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Executive Orders

ADDENDUM TO EXECUTIVE ORDER EWE-79-4 ISSUED MAY 3, 1979

BY VIRTUE of the power vested in me and acting under the authority of Article 4, Section 5(A) and (J) of the Louisiana Constitution of 1974 and the Louisiana Disaster Act of 1974, I, EDWIN EDWARDS, do hereby extend the effect of Executive Order EWE-79-4 for an indefinite period not to exceed thirty days from this date.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this the 5th day of June, A.D. 1979.

Edwin Edwards
Governor of Louisiana

EXECUTIVE ORDER EWE-79-5

WHEREAS the Louisiana Educational Television Authority was created by Act 13 of 1971 for the purpose of making the benefits of educational and public television and radio available to and promoting their use by inhabitants of Louisiana; and

WHEREAS that Act empowers the Authority to lease, purchase, construct, own, operate, manage, and be the licensee of educational and public television and radio stations, production centers, and other related equipment and facilities for the production and/or transmission of open circuit, closed circuit, and any other transmission means necessary to achieve the purpose of the law; and

WHEREAS said stations, production centers, and transmission means, for reasons of necessity and/or convenience, are identified by various designations such as WLPB-TV, KLTM, KLTS, Louisiana Public Broadcasting, LPB, Louisiana Health Television Network, LHTN, LETA, et al.

NOW, THEREFORE, I EDWIN EDWARDS, by virtue of the authority vested in me as Governor of the State of Louisiana, do hereby authorize the Louisiana Educational Television Authority to conduct business in the name of its various existing services and/or sub-entities, whether designated by title, letter combination or acronym, as well as in the name of any future entities and/or services which may be created for the purpose of fulfilling the legislative mandate, and I hereby direct all state departments, agencies, boards, and commissions to recognize said entity and/or service designations of the Louisiana Educational Television Authority for the conduct of business both within state government and in the private sector.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this the 18th day of May, A.D. 1979.

Edwin Edwards
Governor of Louisiana

Emergency Rules

DECLARATION OF EMERGENCY

Department of Agriculture Office of Agricultural and Environmental Sciences

It has been determined that two serious and destructive diseases of sugar cane, Sugar Cane Rust, (*Puccinia melanocephala* Syd.) and Sugar Cane Smut, (*Ustilago scitaminea* Syd.) are now present in the continental limits of the United States. These diseases are not now known to occur in Louisiana and are capable of causing severe losses to the sugar cane industry in the state if they become established.

In order to prevent the introduction and spread within the state and to eradicate these diseases if they are introduced, the Louisiana Department of Agriculture, under authority of Section 1732 of Part II of Chapter 12 of Title 3 of the Revised Statutes of 1950, does hereby promulgate the following Emergency Quarantine and Regulations declaring pests; agent or inspector; inspection; control and eradication authority; quarantine area; regulated products; conditions governing shipment control and eradication measures; penalties; revision; and effective date.

Sugar Cane Rust and Sugar Cane Smut Regulation

I. Pests: Sugar Cane Rust, *Puccinia melanocephala* Syd. and Sugar Cane Smut, *Ustilago scitaminea* Syd.

II. Agent or Inspector: An authorized representative of the Commissioner of the Louisiana Department of Agriculture.

III. Inspection, Control and Eradication Authority:

a. Agents of the Louisiana Department of Agriculture shall be allowed entrance onto any property or premise to determine if the pests exist on such and to take such action as, in the judgment of the State Entomologist, is necessary to control or eradicate the pests wherever found.

b. No person, firm or corporation shall in any way interfere with an agent of the Louisiana Department of Agriculture in carrying out the provisions of this regulation, or interfere with the application of suppressive measures for the control and eradication of the Sugar Cane Rust and/or Sugar Cane Smut should they be introduced into the State of Louisiana.

IV. Quarantined Area: Regulated area—Any area outside the State of Louisiana.

V. Regulated Products: Sugar cane plants, stalks, cuttings, seed and any other part thereof and the same products of the genus *Erianthus*.

VI. Conditions Governing Shipment of Regulated Products:

a. Regulated products from the regulated area are prohibited entry into the State of Louisiana unless each shipment is accompanied by a special permit issued by the Louisiana State Entomologist. A special permit will be issued only after regulated products are treated in a manner approved by the State Entomologist.

VII. Control and Eradication Measures: Regulated products shipped into the State of Louisiana in violation of this regulation are subject to destruction or return to the point of origin at the discretion of the State Entomologist.

VIII. Penalties: Any person, firm, or corporation found guilty of violating the provisions of this Quarantine and Regulation is subject to the penalties provided by Section 1736 of Part III of Chapter 12 of Title 3 of the Louisiana Revised Statutes of 1950.

