-time publication expense estimated at \$789.00, in FY 20 for the Louisiana State Board of Medical Examiners (LSBME). Otherwise, there is no anticipated impact on the LSBME or any state or local governmental unit, inclusive of adjustments in workload and paperwork requirements.

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

Overall, the Rule attempts to provide a more streamlined electronic method for receiving information about CME credits from licensees, to provide licensees with up to date CME credit transcripts, and to provide for ineligibility to renew if the CME has not been timely completed and electronically documented. Accordingly, there is no anticipated effect on the revenue collections of the LSBME or other state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

It is not anticipated that the proposed amendments will have a material effect on costs, paperwork or workload of physicians or other health care providers licensed by the LSBME, nor on receipts and/or income of licensees, small businesses, or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

It is not anticipated that the proposed changes will have any impact on competition or employment.

Vincent A. Culotta, Jr., MD
Executive Director
2010#059

Alan M. Boxberger
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health Board of Medical Examiners

Provisional Temporary Permits
(LAC 46:XLV.402)

Notice is hereby given that in accordance with the Louisiana Administrative Procedure Act, R.S. 49:950 et seq., and pursuant to the authority vested in the Louisiana State Board of Medical Examiners (board) by the Louisiana Medical Practice Act, R.S. 37:1270, the board proposes to amend its rules governing provisional temporary permits so as to provide for an emergency temporary permit to issue for previously licensed practitioners who meet certain criteria (46:XLV.412) and to provide that the board may waive obtaining a criminal history on such a temporary permit during a declared emergency (46:XLV.402). The proposed amendments are set forth on the next page.

**Title 46
PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part XLV. Medical Professions

Subpart 2. Licensure and Certification

Subchapter H. Restricted Licensure, Permits

**§402. Provisional Temporary Permit Pending Results
of Criminal History Record Information**

A. - C.2. ...

D. The board may waive the procedures and requirements for submitting, requesting and obtaining criminal history record information, specified in §402.A, for a non-renewable provisional temporary permit issued under this Subchapter that is effective for not more than 90 days or an emergency temporary permit issued under §412 of these rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, R.S. 37:1275 and R.S. 37:1277, R.S. 37:1281.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 27:843 (June 2001), amended LR 33:1344 (July 2007), LR 36:1243 (June 2010); amended by the Department of Health, Board of Medical Examiners, LR 46:

§412. Emergency Temporary Permits

A. - G.3. ...

H. The board may, in its discretion, extend or renew an expired emergency temporary permit for additional 60-day periods provided all conditions prerequisite to original issuance are satisfied.

I. - K. ...

L. The board may, upon its electronic receipt of a completed application and/or such information as may be required to verify the individual as a former licensee, issue a permit under this Section to an individual who does not possess a current license to practice medicine or as allied health care practitioner in this state, provided:

1. such individual:

- a. was formerly licensed by the board;
- b. was not, in the preceding 15 years, disciplined by the board;

c. at the time his or her license last expired, held an unrestricted license in-good standing with the board and was not subject to board order, investigation or disciplinary proceedings;

d. affirms that there is no known condition that would impair his/her ability to practice safely;

e. practices within the scope and expertise of his/her education, training and experience and that of the formerly held license issued by the board;

f. has made arrangements and registered to provide health care services with a hospital, institution or facility licensed by the Louisiana Department of Health (LDH) or at another site approved by LDH or the board, that:

i. is registered as a host entity pursuant to the Uniform Emergency Volunteer Health Practitioners Act, R.S. 29:781, et seq.; and

ii. initiated the individual's application process by providing electronic confirmation to LDH and the board that it supports permit issuance and will accept, credential and grant privileges to the individual to provide voluntary health care services for the facility.

g. limits the provision of health care services to patients of the hospital, institution or facility licensed by

LDH or at another site specified or approved by LDH or the board, at which he is registered to provide services pursuant to the Uniform Emergency Volunteer Health Practitioners Act, R.S. 29:781, et seq.;

2. a permit issued under §412.L shall be available to a physician who holds a reduced-fee license pursuant to §418 of these rules without the necessity of satisfying the requirements of §418.C;

3. permit issuance under this Section may be verified from the board's website.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, 1275; R.S. 37:3301-3312; R.S. 37:3421-3433; R.S. 37:1311-1329; R.S. 37:3240-3257; R.S. 37:3001-3014; R.S. 37:1331-1343; R.S. 37:1360.21-1360.38; R.S. 37:611-628; R.S. 37:2861-2870; R.S. 37:1292; R.S. 37:3351-3361 and R.S. 29:769(E), R.S. 29:785 and R.S. 29:788.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 33:91 (January 2007), amended by the Department of Health, Board of Medical Examiners, LR 46:

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of the proposed amendments on the family has been considered. It is not anticipated that the proposed amendments will have any impact on family, formation, stability or autonomy, as described in R.S. 49:972.

Poverty Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the impact of the proposed amendments on those that may be living at or below one hundred percent of the federal poverty line has been considered. It is not anticipated that the proposed amendments will have any impact on child, individual or family poverty in relation to individual or community asset development, as described in R.S. 49:973.

Provider Statement

In compliance with HCR 170 of the 2014 Regular Session of the Louisiana Legislature, the impact of the proposed amendments on organizations that provide services for individuals with developmental disabilities has been considered. It is not anticipated that the proposed amendments will have any impact on the staffing, costs or overall ability of such organizations to provide the same level of services, as described in HCR 170.

Small Business Analysis

It is not anticipated that the proposed amendments will have any adverse impact on small businesses as defined in the Regulatory Flexibility Act, R.S. 49:965.2 et seq.

Public Comments

Interested persons may submit written data, views, arguments, information or comments on the proposed amendments to Jacintha Duthu, Confidential Executive Assistant, Louisiana State Board of Medical Examiners, 630 Camp Street, New Orleans, LA 70130, (504) 568-6820, Ex. 2290. She is responsible for responding to inquiries. Written comments will be accepted until the 16th day of November, 2020 at 4 o'clock p.m.

Public Hearing

A request pursuant to R.S. 49:953(A)(2) for a public hearing must be made in writing and received by the Board within 20 days of the date of this notice. If a public hearing is requested to provide data, views, arguments, information

or comments orally in accordance with the Louisiana Administrative Procedure Act, the hearing will be held on the 24th day of November, 2020, starting at 9 o'clock a.m., at the office of the Louisiana State Board of Medical Examiners, 630 Camp Street, New Orleans, LA 70130. Any person wishing to attend should call to confirm that a hearing is being held, especially during COVID, as the attendance may need to occur virtually via Zoom.

Vincent A. Culotta, Jr., MD
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Provisional Temporary Permits**

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

Notice is hereby given that in accordance with the Louisiana Administrative Procedure Act, R.S. 49:950 et seq., and pursuant to the authority vested in the Louisiana State Board of Medical Examiners (board) by the Louisiana Medical Practice Act, R.S. 37:1270, the board proposes to amend its rules governing provisional temporary permits so as to provide for an emergency temporary permit to issue for previously licensed practitioners who meet certain criteria (46:XLV.412) and to provide that the Board may waive obtaining a criminal history on such a temporary permit during a declared emergency (46:XLV.402).

The proposed changes will result in a one-time publication expense estimated at \$789.00, in FY 20 for the Louisiana State Board of Medical Examiners (LSBME). Otherwise, there is no anticipated impact on the LSBME or any state or local governmental unit, inclusive of adjustments in workload and paperwork requirements.

The proposed changes amend the LSBME's rules in two ways. First, the changes to §402 allow the Board, in its discretion, to waive the procedures and requirements for submitting, requesting and obtaining criminal history record information for an emergency temporary permit issued under §412. Second, the changes to §412H allow the Board, in its discretion to extend or renew an expired emergency temporary permit for additional 60-day time periods provided all conditions prerequisite to original issuance are satisfied. Third, the changes to 412L. create a new temporary emergency permit for a practitioner:

(a) previously licensed by the Board as long as the practitioner's license at last expiration was in good standing and not under investigation and/or involved in disciplinary proceedings;

(b) who has not been disciplined in the last 15 years;

(c) who has no known condition that would impair his/her ability to practice safely;

(d) who practices within the scope and expertise of his/her training, education and experience and previous licensure;

(e) who has made arrangements and registered to provide health care services with a hospital, institution or facility licensed by the Louisiana Dept of Health (LDH) or at another site approved by LDH or the Board that is registered as a host entity under the Uniform Emergency Volunteer Health Practitioners Act (La. R.S. 29:781 et seq.) (UEVHP Act) and that initiated the applicant's permit application process by providing electronic confirmation to LDH and the Board that it

supports permit issuance and which will accept and credential/grant privileges to the applicant to provide voluntary health care services for the facility; and,

(f) who is limited to the location specified by LDH and/or approved by the Board, to provide services pursuant to the UEVHP Act.

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

While the LSBME has no reliable data, it is believed that only a very limited number of previously licensed applicants are likely to apply for the emergency temporary permit on the basis of the proposed amendments. The LSBME is not in a position to estimate the proposed amendments' effect in this respect as no information or data is available either as to the number of formerly licensed health care practitioners who may be offered a position at an approved host hospital, institution or facility licensed by LDH, who will confirm to LDH and the Board that it supports permit issuance and will accept, credential and grant privileges to the permit applicant. It is anticipated that qualifying applicants will be infrequent and any such applicant would be subject to any medical licensing fees specified by the LSBME's rules. Accordingly, there is no anticipated effect on the revenue collections of the LSBME or other state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

It is not anticipated that the proposed amendments will have a material effect on costs, paperwork or workload of physicians or other health care providers licensed by the LSBME, nor on receipts and/or income of licensees, small businesses, or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

It is not anticipated that the proposed changes will have any negative impact on competition or employment. The additional emergency temporary permit is meant to expand the number of health care practitioners available to respond to a declared public health emergency or disaster, in which, it is anticipated, there is usually a shortage of licensed health care practitioners available to respond.

Vincent A. Culotta, Jr., MD
Executive Director
2010#060

Alan M. Boxberger
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Health
Board of Medical Examiners**

**Licensure and Application
(LAC 46:XLV Chapter 3)**

Notice is hereby given that in accordance with the Louisiana Administrative Procedure Act, R.S. 49:950 et seq., and pursuant to the authority vested in the Louisiana State Board of Medical Examiners (board) by the Louisiana Medical Practice Act, R.S. 37:1270, the board proposes to amend its rules governing licensure of foreign medical graduates, by adding additional language to a subsection (§323A.4), involving an alternative method for licensure for international medical graduates, and by repealing other subsections (§§361.G and 363.B). The proposed amendments are set forth below.

Title 46
PROFESSIONAL AND OCCUPATIONAL
STANDARDS

Part XLV. Medical Professions

Subpart 2. Licensure and Certification

Chapter 3. Physicians

Subchapter C. International Medical Graduates

§323. Qualifications for License

A. To be eligible for a license, an international medical graduate applicant shall:

1. - 4. ...

5. or, alternative to the requirements of §323A.4, if the IMG is a graduate of a medical school or college which was, at the time of graduation, recognized by the World Federation for Medical Education (WFME) or another organization accepted by the ECFMG for the recognition of medical school accrediting agencies, and found to use standards comparable to those used to accredit medical schools in the United States by the National Committee on Foreign Medical Education and Accreditation (NCFMEA) of the U.S. Department of Education, have completed post-graduate clinical training in the manner prescribed by §311A.6.b of these rules.

B. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, 37:1272 and 37:1275.1.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 10:909 (November 1984, amended LR 12:528 (August 1986), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 16:514 (June 1990), LR 27:837 (June 2001), LR 46:

Subchapter F. Application

§361. Application Procedure

A. - F. ...

G. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, 37:1277, 37:1278 and 37:1281.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 10:910 (November 1984), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 16:516 (June 1990), LR 27:839 (June 2001), LR 46:

§363. Additional Requirements for International Medical Graduates

A. ...

B. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and 37:1278.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 10:910 (November 1984), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 16:517 (June 1990), LR 27:840 (June 2001), LR 46:

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of the proposed amendments on the family has been considered. It is not anticipated that the proposed amendments will have any impact on family, formation, stability or autonomy, as described in R.S. 49:972.

Poverty Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the impact of the proposed

amendments on those that may be living at or below one hundred percent of the federal poverty line has been considered. It is not anticipated that the proposed amendments will have any impact on child, individual or family poverty in relation to individual or community asset development, as described in R.S. 49:973.

Provider Statement

In compliance with HCR 170 of the 2014 Regular Session of the Louisiana Legislature, the impact of the proposed amendments on organizations that provide services for individuals with developmental disabilities has been considered. It is not anticipated that the proposed amendments will have any impact on the staffing, costs or overall ability of such organizations to provide the same level of services, as described in HCR 170.

Small Business Analysis

It is not anticipated that the proposed amendments will have any adverse impact on small businesses as defined in the Regulatory Flexibility Act, R.S. 49:965.2 et seq.

Public Comments

Interested persons may submit written data, views, arguments, information or comments on the proposed amendments to Jacintha Duthu, Confidential Executive Assistant, Louisiana State Board of Medical Examiners, 630 Camp Street, New Orleans, LA 70130, (504) 568-6820, Ex. 2290. She is responsible for responding to inquiries. Written comments will be accepted until the 16th day of November, 2020 at 4 o'clock p.m.

Public Hearing

A request pursuant to R.S. 49:953(A)(2) for a public hearing must be made in writing and received by the Board within 20 days of the date of this notice. If a public hearing is requested to provide data, views, arguments, information or comments orally in accordance with the Louisiana Administrative Procedure Act, the hearing will be held on the 24th day of November, 2020, starting at 9 o'clock a.m., at the office of the Louisiana State Board of Medical Examiners, 630 Camp Street, New Orleans, LA 70130. Any person wishing to attend should call to confirm that a hearing is being held, especially during COVID, as the attendance may need to occur virtually via Zoom.

Vincent A. Culotta, Jr., MD
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

RULE TITLE: Licensure and Application

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

Notice is hereby given that in accordance with the Louisiana Administrative Procedure Act, R.S. 49:950 et seq., and pursuant to the authority vested in the Louisiana State Board of Medical Examiners (board) by the Louisiana Medical Practice Act, R.S. 37:1270, the board proposes to amend its rules on the requirements of post graduate training for international medical graduates so as to conform those rules with the rules applicable to U.S. graduates, provided the applicant graduated from an approved medical school as outlined in the new rule.

The proposed changes will result in a one-time publication expense estimated at \$789.00, in FY 20 for the Louisiana State

Board of Medical Examiners (LSBME). Otherwise, there is no anticipated impact on the LSBME or any state or local governmental unit, inclusive of adjustments in workload and paperwork requirements.

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

Overall, the Board intends to amend its rules governing licensure of foreign medical graduates, by adding additional language to a subsection (323A.4), involving an alternative method for licensure for international medical graduates, and by repealing other subsections (361G and 363B) so that the rules for international medical graduates who matriculate from approved medical schools more closely align with the rules of US graduates. Accordingly, there is no anticipated effect on the revenue collections of the LSBME or other state or local governmental units save for a likely minor increase in revenue from possible newly qualified international medical graduate license applicants.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

It is not anticipated that the proposed amendments will have a material effect on costs, paperwork or workload of physicians or other health care providers licensed by the LSBME, nor on receipts and/or income of licensees, small businesses, or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Other than a likely minor increase in the number of applicants to a given available position due to additional international medical graduate licensure, it is not anticipated that the proposed changes will have any impact on competition or employment.

Vincent A. Culotta, Jr., MD
Executive Director
2010#061

Alan M. Boxberger
Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Health
Board of Medical Examiners**

**Licensure and Certification
(LAC 46:XLV.1307)**

Notice is hereby given that in accordance with the Louisiana Administrative Procedure Act, R.S. 49:950 et seq., and pursuant to the authority vested in the Louisiana State Board of Medical Examiners (board) by the Louisiana Medical Practice Act, R.S. 37:1270, the board proposes to amend its rules governing the taking of a complete history and physical by a podiatrist certified for advanced practice (§1307). The proposed amendments are set forth below.

Title 46

**PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part XLV. Medical Professions

Subpart 2. Licensure and Certification

Chapter 13. Podiatrists

**Subchapter B. Requirements and Qualifications for
Licensure, Scope of Practice**

**§1307. Qualifications for Certification for Advanced
Practice; Scope of Practice**

A. Certification of an applicant for advanced practice may be issued by the board for either the conservative treatment of the ankle or the surgical treatment of the ankle,

or both, depending upon an applicant's education and training.

B. Qualifications for Certification in Conservative Treatment of the Ankle. To be eligible for certification for the conservative treatment of the ankle an applicant who possesses and meets the qualifications and requirements of §1305A.1.-5 of this Chapter shall have completed at least one year of postgraduate podiatric training in an internship or equivalent program accredited by the Council on Podiatric Medical Education of the American Podiatric Medical Association or its successor association, and approved by the board.

C. Scope of Practice for Conservative Treatment of the Ankle. The scope of practice for the conservative treatment of the ankle shall be limited to the following:

1. the prevention, examination, diagnosis, medical, surgical, and adjuvant treatment of the human foot, as defined in §1303.A, which is authorized for a doctor of podiatric medicine without certification in advanced practice;

2. the medical treatment of the ankle to include the muscles or tendons of the lower leg governing the functions of the foot and ankle;

3. surgical treatment of the superficial conditions of the ankle involving the skin and overlying tissues and extending proximally; and

4. assisting an orthopedic surgeon or a doctor of podiatric medicine whose practice prerogatives include surgical treatment of the ankle, as defined in this Section.

D. Qualifications for Certification in Surgical Treatment of the Ankle. To be eligible for certification in the surgical treatment of the ankle, whether for initial licensure or annual renewal, an applicant who possesses and meets the qualifications and requirements of §1305.A.1-5 of this Chapter shall:

1. have completed a surgical residency approved by the Council on Podiatric Medical Education of the American Podiatric Medical Association, consisting of:

a. a three-year podiatric surgery residency (PSR 36) program or greater; or

b. a three-year podiatric medicine and surgery residency (PM and S 36) program or greater; or

c. a two-year podiatric surgery residency (PSR 24) program and:

i. be board-certified in reconstructive rear foot and ankle surgery (RRA) by the American Board of Foot and Ankle Surgery (ABFAS), formerly the American Board of Podiatric Surgery (APBS); or

ii. be board-certified in foot surgery and board qualified in reconstructive rear foot/ankle surgery (RRA) by the ABFAS.

E. Scope of Practice for Surgical Treatment of the Ankle. The scope of practice for surgical treatment of the ankle shall be limited to the following:

1. the scope of practice as described in this Section for the conservative treatment of the ankle; and

2. surgical treatment of the ankle and muscles or tendons of the lower leg governing the functions of the foot and ankle, limited to procedures listed by the Council on Podiatric Medical Education (CPME) and the American Board of Podiatric Surgery (ABPS) as found in the CPME 320 and ABPS 220 documents (and their successors) as

being required for graduate podiatric medical education and board certification at the time that an applicant's application for initial licensure or annual renewal is filed with the board.

F. Surgical procedures authorized under this Section shall only be performed in the following types of facilities:

1. a licensed and accredited hospital as defined in R.S. 40:2102(A) and R.S. 37:611(3)(a), if the podiatrist is granted privileges to do the procedures;

2. a licensed and accredited trauma center as defined in R.S. 40:2171(3) and R.S. 37:611(3)(a), if the podiatrist is granted privileges to do the procedures; or

3. a licensed and accredited ambulatory surgical center as defined in R.S. 40:2133(A) and R.S. 37:611(3)(a) if the podiatrist is granted privileges to do the same procedure in a hospital as described in §1307F.1 or a trauma center as described in §1307F.2 of this Subsection.

G. Patient history and examination. A podiatrist certified for advanced practice under this Section:

1. with two or more years of postgraduate training, may independently perform a complete history and physical (H and P) on his or her patients for the purpose of pre-operative evaluation and diagnosis before a podiatric procedure the podiatrist is authorized to perform under the scope of his or her license

2. may independently perform a complete H and P for Institutional Review Board approved research studies.

H. The burden of satisfying the board as to the qualifications and eligibility of the applicant for certification of practice prerogatives shall be upon the applicant. An applicant shall not be deemed to possess such qualifications unless the applicant demonstrates and evidences such qualifications in the manner prescribed by and to the satisfaction of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and 37:611-37:628.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 35:241 (February 2009), amended by the Department of Health, Board of Medical Examiners, LR 42:1519 (September 2016), amended by the Department of Health, Board of Medical Examiners, LR 42:2197 (December 2016), LR 46:

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of the proposed amendments on the family has been considered. It is not anticipated that the proposed amendments will have any impact on family, formation, stability or autonomy, as described in R.S. 49:972.

Poverty Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the impact of the proposed amendments on those that may be living at or below one hundred percent of the federal poverty line has been considered. It is not anticipated that the proposed amendments will have any impact on child, individual or family poverty in relation to individual or community asset development, as described in R.S. 49:973.

Provider Statement

In compliance with HCR 170 of the 2014 Regular Session of the Louisiana Legislature, the impact of the proposed amendments on organizations that provide services for individuals with developmental disabilities has been considered. It is not anticipated that the proposed

amendments will have any impact on the staffing, costs or overall ability of such organizations to provide the same level of services, as described in HCR 170.

Small Business Analysis

It is not anticipated that the proposed amendments will have any adverse impact on small businesses as defined in the Regulatory Flexibility Act, R.S. 49:965.2 et seq.

Public Comments

Interested persons may submit written data, views, arguments, information or comments on the proposed amendments to Jacintha Duthu, Confidential Executive Assistant, Louisiana State Board of Medical Examiners, 630 Camp Street, New Orleans, LA 70130, (504) 568-6820, Ex. 2290. She is responsible for responding to inquiries. Written comments will be accepted until the 16th day of November, 2020 at 4 o'clock p.m.

Public Hearing

A request pursuant to R.S. 49:953(A)(2) for a public hearing must be made in writing and received by the board within 20 days of the date of this notice. If a public hearing is requested to provide data, views, arguments, information or comments orally in accordance with the Louisiana Administrative Procedure Act, the hearing will be held on the 24th day of November, 2020, starting at 9 o'clock a.m., at the office of the Louisiana State Board of Medical Examiners, 630 Camp Street, New Orleans, LA 70130. Any person wishing to attend should call to confirm that a hearing is being held, especially during COVID, as the attendance may need to occur virtually via Zoom.

Vincent A. Culotta, Jr., MD
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Licensure and Certification

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

Notice is hereby given that in accordance with the Louisiana Administrative Procedure Act, R.S. 49:950 et seq., and pursuant to the authority vested in the Louisiana State Board of Medical Examiners (board) by the Louisiana Medical Practice Act, R.S. 37:1270, the board proposes to amend its rules governing the taking of a complete history and physical by a podiatrist certified for advanced practice to permit independent performance of same for the purpose of pre-operative evaluation and diagnosis prior to a podiatric procedure that the advance practice podiatrist is authorized to perform under the scope of his/her license and where the practitioner has two or more years of post-graduate training.

The proposed changes will result in a one-time publication expense estimated at \$789.00, in FY 20 for the Louisiana State Board of Medical Examiners (LSBME). Otherwise, there is no anticipated impact on the LSBME or any state or local governmental unit, inclusive of adjustments in workload and paperwork requirements.

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

The new rule provides qualifying rules regarding those podiatrists certified in advanced practice independently taking a complete pre-operative history and physicals, and replaces several prior rules. Accordingly, there is no anticipated effect on the revenue collections of the LSBME or other state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

It is not anticipated that the proposed amendments will have a material effect on costs, paperwork or workload of physicians or other health care providers licensed by the LSBME, nor on receipts and/or income of licensees, small businesses, or non-governmental groups. Allowing the history and physical to be done by certain advanced practice podiatrists should actually streamline the delivery of health care.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

It is not anticipated that the proposed changes will have any impact on competition or employment.

Vincent A. Culotta, Jr., MD
Executive Director
2010#063

Alan M. Boxberger
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Health
Board of Medical Examiners**

Physician Licensure and Certification
(LAC 46:XLV.315, 415, and 417)

Notice is hereby given that pursuant to the authority vested in it by the Louisiana Medical Practice Act, R.S. 37:1261-1292, and in accordance with the applicable provisions of the Louisiana Administrative Procedure Act, R.S. 49:950 et seq., the Louisiana State Board of Medical Examiners (board) intends to amend its rules governing Licensure and Certification of Physicians, LAC 46:XLV, Subpart 2, Chapter 3, Subchapter B, §315 and Subchapter I, §415.B and §417.B.

The proposed amendments to §315.A expand the existing discretionary waiver of certain license requirements for applicants appointed to a full-time position by a medical school or college, at a rank of assistant professor or above, to an applicant who would be a full-time employee of an academic medical center whose duties and responsibilities are devoted primarily to training residents and fellows and other academic endeavors within post-graduate medical education. As with medical school professors, the proposed amendments would limit the applicant's practice to the *academic medical center*, as defined in §315.B, for which he or she has been approved by the board and affiliated hospitals and clinics of such center within the same geographic area of the state. As is the case under the existing rules (§327), the proposed amendments would be available to medical educators who graduated from either U.S. or international medical schools and the waiver of qualifications would expire upon termination of the appointment (§415.B).

The proposed changes to §417.B are intended to conform the rules governing notification of license renewal to current agency practices (e.g. electronic notification), which resulted from the board's transition from sending out paper license renewals to electronic renewals and courtesy notices over the past several years. The proposed amendments are set forth below.

**Title 46
PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part XLV. Medical Professions

Subpart 2. Licensure and Certification

Chapter 3. Physicians

**Subchapter B. Graduates of American and Canadian
Medical School and Colleges**

§315. Waiver of Qualifications

A. Upon request by an applicant, supported by certification from the dean of a medical school or college or chief medical officer of an academic medical center within the state of Louisiana which is approved by the board, the board may, in its discretion, waive the qualifications for licensure otherwise required by §311.A.5 or 6, in favor of an applicant who has been formally appointed by a medical school or college to a full-time position at a rank of assistant professor or above or to a full-time position as an employee of an academic medical center whose duties and responsibilities are devoted primarily to training residents and fellows and other academic endeavors within post-graduate medical education. The practice of such an individual shall be limited to the medical school or college or academic medical center for which such person has been approved by the board, and to hospitals and clinics affiliated with such medical school or college or academic medical center within the same geographic area of the state.

B. Special Definition. For purposes of this Section, the term *academic medical center* shall be a hospital located in this state that sponsors four or more post-graduate medical education programs approved by the ACGME. At least two of such programs shall be in medicine, surgery, obstetrics and gynecology, pediatrics, family practice, emergency medicine or psychiatry.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, 37:1271, 37:1272, 37:1274 and 37:1275.1.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 10:909 (November 1984), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 16:513 (June 1990), LR 27:837 (June 2001), LR 35:1110 (June 2009), amended by the Department of Health, Board of Medical Examiners, LR 46:

**Subchapter I. License Issuance, Termination, Renewal,
Reinstatement and Exemptions**

§415. Expiration of Licenses and Permits

A. ...

B. A license issued pursuant to the waiver of qualifications provided by §315 or §327 of this Chapter shall become null and void on the earlier of the date prescribed by §415.A or the date on which the physician's appointment to the medical school or college or academic medical center, upon which the waiver was granted by the board, is terminated.

C. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and 37:1280.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 10:914 (November 1984), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 16:523 (June 1990), LR 24:1500 (August 1998), LR 27:848 (June 2001), LR

31:1584 (July 2005), amended by the Department of Health, Board of Medical Examiners, LR 46:

§417. Renewal of License; Prerequisite Condition

A. ...

B. A courtesy renewal notice shall be mailed or electronically transmitted by the board to each person holding a license issued under this Chapter at least 30 days prior to the expiration of the license each year. Such form shall be transmitted to the most recent address of the licensee reflected in the official records of the board.

C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, 37:1270(A)(8), 37:1271, 37:1272, 37:1274, 37:1275.1, 37:1280 and 37:1281.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 10:914 (November 1984), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 16:523 (June 1990), LR 24:1500 (August 1998), LR 26:695 (April 2000), LR 27:848 (June 2001), amended by the Department of Health, Board of Medical Examiners, LR 44:587 (March 2018), amended by the Department of Health, Board of Medical Examiners, LR 46:

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of the proposed amendments on the family has been considered. It is not anticipated that the proposed amendments will have any impact on family, formation, stability or autonomy, as described in R.S. 49:972.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the impact of the proposed amendments on those that may be living at or below one hundred percent of the federal poverty line has been considered. It is not anticipated that the proposed amendments will have any impact on child, individual or family poverty in relation to individual or community asset development, as described in R.S. 49:973.

Small Business Analysis

It is not anticipated that the proposed amendments will have any adverse impact on small businesses as defined in the Regulatory Flexibility Act, R.S. 49:978.1 et seq.

Provider Impact Statement

In compliance with HCR 170 of the 2014 Regular Session of the Louisiana Legislature, the impact of the proposed amendments on organizations that provide services for individuals with developmental disabilities has been considered. It is not anticipated that the proposed amendments will have any impact on the staffing, costs or overall ability of such organizations to provide the same level of services, as described in HCR 170.

Public Comments

Interested persons may submit written data, views, arguments, information or comments on the proposed amendments to Jacintha Duthu, LSBME, 630 Camp Street, New Orleans, LA 70130, (504) 568-6820, Ext. 2290. She is responsible for responding to inquiries. Written comments will be accepted until the 16th day of November, 2020.

Public Hearing

A request pursuant to R.S. 49:953(A)(2) for a public hearing must be made in writing and received by the Board within 20 days of the date of this notice. If a public hearing is requested to provide data, views, arguments, information or comments orally in accordance with the Louisiana

Administrative Procedure Act, the hearing will be held on the 24th day of November, 2020, at 9 a.m., at the office of the LSBME, 630 Camp Street, New Orleans, LA 70130. Any person wishing to attend should call to confirm the hearing is being held, given the public health emergency, and to receive instructions regarding participation.

Vincent A. Culotta, Jr., M.D.
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Physician Licensure and Certification

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

The proposed rule changes will result in a one-time publication expense estimated at \$789, in FY 20 for the Louisiana State Board of Medical Examiners (LSBME). Otherwise, there is no anticipated impact on any state or local governmental unit, inclusive of adjustments in workload and paperwork requirements.

The proposed changes amend the LSBME's rules in two ways: first, the changes to §315A expand an existing discretionary waiver of certain license requirements for applicants appointed to a full-time position by a medical school or college, at a rank of assistant professor or above, to an applicant who would be a full-time employee of an academic medical center whose duties and responsibilities are devoted primarily to training residents and fellows and other academic endeavors within post-graduate medical education. As with medical school professors, the changes would limit the applicant's practice to the *academic medical center*, as defined in §315B and affiliated hospitals and clinics within the same geographic area of the state. Also similar to the existing rules (§327), the proposed changes would be available to medical educators who graduated from either U.S. or international medical schools and the waiver of qualifications would expire upon termination of the appointment (§415B).

Second, the proposed changes to §417B are intended to conform to the rules governing notification of license renewal to current agency practices (e.g. electronic notification), which resulted from the Board's transition from sending out paper license renewals to electronic renewals and courtesy notices over the past several years.

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

The proposed rule changes may result in a nominal SGR increase for the Board. While the LSBME has no reliable data, the Board anticipates only a very limited number of physician applicants may qualify for medical licensure on the basis of the proposed amendments. The LSBME cannot estimate potential licensees whose duties and responsibilities will be devoted primarily to training residents and fellows and other academic endeavors within post-graduate medical education. It is anticipated that qualifying applicants will be infrequent and any such applicant would be subject to the medical licensing fees specified by the LSBME's rules. Accordingly, the LSBME may realize a nominal SGR increase associated with the proposed rule changes.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule changes may benefit persons seeking employment at an academic medical center with limited practice abilities by allowing them a process to obtain a discretionary waiver to practice in an academic medical center. Otherwise, the proposed rule changes are not anticipated to

have a material effect on costs, paperwork or workload of physicians or other health care providers licensed by the LSBME, nor on receipts and/or income of licensees, small businesses, or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule changes are not anticipated to affect competition or employment.

Vincent A. Culotta, Jr., M.D.
Executive Director
2010#004

Christopher A. Keaton
Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Health,
Board of Medical Examiners**

Rules of Procedure; Complaints and Investigations
(LAC 46:XLV.9714)

Notice is hereby given that in accordance with the Louisiana Administrative Procedure Act, R.S. 49:950 et seq., and pursuant to the authority vested in the Louisiana State Board of Medical Examiners (board) by the Louisiana Medical Practice Act, R.S. 37:1270, the board proposes to amend its rules governing adjudication, by inserting a new section (§9714), dealing with guidelines for determining whether to issue public or non-public actions. The proposed amendments are set forth below.

Title 46

**PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part XLV. Medical Professions

Subpart 5. Rules of Procedure

Chapter 97. Complaints and Investigations

**§9714. Guidelines for Determining Whether to Issue
Public or Non-Public Actions**

A. The board has the responsibility to consider and determine appropriate action as to all conduct alleged to violate the Louisiana Medical Practice Act, R.S. 37:1261-1292 et seq., other practice acts respecting allied health care practitioners governed by the board, and the rules and regulations promulgated by the board in carrying out the provisions of this Part.

B. This Section provides guidance as to the criteria the board may consider in determining whether informal complaint disposition is non-disciplinary (not public) or disciplinary (public).

C. This Section is intended to compliment, but not limit the board's authority to make such dispositions as it may deem appropriate under the particular facts and circumstances presented in any matter.

D. In determining whether informal complaint disposition is non-disciplinary or disciplinary, as well as the terms and conditions of disciplinary dispositions, the board may consider aggravating or mitigating circumstances. A list of aggravating and mitigating circumstances is set forth below but is neither intended to be nor shall it be construed as an exclusive listing of circumstances.

1. Aggravating circumstances may warrant a disciplinary disposition or, in the case of a disciplinary disposition, justify revocation, the duration of suspension and enhancement of the period and type of probationary

terms, conditions and/or restrictions of a consent or other board order. Aggravating circumstances include, but are not limited to:

- a. a danger to public health, safety and welfare;
- b. patient(s) harm or one or more violations that involve more than one patient;
- c. severity of patient harm;
- d. prior similar violations or board disciplinary action;
- e. disciplinary action in another jurisdiction or by a government agency, peer review or professional organization or health care entity;
- f. conduct involving patient exploitation;
- g. failure to provide professional service to a person because of such person's race, creed, color or national origin;
- h. failure to cooperate with board investigation or failure to adhere/comply with previous board order;
- i. dishonesty or selfish motive;
- j. attempt to conceal, or refusal to acknowledge nature of conduct;
- k. financial benefit to licensee or applicant;
- l. other relevant circumstances increasing the seriousness of the misconduct.

2. Mitigating circumstances may result in a non-disciplinary disposition or, in the case of a disciplinary disposition, justify reduction of the duration of suspension or period and type of probationary terms, conditions and/or restrictions of a consent or other board order. Mitigating circumstances include, but are not limited to:

- a. those that do not constitute an aggravating circumstance as set forth in this Section;
- b. practice-related or other professional or competency concerns that do not rise to a level of a violation of the practice act or board rules;
- c. isolated, minor or technical violation with adequate explanation that is not likely to recur;
- d. steps taken to insure nonoccurrence of future similar violation;
- e. timely and good faith efforts to rectify or mitigate consequences of misconduct;
- f. remorse, recognition/acknowledgment of wrongdoing;
- g. cooperation with board and board staff;
- h. potential for rehabilitation;
- i. voluntary participation in board approved continuing medical or professional education;
- j. absence of adverse patient impact;
- k. remoteness of misconduct;
- l. other relevant circumstances reducing the seriousness of the misconduct.

E. By setting forth the above guidelines the board does not intend to restrict, and indeed reserves unto itself, its authority and discretion to take such action it may determine appropriate in any particular matter with respect to informal and formal complaint disposition.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1261-1292 and 37:1270(A)(5).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 46:

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of the proposed

amendments on the family has been considered. It is not anticipated that the proposed amendments will have any impact on family, formation, stability or autonomy, as described in R.S. 49:972.

Poverty Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the impact of the proposed amendments on those that may be living at or below one hundred percent of the federal poverty line has been considered. It is not anticipated that the proposed amendments will have any impact on child, individual or family poverty in relation to individual or community asset development, as described in R.S. 49:973.

Provider Statement

In compliance with HCR 170 of the 2014 Regular Session of the Louisiana Legislature, the impact of the proposed amendments on organizations that provide services for individuals with developmental disabilities has been considered. It is not anticipated that the proposed amendments will have any impact on the staffing, costs or overall ability of such organizations to provide the same level of services, as described in HCR 170.

Small Business Analysis

It is not anticipated that the proposed amendments will have any adverse impact on small businesses as defined in the Regulatory Flexibility Act, R.S. 49:965.2 et seq.

Public Comments

Interested persons may submit written data, views, arguments, information or comments on the proposed amendments to Jacintha Duthu, Confidential Executive Assistant, Louisiana State Board of Medical Examiners, 630 Camp Street, New Orleans, LA 70130, (504) 568-6820, Ex. 2290. She is responsible for responding to inquiries. Written comments will be accepted until the 16th day of November, 2020 at 4 o'clock p.m.

Public Hearing

A request pursuant to R.S. 49:953(A)(2) for a public hearing must be made in writing and received by the Board within 20 days of the date of this notice. If a public hearing is requested to provide data, views, arguments, information or comments orally in accordance with the Louisiana Administrative Procedure Act, the hearing will be held on the 24th day of November, 2020, starting at 9 o'clock a.m., at the office of the Louisiana State Board of Medical Examiners, 630 Camp Street, New Orleans, LA 70130. Any person wishing to attend should call to confirm that a hearing is being held, especially during COVID, as the attendance may need to occur virtually via Zoom.

Vincent A. Culotta, Jr., MD
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Rules of Procedure; Complaints and Investigations

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

Notice is hereby given that in accordance with the Louisiana Administrative Procedure Act, R.S. 49:950 et seq., and pursuant to the authority vested in the Louisiana State

Board of Medical Examiners (board) by the Louisiana Medical Practice Act, R.S. 37:1270, the board proposes new rules which provide guidelines to licensees regarding complaint disposition and/or the criteria the Board may consider in determining whether complaint disposition is a public action or a non-public action.

The proposed changes will result in a one-time publication expense estimated at \$789.00, in FY 20 for the Louisiana State Board of Medical Examiners (LSBME). Otherwise, there is no anticipated impact on the LSBME or any state or local governmental unit, inclusive of adjustments in workload and paperwork requirements.

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

Overall, the Rule attempts to provide licensees with more information in the form of guidelines regarding what the board may analyze when determining complaint disposition, and the criteria the Board may consider in determining whether to issue public or non-public actions. Accordingly, there is no anticipated effect on the revenue collections of the LSBME or other state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

It is not anticipated that the proposed amendments will have a material effect on costs, paperwork or workload of physicians or other health care providers licensed by the LSBME, nor on receipts and/or income of licensees, small businesses, or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

It is not anticipated that the proposed changes will have any impact on competition or employment.

Vincent A. Culotta, Jr., MD
Executive Director
2010#064

Alan M. Boxberger
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health, Board of Medical Examiners

Rules of Procedure; Complaint Disposition Guidelines (LAC 46:XLV.9716)

Notice is hereby given that in accordance with the Louisiana Administrative Procedure Act, R.S. 49:950 et seq., and pursuant to the authority vested in the Louisiana State Board of Medical Examiners (board) by the Louisiana Medical Practice Act, R.S. 37:1270, the board proposes to amend its rules governing adjudication, by inserting a new section (§9716), dealing with the complaint disposition guidelines. The proposed amendments are set forth below.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XLV. Medical Professions

Subpart 5. Rules of Procedure

Chapter 97. Complaints and Investigations

§9716. Complaint Disposition Guidelines

A. These complaint disposition guidelines are designed to:

1. provide guidance to the board in assessing administrative disciplinary dispositions for violations of the Louisiana Medical Practice Act and the various practice acts

governing allied healthcare practitioners regulated by the board; and

2. promote consistency in administrative disciplinary dispositions for similar violations.

B. In the event that the practice act or rules administered by the board for a category of allied healthcare providers do not contain the exact charges identified below, but instead refer to *unprofessional conduct* or a violation of the code of ethics of a national or professional organization, such violations will to the extent applicable be addressed by the guidance set forth below.

C. Special definitions. As used in this Section the following terms shall have the meanings specified.

1. *Continuing Medical Education* or *CME*, may include, but is not limited to, one or a combination of courses on:

- a. medical ethics;
- b. professional boundaries;
- c. professionalism;
- d. proper prescribing of controlled or other substances;
- e. risk management;
- f. medical record keeping;
- g. any CME program developed by the board; and
- h. any designated CME specified by the board;

2. *Probationary Terms and Conditions* (T and C) may include, but is not limited to, any restriction, limitation, condition, requirement, stipulation, or other provision that the board may determine appropriate, probationary T and C may also include CME, a fine and payment of investigator and attorney fees and all costs of the proceeding. The duration of probationary T and C rests with the discretion of the board following consideration of aggravating and mitigating circumstances defined in §9714 of this Part.

D. The maximum administrative disciplinary disposition that may be imposed by the board is denial or revocation of a license or permit to practice medicine or the license, certificate, registration or permit to practice as an allied healthcare practitioner regulated by the board, and an administrative fine of \$5,000 as to physician and the amount, if any, specified by the act governing the allied healthcare practitioner. The board may also assess investigator and attorney fees and all costs of the proceeding in accordance with the applicable practice act.

E. The administrative disciplinary dispositions identified in this Section provide a range from *minimum* to *maximum*. Each violation constitutes a separate offense; a:

1. greater disciplinary disposition may be imposed based on the number of violations;

2. disciplinary disposition may be greater or lower based on the presence or absence of aggravating or mitigation circumstances, identified in §9714 of this Part.

F. This Section is intended to compliment, and in no event shall it be construed to limit the board's authority to make such administrative disciplinary dispositions as it may deem appropriate under the particular facts and circumstances presented and as authorized by the applicable practice act in question.