IX. Revision: This regulation may be revised or amended at any time as conditions and circumstances warrant.

X. **Effective Date:** The above regulation shall become effective on and after June 5, 1979.

Richard Carlton, State Entomologist
Office of Agricultural and
Environmental Sciences

DECLARATION OF EMERGENCY

Department of Health and Human Resources Office of Management and Finance

Rules and Sliding Billing Scale for Programs Operated By The Office of Mental Health and Substance Abuse, Office of Mental Retardation, and Office of Human Development

Effective July 1, 1979, the Department of Health and Human Resources (DHHR), Office of Management and Finance, has exercised those powers conferred by the emergency provisions of the Administrative Procedures Act, R.S. 49:953B, to amend the rules and regulations previously determining the fees to be charged for residential services provided by state administered mental hospitals, schools for the retarded, and private facilities utilized by the Office of Human Development, and to include charges for evaluation services when provided by the Office of Human Development.

I. **Admissions. State Hospitals, Schools, and Private Programs Where OHD Funds are Utilized toward the Cost of Care—**Admissions for treatment shall be made available to all appropriate residents of the State of Louisiana. Residency shall be established by a permanent legal address within the state and an expressed intention to live within the state in the future when this in not in opposition to applicable state and federal regulations. Persons seeking treatment in a facility or by a program shall furnish all information requested by that program and, if different, the DHHR agency responsible for placement decisions.

II. **General Regulations.**

A. **Schedule for Charges—**Billing for services rendered will be sent at least quarterly to the client or his responsible person in accordance with the applicable fee schedule, based on the total family income and the number of dependents as defined in Section IV. There shall be adequate documentation of the information used in establishing the fee, which shall become a permanent part of the client's record.

B. **Failure to Provide Information—**A person responsible for the payment of charges for services rendered who refuses to supply the information necessary for an accurate determination of the required rate of charges for services rendered shall be presumed to be able to pay the full cost of services rendered and shall be billed accordingly. Any person who is potentially eligible for medical assistance benefits from any federal or state program who refuses to apply for and follow through with application for said benefits shall be presumed to be able to pay the full cost of services rendered and shall be billed accordingly or, in the case of voluntary, nonemergent services, may be refused DHHR assistance, dependent upon individual program policies. Updated information shall be supplied by the responsible party to DHHR of any change in income, employment, or family composition, which may result in an adjusted fee. A periodic check, no less than annually, will be made with the responsible party to make fee adjustments as necessary for continuing services to a client.

C. **Insurance—**An insurance company that the responsible party alleges has issued a policy or contract covering the charges

for treatment and services rendered shall be billed the full cost of services rendered. Billings shall be made directly to the insurer by the treating facility after securing execution of the forms necessary, including an assignment of benefits to the treatment facility, by the responsible person. The responsible party shall be billed in accordance with the applicable fee schedule up to the amount of charges not covered and paid by insurance. If the responsible person refuses to execute the forms necessary to assign the benefits under the policy alleged by him to cover the charges for treatment and services rendered and the forms necessary to file an insurance claim in accordance with that policy, that responsible party shall be presumed to be able to pay at the full cost of services rendered and shall be billed accordingly or, in the case of voluntary, non-emergent services, may be refused DHHR assistance, dependent upon individual program policies.

D. **Medical Assistance—**All persons eligible to receive medical assistance benefits from any federal or state program shall be eligible for free treatment provided the program as administered has agreed to cover the appropriate services for treatment. In the event that the program does not cover the appropriate services for treatment, the responsible party shall be charged and billed in accordance with these rules and regulations.

E. **Third Party Cases and Release of Information—**Upon receipt of a letter from an attorney or an insurance company requesting a patient's records, that attorney or company shall be sent, within thirty days from the receipt, a bill for charges applicable to that patient. At the same time as the mailing of that bill, a copy of that patient's file pertaining to charges for services and their collection, as well as a copy of the requesting letter, shall be forwarded to the Office of Central Collection of the Department of Health and Human Resources in Baton Rouge. Patient's records are not to be released until a properly executed consent by the patient, parent, or guardian is received and the fee for copies of records is paid in advance, except to any office of the Department of Health and Human Resources for the purpose of facilitating the meeting of its responsibilities.

F. **Exceptions—**The Secretary or his designee(s) will be authorized to approve exceptions to the fee schedule, for documented reasons such as other excessive emergency or medical costs, family hardships resulting in unusual and unexpected expenses, etc.

III. **Other Applicable Income, Earned and Unearned, in State Schools and Hospitals and in Private Residential Placements Receiving Financial Support from the Office of Human Development.**

A. DHHR payments shall be made to supplement the basic contribution as determined by the sliding fee schedule, plus amounts or benefits available to the client from other sources, such as social security, supplemental security income, veteran's benefits, special education, and vocational rehabilitation, as well as private insurance.