1. Conviction/plea to a felony:
a. minimum—suspension for period of incarceration plus supervised release. If no incarceration, suspension for the duration of the supervised release and probationary terms and conditions (T and C) for a minimum of one year;

b. maximum—suspension with probationary terms and conditions or revocation;

2. Conviction/plea to charge related to practice:

a. minimum—suspension of license for period of incarceration plus supervised release. If no incarceration, suspension for the duration of the supervised release and reprimand and CME or a fine or both;

b. maximum—suspension or revocation;

3. Fraud, deceit, or perjury obtaining a diploma, license, or permit:

a. minimum—letter of concern, resubmission of corrected application and new application fee;

b. maximum— if violation renders applicant/licensee ineligible for license, suspension or revocation; if violation does not render applicant/licensee ineligible for license, resubmission of corrected application, new application fee and probationary T and C;

4. Providing false testimony/information to the board:

a. minimum—letter of concern and CME;

b. maximum—probationary T and C;

5. Abuse of drugs or alcohol.

a. minimum—when no prior treatment, referral to Healthcare Professionals Foundation of Louisiana, Inc.; when prior treatment, probationary T and C for minimum of 1 year;

b. maximum—suspension, probationary T and C and/or revocation;

6. Providing controlled substances without medical justification therefor or in illegitimate manner:

a. minimum—letter of concern;

b. maximum—suspension with probationary T and C for or revocation;

7. Solicitation of patients or self-promotion that is fraudulent, false, deceptive, or misleading;

a. minimum—letter of concern;

b. maximum—suspension and/or probationary T and C;

8. currently not enforceable;

9. currently not enforceable;

10. Efforts to deceive the public:

a. minimum—letter of concern;

b. maximum—probationary T and C;

11. Making or submitting false, deceptive, or unfounded claims or reports:

a. minimum—letter of concern and CME or a fine or both;

b. maximum—suspension and/or probationary T and C;

12. Inability to practice medicine with skill or safety:

a. minimum—practice restrictions, probationary T and C;

b. maximum—suspension with probationary T and C or revocation;

13. Unprofessional conduct:
 - a. minimum—letter of concern and CME or a fine or both;
 - b. maximum—suspension and/or probationary T and C or revocation;
14. Medical incompetency:
 - a. minimum—letter of concern and CME or a fine or both;
 - b. maximum—suspension and/or probationary T and C or revocation;
15. Immoral conduct:
 - a. minimum—reprimand and CME or a fine or both;
 - b. maximum—suspension and/or probationary T and C or revocation;
16. Gross overcharging for professional services:
 - a. minimum—letter of concern and CME or a fine or both;
 - b. maximum—probationary T and C;
17. Abandonment of a patient:
 - a. minimum—letter of concern and CME or a fine or both;
 - b. maximum—probationary T and C;
18. Assisting an unlicensed person to practice or professional association with illegal practitioner:
 - a. minimum—letter of concern and/or CME;
 - b. maximum—suspension and/or probationary T and C;
19. Soliciting or accepting, or receiving anything of economic value for referral:
 - a. minimum—letter of concern and CME or a fine or both;
 - b. maximum—suspension and/or probationary T and C or revocation;
20. Violation of federal or state laws relative to control of social diseases:
 - a. minimum—letter of concern and CME;
 - b. maximum—probationary T and C;
21. Interdiction or commitment:
 - a. minimum—suspension, demonstration of competency to resume practice;
 - b. maximum—suspension and/or probationary T and C or revocation;
22. Utilizing a physician's assistant without Board registration:
 - a. minimum—letter of concern and/or CME.
 - b. maximum—reprimand and CME or a fine or both;
23. Employing a physician's assistant whose conduct includes any of the causes enumerated in this Section:
 - a. minimum—reprimand and CME or a fine or both;
 - b. maximum—probationary T and C for 1 year and fine;
24. Misrepresenting the qualifications of physician' assistant:
 - a. minimum—letter of concern and CME or a fine or both;
 - b. maximum—probationary T and C.
25. Inability to practice medicine with skill or safety:
 - a. minimum—restriction/limitation of practice and CME;

- b. maximum—suspension and/or probationary T and C or revocation;
26. Refusing to submit to evaluation:
 - a. minimum—suspension and/or probationary terms and conditions;
 - b. maximum—suspension and probationary T and C;
27. Currently not enforceable;
28. Currently not enforceable;
29. Action by another state that denies, prevents or restricts practice in that state:
 - a. minimum—letter of concern or probationary T and C;
 - b. maximum—suspension and/or probationary T and C or revocation;
30. Violation of rules of the board, or any provisions of the practice act:
 - a. minimum—letter of concern and CME or a fine or both;
 - b. maximum—suspension and/or probationary T and C or revocation;
31. Failure by a physician to self-report personal action constituting a violation of this Act within 30 days:
 - a. minimum—letter of concern and CME or a fine or both;
 - b. maximum—probationary T and C;
32. Holding oneself out as "board certified", without meeting required criteria:
 - a. minimum—letter of concern and CME or a fine or both;
 - b. maximum—reprimand and CME or a fine or both.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1261-1292 and 37:1270(A)(5).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 46:

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of the proposed amendments on the family has been considered. It is not anticipated that the proposed amendments will have any impact on family, formation, stability or autonomy, as described in R.S. 49:972.

Poverty Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the impact of the proposed amendments on those that may be living at or below one hundred percent of the federal poverty line has been considered. It is not anticipated that the proposed amendments will have any impact on child, individual or family poverty in relation to individual or community asset development, as described in R.S. 49:973.

Provider Statement

In compliance with HCR 170 of the 2014 Regular Session of the Louisiana Legislature, the impact of the proposed amendments on organizations that provide services for individuals with developmental disabilities has been considered. It is not anticipated that the proposed amendments will have any impact on the staffing, costs or overall ability of such organizations to provide the same level of services, as described in HCR 170.

Small Business Analysis

It is not anticipated that the proposed amendments will have any adverse impact on small businesses as defined in the Regulatory Flexibility Act, R.S. 49:965.2 et seq.

Public Comments

Interested persons may submit written data, views, arguments, information or comments on the proposed amendments to Jacintha Duthu, Confidential Executive Assistant, Louisiana State Board of Medical Examiners, 630 Camp Street, New Orleans, LA 70130, (504) 568-6820, Ex. 2290. She is responsible for responding to inquiries. Written comments will be accepted until the 16th day of November, 2020 at 4 o'clock p.m.

Public Hearing

A request pursuant to R.S. 49:953(A)(2) for a public hearing must be made in writing and received by the Board within 20 days of the date of this notice. If a public hearing is requested to provide data, views, arguments, information or comments orally in accordance with the Louisiana Administrative Procedure Act, the hearing will be held on the 24th day of November, 2020, starting at 9 o'clock a.m., at the office of the Louisiana State Board of Medical Examiners, 630 Camp Street, New Orleans, LA 70130. Any person wishing to attend should call to confirm that a hearing is being held, especially during COVID, as the attendance may need to occur virtually via Zoom.

Vincent A. Culotta, Jr., MD
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Rules of Procedure; Complaint Disposition Guidelines

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

Notice is hereby given that in accordance with the Louisiana Administrative Procedure Act, R.S. 49:950 et seq., and pursuant to the authority vested in the Louisiana State Board of Medical Examiners (board) by the Louisiana Medical Practice Act, R.S. 37:1270, the board proposes new rules which provide guidelines to licensees regarding complaint disposition and/or the criteria the Board may consider in determining whether complaint disposition is a public action or a non-public action.

The proposed changes will result in a one-time publication expense estimated at \$789.00, in FY 20 for the Louisiana State Board of Medical Examiners (LSBME). Otherwise, there is no anticipated impact on the LSBME or any state or local governmental unit, inclusive of adjustments in workload and paperwork requirements.

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

Overall, the Rule attempts to provide licensees with more information in the form of guidelines regarding what the board may analyze when determining complaint disposition, and the criteria the Board may consider in determining whether to issue public or non-public actions. Accordingly, there is no anticipated effect on the revenue collections of the LSBME or other state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

It is not anticipated that the proposed amendments will have a material effect on costs, paperwork or workload of physicians or other health care providers licensed by the LSBME, nor on receipts and/or income of licensees, small businesses, or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

It is not anticipated that the proposed changes will have any impact on competition or employment.

Vincent A. Culotta, Jr., MD
Executive Director
2010#065

Alan M. Boxberger
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health Board of Medical Examiners

Rules of Procedure; Petitions for Rulemaking
(LAC 46:XLV.Chapter 93)

Notice is hereby given that in accordance with the Louisiana Administrative Procedure Act, R.S. 49:950 et seq., specifically, R.S. 49:952(2) and R.S. 49:953C(1), and pursuant to the authority vested in the Louisiana State Board of Medical Examiners (board) by the Louisiana Medical Practice Act, R.S. 37:1270, the board intends to adopt the following rules to provide the procedures for requesting and consideration of the adoption, amendment, or repeal of a board rule.

Title 46 PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XLV. Medical Professions Subpart 5. Rules of Procedure

Chapter 93. Miscellaneous Provisions Subchapter A. Petitions for Rulemaking

§9301. Scope of Subchapter

A. This Subchapter prescribes the procedures by which interested persons may petition the Louisiana State Board of Medical Examiners to exercise its rulemaking authority to adopt, amend or repeal administrative rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:952(2), 953C(1), R.S. 37:1270.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Medical Examiners, LR 46:

§9303. Definitions as Used in This Subchapter

A. As used in this Subchapter, the following terms shall have the meanings specified.

Interested Person—a person who or which:

a. holds or has applied for any license, certificate, permit or registration issued by the board; or

b. is subject to the regulatory jurisdiction of the board; or

c. is or may be affected by the practice of individuals regulated by the board.

Person—an individual natural person, partnership, corporation, company, association, governmental subdivision or other public or private organization or entity.

Rulemaking—the process by which the board exercises its authority under the laws of the state of Louisiana, including the Administrative Procedure Act, R.S. 49:950 et

seq., the Louisiana Medical Practice Act, R.S. 37:1261 et seq., and the other acts administered by the board, to formulate, propose and adopt, amend or repeal and promulgate administrative rules and regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:952(2), 953C(1), R.S. 37:1270.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Medical Examiners, LR 46:

§9305. Petitions for Rulemaking

A. General Form. A petition for rulemaking must be submitted to the board in writing, legibly printed or typed.

B. Title and Signature. The petition shall be plainly and prominently titled as such and manually signed by an individual petitioner, authorized officer or representative of the petitioner, or attorney representing the petitioner. The full name, title or office, if any, address and telephone number of a person signing a petition shall be printed or typed under the person's signature. Signees signing in a representative capacity must be clearly identified.

C. Required Contents. A petition for rulemaking shall:

1. clearly identify each petitioner by name and address of residence or principal place of business;

2. describe the legal status or nature of the petitioner to establish that the petitioner is an *interested person*, within the meaning of Section 9303 of this Subchapter;

3. if a petition for adoption of a new rule, set forth a concise statement of the substance, nature, purpose and intended effect of the proposed rule and citation to the statutory authority for the board's rulemaking authority in the manner and on the subject requested;

4. if a petition for amendment of an existing rule, specify, by citation to the *Louisiana Administrative Code*, the rule or rules which the petitioner requests that the board amend, together with a concise statement of the manner in which it is proposed that the rule or rules be amended, the purpose and intended effect of the requested amendment, and citation to the statutory authority for the board's exercise or rulemaking authority in the manner and on the subject requested;

5. if a petition for repeal of an existing rule, specify, by citation to the *Louisiana Administrative Code*, the rule or rules which the petitioner requests that the board repeal, together with a concise statement of the purpose and intended effect of such repeal;

6. set forth a concise statement of the facts, circumstances, and reasons which warrant exercise of the board's rulemaking authority in the manner requested.

7. set forth a statement or prayer expressing the action sought by the petition; and

8. contain any other information deemed necessary by the board, in its discretion, in order that it may properly consider the petition.

D. Submission and Filing. A petition for rulemaking shall be filed with the board by delivery, U.S. mail to the attention of the board's executive director at the offices of the board.

E. Nonconforming Petitions. The board may refuse to accept for filing, or may defer consideration of, any petition for rulemaking that does not conform to the requirements of this Section.

F. Public Record. A petition for rulemaking shall be deemed a public record.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:952(2), 953C(1), R.S. 37:1270.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Medical Examiners, LR 46:

§9307. Consideration

A. Consideration by the Board. A petition for rulemaking may be considered and acted on at any regular or special meeting of the board. Within the time prescribed by Section 9309 of this Subchapter, the board may request additional information from the petitioner or interested persons other than the petitioner as it may deem relevant to its consideration.

B. Presentations. Within the time prescribed by Section 9309 of this Subchapter, the board may, on its own initiative or at the request of the petitioner or any other interested person, permit petitioner and other interested persons to appear before the board to make an oral presentation of information, data, views, comments and arguments in support of or opposition to the requested rulemaking.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:952(2), 953C(1), R.S. 37:1270.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Medical Examiners, LR 46:

§9309. Disposition

A. Form of Determination. The board may grant or deny a petition for rulemaking, in whole or in part. The board's determination shall be stated in writing and transmitted by U.S. mail to the person signing the petition. If the board denies a petition for rulemaking, in whole or in part, its determination shall state the reasons. If the board grants a petition for rulemaking, in whole or in part, it shall initiate rulemaking proceedings in accordance with the Louisiana Administrative Procedure Act. However, nothing in this Subchapter shall be construed to require that the board, in granting a petition for the adoption or amendment of a rule, employ or use the specific form or language requested by the petitioner, provided that the rule or amendment proposed by the board gives effect to the substance and intent of the petition.

B. Time for Determination. The board will render its determination with respect to a petition for rulemaking:

1. within 90 days of the date on which a complete petition conforming to the requirements of §9305 of this Subchapter is filed with the board; or

2. within 60 days of the date on which, at the request of the petitioner, the board entertains an oral presentation by the petitioner, whichever is later.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:952(2), 953C(1), R.S. 37:1270.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Medical Examiners, LR 46:

§9311. Construction and Effect

A. Board Discretion in Rulemaking. The provisions of this Subchapter are intended to provide an orderly and reasonable means for interested persons to petition the board to exercise its rulemaking authority under law and to provide for board consideration of such petitions. Petitions for rulemaking are addressed to the board's discretion as to the necessity or appropriateness of the adoption, amendment or repeal of a rule in the discharge of its licensing and regulatory responsibilities under the law. Nothing in this Subchapter shall be deemed to create any right or entitlement in any person to require the board to exercise its rulemaking authority.

B. Nature and Effect of Determination. The board's disposition of a petition for rulemaking by a determination made under §9309 of this Subchapter does not constitute, and shall not be deemed to constitute, a decision or order within the meaning of Louisiana Administrative Procedure Act, R.S. 49:951(3) or a declaratory order or ruling within the meaning of R.S. 49:962 and the procedures prescribed by this Subchapter do not constitute an adjudication within the meaning of R.S. 49:951(1). A determination by the board with respect to a petition for rulemaking is final and not subject to judicial review or other appeal.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:952(2), 953C(1), R.S. 37:1270.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Medical Examiners, LR 46:

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of the proposed rules on the family has been considered. It is not anticipated that the proposed rules will have any impact on family, formation, stability or autonomy, as described in R.S. 49:972.

Poverty Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the impact of the proposed rules on those that may be living at or below one hundred percent of the federal poverty line has been considered. It is not anticipated that the proposed rules will have any impact on child, individual or family poverty in relation to individual or community asset development, as described in R.S. 49:973.

Provider Statement

In compliance with HCR 170 of the 2014 Regular Session of the Louisiana Legislature, the impact of the proposed rules on organizations that provide services for individuals with developmental disabilities has been considered. It is not anticipated that the proposed rules will have any impact on the staffing, costs or overall ability of such organizations to provide the same level of services, as described in HCR 170.

Small Business Statement

It is not anticipated that the proposed rules will have any adverse impact on small businesses as defined in the Regulatory Flexibility Act, R.S. 49:965.2 et. seq.

Public Comments

Interested persons may submit written data, views, arguments, information or comments on the proposed amendments to Jacintha Duthu, Confidential Executive Assistant, Louisiana State Board of Medical Examiners, 630 Camp Street, New Orleans, LA 70130, (504) 568-6820, Ex. 2290. She is responsible for responding to inquiries. Written comments will be accepted until the 16th day of November, 2020 at 4 o'clock p.m.

Public Hearing

A request pursuant to R.S. 49:953(A)(2) for a public hearing must be made in writing and received by the Board within 20 days of the date of this notice. If a public hearing is requested to provide data, views, arguments, information or comments orally in accordance with the Louisiana Administrative Procedure Act, the hearing will be held on the 24th day of November, 2020, starting at 9 o'clock a.m., at the office of the Louisiana State Board of Medical Examiners, 630 Camp Street, New Orleans, LA 70130. Any

person wishing to attend should call to confirm that a hearing is being held, especially during COVID, as the attendance may need to occur virtually via Zoom.

Vincent A. Culotta, Jr., MD
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Rules of Procedure; Petitions for Rulemaking

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

Notice is hereby given that in accordance with the Louisiana Administrative Procedure Act, R.S. 49:950 et seq., and pursuant to the authority vested in the Louisiana State Board of Medical Examiners (board) by the Louisiana Medical Practice Act, R.S. 37:1270, the board intends to adopt rules which will provide the procedures for the public and/or licensees to request consideration of the adoption, amendment, or repeal of a Board rule.

The proposed changes will result in a one-time publication expense estimated at \$789.00, in FY 20 for the Louisiana State Board of Medical Examiners (LSBME). Otherwise, there is no anticipated impact on the LSBME or any state or local governmental unit, inclusive of adjustments in workload and paperwork requirements.

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

Overall, the Rule prescribes the method by which interested persons may petition the Louisiana State Board of Medical Examiners to exercise its rulemaking authority to adopt, amend or repeal administrative rules. Accordingly, there is no anticipated effect on the revenue collections of the LSBME or other state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

It is not anticipated that the proposed amendments will have a material effect on costs, paperwork or workload of, and/or the receipts and/or income of, affected persons, small businesses, or non-governmental groups, including physicians or other health care providers licensed by the LSBME.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

It is not anticipated that the proposed changes will have any impact on competition or employment.

Vincent A. Culotta, Jr., MD
Executive Director
2010#062

Alan M. Boxberger
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health Board of Pharmacy

Licensing for Military Families (LAC 46:LIII.506 and 904)

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and the Pharmacy Practice Act (R.S. 37:1161 et seq.), the Louisiana Board of Pharmacy hereby gives notice of its intent to amend two sections of its rules relative to licensing procedures for pharmacists and pharmacy technicians in military service.

Act 200 of the 2020 Legislature amended the occupational licensing law for military applicants and their spouses to include certain dependents. The proposed rule change will preserve the current procedures but will add certain dependents of military families to the eligibility criteria. The proposed changes in Section 506 relate to applications for a pharmacist license. The proposed changes in Section 904 relate to applications for a pharmacy technician certificate.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LIII. Pharmacists

Chapter 5. Pharmacists

§506. Preferential Licensing Procedures for Military-Trained Applicants and Their Dependents

A. Definitions. The following terms shall have the meaning ascribed to them in this Subsection:

Dependent—a resident spouse or resident unmarried child under the age of 21 years, a child who is a student under the age of 24 years and who is financially dependent upon the parent, or a child of any age who is disabled and dependent upon the parent.

Jurisdiction—any state or territory of the United States of America.

Military—the armed forces or reserves of the United States, including the Army, Navy, Marine Corps, Coast Guard, Air Force, and the reserve components thereof, the National Guard of any state, the Military Reserves of any state, or the naval militia of any state.

B. Eligibility. The following persons are eligible for the preferential licensing procedures provided by this Section:

1. a member of the military who has been assigned to duty in Louisiana or his dependent;
2. a civilian employee of the United States Department of Defense who has been assigned to duty in Louisiana or his dependent;
3. a member of the military or civilian employee of the United States Department of Defense or their dependents who have established this state as their state of legal residence in their military record.

C. Requirements. Eligible persons seeking preferential licensing procedures shall demonstrate compliance with the following requirements:

1. the applicant holds a current and valid pharmacist license in another jurisdiction;
2. the applicant has held the license in the other jurisdiction for at least one year;
3. the applicant has satisfied all educational and experiential requirements required by the pharmacy regulatory authority in the other jurisdiction;
4. the applicant is held in good standing by the pharmacy regulatory authority in the other jurisdiction, or in the event such status is not used in this jurisdiction, the applicant holds an unrestricted license in that jurisdiction;
5. the applicant does not have a disqualifying criminal record as determined by the board;
6. the applicant has not had an occupational license revoked by a board in another jurisdiction due to negligence or intentional misconduct related to the applicant's work in the occupation in another jurisdiction;
7. the applicant has not surrendered an occupational license due to negligence or intentional misconduct related

to the applicant's work in the occupation in another jurisdiction;

8. the applicant does not have a complaint, allegation, or investigation pending before a pharmacy regulatory authority in another jurisdiction which relates to unprofessional conduct or an alleged crime. If the applicant has a complaint, allegation, or investigation pending, the board shall not issue or deny a license until the complaint, allegation, or investigation is resolved, or the applicant otherwise satisfies the criteria for licensure in this state to the satisfaction of the board;

9. the applicant has paid all applicable fees in this state;

10. the applicant has applied for permanent licensure in this state. In the event the applicant fails to qualify for a permanent license as determined by the board, the special work permit issued under the authority of Subsection E of this Section shall be automatically terminated.

D. Upon receipt of an application for pharmacist licensure by an eligible applicant, the board staff shall mark the application for priority processing and preserve that status until the license is issued, or in the alternative, the board gives notice of its intent to deny the application and refuse to issue the license. The board shall notify the applicant of its licensing decision within 30 calendar days after receiving an application.

E. In the event the applicant intends to practice pharmacy before the issuance of the permanent license, the board may issue a special work permit to the applicant.

1. The special work permit shall expire 120 days after the date of issue and the permit shall not be renewable.

2. The special work permit shall identify the applicant, and further, shall indicate the authority for that person to practice pharmacy within the state of Louisiana as well as the dates of issue and expiration of the credential.

3. No applicant may practice pharmacy prior to the issuance of a special work permit or pharmacist license, or with an expired special work permit or pharmacist license.

4. The special work permit shall not be eligible for license transfer or reciprocity to any other jurisdiction.

5. The provisions of this Section shall not apply to a member of the military who has received, or is in the process of receiving, a dishonorable discharge from the military. Further, the provisions of this Section shall not apply to the spouse of a member of the military who has received, or is in the process of receiving, a dishonorable discharge from the military.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3651.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 39:3075 (November 2013), amended by the Department of Health, Board of Pharmacy, LR 46:

Chapter 9. Pharmacy Technicians

§904. Preferential Licensing Procedures for Military-Trained Applicants and Their Dependents

A. Definitions. The following terms shall have the meaning ascribed to them in this Subsection:

Dependent—a resident spouse or resident unmarried child under the age of 21 years, a child who is a student under the age of 24 years and who is financially dependent upon the parent, or a child of any age who is disabled and dependent upon the parent.

Jurisdiction—any state or territory of the United States of America.

Military—the armed forces or reserves of the United States, including the Army, Navy, Marine Corps, Coast Guard, Air Force, and the reserve components thereof, the National Guard of any state, the Military Reserves of any state, or the naval militia of any state.

B. Eligibility. The following persons are eligible for the preferential licensing procedures provided by this Section:

1. a member of the military who has been assigned to duty in Louisiana or his dependent;

2. a civilian employee of the United States Department of Defense who has been assigned to duty in Louisiana or his dependent;

3. a member of the military or civilian employee of the United States Department of Defense or their dependents who have established this state as their state of legal residence in their military record.

C. Requirements. Eligible persons seeking preferential licensing procedures shall demonstrate compliance with the following requirements.

1. The applicant holds a current and valid pharmacy technician credential issued by the pharmacy regulatory authority in another jurisdiction.

2. The applicant has held the license in the other jurisdiction for at least one year.

3. The applicant has satisfied all educational and experiential requirements required by the pharmacy regulatory authority in the other jurisdiction.

4. The applicant is held in good standing by the pharmacy regulatory authority in the other jurisdiction, or in the event such status is not used in this jurisdiction, the applicant holds an unrestricted license in that jurisdiction.

5. The applicant does not have a disqualifying criminal record as determined by the board.

6. The applicant has not had an occupational license revoked by a board in another jurisdiction due to negligence or intentional misconduct related to the applicant's work in the occupation in another jurisdiction.

7. The applicant has not surrendered an occupational license due to negligence or intentional misconduct related to the applicant's work in the occupation in another jurisdiction.

8. The applicant does not have a complaint, allegation, or investigation pending before a pharmacy regulatory authority in another jurisdiction which relates to unprofessional conduct or an alleged crime. If the applicant has a complaint, allegation, or investigation pending, the board shall not issue or deny a pharmacy technician certificate until the complaint, allegation, or investigation is resolved, or the applicant otherwise satisfies the criteria for a pharmacy technician certificate in this state to the satisfaction of the board.

9. The applicant has paid all applicable fees in this state.

10. The applicant has applied for a permanent pharmacy technician certificate in this state. In the event the applicant fails to qualify for a permanent pharmacy technician certificate as determined by the board, the special work permit issued under the authority of Subsection E of this Section shall be automatically terminated.

D. Upon receipt of an application for a pharmacy technician certificate by an eligible applicant, the board staff shall mark the application for priority processing and preserve that status until the pharmacy technician certificate is issued, or in the alternative, the board gives notice of its intent to deny the application and refuse to issue the certificate. The board shall notify the applicant of its licensing decision within 30 calendar days after receiving an application.

E. In the event the applicant intends to assist in the practice of pharmacy before the issuance of the permanent pharmacy technician certificate, the board may issue a special work permit to the applicant.

1. The special work permit shall expire 120 days after the date of issue and the permit shall not be renewable.

2. The special work permit shall identify the applicant, and further, shall indicate the authority for that person to assist in the practice of pharmacy within the state of Louisiana as well as the dates of issue and expiration of the credential.

3. No applicant may assist in the practice of pharmacy prior to the issuance of a special work permit or pharmacy technician certificate, or with an expired special work permit or pharmacy technician certificate.

4. The special work permit shall not be eligible for license transfer or reciprocity to any other jurisdiction.

5. The provisions of this Section shall not apply to a member of the military who has received, or is in the process of receiving, a dishonorable discharge from the military. Further, the provisions of this Section shall not apply to the spouse of a member of the military who has received, or is in the process of receiving, a dishonorable discharge from the military.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3651.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 39:3075 (November 2013), amended by the Department of Health, Board of Pharmacy, LR 46:

Family Impact Statement

In accordance with Section 953 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a family impact statement on the Rule proposed for adoption, repeal, or amendment. The following statements will be published in the *Louisiana Register* with the proposed agency Rule.

1. The Effect on the Stability of the Family. The proposed Rule changes will have no effect on the stability of the family.

2. The Effect on the Authority and Rights of Parents Regarding the Education and Supervision of their Children. The proposed Rule changes will have no effect on the authority and rights of parents regarding the education and supervision of their children.

3. The Effect on the Functioning of the Family. The proposed Rule changes will have no effect on the functioning of the family.

4. The Effect on Family Earnings and Family Budget. The proposed Rule changes may improve family earnings by facilitating employment in the licensed occupation sooner than currently possible.

5. The Effect on the Behavior and Personal Responsibility of Children. The proposed Rule changes will have no effect on the behavior and personal responsibility of children.

6. The Ability of the Family or a Local Government to Perform the Function as Contained in the Proposed Rule. The proposed Rule changes will have no effect on the ability of the family or a local government to perform the activity as contained in the proposed Rule.

Poverty Impact Statement

In accordance with Section 973 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a poverty impact statement on the Rule proposed for adoption, repeal, or amendment.

1. The Effect on Household Income, Assets, and Financial Security. The proposed Rule changes may have a positive effect on household income by facilitating employment in the licensed occupation sooner than currently possible.

2. The Effect on Early Childhood Development and Preschool through Postsecondary Education Development. The proposed Rule changes will have no effect on early childhood development or preschool through postsecondary education development.

3. The Effect on Employment and Workforce Development. The proposed Rule changes may have a positive effect on employment by facilitating employment in the licensed occupation sooner than currently possible.

4. The Effect on Taxes and Tax Credits. The proposed Rule changes will have no effect on taxes or tax credits.

5. The Effect on Child and Dependent Care, Housing, Health Care, Nutrition, Transportation, and Utilities Assistance. The proposed Rule changes will have no effect on child and dependent care, housing, health care, nutrition, transportation, or utilities assistance.

Small Business Analysis

In accordance with Section 965 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a regulatory flexibility analysis on the Rule proposed for adoption, repeal, or amendment. This will certify the agency has considered, without limitation, each of the following methods of reducing the impact of the proposed Rule changes on small businesses:

1. The Establishment of Less Stringent Compliance or Reporting Requirements for Small Businesses. The proposed Rule changes will not affect small businesses.

2. The Establishment of Less Stringent Schedules or Deadlines for Compliance or Reporting Requirements for Small Businesses. The proposed Rule changes will not affect small businesses.

3. The Consolidation or Simplification of Compliance or Reporting Requirements for Small Businesses. The proposed Rule changes will not affect small businesses.

4. The Establishment of Performance Standards for Small Businesses to Replace Design or Operational Standards Required in the Proposed Rule. The proposed Rule changes will not affect small businesses.

5. The Exemption of Small Businesses from All or Any Part of the Requirements Contained in the Proposed Rule. The proposed Rule changes will not affect small businesses.

Provider Impact Statement

In accordance with House Concurrent Resolution No. 170 of the Regular Session of the 2014 Legislature, there is hereby submitted a provider impact statement on the Rule proposed for adoption, repeal, or amendment. This will certify the agency has considered, without limitation, the following effects on the providers of services to individuals with developmental disabilities:

1. The effect on the staffing level requirements or qualifications required to provide the same level of service. The proposed Rule changes will have no effect on the staffing level requirements or the qualifications for that staff to provide the same level of service.

2. The Total Direct and Indirect Effect on the Cost to the Provider to Provide the Same Level of Service. The proposed Rule changes will have no effect on the cost to the provider to provide the same level of service.

3. The Overall Effect on the Ability of the Provider to Provide the Same Level of service. The proposed Rule changes will have no effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments, via United States Postal Service or other mail carrier, or in the alternative by personal delivery to Malcolm J Broussard, Executive Director, at the office of the Louisiana Board of Pharmacy, 3388 Brentwood Drive, Baton Rouge, LA 70809-1700. He is responsible for responding to inquiries regarding the proposed Rule amendment.

Public Hearing

A public hearing to solicit comments and testimony on the proposed Rule amendment is scheduled for 9:00 am on Wednesday, November 25, 2020. During the hearing, all interested persons will be afforded an opportunity to submit data, views, or arguments, either orally or in writing. The deadline for the receipt of all comments is 12 p.m. noon that same day. To request reasonable accommodations for persons with disabilities, please call the board office at 225.925.6496.

Malcolm J Broussard
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Licensing for Military Families

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

The proposed rule changes will require the Louisiana Board of Pharmacy (LBP) to publish the proposed and final rules in the state register, resulting in printing expenses of \$2,000 in FY 21. There will be no additional expenditures or cost savings for LBP or other state or local governmental units. The proposed rule changes expand eligibility criteria for preferential licensing procedures for applicants seeking a pharmacist license or pharmacy technician certificate to include certain dependents of military families.

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

The proposed rule changes will not affect revenue collections for state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule changes may allow certain dependents of military families to obtain an occupational license sooner than currently possible.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule changes may improve the ability of certain dependents of military families to qualify for employment opportunities sooner than currently possible.

Malcolm J. Broussard
Executive Director
2010#036

Alan M. Boxberger
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Health
Board of Pharmacy**

Marijuana Recommendations (LAC 46:LIII.2457)

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and the Pharmacy Practice Act (R.S. 37:1161 et seq.), the Louisiana Board of Pharmacy hereby gives notice of its intent to amend two subsections of Section 2457 of its rules for marijuana pharmacies. Act 286 of the 2020 Legislature amended the state medical marijuana law in several respects necessitating changes in the board's rules. The proposed changes in Subsection D for recordkeeping requirements include a repeal of the existing Paragraph 1 referencing a recommendation as an order, a technical change in the re-numbered Paragraph 1, and a clarification of an inventory recordkeeping requirement in the re-numbered Paragraph 3. The proposed changes in Subsection E for professional practice standards include a new Paragraph 1 with the current paragraphs re-numbered sequentially. Within Paragraph 1, Subparagraph (a) permits a marijuana pharmacy to accept a recommendation from a physician in possession of a current and unrestricted license to practice medicine as well as a current state controlled substance license with privileges for Schedule I. The subparagraph also requires the pharmacy to accept the recommendation directly from the physician either through electronic prescriptions or through facsimile. Subparagraph (b) identifies the information which shall be disclosed within the recommendation. Subparagraph (c) expires a recommendation one year after the date of issue unless a shorter period of time is specified by the physician; and further, permits a pharmacist to dispense products one or more times prior to the expiration date but limits the dispensing to a maximum of a 90-day supply in a single dispensing and a maximum of a one-year supply pursuant to a single recommendation. The proposed change in the re-numbered Paragraph 4 clarifies the requirement for the pharmacist to comply with standards for drug utilization review and patient counseling. The proposed changes in the re-numbered Paragraph 6 remove the prohibition on the return of marijuana product inventory to the marijuana producer as well as the additional requirement to record product disposal in the Louisiana Medical Marijuana Tracking System (LMMTS).

**Title 46
PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part LIII. Pharmacists

Chapter 24. Limited Service Providers

Subchapter E. Marijuana Pharmacy

§2457. Standards of Practice

A. - C.2.a. ...

D. Recordkeeping Requirements

1. When the pharmacy receives a request for marijuana from a recommending physician in written form, the pharmacist

shall cause the form to be scanned and filed using an electronic imaging system in compliance with Section 1123 of this Part.

2. Request forms (and electronic images thereof) shall be retained on the pharmacy's premises for at least two years after the date of dispensing, and further, shall be readily retrievable upon request by the board.

3. Inventory of Marijuana Product

a. The pharmacist-in-charge shall develop and maintain a perpetual inventory of all marijuana products acquired, held, dispensed, and disposed by the pharmacy.

b. The pharmacy shall access the LMMTS and enter all acquisitions and product transfer transactions in that system.

c. In the event the pharmacist-in-charge designates an agent to retrieve new marijuana product inventory from the production facility, the pharmacist shall verify the agent is at least 21 years of age and is eligible to drive on public roadways.

d. The pharmacist-in-charge shall conduct an annual inventory of all marijuana products in the possession of the pharmacy on any date which is within one year of the previous annual inventory, and further, shall conduct additional inventory counts on the following occasions:

i. arrival of a new pharmacist-in-charge;

ii. discovery of any significant loss, disappearance, or theft of marijuana product;

iii. departure of a new pharmacist-in-charge; and

iv. permanent closure of the pharmacy.

e. Inventory records shall be retained on the pharmacy's premises for at least two years after the most recent entry.

4. The pharmacy shall develop and maintain sufficient records to fully reveal the business transactions related to marijuana products, including their procurement and sale, for the current tax year as well as the two immediately preceding tax years, all of which shall be made available to the board upon request.

5. The board may require any pharmacy or its owners to furnish such information as the board considers necessary for the proper administration of R.S. 40:1046, and may require a financial audit of the business of any marijuana pharmacy, and the expense thereof shall be paid by the marijuana pharmacy.

E. Professional Practice Standards

1. Recommendation/opinion/referral (hereinafter, "request") for Therapeutic Marijuana

a. The pharmacist may accept any request for a marijuana product which has been:

i. issued by a physician in possession of a current and unrestricted license to practice medicine from the Louisiana State Board of Medical Examiners as well as a current and unrestricted state controlled substance license with therapeutic marijuana privileges from the board; and

ii. received directly from the physician and not from the patient or any third party other than the entity transmitting the request, either by electronic means conforming with the provisions of 21 CFR 1311 or its successor, or in the alternative, by facsimile bearing a handwritten or digital signature of the physician.

b. The request shall disclose the following information, at a minimum:

i. name, address, telephone number, and national provider identifier (NPI) number of the physician issuing the request;

ii. name, address, and date of birth (or age) of the patient for whom the request was issued;

iii. identification of the debilitating medical condition for which the treatment has been requested;

iv. treatment requested;

v. date request was issued;

vi. self-certification the physician holds a current and unrestricted license to practice medicine issued by the Louisiana State Board of Medical Examiners; and

vii. Signature of the physician issuing the recommendation, excluding any proxy or agent.

c. Requests for marijuana products shall expire one year after the date of issue, unless a shorter period of time is indicated by the physician. A pharmacist may dispense marijuana product on multiple occasions as indicated by the physician and needed by the patient until the request expires; however, the pharmacist shall not dispense more than a 90-day supply of marijuana product at one time nor more than a one-year supply of marijuana product pursuant to a single request. A pharmacist shall not dispense marijuana product pursuant to an expired request.

2. Prior to dispensing any marijuana product to a patient, the pharmacist shall review the patient's records in the state prescription monitoring program. The pharmacist shall resolve any concerns identified in that review by consultation with the recommending physician.

3. Labeling of Marijuana Product Dispensed

a. The pharmacist shall not dispense any marijuana product that does not bear the producer label required by the LDAF,

and further, the pharmacy dispensing label shall not overlay or obscure the producer label in any way.

b. The pharmacy's dispensing label shall contain, at a minimum, the following data elements:

i. name and address of the pharmacy dispensing the product;

ii. telephone number or other contact information of the pharmacy dispensing the product;

iii. name of the recommending physician;

iv. name of the patient;

v. date the product was dispensed;

vi. prescription number, which shall be a unique identifier for that specific transaction;

vii. name of the marijuana product, including any concentration, strength, or other identifiers of the marijuana product;

viii. quantity of marijuana dispensed;

ix. directions for use of the product;

x. expiration date of the product, which shall not exceed the expiration date determined by the producer of the product; and

xi. other information selected by the dispensing pharmacist to inform the patient as to the best use of the product for the intended purpose.

4. The pharmacist shall comply with the rules on drug utilization review and patient counseling in Chapter 5 of this Part.

5. Reporting transactions to state prescription monitoring program. The pharmacy shall comply with the reporting

requirements as found in Chapter 29 of this Part.

6. Disposal of Marijuana Product

a. A pharmacy may refuse to accept the delivery of marijuana product from a producer when it is determined to be

misbranded, adulterated, expired, deteriorated, undesired, excess, unauthorized, or unfit for dispensing.

b. When the pharmacist determines a marijuana product is no longer suitable for dispensing, the product shall be removed

from active dispensing stock and quarantined in the pharmacy pending its disposal.

c.- e.iv. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Pharmacy, LR 43:1550 (August 2017), amended LR 45:1473 (October 2019), LR 46:

Family Impact Statement

In accordance with Section 953 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a family impact statement on the Rule proposed for adoption, repeal, or amendment. The following statements will be published in the *Louisiana Register* with the proposed agency Rule.

1. The Effect on the Stability of the Family. The proposed Rule amendment will have no effect on the stability of the family.

2. The Effect on the Authority and Rights of Parents Regarding the Education and Supervision of their Children. The proposed Rule amendment will have no effect on the authority and rights of parents regarding the education and supervision of their children.

3. The Effect on the Functioning of the Family. The proposed Rule amendment will have no effect on the functioning of the family.

4. The Effect on Family Earnings and Family Budget. The proposed Rule amendment will have no effect on family earnings or family budget.

5. The Effect on the Behavior and Personal Responsibility of Children. The proposed Rule amendment will have no effect on the behavior and personal responsibility of children.

6. The Ability of the Family or a Local Government to Perform the Function as Contained in the Proposed Rule. The proposed Rule amendment will have no effect on the ability of the family or a local government to perform the activity as contained in the proposed Rule.

Poverty Impact Statement

In accordance with Section 973 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a poverty impact statement on the Rule proposed for adoption, repeal, or amendment.

1. The Effect on Household Income, Assets, and Financial Security. The proposed Rule amendment will have no effect on household income, assets, or financial security.

2. The Effect on Early Childhood Development and Preschool through Postsecondary Education Development. The proposed Rule amendment will have no effect on early childhood development or preschool through postsecondary education development.

3. The Effect on Employment and Workforce Development. The proposed Rule amendment will have no effect on employment or workforce development.

4. The Effect on Taxes and Tax Credits. The proposed Rule amendment will have no effect on taxes or tax credits.

5. The Effect on Child and Dependent Care, Housing, Health Care, Nutrition, Transportation, and Utilities Assistance. The proposed Rule amendment will have no effect on child and dependent care, housing, health care, nutrition, transportation, or utilities assistance.

Small Business Analysis

In accordance with Section 965 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a regulatory flexibility analysis on the Rule proposed for adoption, repeal, or amendment. This will certify the agency has considered, without limitation, each of the following methods of reducing the impact of the proposed Rule on small businesses:

1. The Establishment of Less Stringent Compliance or Reporting Requirements for Small Businesses. The proposed Rule amendment reduces the recordkeeping and reporting requirements related to marijuana product inventory and disposal transactions.

2. The Establishment of Less Stringent Schedules or Deadlines for Compliance or Reporting Requirements for Small Businesses. There are no proposed changes related to scheduling or deadlines.

3. The Consolidation or Simplification of Compliance or Reporting Requirements for Small Businesses. The proposed Rule amendment simplifies recordkeeping requirements for marijuana product inventory as well as product disposal.

4. The Establishment of Performance Standards for Small Businesses to Replace Design or Operational Standards Required in the Proposed Rule. There are no design and operational standards in the proposed Rule amendments.

5. The Exemption of Small Businesses from All or Any Part of the Requirements Contained in the Proposed Rule. There are no exemptions for small businesses.

Provider Impact Statement

In accordance with House Concurrent Resolution No. 170 of the Regular Session of the 2014 Legislature, there is hereby submitted a provider impact statement on the Rule proposed for adoption, repeal, or amendment. This will certify the agency has considered, without limitation, the following effects on the providers of services to individuals with developmental disabilities:

1. The effect on the staffing level requirements or qualifications required to provide the same level of service.

The proposed Rule amendment will have no effect on the staffing level requirements or the qualifications for that staff to provide the same level of service.

2. The Total Direct and Indirect Effect on the Cost to the Provider to Provide the Same Level of Service. The proposed Rule amendment will have no effect on the cost to the provider to provide the same level of service.

3. The Overall Effect on the Ability of the Provider to Provide the Same Level of service. The proposed Rule amendment will have no effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments, via United States Postal Service or other mail carrier, or in the alternative by personal delivery to Malcolm J Broussard, Executive Director, at the office of the Louisiana Board of Pharmacy, 3388 Brentwood Drive, Baton Rouge, LA 70809-1700. He is responsible for responding to inquiries regarding the proposed Rule amendment.

Public Hearing

A public hearing to solicit comments and testimony on the proposed Rule amendment is scheduled for 9:00 am on Wednesday, November 25, 2020. During the hearing, all interested persons will be afforded an opportunity to submit data, views, or arguments, either orally or in writing. The deadline for the receipt of all comments is 12 p.m. noon that same day. To request reasonable accommodations for persons with disabilities, please call the board office at 225.925.6496.

Malcolm J Broussard
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: **Marijuana Recommendations**

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

The proposed rule changes will require the Louisiana Board of Pharmacy (LBP) to publish the proposed and final rules in the state register, resulting in printing expenses of \$5,000 in FY 21. There will be no additional expenditures or cost savings for LBP or other state or local governmental units.

The proposed rule changes clarify eligibility requirements for physicians issuing recommendations for therapeutic marijuana and specify the minimum content and expiration date of marijuana recommendations as well as the method of transmission of such recommendations to marijuana pharmacies. The proposed changes specify the limitations on the quantity of marijuana products that may be dispensed in marijuana pharmacies pursuant to marijuana recommendations. The proposed changes reduce some redundant recordkeeping requirements in marijuana pharmacies and make other technical changes.

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

The proposed rule changes will not affect revenue collections for state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule changes expands the number of physicians authorized to issue marijuana recommendations and reduces the number of credentials required for them to issue

such recommendations. The proposed rule changes also reduce some redundant recordkeeping requirements in marijuana pharmacies.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule changes will not affect competition or employment.

Malcolm J. Broussard
Executive Director
2010#035

Alan M. Boxberger
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Health
Board of Pharmacy**

Pharmacy Benefit Managers (LAC 46:LIII.Chapter 30)

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.), the Pharmacy Benefit Manager Licensing Law (R.S. 40:2861 et seq.), and the Pharmacy Practice Act (R.S. 37:1161 et seq.), the Louisiana Board of Pharmacy hereby gives notice of its intent to promulgate a new chapter of rules for pharmacy benefit managers (PBMs). The new rule is intended to implement the provisions of Act 124 of the 2019 Legislature which requires the Board of Pharmacy to license and regulate PBMs when they engage in one or more of the following activities construed to be within the scope of the practice of pharmacy: (1) adjudication of appeals or grievances related to prescription drug coverage. (2) disease management programs. (3) drug formularies. (4) drug regimen reviews. (5) prescription drug management programs. (6) processing of prior authorization requests. (7) quality care dosing services. (8) step therapy procedures. (9) utilization management and utilization reviews. (10) any other act, service, operation, or transaction incidental to or forming a part of the compounding, filling, dispensing, exchanging, giving, offering for sale, or selling drugs, medicines, poisons, or devices in this state by pharmacists or pharmacies, pursuant to a prescription or an order of physicians, dentists, veterinarians, or other licensed practitioners, requiring, involving, or employing the science or art of any branch of the pharmacy profession, study, or training. Section 3001 provides for definitions of certain terms. Section 3003 requires a PBM engaged in any of the activities enumerated within R.S. 40:2868 to obtain a PBM permit from the board, requires the PBM to register with the secretary of state, and provides that a PBM permit is not transferable from one owner to another. Section 3005 provides the procedures for the board to follow with respect to applications for the initial issuance of the permit, the renewal of the permit, applications for the reinstatement of disciplined permits, as well as the permanent closure of a permit.

Title 46

**PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part LIII. Pharmacists

Chapter 30. Pharmacy Benefit Managers

§3001. Definitions

A. The following terms shall have the meaning ascribed to them in this Section:

Audited Financial Statement—the financial statement and related disclosures prepared by an independent certified public accountant in accordance with United States Generally Accepted Accounting Principles (GAAP) of the specific entity or licensee intending to operate or operating in Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1253.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Pharmacy, LR 46:

§3003. Pharmacy Benefit Manager Permit

A. A pharmacy benefit manager, as defined at R.S. 40:2863, shall obtain and maintain a pharmacy benefit manager permit from the board prior to conducting business in Louisiana if it administers, develops, maintains, performs, or provides one or more of the pharmacy services enumerated in R.S. 40:2868 in the state or that affects one or more beneficiaries of a pharmacy benefit management plan, as defined at R.S. 40:2863, administered by the pharmacy benefit manager.

B. A pharmacy benefit manager permit shall authorize the permit holder to administer pharmacy benefit management services.

C. The board shall not issue a pharmacy benefit manager permit to any person or other entity which has not yet registered with the Louisiana Secretary of State to conduct business within the state.

D. A pharmacy benefit manager permit is not transferable from the original owner. The permit shall not be subject to sale, assignment or other transfer, voluntary or involuntary. Moreover, in the event the ownership of the pharmacy benefit manager changes by 50 percent or more after the initial issuance of the permit, the ownership will be deemed sufficiently different as to require a new pharmacy benefit manager permit. The continued operation of a pharmacy benefit manager permit after its ownership has changed by 50 percent or more shall constitute sufficient basis for the board to issue a finding for the operation of a pharmacy benefit manager without a valid permit, in violation of R.S. 40:2865.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1253.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Pharmacy, LR 46:

§3005. Permitting Procedures

A. Application for Initial Issuance of Permit

1. The board shall develop an application form suitable for the pharmacy benefit manager permit. The board may revise that application form on its own initiative in order to collect the information it deems necessary to properly evaluate an applicant.

2. The application shall include copies of the following documents:

a. governance documents, including articles of incorporation, articles of association, partnership agreements, trade name certificates, trust agreements, shareholder agreements, and all amendments to such documents;

b. the applicant's standard generic contract template which it uses for contracts entered into by the applicant and pharmacies or pharmacy services administrative organizations in this state in the administration of pharmacy benefits for healthcare insurers, providers, or payors;

c. an audited financial statement for the applicant's previous fiscal year.

3. The board shall not process applications received by facsimile, or that are incomplete, or submitted with the incorrect fee.

4. Once received by the board, an application for the permit shall expire one year thereafter.

5. In the event any information contained in the application or accompanying documents changes after being submitted to the board and before the issuance of the permit, the applicant shall immediately notify the board in writing and provide corrected information.

6. The applicant may be required to personally appear before the board or any of its committees prior to any decision on the permit application.

7. Upon approval of the application, the board shall issue the pharmacy benefit manager permit to the applicant.

B. Application for Renewal of Permit

1. All pharmacy benefit manager permits shall expire two years after the date of its initial issuance and the renewals shall

expire every two years thereafter on that anniversary date.

2. The board shall not process applications received by facsimile, or that are incomplete.

3. In the event a pharmacy benefit manager does not submit a properly completed renewal application to the board prior to the expiration of the permit, the permit shall be rendered null and void. The continued operation of a pharmacy benefit manager with an expired permit shall constitute sufficient basis for the board to issue a finding for the operation of a pharmacy benefit manager without a valid permit, in violation of R.S. 40:2865.

4. A pharmacy benefit manager permit not renewed by 30 days after the expiration date shall be automatically terminated by the board.

C. Application for Reinstatement of Terminated, Suspended, or Revoked Permit

1. The applicant shall complete the application form for this specific purpose supplied by the board.

2. Upon the receipt of a properly completed application form, the board staff shall refer the application to the board's

reinstatement committee for its consideration and shall notify the applicant of the time and place for the committee meeting.

D. Maintenance of Permit

1. A pharmacy benefit manager permit shall be valid for the entity to whom it is issued and shall not be subject to sale, assignment or other transfer, voluntary or involuntary.

2. Upon receipt of a written request and payment of the fee authorized in R.S. 37:1184, the board shall issue a duplicate or

replacement permit to the applicant; however, such duplicate or replacement permit shall not serve or be used as an additional or second permit.

E. Permanent Closure of Permit

1. In the event the pharmacy benefit manager contemplates permanent closure of the pharmacy benefit manager business, the owner of the permit shall notify the board, in writing, 10 days prior to the anticipated date of closure and surrender its permit.

2. The notice required in this Subsection shall include an acknowledgement of the firm's obligation to maintain copies of all records for all patients and pharmacies in Louisiana for a minimum of two years following the date of closure and surrender of its permit, and further, the point of contact for all inquiries and requests for such records during that two-year period of time.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1253.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Pharmacy, LR

Family Impact Statement

In accordance with Section 953 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a family impact statement on the Rule proposed for adoption, repeal, or amendment. The following statements will be published in the *Louisiana Register* with the proposed agency Rule.

1. The Effect on the Stability of the Family. The proposed Rule will have no effect on the stability of the family.

2. The Effect on the Authority and Rights of Parents Regarding the Education and Supervision of their Children. The proposed Rule will have no effect on the authority and rights of parents regarding the education and supervision of their children.

3. The Effect on the Functioning of the Family. The proposed Rule will have no effect on the functioning of the family.

4. The Effect on Family Earnings and Family Budget. The proposed Rule will have no effect on family earnings or family budget.

5. The Effect on the Behavior and Personal Responsibility of Children. The proposed Rule will have no effect on the behavior and personal responsibility of children.

6. The Ability of the Family or a Local Government to Perform the Function as Contained in the Proposed Rule. The proposed Rule will have no effect on the ability of the family or a local government to perform the activity as contained in the proposed Rule.

Poverty Impact Statement

In accordance with Section 973 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a poverty impact statement on the Rule proposed for adoption, repeal, or amendment.

1. The Effect on Household Income, Assets, and Financial Security. The proposed Rule will have no effect on household income, assets, or financial security.

2. The Effect on Early Childhood Development and Preschool through Postsecondary Education Development. The proposed Rule will have no effect on early childhood development or preschool through postsecondary education development.

3. The Effect on Employment and Workforce Development. The proposed Rule will have no effect on employment or workforce development.

4. The Effect on Taxes and Tax Credits. The proposed Rule will have no effect on taxes or tax credits.

5. The Effect on Child and Dependent Care, Housing, Health Care, Nutrition, Transportation, and Utilities Assistance. The proposed Rule will have no effect on child

and dependent care, housing, health care, nutrition, transportation, or utilities assistance.

Small Business Analysis

In accordance with Section 965 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a regulatory flexibility analysis on the Rule proposed for adoption, repeal, or amendment. This will certify the agency has considered, without limitation, each of the following methods of reducing the impact of the proposed Rule on small businesses:

1. The Establishment of Less Stringent Compliance or Reporting Requirements for Small Businesses. The proposed Rule contains no compliance or reporting requirements.

2. The Establishment of Less Stringent Schedules or Deadlines for Compliance or Reporting Requirements for Small Businesses. The proposed Rule contains no schedules or deadlines for compliance or reporting requirements.

3. The Consolidation or Simplification of Compliance or Reporting Requirements for Small Businesses. The proposed Rule contains no compliance or reporting requirements.

4. The Establishment of Performance Standards for Small Businesses to Replace Design or Operational Standards Required in the Proposed Rule. There are no design or operational standards in the proposed Rule.

5. The Exemption of Small Businesses from All or Any Part of the Requirements Contained in the Proposed Rule. There are no exemptions for small businesses.

Provider Impact Statement

In accordance with House Concurrent Resolution No. 170 of the Regular Session of the 2014 Legislature, there is hereby submitted a provider impact statement on the Rule proposed for adoption, repeal, or amendment. This will certify the agency has considered, without limitation, the following effects on the providers of services to individuals with developmental disabilities:

1. The effect on the staffing level requirements or qualifications required to provide the same level of service. The proposed Rule will have no effect on the staffing level requirements or the qualifications for that staff to provide the same level of service.

2. The Total Direct and Indirect Effect on the Cost to the Provider to Provide the Same Level of Service. The proposed Rule will have no effect on the cost to the provider to provide the same level of service.

3. The Overall Effect on the Ability of the Provider to Provide the Same Level of service. The proposed Rule will have no effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments, via United States Postal Service or other mail carrier, or in the alternative by personal delivery to Malcolm J Broussard, Executive Director, at the office of the Louisiana Board of Pharmacy, 3388 Brentwood Drive, Baton Rouge, LA 70809-1700. He is responsible for responding to inquiries regarding the proposed Rule amendment.

Public Hearing

A public hearing to solicit comments and testimony on the proposed Rule is scheduled for 9 am on Wednesday, November 25, 2020. During the hearing, all interested persons will be afforded an opportunity to submit data,

views, or arguments, either orally or in writing. The deadline for the receipt of all comments is 12 p.m. noon that same day. To request reasonable accommodations for persons with disabilities, please call the board office at 225.925.6496.

Malcolm J Broussard
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Pharmacy Benefit Managers

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

The proposed will require the Louisiana Board of Pharmacy (LBP) to license and regulate any pharmacy benefit manager (PBM) operating within the state and engaging in one or more of ten specifically identified activities construed to be within the practice of pharmacy.

The proposed rule will require LBP to publish the proposed and final rules in the state register, at a cost of \$2,000 in FY 21. To operationalize the credentialing aspect of the rule, the Board will incur a fee of \$500 per year to create and maintain the PBM permit in its licensure information system. There will be no additional expenditures or cost savings for other state or local governmental units.

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

The proposed rule will generate approximately \$20,000 per fiscal year for LBP from permit fees paid by pharmacy benefit managers. The proposed rule will not affect revenue collections for other state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule will require a PBM operating within the state to obtain and maintain a PBM permit from LBP at a cost of \$500 per year.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule will not affect competition or employment.

Malcolm J. Broussard
Executive Director
2010#034

Alan M. Boxberger
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health Bureau of Health Services Financing

Federally Qualified Health Centers
(LAC 50:XI.10301, 10303, 10503 and 10701)

The Department of Health, Bureau of Health Services Financing proposes to amend LAC 50:XI.10301, §10303, §10503 and §10701 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et sec.

The Department of Health, Bureau of Health Services Financing, proposes to amend the provisions governing federally qualified health centers to ensure the language reflects current practices and promulgate these provisions

clearly and accurately in the *Louisiana Administrative Code*, and to remove procedural language from the administrative Rule.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part XI. Clinic Services

Subpart 13. Federally-Qualified Health Centers

Chapter 103. Services

§10301. Scope of Services

[Formerly §10501]

A. - A.5. ...

B. The department shall provide coverage of diabetes self-management training services rendered to Medicaid beneficiaries diagnosed with diabetes mellitus.

1. Repealed.

C. The department shall provide coverage for fluoride varnish applications performed in the FQHC.

1. - 2.b. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 30:2328 (October 2004), repromulgated LR 30:2487 (November 2004), amended LR 32:1902 (October 2006), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 37:2629 (September 2011), LR 39:3076 (November 2013), amended by the Department of Health, Bureau of Health Services Financing, LR 42:1520 (September 2016), LR 47:

§10303. Service Limits

[Formerly §10503]

A. There shall be no limits placed on the number of federally qualified health center visits (encounters) payable by the Medicaid program for eligible beneficiaries.

B. - B.1. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 32:1902 (October 2006), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 36:2280 (October 2010), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 37:2629 (September 2011), LR 41:2637 (December 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 47:

Chapter 105. Provider Participation

§10503. Standards for Participation

[Formerly §10303]

A. Federally qualified health centers must comply with the applicable licensure, accreditation and program participation standards for all services rendered. If a FQHC wishes to initiate participation, it shall be responsible for meeting all of the enrollment criteria of the program. The FQHC provider shall:

1. ...

2. retain all records necessary to fully disclose the extent of services provided to beneficiaries for five years from the date of service and furnish such records, and any payments claimed for providing such services, to the Medicaid Program upon request; and

A.3. - B. ...

C. - D.3. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 30:2328 (October 2004), repromulgated LR 30:2488 (November 2004), amended LR 32:1901 (October 2006), amended LR 37:2630 (September 2011), amended by the Department of Health, Bureau of Health Services Financing, LR 44:1253 (July 2018), LR 47:

Chapter 107. Reimbursement Methodology

§10701. Prospective Payment System

A. - B.4. ...

a. Fluoride varnish applications shall only be reimbursed to the FQHC when performed on the same date of service as an office visit or preventive screening. Separate encounters for fluoride varnish services are not permitted and the application of fluoride varnish does not constitute an encounter visit.

C. - G.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 32:1902 (October 2006), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 37:2630 (September 2011), LR 39:3076 (November 2013), amended by the Department of Health, Bureau of Health Services Financing, LR 44:1253 (July 2018), LR 47:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability or autonomy as described in R.S. 49:972.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

Small Business Analysis

In compliance with Act 820 of the 2008 Regular Session of the Louisiana Legislature, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule will have no impact on small businesses, as described in R.S. 49:965.2 et seq.

Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, no direct or indirect cost to the provider to provide the same level of service, and will have no impact on the provider's

ability to provide the same level of service as described in HCR 170.

Public Comments

Interested persons may submit written comments to Ruth Johnson, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. Ms. Johnson is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is at 4:30 p.m. on November 29, 2020.

Public Hearing

Interested persons may submit a written request to conduct a public hearing by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on November 9, 2020. If the criteria set forth in R.S. 49:953(A)(2)(a) are satisfied, the department will conduct a public hearing at 8:00 a.m. on November 24, 2020 in Room 118 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. All interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after November 9, 2019. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing. In the event of a hearing, Parking is available to the public in the Galvez Parking Garage which is located between North Sixth and North Fifth/North and Main Streets (cater-corner from the Bienville Building). Validated parking for the Galvez Garage may be available to public hearing attendees when the parking ticket is presented to LDH staff at the hearing.

Dr. Courtney N. Phillips
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: **Federally Qualified Health Centers**

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

It is anticipated that implementation of this proposed rule will result in no programmatic fiscal impact to the state other than the cost of promulgation for FY 20-21. It is anticipated that \$864 (\$432 SGF and \$432 FED) will be expended in FY 20-21 for the state's administrative expense for promulgation of this proposed rule and the final rule.

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

It is anticipated that the implementation of this proposed rule will have no impact to revenue collections other than the federal share of the promulgation costs for FY 20-21. It is anticipated that \$432 will be collected in FY 20-21 for the federal share of the expense for promulgation of this proposed rule and the final rule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed Rule amends the provisions governing federally qualified health centers in order to ensure the language reflects current practices and promulgate these provisions clearly in the Louisiana Administrative Code, and to remove procedural language from the administrative Rule. This

rule is anticipated to have no impact on recipients. It is anticipated that implementation of this proposed rule will not result in any economic impact to Medicaid providers or small businesses in FY 20-21, 21-22, and 22-23, but will be beneficial in ensuring that the provisions are presented clearly and accurately.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

It is anticipated that implementation of this proposed rule will not have any known effect on competition and employment.

Ruth Johnson
Medicaid Executive Director
2010#044

Christopher A. Keaton
Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health Bureau of Health Services Financing

Home and Community-Based Services Providers
Licensing Standards (LAC 48:I.5038)

The Department of Health, Bureau of Health Services Financing proposes to adopt LAC 48:I.5038 as authorized by R.S. 36:254 and R.S. 40:2120.2. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health, Bureau of Health Services Financing promulgated an Emergency Rule which amended the provisions governing the licensing standards for home and community-based services (HCBS) providers in order to adopt provisions to allow licensed HCBS providers to operate and provide services outside of their licensed geographic areas to existing clients who have evacuated or temporarily relocated to another location in the state due to a gubernatorial declared state of emergency or disaster in Louisiana (*Louisiana Register*, Volume 46, Number 10). This proposed Rule is being promulgated in order to continue the provisions of the September 21, 2020 Emergency Rule.

Title 48

PUBLIC HEALTH—GENERAL

Part I. General Administration

Subpart 3. Licensing and Certification

Chapter 50. Home and Community-Based Services Providers Licensing Standards

Subchapter C. Admission, Transfer and Discharge Criteria

§5038. Provisions for Services to Clients Outside of Licensed Geographic Area in Event of a Gubernatorial Declared State of Emergency or Disaster

A. To ensure the health and safety of clients, and the coordination and continuation of services to clients, during a gubernatorial declared state of emergency or disaster in Louisiana, the department, through written notice sent electronically to licensed HCBS providers, may allow a licensed HCBS provider to operate and provide services to existing clients who are receiving personal care services and respite services and who have evacuated or temporarily relocated to another location in the state when the following apply:

1. the client has evacuated or temporarily relocated to a location outside of the provider's licensed region due to the declared state of emergency or disaster;

2. the client shall have been a client of the HCBS provider as of the date of the declared emergency or disaster, with an approved plan of care;

3. the client's existing caregiver(s) go with the client or provide services to the client at the client's temporary location;

4. the provider is responsible for ensuring that all essential care and services, in accordance with the plan of care, are provided to the client, and the provider shall have sufficient staff and back-up caregivers available to provide services; and

5. the provider shall not interfere with the client's right to choose a provider of his/her choice if the client elects a new HCBS provider in the area where the client relocates. The provider shall facilitate client's selection.

B. The provisions of this Section shall not apply to providers of center based respite services.

C. To ensure the health and safety of clients, and the coordination and continuation of services to clients, during a gubernatorial declared state of emergency or disaster in Louisiana, the department, through written notice sent electronically to licensed HCBS providers, may allow a licensed HCBS provider to operate and provide services to existing clients who are receiving supervised independent living services (SIL) and who have evacuated or temporarily relocated to another location in the state when the following apply:

1. the client has evacuated or temporarily relocated to a location outside of the provider's licensed region due to the declared state of emergency or disaster;

2. the client shall have been a client of the HCBS provider as of the declared state of emergency or disaster, with an approved plan of care;

3. the provider has sufficient and qualified staff to provide SIL services at the client's temporary location;

4. the provider is responsible for ensuring that all essential SIL services, in accordance with the plan of care, are provided to the client; and

5. the provider shall not interfere with the client's right to choose a provider of his/her choice if the client elects a new HCBS provider in the area where the client relocates. The provider shall facilitate client's selection.

D. Under the provisions of this Section, the department's initial written notice to licensed HCBS providers to authorize these allowances shall be for a period not to exceed 45 days. The department may extend this initial period, not to exceed an additional 45 days, upon written notice sent electronically to the licensed HCBS providers.

E. Under the provisions of this Section, the department in its discretion may authorize these allowances statewide or to certain affected parishes.

F. An HCBS provider who wants to provide services to a client that has temporarily relocated out of state must contact that state's licensing/certification department to obtain any necessary licensing and/or certification before providing services in that state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2120.2.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 47:

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have a positive impact on family functioning, stability and autonomy as described in R.S. 49:972 by assuring continued access to home and community-based services during a declared emergency or disaster.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have a positive impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973 by assuring continued access to home and community-based services during a declared emergency or disaster.

Small Business Analysis

In compliance with Act 820 of the 2008 Regular Session of the Louisiana Legislature, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule may have a positive impact on small businesses, as described in R.S. 49:965.2 et seq. as it will allow them to continue to provide home and community-based services during a declared emergency or disaster.

Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, and will have a positive impact on the provider's ability to provide the same level of service during a declared emergency or disaster as described in HCR 170.

Public Comments

Interested persons may submit written comments to Cecile Castello, Health Standards Section, P.O. Box 3767, Baton Rouge, LA 70821. Ms. Castello is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is at 4:30 p.m. on November 29, 2020.

Public Hearing

Interested persons may submit a written request to conduct a public hearing by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on November 9, 2020. If the criteria set forth in R.S. 49:953(A)(2)(a) are satisfied, LDH will conduct a public hearing at 9:30 a.m. on November 24, 2020 in Room 118 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after November 9 2020. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing. In the event of a hearing, parking is available to the public in the Galvez Parking Garage, which is located between North Sixth and North Fifth/North and

Main Streets (cater-corner from the Bienville Building). Validated parking for the Galvez Garage may be available to public hearing attendees when the parking ticket is presented to LDH staff at the hearing.

Dr. Courtney N. Phillips
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Home and Community-Based
Services Providers—Licensing Standards**

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

It is anticipated that implementation of this proposed rule will have no programmatic fiscal impact to the state other than the cost of promulgation for FY 20-21. It is anticipated that \$756 will be expended in FY 20-21 for the state's administrative expense for promulgation of this proposed rule and the final rule.

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

It is anticipated that the implementation of this proposed rule will not affect federal revenue collections since the licensing fees, in the same amounts, will continue to be collected.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO
DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR
NONGOVERNMENTAL GROUPS (Summary)**

This proposed Rule continues the provisions of the September 21, 2020 Emergency Rule which adopted provisions to allow licensed home and community-based services (HCBS) providers to operate outside of their licensed geographic areas to existing clients who have evacuated or temporarily relocated to another location in the state due to a gubernatorial declared state of emergency or disaster in Louisiana. This Rule will have a positive impact on clients by assuring continued access to home and community-based services during a declared emergency or disaster. This proposed rule may be beneficial to small businesses and providers by allowing them to continue to provide services during a declared emergency or disaster. It is anticipated that implementation of this proposed rule will not result in costs to the State or to HCBS providers for FY 20-21, FY 21-22 and FY 22-23.

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

This rule has no known effect on competition and employment.

Ruth Johnson
Medicaid Executive Director
2010#045

Christopher A. Keaton
Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Health
Bureau of Health Services Financing**

Professional Services Program
(LAC 50:IX.Chapters 3-9)

The Department of Health, Bureau of Health Services Financing proposes to repeal LAC 50:IX.Chapter 3 and Chapter 5 and to amend LAC 50:IX.Chapter 6 through Chapter 9 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social

Security Act. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health, Bureau of Health Services Financing proposes to amend the provisions governing the Professional Services Program in order to remove specific clinical information and procedural language from the administrative Rule to reflect current practices and ensure that the provisions are promulgated clearly and accurately in the *Louisiana Administrative Code*.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part IX. Professional Services Program

Subpart 1. General Provisions

Chapter 3. Concurrent Care

§305. Inpatient Concurrent Care

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 33:463 (March 2007), repealed by the Department of Health, Bureau of Health Services Financing, LR 47:

Chapter 5. Inpatient Physician Services

§501. Inpatient Physician Services

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 36:68 (January 2010), repealed by the Department of Health, Bureau of Health Services Financing, LR 47:

Chapter 6. Outpatient Physician Services

§601. General Provisions

A. The Medicaid Program provides coverage and reimbursement for outpatient physician visits. There shall be no limits placed on the number of physician visits payable by the Medicaid Program for eligible beneficiaries.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:2652 (December 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 47:

Chapter 7. Diabetes Education Services

§701. General Provisions

A. Effective for dates of service on or after February 20, 2011, the Medicaid Program provides coverage of diabetes self-management training (DSMT) services rendered to Medicaid beneficiaries diagnosed with diabetes mellitus.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 39:2509 (September 2013), amended by the Department of Health, Bureau of Health Services Financing, LR 47:

§703. Scope of Services

A. DSMT shall consist of individual and group instruction on diabetes self-management.

B. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR

39:2509 (September 2013), amended by the Department of Health, Bureau of Health Services Financing, LR 47:

§705. Provider Participation

A. To receive reimbursement, members of the DSMT instructional team must be either employed by or have a contract with, a Medicaid-enrolled professional services provider that will submit the claims for reimbursement of DSMT services rendered by the team.

A.1. - C. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 39:2510 (September 2013), amended by the Department of Health, Bureau of Health Services Financing, LR 47:

Chapter 9. Fluoride Varnish Application Services

§901. General Provisions

A. Effective for dates of service on or after December 1, 2011, the Medicaid Program provides coverage of fluoride varnish application services to beneficiaries under the age of 21.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 40:315 (February 2014), amended by the Department of Health, Bureau of Health Services Financing, LR 47:

§903. Scope of Services

A. ...

B. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 40:315 (February 2014), amended by the Department of Health, Bureau of Health Services Financing, LR 47:

§905. Provider Participation

A. The entity seeking reimbursement for fluoride varnish application services must be an enrolled Medicaid provider.

A.1. - C.2. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 40:315 (February 2014), amended by the Department of Health, Bureau of Health Services Financing, LR 42:1524 (September 2016), LR 47:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability and autonomy as described in R.S. 49:972.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or

family poverty in relation to individual or community asset development as described in R.S. 49:973.

Small Business Analysis

In compliance with Act 820 of the 2008 Regular Session of the Louisiana Legislature, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule will have no impact on small businesses, as described in R.S. 49:965.2 et seq.

Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, and will have no impact on the provider's ability to provide the same level of service as described in HCR 170.

Public Comments

Interested persons may submit written comments to Ruth Johnson, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. Ms. Johnson is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is at 4:30 p.m. on November 29, 2020.

Public Hearing

Interested persons may submit a written request to conduct a public hearing by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on November 9, 2020. If the criteria set forth in R.S. 49:953(A)(2)(a) are satisfied, LDH will conduct a public hearing at 9:30 a.m. on November 24, 2020 in Room 118 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after November 9, 2020. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing. In the event of a hearing, parking is available to the public in the Galvez Parking Garage, which is located between North Sixth and North Fifth/North and Main Streets (cater-corner from the Bienville Building). Validated parking for the Galvez Garage may be available to public hearing attendees when the parking ticket is presented to LDH staff at the hearing.

Dr. Courtney N. Phillips
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Professional Services Program

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

It is anticipated that implementation of this proposed rule will have no programmatic fiscal impact to the state other than the cost of promulgation for FY 20-21. It is anticipated that \$864 (\$432 SGF and \$432 FED) will be expended in FY 20-21 for the state's administrative expense for promulgation of this proposed rule and the final rule.

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

It is anticipated that the implementation of this proposed rule will have no effect on revenue collections other than the federal share of the promulgation costs for FY 20-21. It is anticipated that \$432 will be collected in FY 20-21 for the federal share of the expense for promulgation of this proposed rule and the final rule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

This proposed rule amends the provisions governing the Professional Services Program in order to remove specific clinical information and procedural language from the administrative Rule to reflect current practices and ensure that the provisions are promulgated clearly and accurately in the Louisiana Administrative Code. It is anticipated that implementation of this proposed rule will not result in costs to the Professional Services Program in FY 20-21, FY 21-22 and FY 22-23, but will be beneficial by providing accurate, clearly identified program requirements.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This rule has no known effect on competition and employment.

Ruth Johnson
Medicaid Executive Director
2010#046

Christopher A. Keaton
Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Health
Bureau of Health Services Financing**

**Professional Services Program—Immunizations
(LAC 50:IX.Chapter 83 and Chapter 85)**

The Department of Health, Bureau of Health Services Financing proposes to amend LAC 50:IX.Chapter 83 and Chapter 85 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health, Bureau of Health Services Financing proposes to amend the provisions governing immunizations in the Professional Services Program in order to ensure that the language in the administrative Rule reflects current practices and is promulgated clearly and accurately in the *Louisiana Administrative Code*.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part IX. Professional Services Program

Subpart 7. Immunizations

Chapter 83. Children’s Immunizations

§8301. General Provisions

A. The Medicaid Program shall provide coverage for the administration of childhood and adolescent vaccines recommended by the Advisory Committee on Immunization Practices and available through the Louisiana Immunization Program/Vaccines for Children Program.

B. To qualify for Medicaid reimbursement for vaccine administration, a provider must be:

1. a licensed health care provider who has the authority under Louisiana state law to administer childhood and adolescent vaccines;

2. ...

3. an enrolled Louisiana Immunization Program/Vaccines for Children Program provider.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 35:70 (January 2009) amended by the Department of Health, Bureau of Health Services Financing LR 47:

§8305. Reimbursement Methodology

A. There shall be no reimbursement for the cost of vaccines that are available from the Louisiana Immunization Program/Vaccines for Children Program.

1. Repealed.

B. For vaccine administration, providers shall be reimbursed according to the established fee schedule or billed charges, whichever is the lesser amount.

C. The reimbursement for the administration of childhood and adolescent vaccines shall be 90 percent of the 2008 Louisiana Medicare Region 99 allowable or billed charges, whichever is the lesser amount, unless otherwise stipulated. The reimbursement shall not exceed the maximum regional charge for vaccine administration as determined by the Centers for Medicare and Medicaid Services (CMS).

1. The reimbursement shall remain the same for those vaccine administration services that are currently being reimbursed at a rate that is between 90 percent and 120 percent of the 2008 Louisiana Medicare Region 99 allowable, but not to exceed the maximum regional charge for vaccine administration as determined by CMS.

C.2. - D.4. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 35:71 (January 2009), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Public Health, LR 39:96 (January 2013), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1289 (July 2015), amended by the Department of Health, Bureau of Health Services Financing LR 47:

Chapter 85. Other Immunizations

§8501. General Provisions

A. The Medicaid Program shall provide coverage for vaccines recommended by the Advisory Committee on Immunization Practices for beneficiaries age 19 and older.

1. - 3. Repealed.

B. To qualify for Medicaid reimbursement for the vaccine and vaccine administration, a provider must be a licensed health care provider who has the authority under Louisiana state law to administer vaccines and be an enrolled Medicaid provider.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:1035 (June 2008), amended by the Department of Health, Bureau of Health Services Financing, LR 47:

§8503. Coverage Restrictions

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:1035 (June 2008), repealed by the Department of Health, Bureau of Health Services Financing, LR 47:

§8505. Reimbursement Methodology

A. For the vaccine and vaccine administration, providers shall be reimbursed according to the established fee schedule or billed charges, whichever is the lesser amount.

B. The reimbursement methodology for the vaccine is as a physician-administered drug under the provisions of LAC 50:XXIX.949.

B.1. - B.3.a Repealed.

C. The reimbursement methodology for vaccine administration for beneficiaries age 19 and older is the same as for beneficiaries younger than 19 years old under the provisions of §8305 of this part.

C.1. - C.4 Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Public Health, LR 39:97 (January 2013), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1290 (July 2015), amended by the Department of Health, Bureau of Health Services Financing LR 47:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability and autonomy as described in R.S. 49:972.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

Small Business Analysis

In compliance with Act 820 of the 2008 Regular Session of the Louisiana Legislature, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule will have no impact on small businesses, as described in R.S. 49:965.2 et seq.

Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, and will have no impact on the provider's ability to provide the same level of service as described in HCR 170.

Public Comments

Interested persons may submit written comments to Ruth Johnson, Bureau of Health Services Financing, P.O. Box

91030, Baton Rouge, LA 70821-9030. Ms. Johnson is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is at 4:30 p.m. on November 29, 2020.

Public Hearing

Interested persons may submit a written request to conduct a public hearing by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on November 9, 2020. If the criteria set forth in R.S. 49:953(A)(2)(a) are satisfied, LDH will conduct a public hearing at 9:30 a.m. on November 24, 2020 in Room 118 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after November 9, 2020. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing. In the event of a hearing, parking is available to the public in the Galvez Parking Garage, which is located between North Sixth and North Fifth/North and Main Streets (cater-corner from the Bienville Building). Validated parking for the Galvez Garage may be available to public hearing attendees when the parking ticket is presented to LDH staff at the hearing.

Dr. Courtney N. Phillips
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Professional Services Program Immunizations

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

It is anticipated that implementation of this proposed rule will have no programmatic fiscal impact to the state other than the cost of promulgation for FY 20-21. It is anticipated that \$864 (\$432 SGF and \$432 FED) will be expended in FY 20-21 for the state's administrative expense for promulgation of this proposed rule and the final rule.

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

It is anticipated that the implementation of this proposed rule will have no effect on revenue collections other than the federal share of the promulgation costs for FY 20-21. It is anticipated that \$432 will be collected in FY 20-21 for the federal share of the expense for promulgation of this proposed rule and the final rule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The Department of Health, Bureau of Health Services Financing proposes to amend the provisions governing immunizations in the Professional Services Program in order to ensure that the language in the administrative Rule reflects current practices and is promulgated clearly and accurately in the Louisiana Administrative Code. It is anticipated that implementation of this proposed rule will not result in costs to the Professional Services Program in FY 20-21, FY 21-22 and FY 22-23, but will be beneficial by providing accurate and clearly identified program requirements.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT
(Summary)

This rule has no known effect on competition and employment.

Ruth Johnson
Medicaid Executive Director
2010#047

Christopher A. Keaton
Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Health
Bureau of Health Services Financing**

Rural Health Clinics
(LAC 50:XI.16301,16303,16503, and 16701)

The Department of Health, Bureau of Health Services Financing proposes to amend LAC 50:XI.16301, §16303, §16503, and §16701 in the Medical Assistant Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health, Bureau of Health Services Financing proposes to amend the provisions governing rural health clinics to ensure the language reflects current practices and is promulgated clearly and accurately in the *Louisiana Administrative Code* and to remove procedural language from the administrative Rule.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part XI. Clinic Services

Subpart 15. Rural Health Clinics

Chapter 163. Services

§16301. Scope of Services

[Formerly §16501]

A. - A.5. ...

B. The department shall provide coverage of diabetes self-management training services rendered to Medicaid beneficiaries diagnosed with diabetes mellitus.

1. Repealed.

C. The department shall provide coverage for fluoride varnish applications performed in the RHC.

1. - 2.b. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 32:1905 (October 2006), repromulgated LR 32:2267 (December 2006), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 37:2631 (September 2011), LR 40:83 (January 2014), amended by the Department of Health, Bureau of Health Services Financing, LR 42:1524 (September 2016), LR 47:

§16303. Service Limits

[Formerly §16503]

A. There shall be no limits placed on rural health clinic visits (encounters) payable by the Medicaid program for eligible beneficiaries.

B. - B.1. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 32:1905 (October 2006), repromulgated LR 32:2267 (December 2006), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 37:2632 (September 2011), LR 41:2653 (December 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 47:

**Chapter 165. Provider Participation
[Formerly Chapter 163]**

**§16503. Standards for Participation
[Formerly §16303]**

A. - A.1. ...

2. retain all records necessary to fully disclose the extent of services provided to beneficiaries for five years from the date of service and furnish such records, and any payments claimed for providing such services, to the Medicaid Program upon request; and

A.3. - B. ...

C. - D.3. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 32:1905 (October 2006), repromulgated LR 32:2267 (December 2006), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 37:2632 (September 2011), amended by the Department of Health, Bureau of Health Services Financing, LR 47:

**Chapter 167. Reimbursement Methodology
§16701. Prospective Payment System**

A.- B.4. ...

a. Fluoride varnish applications shall only be reimbursed to the RHC when performed on the same date of service as an office visit or preventive screening. Separate encounters for fluoride varnish services are not permitted and the application of fluoride varnish does not constitute an encounter visit.

C. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 32:1905 (October 2006), repromulgated LR 32:2267 (December 2006), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 37:2632 (September 2011), LR 40:83 (January 2014), amended by the Department of Health, Bureau of Health Services Financing, LR 47:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability and autonomy as described in R.S. 49:972.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this

proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

Small Business Analysis

In compliance with Act 820 of the 2008 Regular Session of the Louisiana Legislature, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule will have no impact on small businesses, as described in R.S. 49:965.2 et seq.

Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, and will have no impact on the provider's ability to provide the same level of service as described in HCR 170.

Public Comments

Interested persons may submit written comments to Ruth Johnson, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. Ms. Johnson is responsible for responding to this proposed Rule. The deadline for submitting written comments is at close of business, 4:30 p.m., on November 29, 2020.

Public Hearing

Interested persons may submit a written request to conduct a public hearing by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on November 9, 2020. If the criteria set forth in R.S. 49:953(A)(2)(a) are satisfied, LDH will conduct a public hearing at 9:30 a.m. on November 24, 2020 in Room 118 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after November 9, 2020. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing. In the event of a hearing, parking is available to the public in the Galvez Parking Garage, which is located between North Sixth and North Fifth/North and Main Streets (cater-corner from the Bienville Building). Validated parking for the Galvez Garage may be available to public hearing attendees when the parking ticket is presented to LDH staff at the hearing.

Dr. Courtney N. Phillips
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Rural Health Clinics

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

It is anticipated that implementation of this proposed rule will have no programmatic fiscal impact to the state other than the cost of promulgation for FY 20-21. It is anticipated that \$756 (\$378 SGF and \$378 FED) will be expended in FY 20-21

for the state's administrative expense for promulgation of this proposed rule and the final rule.

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

It is anticipated that the implementation of this proposed rule will have no effect on revenue collections other than the federal share of the promulgation costs for FY 20-21. It is anticipated that \$378 will be collected in FY 20-21 for the federal share of the expense for promulgation of this proposed rule and the final rule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

This proposed Rule amends the provisions governing rural health clinics to ensure the language reflects current practices and is promulgated clearly and accurately in the Louisiana Administrative Code and to remove procedural language from the administrative Rule. This rule is anticipated to have no impact on recipients. It is anticipated that implementation of this proposed rule will not result in any economic impact to Medicaid providers or small businesses in FY 20-21, 21-22, and 22-23, but will be beneficial in ensuring that the provisions are presented clearly and accurately.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This rule has no known effect on competition and employment.

Ruth Johnson
Medicaid Executive Director
2010#048

Christopher A. Keaton
Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health Office of Public Health

Public Health—Sanitary Code
Disease Reporting Requirements
(LAC 51:II.105 and 107)

Under the authority of R.S. 40:4 and 40:5, and in accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the state health officer, acting through the Louisiana Department of Health, Office of Public Health (LDH-OPH), intends to reenact and amend §105 and 107 of Part II of Title 51 (Public Health—Sanitary Code) of the Louisiana Administrative Code. This proposed rule is being proposed to include COVID-19 in the list of diseases and conditions hereby declared reportable as a Class A Disease or Condition.

For the reasons set forth above, the following proposed additions and amendments to Title 51 (Public Health—Sanitary Code) are hereby proposed to be adopted.

Title 51

PUBLIC HEALTH—SANITARY CODE

Part II. The Control of Diseases

Chapter 1. Disease Reporting Requirements

§105. Reportable Diseases and Conditions

[formerly paragraph 2:003]

A. - D. l.a.x. ...

xi. Coronavirus Disease 2019 (COVID-19)/Infections with SARS-CoV-2;

xii. diphtheria;

xiii. Enterobacteriaceae, carbapenem-resistant;

- xiv. fish or shellfish poisoning (domoic acid poisoning, neurotoxic shellfish poisoning, ciguatera, paralytic shellfish poisoning, scombroid);
- xv. food-borne illness;
- xvi. glanders (*Burkholderia mallei*);
- xvii. *Haemophilus influenzae* (invasive infection);
- xviii. influenza-associated mortality;
- xix. measles (rubeola, imported or indigenous);
- xx. melioidosis (*Burkholderia pseudomallei*);
- xxi. *Neisseria meningitidis* (invasive infection);
- xxii. outbreaks of any infectious diseases;
- xxiii. pertussis;
- xxiv. plague (*Yersinia pestis*);
- xxv. poliomyelitis (paralytic and non-paralytic);
- xxvi. *Pseudomonas aeruginosa*, carbapenem-resistant;
- xxvii. Q fever (*Coxiella burnetii*);
- xxviii. rabies (animal and human);
- xxiv. ricin poisoning;
- xxx. rubella (congenital syndrome);
- xxxi. rubella (German measles);
- xxxii. SARS (SARS-CoV-1 infection);
- xxxiii. *Staphylococcus aureus*, vancomycin intermediate or resistant (VISA, VRSA);
- xxxiv. staphylococcal enterotoxin B (SEB) pulmonary poisoning;
- xxxv. smallpox;
- xxxvi. tularemia (*Francisella tularensis*);
- xxxvii. viral hemorrhagic fever (Ebola, Lassa, Marburg, Crimean Congo, etc.); and
- xxxviii. yellow fever.

D.2. - E.6. ...

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4(A)(2) and R.S. 40:5(2)(10)(11).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1212 (June 2002), amended LR 32:1050 (June 2006), LR 34:2173 (October 2008), repromulgated LR 34:2582 (December 2008), LR 36:1014 (May 2010), repromulgated LR 36:1253 (June 2010), amended LR 39:1053 (April 2013), LR 41:2653 (December 2015), amended by the Department of Health, Office of Public Health, amended LR 45:667 (May 2019), LR 46:

§107. Laboratory and Healthcare Facility Reporting Requirements [formerly §113]

A. - E. ...

F. Electronic reporting by a laboratory/facility shall include any results, negative or positive, for all components of testing indicative of the following conditions:

- 1. Coronavirus Disease 2019 (COVID-19)/Infections with SARS-CoV-2;
- 2. hepatitis C virus;
- 3. human immunodeficiency virus (HIV), including nucleotide sequences; and
- 4. syphilis.

G. ...

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4(A)(2) and R.S. 40:5(2)(10)(11).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1214 (June 2002), amended LR 32:1052 (June 2006), LR 39:1054 (April 2013), LR 41:2655 (December 2015), amended by Department of Health, Office of Public Health, LR 45:669 (May 2019), LR 46:

Family Impact Statement

1. Will the proposed rule affect the stability of the family? Yes. The stability of the family will be enhanced if one or more family members has been determined to have a positive result of COVID-2 testing. If not previously performed, this positive result will trigger certain isolation procedures to try to keep the other family members from exposure. Also, when the medical provider notifies the OPH of the test result, any positive test results will likely trigger contact tracing performed by the department to limit its spread in the family and the community at large.

2. Will the proposed rule affect the authority and rights of parents regarding the education and supervision of their children? No.

3. Will the proposed rule affect the functioning of the family? Yes. The functioning of the family will be enhanced since those who have been identified as having a positive COVID-2 test results will result in enhanced protective and isolation procedures to prevent further transmission to other family members and the community at large.

4. Will the proposed rule affect family earnings and family budget? No.

5. Will the proposed rule affect the behavior and personal responsibility of children? No.

6. Is the family or a local government able to perform the function as contained the proposed rule? The family is not able to perform the function as contained in the rule; however, any hospital or other medical testing facility owned or operated by a local governmental unit would be required to perform the function as contained in the rule.

Poverty Impact Statement

1. The Effect on Household Income, Assets, and Financial Security. The intent of this disease reporting rule is to prevent additional spread of COVID-2; therefore, by the prevention of additional cases of the disease will help to keep other family members healthy and thus would help to prevent the depletion of household income, assets, and financial security.

2. The effect on early childhood development and preschool through postsecondary education development. Other than attempting to keep school aged children healthy, there will be no effect on childhood development and preschool through postsecondary education development.

3. The effect on employment and workforce development. Persons who are able to prevent becoming infected with COVID-2 would be expected to remain healthy and such healthy persons would improve his or her chances to either remain employed or become employed. Keeping persons healthy would enhance the workforce as a whole.