B. Upon admission to a residential facility, procedures will generally be initiated which may lead to the payment of benefits on behalf of the client directly to a DHHR program or the treating facility. Except for some portion which may be assigned to the client's account based on his identified needs, the remainder of the benefits available shall apply toward the cost of care at the facility. Any amount remaining above the cost of care shall return to the client's personal account or family.

C. A portion of the income which a client may earn while residing in the treatment facility will be applied toward the cost of care if it exceeds a basic amount which may be allowed for the client's personal expenses or savings.

D. If the income for a family, from which the contribution by the responsible party is determined according to the fee schedule, includes benefits of the client's which are applied

toward the cost of care and the client allowance, the amount of these benefits may be deducted from the income of the family. The client may still be considered a dependent when referring to the fee schedule since the responsible party will still be contributing toward the cost of care and still have some extra expenses in regard to the client.

E. If benefits from these other available sources are not able to be made directly to the DHHR program or residential facility, the recipient of the benefits may be held responsible for payment of the applicable benefits to the appropriate DHHR program.

IV. Definitions.

A. **Gross Income:** The monthly sum of income received from sources identified by the U.S. Census bureau in computing the median income and defined in the Code of Federal Regulations, Volume 45, Section 228.66.

B. **Adjusted Income:** As used herein means the gross family income during the most current calendar year, as defined above, with deductions from the total family gross income of \$1,000 for each person dependent on that income and of federal and state income taxes paid on that income.

C. **Dependent:** As used herein, means all persons dependent on the household income as accepted by the Internal Revenue Service (IRS) for federal income tax purposes. In the case of a minor not claimed as a dependent for income tax purposes, the parents are still responsible for a contribution based on the fee schedule but may increase the dependent deductions by the client(s) in question.

D. **Family:** For purposes of establishing fees under these procedures, the basic family unit is defined as consisting of one or more adults and children, if any, related by blood, marriage, or adoption, and residing in the same household. Where related adults, other than spouses, or unrelated adults reside together, each will be considered a separate family, unless they are included as part of the family unit for federal income tax reporting purposes. Children living with nonlegally responsible relatives, emancipated minors, and children living under the care of unrelated persons will be considered a member of the family, if any, that claims that child as a dependent for federal income tax purposes. In maternity homes, minors seen without the consent and knowledge of parents or legal guardians will be considered as separate family units and will be charged according to the minor's own income whether the source is allowance or earnings.

E. **Responsible Persons:** As used herein, the client's parents or guardians if the client is under the age of eighteen unless someone else claims the client as a dependent for federal income tax purposes, in which case it is that person. If the client is over eighteen, he is responsible for his contribution based on his gross family income and allowed deductions, unless he is claimed as a dependent for income tax purposes, in which case the claimant becomes responsible for the fee toward the cost of care based on the claimant's family income.

F. **DHHR Residential Facilities and Out-Of-Home Placements:** State mental hospitals and schools for the retarded, in-patient treatment facilities, and out-of-home care programs operated or partially funded by the Office of Mental Health and Substance Abuse, Office of Mental Retardation, or Office of Human Development, including foster care, group home care, and DHHR placement of delinquent children and children in need of supervision.

V. Fee Determination for DHHR Residential Facilities and Out-Of-Home Care.

The monthly fee for these services, as defined above, shall be determined according to formulas based on the Louisiana median income and applicable state and federal regulations. Families with an adjusted income of less than fifty percent of the state median income adjusted for the number of dependents will be provided with service at no charge. If the service provided is funded through Title XX, any fee determination will conform to the applicable Title XX Comprehensive Annual Services Plan for the state. DHHR will develop sliding fee schedules based on these formulas and furnish them to all appropriate agencies and persons requesting them. These schedules will be revised as the official state median income changes. Adjustments of the median income for family size shall be computed according to the method utilized for Title XX eligibility determination described in the Code of Federal Regulations, Volume 45, Section 228.60 (d)(2).

A. Public and private psychiatric hospital placements funded by DHHR shall utilize the following formula for the first sixty days of placement, not to exceed the actual cost of care. This fee will not be collected from one family for more than sixty days in any consecutive twelve-month period. In computing the fee to be charged, DHHR, will round the actual fees for these services to the nearest dollar.

| Adjusted Family Income as a Percent of the State Median Income based on Family Size | Fee as a Percent of Adjusted Income |
|--|---|
| Under 50% | none |
| 50-54.9% | 10% |
| 55-59.9% | 12% |
| 60-64.9% | 14% |
| 65-69.9% | 16% |
| 70-74.9% | 18% |
| 75-79.9% | 20% |
| 80-84.9% | 22% |
| 85-89.9% | 24% |
| 90-94.9% | 26% |
| 95-99.9% | 28% |
| 100-104.9% | 30% |
| 105-109.9% | 32% |
| 110-114.9% | 34% |
| 115-119.9% | 36% |
| 120-124.9% | 38% |
| 125-129.9% | 40% |
| 130-134.9% | 42% |
| 135-139.9% | 44% |
| 140-144.9% | 46% |
| 145-149.9% | 48% |
| 150% and over | 50% of adjusted income, not to exceed cost of care |