4. The Effect on Taxes and Tax Credits. Keeping persons healthy by implementing this proposed rule should help to maintain taxes at a lower level since the fewer sick persons there are in the COVID-2 pandemic would be expected to check the total amount of funds necessary to maintain a healthy population. This, in turn, should help to prevent the need for additional taxation.

5. The effect on Child and Dependent Care, Housing, Health Care, Nutrition, Transportation, And Utilities Assistance. There will be no effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Small Business Analysis

It is anticipated that proposed rule will not have a significant adverse impact on small businesses as defined in the Small Business Protection Act.

Provider Impact Statement

The proposed rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments no later than Tuesday, November 24, 2020 to DeAnn Gruber, Bureau Director, Bureau of Infectious Diseases, Office of Public Health, 1450 Poydras St., Ste. 2136, New Orleans, LA, 70112 or faxed to (504) 568-7044.

Public Hearing

Interested persons may submit a written request to conduct a public hearing either by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on November 10, 2020. If the criteria set forth in R.S. 49:953(A)(2)(a) are satisfied, LDH will conduct a public hearing at 9:00 am on Tuesday, November 24, 2020, in Room 173 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after November 10, 2020. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing. In the event of a hearing, parking is available to the public in the Galvez Parking Garage which is located between North Sixth and North Fifth/North and Main Streets (cater-corner from the Bienville Building). Validated parking for the Galvez Garage may be available to public hearing attendees when the parking ticket is presented to the Bienville Building's front security desk.

Jimmy Guidry, MD
State Health Officer
and
Dr. Courtney N. Phillips
LDH Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Public Health—Sanitary Code Disease Reporting Requirements

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

The proposed rule change is anticipated to increase expenditures for the Office of Public Health (OPH) by approximately \$2,630 in FY 2020 for the publication of the proposed rule. It is not anticipated that any other state or local

governmental units will incur costs or savings as a result of this rule change.

The proposed rule includes COVID-19 (Coronavirus Disease) to the listing of reportable diseases and conditions set forth in §105 of Part II of the Sanitary Code (LAC Title 51).

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

There is no estimated effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The estimated costs to directly affected persons or nongovernmental groups is expected to be negligible. Hospitals, clinics, laboratories, and other facilities that report infectious diseases may be affected by the proposed rule. Due to the addition of disease to the list of reportable conditions, there may be a slight increase in workload to support these reporting requirements. Most of the added conditions are uncommon and will not result in a substantial increase in reporting effort. Additionally, some diseases will now only be reportable by laboratories, rather than all healthcare facilities, reducing some of the overall burden of reporting.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule has no effect on competition and employment.

Alexander Billieux, MD, DPhil
Assistant Secretary
2010#009

Christopher A. Keaton
Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Insurance Office of the Commissioner

Regulation 39—Statement of Actuarial Opinion (LAC 37:XIII.705)

The Department of Insurance, pursuant to the authority of the Louisiana Insurance Code, R.S. 22:1 et seq., and in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., hereby gives notice of its intent to amend Regulation 39—Statement of Actuarial Opinion by amending the definition of “qualified actuary.”

The purpose of the amendment to Regulation 39 is to amend the definition of “qualified actuary” to be in accordance with the definition contained in the NAIC’s Property/Casualty Annual Statement Instructions.

Title 37

INSURANCE

Part XIII. Regulations

Chapter 7. Regulation 39—Statement of Actuarial Opinion

§705. Definitions

A. ...

* * *

Qualified Actuary—a person who:

a. meets the basic education, experience and continuing education requirements of the Specific Qualification Standard for Statements of Actuarial Opinion, NAIC Property and Casualty Annual Statement, as set forth in the Qualification Standards for Actuaries Issuing Statements of Actuarial Opinion in the United States (U.S.

Qualifications Standards), promulgated by the American Academy of Actuaries (Academy) and as adopted in Chapter 161 of this Part;

b. has obtained and maintains an Accepted Actuarial Designation; and

c. is a member of a professional actuarial association that requires adherence to the same Code of Professional Conduct promulgated by the Academy, requires adherence to the U.S. Qualification Standards, and participates in the Actuarial Board for Counseling and Discipline when its members are practicing in the U.S.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:904.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 18:619 (June 1992), amended LR 46:

Family Impact Statement

1. Describe the Effect of the Proposed Regulation on the Stability of the Family. The proposed amended regulation should have no measurable impact upon the stability of the family.

2. Describe the Effect of the Proposed Regulation on the Authority and Rights of Parents Regarding the Education and Supervision of their Children. The proposed amended regulation should have no impact upon the rights and authority of children regarding the education and supervision of their children.

3. Describe the Effect of the Proposed Regulation on the Functioning of the Family. The proposed amended regulation should have no direct impact upon the functioning of the family.

4. Describe the Effect of the Proposed Regulation on Family Earnings and Budget. The proposed amended regulation should have no direct impact upon family earnings and budget.

5. Describe the Effect of the Proposed Regulation on the Behavior and Personal Responsibility of Children. The proposed amended regulation should have no impact upon the behavior and personal responsibility of children.

5. Describe the Effect of the Proposed Regulation on the Ability of the Family or a Local Government to Perform the Function as Contained in the Rule. The proposed amended regulation should have no impact upon the ability of the family or a local governmental unit to perform the function as contained in the rule.

Small Business Analysis

The impact of the proposed regulation on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed regulation that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed regulation on small businesses.

1. Identification and Estimate of the Number of the Small Businesses Subject to the Proposed Rule. The proposed amended regulation should have no measurable impact upon small businesses.

2. The Projected Reporting, Record Keeping, and Other Administrative Costs Required for Compliance with the Proposed Rule, Including the Type of Professional Skills Necessary for Preparation of the Report or Record. The proposed amended regulation should have no measurable impact upon small businesses.

3. A Statement of the Probable Effect on Impacted Small Businesses. The proposed amended regulation should have no measurable impact upon small businesses.

4. Describe any Less Intrusive or Less Costly Alternative Methods of Achieving the Purpose of the Proposed Rule. The proposed amended regulation should have no measurable impact on small businesses; therefore, will have no less intrusive or less cost alternative methods.

Poverty Impact Statement

1. Describe the Effect on Household Income, Assets, and Financial Security. The proposed amended regulation should have no effect on household income assets and financial security.

2. Describe the Effect on Early Childhood Development and Preschool through Postsecondary Education Development. The proposed amended regulation should have no effect on early childhood development and preschool through postsecondary education development.

3. Describe the Effect on Employment and Workforce Development. The proposed amended regulation should have no effect on employment and workforce development.

4. Describe the Effect on Taxes and Tax Credits. The proposed amended regulation should have no effect on taxes and tax credits.

5. Describe the Effect on Child and Dependent Care, Housing, Health Care, Nutrition, Transportation and Utilities Assistance. The proposed amended regulation should have no effect on child and dependent care, housing, health care, nutrition, transportation and utilities assistance.

Provider Impact Statement

1. Describe the Effect on the Staffing Level Requirements or Qualifications Required to Provide the Same Level of Service. The proposed amended regulation will have no effect.

2. The Total Direct and Indirect Effect on the Cost to the Provider to Provide the Same Level of Service. The proposed amended regulation will have no effect.

3. The Overall Effect on the Ability of the Provider to Provide the Same Level of Service. The proposed amended regulation will have no effect.

Public Comments

All interested persons are invited to submit written comments on the proposed rule. Such comments must be received no later than November 20, 2020, by 4:30 p.m. and should be addressed to Lisa Henson, Louisiana Department of Insurance, and may be mailed to P.O. Box 94214, Baton Rouge, LA 70804-9214, or emailed to lisa.henson@ldi.la.gov. If comments are to be shipped or hand-delivered, please deliver to Poydras Building, 1702 North Third Street, Baton Rouge, LA 70802.

James J. Donelon
Commissioner

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Regulation 39
Statement of Actuarial Opinion**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)
The proposed rule will not result in additional costs or savings for state or local governmental units.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The proposed rules will not affect revenue collections for state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)
There are no estimated costs and/or economic benefits to directly affected persons or non-governmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
The proposed rules will not affect competition or employment.

Denise Gardner
Chief of Staff
2010#057

Christopher A. Keaton
Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Insurance
Office of the Commissioner**

Regulation 42—Group Self-Insurance Funds
(LAC 37:XIII.1101)

The Department of Insurance, pursuant to the authority of the Louisiana Insurance Code, R.S. 22:1 et seq., and in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., hereby gives notice of its intent to amend Regulation 42—Group Self-Insurance Funds by amending the definition of “qualified actuary.”

The purpose of the amendment to Regulation 42 is to amend the definition of “qualified actuary” to be in accordance with the definition contained in the NAIC’s Property/Casualty Annual Statement Instructions.

Title 37

INSURANCE

Part XIII. Regulations

Chapter 11. Regulation 42—Group Self-Insurance Funds

§1101. Definitions

A. ...

* * *

Qualified Actuary—a person who:

a. meets the basic education, experience and continuing education requirements of the Specific Qualification Standard for Statements of Actuarial Opinion, NAIC Property and Casualty Annual Statement, as set forth in the Qualification Standards for Actuaries Issuing Statements of Actuarial Opinion in the United States (U.S. Qualifications Standards), promulgated by the American Academy of Actuaries (Academy) and as adopted in Chapter 161 of this Part;

b. has obtained and maintains an Accepted Actuarial Designation; and

c. is a member of a professional actuarial association that requires adherence to the same Code of Professional Conduct promulgated by the Academy, requires adherence to the U.S. Qualification Standards, and participates in the Actuarial Board for Counseling and Discipline when its members are practicing in the U.S.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1195.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 18:1403 (December 1992), amended LR 46:

Family Impact Statement

1. Describe the Effect of the Proposed Regulation on the Stability of the Family. The proposed amended regulation should have no measurable impact upon the stability of the family.

2. Describe the Effect of the Proposed Regulation on the Authority and Rights of Parents Regarding the Education and Supervision of their Children. The proposed amended regulation should have no impact upon the rights and authority of children regarding the education and supervision of their children.

3. Describe the Effect of the Proposed Regulation on the Functioning of the Family. The proposed amended regulation should have no direct impact upon the functioning of the family.

4. Describe the Effect of the Proposed Regulation on Family Earnings and Budget. The proposed amended regulation should have no direct impact upon family earnings and budget.

5. Describe the Effect of the Proposed Regulation on the Behavior and Personal Responsibility of Children. The proposed amended regulation should have no impact upon the behavior and personal responsibility of children.

5. Describe the Effect of the Proposed Regulation on the Ability of the Family or a Local Government to Perform the Function as Contained in the Rule. The proposed amended regulation should have no impact upon the ability of the family or a local governmental unit to perform the function as contained in the rule.

Small Business Analysis

The impact of the proposed regulation on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed regulation that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed regulation on small businesses.

1. Identification and Estimate of the Number of the Small Businesses Subject to the Proposed Rule. The proposed amended regulation should have no measurable impact upon small businesses.

2. The Projected Reporting, Record Keeping, and Other Administrative Costs Required for Compliance with the Proposed Rule, Including the Type of Professional Skills Necessary for Preparation of the Report or Record. The proposed amended regulation should have no measurable impact upon small businesses.

3. A Statement of the Probable Effect on Impacted Small Businesses. The proposed amended regulation should have no measurable impact upon small businesses.

4. Describe any Less Intrusive or Less Costly Alternative Methods of Achieving the Purpose of the Proposed Rule. The proposed amended regulation should have no measurable impact on small businesses; therefore, will have no less intrusive or less cost alternative methods.

Poverty Impact Statement

1. Describe the Effect on Household Income, Assets, and Financial Security. The proposed amended regulation should have no effect on household income assets and financial security.

2. Describe the Effect on Early Childhood Development and Preschool through Postsecondary Education Development. The proposed amended regulation should have no effect on early childhood development and preschool through postsecondary education development.

3. Describe the Effect on Employment and Workforce Development. The proposed amended regulation should have no effect on employment and workforce development.

4. Describe the Effect on Taxes and Tax Credits. The proposed amended regulation should have no effect on taxes and tax credits.

5. Describe the Effect on Child and Dependent Care, Housing, Health Care, Nutrition, Transportation and Utilities Assistance. The proposed amended regulation should have no effect on child and dependent care, housing, health care, nutrition, transportation and utilities assistance.

Provider Impact Statement

1. Describe the Effect on the Staffing Level Requirements or Qualifications Required to Provide the Same Level of Service. The proposed amended regulation will have no effect.

2. The Total Direct and Indirect Effect on the Cost to the Provider to Provide the Same Level of Service. The proposed amended regulation will have no effect.

3. The Overall Effect on the Ability of the Provider to Provide the Same Level of Service. The proposed amended regulation will have no effect.

Public Comments

All interested persons are invited to submit written comments on the proposed Rule. Such comments must be received no later than November 20, 2020, by 4:30 p.m. and should be addressed to Lisa Henson, Louisiana Department of Insurance, and may be mailed to P.O. Box 94214, Baton Rouge, LA 70804-9214, or emailed to lisa.henson@ldi.la.gov. If comments are to be shipped or hand-delivered, please deliver to Poydras Building, 1702 North Third Street, Baton Rouge, LA 70802.

James J. Donelon
Commissioner

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Regulation 42 Group Self-Insurance Funds

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

The proposed rule will not result in additional costs or savings for state or local governmental units.

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

The proposed rules will not affect revenue collections for state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

There are no estimated costs and/or economic benefits to directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rules will not affect competition or employment.

Denise Gardner
Chief of Staff
2010#031

Christopher A. Keaton
Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Natural Resources Office of Conservation

Class VI Injection Wells
(LAC 43:XVII.Chapter 6)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and through the power delegated under the laws of the state of Louisiana, notice is hereby given that the Department of Natural Resources, Office of Conservation proposes to adopt Statewide Order No. 29-N-6 (LAC 43:XVII. Subpart 6, Chapter 6), to facilitate the permitting, siting, construction, operation, monitoring, and site closure of Class VI injection wells, which are used to injection carbon dioxide for the purposes of geologic sequestration.

The Department of Natural Resources, Office of Conservation proposes to adopt provisions governing the oversight of the Class VI carbon sequestration program within the Underground Injection Control (UIC) Program located within the Office of Conservation. Class VI wells are a federally-designated well class that inject carbon dioxide gas underground for long-term containment or sequestration, ultimately limiting net emissions for this greenhouse gas. The UIC Program is currently applying for primary enforcement authority from the United States Environmental Protection Agency (US EPA), modifying the UIC Program oversight to include Class VI well in addition to current oversight authority for Class I, II, III, IV, and V wells. Promulgation of Statewide Order 29-N-6 is required in order to obtain primary enforcement authority from the US EPA.

With the adoption of a new federal tax credit (IRS Section 45-Q), a large number of companies from oil and gas, utility, petrochemical, and other industries plan to construct and operate Class VI injection wells at new and existing sites in Louisiana to take advantage of 45-Q and mitigate carbon dioxide emissions. Currently, companies must submit Class VI permit applications to the US EPA. The promulgation of this proposed rule will enable the UIC Program to obtain primary enforcement authority from the US EPA so that permitting and compliance for Class VI wells will be incorporated into the UIC Program's current oversight authority for all other categories of injection wells.

Title 43
NATURAL RESOURCES
Part XVII. Office of Conservation—Injection
and Mining

Subpart 6. Statewide Order No. 29-N-6

Chapter 6. Class VI Injection Wells

§601. Definitions

A. The following definitions apply to all regulations in this Chapter. Terms not defined in this Section for Class VI wells have the meaning given by R.S. (1950) Title 30, section 1103.

Abandoned Well—a well whose use has been permanently discontinued or which is in a state of disrepair such that it cannot be used for its intended purpose or for observation purposes.

Act—Part I, Chapter 1 of Title 30 of the Louisiana Revised Statutes.

Act 517—Act 517 of the 2009 Louisiana regular legislative session. See *Louisiana Geologic Sequestration of Carbon Dioxide Act*.

Application—the filing by a person on the Office of Conservation forms for an underground injection permit, including any additions, revisions or modifications to the forms.

Aquifer—a geological formation, group of formations, or part of a formation that is capable of yielding a significant amount of water to a well or spring.

Area of Review—the region surrounding the *geologic sequestration project* where USDWs may be endangered by the injection activity, and is delineated using computational modeling that accounts for the physical and chemical properties of all phases of the injected *carbon dioxide stream* and displaced fluids, and is based on available site characterization, monitoring, and operational data as set forth in §§615.B. and 615.C.

Carbon Dioxide—naturally occurring, geologically sourced, or anthropogenically sourced carbon dioxide including its derivatives and all mixtures, combinations, and phases, whether liquid or gaseous, stripped, segregated, or divided from any other fluid stream thereof.

Carbon Dioxide Plume—the extent underground, in three dimensions, of an injected *carbon dioxide stream*.

Carbon Dioxide Stream—the carbon dioxide that has been captured from an emission source (e.g., a power plant), plus incidental associated substances derived from the source materials and the capture process, and any substances added to the stream to enable or improve the injection process. This meaning does not apply to any carbon dioxide stream meeting the definition of a hazardous waste under Title 40, Code of Federal Regulations, Part 261.

Casing—a metallic or nonmetallic tubing or pipe of varying diameter and weight, lowered into a borehole during or after drilling in order to support the sides of the hole and thus prevent the walls from caving, to prevent loss of drilling mud into porous ground, or to prevent water, gas or other fluid from entering or leaving the hole.

Catastrophic Collapse—the sudden and utter failure of overlying *strata* caused by removal of underlying materials.

Cementing—the operation whereby a cement slurry is pumped into a drilled hole and/or forced behind the casing.

Cesspool—a drywell that receives untreated sanitary waste containing human excreta, and which sometimes has an open bottom and/or perforated sides.

Commissioner—the Assistant Secretary of the Office of Conservation, Department of Natural Resources.

Confining Bed—a body of impermeable or distinctly less permeable material stratigraphically adjacent to one or more aquifers.

Confining Zone—a geological formation, group of formations, or part of a formation stratigraphically overlying the *injection zone* that acts as a barrier to fluid movement above an *injection zone*.

Contaminant—any physical, chemical, biological, or radiological substance or matter in water.

Corrective Action—the use of UIC program-approved methods to ensure that wells within the area of review do not serve as conduits for the movement of fluids into USDWs.

Disposal Well—a well used for the disposal of waste into a subsurface stratum.

Drilling Mud—heavy suspension used in drilling an injection well introduced down the drill pipe and through the drill bit.

Draft Permit—a document prepared under §611.C.1 indicating the commissioner's decision to issue or deny, modify, revoke and reissue, terminate, or reissue a permit. A notice of intent to terminate a permit and a notice of intent to deny a permit as discussed in §§613.E.2 and 611.C are types of *draft permits*. A denial of request for modification, revocation and reissuance, or termination, as discussed in §613.B.4 is not a draft permit.

Drywell—a well, other than an improved sinkhole or subsurface fluid distribution system, completed above the water table so that its bottom and sides are typically dry except when receiving fluids.

Effective Date—the date that the Louisiana State UIC Program is approved by the Environmental Protection Agency.

Emergency Permit—a UIC permit issued in accordance with §115 or §515.

Exempted Aquifer—an aquifer or its portion that meets the criteria of the definition of underground source of drinking water but which has been exempted according to the procedures set forth in §603.F.

Existing Injection Well or Project—an injection well or project other than a new injection well or project.

Experimental Technology—a technology which has not been proven feasible under the conditions in which it is being tested.

Facility or Activity—any facility or activity, including land or appurtenances thereto, that is subject to these regulations.

Fault—a surface or zone of rock fracture along which there has been displacement.

Flow Rate—the volume per time unit given to the flow of gases or other fluid substance which emerges from an orifice, pump, turbine or passes along a conduit or channel.

Fluid—any material or substance which flows or moves whether in a semisolid, liquid, sludge, gas or any other form or state.

Formation—a body of consolidated or unconsolidated rock characterized by a degree of lithologic homogeneity revealingly, but not necessarily, tabular and is mappable on the earth's surface or traceable in the subsurface.

Formation Fluid—fluid present in a formation under natural conditions as opposed to introduced fluids, such as drilling muds.

Generator—any person, by site location, whose act or process produces hazardous waste identified or listed in the Louisiana Hazardous Waste Management Program; or any person or entity who generates or causes to be generated any fluid for well injection.

Geologic Storage—the long or short-term underground storage of carbon dioxide in subsurface geologic formations.

Geologic Storage Facility—see *Geologic Sequestration Site*.

Geologic Storage Site—see *Geologic Sequestration Site*.

Geologic Sequestration—the long-term containment of a gaseous, liquid, or supercritical carbon dioxide stream in subsurface geologic formations. This term does not apply to carbon dioxide capture or transport.

Geologic Sequestration Project—an injection well or wells used to emplace a *carbon dioxide stream* beneath the lowermost formation containing a USDW; or wells used for *geologic sequestration* of carbon dioxide that have received an expansion to the areal extent of an existing Class II enhanced oil recovery or enhanced gas recovery aquifer exemption pursuant to §603.F of this chapter. It includes the subsurface three-dimensional extent of the *carbon dioxide plume*, associated area of elevated pressure, and displaced fluids, as well as the surface area above that delineated region.

Geologic Sequestration Site—the underground reservoir, carbon dioxide injection wells, monitoring wells, underground equipment, and surface buildings and equipment utilized in the sequestration or storage operation, including pipelines owned or operated by the sequestration or storage operator used to transport the carbon dioxide from one or more capture facilities or sources to the sequestration or storage and injection site. The underground reservoir component of the sequestration or storage facility includes any necessary and reasonable aerial buffer and subsurface monitoring zones designated by the commissioner for the purpose of ensuring the safe and efficient operation of the storage facility for the storage of carbon dioxide and shall be chosen to protect against pollution, and escape, or migration of carbon dioxide.

Ground Water—water below the land surface in a zone of saturation.

Hazardous Waste—a hazardous waste as defined in the Louisiana Hazardous Waste Management Program.

Hazardous Waste Management (HWM) Facility—all contiguous land, and structures, other appurtenances, and improvements on the land, used for treating, storing or disposing of hazardous waste.

Improved Sinkhole—a naturally occurring karst depression or other natural crevice found in volcanic terrain and other geologic settings which have been modified by

man for the purpose of directing and emplacing fluids into the subsurface.

Injection Well—a well into which fluids are being injected other than fluids associated with active drilling operations.

Injection Interval—that part of the *injection zone* in which the well is screened or perforated or in which injected fluids are directly emplaced.

Injection Zone—a geological formation, group of formations or part of a formation receiving fluids through a well. For Class VI projects, it must also be of sufficient areal extent, thickness, porosity, and permeability to receive carbon dioxide through a well or wells associated with a geologic sequestration project.

Ionizing Radiation—any electromagnetic or particulate radiation capable of producing ions, directly or indirectly, in its passage through matter. It includes any or all of the following: alpha rays, beta rays, gamma rays, X-rays, neutrons, high-speed electrons, high-speed protons, and other atomic particles; but not sound or radio waves, or visible, infrared or ultraviolet light.

Lithology—the description of rocks on the basis of their physical and chemical characteristics.

Louisiana Geologic Sequestration of Carbon Dioxide Act—Act 517 of 2009 at Chapter 11 of Title 30 of the Louisiana Revised Statutes of 1950,

Major Facility—any Class I or IV hazardous waste injection well facility or activity.

Manifest—the shipping document originated and signed by the generator which contains the information required by the Hazardous Waste Management Program.

New Injection Well—a well which began injection after the Louisiana Underground Injection Control program is approved and the applicable (Office of Conservation) rules and regulations are promulgated.

Operator—the person recognized as being responsible to the Office of Conservation for the well, site, facility, or activity subject to regulatory authority under these rules and regulations. The *operator* can, but need not be, the *owner* of the well, site, facility, or activity.

Owner—the person that owns any well, site, facility, or activity subject to regulation under the UIC program. The *owner* can, but need not be, the *operator* of the well, site, facility, or activity.

Packer—a device lowered into a well to produce a fluid tight seal within the casing.

Permit—an authorization, license, or equivalent control document issued by the commissioner to implement the requirements of these regulations. Permit includes, but it is not limited to, area permits and emergency permits. Permit does not include UIC authorization by rule or any permit which has not yet been the subject of final agency action, such as a draft permit.

Person—any natural person, individual, association, corporation, partnership, limited liability company, or other entity, receiver, tutor, curator, executor, administrator, fiduciary, municipality, state or federal agency, or an agent or employee of the aforementioned thereof.

Plugging—the act or process of stopping the flow of water, oil or gas into or out of a formation through a borehole or well penetrating that formation.

Plugging Record—a systematic listing of permanent or temporary abandonment of water, oil, gas, test, exploration and waste injection wells, and may contain a well log, description of amounts and types of plugging material used, the method employed for plugging, a description of formations which are sealed and a graphic log of the well showing formation location, formation thickness, and location of plugging structures.

Point of Injection—the last accessible sampling point prior to waste fluids being released into the subsurface environment through a Class V injection well. For example, the point of injection of a Class V septic system might be the distribution box, the last accessible sampling point before the waste fluids drain into the underlying soils. For a dry well, it is likely to be the well bore itself.

Post-Injection Site Care—the appropriate monitoring and other actions (including corrective action) needed following cessation of geologic sequestration injection to ensure that USDWs are not endangered, as required under §633.

Pressure—the total load or force per unit area acting on a surface.

Pressure Front—the zone of elevated pressure in the subsurface created by injection where there is a pressure differential sufficient to cause the movement of injected fluids or formation fluids into a USDW.

Project—a group of wells in a single operation.

Public Water System—a system for the provision to the public of piped water for human consumption, if such system has at least 15 service connections or regularly serves at least 25 individuals. Such term includes:

- a. any collection, treatment, storage, and distribution facilities under control of the operator of such system and used primarily in connection with such system; and
- b. any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system.

Radiation—any electromagnetic or ionizing radiation including gamma rays and X-rays, alpha and beta particles, high-speed electrons, neutrons, protons and other nuclear particles; but not sound waves. Unless specifically stated otherwise, these regulations apply only to ionizing radiation.

Radioactive Material—any material, whether solid, liquid, or gas, which emits radiation spontaneously.

Radioactive Waste—any waste which contains radioactive material for which no use or reuse is intended and which is to be discarded.

RCRA—the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976 (P.L. 94-580 as amended by P.L. 95-609, 42 U.S.C. 6901 et seq.).

Reservoir—that portion of any underground geologic stratum, formation, or aquifer, including oil and gas reservoirs, or other saline formations, and coal and coalbed methane seams, suitable for or capable of being made suitable for injection or storage of fluids.

Sanitary Waste—liquid or solid wastes originating solely from humans and human activities, such as wastes collected from toilets, showers, wash basins, sinks used for cleaning domestic areas, sinks used for food preparation, clothes washing operations, and sinks or washing machines where food and beverage serving dishes, glasses, and

utensils are cleaned. Sources of these wastes may include single or multiple residences, hotels and motels, restaurants, bunkhouses, schools, ranger stations, crew quarters, guard stations, campgrounds, picnic grounds, day-use recreation areas, other commercial facilities, and industrial facilities provided the waste is not mixed with industrial waste.

Schedule of Compliance—a schedule or remedial measures included in a permit, including an enforceable sequence of interim requirements (for example, actions, operations, or milestone events) leading to compliance with the act and these regulations.

Septic System—a well that is used to emplace sanitary waste below the surface and is typically comprised of a septic tank and subsurface fluid distribution system or disposal system.

Site—the land or water area where any facility or activity is physically located or conducted including adjacent land used in connection with the facility or activity.

Site Closure—the point or time, as determined by the UIC program following the requirements under §633, at which the owner or operator of a geologic sequestration site is released from *post-injection site care* responsibilities.

Skin Effect—the blockage or plugging of the well perforations or near wellbore formation face from solids in the waste stream that results in increased injection pressures and can be measured by accepted engineering test procedures.

Sole or Principal Source Aquifer—an aquifer which is the sole or principal drinking water source for an area and which, if contaminated, would create a significant hazard to public health.

State—the state of Louisiana.

Stratum (plural *Strata*)—a single sedimentary bed or layer, regardless of thickness, that consists of generally the same kind of rock material.

Subsurface Fluid Distribution System—an assemblage of perforated pipes, drain tiles, or other similar mechanisms intended to distribute fluids below the surface of the ground.

Surface Casing—the first string of casing to be installed in the well, excluding conductor casing.

Third Party—a party who is not within the corporate structure of the owner or operator.

Total Dissolved Solids—the total dissolved filterable solids as determined by use of the method specified in the 14th edition, pp. 91-92, of *Standard Methods for the Examination of Water and Waste Water*.

Transmissive Fault or Fracture—a fault or fracture that has sufficient permeability and vertical extent to allow fluids to move between formations.

UIC—the Louisiana State Underground Injection Control Program.

Underground Injection—a well injection.

Underground Source of Drinking Water (USDW)—an aquifer or its portion:

- a. which supplies any public water system; or
- b. which contains a sufficient quantity of ground water to supply a public water system; and
 - i. currently supplies drinking water for human consumption; or
 - ii. contains fewer than 10,000 mg/l total dissolved solids; and which is not an exempted aquifer.

USDW—Underground Source of Drinking Water.

USEPA—the United States Environmental Protection Agency.

Well—a bored, drilled, or driven shaft whose depth is greater than the largest surface dimension; or, a dug hole whose depth is greater than the largest surface dimension; or, an improved sinkhole; or, a subsurface fluid distribution system.

Well Injection—the subsurface emplacement of fluids through an injection well.

Well Plug—a fluid-tight seal installed in a borehole or well to prevent movement of fluids.

Well monitoring—the measurement by on-site instruments or laboratory methods, of the quality of water in a well.

Well Stimulation—several processes used to clean the well bore, enlarge channels, and increase pore space in the interval to be injected thus making it possible for fluids to move more readily into the formation, and includes, but may not be limited to:

- a. surging;
- b. jetting;
- c. blasting;
- d. acidizing; or
- e. hydraulic fracturing.

Workover—to perform one or more of a variety of remedial operations on an injection well, such as cleaning, perforation, change tubing, deepening, squeezing, plugging back, etc.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:4 et seq., 30:22 et seq., and 30:1101 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 46:

§603. General Provisions

A. Applicability. These rules and regulations apply to all owners and operators of proposed and existing Class VI injection wells and projects in the state of Louisiana.

1. The commissioner shall administer the provisions of Act 517 and these regulations promulgated thereunder for geologic sequestration of carbon dioxide.

2. The provisions of this Chapter only apply to geologic sequestration of carbon dioxide in underground reservoirs as defined in §601 above. The geologic sequestration of carbon dioxide is not permitted in solution-mined salt caverns under these provisions.

3. This provisions of this Chapter also apply to owners or operators of permit- or rule-authorized Class I, Class II, or Class V experimental carbon dioxide injection projects who seek to apply for a Class VI geologic sequestration permit for their well or wells. Owners or operators seeking to convert existing Class I, Class II, or Class V experimental wells to Class VI geologic sequestration wells must demonstrate to the commissioner that the wells were engineered and constructed to meet the requirements at §617.A.1 and ensure protection of USDWs, in lieu of requirements at §§617.A.2 and 617.B.1 By December 10, 2011, owners or operators of either Class I wells previously permitted for the purpose of geologic sequestration or Class V experimental technology wells no longer being used for experimental purposes that will continue injection of carbon dioxide for the purpose of GS must apply for a Class VI permit. A converted well must still meet all other requirements under this Chapter.

B. Prohibition of Unauthorized Injection. Any underground injection, except as authorized by a permit or rule, is prohibited after the effective date of these regulations. Construction or operation of any well required to have a permit under these regulations is prohibited until the permit has been issued.

1. Any underground injection that violates any rule of this Chapter is subject to enforcement action.

C. Classification of Injection Wells

1. Class VI. Wells not experimental in nature that are used for geologic sequestration of carbon dioxide beneath the lowermost formation containing a USDW; or wells used for geologic sequestration of carbon dioxide that have received an expansion to the areal extent of an existing Class II enhanced oil recovery or enhanced gas recovery aquifer exemption pursuant to the appropriate parts of §603.F.

a. During initial Class VI program development, the commissioner shall not expand the areal extent of an existing Class II enhanced oil recovery or enhanced gas recovery aquifer exemption for Class VI injection wells, and the USEPA shall not approve a program that applies for aquifer exemption expansions of Class II to Class VI exemptions as part of the program description. All Class II to Class VI aquifer exemption expansions previously issued by USEPA must be incorporated into the Class VI program descriptions pursuant to requirements at 40 CFR 145.23(f)(9).

2. Prohibition of Non-Experimental Class V Wells for Geologic Sequestration. The construction, operation or maintenance of any non-experimental Class V geologic sequestration well is prohibited.

D. Prohibition of Movement of Fluid into Underground Sources of Drinking Water

1. No authorization by permit or rule shall allow the movement of fluid containing any contaminant into underground sources of drinking water, if the presence of that contaminant may cause a violation of any primary drinking water regulation under 40 CFR part 141 or of the Louisiana Drinking Water Regulations, Chapter VIII of the State Sanitary Code or may otherwise adversely affect the health of persons. The applicant for a permit shall have the burden of showing that the requirements of this Section are met.

2. For Class VI wells, if any water quality monitoring of a USDW indicates the movement of any contaminant into the USDW, except as authorized under §603.F, the commissioner shall prescribe such additional requirements for construction, corrective action, operation, monitoring, or reporting (including closure of the injection well) as are necessary to prevent such movement. In the case of wells authorized by permit, these additional requirements shall be imposed by modifying the permit in accordance with §613.C, or the permit may be terminated under §613.E if cause exists, or appropriate enforcement action may be taken if the permit has been violated. In the case of wells authorized by rule, see §603.E.1.

3. If at any time the commissioner learns that a Class VI well may cause a violation of the Louisiana Drinking Water Regulations, Chapter XII of the State Sanitary Code or may be otherwise adversely affecting the health of persons, he shall:

- a. require the injector to obtain a permit;

b. order the injector to take such actions (including, where required, closure of the injection well) as may be necessary to prevent the violation or adverse effect; or

c. take enforcement action.

4. Notwithstanding any other provision of this Section, the commissioner may take emergency action upon receipt of information that a contaminant which is present in or likely to enter a public water system or underground source of drinking water may present an imminent and substantial endangerment to the health or safety of persons.

E. Authorization of Underground Injection by Rule

1. Class VI wells cannot be authorized by rule to inject carbon dioxide. Owners or operators of Class VI wells must obtain a permit.

a. Any authorization by rule for an existing Class II enhanced recovery or hydrocarbon storage well shall expire upon the effective date of a Class VI permit issued pursuant to §603.G, or well plug and abandonment according to an approved plug and abandonment plan, or upon well conversion.

F. Identification of Underground Sources of Drinking Water and Exempted Aquifers

1. The commissioner may identify (by narrative description, illustrations, maps, or other means) and shall protect as an underground source of drinking water, all aquifers or parts of aquifers which meet the definition of an underground source of drinking water, except where there is an applicable aquifer exemption under §§603.F.2 and 4, or an expansion to the areal extent of an existing Class II enhanced oil recovery or enhanced gas recovery aquifer exemption for the exclusive purpose of Class VI injection for geologic sequestration under §603.F.4. Other than approved aquifer exemption expansions that meet the criteria set forth in §603.F.2.d, new aquifer exemptions shall not be issued for Class VI injection wells. Even if an aquifer has not been specifically identified by the commissioner, it is an underground source of drinking water if it meets the definition.

2. After notice and opportunity for a public hearing the commissioner may identify (by narrative description, illustrations, maps, or other means) and describe in geographic and/or geometric terms (such as vertical and lateral limits and gradient) which are clear and definite, all aquifers or parts thereof which the commissioner proposes to designate as exempted aquifers if they meet the following criteria:

a. the aquifer does not currently serve as a source of drinking water; and

b. the aquifer cannot now and will not in the future serve as a source of drinking water because:

i. it is mineral, hydrocarbon or geothermal energy producing or can be demonstrated by a permit applicant as part of a permit application for a Class III operation to contain minerals or hydrocarbons that considering their quantity and location are expected to be commercially producible;

ii. it is situated at a depth or location which makes recovery of water for drinking water purposes economically or technologically impractical;

iii. it is so contaminated that it would be economically or technologically impractical to render that water fit for human consumption; or

iv. it is located over a Class III well mining area subject to subsidence or catastrophic collapse; or

c. the total dissolved solids content of the ground water is more than 3,000 and less than 10,000 mg/l and it is not reasonably expected to supply a public water system;

d. the areal extent of an aquifer exemption for a Class II enhanced oil recovery or enhanced gas recovery well may be expanded for the exclusive purpose of Class VI injection for geologic sequestration under §103.F.4 if it meets the following criteria:

i. it does not currently serve as a source of drinking water; and

ii. the total dissolved solids content of the ground water is more than 3,000 mg/l and less than 10,000 mg/l; and

iii. it is not reasonably expected to supply a public water system.

3. No designation of an exempted aquifer submitted as part of the state's UIC program shall be final until approved by the USEPA. No designation of an expansion to the areal extent of a Class II enhanced oil recovery or enhanced gas recovery aquifer exemption for the exclusive purpose of Class VI injection for geologic sequestration shall be final until approved by the USEPA as a substantial revision of the state's UIC program in accordance with 40 CFR 145.32.

4. Expansion to the Areal Extent of Existing Class II Aquifer Exemptions for Class VI Wells. Operators of Class II enhanced oil recovery or enhanced gas recovery wells may request that the commissioner approve an expansion to the areal extent of an aquifer exemption already in place for a Class II enhanced oil recovery or enhanced gas recovery well for the exclusive purpose of Class VI injection for geologic sequestration. Such requests are treated as a substantial program revision to the state's UIC program and will not be final until approved by USEPA.

a. The operator of a Class II enhanced oil recovery or enhanced gas recovery well that requests an expansion of the areal extent of an existing aquifer exemption for the exclusive purpose of Class VI injection for geologic sequestration must define (by narrative description, illustrations, maps, or other means) and describe in geographic and/or geometric terms (such as vertical and lateral limits and gradient) that are clear and definite, all aquifers or parts thereof that are requested to be designated as exempted using the criteria in §603.F.2.d.

b. In evaluating a request to expand the areal extent of an aquifer exemption of a Class II enhanced oil recovery or enhanced gas recovery well for the purpose of Class VI injection, the commissioner must determine that the request meets the criteria for exemptions. In making the determination, the commissioner shall consider:

i. current and potential future use of the USDWs to be exempted as drinking water resources;

ii. the predicted extent of the injected carbon dioxide plume, and any mobilized fluids that may result in degradation of water quality, over the lifetime of the project, as informed by computational modeling, in order to ensure that the proposed injection operation will not at any time endanger USDWs including non-exempted portions of the injection formation; and

iii. whether the areal extent of the expanded aquifer exemption is of sufficient size to account for any

possible revisions to the computational model during reevaluation of the area of review.

G. Transitioning from Class II to Class VI

1. Operators of wells used to inject carbon dioxide for the primary purpose of long-term storage into an oil or gas reservoir must apply for and obtain a Class VI geologic sequestration permit when there is an increased risk to USDWs compared to Class II operations. The factors specified in §603.G.2 below must be considered in determining if there is an increased risk to USDWs.

2. The commissioner shall determine when there is an increased risk to USDWs compared to Class II operations and when a Class VI permit is required. The commissioner must consider the following in order to make this determination:

- a. increase in reservoir pressure within the injection zone(s);
- b. increase in carbon dioxide injection rates;
- c. decrease in reservoir production rates;
- d. distance between the injection zone(s) and USDWs;
- e. suitability of the Class II enhanced oil or gas recovery area of review delineation;
- f. quality of abandoned well plugs within the area of review;
- g. the owner's or operator's plan for recovery of carbon dioxide at the cessation of injection;
- h. the source and properties of injected carbon dioxide; and
- i. any additional site-specific factors as determined by the commissioner.

H. Additional Requirements

1. All tests, reports, logs, surveys, plans, applications, or other submittals whether required by these rules and regulations or submitted for informational purposes are required to bear the Louisiana Office of Conservation serial number of any Class VI carbon dioxide sequestration well associated with the submittal.

2. All applications, reports, plans, requests, maps, cross-sections, drawings, opinions, recommendations, calculations, evaluations, or other submittals including or comprising geoscientific work as defined by La. R.S. 37:711.1 et seq. must be prepared, sealed, signed, and dated by a licensed Professional Geoscientist (P.G.) authorized to practice by and in good standing with the Louisiana Board of Professional Geoscientists.

3. All applications, reports, plans, requests, specifications, details, calculations, drawings, opinions, recommendations, evaluations or other submittals including or comprising the practice of engineering as defined by La. R.S. 37:681 et seq. must be prepared, sealed, signed, and dated by a licensed Professional Engineer (P.E.) authorized to practice by and in good standing with the Louisiana Professional Engineering and Land Surveying Board.

4. The commissioner may prescribe additional requirements for Class VI wells or projects in order to protect USDWs and the health, safety, and welfare of the public.

I. Confidentiality of Information. Information obtained by any rule, regulations, order, or permit term or condition adopted or issued hereunder, or by any investigation

authorized thereby, shall be available to the public, unless nondisclosure is requested in writing and such information is determined by the commissioner to require confidentiality to protect trade secrets, processes, operations, style of work, apparatus, statistical data, income, profits, losses, or in order to protect any plan, process, tool, mechanism, or compound; provided that such nondisclosure shall not apply to information that is necessary for use by duly authorized officers or employees of state or federal government in carrying out their responsibilities under these regulations or applicable federal or state law. If no claim is made at the time of submission, the commissioner may make the information available to the public without further notice. Claims of confidentiality for the following information shall be denied:

1. the name and address of any permit applicant or permittee; and
2. information which deals with the existence, absence, or level of contaminants in drinking water or zones other than the approved injection zone.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:4 et seq., 30:22 et seq., and 30:1101 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 46:

§605. Permit Requirements, Application, Signatories

A. Applicability. The rules and regulations of this Section apply to all Class VI injection wells or project applications required to be filed with the Department of Natural Resources (Office of Conservation) for authorization under R.S. 1950 Title 30.

B. The commissioner cannot issue a permit on an area basis for a Class VI well or permit.

C. Application Required

1. Permit Application. New applicants, permittees, and any person required to have a permit shall complete, sign, and submit an application to the commissioner as described in this Section.

a. the applicant shall submit one signed paper version of the application and an exact duplicate of the application in an electronic format approved by the commissioner. The commissioner may request additional paper copies of the application, either in its entirety or in part, as needed.

b. the electronic version of the application shall contain the following certification statement:

This document is an electronic version of the application titled *(Insert Document Title)* dated *(Insert Application Date)*. This electronic version is an exact duplicate of the paper copy submitted in *(Insert the Number of Volumes Comprising the Full Application)* to the Louisiana Office of Conservation.

c. The applicant shall submit the application identified in §605.C.1 above to the USEPA in an electronic format approved by the USEPA.

2. Time to Apply. Any person who performs or proposes an underground injection for which a permit is or will be required shall submit an application to the commissioner.

a. for new Class VI injection wells, a reasonable time before construction is expected to begin.

D. Who Applies. It is the duty of the owner of a facility or activity to submit an application for permit. When a

facility is owned by one person and operated by another, it is the operator's duty to obtain a permit.

E. Signature Requirements. All permit applications shall be signed as follows.

1. Corporations. By a principal executive officer of at least the level of vice-president, or duly authorized representative of that person if the representative performs similar policy making functions for the corporation. A person is a duly authorized representative only if:

a. the authorization is made in writing by a principle executive officer of at least the level of vice-president;

b. the authorization specifies either an individual or position having responsibility for the overall operation of a sequestration well, such as the position of plant manager, superintendent, or position of equivalent responsibility. A duly authorized representative may thus be either a named individual or any individual occupying a named position; and

c. the written authorization is submitted to the Office of Conservation.