B. Out-of-home residential and treatment programs operated or partially funded by the Office of Mental Retardation and Office of Human Development, and public or private psychiatric hospital placements of more than sixty days duration in a twelve-month period which are operated or partially funded by the Office of Mental Health and Substance Abuse or the Office of Human Development, shall utilize the following formula for each family member in placement, not to exceed the cost of care and when collection of this fee is not in violation of other state or federal regulations. It is understood that this fee is assessed for care and treatment only, not an educational component that is available to all children free of charge. If the service provided is funded through Title XX, any fee determination will conform to the applicable Title XX Comprehensive Annual Services Plan for the state.

**Adjusted Family Income
as a Percent of
the State Median Income
based on Family Size**

Under 50%
50-54.9%
55-59.9%
60-64.9%
65-69.9%
70-74.9%
75-79.9%
80-84.9%
85-89.9%
90-94.9%
95-99.9%
100-104.9%
105-109.9%
110-114.9%
115-119.9%
120-124.9%
125-129.9%
130-134.9%
135-139.9%
140-144.9%
145-149.9%

150% and above

**Fee as a Percent
of Adjusted Income**

none
3%
3.35%
3.70%
4.05%
4.40%
4.75%
5.10%
5.45%
5.80%
6.15%
6.50%
6.85%
7.20%
7.55%
7.90%
8.25%
8.60%
8.95%
9.30%
9.65%
10% of adjusted family
income, not to exceed
cost of care

**Gross Family Income as a
Percent of Median Income
Adjusted for Family Size**

50-54.9%
55-59.9%
60-64.9%
65-69.9%
70-74.9%
75-79.9%
80-84.9%
85-89.9%
90-94.9%
95-99.9%
100-104.9%
105-109.9%
110-114.9%
115-119.9%
120-124.9%
125-129.9%
130-134.9%
135-139.9%
140-144.9%
145-149.9%
150% and above

**Fee as a Percent
of Cost**

4% of cost
8%
12%
16%
20%
25%
30%
35%
40%
45%
50%
55%
60%
65%
70%
75%
80%
85%
90%
95%
100%

William A. Cherry, M.D., Secretary
Department of Health and Human Resources

Rules

RULES

Department of Commerce Racing Commission

IV. OHD Evaluation Services.

All persons provided evaluation services under the auspices of the Office of Human Development (OHD) shall be assessed a fee for each chargeable service when the family income is above fifty percent of the state median income for that family size. Chargeable services provided through the (proposed) OHD Client Evaluation Program may include various types of evaluations and treatment services necessary to determine the need for a restrictive placement or to prevent the need for a more restrictive placement. These services will be offered only when not available through another publicly funded resource. If the service is funded through Title XX, any fee assessed shall conform to the appropriate Title XX Comprehensive Annual Services Plan for the state. The cost of these services upon which the fee will be assessed will be determined by OHD as part of the project approval process when private providers submit proposals and budgets for funding consideration, and will be based upon the cost of the service computed for collections under Title XIX when that cost is available. The responsible person will be notified of the base cost and agree to their required contribution prior to the provision of the service when possible. Persons whose gross family income is less than one-half of the current state median income adjusted for family size will be eligible for services without charge. Persons whose gross family income is more than one hundred fifty percent of the current state median income adjusted for family size will be charged the full cost of services provided. Adjustment of the median income for family size shall be computed according to the method utilized for Title XX eligibility determination described in the Code of Federal Regulations, Volume 45, Section 228.60 (d)(2). In computing the fee to be charged, DHHR will round the actual fees for these services to the nearest quarter dollar. Between these two levels, fees will be adjusted in accordance with the following formula:

Delete LAC 11-6:25.7 which read, "No maiden five years old or older shall be allowed to start."

* * * *

Amend LAC 11-6:33.6 to read:

§33.6 Coupled entries are permitted in exacta races, except that entries therein having separate bona fide owners and the same trainer may be split for betting purposes, notwithstanding the provisions of LAC 11-6:25.32.

* * * *

Amend LAC 11-6:45.7 to read:

§45.7 Title to a claimed horse shall be vested in the successful claimant at the time the horse leaves the paddock. The successful claimant shall then become the owner of the horse whether he be alive or dead, sound or unsound or injured at any time after leaving the paddock, during the race or after. However, the successful claimant may request on the claim blank at the time he makes his claim that the horse be tested for the presence of equine infectious anemia via a Coggins test. Should this test prove positive, it shall be cause for a horse to be returned to his previous owner and barred from racing in the State of Louisiana. The expense of the Coggins test and the maintenance of the horse during the period requested for the test, shall be absorbed by the successful claimant. If such a test is requested the claimed horse will be sent to the retention barn of the Louisiana State Racing Commission where the State Veterinarian will draw a blood sample, which sample shall be sent to a laboratory approved by the Louisiana Livestock Sanitary Board for the conduct of such test.