2. Limited Liability Company (LLC). By a member if the LLC is member-managed, by a manager if the LLC is manager-managed, or by a duly authorized representative only if:

a. the authorization is made in writing by an individual who would otherwise have signature authority as outlined in §605.E.2 above;

b. the authorization specifies either an individual or position having responsibility for the overall operation of a sequestration well, such as the position of plant manager, superintendent, or position of equivalent responsibility. A duly authorized representative may thus be either a named individual or any individual occupying a named position; and

c. the written authorization is submitted to the Office of Conservation.

3. Partnership or Sole Proprietorship. By a general partner or proprietor, respectively; or

4. Public Agency. By either a principal executive officer or a ranking elected official of a municipality, state, federal, or other public agency.

F. Signature Reauthorization. If an authorization under §605.E is no longer accurate because a different individual or position has responsibility for the overall operation of a sequestration well, a new authorization satisfying the signature requirements must be submitted to the Office of Conservation before or concurrent with any reports, information, or applications required to be signed by an authorized representative.

G. Certification. Any person signing a document under §605.E shall make the following certification on the application:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:4 et seq., 30:22 et seq., and 30:1101 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 46:

§607. Application Content

A. The following minimum information required in §607 shall be submitted with a permit application to construct a new Class VI well or convert any existing well for Class VI service. The applicant shall also refer to the appropriate application form for any additional information that may be required. For information already on file with the office of conservation, the commissioner may accept the required information by reference provided they are current, readily available to the commissioner, and sufficiently identified to be retrieved.

B. Administrative information:

1. all required state application form(s);

2. the nonrefundable application fee(s) as per LAC 43:XIX.Chapter 7 or successor document;

3. the name and mailing address of the applicant and the physical address of the sequestration well facility;

4. the operator's name, address, telephone number, and email address;

5. ownership status, and status as federal, state, private, public, or other entity;

6. a brief description of the nature of the business associated with the activity;

7. the activity or activities conducted by the applicant which require the applicant to obtain a permit under these regulations;

8. up to four SIC Codes which best reflect the principal products or services provided by the facility;

9. a listing of all permits or construction approvals that the applicant has received or applied for under any of the following programs or which specifically affect the legal or technical ability of the applicant to undertake the activity or activities to be conducted by the applicant under the permit being sought:

a. the Louisiana Hazardous Waste Management;

b. this or any other underground injection control program;

c. NPDES program under the Clean Water Act;

d. prevention of significant deterioration (PSD) program under the Clean Air Act;

e. nonattainment program under the Clean Air Act;

f. National Emission Standards for Hazardous Pollutants (NESHAPS) preconstruction approval under the Clean Air Act;

g. ocean dumping permit under the Marine Protection Research and Sanctuaries Act;

h. dredge or fill permits under section 404 of the Clean Water Act; and

i. other relevant environmental permits including, but not limited to any state permits issued under the Louisiana Coastal Resources Program, the Louisiana Surface Mining Program or the Louisiana Natural and Scenic Streams System;

10. acknowledgment as to whether the facility is located on Indian lands or other lands under the jurisdiction or protection of the federal government, or whether the facility is located on state water bottoms or other lands owned by or under the jurisdiction or protection of the state of Louisiana;

11. documentation of financial responsibility or documentation of the method by which proof of financial responsibility will be provided as required in §609.C. Before making a final permit decision, final (official) documentation of financial responsibility must be submitted to and approved by the Office of Conservation;

12. names and addresses of all property owners within the area of review of the Class VI well or project.

C. Application Contents: An application submitted to construct a new Class VI well or convert any existing well to Class VI shall contain the following geological and technical information:

1. Maps and Related Information

a. map(s) showing property boundaries of the facility, the location of the proposed Class VI well, and the applicable area of review consistent with §§615.B and 615.C. USGS topographic maps with a scale of 1:24,000 may be used. The map boundaries must extend at least two miles beyond the area of review and include as applicable:

i. the section, township and range of the area where the activity is located and any parish, city, municipality, state, and tribal boundaries.

ii. within the area of review, the map(s) must identify all injection wells, producing wells, abandoned wells, plugged wells or dry holes, deep stratigraphic boreholes, State- or USEPA-approved subsurface cleanup sites, surface bodies of water, springs, surface and subsurface mines, quarries, water wells, other pertinent surface features including structures intended for human occupancy, and roads.

iii. only information of public record is required to be included on the map(s), however, the applicant is required to make a diligent search to locate all wells not listed in the public record.

iv. for water wells on the facility property and adjacent property, submit a tabulation of well depth, water level, owner, chemical analysis, and other pertinent data. If these wells do not exist, submit this information for a minimum of three other wells in the area of review or a statement why this information was not included.

v. the protocol followed to identify, locate, and ascertain the condition of all wells within the area of review that penetrate the injection or confining zone.

b. information on the geologic structure and hydrogeologic properties of the proposed sequestration site and overlying formations, to include:

i. geologic and topographic maps and cross-sections illustrating regional geology, geologic structure, and hydrology.

ii. maps and cross-sections to a scale needed to detail the local geology, geologic structure, and hydrology. The maps and cross-sections must extend at least two miles beyond the area of review;

iii. the location, orientation, and properties of known or suspected faults and fractures that may transect the confining zone(s) in the area of review and a determination that they would not interfere with containment;

iv. maps and stratigraphic cross-sections showing the general vertical and lateral limits of all USDWs, water wells and springs within the area of review, their position relative to the injection zone(s) and the direction of water movement, if known.

v. in areas with limited subsurface well control or where the subsurface geology is in doubt and cannot be described adequately, the commissioner may request the applicant to provide geophysical seismic data of the project area.

c. any other maps required by the commissioner to evaluate the proposed project.

2. Application Technical Information

a. data on the depth, areal extent, thickness, mineralogy, porosity, permeability, and capillary pressure of the injection and confining zone(s); including geology/facies changes based on field data which may include geologic cores, outcrop data, seismic surveys, well logs, and names and lithologic descriptions;

b. geomechanical information on fractures, stress, ductility, rock strength, and in situ fluid pressures within the confining zone(s);

c. information on the region's seismic history including the presence and depth of seismic sources and a determination that the seismicity would not interfere with containment; and

d. a tabulation of all wells within the area of review that penetrate the base of the USDW. Such data must include a description of each well's type, construction, date drilled, location, depth, record of plugging and/or completion, and any other information the commissioner may require;

e. baseline geochemical data on subsurface formations, including injection zones, confining zones and all USDWs in the area of review;

f. proposed operating data:

i. average and maximum daily rate and volume and/or mass and total anticipated volume and/or mass of the carbon dioxide stream;

ii. average and maximum injection pressure;

iii. source(s) of the carbon dioxide stream; and

iv. analysis of the chemical and physical characteristics of the carbon dioxide stream.

g. proposed pre-operational formation testing program to obtain an analysis of the chemical and physical characteristics of the injection zone(s) and confining zone(s) and that meets the requirements at §617.B;

h. proposed stimulation program, a description of stimulation fluids to be used and a determination that stimulation will not interfere with containment;

i. proposed injection operation procedures;

j. schematics or other appropriate drawings of the surface (wellhead and related appurtenances) and subsurface construction details of the well;

k. injection well construction procedures that meet the requirements of §617.A;

l. proposed area of review and corrective action plan that meets the requirements under §§615.B and 615.C;

m. demonstration, satisfactory to the commissioner, that the applicant has met the financial responsibility requirements under §609.C;

n. proposed testing and monitoring plan required by §625;

o. proposed injection well plugging plan required by §631;

p. proposed post-injection site care and site closure plan required by §633.A.3;

q. at the commissioner's discretion, a demonstration of an alternative post-injection site care timeframe required by §633.A.3;

r. proposed emergency and remedial response plan required (contingency plans for well failures or breaches) by §623;

s. a list of contacts, submitted to the commissioner for those states and tribes identified to be within the area of review based on information provided in §607.C.1.a.i; and

t. any additional information required by the commissioner to evaluate the proposed project.

3. The commissioner shall notify in writing, any states or tribes within the area of review based on information provided by the applicant in §§607.C.1.a.i and 607.C.2.s.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:4 et seq., 30:22 et seq., and 30:1101 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 46:

§609. Legal Permit Conditions

A. Applicability. The rules and regulations of this Section set forth legal conditions for Class VI well permits. Permits for owners or operators of Class VI injection wells shall include conditions meeting applicable requirements of §§609, 615, 617, 619, 621, 623, 625, 627, 629, and 631. All conditions applicable to all permits shall be incorporated into the permits either expressly or by reference. If incorporated by reference, a specific citation to these regulations must be given in the permit

B. Signatories. All reports required by permits and other information requested by the commissioner shall be signed as in applications by a person described in §605.D.

C. Financial Responsibility

1. The permit shall require the permittee to maintain financial responsibility and resources to close, plug, and abandon the underground injection wells and, where necessary, related surface facility, and for post-injection site care and site closure in a manner prescribed by the commissioner. Class VI well operators must also comply with §609.C.4. The permittee must show evidence of financial responsibility to the commissioner by the submission of:

a. a certificate of deposit issued in sole favor of the Office of Conservation in a form prescribed by the commissioner. A certificate of deposit may not be withdrawn, canceled, rolled over or amended in any manner without the approval of the commissioner;

b. a performance bond (surety bond) in sole favor of the Office of Conservation in a form prescribed by the commissioner;

c. a letter-of-credit in sole favor of the Office of Conservation in a form prescribed by the commissioner;

d. site-specific trust account, or

e. any other instrument of financial assurance acceptable to the commissioner.

2. The amount of funds available in the financial instrument shall be no less than the amount identified in the cost estimate of the closure plan and any required post-injection site care and site closure, and must be approved by the commissioner.

3. Any financial instrument filed in satisfaction of the financial responsibility requirements shall be issued by and drawn on a bank or other financial institution authorized

under state or federal law to operate in the State of Louisiana.

4. Class VI well owners, operators, or applicants shall comply with these additional requirements of financial responsibility.

a.i. Qualifying financial responsibility instruments must be sufficient to cover the cost of meeting the requirements of:

(a). corrective action of §615.C;

(b). injection well plugging of §631;

(c). post-injection site care and site closure of §633; and

(d). emergency and remedial response of §623.

ii. The owner/operator shall maintain third party insurance at a sufficient level to respond to any emergency or to perform any remedial action that meets the requirements of §623.

b. Financial responsibility instruments must be sufficient to address endangerment of underground sources of drinking water.

c. Qualifying financial responsibility instruments must comprise protective conditions of coverage. Protective conditions of coverage must include at a minimum cancellation, renewal, and continuation provisions, specifications on when the provider becomes liable following a notice of cancellation if there is a failure to renew with a new qualifying financial instrument, and requirements for the provider to meet a minimum rating, minimum capitalization, and ability to pass the bond rating when applicable:

i. cancellation: an owner or operator must provide that their financial mechanism may not cancel, terminate or fail to renew except for failure to pay such financial instrument. If there is a failure to pay the financial instrument, the financial institution may elect to cancel, terminate, or fail to renew the instrument by sending notice by certified mail to the owner or operator and the commissioner. The cancellation must not be final for 120 days after receipt of the cancellation notice. The owner or operator must provide an alternate financial responsibility demonstration within 60 days of notice of cancellation, and if an alternate financial responsibility demonstration is not acceptable or possible, any funds from the instrument being cancelled must be released within 60 days of notification by the commissioner;

ii. renewal: owners or operators must renew all financial instruments, if an instrument expires, for the entire term of the geologic sequestration project. The instrument may be automatically renewed as long as the owner or operator has the option of renewal at the face amount of the expiring instrument. The automatic renewal of the instrument must, at a minimum, provide the holder with the option of renewal at the face amount of the expiring financial instrument;

iii. cancellation, termination, or failure to renew may not occur and the financial instrument will remain in full force and effect in the event that on or before the date of expiration the commissioner deems the facility abandoned; or the permit is terminated or revoked or a new permit is denied; or closure is ordered by the commissioner or a court of competent jurisdiction; or the owner or operator is named

as debtor in a voluntary or involuntary proceeding under Title 11 (Bankruptcy), U.S. Code; or the amount due is paid.

d. Qualifying financial responsibility instruments must be approved by the commissioner:

i. the commissioner shall consider and approve the financial responsibility demonstration for all the phases of the geologic sequestration project before issuing any authorization to begin geologic sequestration of carbon dioxide in a Class VI well;

ii. the owner or operator must provide any updated information related to their financial responsibility instrument(s) annually and if there are any changes, the commissioner must evaluate the financial responsibility demonstration to confirm that the instrument(s) used remain adequate. The owner or operator must maintain financial responsibility requirements regardless of the status of the commissioner's review of the financial responsibility demonstration;

iii. the commissioner may disapprove the use of a financial instrument if he determines it is not sufficient to meet the financial responsibility requirements.

e. The owner or operator may demonstrate financial responsibility by using one or multiple qualifying financial instruments for specific phases of the geologic sequestration project:

i. in the event that the owner or operator combines more than one instrument for a specific geologic sequestration phase (e.g., well plugging), such combination must be limited to instruments that are not based on financial strength or performance, for example trust funds, certificates of deposit, surety bonds guaranteeing payment into a trust fund, and letters of credit. In this case, it is the combination of mechanisms, rather than the single mechanism, which must provide financial responsibility for an amount at least equal to the current cost estimate.

f. The requirement to maintain adequate financial responsibility and resources is directly enforceable regardless of whether the requirement is a condition of the permit. The owner or operator must maintain financial responsibility and resources until:

i. the commissioner receives and approves the completed post-injection site care and site closure plan; and

ii. the commissioner approves site closure.

g. The owner or operator may be released from a financial instrument in the following circumstances:

i. the owner or operator has completed the phase of the geologic sequestration project for which the financial instrument was required and has fulfilled all its financial obligations as determined by the commissioner, including obtaining financial responsibility for the next phase of the geologic sequestration project, if required; or

ii. the owner or operator has submitted a replacement financial instrument and received written approval from the commissioner accepting the new financial instrument and releasing the owner or operator from the previous financial instrument.

h. The owner or operator must have a detailed written estimate, in current dollars, of the cost of performing corrective action on wells in the area of review, plugging the injection well(s), post-injection site care and site closure, and emergency and remedial response:

i. the cost estimate must be performed for each phase separately and must be based on the costs to the Office of Conservation of contracting a third party to perform the required activities. A third party is a party who is not within the corporate structure of the owner or operator;

ii. during the active life of the geologic sequestration project, the owner or operator must adjust the cost estimate for inflation within 60 days before the anniversary date of the establishment of the financial instrument(s) and provide this adjustment to the commissioner. The owner or operator must also provide the commissioner written updates of adjustments to the cost estimate within 60 days of any amendments to the area of review and corrective action plan, the injection well plugging plan, the post-injection site care and site closure plan, and the emergency and remedial response plan;

iii. the commissioner must approve any decrease or increase to the initial cost estimate. During the active life of the geologic sequestration project, the owner or operator must revise the cost estimate no later than 60 days after the commissioner has approved the request to modify the area of review and corrective action plan, the injection well plugging plan, the post-injection site care and site closure plan, and the emergency and response plan, if the change in the plan increases the cost. If the change to the plans decreases the cost, any withdrawal of funds must be approved by the commissioner. Any decrease to the value of the financial assurance instrument must first be approved by the commissioner. The revised cost estimate must be adjusted for inflation as specified at §609.C.4.h.ii. above;

iv. whenever the current cost estimate increases to an amount greater than the face amount of a financial instrument currently in use, the owner or operator, within 60 days after the increase, must either cause the face amount to be increased to an amount at least equal to the current cost estimate and submit evidence of such increase to the commissioner, or obtain other financial responsibility instruments to cover the increase. Whenever the current cost estimate decreases, the face amount of the financial assurance instrument may be reduced to the amount of the current cost estimate only after the owner or operator has received written approval from the commissioner.

i. The owner or operator must notify the commissioner by certified mail of adverse financial conditions such as bankruptcy that may affect the ability to carry out injection well plugging and post-injection site care and site closure:

i. in the event that the owner or operator or the third party provider of a financial responsibility instrument is going through a bankruptcy, the owner or operator must notify the commissioner by certified mail of the commencement of a voluntary or involuntary proceeding under Title 11 (Bankruptcy), U.S. Code, naming the owner or operator as debtor, within 10 days after commencement of the proceeding.

ii. an owner or operator who fulfills the financial responsibility requirements by obtaining an approved instrument of financial assurance will be deemed to be without the required financial assurance in the event of bankruptcy of the trustee or issuing institution, or a suspension or revocation of the authority of the trustee

institution to act as trustee of the institution issuing the financial assurance instrument. The owner or operator must establish other financial assurance within 60 days after such an event.

j. The owner or operator must provide the commissioner with an adjustment of the cost estimate within 60 days of notification by the commissioner, if the commissioner determines during the annual evaluation of the qualifying financial responsibility instrument(s) that the most recent demonstration is no longer adequate to cover the cost of corrective action, injection well plugging, post-injection site care and site closure, and emergency and remedial response.

k. The commissioner must approve the use and length of pay-in-periods for trust funds or escrow accounts.

5. The permit shall require the permittee to maintain financial responsibility as specified at §609.C.1 until:

a. the well has been plugged and abandoned in accordance with an approved plugging and abandonment plan pursuant to §631 and submitted a plugging and abandonment report pursuant to §631.A.5;

b. the well has been converted in compliance with the requirements of §609.L.7; or

c. the transferor of a permit has received notice from the commissioner that the owner or operator receiving transfer of the permit, the new permittee, has demonstrated financial responsibility for the well.

D. Duty to Comply. The permittee must comply with all conditions of a permit. Any permit noncompliance constitutes a violation of the act and is grounds for enforcement action or permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application if the commissioner determines that such noncompliance endangers underground sources of drinking water.

E. Duty to Reapply. If the permittee wishes to continue an activity regulated by a permit after the expiration date of this permit, the permittee must apply for and obtain a new permit.

F. Duty to Halt or Reduce Activity. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

G. Duty to Mitigate. The permittee shall take all reasonable steps to minimize or correct any adverse impact on the environment such as the contamination of underground sources of drinking water resulting from noncompliance with this permit.

H. Proper Operation and Maintenance. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of his permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operation staffing and training, and adequate laboratory process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of the permit.

I. Inspection and Entry. Inspection and entry shall be allowed as prescribed in R.S. of 1950, Title 30, Section 4.

J. Compliance. Compliance with a permit during its term constitutes compliance, for purposes of enforcement, with the act and these regulations.

K. Property Rights. The issuance of a permit does not convey any property rights of any sort, or any exclusive privilege or servitude.

L. Notification Requirements

1. Planned Changes. The permittee shall give notice to the commissioner as soon as possible of any planned physical alterations or additions to the permitted facility.

2. Notice of Well Completion. A new injection well injection well may not commence injection until construction is complete, a notice of completion has been submitted to the commissioner, the commissioner has inspected or otherwise reviewed the injection well and finds it is in compliance with the conditions of the permit, and the commissioner has given approval to begin injection.

3. Anticipated Noncompliance. The permittee shall give advance notice to the commissioner of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

4. Transfers. A permit is not transferable to any person except after notice to the commissioner. The commissioner may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the Safe Drinking Water Act. (See §613.)

5. Compliance Schedules. Report of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule in these regulations shall be submitted to the commissioner no later than 14 days following each schedule date.

6. Twenty-Four Hour Reporting

a. The permittee shall report to the commissioner any noncompliance which may endanger health or the environment. Any information pertinent to the noncompliance shall be reported by telephone at (225) 342-5515 within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within five days of the time the permittee becomes aware of the circumstances and shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the non-compliance.

b. The following additional information must be reported within the 24-hour period provided above:

i. any monitoring or other information which indicates that any contaminant may cause an endangerment to a USDW;

ii. any noncompliance with a permit condition or malfunction of the injection system which may cause fluid migration into or between USDWs.

7. The permittee shall notify the commissioner at such times as the permit requires before conversion or abandonment of the well or before closure of the project.

8. Other Noncompliance. The permittee shall report all instances of noncompliance not reported under §§609.L.5 and 609.L.6, at the time quarterly reports are submitted. The reports shall contain the information listed in §609.L.6.

9. Other Information. Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the commissioner, it shall promptly submit such facts or information.

M. Duration of Permits

1. UIC permits for Class VI wells shall be issued for the operating life of the facility and the post-injection site care period. The commissioner shall review each issued Class VI well permit at least once every five years to determine whether it should be modified, revoked and reissued, terminated, or a minor modification made.

2. The term of a permit shall not be extended by modification beyond the maximum duration specified in this Section, except as provided in §609.M.4 below.

3. The commissioner may issue, for cause, any permit for a duration that is less than the full allowable term under this Section.

4. The conditions of an expired permit may continue in force until the effective date of a new permit if the permittee has submitted a timely and a complete application for a new permit, and the commissioner, through no fault of the permittee, does not issue a new permit with an effective date on or before the expiration date of the previous permit (e.g., when issuance is impracticable due to time or resource constraints).

a. Permits continued under this Section remain fully effective and enforceable.

b. When the permittee is not in compliance with the conditions of the expiring or expired permit, the commissioner may choose to do any or all of the following:

i. initiate enforcement action based upon the permit which has been continued;

ii. issue a notice of intent to deny the new permit. If the permit is denied, the owner or operator would then be required to cease the activities authorized by the continued permit or be subject to enforcement action for operating without a permit;

iii. issue a new permit under the requirements of these rules for issuing a new permit with appropriate conditions; or

iv. take other actions authorized by these regulations.

N. Schedules of Compliance. The permit may, when appropriate, specify a schedule of compliance leading to compliance with the act and these regulations.

1. Time for Compliance. Any schedules of compliance under this Section shall require compliance as soon as possible but not later than three years after the effective date of the permit.

2. Interim Dates. Except as provided in §609N.2.b, if a permit establishes a schedule of compliance which exceeds one year from the date of permit issuance, the schedule shall set forth interim requirements and the dates for their achievement.

a. The time between interim dates shall not exceed one year.

b. If the time necessary for completion of any interim requirements (such as the construction of a control facility) is more than one year and is not readily divisible into stages for completion, the permit shall specify interim dates for submission of reports of progress toward completion of the interim requirements and indicate a projected completion date.

3. Reporting. The permit shall be written to require that progress reports be submitted no later than 30 days following each interim date and the final date of compliance.

O. Additional Conditions. The commissioner shall impose on a case-by-case basis such additional conditions as are necessary to protect underground sources of drinking water.

P. Duty to Establish and Maintain Mechanical Integrity. The permittee of a Class VI injection well shall establish mechanical integrity prior to commencing injection and on a schedule determined by these rules or the commissioner. Thereafter, the owner or operator of Class VI injection wells must maintain mechanical integrity as defined in §627. The Class VI injection well owner or operator shall give notice to the commissioner when it is determined the injection well is lacking mechanical integrity. Upon receiving such notice, the operator shall immediately cease injection into the well. The well shall remain out of injection service until such time as well mechanical integrity is restored to the satisfaction of the commissioner. The owner or operator may resume injection upon written notification from the Director that the owner or operator has demonstrated mechanical integrity pursuant to §627.

Q. The issuance of a permit does not authorize any injury to persons or property or invasion of other private rights, or any infringement of State or local law or regulations.

R. In addition to conditions required in all permits the commissioner shall establish conditions in permits as required on a case-by-case basis, to provide for and assure compliance with all applicable requirements of the SDWA and 40 CFR Parts 144, 145, 146 and 124.

S. New permits, and to the extent allowed under §613 modified or revoked and reissued permits, shall incorporate each of the applicable requirements referenced in this section. An applicable requirement is a State statutory or regulatory requirement that takes effect prior to final administrative disposition of the permit. An applicable requirement is also any requirement that takes effect prior to the modification or revocation and reissuance of a permit, to the extent allowed in §613.

T. Incorporation. All permit conditions shall be incorporated either expressly or by reference. If incorporated by reference, a specific citation to the applicable regulations or requirements must be given in the permit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:4 et seq., 30:22 et seq., and 30:1101 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 46:

§611. Permitting Process

A. Applicability. This Section contains procedures for issuing all Class VI permits.

B. Application Submission and Review

1. Any person required to have a UIC permit shall submit an application to the Office of Conservation, UIC Section, as outlined in §605.

2. Check for completeness:

a. the commissioner shall not issue a permit before receiving an application form and any required supplemental information which are completed to his satisfaction. The completeness of any application for a permit shall be judged independently of the status of any other permit application or permit for the same facility or activity;

b. each application for a permit submitted for a new UIC injection well will be reviewed for completeness by the commissioner and the applicant will be notified of the commissioner's decision within 30 days of its receipt. Each application for a permit submitted for an existing injection well will be reviewed for completeness and the applicant will be notified of the commissioner's decision within 60 days of receipt. Upon completing the review, the commissioner shall notify the applicant in writing whether the application is complete.

3. Incomplete Applications

a. If the application is incomplete, the commissioner shall list in the notification in §611.B.2.b above, the information necessary to make the application complete. When the application is for an existing UIC injection well, the commissioner shall specify in the notice a date for submitting the necessary information. The commissioner shall notify the applicant that the application is complete upon receiving this information. The commissioner may request additional information from an applicant only when necessary to clarify, modify, or supplement previously submitted material. Requests for such additional information will not render an application incomplete.

b. If an applicant fails or refuses to correct deficiencies found in the application, the permit may be denied and, for existing wells, appropriate enforcement actions may be taken under the applicable statutory provision.

4. If the commissioner decides that a site visit is necessary for any reason in conjunction with the processing of an application, he shall notify the applicant, state the reason for the visit, and a date shall be scheduled.

C. Draft Permits

1. Once an application is complete, the commissioner shall prepare a draft permit or deny the application.

2. The applicant may appeal the decision to deny the application in a letter to the commissioner who may then call a public hearing through §611.G.1.

3. If the commissioner prepares a draft permit, it shall contain the following information where appropriate:

a. all conditions under §§609, 615, 617, 619, 621, 623, 625, 627, 629, and 631;

b. all compliance schedules under §609.N; and

c. all monitoring requirements under applicable Paragraphs in §625.

4. All draft permits prepared under this Section may be accompanied by a fact sheet pursuant to §611.D, and shall be publicly noticed in accordance with §611.E, and made available for public comment pursuant to §611.F.

D. Fact Sheet

1. A fact sheet shall be prepared for every draft permit for all major UIC facilities or activities and for every draft permit which the commissioner finds is the subject of wide-spread public interest or raises major issues. The fact sheet

shall briefly set forth the principal facts and the significant factual, legal, methodological and policy questions considered in preparing the draft permits. The commissioner shall send this fact sheet to the applicant and, on request, to any other person.

2. The fact sheet shall include, when applicable:

a. a brief description of the type of facility or activity which is the subject of the draft permit;

b. the type and quantity of wastes, fluids, or pollutants which are proposed to be or are being injected;

c. a brief summary of the basis for the draft permit conditions including references to applicable statutory or regulatory provisions;

d. reasons why any requested variances or alternatives to required standards do or do not appear justified;

e. a description of the procedures for reaching a final decision on the draft permit including:

i. the beginning and ending dates of the comment period under §611.F and the address where comments will be received;

ii. procedures for requesting a hearing and the nature of that hearing; and

iii. any other procedures by which the public may participate in the final decision;

f. name and telephone number of a person to contact for information.

3. All persons identified in §§611.E.3.a.i, ii, iii, and iv shall be mailed or emailed a copy of the fact sheet, the draft permit, and a notice that the permit application will be available online.

E. Public Notice of Permit Actions and Public Comment Period

1. Scope

a. The commissioner shall give public notice (including a notice of intent to deny a permit application) that the following actions have occurred:

i. a draft permit has been prepared under §611.C; and

ii. a hearing has been scheduled under §611.G.

b. No public notice is required when a request for permit modification, revocation and reissuance, or termination is denied under §613. Written notice of that denial shall be given to the requester and to the permittee.

c. Public notices may describe more than one permit or permit action.

2. Timing

a. Public notice of the preparation of a draft permit required under §611.E.1 shall allow 30 days for public comment.

b. Public notice of a public hearing shall be given 30 days before the hearing. (Public notice of the hearing may be given at the same time as public notice of the draft permit and the two notices may be combined).

3. Methods. Public notice of activities described in §611.E.1.a shall be given by the following methods:

a. by electronic mailing (emailing) or by mailing a copy of a notice to the following persons (any person otherwise entitled to receive notice under this Section may waive his rights to receive notice for any classes and categories of permits):

i. the applicant;

ii. any other agency which the commissioner knows has issued or is required to issue a permit for the same facility or activity (including EPA);

iii. federal and state agencies with jurisdiction over fish, shellfish, and wildlife resources and over coastal zone management plans, the Advisory Council on Historic Preservation, the State Archeological Survey and Antiquities Commission, the Director of the Public Water Supply Supervision program in the State, the Department of Natural Resource, and other appropriate government authorities, including any unit of local government having jurisdiction over the area where the facility is proposed to be located, any affected states or Indian Tribes; and

iv. persons on a UIC mailing list developed by:

(a). including those who request in writing to be on the list;

(b). soliciting persons for "area lists" from participants in past permit proceedings in that area; and

(c). notifying the public of the opportunity to be put on the mailing list through periodic publication in the public press and in such publications as Regional and State funded newsletters, environmental bulletins, or State law journals. (The commissioner may update the mailing list from time to time by requesting written indication of continued interest from those listed. The commissioner may delete from the list the name of any person who fails to respond to such a request.)

b. publication of a notice in a daily or weekly newspaper within the area affected by the facility or activity;

c. in a manner constituting legal notice to the public under state law; and

d. any other method reasonably calculated to give actual notice of the action in question to the persons potentially affected by it, including press releases or any other form or medium to elicit public participation.

4. Contents

a. All Public Notices. Public notices issued under this Section shall contain the following information:

i. name and address of the Division of the Office of Conservation processing the permit action for which notice is being given;

ii. name and address of the permittee or permit applicant and, if different, of the facility or activity regulated by the permit;

iii. a brief description of the business conducted at the facility or activity described in the permit application or the draft permit;

iv. name, address, and telephone number of a person from whom interested persons may obtain copies of the draft permit, the fact sheet, the application, and further information concerning the application;

v. a brief description of the comment procedures required by §611.F and the time and place of any hearing that will be held, including a brief statement of procedures to request a hearing (unless a hearing has already been scheduled) and other procedures by which the public may participate in the final permit decision; and

vi. any additional information considered necessary or proper.

b. Public Notices for Hearings. In addition to the general public notice described in §611.E.4.a, the public

notice of a hearing under §611.G shall contain the following information:

i. reference to the date of previous public notices relating to the permit;

ii. date, time, and place of the hearing; and

iii. a brief description of the nature and purpose of the hearing, including the applicable rules and procedures.

F. Public Comments and Requests for Public Hearings. During the public comment period provided under §611.G, any interested person may submit written comments on the draft permit and may request a public hearing, if no hearing has already been scheduled. A request for a public hearing shall be in writing and shall state the nature of the issues proposed to be raised in the hearing. All comments shall be considered in making the final decision and shall be answered as provided in §611.H.

G. Public Hearings

1. The commissioner shall hold a public hearing whenever he finds, on the basis of requests, a significant degree of public interest in (a) draft permit(s). The commissioner also may hold a public hearing at his discretion, whenever, for instance, such a hearing might clarify one or more issues involved in the permit decision. Public notice of the hearing shall be given as specified in §611.G.

2. Any person may submit oral or written statements and data concerning the draft permit. Reasonable limits may be set upon the time allowed for oral statements, and the submission of statements in writing may be required. The public comment period under §611.G shall automatically be extended to the close of any public hearing under this Section. The hearing officer may also extend the comment period by so stating at the hearing.

3. A tape recording or written transcript of the hearing shall be made available to the public.

H. Response to Comments

1. At the time that any final permit is issued the commissioner shall issue a response to comments. This response shall:

a. specify which provisions; if any, of the draft permit have been changed in the final permit decision, and the reasons for the change; and

b. briefly describe and respond to all significant comments on the draft permit or the permit application raised during the public comment period, or during any hearing.

2. The response to comments shall be available to the public.

I. Permit Issuance and Effective Date

1. After closure of the public comment period, including any public hearing, under §611.G on a draft permit, the commissioner shall issue a final permit decision within 30 days. The commissioner shall notify the applicant and each person who has submitted written comments or requested notice of the final permit decision. This notice shall include reference to the procedure for appealing a decision on a UIC permit under La. Title 30 R.S. §30:15. For the purposes of this section, a final permit decision means a final decision to issue, deny, modify, revoke and reissue, or terminate a permit.

2. A final permit decision shall become effective on the date of issuance.

3. Approval or the granting of a permit to construct a Class VI well shall be valid for a period of one year and if not begun in that time, the permit shall be null and void. The permittee may request an extension of this one-year requirement; however, the commissioner shall approve the request for extenuating circumstances only.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:4 et seq., 30:22 et seq., and 30:1101 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 46:

§613 Permit Modification, Revocation and Reissuance, Termination, Transfer or Renewal

A. Applicability. The rules of this Section set forth the standards and requirements for applications and actions concerning modification, revocation and reissuance, termination, transfer and renewal of permits.

B. Permit Actions

1. The permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

2. The permittee shall furnish to the commissioner, within 30 days, any information which the commissioner may request to determine whether cause exists for modifying, revoking and reissuing, or terminating a permit, or to determine compliance with the permit. The permittee shall also furnish to the commissioner, upon request, copies of records required to be kept by the permit.

3. The commissioner may, upon his own initiative or at the request of any interested person, review any permit to determine if cause exists to modify, revoke and reissue, or terminate the permit for the reasons specified in §§613.C, D, and E. All requests shall be in writing and shall contain facts or reasons supporting the request.

4. If the commissioner decides the request is not justified, he shall send the person making the request a brief written response giving a reason for the decision. Denials of requests for modification, revocation and reissuance, or termination are not subject to public notice, comment, or hearings.

5. If the commissioner decides to modify or revoke and reissue a permit under §§613.C, D, and E, he shall prepare a draft permit under §611.C incorporating the proposed changes. When a permit is modified, the entire permit is reopened and is subject to revision. The commissioner may request additional information and, in the case of a modified permit, may require the submission of an updated permit application. In the case of revoked and reissued permits, the commissioner shall require, if necessary, the submission of a new application.

6. In a permit modification under this section, only those conditions to be modified shall be reopened when a new draft permit is prepared. All other aspects of the existing permit shall remain in effect for the duration of the unmodified permit. When a permit is revoked and reissued under this section, the entire permit is reopened just as if the permit had expired and was being reissued. During any revocation and reissuance proceeding the permittee shall comply with all conditions of the existing permit until a new final permit is reissued.

C. Modification or Revocation and Reissuance of Permits

1. The following are causes for modification and may be causes for revocation and reissuance of permits.

a. Alterations. There are material and substantial alterations or additions to the permitted facility or activity which occurred after permit issuance which justify the application of permit conditions that are different or absent in the existing permit.

b. Information. The commissioner has received information pertinent to the permit that would have justified the application of different permit conditions at the time of issuance.

c. New Regulations

i. The standards or regulations on which the permit was based have been changed by promulgation of amended standards or regulations or by judicial decision after the permit was issued. Permits for Class VI wells may be modified during their terms when:

(a) the permit condition requested to be modified was based on a promulgated regulation or guideline;

(b) there has been a revision, withdrawal, or modification of that portion of the regulation or guideline on which the permit condition was based; and

(c) a permittee requests modification within 90 days after *Louisiana Register* notice of the action on which the request is based.

ii. When standards or regulations on which the permit was based have been changed by withdrawal of standards or regulations or by promulgation of amended standards or regulations which impose less stringent requirements on the permitted activity or facility and the permittee requests to have permit conditions based on the withdrawn or revised standards or regulations deleted from his permit.

iii. For judicial decisions, a court of competent jurisdiction has remanded and stayed Office of Conservation regulations or guidelines and all appeals have been exhausted, if the remand and stay concern that portion of the regulations or guidelines on which the permit condition was based and a request is filed by the permittee to have permit conditions based on the remanded or stayed standards or regulations deleted from his permit.

d. Compliance Schedules. The commissioner determines good cause exists for modification of a compliance schedule, such as an act of God, strike, flood, or materials shortage or other events over which the permittee has little or no control and for which there is no reasonable available remedy.

e. Additional Modification of Class VI Permits. For Class VI wells, whenever the commissioner determines that permit changes are necessary based on:

i. area of review reevaluations under §615.C.2;

ii. any amendments to the testing and monitoring plan under §625.A.10;

iii. any amendments to the injection well plugging plan under §631.A.3;

iv. any amendments to the post-injection site care and site closure plan under §633.A.1.c;

v. any amendments to the emergency and remedial response plan under §625.A.4; or

vi. a review of monitoring and testing results conducted in accordance with permit requirements.

2. Causes for modification or revocation and reissuance. The following are causes to modify or, alternatively, revoke and reissue a permit:

a. cause exists for termination under §613.E, and the commissioner determines that modification or revocation and reissuance is appropriate;

b. the commissioner has received notification of a proposed transfer of the permit and the transfer is determined not to be a minor modification (see §613.D.4). A permit may be modified to reflect a transfer after the effective date (§613.F.2.b) but will not be revoked and reissued after the effective date except upon the request of the new permittee; or

c. a determination that the waste being injected is a hazardous waste as defined in §601 either because the definition has been revised, or because a previous determination has been changed; or

d. to incorporate such other requirements as may be necessary under the Safe Drinking Water Act.

3. Facility Siting. Suitability of an existing facility location will not be considered at the time of permit modification or revocation and reissuance unless new information or standards indicate that continued operations at the site pose a threat to the health or safety of persons or the environment which was unknown at the time of permit issuance. A change of injection site or facility location may require modification or revocation and issuance as determined to be appropriate by the commissioner.

4. If a permit modification satisfies the criteria of this Section, a draft permit must be prepared and other applicable procedures must be followed.

D. Minor Modifications of Permits. Upon the consent of the permittee, the commissioner may modify a permit to make the corrections or allowances for changes in the permitted activity listed in this Section without issuing a draft permit and providing for public comment. Minor modifications may only:

1. correct typographical errors;

2. require more frequent monitoring or reporting by the permittee;

3. change an interim compliance date in a schedule of compliance, provided the new date is not more than 120 days after the date specified in the existing permit and does not interfere with attainment of the final compliance date requirement;

4. allow for a change in ownership or operational control of a facility where the commissioner determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittees has been submitted to the commissioner (see §613.F);

5. change quantities or types of fluids injected which are within the capacity of the facility as permitted and, in the judgment of the commissioner, would not interfere with the operation of the facility or its ability to meet conditions prescribed in the permit, and would not change its classification;

6. change construction requirements or plans approved by the commissioner provided that any such alteration shall comply with the requirements of this Section and §617. No such changes may be physically incorporated into construction of the well prior to approval; or

7. amend a Class VI injection well testing and monitoring plan, plugging plan, post-injection site care and site closure plan, or emergency and remedial response plan where the modifications merely clarify or correct the plan, as determined by the commissioner.

E. Termination of Permits

1. The commissioner may terminate a permit during its term for the following causes:

a. noncompliance by the permittee with any condition of the permit;

b. the permittee's failure in the application or during the permit issuance process to disclose fully all relevant facts, or the permittee's misrepresentation of any relevant facts at any time; or

c. a determination that the permitted activity endangers the health or safety of persons or the environment which activity cannot be regulated to acceptable levels by permit modification and can only be regulated to acceptable levels by permit termination.

2. If the commissioner decides to terminate a permit, he shall issue a notice of intent to terminate. A notice of intent to terminate is a type of draft permit which follows the same procedures as any draft permit prepared under §611.C.

3. The commissioner may alternatively decide to modify or revoke and reissue a permit for the causes in §613.E.1 (see §613.C.2.a).

F. Transfers of Permits

1. A permit may be transferred to a new owner or operator upon approval by the commissioner.

2. The current permittee shall submit an application for transfer at least 30 days before the proposed transfer date. The application shall contain the following:

a. name and address of the transferee;

b. date of proposed transfer; and

c. a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage and liability between them. The agreement should also demonstrate to the satisfaction of the commissioner that the financial responsibility requirements of §609.C will be met by the new permittee.

3. If the commissioner does not notify the existing permittee and the proposed new permittee of his intent to modify or revoke and reissue the permit under §613.C.2.b the transfer is effective on the date specified in the agreement mentioned in §613.F.2.c.

4. If no agreement described in §613.F.2.c is provided, responsibility for compliance with the terms and conditions of the permit and liability for any violation will shift from the existing permittee to the new permittee on the date the transfer is approved.

5. If a person attempting to acquire a permit causes or allows operation of the facility before approval by the commissioner, it shall be considered a violation of these rules for operating without a permit or other authorization.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:4 et seq., 30:22 et seq., and 30:1101 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 46:

§615. Siting Criteria, AOR, and Corrective Action

A. Minimum Criteria for Siting. Applicants, owners, or operators of Class VI wells must demonstrate to the satisfaction of the commissioner that the wells will be sited in areas with a suitable geologic system. The demonstration must show that the geologic system comprises:

1. an injection zone of sufficient areal extent, thickness, porosity, and permeability to receive the total anticipated volume of the carbon dioxide stream;

2. confining zone(s) free of transmissive faults or fractures and of sufficient areal extent and integrity to contain the injected carbon dioxide stream and displaced formation fluids, and allow injection at proposed maximum pressures and volumes without initiating or propagating fractures in the confining zone(s).

a. The commissioner may require owners or operators of Class VI wells to identify and characterize additional zones that will impede vertical fluid movement, are free of faults and fractures that may interfere with containment, allow for pressure dissipation, and provide additional opportunities for monitoring, mitigation, and remediation.

B. Area of Review (AOR)

1. The area of review is the region surrounding the geologic sequestration project where USDWs may be endangered by the injection activity. The area of review is delineated using computational modeling that accounts for the physical and chemical properties of all phases of the injected carbon dioxide stream and is based on available site characterization, monitoring, and operational data.

2. The owner or operator of a Class VI well must prepare, maintain, and comply with a plan to delineate the area of review for the proposed geologic sequestration project, periodically reevaluate the delineation, and perform corrective action that meets the requirements of these regulations and is acceptable to the commissioner. The requirement to maintain and implement an approved plan is directly enforceable regardless of whether the requirement is a condition of the permit. As a part of the permit application, the owner or operator must submit an area of review and corrective action plan that includes the following information:

a. the method for delineating the area of review that meets the requirements of §615.B.3, including the model to be used, assumptions that will be made, and the site characterization data on which the model will be based;

b. a description of:

i. the minimum fixed frequency—not to exceed five years—at which the owner or operator proposes to reevaluate the area of review;

ii. the monitoring and operational conditions that would warrant a reevaluation of the area of review prior to the next scheduled reevaluation as determined by the minimum fixed frequency established in §615.B.2.b.i.

iii. how monitoring and operational data (e.g., injection rate and pressure) will be used to inform an area of review reevaluation; and

iv. how corrective action will be conducted to meet the requirements of §615.C, including what corrective action will be performed prior to injection and what, if any,

portions of the area of review the operator proposes to have corrective action addressed on a phased basis and how the phasing will be determined; how corrective action will be adjusted if there are changes in the area of review; and how site access will be guaranteed for future corrective action.