Albert M. Stall, Chairman
Racing Commission

RULES

Board of Trustees for State Colleges and Universities

Part IX. Athletic Policies

1. Amend 9.5 A, Subsection 9 to read as follows:

9. If a student-athlete has served in the armed forces or on an official church mission for a minimum of eighteen months, the Subsection 5 of Section 9.5A of Part IX is waived for the period of service.

2. Amend 9.5 A, by adding as Subsection 17, the following:

17. A junior college graduate or a junior college transfer is eligible upon registration when he meets the National Collegiate Athletic Association (NCAA) requirements regarding the junior college rules.

3. Amend 9.7 D, to read as follows:

D. An institution shall be limited to a total of ten coaches for men's sports of football, basketball, baseball, and track; the number of part-time coaches shall not exceed the applicable national association limitations on athletic staff. The directors of athletics and athletic trainers shall not be included in this total unless they are participating in the coaching activities of those four sports. However, each institution shall be permitted to adjust its staff in terms of recruiting, coaching and other assigned duties provided that: (1) those changes do not require the additional expenditures of state funds and (2) they are within the NCAA policies as they pertain to staff limitations. If any changes are made or proposed to any staff system in the individual institutions, those changes must be presented to and approved by the Board.

Bill Junkin, Executive Director
Board of Trustees for State Colleges and Universities

RULES

Board of Elementary and Secondary Education

Rule 1.00.30c (Replaces existing policy)—The Board adopted additions to *Policy and Procedure Manual* relative to Board advisory councils.

Rules and Procedures for Standing Advisory Councils of the Board

Unless contrary to federal or state laws, the following rules and procedures shall apply to all advisory councils appointed by the Board.

Composition—Unless otherwise provided by law, each standing or permanent advisory council of the Board shall be created by Board policy. The policy shall determine the size of the council membership, the number of persons to be appointed by each Board member, and the persons, organizations, affiliations, or interest groups to be represented on the council.

Unless required by law, no member of the Board shall be a member of an advisory council.

Term of office; vacancies.

Terms—Members appointed to standing advisory councils shall serve two-year overlapping terms. All appointments are subject to ratification by the Board. Removals, however, are not subject to Board ratification, and a council member may be removed without cause by the Board member making the appointment.

Beginning with 1979, persons appointed to and serving on advisory councils shall begin to serve two-year staggered terms. To this effect, all Council appointments in existence as of

January 1, 1979, shall be made or reaffirmed by June 30, 1979. At that time one-half of the membership appointed to each Council shall serve one-year terms, terminating June 30, 1980; one-half of the appointed membership shall serve two-year terms, terminating June 30, 1981. Thereafter, all members appointed to advisory councils shall serve two-year overlapping terms. To initiate the staggered terms, Board members shall draw lots to determine which appointees shall serve one-year terms if each Board member has only one appointee. If each Board member has two or more appointees, then the Board member shall designate which appointees will serve one or two years.

Vacancies—A vacancy in an appointed position shall occur if an appointee, for any reason, fails to serve the full extent of his two-year term. Appointments to fill vacancies shall be considered interim appointments, and such appointments shall be for the unexpired portion of the original two-year term. Interim appointments to fill vacancies shall be ratified by the Board.

Should the term of any Board member terminate for any reason, appointments by the member to advisory councils shall also terminate; the new Board member shall then fill vacancies for any unexpired term and, thereafter, shall make appointments on a regularly scheduled basis.

Meetings—Each standing advisory council shall meet whenever necessary in order to consider referrals from the Board. Special meetings shall be on call of the Board, and emergency meetings may be called at the discretion of the staff director.

When possible, regular meeting dates shall be standardized and shall be determined by the chairperson of the council in consultation with the staff director. In January and June of each year the chairperson of each council shall present to the director a tentative schedule of meeting dates for the ensuing six months; the director shall give final approval to the schedule and shall approve all subsequent amendments. When meeting dates cannot be regularly scheduled, the chairperson of each council shall set each meeting date in consultation with the staff director.

Special meetings shall be held at such times as are named in the Board calls. The staff Director shall set the dates and times of emergency meetings.

Notices of council meetings shall be mailed to council members by the Board staff at least ten days in advance of a meeting. Minutes of each Council meeting shall be mailed to Council members within two weeks of the meeting of the Council.

Officers—Each advisory council shall select from among its membership a chairperson and a vice-chairperson. Election shall be annually and the councils shall report election results to the Board. This includes the Title IV advisory council which shall take a straw vote to select a chairperson and report the results to the Board.

Expenses—All members of the advisory councils, including salaried public employees, shall be entitled to reimbursement for actual travel expenses and may submit requests for reimbursement for such expenses in accordance with the regulations promulgated by the State Commissioner of Administration.

The Board will abide by the rules set forth by the State Ethics Commission which allows salaried public employees to receive per diem payments as long as they are on annual leave.

Proxies—Any person serving on an advisory council who cannot attend a given meeting may appoint a person to attend as his proxy. No proxy shall have voting privileges. Any council member who is absent from regular meetings for three consecutive times may not be represented by a proxy.

A proxy, in order to receive reimbursement for travel and other expenses, must present a form letter signed by the council chairman to the Board's staff director. The form letter must be one devised for that purpose by the Board staff.

Competency Based Education Plan

Quorum—The quorum for each advisory council shall be a majority of the total appointed membership. In counting the membership needed for a quorum, proxies may be counted. When there are insufficient members present to establish a quorum, *Robert's Rules of Order* relative to "Emergency Quorum" shall be followed for the conduct of business.

Procedures; Reports—In all particulars, except for those listed in these rules and procedures, the business in advisory councils shall be conducted according to *Robert's Rules of Order*, and in particular with "procedure in Small Boards," Rule 48.

Every motion passed by an advisory council whether or not made as a recommendation to the Board, shall be made as a main motion and must be seconded. All motions must be voted on with a show of hands, and roll call votes may be requested by any of the membership in attendance at a meeting.

Each advisory council shall present reports of its meetings to the Board. If a report contains a substantive recommendation for Board action, the chairperson or a designee of the Department or Board staff shall be present at the Board meeting to present the report.

At the discretion of the Board, advisory council reports may be referred to standing committees of the Board for further review and public hearing. Any such report so referred to a committee shall be returned to the Board with a recommendation from the committee for final Board action.

Functions—In general, the function of an advisory council is to advise the Board in the discharge of its policy-making supervisory control and budgetary duties and responsibilities. Advisory councils shall deal exclusively with matters referred to them by the Board. The director shall transmit the reports to the Board as recommended by the council.

Specific functions of the advisory councils are determined by the creating policy.

The following councils are created:

1. Parish Superintendents Advisory Council.
2. Competent Authority Credentials Council.
3. Teacher Certification Advisory Council.
4. Textbook and Media Advisory Council.
5. Federal Programs Advisory Council.
6. State Advisory Council for Vocational and Technical Education.
7. Adult Education Advisory Council.
8. Title IV State Advisory Council.
9. Teacher Certification Appeals Council.

Staffing—The Board staff shall serve as secretariat to the advisory councils of the Board. Secretarial services shall include the preparation of agenda and minutes, both of which shall be prepared according to regular office procedures of the Board. The staff director shall supply each Council with a staff person who shall serve as an aide to the chairperson of the Council and as a representative of the staff director for the purpose of coordinating activities of the advisory councils and the standing committees of the Board. Minor research projects may be prepared for advisory councils by the Board staff, provided the staff director approves the project in advance of its being undertaken and after its completion.

Staff assistance from employees of the Department of Education may be secured by advisory councils only on a directive from the Superintendent of Education and in response to a request to the Superintendent from the State Board of Elementary and Secondary Education. The standing arrangement shall be such that the Board may request blanket permission for Departmental staff to undertake projects, or it may request specific permission for the undertaking of specific tasks.

* * * *

Rule 4.01.60—The Board approved the Competency Based Education Plan as presented by the Department of Education.

Editor's note: What follows is a summary of the contents of the Competency-Based Education Plan. The complete Plan will not be published in the Louisiana Register in accordance with R.S. 49:954.1C. Copies of the plan may be obtained from the Board of Elementary and Secondary Education, Box 44064, Baton Rouge, Louisiana 70804.)

A paramount educational concern in the 1970s is the belief by many citizens that a significant number of students enrolled in the nation's schools are failing to acquire the basic skills deemed necessary to function in today's society. Despite the present educational system encompassing twelve years of attendance and the satisfactory completion of requirements for a certain number of selected Carnegie units ("credits"), students who have completed these requirements do not always have the assurance that they have acquired the necessary competencies for successful living. The move toward competency-based education programs over the country has been brought about as a result of the nation's demand for more accountability among its school personnel.

An equally significant educational concern of the 1970s is that of the taxpayer who sees the costs of schooling rising sharply, while at the same time he views the declining quality of education. Many people, unwilling to concede that additional money is the answer, want a better accounting of the money that is presently allocated to education. A recent Gallup poll indicates that by a two-to-one majority, Americans think that the quality of education in the nation's schools is declining.