3. Area of Review Boundary Delineation. Owners or operators of Class VI wells must perform the following actions to delineate the area of review and identify all wells that require corrective action:

a. predict, using existing site characterization, monitoring and operational data, and computational modeling, the projected lateral and vertical migration of the carbon dioxide plume and formation fluids in the subsurface from the commencement of injection activities until the plume movement ceases, until pressure differentials sufficient to cause the movement of injected fluids or formation fluids into a USDW are no longer present, or until the end of a fixed time period as determined by the commissioner. The model must:

i. be based on detailed geologic data collected to characterize the injection zone(s), confining zone(s) and any additional zones; and anticipated operating data, including injection pressures, rates, and total volumes over the proposed life of the geologic sequestration project;

ii. take into account any geologic heterogeneities, other discontinuities, data quality, and their possible impact on model predictions; and

iii. consider potential migration through faults, fractures, and artificial penetrations.

b. using methods approved by the commissioner, the owner or operator shall at a minimum, identify all penetrations, including active and abandoned wells and underground mines, in the area of review that penetrate the confining and injection zone(s). (See §603.H.4.) Provide a description of each well's type, construction, date drilled, location, depth, record of plugging and/or completion, and any additional information the commissioner may require; and

c. determine which abandoned wells in the area of review have been plugged in a manner that prevents the movement of carbon dioxide or other fluids that may endanger USDWs, including use of materials compatible with the carbon dioxide stream.

C. Corrective Action

1. Owners or operators of Class VI wells must perform corrective action on all wells in the area of review that are determined to need corrective action, using methods designed to prevent the movement of fluid into or between USDWs, including use of materials compatible with the carbon dioxide stream, where appropriate.

2. At the minimum fixed frequency—not to exceed five years—as specified in the area of review and corrective action plan, or when monitoring and operational conditions warrant, owners or operators must:

a. reevaluate the area of review in the same manner specified in §615.B.3.a;

b. identify all wells in the reevaluated area of review that require corrective action in the same manner specified in §615.B.3;

c. perform corrective action on wells requiring corrective action in the reevaluated area of review in the same manner specified in §615.C.1; and

d. submit an amended area of review and corrective action plan or demonstrate to the commissioner through monitoring data and modeling results that no amendment to the area of review and corrective action plan is needed. Any amendments to the area of review and corrective action plan must be approved by the commissioner, must be incorporated into the permit, and are subject to the permit modification requirements at §613, as appropriate.

3. The emergency and remedial response plan (as required by §623) and the demonstration of financial responsibility (as described by §609.C must account for the area of review delineated as specified in §615.B.3.a or the most recently evaluated area of review delineated under §615.C.2, regardless of whether or not corrective action in the area of review is phased.

4. All modeling inputs and data used to support area of review reevaluations under §615.C.2 shall be retained for at least 10 years.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:4 et seq., 30:22 et seq., and 30:1101 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 46:

§617. Well Construction and Completion

A. Injection Well Construction Requirements

1. General. All phases of Class VI well construction shall be supervised by a person knowledgeable and experienced in practical drilling engineering and is familiar with the special conditions and requirements of injection well construction. All materials and equipment used in the construction of the well and related appurtenances shall be designed and manufactured to exceed the operating requirements of the specific project, including flow induced vibrations. The owner or operator must ensure that all wells are constructed and completed to:

- a. prevent the movement of fluids into or between USDWs or into any unauthorized zones;
- b. allow the use of appropriate testing devices and workover tools; and
- c. allow for continuous monitoring of the annulus space between the injection tubing and long string casing.

2. Casing and Cementing of Class VI Wells

a. Casing and cement or other materials used in the construction of each Class VI well must have sufficient structural strength and be designed for the life of the geologic sequestration project. All well materials must be compatible with fluids that the materials may be expected to come into contact and must meet or exceed standards developed for such materials by the American Petroleum Institute, ASTM International, or comparable standards acceptable to the commissioner. The casing and cementing program must be designed to prevent the movement of fluids into or between USDWs. In order to allow the commissioner to evaluate casing and cementing requirements, the owner or operator must provide the following information:

- i. depth to the injection zone(s);
- ii. injection pressure, external pressure, internal pressure, and axial loading;
- iii. hole size;
- iv. size and grade of all casing strings (wall thickness, external diameter, nominal weight, length, joint specification, and construction material);
- v. corrosiveness of the carbon dioxide stream and formation fluids;

- vi. down-hole temperatures;
- vii. lithology of injection and confining zone(s);
- viii. type or grade of cement and cement additives including slurry weight (lb/gal) and yield (cu. ft./sack); and
- ix. quantity, chemical composition, and temperature of the carbon dioxide stream.

b. The surface casing of any Class VI well must extend into a confining bed—such as a shale—below the base of the deepest formation containing a USDW. The casing shall be cemented with a sufficient volume of cement to circulate cement from the casing shoe to the surface. The commissioner will not grant an exception or variance to the surface casing setting depth.

c. At least one long string casing, using a sufficient number of centralizers, shall be utilized in the well. If the casing is to be perforated for injection, then the approved casing shall extend through the base of the injection zone. If an approved alternate construction method is used, such as the setting of a screen, the casing shall be set to the top of the injection interval. Regardless of the construction method utilized, the casings shall be cemented by circulating cement from the casing shoe to the surface in one or more stages.

d. Circulation of cement may be accomplished by staging. Circulated to the surface shall mean that actual cement returns to the surface were observed during the primary cementing operation. A copy of the cementing company's job summary or cementing tickets indicating returns to the surface shall be submitted as part of the pre-operating requirements.

i. The commissioner may approve an alternative method of cementing in cases where the cement cannot be circulated to the surface. If cement returns are lost during cementing, the owner or operator shall have the burden of showing—using wireline logs—that sufficient cement isolation is present to prevent the movement of fluid behind the well casing.

ii. Remedial cementing shall be done before proceeding with further well construction, completion, or conversion if adequate cement isolation of the USDW or the injection zone within the casing-formation annulus cannot be demonstrated.

e. Cement and cement additives must be compatible with the carbon dioxide stream and formation fluids and of sufficient quality and quantity to maintain integrity over the design life of the geologic sequestration project. The integrity and location of the cement shall be verified using technology capable of evaluating cement quality radially and identifying the location of channels to ensure that USDWs are not endangered.

3. Casing and Casing Seat Tests. The owner or operator shall monitor and record the tests using a surface readout pressure gauge and a chart or a digital recorder. All instruments shall be calibrated properly and in good working order. If there is a failure of the required tests, the owner or operator shall take necessary corrective action to obtain a passing test.

a. Casing. After cementing each casing, but before drilling out the respective casing shoe, all casings shall be hydrostatically pressure tested to verify casing integrity and the absence of leaks. For surface casing, the stabilized test pressure applied at the surface shall be a minimum of 500 pounds per square inch gauge (PSIG). The stabilized test

pressure applied at the surface for all other casings shall be a minimum of 1,000 PSIG. All casing test pressures shall be maintained for one hour after stabilization. Allowable pressure loss is limited to five percent of the test pressure over the stabilized test duration.

i. Casing test pressures shall never exceed the rated burst or collapse pressures of the respective casings.

b. Casing Seat. The casing seat and cement of any intermediate and injection casings shall be hydrostatically pressure tested after drilling out the casing shoe. At least 10 feet of formation below the respective casing shoes shall be drilled before the test. The test pressure applied at the surface shall be a minimum of 1,000 PSIG. The test pressure shall be maintained for one hour after pressure stabilization. Allowable pressure loss is limited to five percent of the test pressure over the stabilized test duration.

i. Casing seat test pressures shall never exceed the known or calculated fracture gradient of the appropriate subsurface formation.

4. Tubing and Packer

a. Tubing and packer materials used in the construction of each Class VI well must be compatible with fluids that the materials may be expected to come into contact and must meet or exceed standards developed for such materials by the American Petroleum Institute, ASTM International, or comparable standards acceptable to the commissioner.

b. Injection into a Class VI well must be through tubing with a packer set at a depth opposite an interval of cemented casing at a location approved by the commissioner.

c. In order for the commissioner to determine and specify requirements for tubing and packer, the owner or operator must submit the following information:

- i. depth of setting;
- ii. characteristics of the carbon dioxide stream (chemical content, corrosiveness, temperature, and density) and formation fluids;
- iii. maximum proposed injection pressure;
- iv. maximum proposed annular pressure;
- v. proposed injection rate (intermittent or continuous) and volume and/or mass of the carbon dioxide stream;
- vi. size of tubing and casing; and
- vii. tubing tensile, burst, and collapse strengths.

B. Logging, Sampling, and Testing Prior to Injection Well Operation

1. During the drilling and construction of a Class VI well, appropriate logs, surveys and tests must be run to determine or verify the depth, thickness, porosity, permeability, and lithology of, and the salinity of formation fluids in all relevant geologic formations to ensure conformance with the injection well construction requirements of §617 and to establish accurate baseline data against which future measurements may be compared. The well operator must submit to the commissioner a descriptive report prepared by a knowledgeable log analyst that includes an interpretation of the results of such logs and tests. At a minimum, such logs and tests must include:

a. deviation checks during drilling of all boreholes constructed by drilling a pilot hole, which is enlarged by reaming or another method. Such checks must be at sufficiently frequent intervals to determine the location of the borehole and to ensure that vertical avenues for fluid movement in the form of diverging holes are not created during drilling;

b. before and upon installation of the surface casing:

i. resistivity, gamma-ray, spontaneous potential, and caliper logs before the casing is installed; and

ii. a cement bond and variable density log to evaluate cement quality radially, and a temperature log after the casing is set and cemented.

c. before and upon installation of intermediate and long string casing:

i. resistivity, gamma-ray, spontaneous potential, porosity, caliper, fracture finder logs, and any other logs the commissioner requires for the given geology before the casing is installed; and

ii. a cement bond and variable density log, and a temperature log after the casing is set and cemented.

d. a series of tests designed to demonstrate the internal and external mechanical integrity of injection wells, which may include:

- i. a pressure test with liquid or gas;
- ii. a tracer-type survey to detect fluid movement behind casing such as a radioactive tracer or oxygen-activation logging, or similar tool;
- iii. a temperature or noise log;
- iv. a casing inspection log.

e. any alternative methods that provide equivalent or better information and that are required by and approved by the commissioner.

2. The owner or operator must take whole cores or sidewall cores of the injection zone and confining system and formation fluid samples from the injection zone(s), and must submit to the commissioner a detailed report prepared by a log analyst that includes: well log analyses (including well logs), core analyses, and formation fluid sample information. The commissioner may accept information on cores from nearby wells if the owner or operator can demonstrate that core retrieval is not possible and that such cores are representative of conditions at the well. The commissioner may require the owner or operator to core other formations in the borehole.

3. The owner or operator must record the fluid temperature, pH, conductivity, reservoir pressure, and static fluid level of the injection zone(s).

4. At a minimum, the owner or operator must determine or calculate the following information concerning the injection and confining zone(s):

- a. fracture pressure;
- b. other physical and chemical characteristics of the injection and confining zone(s); and
- c. physical and chemical characteristics of the formation fluids in the injection zone(s).

5. Upon completion, but before operating, the owner or operator must conduct the following tests to verify hydrogeologic characteristics of the injection zone(s):

- a. a pressure fall-off test; and,
- b. a pump test; or
- c. injectivity tests.

6. The owner or operator must notify the Office of Conservation at least 72 hours before conducting any wireline logs, well tests, or reservoir tests.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:4 et seq., 30:22 et seq., and 30:1101 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 46:

§619. Pre-Operations—Completion Report and Site Reassessment

A. Pre-Operating Requirements. The owner or operator of the well shall submit the following information to the commissioner. The commissioner shall consider the information before granting final approval for the operation of a Class VI well:

1. the final area of review based on modeling, using data obtained during logging and testing of the well and subsurface formations as required by §619.A.2, 3, 4, 6, 7, and 10;

2. any relevant updates—based on data obtained during logging and testing of the well and subsurface formations as required by §619.A.3, 4, 6, 7, and 10—to the information on the geologic structure and hydrogeologic properties of the proposed storage site and overlying formations, submitted to satisfy the requirements of §607.C.1.b;

3. information on the compatibility of the carbon dioxide stream:

- a. with fluids in the injection zone(s);
- b. with minerals in both the injection and the confining zone(s), based on the results of the formation testing program; and
- c. with the materials used to construct the well;

4. the results of the formation testing program required at §607.C.2.g;

5. final injection well construction procedures that meet the requirements of §617.A;

6. the status of corrective action on wells in the area of review;

7. all available logging and testing program data on the well required by §617.B;

8. a demonstration of mechanical integrity pursuant to §627;

9. any updates to the proposed area of review and corrective action plan, testing and monitoring plan, injection well plugging plan, post-injection site care and site closure plan, or the emergency and remedial response plan submitted under §623, that are necessary to address new information collected during logging and testing of the well and the formation as required by §617.B, and any updates to the alternative post-injection site care timeframe demonstration submitted under §633, that are necessary to address new information collected during the logging and testing of the well and the formation as required by; and

10. Any additional information requested by the commissioner.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:4 et seq., 30:22 et seq., and 30:1101 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 46:

§621. Operations

A. Injection Well Operating Requirements

1. Injection Pressure. Except during stimulation, the injection well shall be operated so that the injection-induced pressure in the injection zone(s) does not exceed 90 percent of the fracture pressure of the injection zone(s). This shall ensure that the injection does not initiate new fractures or propagate existing fractures in the injection zone. In no case may injection pressure initiate fractures in the confining zone(s) or cause the movement of injection or formation fluids that endangers a USDW. Pursuant to requirements at §607.C.2.h, all stimulation programs must be approved by the commissioner as part of the permit application and incorporated into the permit.

2. Injection between the outermost casing protecting USDWs and the wellbore is prohibited.

3. The owner or operator must fill the annulus between the tubing and the long string casing with a non-corrosive fluid approved by the commissioner or a fluid containing a corrosion inhibitor approved by the commissioner.

4. Annulus Pressure. The owner or operator shall maintain a tubing-casing annulus pressure that exceeds the operating injection pressure, unless the commissioner determines that such requirement might harm the integrity of the well or endanger a USDW. A request to operate the well at a reduced annulus pressure must be in writing and approved by the commissioner.

5. The owner or operator must maintain mechanical integrity of the injection well at all times, except when doing well workovers, well maintenance, or well remedial work approved by the commissioner.

6. Continuous recording devices shall be installed, used, and maintained in proper working order for each well.

a. continuous recording devices shall monitor:

- i. surface injection or bottom-hole pressure;
- ii. flow rate, volume and/or mass, and temperature of the carbon dioxide stream;
- iii. tubing-casing annulus pressure and annulus fluid volume;
- iv. any other data specified by the commissioner.

b. continuous recordings shall consist of digital recordings. Instruments shall be weatherproof or housed in weatherproof enclosures when located in areas exposed to climatic conditions.

7. Alarms and Automatic Shutdown Systems

a. Alarms and automatic shutdown systems designed to actuate on exceedance of a predetermined monitored condition shall be installed and maintained in proper working order as follows:

i. for onshore wells, alarms and automatic surface shut-off valves or—at the discretion of the commissioner—down-hole shut-off systems (e.g., automatic shut-off, check valves) or, other mechanical devices that provide equivalent protection; and

ii. for offshore wells, alarms and automatic down-hole shut-off systems designed to alert the operator and shut-in the well when operating parameters such as annulus pressure, injection rate, or other parameters diverge beyond permitted ranges or gradients specified in the permit.

iii. all alarms must be integrated with any automatic shutdown system.

b. If a shutdown (i.e., down-hole or at the surface) is triggered or a loss of mechanical integrity is discovered, the owner or operator must immediately investigate and identify as expeditiously as possible the cause of the shutoff. If, upon such investigation, the well is lacking mechanical integrity, or if monitored well parameters indicate that the well may be lacking mechanical integrity, the owner or operator must:

- i. immediately cease injection;
- ii. take all steps reasonably necessary to determine whether there may have been a release of the injected carbon dioxide stream or formation fluids into any unauthorized zone;
- iii. notify the commissioner within 24 hours;
- iv. restore and demonstrate mechanical integrity to the satisfaction of the commissioner prior to resuming injection; and
- v. notify the commissioner when injection can be expected to resume.

c. All emergency shutdown systems shall be fail-safe. The operator shall function-test all critical systems of control and safety at least once every six months. This includes testing of alarms, test tripping of emergency shutdown valves ensuring their closure times are within design specifications, and ensuring the integrity of all electrical, pneumatic, and hydraulic circuits. Test dates and results shall be documented and be available for inspection by an agent of the Office of Conservation.

8. Wellhead Identification and Protection

a. A protective barrier shall be installed and maintained around the wellheads, piping, and above ground structures that may be vulnerable to physical or accidental damage by mobile equipment or trespassers.

b. An identifying sign shall be placed at the wellhead of each injection well and shall include at a minimum the operator's name, well name and number, well serial number, section-township-range, and any other information required by the commissioner. The sign shall be of durable construction with all lettering kept in a legible condition.

9. Well Workovers. No well remedial work, well maintenance or repair, well or injection formation stimulation, well plug and abandonment or temporary abandonment, any other test of the injection well conducted by the permittee, or well work of any kind, shall be done without prior written authorization from the commissioner. The operator shall submit a work permit request form (Form UIC-17 or successor) to seek well work authorization.

10. Pressure gauges that show pressure on the injection tubing and tubing-casing annulus shall be installed at each wellhead. Gauges shall be designed to read in increments of 10 PSIG. All gauges shall be properly calibrated and be maintained in good working order. The pressure valves onto which the pressure gauges are affixed shall have one-half inch female fittings.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:4 et seq., 30:22 et seq., and 30:1101 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 46:

§623. Emergency Response

A. Emergency and Remedial Response.

1. As part of the permit application, the owner or operator must provide the commissioner with an emergency and remedial response plan that describes actions the owner or operator must take to address movement of the injection or formation fluids that may cause an endangerment to a USDW during construction, operation, and post-injection site care periods. The requirement to maintain and implement an approved plan is directly enforceable regardless of whether the requirement is a condition of the permit.

2. If the owner or operator obtains evidence that the injected carbon dioxide stream and associated pressure front may cause an endangerment to a USDW, the owner or operator must:

- a. immediately cease injection;
- b. take all steps reasonably necessary to identify and characterize any release;
- c. notify the commissioner within 24 hours; and
- d. implement the emergency and remedial response plan approved by the commissioner.

3. The commissioner may allow the operator to resume injection prior to remediation if the owner or operator demonstrates that the injection operation will not endanger USDWs.

4. The owner or operator shall review the emergency and remedial response plan developed under §623.A.1 at least once every five years. Based on this review, the owner or operator shall submit an amended emergency and remedial response plan or demonstrate to the commissioner that no amendment to the emergency and remedial response plan is needed. Any amendments to the emergency and remedial response plan must be approved by the commissioner, must be incorporated into the permit, and are subject to the permit modification requirements at §613, as appropriate. Amended plans or demonstrations shall be submitted to the commissioner as follows:

- a. within one year of an area of review reevaluation;
- b. following any significant changes to the facility, such as addition of injection or monitoring wells, on a schedule determined by the commissioner; or
- c. when required by the commissioner.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:4 et seq., 30:22 et seq., and 30:1101 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 46:

§625. Testing and Monitoring

A. Testing and Monitoring Requirements. The owner or operator of a Class VI well must prepare, maintain, and comply with a testing and monitoring plan to verify that the geologic sequestration project is operating as permitted and is not endangering USDWs. The requirement to maintain and implement an approved plan is directly enforceable regardless of whether the requirement is a condition of the permit. The testing and monitoring plan must be included with the permit application and must include a description of how the owner or operator will meet these requirements, including accessing sites for all necessary monitoring and testing during the life of the project. Testing and monitoring

associated with geologic sequestration projects must include, at a minimum:

1. analysis of the carbon dioxide stream with sufficient frequency to yield data representative of its chemical and physical characteristics;

2. installation and use of continuous recording devices to monitor injection pressure, rate, and volume; the pressure on the tubing-casing annulus; and the annulus fluid volume added. Continuous monitoring is not required during well workovers as defined in §621.A.5;

3. corrosion monitoring of the well materials for loss of mass, thickness, cracking, pitting, and other signs of corrosion, which must be performed on a quarterly basis to ensure that the well components meet the minimum standards for material strength and performance set forth in §617.A.2, by:

a. analyzing coupons of the well construction materials placed in contact with the carbon dioxide stream; or

b. routing the carbon dioxide stream through a loop constructed with the material used in the well and inspecting the materials in the loop; or

c. using an alternative method approved by the commissioner;

4. periodic monitoring of the ground water quality and geochemical changes above the confining zone(s) that may be a result of carbon dioxide movement through the confining zone(s) or additional identified zones including:

a. the location and number of monitoring wells based on specific information about the geologic sequestration project, including injection rate and volume, geology, the presence of artificial penetrations, and other factors; and

b. the monitoring frequency and spatial distribution of monitoring wells based on baseline geochemical data that has been collected under §607.C.2.e and on any modeling results in the area of review evaluation required by §615.B.3.

5. a demonstration of external mechanical integrity pursuant to §627.A.3 at least once every 12 months until the injection well is permanently plugged and abandoned; and, if required by the commissioner, a casing inspection log pursuant to requirements at §627.A.4 at a frequency established in the testing and monitoring plan;

6. a pressure fall-off test at least once every five years unless more frequent testing is required by the commissioner based on site-specific information;

7. testing and monitoring to track the extent of the carbon dioxide plume and the presence or absence of elevated pressure (e.g., the pressure front) by using:

a. direct methods in the injection zone(s); and

b. indirect methods (e.g., seismic, electrical, gravity, or electromagnetic surveys and/or down-hole carbon dioxide detection tools), unless the commissioner determines that such methods are not appropriate, based on site-specific geology;

8. The commissioner may require surface air monitoring and/or soil gas monitoring to detect movement of carbon dioxide that could endanger a USDW.

a. Design of Class VI surface air and/or soil gas monitoring must be based on potential risks to USDWs within the area of review;

b. The monitoring frequency and spatial distribution of surface air monitoring and/or soil gas monitoring must be decided using baseline data, and the monitoring plan must describe how the proposed monitoring will yield useful information on the area of review delineation and/or compliance with standards under §603.D;

c. If an owner or operator demonstrates that monitoring employed under 40 CFR 98.440 to 98.449 accomplishes the goals of §§625.A.8.a and b., and meets the requirements pursuant to §629.A.1.v, a regulatory agency that requires surface air/soil gas monitoring must approve the use of monitoring employed under 40 CFR 98.440 to 98.449. Compliance with 40 CFR 98.440 to 98.449 pursuant to this provision is considered a condition of the Class VI permit;

9. Any additional monitoring, as required by the commissioner, necessary to support, upgrade, and improve computational modeling of the area of review evaluation required under §615.B.3 and to determine compliance with standards under §619;

10. The owner or operator shall periodically review the testing and monitoring plan to incorporate monitoring data collected under §625, operational data collected under §621, and the most recent area of review reevaluation performed under §615.C.2. In no case shall the owner or operator review the testing and monitoring plan less often than once every five years. Based on this review, the owner or operator shall submit an amended testing and monitoring plan or demonstrate to the commissioner that no amendment to the testing and monitoring plan is needed. Any amendments to the testing and monitoring plan must be approved by the commissioner, must be incorporated into the permit, and are subject to the permit modification requirements at §613, as appropriate. Amended plans or demonstrations shall be submitted to the commissioner as follows:

a. within 12 months of an area of review reevaluation;

b. following any significant changes to the facility, such as addition of monitoring wells or newly permitted injection wells within the area of review, on a schedule determined by the commissioner; or

c. when required by the commissioner.

11. a quality assurance and surveillance plan for all testing and monitoring requirements.

B. Monitoring and Records

1. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

2. The permittee shall retain records of all monitoring information, including the following:

a. calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report, or application. This period may be extended by request of the commissioner at any time; and

b. the nature and composition of all injected fluids until three years after the completion of any plugging and abandonment procedures specified under §629. The commissioner may require the owner or operator to deliver

the records to the commissioner at the conclusion of the retention period.

3. Records of monitoring information shall include:

- a. the date, exact place, and time of sampling or measurements;
- b. the individual(s) who performed the sampling or measurements;
- c. the date(s) analyses were performed;
- d. the individual(s) who performed the analyses;
- e. the analytical techniques or methods used; and
- f. the results of such analyses.

4. Owners or operators of Class VI wells shall retain records as specified in §§615.C.4, 629.A.4, 631.A.5, 633.A.6, and 633.A.8 of this chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:4 et seq., 30:22 et seq., and 30:1101 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 46:

§627. Mechanical Integrity

A. Mechanical Integrity

1. A Class VI well has mechanical integrity if:

- a. there is no significant leak in the casing, tubing, or packer; and
- b. there is no significant fluid movement into a USDW through channels adjacent to the injection wellbore.

2. To evaluate the absence of significant leaks, owners or operators must:

- a. perform an annulus pressure test:
 - i. after initial well construction or conversion as part of the pre-operating requirements;
 - ii. at least once every 12 months witnessed by an agent of the Office of Conservation; and
 - iii. after performing any well remedial work that involves unseating the tubing or packer.
- b. continuously monitor injection pressure, rate, injected volumes; pressure on the annulus between tubing and long-string casing; and annulus fluid volume as specified in §621.A.6.

3. At least once every 12 months, use one of the following methods to determine the absence of significant fluid movement:

- a. an approved tracer-type survey such as a radioactive tracer, oxygen-activation log, or similar tool; or
- b. a temperature or noise log.

4. If required by the commissioner, run a casing inspection log at a frequency specified in the testing and monitoring plan at §625 to determine the presence or absence of corrosion in the long-string casing.

5. The commissioner may require other tests to evaluate well mechanical integrity.

a. The commissioner may allow the use of a test to demonstrate mechanical integrity other than those listed above with written approval of the USEPA. To obtain approval for the use of a new mechanical integrity test, the owner or operator must submit a written request to the commissioner with details of the proposed test and all technical data supporting its use, and the commissioner will submit a written request to the USEPA.

6. In conducting and evaluating the tests enumerated in this section to be allowed by the commissioner, the owner or operator and the commissioner must apply methods and

standards generally accepted in the industry. When the owner or operator reports the results of mechanical integrity tests to the commissioner, a description of the test(s) and the method(s) used must be included. In making the evaluation, the commissioner must review monitoring and other test data submitted since the previous evaluation.

7. The commissioner may require additional or alternative tests if the mechanical integrity test results presented are not satisfactory to the commissioner to demonstrate that there is no significant leak in the casing, tubing, or packer, or to demonstrate that there is no significant movement of fluid into a USDW resulting from the injection activity.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:4 et seq., 30:22 et seq., and 30:1101 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 46:

§629. Reporting

A. Reporting Requirements

1. The owner or operator must provide, at a minimum, the following reports to the commissioner, and the USEPA as specified in §629.A.3, for each permitted Class VI well:

- a. semi-annual reports containing:
 - i. any changes to the physical, chemical, and other relevant characteristics of the carbon dioxide stream from the proposed operating data;
 - ii. monthly average, maximum, and minimum values for injection pressure, flow rate and volume, and annular pressure;
 - iii. a description of any event that exceeds operating parameters for annulus pressure or injection pressure specified in the permit;
 - iv. a description of any event which triggers a shut-off device required by §621 and the response taken;
 - v. the monthly volume and/or mass of the carbon dioxide stream injected over the reporting period and the volume injected cumulatively over the life of the project;
 - vi. monthly annulus fluid volume added;
 - vii. the results of monitoring prescribed under §625; and
 - viii. the raw operating data from the continuous recording devices prescribed by §621.A.6 submitted in digital format;

b. report, within 30 days or as specified by permit, the results of:

- i. periodic tests of mechanical integrity;
- ii. any well workover; and
- iii. any other test of the injection well conducted by the permittee if required by the commissioner;

c. report, within 24 hours:

- i. any evidence that the injected carbon dioxide stream or associated pressure front may cause an endangerment to a USDW;
- ii. any noncompliance with a permit condition, or malfunction of the injection system, which may cause fluid migration into or between USDWs;
- iii. any triggering of a shut-off system (i.e., down-hole or at the surface);
- iv. any failure to maintain mechanical integrity; or
- v. any release of carbon dioxide to the atmosphere or biosphere pursuant to compliance with the

requirement at §625.A.8 for surface air/soil gas monitoring or other monitoring technologies, if required by the commissioner;

2. Owners or operators must notify the commissioner in writing in advance of doing any well work or formation testing as required in §621.A.9.

3. Regardless of whether the State of Louisiana has primary permit and enforcement authority (primacy) for Class VI wells, owners or operators of Class VI wells, or applicants for Class VI wells must submit all required submittals, reports, and notifications under §§605, 607, 615, 617, 619, 621, 623, 625, 627, 629, 631, and §633 to the USEPA in an electronic format approved by the USEPA.

4. Records shall be retained by the owner or operator as follows:

a. all data collected for Class VI permit applications in §§607 and 619 shall be retained throughout the life of the geologic sequestration project and at least 10 years following site closure.

b. data on the nature and composition of all injected fluids collected under §625.A.1.a shall be retained at least 10 years after site closure. The commissioner may require the owner or operator to deliver the records to the commissioner at the conclusion of the retention period.

c. monitoring data collected under §§625.A.2 through 625.A.9 shall be retained at least 10 years after it is collected.

d. well plugging reports, post-injection site care data, including, if appropriate, data and information used to develop the demonstration of the alternative post-injection site care timeframe, and the site closure report collected pursuant to requirements at §§633.A.6 and 633.A.8 shall be retained at least 10 years following site closure.

e. The commissioner may require the owner or operator to retain any records required under these regulations for longer than 10 years after site closure.

B. Recordkeeping. Owners or operators of Class VI wells shall retain records as specified in §§615.C.4, 629.A.2, 631.A.5, 633.A.6, and 633.A.8.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:4 et seq., 30:22 et seq., and 30:1101 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 46:

§631. Plugging and Abandonment

A. Well Plugging and Abandonment.

1. A Class VI permit shall include conditions that meet the requirements set forth in this subsection and shall be incorporated into the permit as a permit condition. For purposes of this subsection, temporary or intermittent cessation of injection operations is not abandonment.

2. Before well plugging, the owner or operator must flush each Class VI well with a buffer fluid, determine bottomhole reservoir pressure, and perform a final external mechanical integrity test.

3. Well Plugging Plan. The owner or operator of a Class VI well must prepare, maintain, and comply with a plan acceptable to the commissioner. The requirement to maintain and implement an approved plan is directly enforceable regardless of whether the requirement is a condition of the permit. The well plugging plan must be submitted as part of the permit application, must be designed

in a way that will prevent the movement of fluids into or between USDWs or outside the injection zone, and must include the following minimum information:

a. appropriate tests or measures for determining bottomhole reservoir pressure;

b. appropriate testing methods to ensure external mechanical integrity as specified in §627;

c. a description of the size and amount of casing, tubing, or any other well construction materials to be removed from the well before well closure;

d. that prior to the placement of plugs, the well shall be in a state of static equilibrium with the mud weight equalized top to bottom, either by circulating the mud in the well at least once or by a comparable method;

e. the type and number of plugs to be used;

f. the placement of each plug, including the elevation of the top and bottom of each plug;

g. the type, grade, yield, and quantity of material, such as cement, to be used in plugging. The material must be compatible with the carbon dioxide stream;

h. the method of placement of the plugs;

i. pre-closure and proposed post-closure well schematics;

j. that each plug shall be appropriately tagged and tested for seal and stability;

k. that the well casings shall be cut at least five feet below ground surface for land-based wells, and at least 15 feet below the mud line for wells at a water location.

l. that upon successful completion of well closure of a land-based well, a one-half (½) inch steel plate shall be welded across all casings and inscribed with the well's state serial number and date plugged and abandoned, and

m. any additional information that the commissioner may require.

4. Notice of Intent to Plug. The owner or operator must submit the Form UIC-17, or successor form, to the commissioner and receive written approval from the commissioner before beginning actual well plugging operations. The form must contain information on the procedures to be used in the field to plug and abandon the well.

5. Well Closure Report. The owner or operator shall submit a closure report to the commissioner within 30 days after well plug and abandonment. The report shall be certified as accurate by the owner or operator and by the person charged with overseeing the closure operation (if other than the owner or operator). The owner or operator shall retain the well closure report at least 10 years following site closure. The report shall contain the following information:

a. detailed procedures of the closure operation. Where actual closure differed from the approved plan, the report shall include a written statement specifying the differences between the previous plan and the actual closure;

b. all state regulatory reporting forms relating to the closure activity; and

c. any information pertinent to the closure activity including schematics, tests, or monitoring data.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:4 et seq., 30:22 et seq., and 30:1101 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 46:

§633. Closure and Post-Closure

A. Post-Injection Site Care and Site Closure.

1. The owner or operator of a Class VI well must prepare, maintain, and comply with a plan for post-injection site care and site closure that meets the requirements of §633.A.1.b and is acceptable to the commissioner. The requirement to maintain and implement an approved plan is directly enforceable regardless of whether the requirement is a condition of the permit.

a. The owner or operator must submit the post-injection site care and site closure plan as a part of the permit application.

b. The post-injection site care and site closure plan must include the following information:

i. the pressure differential between pre-injection and predicted post-injection pressures in the injection zone(s);

ii. the predicted position of the carbon dioxide plume and associated pressure front at site closure as demonstrated in the area of review evaluation required under §615.B.3.a;

iii. a description of post-injection monitoring location, methods, and proposed frequency;

iv. a proposed schedule for submitting post-injection site care monitoring results to the commissioner and to the USEPA pursuant to §629.A.3; and,

v. the duration of the post-injection site care timeframe and, if approved by the commissioner, the demonstration of the alternative post-injection site care timeframe that ensures non-endangerment of USDWs.

c. Upon cessation of injection, owners or operators of Class VI wells must either submit an amended post-injection site care and site closure plan or demonstrate to the commissioner through monitoring data and modeling results that no amendment to the plan is needed. Any amendments to the post-injection site care and site closure plan must be approved by the commissioner, be incorporated into the permit, and are subject to the permit modification requirements at §613, as appropriate.

d. At any time during the life of the geologic sequestration project, the owner or operator may modify and resubmit the post-injection site care and site closure plan for the commissioner's approval within 30 days of such change.

2. The owner or operator shall monitor the site following the cessation of injection to show the position of the carbon dioxide plume and pressure front and demonstrate that USDWs are not being endangered.

a. Following the cessation of injection, the owner or operator shall continue to conduct monitoring as specified in the commissioner-approved post-injection site care and site closure plan for at least 50 years or for the duration of the alternative timeframe approved by the commissioner pursuant to requirements in §633.A.3, unless the owner or operator makes a demonstration under §633.A.2.b. The monitoring must continue until the geologic sequestration project no longer poses an endangerment to USDWs and the demonstration under §633.A.2.b is submitted and approved by the commissioner.

b. If the owner or operator can demonstrate to the satisfaction of the commissioner before 50 years or prior to

the end of the approved alternative timeframe based on monitoring and other site-specific data, that the geologic sequestration project no longer poses an endangerment to USDWs, the commissioner may approve an amendment to the post-injection site care and site closure plan to reduce the frequency of monitoring or may authorize site closure before the end of the 50-year period or prior to the end of the approved alternative timeframe, where the owner or operator has substantial evidence that the geologic sequestration project no longer poses a risk of endangerment to USDWs.

c. Prior to authorization for site closure, the owner or operator must submit to the commissioner for review and approval a demonstration, based on monitoring and other site-specific data, that no additional monitoring is needed to ensure that the geologic sequestration project does not pose an endangerment to USDWs.

d. If the demonstration in §633.A.2.c cannot be made (i.e., additional monitoring is needed to ensure that the geologic sequestration project does not pose an endangerment to USDWs) at the end of the 50-year period or at the end of the approved alternative timeframe, or if the commissioner does not approve the demonstration, the owner or operator must submit to the commissioner a plan to continue post-injection site care until a demonstration can be made and approved by the commissioner.

3. Demonstration of Alternative Post-Injection Site Care Timeframe. The commissioner may approve, in consultation with the USEPA, an alternative post-injection site care timeframe other than the 50-year default, if an owner or operator can demonstrate during the permitting process that an alternative post-injection site care timeframe is appropriate and ensures non-endangerment of USDWs. The demonstration must be based on significant, site-specific data and information including all data and information collected pursuant to §607 and §615, and must contain substantial evidence that the geologic sequestration project will no longer pose a risk of endangerment to USDWs at the end of the alternative post-injection site care timeframe.

a. A demonstration of an alternative post-injection site care timeframe must include consideration and documentation of:

i. the results of computational modeling performed pursuant to delineation of the area of review under §615.B and §615.C;

ii. the predicted timeframe for pressure decline within the injection zone, and any other zones, such that formation fluids may not be forced into any USDWs; and/or the timeframe for pressure decline to pre-injection pressures;

iii. the predicted rate of carbon dioxide plume migration within the injection zone, and the predicted timeframe for the cessation of migration;

iv. a description of the site-specific processes that will result in carbon dioxide trapping including immobilization by capillary trapping, dissolution, and mineralization at the site;

v. the predicted rate of carbon dioxide trapping in the immobile capillary phase, dissolved phase, and/or mineral phase;

vi. the results of laboratory analyses, research studies, and/or field or site-specific studies to verify the information required in clauses iv. and v. above;

vii. a characterization of the confining zone(s) including a demonstration that it is free of transmissive faults, fractures, and micro-fractures and of appropriate thickness, permeability, and integrity to impede fluid (e.g., carbon dioxide, formation fluids) movement;

viii. the presence of potential conduits for fluid movement including planned injection wells and project monitoring wells associated with the proposed geologic sequestration project or any other projects in proximity to the predicted/modeled, final extent of the carbon dioxide plume and area of elevated pressure;

ix. a description of the well construction and an assessment of the quality of plugs of all abandoned wells within the area of review;

x. the distance between the injection zone and the nearest USDW above the injection zone; and

xi. any additional site-specific factors required by the commissioner.

b. Information submitted to support the demonstration in §633.A.3.a must meet the following criteria:

i. all analyses and tests performed to support the demonstration must be accurate, reproducible, and performed in accordance with the established quality assurance standards;

ii. estimation techniques must be appropriate and USEPA-certified test protocols must be used where available;

iii. predictive models must be appropriate and tailored to the site conditions, composition of the carbon dioxide stream and injection and site conditions over the life of the geologic sequestration project;

iv. predictive models must be calibrated using existing information (e.g., at Class I, Class II, or Class V experimental technology well sites) where sufficient data are available;

v. reasonably conservative values and modeling assumptions must be used and disclosed to the commissioner whenever values are estimated on the basis of known, historical information instead of site-specific measurements;

vi. an analysis must be performed to identify and assess aspects of the alternative post-injection site care timeframe demonstration that contribute significantly to uncertainty. The owner or operator must conduct sensitivity analyses to determine the effect that significant uncertainty may contribute to the modeling demonstration.

vii. an approved quality assurance and quality control plan must address all aspects of the demonstration; and

viii. any additional criteria required by the commissioner.

4. Notice of Intent for Site Closure. The owner or operator must notify the commissioner in writing at least 120 days before site closure. At this time, if any changes have been made to the original post-injection site care and site closure plan, the owner or operator must also provide the revised plan. The commissioner may allow for a shorter notice period.

5. After the commissioner has authorized site closure, the owner or operator must plug all monitoring wells in a manner which will not allow movement of injection or formation fluids that endangers a USDW.

6. The owner or operator must submit a site closure report to the commissioner within 90 days after site closure, which must also be retained by the owner or operator for at least 10 years. The report must include:

a. documentation of appropriate injection and monitoring well plugging as specified in §631 and §633.A.5. The owner or operator must provide a copy of a survey plat which has been submitted to the local zoning authority designated by the commissioner. The plat must indicate the location of the injection well relative to permanently surveyed benchmarks. The owner or operator must also submit a copy of the plat to the USEPA as in §629.A.3;

b. documentation of appropriate notification and information to such State, local and Tribal authorities that have authority over drilling activities to enable such State, local, and Tribal authorities to impose appropriate conditions on subsequent drilling activities that may penetrate the injection and confining zone(s); and

c. records reflecting the nature, composition, and volume of the carbon dioxide stream.

7. Each owner or operator of a Class VI injection well must record a notation on the deed to the facility property or any other document that is normally examined during title search that will in perpetuity provide any potential purchaser of the property the following information:

a. the fact that land has been used to sequester carbon dioxide;

b. the name of the State agency, local authority, and/or Tribe with which the survey plat was filed, as well as the address of the USEPA Regional Office to which it was submitted; and

c. the volume of fluid injected, the injection zone or zones into which it was injected, and the period over which injection occurred.

8. The owner or operator must retain for at least 10 years following site closure, records collected during the post-injection site care period. The owner or operator must deliver the records to the commissioner at the conclusion of the retention period, and the records must thereafter be retained in a form and manner and at a location designated by the commissioner.

B. Certificate of Completion. The commissioner shall not issue a certificate of completion pursuant to R.S. 1109 unless the operator has sufficient financial surety with the Office of Conservation to adequately close the facility, plug all existing wells, and provide for post-injection site care and site closure.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:4 et seq., 30:22 et seq., and 30:1101 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 46:

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed rule on the family has been considered. This proposed rule has a positive impact on family functioning, stability, or autonomy as described in R.S. 49:972.

Poverty Impact Statement

The proposed Rule should not have any known or foreseeable impact on any child, individual or family as defined by R.S. 49:973.B. In particular, there should be no known or foreseeable effect on:

1. the effect on household income, assets, and financial security;
2. the effect on early childhood development and preschool through postsecondary education development;
3. the effect on employment and workforce development;
4. the effect on taxes and tax credits;
5. the effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Small Business Analysis

Pursuant to R.S. 49:965.6, methods for reduction of the impact on small business, as defined in the Regulatory Flexibility Act, have been considered when creating this proposed Rule.

This proposed Rule is not anticipated to have an adverse impact on small businesses; therefore, a Small Business Economic Impact Statement has not been prepared.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments to Stephen Lee, Director of the Injection and Mining Division, Office of Conservation, Louisiana Department of Natural Resources, P.O. Box 94275, Baton Rouge, LA 70804-9275, or by faxing comments to (225) 242-3441. Written comments will be accepted through the close of business, 5 p.m. on December 1, 2020.

Public Hearing

A public hearing is not currently scheduled, but if requested will be held on the morning of Tuesday, December 1, 2020.

Richard P. Ieyoub
Commissioner

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Class VI Injection Wells**

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

There will be an increase in expenditures to the Louisiana Department of Natural Resources (LDNR) as a result of the proposed rules required by Act 517 of 2009. The proposed rules govern Class VI wells for the sequestration of carbon dioxide in subsurface geologic formations, ultimately limiting emissions of this greenhouse gas. LDNR anticipates minimal costs to the program in FY 21 (which will be absorbed within their existing budget) because LDNR will not receive approval from the United States Environmental Protection Agency (USEPA) to issue permits for these types of wells until FY 22.

Expenditures will increase over FY 22 and FY 23 as the program is fully staffed and implemented and will require approximately \$1.135 M for full implementation by FY 23. Funding for the program will come from the newly created Carbon Dioxide Geologic Storage Trust Fund (CDGSTF),

federal grants, and State General Fund (Direct) (SGF). The largest impact to the SGF will be in FY 23, with an expected impact of approximately \$500,000. Reliance on the SGF is minimal for FY 24 and beyond as the CDGSTF is expected to have accrued sufficient funds for program operations, in addition to federal grants.

There will be no impact to local governmental units.

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

There will be an increase in revenue collections to LDNR beginning in FY 22 and increasing each subsequent fiscal year. LDNR will experience small increases to the Oil and Gas Regulatory Fund each fiscal year (\$10,000 by FY 23) and significant increases to the new CDGSTF each fiscal year (\$315,000 by FY 23). LDNR anticipates 4 to 6 sites by the end of FY 24 with estimated revenue to the CDGSTF between \$1.6 M - \$2.4 M. Future grant funding will increase each fiscal year and will be based on the Class VI well count.