Reasons cited for this need for accountability include:

- . . . Declining scores on college board entrance examinations as well as declining scores on other well-known aptitude and basic skills tests.
- . . . Growth in the number of remedial courses for beginning college students.
- . . . Complaints from parents that students are not acquiring minimum skills in our schools.
- . . . Complaints from the leaders of business and industry that students are graduating from high school and college without mastery of the competencies required for success in the world of work.
- . . . Concerns expressed by students themselves that they are not getting a quality education.

Louisiana is among the growing number of states that have implemented a minimum competency program in reading, writing, and mathematics. The Competency-Based Education Plan that we are proposing for the public schools of Louisiana, however, is far more encompassing than a minimum competency program. Competency-based education is not restricted to assessment alone. Competency-based education has been defined by some as, "a statement of desired student performance representing a demonstrated ability to apply knowledge, understanding, and/or skills assumed to contribute to success in life role functions."

The proposed Louisiana Competency-Based Education Plan attempts to design a school curriculum that will fit the needs of the individual students in Louisiana schools. This procedure is in contrast to past educational practices where attempts were made so often without success to make the child's needs fit the curriculum. The proposed Louisiana Competency-Based Education Plan will provide a total curriculum based on assessed student needs.

The Louisiana Competency-Based Education Plan requires a commitment from the students, the parents, the local education agency (LEA) units, the Louisiana State Department of Education, the colleges and the universities, the Board of Elementary and Secondary Education, and the Legislature—a commitment to guarantee each student in the schools of Louisiana an opportunity

to achieve all that he is capable of achieving. The Louisiana Competency-Based Education Plan is designed to coordinate the provisions of those Legislative Acts and Resolutions (see Appendix) related specifically to accountability and to competency-based education into a total program. This plan provides for a uniform and consistent statewide system of education in the State of Louisiana and has among its primary purposes the development of a total, sequentially structured instructional program that focuses on the fundamental academic and life skills needed to function effectively in society. This curriculum, based on clearly delineated measurable performance objectives, ensures curricular validity, thereby making instructional validity a logical next step.

The proposed Louisiana Competency-Based Education Plan emphasizes existing statewide priorities established by the Legislature, the Superintendent, and the State Department of Education. The plan addresses community and parental concerns as well. The proposed plan will include provisions for the development of specific standards for all schools, for local systems, and for the State Department of Education. In keeping with the provisions of Legislative Act 621 of the 1977 Regular Session, as a priority, the proposed plan has brought about the establishment of basic uniform statewide skills and concepts for grades kindergarten through 12 in the areas of reading, writing, and mathematics; has identified measurable performance objectives which will lead directly to the achievement of pupil proficiencies; and has developed evaluative instruments that provide the evaluation required.

Further, the proposed Louisiana Competency-Based Education Plan emphasizes instructional planning and development and is designed to upgrade the quality of instructional programs and services for students in Louisiana's public schools. The major components of the proposed Louisiana Competency-Based Education Plan include, but are not limited to:

- . . . Comprehensive and systematic statewide plan for improving achievement in the basic skills of reading, mathematics, and writing.
- . . . Course of study—including individual disciplines—with skills, concepts, and general content by grade levels for all subjects.
- . . . Statewide literacy assessment program beginning at the second grade level with diagnostic intervention and individually prescribed educational programs for those students who need special help.
- . . . School personnel evaluation—a plan that calls for the maximum use of the provisions of both Legislative Acts 10 and 718 of the 1978 Regular Session in the areas of continued inservice education (The strengthening of these Acts will broaden teacher competencies immeasurably).
- . . . Professional staff development.
- . . . School and program (course) accreditation with on-site monitoring (This will bring more sophisticated classroom and school management).
- . . . Coordination and involvement of programs and resources from all areas, including Titles I and IV, Vocational Education, Special Education, Adult Education, colleges, and universities.
- . . . Regional service centers.
- . . . Master plan for statewide inservice education.
- . . . Dissemination of information.
- . . . Teacher certification.
- . . . Alternative programs for deficient students.

. . . Remediation programs such as SPUR (Special Plan Upgrading Reading).

The proposed Louisiana Competency-Based Education Plan, operating on the umbrella concept, and based on comprehensive planning and coordination of services, guarantees a move toward excellence in education. Total implementation of the program with the State Department of Education assuming a more directive and a stronger leadership role as outlined in Bulletin 1456, *Administrative Structure of Louisiana's Education System*, will result in an improved curriculum, improved instruction, and mastery learning. The proposed Louisiana Competency-Based Education Plan, when fully implemented, should restore to the Louisiana public school system, the confidence of the parents, of the taxpayers, of the officials in institutions of higher learning, of the prospective employers, and of the students themselves.