There will be an impact to the SGF to the extent that Class VI wells are constructed under state property thereby creating leasing revenues. However, the number and location of the Class VI wells is speculative and future revenues are indeterminable.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

There will be positive economic benefits to individuals, businesses, and other non-governmental groups as a result of this program. Individuals who own surface rights in the area of Class VI sequestration projects will be able to negotiate leases for storage rights in the subsurface. Non-governmental groups in the industrial sector will benefit from increased construction as well as the federal tax credits received by the operator who is sequestering the carbon dioxide underground.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be a positive impact on employment in the industrial construction sector as there will be an increase in the availability of construction jobs in order to build pipeline infrastructure and injection sites for the Class VI wells. However, this is a new industry in the United States and therefore potential impacts, while positive, are indeterminable.

Thomas F. Harris
Secretary
2010#029

Alan M. Boxberger
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Public Safety and Corrections
Office of the State Fire Marshal**

Uniform Construction Code (LAC 17:I.Chapter 1)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Public Safety and Corrections, Office of State Fire Marshal, Louisiana State Uniform Construction Code Council (LSUCCC), hereafter referred to as the "LSUCCC" or the "Council", proposes to amend LAC 17:I.Chapter 1 in the State Uniform Construction Code, as authorized by R.S. 40:1730.28, to provide greater health and safety for the public and those providing installation of storm shelters.

The proposed amendment to the 2015 *International Building Code*, Section 423, provides for storm shelter requirements in specific parishes in the northern region of the state. These requirements include the construction of

new, or the construction of additions to, facilities for schools and essential services such as fire, police, EMS and 911 call centers. Many design professionals, school boards and essential services agencies were unaware of this requirement. They secured funding in their proposed budgets without this requirement being addressed in the plans and specifications. Bonds were secured for funding based on the older edition of the code, without the increased cost for storm shelters factored into the cost projections. Due to the increased cost not being provided for in the budgeting of new schools, essential services projects were being canceled or placed on indefinite hold until new funding could be secured. This proposed Rule amendment addresses this requirement by providing for a delay in the effective date for enforcement. This delay also allows for more public input into the implementation timeline and any needed amendments to this section of the *International Building Code*.

**Title 17
CONSTRUCTION**

Part I. Uniform Construction Code

Chapter 1. Uniform Construction Code

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

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

B. Projects submitted for permitting prior to January 1, 2020 shall not be required to comply with the 2015 IBC Section 423, Storm Shelters.

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

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

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family formation/functioning, stability, and autonomy as described in R.S. 49:972.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

Small Business Analysis

The impact of the proposed Rule on small businesses as defined in R.S. 49:965.6, the Regulatory Flexibility Act, has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental, and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

Provider Impact Statement

As described in HCR 170 of the 2014 Regular Legislative Session, the impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, no direct or indirect cost to the provider to provide the same level of service, and will have no impact on the provider's ability to provide the same level of service as described in HCR 170.

Public Comments

All interested persons are invited to submit written comments on the proposed regulation. Such comments should be submitted via the U.S. Mail to Melinda L. Long, Department of Public Safety, Office of Legal Affairs, P.O. Box 66614, Baton Rouge, LA 70896. Written comments may also be hand-delivered to Melinda L. Long, Department of Public Safety, Office of Legal Affairs, 7979 Independence Boulevard, Suite 308, Baton Rouge, LA 70806. All written comments are required to be signed by the person submitting the comments, dated, and received on or before November 10, 2020 at 4:30 p.m. A public hearing will be scheduled pursuant to R.S. 49:953(A)(1)(a) if needed.

Chief H. "Butch" Browning, Jr
State Fire Marshal

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Uniform Construction Code**

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

The proposed rule adopts amendments to the State Uniform Construction Code, International Building Code, Section 423 that allows exemption from storm shelters on projects budgeted, designed, and submitted for review before a specific date. The proposed rule is not anticipated to result in additional costs for the state or local governmental units. There is an anticipated indeterminable impact on cost savings for local governmental units as a result of the proposed rule. These savings vary due to the size, scope, and occupancy type of structure being built. At the request of local governments and school boards, this proposed rule adopts changes to the requirement for storm shelters in affected areas defined in the International Building Code and International Construction Code 500. This change will provide a process for architects, engineers, and governmental units to meet guidelines by allowing an exemption to newer codes.

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

There is no anticipated impact on revenue collections for state or local governments as a result of the proposed rule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The adoption of the proposed rule is anticipated to impact directly affected persons or non-governmental groups such as private schools. The adoption of the proposed rule is anticipated to reduce construction costs while allowing time for budgeting of new structures that are proposed after the exemption deadline.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule is anticipated to effect competition and employment. The proposed rule will provide for new structures to be built which were budgeted under previous codes that did not require these storm shelters.

Lt. Col. Jason Starnes
Deputy Supervisor, CAO
2010#066

Alan M. Boxberger
Staff Director
Legislative Fiscal Office

Policy and Procedure Memoranda

POLICY AND PROCEDURE MEMORANDA

Office of the Governor
 Division of Administration
 Office of State Travel

General Travel—PPM 49
 (LAC 4:V.1506)

Effective immediately, October 1, 2020, lodging rates for Tier I and Tier II have been changed. All other Tier lodging prices remain.

Title 4
ADMINISTRATION
Part V. Policy and Procedure Memoranda
Chapter 15. General Travel Regulations—PPM
Number 49

§1506. Lodging and Meals

A. - C.10. ...

TIER I	
* * *	
Lodging Area	Routine Lodging
In-State Cities (except as listed)	\$96
Alexandria/Leesville/Natchitoches	\$99
Baton Rouge-EBR	\$99
Covington/Slidell-St.Tammany	\$96
Lake Charles-Calcasieu	\$96
Lafayette	\$96

TIER II	
* * *	
Lodging Area	Routine Lodging
New Orleans—Orleans, St. Bernard, Jefferson and Plaquemines Parishes	
July-September	\$136
October–December	\$136
January-May	\$158
Out-Of-State (Except Cities Listed in Tier III & IV)	\$96

* * *

AUTHORITY NOTE: Published in accordance with R.S. 39:231.

HISTORICAL NOTE: Written by the Office of the Governor, Division of Administration, November 1, 1972, published LR 1:179 (April 1975), amended LR 1:338 (August 1975), LR 2:312 (October 1976), LR 5:93 (May 1979), LR 6:405 (August 1980), LR 7:7 (January 1981), LR 8:406 (August 1982), LR 15:820 (October 1989), LR 16:965 (November 1990), LR 26:1256 (June 2000), LR 27:807 (June 2001), republished LR 27:1495 (September 2001), LR 28:1130 (June 2002), LR 30:1116 (June 2004 LR 31:1189 (June 2005), LR 32:939 (June 2006), LR 33:967 (June 2007), republished LR 33:1320 (July 2007), amended LR 34:1305 (July 2008), LR 35:1198 (July 2009), LR 36:1654 (July 2010), LR 42:990 (July 2016), LR 43:1119 (June 2017), LR 45:821 (June 2019), LR 46:849 (June 2020), amended LR 46:1484 (October 2020).

Tammy Toups
 State Travel Director

2010#021

Administrative Code Update

CUMULATIVE: January-September 2020

LAC Title	Part #.Section #	Action	Location:		LAC Title	Part #.Section #	Action	Location:		
			Month	Page #				Month	Page #	
1	I.111,113	Adopted	Mar.	334	33	V.1501,1509,1513,1516,1529	Amended	July	896	
	III.101,103,105,301,303,305	Amended	Mar.	315		V.1705,1709,1713,1717	Amended	July	896	
	III.107,109,111,113,115,117,505,703,715	Adopted	Mar.	315		V.1802	Amended	July	896	
	III.501,503,507,509,511,513,701,705,707	Repromulgated	Mar.	315		V.1901,1903,1905,1907,1909,1915	Amended	July	896	
	III.709,711,713,721,723,725,901,1101,1103	Repromulgated	Mar.	315		V.2101,2109,2117	Amended	July	896	
	III.1105,1107	Repromulgated	Mar.	315		V.2201,2205,2245,2246,2249	Amended	July	896	
						V.2203	Amended	July	896	
						V.2317	Amended	July	896	
						V.2523	Amended	July	896	
4	I.101,103	Adopted	Mar.	337	V.2604	Amended	July	896		
	III.1301,1303	Adopted	Mar.	335	V.2723	Amended	July	896		
	VII.2201,2203	Adopted	Mar.	331	V.2805	Amended	July	896		
	VII.2301	Amended	Jan.	020	V.2917	Amended	July	896		
	VII.2401	Amended	Jan.	020	V.3001,3003,3017	Amended	July	896		
	XIII.301,303	Adopted	Mar.	335	V.3121	Amended	July	896		
	XV.103,105	Adopted	Mar.	336	V.3513,3515	Amended	July	896		
					V.3801,3805,3821,3829,3843,3851,3867	Amended	July	896		
					V.3873,3883	Amended	July	896		
7	V.2901,2903,2905	Amended	Jan.	010	V.4003,4007,4013,4035,4049,4069	Amended	July	896		
	XIII.1301,1303,1305,1307,1309,1311,1313	Adopted	Feb.	169	V.4105,4141,4143,4145	Amended	July	896		
	XIII.1315,1317,1319,1321,1323,1325,1327	Adopted	Feb.	169	V.4217	Amended	July	896		
	XIII.1329,1331,1332,1333,1335,1337,1339	Adopted	Feb.	169	V.4301,4317,4385	Amended	July	896		
	XIII.1341,1343	Adopted	Feb.	169	V.4438	Repealed	July	896		
	XXIII.711	Amended	Feb.	169	V.4501,4549,4561	Amended	July	896		
	XXVII.103,141	Amended	Mar.	312	V.4901,4907	Amended	July	896		
	XXIX.113,115,117	Amended	Aug.	1076	V.5101,5121	Amended	July	896		
					V.5307	Amended	July	896		
13	III.2101,2103,2105,2107,2109,2111,2113	Adopted	Aug.	1077	IX.1123	Amended	Aug.	1086		
	III.2115	Adopted	Aug.	1077	IX.2501,2707,3113,3705	Amended	June	789		
	III.2125,2127,2129,2131,2133,2135	Adopted	Aug.	1079	IX.4901,4903	Amended	Mar.	330		
19	V.102,702,902,1102,1302	Adopted	Sept.	1233						
22	III.4703	Amended	May	693	34	III.1101,1103	Adopted	Mar.	331	
	XI.504	Amended	Jan.	042		V.3501,3503	Adopted	Mar.	334	
	XI.511	Amended	Sept.	1232		VII.107,109	Adopted	Mar.	337	
25	III.301,303,305	Repealed	May	692	IX.107,109	Adopted	Mar.	337		
28	IV.703	Amended	Mar.	326	35	I.1506	Amended	Feb.	182	
	IV.1501,1503,1505,1507,1509,1511	Amended	Jan.	019						
	VI.107,315	Amended	Sept.	1222		37	I.1101,1103	Adopted	Mar.	333
	XI.409,4001,5701,7301,7311,8307,8505	Amended	Jan.	014			III.2101,2103	Adopted	Feb.	181
	XXXIX.503,705,707,901	Amended	Jan.	017			XI.301,304,311	Amended	Aug.	1103
	XLIII.101,153,450,508,904,1101,1153	Amended	Feb.	180			XIII.4503,4505,4507,4511,4513,4515	Amended	Mar.	360
	XLIII.1508,1511	Amended	Feb.	180			XIII.12301,12303,12305,12307,12309,12311	Repealed	May	696
	XLV.303	Repromulgated	July	892			XIII.12313,12315,12317,12319,12321,12323	Repealed	May	696
	XLV.745	Amended	Mar.	324			XIII.12325,12327,12329,12331,12333,12335	Repealed	May	696
	LXXIX.2102,2109,2319	Amended	Aug.	1084			XIII.12337,12339	Repealed	May	696
	LXXIX.2320	Adopted	Aug.	1084			XIII.13705,13713,13727	Amended	Jan.	035
	CXV.345,2319	Amended	Aug.	1085			XIII.13728	Adopted	Jan.	035
	CXV.351	Adopted	Jan.	014			XIII.16101	Amended	July	993
	CXV.507	Adopted	Mar.	324			XIII.16501,16503,16505,16507,16509,16511	Adopted	Jan.	037
	CXV.901,2324	Amended	Aug.	1083			XIII.16513,16515,16517,16519,16521,16523	Adopted	Jan.	037
	CXV.2318,2319	Amended	Apr.	556			XIII.16525,16527,16529,16531,16533,16535	Adopted	Jan.	037
	CXXXI.101	Amended	Jan.	017			XIII.16537	Adopted	Jan.	037
	CXXXI.203	Amended	Apr.	557			XIII.16901,16903,16905,16907,16909,16911	Adopted	May	698
	CXXXI.203,305,313	Amended	Mar.	324			XIII.16913,16915,16917,16919,16921	Adopted	May	698
	CXXXI.304	Adopted	Mar.	324						
	CXXXIX.1505	Amended	June	788			40	I.2013,2015,2017,2019,2021,2023	Amended	Sept.
CXXXIX.3709	Adopted	June	788	I.2101,2103,2105,2107,2109,2111,2113	Amended			Feb.	194	
CLXIII.201	Amended	Aug.	1085	I.2115,2117,2119,2125,2127,2131,2133	Amended			Feb.	194	
CLXVII.901,903,905,909	Adopted	Apr.	555	I.2135	Amended	Feb.		194		
				I.2104	Adopted	Feb.		194		
				I.2111,2113,2115	Repromulgated	Mar.		364		
				I.2111,5701	Amended	June		797		
				IV.377	Amended	Mar.		364		
				XIX.301	Adopted	Jan.		051		
32	I.1701,1703	Adopted	Mar.	332	43	I.2301,2303	Amended	Jan.	041	
						XI.2701,2703,2705,2707,2709,2711,2713	Adopted	July	954	
						XIX.433	Amended	Sept.	1231	
						XIX.539,545,549	Amended	Aug.	1105	
						XXVII.103,105	Adopted	Mar.	333	
						XXIX.201,203	Adopted	May	703	
33	I.3925	Amended	July	949	46	VIII.503,511	Amended	Apr.	567	
	III.327	Adopted	Apr.	558		XIX.505	Amended	Mar.	338	
	III.505,507,2160,3003,5116,5122,5311,5901	Amended	July	893		XXV.503	Amended	June	791	
	III.2301	Amended	Sept.	1223		XXXIII.105	Amended	July	950	
	V.105,110	Amended	July	896		XLV.7701,7705,7709,7711	Amended	Mar.	342	
	V.108	Repealed	July	896		XLV.7801,7803,9902	Adopted	Mar.	339	
	V.109	Repromulgated	July	896		XLV.9701,9703,9705,9709,9711,9713	Amended	Mar.	339	
	V.301,305,311,321,329	Amended	July	896						
	V.501	Amended	July	896						
	V.1001,1003,1005,1007,1009,1011,1013	Adopted	July	896						
	V.1015,1017,1019,1021,1023,1025,1027	Adopted	July	896						
	V.1029,1031,1033,1035,1037,1039,1041	Adopted	July	896						
	V.1043,1045,1047,1049,1051,1053,1055	Adopted	July	896						
	V.1057,1059,1061,1063,1065,1067	Adopted	July	896						
	V.1101,1107,1113,1127	Amended	July	896						
V.1103,1105,1109,1111,1121,1199	Repealed	July	896							
V.1301,1305,1309,1319	Amended	July	896							

LAC Title	Part #.Section #	Action	Location:		LAC Title	Part #.Section #	Action	Location:					
			Month	LR 46 Page #				Month	LR 46 Page #				
46	XLV.9905,9916	Amended	Mar.	339	50	XXIX.123,991,993	Amended	Mar.	345				
	XLVII.3303,3307	Amended	Jan.	021		XXIX.701,703,707,709,713,715	Repealed	Jan.	033				
	XLVII.3333,3355	Amended	Sept.	1224		XXXIII.2501,2701,6103,6303,6305,6307	Amended	June	794				
	LI.301,501,503	Amended	Jan.	023		XXXIII.6501,6701	Amended	June	794				
	LI.303,505,611	Adopted	Jan.	023		XXXIII.2501,2701,6103,6303,6305,6307	Repromulgated	July	951				
	LIII.113	Adopted	Apr.	586		XXXIII.6501,6701	Repromulgated	July	951				
	LIII.503,903	Amended	Apr.	574		XXXIII.4101,4103,4301,4303,4305,4501	Amended	Feb.	185				
	LIII.505	Amended	Sept.	1227		XXXIII.8101,8103	Amended	Feb.	183				
	LIII.507	Amended	Apr.	569		XXXIII.15101,15103,15301,15303,15501	Adopted	Jan.	027				
	LIII.521	Amended	Apr.	578		XXXIII.15701	Adopted	Jan.	027				
	LIII.903,905	Amended	Apr.	576		51	II.101,701	Amended	Apr.	589			
	LIII.1103,1105,1109,1113,1115,1119,1121	Amended	Apr.	579			II.703	Adopted	Apr.	589			
	LIII.1123,1124	Amended	Apr.	579			VI.301	Amended	Mar.	358			
	LIII.1124	Amended	May	693			VII.2707	Amended	Mar.	356			
	LIII.1145,1147	Adopted	Apr.	579			XXI.101	Amended	Apr.	589			
	LIII.1501,1503,1505,1509,1525	Amended	Apr.	579		52	I.1002,1101,1102	Amended	Mar.	313			
	LIII.1503,1517	Amended	Apr.	587			I.1611	Adopted	Mar.	313			
	LIII.1503,1519,2503,2517,2701,2749	Amended	June	792			I.1701,1719	Repealed	Mar.	313			
	LIII.1507,1527	Repealed	Apr.	579			I.1703	Amended	July	892			
	LIII.1529	Adopted	Apr.	575			55	I.583	Amended	June	796		
	LIII.1701,1703, 1705,1711,1713,1717,1705	Amended	Apr.	579		I.1307		Amended	Sept.	1232			
	LIII.1711,1713,1717,1719,1721,1725	Amended	Apr.	579		I.1503,1543		Amended	Apr.	591			
	LIII.1801,1803,1805,1807,1809,1811,1813	Amended	Apr.	571		I.3301,3303		Adopted	May	702			
	LIII.1815,1817,1819,2303	Amended	Apr.	571		III.451,453,455,457		Adopted	Feb.	186			
	LIII.2425	Amended	Apr.	586		V.101		Amended	May	701			
	LIII.2441,2443,2451	Amended	Sept.	1226		V.102		Adopted	May	701			
	LIII.2443	Amended	Apr.	568		V.555,557		Adopted	Feb.	190			
	LIII.2447	Amended	Apr.	576		VI.901		Amended	Feb.	191			
	LIII.2505	Amended	Apr.	575		IX.105,107,109,113,133,177,181,205,1513		Amended	Feb.	187			
	LIII.2507,2511,2513,2519,2521	Amended	Apr.	579		IX.501,503	Adopted	May	700				
	LIII.2519	Amended	Apr.	575		XI.501,503	Adopted	May	701				
	LIII.2535,2747	Amended	Apr.	577		56	III.301,303,315,317,319,321,323,325,327	Adopted	Sept.	1235			
	LIII.2701,2705,2707,2731,2733,2735	Amended	Apr.	569			III.501	Adopted	Sept.	1235			
	LIII.2741,2751	Amended	Apr.	569			58	I.1301,1503	Amended	Jan.	048		
	LV.312	Amended	Mar.	400				I.1901,1903,1905,1907,1909,2501,2503	Repealed	Jan.	048		
	48	I.601,603,605,607	Adopted	Mar.				356	III.501,502	Adopted	Sept.	1241	
		I.5603,5605	Amended	Apr.		587		III.503,505,509,511,513,517	Amended	Sept.	1241		
		I.5606	Adopted	Apr.		587		III.507,510,519,521,901	Repealed	Sept.	1241		
		I.6210	Adopted	Mar.		345		XVIII.106,301	Adopted	Aug.	1106		
		I.8201,8235	Amended	Mar.		343		XVIII.501,701	Adopted	Aug.	1107		
		I.9505	Amended	Aug.		1087		61	I.1001	Adopted	Jan.	042	
		I.9781	Adopted	Mar.		344			I.6105,6107	Amended	Feb.	179	
		I.10080,10081,10082,10083,10084,10085	Amended	Jan.		029			I.6531,6533,6535,6537,6541	Amended	Aug.	1081	
I.10086,10087,10088,10089,10090		Amended	Jan.	029	III.1537,1538	Adopted	Jan.		044				
I.12529		Amended	July	953	III.2901,2903	Adopted	Jan.		045				
I.18701,18703,18705		Amended	Aug.	1088	V.101,121,213,303,703,907,1103,1307,1503	Amended	Apr.		559				
I.18706,18708		Adopted	Aug.	1088	V.2503,2711,2713,2717,3103	Amended	Apr.		559				
V.8001,8003,8005,8007,8009,8011,8013		Amended	Aug.	1090	67	III.1938,1940,1941,1987,1988,1998	Amended		Sept.	1218			
V.8015,8017,8019,8021,8023,8025,8027		Amended	Aug.	1090		III.2013,2111	Amended		Sept.	1218			
V.8029,8031,8033,8035,8037,8039,8041		Amended	Aug.	1090		V.1103	Amended		Jan.	013			
V.8043,8045,8047,8049,8051,8053,8055		Amended	Aug.	1090		V.4901,4903,5101,5103,5105	Amended	Jan.	011				
V.8057,8059,8061,8063,8065,8067,8069		Amended	Aug.	1090		V.6703,6705,6707,6708,6710,6712	Amended	May	666				
V.8071,8073,8075,8077,8079,8081,8083	Amended	Aug.	1090	V.6955,6957,6959,6961,6962		Amended	May	687					
V.8064	Adopted	Aug.	1090	V.6966		Adopted	May	687					
IX.907	Amended	Apr.	589	V.7105,7107,7109,7111,7112,7117		Amended	May	666					
IX.1101,1103,1105,1107,1109,1111,1113	Amended	Mar.	349	V.7124,7314		Adopted	May	666					
IX.1115,1117,1119,1121,1123,1125,1127	Amended	Mar.	349	V.7307,7309,7311,7313,7315,7323		Amended	May	666					
IX.1129,1131,1133,1135,1137	Amended	Mar.	349	69	I.301,309,313,317,321,323,325,327,329	Amended	June	785					
49	I.501,503,509,515	Amended	Mar.		358	I.501,701,903,905,1101	Amended	June	785				
	I.511	Repealed	Mar.		358	L.707,909	Adopted	June	785				
	I.517,519,521,523,525,529	Adopted	Mar.		358	70	XXVII.101	Amended	May	703			
	VI.301	Amended	Mar.		358		71	IX.101,103,105,107	Adopted	Feb.	192		
	50	I.305	Adopted		June			796	76	I.317	Amended	Feb.	193
		I.501	Amended		June			796		III.339	Adopted	May	705
		I.2101,2103,2105	Amended		Sept.			1227		V.111	Amended	May	704
		I.2111	Amended		July	953		V.701		Amended	Jan.	049	
		II.10123,20001	Amended		May	695	VII.335	Amended		May	705		
		III.10307	Amended	Jan.	029	VII.357	Amended	Jan.		050			
III.10905		Amended	Apr.	588	VII.501,505	Amended	Apr.	592					
V.111		Adopted	Aug.	1088	VII.502,503	Adopted	Apr.	592					
VII.32901		Amended	Jan.	028	VII.537	Amended	Mar.	363					
VII.32917		Adopted	Jan.	028	XIX.101,103,111,113,115,117	Amended	July	955					
XI.10703	Amended	Feb.	182										
XI.16703	Amended	Feb.	184										
XV.7103,7105,9531,9533,9535	Amended	Feb.	342										
XV.9541	Adopted	Feb.	185										
XV.16301,16303,16305	Amended	Feb.	184										
XV.16303,16305	Amended	July	954										
XXVII.541	Amended	May	694										
XXIX.107,111,115,119,501,949,1101	Amended	Jan.	033										

Potpourri

POTPOURRI

Department of Economic Development Office of the Secretary

Angel Investor Tax Credit Program
(LAC 13:I.Chapter 33)

In light of recent events, the public hearing to receive comments and testimony on the proposed revisions to the Angel Investor Tax Credit Program rules, published as a Notice of Intent in the September 2020 Louisiana Register, pages 1274- 1276, have been postponed to allow interested stakeholders throughout the state and the Department of Economic Development to concentrate on the 2020 Second Extraordinary Legislative Session. The hearing will now be held at 11 am on Friday, November 20, 2020 in the LaBelle Room at the LaSalle Building, 617 North 3rd Street, Baton Rouge, LA 70802. The deadline for all comments and testimony has been extended to 12 noon that same day. If you have any further questions or need further information, please contact Robin Porter at (225) 342-3060 or Robin.Porter@la.gov.

Anne G. Villa
Undersecretary

2010#038

POTPOURRI

Department of Economic Development Office of Business Development

Enterprise Zone Program
(LAC 13:I.Chapter 7)

In light of recent events, the public hearing to receive comments and testimony on the proposed revisions to the Enterprise Zone Program rules, published as a Notice of Intent in the September 2020 Louisiana Register, pages 1260-1266, have been postponed to allow interested stakeholders throughout the state and the Department of Economic Development to concentrate on the 2020 Second Extraordinary Legislative Session. The hearing will now be held at 10 am on Friday, November 20, 2020 in the LaBelle Room at the LaSalle Building, 617 North 3rd Street, Baton Rouge, LA 70802. The deadline for all comments and

testimony has been extended to 12 noon that same day. If you have any further questions or need further information, please contact Stephanie Le Grange at (225) 342-5406 or Stephanie.LeGrange@la.gov.

Anne G. Villa
Undersecretary

2010#039

POTPOURRI

Department of Economic Development Office of Business Development

Quality Jobs Program (LAC 13:I.Chapter 11)

In light of recent events, the public hearing to receive comments and testimony on the proposed revisions to the Quality Jobs Program rules, published as a Notice of Intent in the September 2020 Louisiana Register, pages 1266-1274, have been postponed to allow interested stakeholders throughout the state and the Department of Economic Development to concentrate on the 2020 Second Extraordinary Legislative Session. The hearing will now be held at 9 am on Friday, November 20, 2020 in the LaBelle Room at the LaSalle Building, 617 North 3rd Street, Baton Rouge, LA 70802. The deadline for all comments and testimony has been extended to 12 noon that same day. If you have any further questions or need further information, please contact Stephanie Le Grange at (225) 342-5406 or Stephanie.LeGrange@la.gov.

Anne G. Villa
Undersecretary

2010#040

POTPOURRI

Department of Natural Resources Office of Conservation

Orphaned Oilfield Sites

Office of Conservation records indicate that the Oilfield Sites listed in the table below have met the requirements as set forth by Section 91 of Act 404, R.S. 30:80 et seq., and as such are being declared Orphaned Oilfield Sites.

Operator	Field	District	Well Name	Well Number	Serial Number
Amalgamated Bonanza Petr. Ltd.	East White Lake	L	Walter White Heirs	001	150325(29)
Alta Mesa Services, LP	St Gabriel	L	Mary Walker Goston	1	35184
Alta Mesa Services, LP	St Gabriel	L	Natalbany Lbr Co B	8	39253
Alta Mesa Services, LP	St Gabriel	L	Pont Ra Sud;Pontchartrain	1	40642
Alta Mesa Services, LP	Cote Blanche Island	L	SL 340 Cote Blanche Island swd	23	50046
Alta Mesa Services, LP	Cote Blanche Island	L	SL 340 Cote Blanche Island	24	51496
Alta Mesa Services, LP	Cote Blanche Island	L	SL 340 Cote Blanche Island	30	59932
Alta Mesa Services, LP	Cote Blanche Island	L	SL 340 Cote Blanche Island	31	60593
Alta Mesa Services, LP	Cote Blanche Island	L	SL 340 Cote Blanche Island	32	62455
Alta Mesa Services, LP	Cote Blanche Island	L	SL 340 Cote Blanche Island	33	64470
Alta Mesa Services, LP	Cote Blanche Island	L	SL 340 Cote Blanche Island	033D	66134
Alta Mesa Services, LP	Cote Blanche Island	L	SL 340 Cote Blanche Island	45	72754
Alta Mesa Services, LP	Cote Blanche Island	L	SL 340 Cote Blanche Island	46	73295
Alta Mesa Services, LP	Cote Blanche Island	L	SL 340 Cote Blanche Island	51	74936
Alta Mesa Services, LP	Cote Blanche Island	L	SL 340 Cote Blanche Island	046D	75593
Alta Mesa Services, LP	St Gabriel	L	Natalbany Lbr Co	1	77010
Alta Mesa Services, LP	Cote Blanche Island	L	SL 340 Cote Blanche Island	55	77632
Alta Mesa Services, LP	Cote Blanche Island	L	SL 340 Cote Blanche Island	58	78292
Alta Mesa Services, LP	Cote Blanche Island	L	SL 340 Cote Blanche Island	030D	79534
Alta Mesa Services, LP	Cote Blanche Island	L	SL 340 Cote Blanche Island	045D	81342
Alta Mesa Services, LP	Cote Blanche Island	L	SL 340 Cote Blanche Island	59	83368
Alta Mesa Services, LP	Cote Blanche Island	L	SL 340 Cote Blanche Island	53	84211
Alta Mesa Services, LP	Cote Blanche Island	L	SL 340 Cote Blanche Island	57	86430
Alta Mesa Services, LP	Cote Blanche Island	L	SL 340 Cote Blanche Island	057D	88207
Alta Mesa Services, LP	Cote Blanche Island	L	SL 340 Cote Blanche Island	66	89962
Alta Mesa Services, LP	Cote Blanche Island	L	SL 340 Cote Blanche Island	67	90313
Alta Mesa Services, LP	Cote Blanche Island	L	SL 340 Cote Blanche Island	058D	92443
Alta Mesa Services, LP	Cote Blanche Island	L	SL 340 Cote Blanche Island	68	92628
Alta Mesa Services, LP	Cote Blanche Island	L	SL 340 Cote Blanche Island	053D	92941
Alta Mesa Services, LP	Cote Blanche Island	L	SL 340 Cote Blanche Island	059D	92942
Alta Mesa Services, LP	Cote Blanche Island	L	SL 340 Cote Blanche Island	066D	93007
Alta Mesa Services, LP	Cote Blanche Island	L	SL 340 Cote Blanche Island	69	93665
Alta Mesa Services, LP	Cote Blanche Island	L	SL 340 Cote Blanche Island	067D	94755
Alta Mesa Services, LP	Cote Blanche Island	L	SL 340 Cote Blanche Island	068D	95139
Alta Mesa Services, LP	Cote Blanche Island	L	SL 340 Cote Blanche Island	069D	96985
Alta Mesa Services, LP	Cote Blanche Island	L	SL 340 Cote Blanche Island	73	98118
Alta Mesa Services, LP	Cote Blanche Island	L	SL 340 Cote Blanche Island	073D	101012
Alta Mesa Services, LP	Cote Blanche Island	L	SL 340 Cote Blanche Island	023D	105117
Alta Mesa Services, LP	Cote Blanche Island	L	SL 340 Cote Blanche Island	80	110726
Alta Mesa Services, LP	Cote Blanche Island	L	SL 340 Cote Blanche Island	78	115654
Alta Mesa Services, LP	Cote Blanche Island	L	SL 340 Cote Blanche Island	080D	116883
Alta Mesa Services, LP	Cote Blanche Island	L	SL 340 Cote Blanche Island	89	129054
Alta Mesa Services, LP	Cote Blanche Island	L	SL 340 Cote Blanche Island	92	129832
Alta Mesa Services, LP	Cote Blanche Island	L	SL 340 Cote Blanche Island	94	131018
Alta Mesa Services, LP	Cote Blanche Island	L	SL 340 Cote Blanche Island	95	131307
Alta Mesa Services, LP	Cote Blanche Island	L	SL 340 Cote Blanche Island	99	132809
Alta Mesa Services, LP	Cote Blanche Island	L	SL 340 Cote Blanche Island	97	133808
Alta Mesa Services, LP	Cote Blanche Island	L	SL 340 Cote Blanche Island	103	135100
Alta Mesa Services, LP	Cote Blanche Island	L	SL 340 Cote Blanche Island	105	135289
Alta Mesa Services, LP	Cote Blanche Island	L	SL 340 Cote Blanche Island	98	135873
Alta Mesa Services, LP	Cote Blanche Island	L	SL 340 Cote Blanche Island	117	141251
Alta Mesa Services, LP	Cote Blanche Island	L	SL 340 Cote Blanche Island	121	142240
Alta Mesa Services, LP	Cote Blanche Island	L	SL 340 Cote Blanche Island	124	142916
Alta Mesa Services, LP	Cote Blanche Island	L	SL 340 Cote Blanche Island	129	143357
Alta Mesa Services, LP	Cote Blanche Island	L	SL 340 Cote Blanche Island	130	143358
Alta Mesa Services, LP	Cote Blanche Island	L	SL 340 Cote Blanche Island	131	143550
Alta Mesa Services, LP	Cote Blanche Island	L	SL 340 Cote Blanche Island	135	143727
Alta Mesa Services, LP	Cote Blanche Island	L	SL 340 Cote Blanche Island	132	143820
Alta Mesa Services, LP	Cote Blanche Island	L	SL 340 Cote Blanche Island	136	144242
Alta Mesa Services, LP	Cote Blanche Island	L	SL 340 Cote Blanche Island	131-D	144529
Alta Mesa Services, LP	Cote Blanche Island	L	SL 340 Cote Blanche Island	137	144553
Alta Mesa Services, LP	Cote Blanche Island	L	SL 340 Cote Blanche Island	139	144663
Alta Mesa Services, LP	Cote Blanche Island	L	SL 340 Cote Blanche Island	137-D	145114
Alta Mesa Services, LP	Cote Blanche Island	L	SL 340 Cote Blanche Island	149	145253
Alta Mesa Services, LP	Cote Blanche Island	L	SL 340 Cote Blanche Island	154	145304
Alta Mesa Services, LP	Cote Blanche Island	L	SL 340 Cote Blanche Island	127	147468
Alta Mesa Services, LP	Cote Blanche Island	L	SL 340 Cote Blanche Island	166	158195
Alta Mesa Services, LP	Cote Blanche Island	L	SL 340 Cote Blanche Island	182	184651
Alta Mesa Services, LP	Cote Blanche Island	L	SL 340 Cote Blanche Island	184	192628

Operator	Field	District	Well Name	Well Number	Serial Number
Alta Mesa Services, LP	Cote Blanche Island	L	SL 340 Cote Blanche Island	181	213187
Alta Mesa Services, LP	Cote Blanche Island	L	SL 340 Cote Blanche Island	186	225960
Alta Mesa Services, LP	Bayou Biloxi	L	Cris I Rc Sua;SL 17958	1	229453
Alta Mesa Services, LP	Bayou Biloxi	L	Cris I Rd Sua;L A Prejean Etal	1	230488
Alta Mesa Services, LP	Chandeleur Sound Addition Block 43	L	SL 18315	1	230885
Alta Mesa Services, LP	Cote Blanche Island	L	SL 340 Cote Blanche Island	190	232244
Alta Mesa Services, LP	Cote Blanche Island	L	SL 340 Cote Blanche Island	191	232245
Alta Mesa Services, LP	Chandeleur Sound Addition Block 43	L	Cris I Ra Sua;SL 18307	1	232396
Alta Mesa Services, LP	Chandeleur Sound Addition Block 43	L	SL 18373	1	232567
Alta Mesa Services, LP	Cote Blanche Island	L	SL 340 Cote Blanche Island	187	233048
Alta Mesa Services, LP	Cote Blanche Island	L	SL 340 Cote Blanche Island	189	236373
Alta Mesa Services, LP	St Gabriel	L	Gueymard A	1	245131
Alta Mesa Services, LP	Cote Blanche Island	L	SL 340 Cote Blanche Island swd	1	972539
Alta Mesa Services, LP	Thornwell, South	L	Lacassane Co swd	1	972572
Alta Mesa Services, LP	Cote Blanche Island	L	SL 340 Cote Blanche Island swd	2	972588

Richard P. Ieyoub
Commissioner

2010#023

POTPOURRI

Department of Public Safety and Corrections Gaming Control Board

Public Hearing—Substantive Changes to Proposed Rule;
Fantasy Sports Contests
(LAC 42:III.102, 104, 105, 107,
120, 1907 and VII.Chapters 1-13)

The Louisiana Gaming Control Board published a Notice of Intent to promulgate Fantasy Sports Contests, in the August 20, 2020 edition of the *Louisiana Register* (LR 46:1160-1177). The notice solicited comments. As a result of its analysis of the comments received, the board proposes to amend certain portions of the proposed Rule. The board proposes to amend the language of Sections 103, 307, 309, 501, 505, 507, 509, 701, 703, 705, 707, 901, and the heading of Chapter 9 of Part VII of Title 42 of the Administrative Code.

Taken together, all of these proposed amendments will closely align the proposed Rule with the proposed Rule as published by the Louisiana Gaming Control Board in the August 2020 edition of the *Louisiana Register* (LR 46:1160-1177). The alignment of these Rules will allow for the conducting, application, licensing, enforcement, and regulation of fantasy sports contests. No fiscal or economic impact will result from amendments in the notice.

Title 42

LOUISIANA GAMING

Part III. Gaming Control Board

Chapter 1. General Provisions

§102. Issuance and Renewal of Licenses by the Department

A. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 22:1140 (November 1996), LR 46:

§104. Delegation to Chairman

A. - B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15, R.S. 27:24 and R.S. 27:220.

HISTORICAL NOTE: Promulgated by the Louisiana Gaming Control Board, LR 22:1140 (November 1996), amended LR 25:80 (January 1999), LR 46:

§105. Civil Penalties

A. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 22:1138 (November 1996), LR 46:

§107. Standards of Conduct and Ethical Rules

A.1. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 22:1139 (November 1996), LR 46:

§120. Application and Reporting Forms

A. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 46:26:340 (February 2000), amended LR 40:1379 (July 2014), LR 41:2176 (October 2015), LR 42:575 (April 2016), LR 46:

Chapter 19. Administrative Procedures and Authority §1907. Construction of Regulations and Administrative Matters

A. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1608 (July 2012), LR 46:

Part VII. Louisiana Fantasy Sports Contest

Chapter 1. General Provisions

§101. Statement of Policy

A. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15, 24, and 304.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 46:

§103. Definitions

A. ...

B. As used in this Chapter, the following words and terms shall have the following meanings.

Act—Sporting Event— ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15, 24, and 304.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 46:

§105. Gaming Control Board; Duties and Powers

A. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15, 24, and 304.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 46:

§107. Construction of Regulations

A. - B.1. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15, 24, and 304.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 46:

Chapter 3. Licensing

§301. Licenses, General

A. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15, 24, and 304.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 46:

§303. Permits, General

A. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15, 24, and 304.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 46:

§305. Transfers of Interest; Loans and Restrictions

A. - B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15, 24, and 304.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 46:

§307. Applications

A. - A.4. ...

5. The filing of an application under the Act or these regulations constitutes a request for a decision upon the applicant's general suitability, character, integrity, and ability to engage in or be associated with a licensee or permittee. By filing an application, the applicant specifically consents to the making of such a decision by the board or division.

A.6. - C.5.g. ...

h. company documents including, but not limited to, articles of organization, amendments, operating agreement, corporate certificates, charters and bylaws, amended and reinstated, meeting minutes, and Louisiana Secretary of State filings;

i. a certification report from a designated gaming laboratory specified by the division or board indicating the platform is in compliance with the Act, these regulations, division technical guidelines, and internal controls; and

j. such other information and details as the board or division may require in order to properly discharge its duties.

C.6. - D.5.a. ...

b. receives or may receive any share or portion of the gross fantasy sports gaming revenues generated by

gaming activities subject to the limitations provided in R.S. 27:28(H)(2)(b);

D.5.c. - J.2.b. ...

c. a list of all administrative actions instituted or pending in any other jurisdiction against or involving the applicant, parent company of the applicant, or an affiliate related to gaming operations, fantasy sports operations, or alleged criminal actions or activities;

J.2.d. - K.1. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15, 24, and 304.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 46:

§309. Suitability and Requirements

A. - D. ...

E. An application for a license to conduct fantasy sports contests constitutes a request for a suitability determination, as described in R.S. 27:28, of the general character, honesty, integrity, and ability of any person associated with the applicant to engage in or be associated with fantasy sports contests.

F. - F.1. ...

2. obtain and maintain applicable parish and/or municipal occupational and other required permits and licenses to operate within said parish or municipality and pay all fees required to secure the aforementioned licenses and permits prior to being issued a license; and

F.3. - G. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15, 24, and 304.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 46:

§311. Continuing Suitability, Duty to Report

A. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15, 24, and 304.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 46:

§313. Other Considerations for Licensing

A. The board may consider the following criteria when deciding whether to issue a license or a finding of suitability to conduct fantasy sport contest or whether to continue licensing or finding a person suitable to engage in fantasy sports contests. The various criteria set forth may not have the same importance in each instance. Other factors may present themselves in the consideration of licensing and a finding of suitability. The following criteria are not listed in order of priority:

1. - 4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15, 24, and 304.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 46:

§315. Surrender of a License

A. - B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15, 24, and 304.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 46:

Chapter 5. Rules; Operations

§501. Fantasy Sports Contest Operator Requirements and Restrictions; Internal Controls

A. - D.3.e. ...

4. prevent players from participating in a fantasy sports contest where the entry fee is greater than the balance in the player's account;

5. - 6. ...

7. that no winning outcome is based on the score, point spread, or any performance of any single real-world sports team or combination of such teams or solely on any single performance of an individual athlete or person engaged in any single real-world sporting event;

8. that the following persons do not participate in fantasy sports contests:

a. athletes and individuals who engage in or officiate a game or competition that is a real-world sport or athletic event that is the subject of a fantasy sports contest; and

8.b. - 12. ...

13. segregate fantasy sports contest player funds from operational funds or maintain a reserve that exceeds the amount of player funds on deposit, which may not be used for operational activities. Reserve funds may take the form of cash, cash equivalents, payment processor reserves, payment processor receivables, an irrevocable letter of credit, a bond, or a combination thereof, in the amount that must exceed the total balances of the fantasy sports contest players' accounts. If a licensee chooses to utilize a special purpose segregated account for the purpose of segregation or reserve funds, it shall submit to the division all information and documentation regarding the account and shall receive approval prior to using the account for such purposes;

14. prohibit the use of unauthorized scripts or scripting programs for any contest that gives an unfair advantage over other players in fantasy sports contests and ensure that commercially reasonable measures are in place to deter, detect, and, to the extent reasonably possible, prevent cheating, collusion, and the use of cheating devices, including unauthorized software programs that submit entry fees or adjust the athletes selected by a player;

15. not offer fantasy sports contests based on the performances of athletes or persons that engage in high school or youth athletic events;

16. ...

17. withhold all winnings from players determined to be under the age of 21 or determined to have participated in a fantasy sports contest from within a prohibited parish;

18. - 19.b. ...

20. publish and facilitate parental control procedures to allow parents or guardians to exclude minors from access to any contest or platform; and

21. determine the geographical location of a player when participating in a fantasy sports contest.

E. - G. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15, 24, and 304.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 46:

§503. Platforms; Identification of Licensee; Duties of Licensee

A. - D.1. ...

2. a licensee shall not offer fantasy sports contests based on the performances of athletes or persons that engage in high school or youth athletics.

E. - G. ...

H. If a session is terminated due to a player inactivity timeout, the player's device must display to the player that the session has timed out and inform him of the steps needed to be taken to reestablish the session. If the session is terminated due to a player inactivity timeout, no further activity is permitted unless and until a new session is established by the player. This process shall include, at a minimum, the manual entry of the player's secure password.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15, 24, and 304.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 46:

§505. Scripts

A. - B. ...

C. Licensees shall monitor fantasy sports contests to detect the use of unauthorized scripts and restrict players found to have used such scripts from entering or participating in further fantasy sports contests.

D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15, 24, and 304.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 46:

§507. Prohibited Parish; Geolocation, Geofencing; Proxy Servers

A. ...

B. Licensees shall implement and abide by protocols and procedures to ensure a player is not utilizing a proxy server, virtual private network, spoofing, or other means to disguise their physical location or their computer or device's physical location when participating in or attempting to participate in a fantasy sports contest. Licensees shall use, at a minimum:

B.1. - B.2. ...

C. Licensees shall prohibited participation in a fantasy sports contest if a player is utilizing any means to disguise his identity or physical location or his computer or device's physical location or attempting to act as a proxy for another player.

D. If a licensee discovers a player utilizing any means to disguise their identity or physical location or their computer's or device's physical location or acting as a proxy for another player in order to participate in a fantasy sports contest, the licensee shall immediately suspend the player's participation in any fantasy sports contest and follow protocols to reach a final determination about the player's account and future access and account privileges. Licensees shall maintain a record of all information, documentation, or evidence of such activity.

E. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15, 24, and 304.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 46:

§509. Player Registration with Licensee Required

A. - B. ...

B.1. implement security standards to prevent participation in fantasy sports contests by a person whose location and age have not been verified in accordance with the act, these regulations, or internal controls;

2. - 3. ...

4. clearly and conspicuously publish and facilitate parental control procedures to allow parents or guardians to exclude minors from access to any contest or platform.

C. - C.11. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15, 24, and 304.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 46:

§511. Limitation on Active Accounts; Obligations to Players

A. - A.6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15, 24, and 304.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 46:

§513. Designation of Players; Games Offered

A. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15, 24, and 304.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 46:

§515. Charging for Inactive Accounts

A. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15, 24, and 304.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 46:

§517. Protection for Problem or Compulsive Gamblers

A. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15, 24, and 304.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 46:

§519. Advertising, Mandatory Signage

A. - G. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15, 24, and 304.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 46:

Chapter 7. Records; Accounting; Confidentiality

§701. Financial Statements and Records

A. - G.1. ...

2. The payment of taxes in accordance with R.S. 27:316 shall be paid monthly and is due by the twentieth of the following month. If the due date is a non-banking day, the fees are due the closest banking day prior to the twentieth unless it is more than two days before the twentieth in which case the taxes are due the first banking day after the twentieth.

G.3. - H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15, 24, and 304.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 46:

§703. Record Retention and Backup

A. ...

B. Each licensee shall conduct a complete system data backup to an off-site location a minimum of once a month. For purposes of this Section, the licensee shall submit the name, location, and security controls of the off-site storage facility to the division. Licensees shall submit changes to the location and security controls of the off-site storage facility at least 30 days prior to the change. Any changes less than 30 days in advance must include justification for the late submission. For licensees using managed cloud service backups, the name of the cloud service and region where the primary copy of the data shall be provided at the time of

licensure and at the time of any change thereafter. A complete system data backup includes, but is not limited to:

1. - 3. ...

4. the geographical location of every player participating in a fantasy sports contest on a platform of the licensee.

C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15, 24, and 304.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 46:

§705. Funds; Segregation of Funds

A. Licensees shall:

1. segregate fantasy sports contest player funds from operational funds in accordance with R.S. 27:308(A)(9); or

2. maintain a reserve in the form of cash, cash equivalents, payment processor reserves, payment processor receivables, an irrevocable letter of credit, a bond, or a combination of these sources that is at least equal to the amount of money deposited in fantasy sports contest player accounts.

B. Licensees may satisfy the requirements of Subsection A by establishing a special purpose segregated account that is maintained and controlled by a properly constituted corporate entity that has a governing board that includes one or more independent corporate directors. The corporate entity must require a unanimous vote of all corporate directors to file bankruptcy and must have articles of incorporation that prohibit commingling of funds with those of the fantasy sports contest operator, except as necessary to reconcile the accounts.

1. Licensees shall provide the division with any and all information and documentation regarding its special purpose segregated account and shall receive approval of such account by the division prior to the implementation of such.

C. - F. ...

G. A licensee may decline to honor a player's request to withdraw funds only if the licensee believes in good faith that the player engaged in fraudulent conduct or other conduct that would put the licensee in violation of the Act or these regulations. In such cases, the licensee may withhold the funds for a reasonable investigatory period until the investigation is resolved, if the licensee provides notice of the nature of the investigation to the player and conducts its investigation in a reasonable and expedient fashion providing the player additional written notice of the status of the investigation every tenth business day starting from the day the original notice was provided to the player.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15, 24, and 304.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 46:

§707. Audits and Reporting

A. - D. ...

E. Each licensee shall submit to the division annual audited financial statements reflecting all financial activities of the licensee's fantasy sports contest operations subjected to an examination conducted according to generally accepted auditing standards by an independent Certified Public Accountant (CPA).

1. This shall include auditing total entry fees, entry fees from players located in Louisiana, location percentage

calculations, winnings paid, net revenue, and taxes paid to Louisiana based on net revenues. The auditor shall reconcile these audited amounts to similar amounts on the annual audited financial statements and system reports.

E.2. - F.1. ...

2. The auditor shall include in this report any items discovered by the auditor or brought to the auditor's attention where the operator does not act in accordance with the internal controls and procedures provided to the division. The report should also include notification and explanation for all occasions when the operator denies a player's request to withdraw funds and all occasions when the operator discovers the use of unauthorized scripts on its platform.

a. Denial of a withdrawal means the operator or its agent issues the decision to deny a player's request to withdraw. Issues not controlled by the operator, such as banking system issues, incorrect deposit account numbers, or other issues not controlled by the operator are not included.

b. Reportable script items includes unauthorized scripts discovered on the platform whether used or not.

F.3. - N.6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15, 24, and 304.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 46:

§709. Public and Confidential Records

A. - B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15, 24, and 304.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 46:

Chapter 9. Computer Systems; Security

§901. Computer Systems and Platforms; Security

A. Licensees shall implement, maintain, and comply with procedures, protocols, and security measures required by Chapter 28 of Part III of this Title and this Part.

B. Licensees shall utilize a designated gaming laboratory specified by the division or board to complete an initial technical certification of the fantasy sports operator's platform to ensure the platform is in operational compliance with the Act, these regulations, division technical guidelines, and internal controls. A copy of the certification report shall be included with the information and documentation submitted to the division when applying for and renewing a license. The certification report shall, at a minimum, identify applicable methods, programs, protocols and security measures implemented by the licensee, a permittee, or an approved third party for the following:

1. player identification and age verification;
2. location verification methods utilized by the platform;
3. detection of proxy server or VPN use;
4. methods to detect unauthorized scripts;
5. process to detect or prevent unauthorized access to sensitive areas of the platform; and
6. procedures to prevent unauthorized access to or manipulation of sensitive player data.

C. At the discretion of the division, additional testing or certification of the platform by a designated gaming

laboratory specified by the division or board may be required. The licensee shall incur all costs associated with the testing of the platform. Failure on the part of the licensee to incur these costs may be grounds for administrative action by the division.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15, 24, and 304.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 46:

§903. Data Security

A. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15, 24, and 304.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 46:

Chapter 11. Procedures; Access; Investigations

§1101. Access to Premises and Records

A. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15, 24, and 304.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 46:

§1103. Refusal to Answer

A. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15, 24, and 304.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 46:

§1115. Assisting in or Notification of Violations

A. - B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15, 24, and 304.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 46:

Chapter 13. Hearings; Administrative Actions;

Penalties

§1301. Administrative Actions

A. - E.7. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15, 24, and 304.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 46:

§1303. Civil Penalties

A. - B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR

Public Hearing

In accordance with the provisions of the Administrative Procedure Act, specifically at R.S. 49:968(H)(2), the board gives notice of a public hearing on these substantive amendments to the proposed Rule. The hearing will be held at 10:00 a.m. on Monday, November 23, 2020 at the Louisiana State Police Headquarters, Room B located at 7919 Independence Blvd., Baton Rouge, LA 70806.

Michael Noel
Chairman

2010#067

Agency Hearings Emergency Cancellations or Modifications

Department of Economic Development Office of the Secretary

Angel Investor Tax Credit Program (LAC 13: I. Chapter 33)

In light of recent events, the public hearing to receive comments and testimony on the proposed revisions to the Angel Investor Tax Credit Program rules, published as a Notice of Intent in the September 2020 Louisiana Register, pages 1274- 1276, have been postponed to allow interested stakeholders throughout the state and the Department of Economic Development to concentrate on the 2020 Second Extraordinary Legislative Session. The hearing will now be held at **11 am on Friday, November 20, 2020** in the LaBelle Room at the LaSalle Building, 617 North 3rd Street, Baton Rouge, LA 70802. The deadline for all comments and testimony has been extended to 12 noon that same day. If you have any further questions or need further information, please contact Robin Porter at (225) 342-3060 or Robin.Porter@la.gov.

Enterprise Zone Program (LAC 13:I.Chapter 7)

In light of recent events, the public hearing to receive comments and testimony on the proposed revisions to the Enterprise Zone Program rules, published as a Notice of Intent in the September 2020 Louisiana Register, pages 1260-1266, have been postponed to allow interested stakeholders throughout the state and the Department of Economic Development to concentrate on the 2020 Second Extraordinary Legislative Session. The hearing will now be held at **10 am on Friday, November 20, 2020** in the LaBelle Room at the LaSalle Building, 617 North 3rd Street, Baton Rouge, LA 70802. The deadline for all comments and testimony has been extended to 12 noon that same day. If you have any further questions or need further information, please contact Stephanie Le Grange at (225) 342-5406 or Stephanie.LeGrange@la.gov.

Quality Jobs Program (LAC 13:I.Chapter 11)

In light of recent events, the public hearing to receive comments and testimony on the proposed revisions to the Quality Jobs Program rules, published as a Notice of Intent

in the September 220 Louisiana Register, pages 1266-1274, have been postponed to allow interested stakeholders throughout the state and the Department of Economic Development to concentrate on the 2020 Second Extraordinary Legislative Session. The hearing will now be held at **9 am on Friday, November 20, 2020** in the LaBelle Room at the LaSalle Building, 617 North 3rd Street, Baton Rouge, LA 70802. The deadline for all comments and testimony has been extended to 12 noon that same day. If you have any further questions or need further information, please contact Stephanie Le Grange at (225) 342-5406 or Stephanie.LeGrange@la.gov.

Department of Health Bureau of Health Services Financing

In light of recent events relative to the Coronavirus Disease 2019 (COVID-19) statewide public health emergency declaration, the Louisiana Department of Health, Bureau of Health Services Financing, will **modify** the format of the administrative rules hearing scheduled for October 29, 2020 @ 9:30 a.m. for the following Medical Assistance Program proposed rule revision:

Nursing Facilities—Reimbursement Methodology (LAC 50:II.20005)

The hearing will now proceed for the above proposed rule revisions on **Thursday, October 29, 2020 @ 9:30 a.m.** via Zoom meeting using the following URL link:

<https://zoom.us/j/91874181026>

Alternatively, one can join by telephone at the following number:

Dial: USA 602 333 0032

Conference code: 768964

Please refer to the Notices of Intent published in the September 20, 2020 edition of the Louisiana Register or the Bureau of Health Services Financing Rulemaking website at <http://ldh.la.gov/index.cfm/newsroom/category/172>.

Questions or requests for additional information may be directed to Allen Enger, LDH Rulemaking Coordinator, at 225-342-1342 or by email to Allen.Enger@la.gov.

CUMULATIVE INDEX
(Volume 46, Number 10)

2020	
Pages	Issue
1-163.....	January
164-298.....	February
299-492.....	March
493-650.....	April
651-770.....	May
771-868.....	June
869-1057.....	July
1058-1196.....	August
1197-1342.....	September
1343-1503.....	October

EO—Executive Order
PPM—Policy and Procedure Memoranda
ER—Emergency Rule
R—Rule
N—Notice of Intent
CR—Committee Report
GR—Governor's Report
L—Legislation
P—Potpourri
QU—Administrative Code Quarterly Update

ADMINISTRATIVE CODE UPDATE

Cumulative

- January 2019-December 2019, 150QU
- January 2020-March 2020, 639QU
- January 2020-June 2020, 1038QU
- January 2020-September 2020, 1485QU

AGRICULTURE AND FORESTRY

Agricultural and Environmental Sciences, Office of

- Annual quarantine listing for 2020, 640P
- Guava root knot nematode quarantine, 166ER, 776ER, 799N, 1200ER, 1371R

Advisory Commission on Pesticides

- Certification of agricultural consultants, 994N
- Certification of commercial applicators, 169R

Agricultural Chemistry and Seed Commission

- Industrial hemp, 169R

Horticulture Commission

- Administration, 52N, 1076R
- Classification form, 52N, 1076R
- Examinations, 52N, 1076R
- Sod quality, 52N, 1076R

Agro Consumer Services, Office of

- Commercial weighting and measuring device, 1403N
- Fuel price advertising, 1403N
- Meat labeling, 1403N
- Truth in labeling of food products, 995N, 1405N

Agricultural Commodities Commission

- Number of commission meetings and recordkeeping for excessive deduction, 312R

Forestry, Office of

- Logos for state products, 10R

Structural Pest Control Commission

- Approved termiticides and manufacturers, 153P
- Continuing education for registered technicians, 1346ER
- Public hearing of substantive changes to proposed rule—structural pest control, 1039P
- Structural pest control, 54N

Veterinary Medicine, Board of

- Board nominations, 859P
- Continuing Veterinary Education, 774ER
- Preceptorship Program, 774ER

CHILDREN AND FAMILY SERVICES

- Louisiana's 2020 Annual Progress and Services Report, 760P

- Social Services Block Grant Intended Use Report, 760P

Child Support Enforcement Section

- Criminal history records checks for access to federal tax information, 998N

Child Welfare, Division of

- Adoption petition program, 11R
- Adoption subsidy program, 11R
- Extended foster care services, 2ER, 652ER, 1200ER, 1408N
- State central registry, 13R

Economic Stability Section

- Supplemental Nutritional Assistance Program (SNAP), 800N, 1218R
- Electronic Benefits Issuance System, 1259N
- Temporary Assistance for Needy Families (TANF) Caseload Reduction, 154P
- Vulnerable communities and people's initiative, 1060ER, 1409N

Licensing Section

- Federal background checks, 57N, 666R
- Public hearing rescheduled, 295P
- State central registry
 - Child residential care, Class B, 78N, 687R
- Suspension of license renewal fees
 - Child residential care class B, 869ER, 1346ER
 - Residential homes (Type IV), 869ER, 1346ER
 - Child placing agencies, 869ER, 1346ER
 - Juvenile detention, 869ER, 1346ER

CIVIL SERVICE

Administrative Law, Division of

- Commencement of adjudications, 1000N, 1371R
- Division of Administrative Law adjudications, 315R

Ethics, Board of

- Campaign finance disclosure, 313R
- Code of governmental ethics, 313R
- Food and drink limit, 601N, 892R
- Hearings and pre-hearing procedures, 313R

CIVIL SERVICE (continued)

Tax Appeals, Board of

- Notice of public hearing
- Substantive changes to proposed rules, 154P
- Procedure and practice, 785R

CULTURE, RECREATION AND TOURISM

State Museum, Office of the

- Accessions, 692R
- Deaccessions, 692R
- Loan policy, 692R
- Public access, 692R

ECONOMIC DEVELOPMENT

Business Development, Office of

- Enterprise zone program, 1260N, 1487P
- Quality jobs program, 1266N, 1487P

Entertainment Industry Development, Office of

- Entertainment development fund
- Education development grant programs, 268N, 1077R
- Filmmaker matching grants, 402N, 1079R
- Motion picture tax credit program, 179R
- Sound recording investor tax credit program, 404N, 1081R
- Qualified music company payroll tax credit program, 407N

Secretary, Office of

- Angel investor tax credit program, 1274N, 1487P

EDUCATION

Elementary and Secondary Education, Board of

- Alternative program candidates, 324R
- Bulletin 111—The Louisiana School, District, and State Accountability System, 1001N, 1372R
- Bulletin 118—Statewide Assessment Standards and Practices, 870ER
- LEAP 2025
 - Science and biology, 2ER
 - Transfer rules, 1003N, 1372R
- Bulletin 126—Charter Schools
 - Charter School Renewals and Virtual Charter School Attendance, 411N, 788R
 - Reopening of Schools for the 2020-2021 School Year, 1276N
- Bulletin 139—Louisiana Child Care and Development Fund Programs, 3ER
 - CCAP household eligibility, 1004N, 1373R
- Bulletin 140—Louisiana Early Childhood Care and Education Network
 - Academic approval, 84N, 555R
 - Accountability, 84N, 555R
 - Coordinated enrollment, 84N, 555R

Bulletin 741—Louisiana Handbook for School Administrators

- Community Service Diploma Endorsement, 1279N
- Credit recovery courses and units, 707N, 1083R
- Curriculum and instruction, 87N, 556R
- Diploma integrity, 707N, 1083R, 1279N
- Individual graduation plans, 707N, 1083R
- Reopening of schools for the 2020-2020 school year, 1281N
- TOPS university diploma, 87N, 556R

Bulletin 741 (Nonpublic)—Louisiana Handbook for Nonpublic School Administrators

- Carnegie credit, 708N, 1084R
- Credit flexibility, 708N, 1084R
- Health and physical education, 708N
- Reopening of schools for the 2020-2021 school year, 1284N

Bulletin 746—Louisiana Standards for State Certification of School Personnel, 557R

- Accredited institutions, 1006N, 1372R
- Certifications and endorsements, 17R, 88N
- Child nutrition program supervisor certification, 1006N, 1372R
- Deaf or hard of hearing, 1006N, 1372R
- Montessori training providers, 1006N, 1372R
- Teaching authorizations, 1006N, 1372R
- PRAXIS social studies exam scores, 4ER

Bulletin 996—Standards for Approval of Teacher and/or Educational Leader Preparation Programs

- Early Childhood Ancillary Programs, 891R

Bulletin 1566—Pupil Progression Policies and Procedures Regular Placement

- Summer remediation, 17R

Bulletin 1706—Regulation for Implementation of the Children with Exceptionalities Act, 180R

- English language proficiency

- Bulletins 111, 118, and 741, 14R

Jump Start

- Career diploma, 711N, 1085R
- Program authorization, 711N, 1085R
- Waiver requests, 711N, 1085R

- School facilities reopening, 2020-2021, 1060ER

Regents, Board of

Student Financial Assistance, Office of

- Go Youth challenge legislation, 19R
- Scholarship/grant programs, 19R
- 2018 Regular Session of the Louisiana Legislature and TOPS 5.0 grading scale
 - AP psychology, 652ER
- 2020 Regular Session of the Louisiana Legislature and TOPS 5.0 grading scale
 - AP psychology, 652ER, 1208ER, 1288N
- Hurricane Laura
 - Deferments, 1347ER, 1410N
 - Exceptions, 1347ER, 1410N
 - TOPS exceptions, 326R

Tuition Trust Authority

Student Financial Assistance, Office of

- START saving program, 653ER, 712N, 1222R, 1281N

ENVIRONMENTAL QUALITY

Secretary, Office of the

Legal Affairs and Criminal Investigations Division

2019 annual incorporation by reference of certain federal air quality regulations, 601N, 893R

2019 annual incorporation by reference of certain water regulations, 330R

Circulation of emissions from organic liquid storage tanks, 295P

Cross Bayou Stream, 714N, 1086R

Cross Lake, 714N, 1086R

Definition of treatment, 604N, 8956R

Hazardous waste generator improvements, 412N, 896R

LPDES application and program requirements, 271N, 789R

Petition provisions of the Title V permitting program, 805N, 1385

Recovery furnaces, 807N, 1223R

Regulatory permit for stationary combustion turbines, 558R

State Implementation Plan (SIP) revisions

Interstate transport prong 4, 1185P

Water quality standards triennial revision, 1185P

Written notification procedures, 467N, 949R

Environmental Services, Office of

Waste Permits Division

Medical Waste Incinerator Regulations, 1185P

EXECUTIVE ORDERS

JBE 19-22 The Louisiana Complete Count Committee, 1EO

JBE 20-01 Offender Labor, 164EO

JBE 20-02 Carry-Forward Bond Allocation 2019, 164EO

JBE 20-03 Governor's Advisory Council on Rural Revitalization, 299EO

JBE 20-04 Flags at Half-Staff—Dudley Anthony “Butch” Gautreaux, Jr., 300 EO

JBE 20-05 Work and Career Development Requirements for ABAWD Snap Participants—Rescinding Executive Order Number JBE 2016-12, 300EO

JBE 20-06 Broadband for Everyone in Louisiana Commission—Amending Executive Order Number JBE 19-20, 301EO

JBE 20-07 Governor's Advisory Council on Disability Affairs—Amending Executive Order Number 16-10, 302EO

JBE 20-08 Statewide Independent Living Council Amending Executive Order Number 16-14, 302EO

JBE 20-09 Flags at Half-Staff—Clifton Russell Richardson, 303EO

JBE 20-10 Flags at Half-Staff—Reggie Paul Bagala, 651EO

JBE 20-11 Flags at Half-Staff—Glenn Hutto, 771EO

JBE 20-12 Flags at Half-Staff—Peace Officers Memorial Day, 771EO

JBE 20-13 Flags at Half-Staff—Trooper George Baker, 771EO

JBE 20-14 Flags at Half-Staff—Ernest Durham Wooton, 772EO

JBE 20-15 Flags at Half-Staff—Ronald Jude “Ron” Landry, 772EO

JBE 20-16 Flags at Half-Staff—United States Representative John Lewis, 1058EO

JBE 20-17 Flags at Half-Staff—Frank Alden “Frankie” Howard, 1058EO

JBE 20-18 Climate Initiatives Task Force, 1197EO

JBE 20-19 Coastal Resilience, 1343EO

JBE 20-20 Flags at Half-Staff—Former Governor Murphy J. “Mike” Foster, Jr, 1344EO

GOVERNOR

Administration, Division of

Commissioner, Office of the

PPM 49—General Travel Regulations, 840PPM, 1484PPM

Rulemaking petitions, 337R

Community Development, Office of

Community water enrichment fund, eligibility, 20R

Local Government Assistance Program (LGAP), Eligibility, 20R

Rulemaking petitions, 331R

Facility Planning and Control, Office of

Contract limit adjustment, 155P

Public hearing, designer contracts, 155P

Public hearing—substantive changes to proposed rule; designer contracts, 1040P

Rulemaking petitions, 331R

Group Benefits, Office of

Rulemaking petitions, 332R

Indian Affairs, Office of

American Indian scholarship, 1289N

Patient's Compensation Fund Oversight Board

Qualified health care service providers, 655ER, 1349ER

Rulemaking petitions, 181R

Property Assistance Agency

Rulemaking petitions, 337R

Racing Commission

Permitted medications in quarter horses, 182R

Risk Management, Office of

Rulemaking petitions, 333R

State Lands, Office of

Rulemaking petitions, 333R

State Procurement, Office of

Rulemaking petitions, 334R

State Register, Office of the

Rulemaking petitions, 334R

State Uniform Payroll

Rulemaking petitions, 335R

Statewide Reporting and Accounting Policy,

Office of

Rulemaking petitions, 335R

Tax Commission

Ad valorem taxation, 559R

Technology Services, Office of

Rulemaking petitions, 336R

Boxing and Wrestling Commission

Blood work lab results for class B contestants, 304ER, 776ER, 1349ER

Certified Public Accountants of Louisiana, State Board of

Examination, 338R

Retake, 338R

Granting of credit requirements, 338R

GOVERNOR (continued)

Coastal Protection and Restoration Authority

- Deepwater Horizon oil spill
 - Birds, 1187P
 - Coastal, 1187P
 - Cypremort Point State Park improvements project modification, 642P
 - Marine animals and oysters, 485P
 - Nearshore habitats, 1187P
 - Upper Barataria, 484P
 - Wetlands, 1187P

Commission on Law Enforcement and Administration of Criminal Justice

- Peace officer training, 90N, 693R

Crime Victims Reparations Board

- Victim compensation, 1411N

Examiners of Certified Shorthand Reporters, Board of

- Certified shorthand reporter fees, 870ER, 1110N
- Continuing education credits (online), 871ER, 1112N
- Digital signature certification, 1109N
- Reciprocal certification for military personnel and spouses, 1113N

Financial Institutions, Office of

- Applications and notices, 1020N, 1387R

Motor Vehicle Commission

- License renewal fees suspension for Louisiana-based business licensees, 871ER

New Orleans and Baton Rouge Steamship Pilots for the Mississippi River, Board of Examiners for

- Standards of conduct, 4ER, 654ER

Pardons and Parole, Board of

- Panel action, 1019N, 1232R

Used Motor Vehicle Commission

- License renewal fees suspension, 1351ER

HEALTH

Aging and Adult Services, Office of

- Programs and services amendments due to the Coronavirus Disease 2019 (COVID-19) statewide public health emergency, 502ER, 504ER, 779ER, 878ER, 1202ER

Behavior Analyst Board

- Supervision requirements, 567R
- Temporary reduction of license and certificate renewal fees, 1201ER

Behavioral Health, Office of

- Adult mental health services
 - Peer support services, 1296N
- Behavioral health services
 - Opioid treatment programs
 - Treatment for opioid use disorder, 27R
- Children and adult mental health services, 471N, 794R, 951R
- Home and community-based behavioral health services waiver
 - Coordinated system of care discharge criteria, 183R
- Programs and services amendments due to the Coronavirus Disease 2019 (COVID-19) statewide public health emergency, 502ER, 779ER, 1202ER
- School-based health services

- School-based applied behavior analysis-based therapy services, 185R

- Substance Use Disorders Services, 1114N

Citizens with Developmental Disabilities, Office for

- Act 421 children's Medicaid option, 1291N
- Certified medication attendants
 - Qualifications, 100N, 589R
- Home and community-based services waivers
 - New opportunities waivers
 - Individual and family support payments, 1297N
- Individual and family support program, 349R, 1280N
- Programs and services amendments due to the Coronavirus Disease 2019 (COVID-19) statewide public health emergency, 504ER, 878ER, 1202ER

Dentistry, Board of

- CDC inspection violation expungement
 - Nitrous oxide analgesia, 1290N
- General provisions
 - Restricted licensees, 605N, 950R

Drug and Device Distributors, Board of

- License renewal fee suspension, 1066ER

Embalmers and Funeral Directors, Board of

- Fees, 274N, 716N
- Funeral establishment and crematory authority renewal fee suspension, 777ER
- Heirship clause, 274N, 716N
- Internship application fee, 274N
- License
 - Internship, 716N
 - Reinstatement, 716N
 - Renewal, 274N, 716N
- Prepaid funeral services or merchandise, 274N

Emergency Response Network Board

- Stroke center recognition, 98N, 486P, 1088R

Health Services Financing, Bureau of

- 2020 fourth quarter hospital stabilization assessment, 761P
- 2021 first quarter hospital stabilization assessment, 1333P
- Act 421 children's Medicaid option, 1291N
- Adult mental health services
 - Peer support services, 1296N
- Abortion facilities licensing standards, 304ER, 874ER
- Behavioral health service providers
 - Licensing standards, 94N, 587R
- Behavioral health services
 - Opioid treatment programs
 - Treatment for opioid use disorder, 27R
- Children and adult mental health services, 471N, 794R, 951R
- Dental benefits prepaid ambulatory health plan, 812N, 1227R
 - Network provider reimbursement, 500ER, 620N, 953R
- Early and periodic screening, diagnosis and treatment, 342R
- Emergency telemedicine, 501ER, 778ER, 1352ER
- End stage renal disease facilities
 - Reimbursement for independent laboratory services, 1025N, 1392R
- Facility need review
 - Relocation of nursing facility beds, 468N, 953R

HEALTH (continued)

Federally qualified health centers, 1440N
Reimbursement methodology
Mammography separate payments, 182R
Home and community-based behavioral health services waiver
Coordinated system of care discharge criteria, 183R
Home and community-based services providers
Licensing standards, 1352ER, 1442N
Home and community-based services waivers
New opportunities waivers
Individual and family support payments, 1297N
Hospice
Licensing standards, 343R
Pediatric concurrent care, 1115N
Hospital licensing standards, 1300N
Obstetrical and newborn services, 470N, 1087R
Hospital provider fee assessment, 1301N
Inpatient hospital services
Non-rural, non-state hospitals
Reimbursement rate adjustment, 1302N
Coverage of donor human breast milk, 732N, 1088R
Intermediate care facilities
Persons with intellectual disabilities
Dedicated program funding pool payments, 28R
Reimbursement methodology, 1201ER
Direct care floor, 28R
Licensing standards
Medication attendant certified, 29R
Medicaid eligibility
Modified adjusted gross income groups, 29R
Qualified disabled and working individual program resources, 1027N, 1392R
Transfers of assets, 96N, 588R
Medical transportation program
Non-Emergency medical transportation, 4ER, 276N, 501ER, 694R
Nursing facilities
Licensing standards, 1028N, 1394R
Virtual visitation, 344R
Optional state assessment, 278N, 695R, 1305N
Reimbursement methodology, 1306N
Out-of-state medical services, 1030N, 1394R
Outpatient hospital services
Non-rural, non-state hospitals
Reimbursement rate adjustment, 1308N
Pharmacy benefits management program
Dispense as written electronic prescribing, 33R
Vaccine administration and reimbursement, 345R
Pregnant women extended services
Intervention services, 184R
Substance use screening, 184R
Tobacco cessation, 184R
Counseling, 621N, 954R
Professional services program, 1444N
Immunizations, 1446N
Programs and services amendments due to the Coronavirus Disease 2019 (COVID-19) statewide public health emergency, 502ER, 504ER, 779ER, 877ER, 878ER, 1202ER, 1353ER, 1355ER
Psychological services staffing requirements, 342R
Routine patient care and clinical trials, 474N, 796R

Rural health clinics, 1448N
Reimbursement methodology
Mammography separate payments, 184R
School-based health services
School-based applied behavior analysis-based therapy services, 185R
Substance Use Disorders Services, 1114N
Telemedicine, 475N, 795R
Therapeutic group homes
Criminal background checks, 345R
Licensing standards, 345R

Licensed Professional Counselors Board of Examiners

Criminal history records, 493ER
Endorsement, 1117N
Internet counseling, 494ER, 1068ER
Online continuing education hours, 1070ER, 1357ER
Teletherapy guidelines, 494ER, 1068ER, 1118N

Medical Examiners, Board of

Adjudication, 1412N
Complaints and investigations; adjudication and practice-site visits; practice performance reviews, 339R
Continuing medical education, 1414N
Emergency temporary permit, 496ER
Licensure and application, 1419N
Licensure and certification, 1412N
Medical professions, 496ER
Physician licensure and certification, 1423N
Physician practice
Marijuana for therapeutic use, 342R
Provisional temporary permits, 1417
Rules of procedure
Complaint disposition, 1426N
Complaints and investigation, 1425N
Petitions for rulemaking, 1419N
Restricted temporary permits, 496ER

Nursing, Board of

Continuing education
Nursing practice, 497ER
Licensure by examination, 497ER
Meetings of the board, 21R
Officers of the board, 21R
Renewal
License and continuing education, 809N, 1224R
Temporary permits, 498ER

Optometry Examiners, Board of

Board nominations, 1042P
Board nominations and voting, 1331P
Optometry, 23R

Pharmacy, Board of

Automated medication systems, 607N, 1331P
Cannabis metered-dose inhaler, 568R
Continuing education records, 569R
Controlled substance license for third party logistics providers, 569R
Correctional center pharmacy, 571R
Delays of licensure examinations, 574R
Dispensing of prescription refills, 575R
Drug disposal by pharmacies, 485P, 793R
Investigational drugs, 575R
License transfer for pharmacy technicians, 576R
Licensing of marijuana pharmacies, 576R

HEALTH (continued)

Licensing for military families, 1431N
Limitation on dispensing chloroquine and hydroxychloroquine for COVID-19, 499ER, 500ER
Marijuana recommendations, 1066ER, 1343N
Notice of public hearing—substantive change to notice of intent for proposed rule
Automated medication systems, 1331P
Prescription monitoring program, 1042P, 1332P
Partial fills of Schedule II prescriptions, 577R
Pharmacist license display, 614N, 1227R
Pharmacy
Benefit managers, 1438N
Compounding, 577R
Immunizations, 578R
Marijuana, 612N, 1226R
Records, 579R, 693R
Veterinary hospital, 587R
Prescription monitoring program, 616N, 1332P
Rulemaking procedures, 586R
Telepharmacy dispensing sites, 586R
Temporary suspension of license renewal fees, 874ER

Physical Therapy Board

Notice of public hearing, 156P

Public Health, Office of

Certification of laboratories performing drinking water analyses, 718N, 1090R
Correction of day/date to submit comments on proposed rule
Certification of laboratories performing drinking water analyses, 859P
COVID-19 disease reporting, 781ER
Dairy products
Frozen dessert regulations, 356R
Emergency preparedness activities, 356R
Louisiana immunization network/LINKS, 101N, 589R
Registration
Cosmetics, 307ER, 358R
Drugs, 307ER, 358R
Foods, 307ER, 358R
Prophylactic devices, 307ER, 358R
Reportable Diseases
Coronavirus disease, 309ER, 1449N

Family Health, Bureau of

Title V Block Grant, 1188P

Social Work Examiners, Board of

LMSWs seeking the LCSW credential, 92N, 791R
Public hearing notice, 156P

INSURANCE

Commissioner, Office of the

Emergency Rule 35—Healthcare Coverage for Louisiana Families Protection Act, 5ER, 508ER
Emergency Rule 36—Patient Protections and Related Health Care Services Regarding Health Insurance Matters Affecting Insureds in Louisiana Caused by the Outbreak of Coronavirus Disease (COVID-19), 510ER, 512ER

Emergency Rule 37—Telemedicine and Network Adequacy in Health Insurance in Louisiana during the Outbreak of Coronavirus Disease (COVID-19), 514ER, 516ER

Emergency Rule 38—Temporary Licensing of Certain Insurance Producers, 518ER

Emergency Rule 39—Mid-Term Audit of Auditable Policies, 519ER, 521ER

Emergency Rule 40—Moratorium on Policy Cancellations/Non-Renewals for Policyholders in Louisiana during the Outbreak of Coronavirus Disease (COVID-19), 524ER, 528ER

Emergency Rule 41—Medical Surge-Related Patient Transfers in Louisiana during the Outbreak of Coronavirus Disease (COVID-19), 532ER

Emergency Rule 42—Tax Reporting During Outbreak of Coronavirus Disease (COVID-19), 534ER, 535ER

Emergency Rule 43—Temporary Licensing of Adjusters, 535ER

Emergency Rule 44—Extension of Renewal Date, 657ER

Emergency Rule 45—Suspension of Certain Statutes Regarding Cancellations, Terminations, Non-Renewals, and Nonreinstatements, Premium Payments, Claim Filings and Related Provisions Regarding Any and All Insurance Matters Affecting Insureds in Louisiana Caused by the State of Emergency Declared by Governor John Bel Edwards on August 21, 2020, Due to Hurricane Laura, 1203ER

Regulation 39—Statement of Actuarial Opinion, 1451N

Regulation 30—Certificates of Insurance Coverage, 105N

Regulation 42—Group Self-Insurance Funds, 1453N

Regulation 45—Filing of Affirmative Action Plans, 734N

Regulation 63—Prohibitions on the Use of Medical Information and Genetic Test Results, 360N

Regulation 81—Automobile Liability Insurance Premium Discount and Insurer Premium Tax Credit, 1120N

Regulation 82—Insure Louisiana Incentive Program, 280N, 696R

Regulation 98—Annual Financial Reporting, 35R

Regulation 112—Adoption of NAIC Handbooks, Guidelines, Forms, and Instructions, 623N

Regulation 114—Claims Adjuster Pre-Licensing Education Program, 37R

Regulation 116—Stop-Loss or Excess Policies of Insurance, 698R

Rule 4—Interlocal Risk Management Agency, 624N, 1103R

Health, Life and Annuity Insurance, Office of

Annual HIPAA assessment rate, 860P

NATURAL RESOURCES

Conservation, Office of

Damage prevention, 954R

Class VI injection wells, 1454N

NATURAL RESOURCES (continued)

Notice of amended public hearing
RLI Insurance Company, 156P
Oilfield site restoration, 41R
Orphaned oilfield sites, 157P, 761P, 1043P, 1188P,
1333P, 1487P
Pipeline safety, 1124N
Statewide order no. 29-B
Disposal of E and P waste
Slurry fracture injection, 106N, 1231R
Monitoring requirements
Commercial class II injection wells, 107N, 1105R
Public hearing, 1333P

PUBLIC SAFETY AND CORRECTIONS

Committee on Parole

Committee procedures, 42R

Corrections Services

Telephone use and policy on monitoring of calls,
1031N, 1395R

Gaming Control Board

Fantasy sports contest, 1160N, 1489P
Inspections of facilities, 1309N

Liquefied Petroleum Gas Commission

Rulemaking petitions, 283N, 700R
Class I-E permit, 1357ER

Management and Finance, Office of

Rulemaking petitions, 284N, 701R

Motor Vehicles, Office of

Child support non-payment suspension, 1310N
Credit toward suspension time or condition of
reinstatement time, 187R
Liquefied petroleum gas, 187R
Rulemaking petitions, 1311N

Oil Spill Coordinator's Office

Notice of settlement agreement
Raphael Pass Oil Spill, 762P
Rulemaking petitions, 289N, 703R

Pardons, Board of

Committee procedures, 42R

State Fire Marshal, Office of

Fire-resistant material applicators, 1361ER
Manufactured housing repairs, 190R
Rulemaking petitions, 287N, 701R

Uniform Construction Code Council

State uniform construction code, 537ER, 1070ER,
1177N
Storm shelters, 1212ER
Temporary exemption to certification requirements,
191R

State Police, Office of

Breath and blood alcohol analysis methods and
techniques, 285N, 796R
Explosives, 108N, 591R

Issuance of concealed handgun permits, 816N, 1232R
Rulemaking petitions, 288N, 702R

REVENUE

Alcohol and Tobacco Control, Office of

CBD product public safety regulations, 538ER, 1313N
Direct delivery of alcohol public safety regulations,
545ER, 1319N
Public hearing—change to proposed rule vapor products
public safety regulations, 1047P, 1334P
Vapor products public safety regulations, 628N, 658ER,
735N, 882ER

Policy Services Division

Election of pass-through entities, 42R
Frontline workers COVID hazard pay, 1072ER, 1364ER
Mandatory electronic filing of certain excise tax returns,
1178N
Tax payment, 1178N

Sales and Use Tax Commission for Remote Sellers

Policy statements and guidance, 45R
Tax
Mandatory electronic filing of remote sellers tax, 44R
Returns and payment of related sales and use tax, 44R

STATE

Business Services Division

Business entities, 476N, 1233R
Public hearing rescheduling and modification, 860P

Elections Division

Opportunity to cure deficiencies in absentee by mail
ballots, 884ER, 1366ER

TRANSPORTATION AND DEVELOPMENT

Construction management at risk project

East Baton Rouge Parish, 159P
State Project No. H.00410 I-10 LA 415 to Essen Lane
on I-10 and I-1, West and East Baton Rouge Parishes,
860P, 1044P

Engineering, Office of

Louisiana Transportation Research Center (LTRC)
Transportation training and education fund, 703R

Professional Engineering and Land Surveying Board

Public hearing—substantive change to proposed rule
supervising professionals, 861P
Practice of engineering, 1397R
Supervising professionals, 1397R

Public Works, Office of

Flood control and water management, 631N

Secretary, Office of

Transportation network companies, 1324N

TREASURY

Deferred Compensation Commission

Administration and distributions, 886ER

Louisiana State Employees' Retirement System, Board of Trustees of the

Computation of final average compensation, 291N, 1241R

Disability applications, 48R

Deferred retirement option plan (DROP), 291N, 1241R

DROP program, 1329N

Emergency refund, 48R

Survivor's benefits, 48R

Transferring credit, 48R

Municipal Police Employees' Retirement System

Group trusts investments, 738N, 1106R

Military service purchases, 741N, 1107R

New DROP legislation

True annuity and other approved methods, 740N, 1106R

Renunciation of benefit, 742N, 1107R

State Police Retirement System, Board of Trustees

Compliance with the Uniformed Services Employment and Reemployment Rights Act (USERRA) and participation in group trusts, 479N

Teachers' Retirement System

Deferred Retirement Option Plan (DROP), 885ER

Treasurer, Office of the

Fiscal administrator revolving loan fund, 192R

WILDLIFE AND FISHERIES

Wildlife, Office of

Threatened and endangered species, 193R

Wildlife and Fisheries Commission

2020-2022 general and wildlife management

hunting seasons and regulations, 957R

Alligators, 1398R

Hide tag fees, 49R

Hunting season, 818N, 1367ER

Crab

Abandoned crab traps, 1182N

Cobia

Size limits, 743N, 1399R

Deer

East Carroll Parish deer season, 167ER

Management assistant program (DMAP), 146N, 704R

Gray Triggerfish

2020 private recreational season

Closure, 661ER

Reopening, 1215ER

Harvest regulations

Reef fish, 147N

Sharks and sawfishes, 50R

Hunter Education Program certification policy, 1034N

Hunting

Regulations and seasons, 2020-2022, 109N, 487P

King Mackerel

Commercial season closure, 166ER

Size limits, 743N, 1399R

Lane Snapper

2019 commercial and recreational, 7ER

Netting season

Poverty Point Reservoir, 167ER

Oyster

2020/2021 season on public areas, 1213ER

Calcasieu Lake public oyster area closure, 167ER

Leasing policies and procedures, 592R, 1368ER

Restriction of all oyster harvesting on four new reefs, 363R

Queen Bess Island wildlife refuge, 147N, 705R

Red Snapper

2020 private recreational season, 549ER, 660ER

Closure, 1214ER

Modification, 1214ER

Reef Fish

Harvest regulations, 705R, 819N, 1399R

Shark

2020 commercial large coastal shark season adjustment, 549ER

Shrimp

2020 spring inshore season

Opening, 661ER

2020 fall season, 1074ER

Portions of state inside waters, 7ER, 168ER

Closure, 888ER, 888ER

Delay in opening, 1215ER

Portions of state outside waters, 8ER

Season opening, 662ER

Remaining state outside waters

Season opening, 662ER

Spanish Mackerel

Size limits, 743N

Turkey

Grassy Lake wildlife management area, 311ER

Pearl River wildlife management area

Turkey season closure, 550ER

WORKFORCE COMMISSION

Plumbing Board

Plumbers

Continuing professional education programs, 400R

Introductory information, 400R

Licenses 400R

Revocation and related administration proceedings, 400R

Rehabilitation Services

Financial needs and budgetary analysis tests, 889ER

Unemployment Insurance Administration, Office of

Electronic filing and payment requirements, 364R

Notification of the availability of unemployment insurance benefits, 554ER, 663ER, 820N, 1216ER, 1400R

WORKFORCE COMMISSION (continued)

Pain medical treatment guidelines, 364R
State income tax withholding from unemployment insurance benefits, 1075ER

Secretary, Office of the

Interested party petitions, 51R

Workers' Compensation Administration, Office of

Medical treatment guidelines, 482N, 744N, 782ER, 797R, 821N, 1035N, 1243R, 1368ER, 1400R

Pain medical treatment guidelines, 194R

Prescription

Filing Procedure, 483N, 797R

Refills

Patient protections and related health care services, 550ER, 664ER

Telemedicine/Telehealth codes, 551ER

Weekly compensation benefits limits, 160P, 1049P