Based on coordination and comprehensive planning; coordinating the roles of the State Department of Education, the LEA units, the universities, and the community; establishing the state goals for education; developing curricular programs based on needs assessment and evaluation; developing student competencies; providing professional staff development; and disseminating educational information statewide, the proposed Louisiana Competency Based Education Plan should ensure excellence in education for every public school in the State of Louisiana.

Appendix

. . . Senate Concurrent Resolution 125 of the 1977 Regular Session concerns the feasibility of establishing a statewide required standard curriculum for elementary grades in the state.

. . . Legislative Act 10 of the 1978 Regular Session mandates the establishment of an inservice education program for the professional improvement of all teachers in the parish and city school systems in Louisiana.

. . . Legislative Act 9 of the First Extraordinary Session of 1977 mandates that all educational personnel be evaluated periodically.

. . . Legislative Act 718 of the 1978 Regular Session provides a continuing, tuition free, education program for all teachers.

. . . House Concurrent Resolution 135 of the 1978 Regular Session requests a feasibility study on establishing regional centers of the State Department of Education at various locations throughout the state.

. . . House Concurrent Resolution 186 of the 1978 Regular Session calls for a competency-based education plan for the public elementary and secondary schools of Louisiana.

. . . Legislative Act 754 of the 1977 Regular Session contains the regulations for implementing the provisions of landmark legislation, the Education for All Handicapped Children Act, Public Law 94-142, the major components of which are:

1. Locating and giving priority to the most severely disabled children.
2. Evaluating with parents and special education advisors, the learning levels of each child and developing an individual education program to meet these needs.
3. Placing each child in the least restricted environment possible.
4. Evaluating the child's progress periodically and making necessary revisions.
5. Providing for due process procedures.

Louisiana Literacy Assessment Program

| Year | Grade 2 | Grade 3 | Grade 4 | Grade 6 | Grade 8 | Grade 11 | Grade 11/12 |
|-------|---------|---------|--------------------|---------|--------------------|--------------------|-------------|
| 77-78 | | | Reading Assessment | | Reading Assessment | Reading Assessment | |

Louisiana Literacy Assessment Program

| Year | Grade 2 | Grade 3 | Grade 4 | Grade 6 | Grade 8 | Grade 11 | Grade 11/12 |
|-------|--|---|--|---------------------|---|--|-----------------|
| 78-79 | | | Reading (2) Math (1) | | Reading (2) Math (1) | Reading (2) Math (1) | |
| 79-80 | Diagnostic Intervention Assessment w/ Individual Discrepancy Report | | Reading (3) Math (2) Writing (1) | | Reading (3) Math (2) Writing (1) *** | Reading (3) Math (2) Writing (1) | |
| 80-81 | Repeat 79-80 | Assessment, D.I. Individual Discrepancy Report | | | Functional Literacy Test D.I. w/I.D.R. | Assessment | |
| 81-82 | Repeat 79-80 | Assessment P./R. | | Assessment P./R. | F.L.T. D.I. w/I.D.R. | Assessment | |
| 82-83 | Repeat 79-80 | Assessment P./R. | | Assessment P./R. | F.L.T. D.I. w/P./R. | Assessment | |
| 83-84 | Repeat 79-80 | Assessment P./R. | | Assessment P./R. | F.L.T. D.I. w/P./R. | F.L.T. Pass/Fail | |
| 84-85 | Repeat 79-80 | Assessment P./R. | | Assessment P./R. | F.L.T. D.I. w/P./R. | F.L.T. P./F. | F.L.T. P./F. |

***The Board of Elementary and Secondary Education had directed Grade 8 Pass/Fail in 1979-80. At the request of the State Department of Education this date has been set at 1982-83, with D.I./I.D.R. testing beginning in 1980-81.

Assessment = Use of presently available tests with necessary modifications.
P./R. = A decision to promote or intervene in regular progression with alternate educational programs.

* * * *

Rule 6.00.00—The Board adopted an equal opportunity statement as follows: In compliance with Title VI, Title IX and Section 504 of the Rehabilitation Act of 1973 this education agency upholds the following policy: This is an equal opportunity agency and is dedicated to a policy of nondiscrimination in employment or training. Qualified persons, applicants, or employees will not be excluded from any course or activity because of age, race, creed, color, sex, relation, national origin, or qualified handicap.

Rule 4.01.70—The Board approved a registry of approved project evaluators. Agencies within Louisiana elementary and secondary communities who are seeking evaluation services would select their evaluators from the registry. An entry into the registry would be completed by the submission of credentials to the Office of Research and Development to be recommended to the Board of Elementary and Secondary Education for approval. These approved firms or agencies are for contracted, designed evaluations only and the individual who performs the evaluation must meet the criteria and be approved. The Board also approved the plan of action as follows:

1. Persons or firms who wish to be contractors to perform evaluations in parishes or in the Department of Education should present their corporate or personal credentials to the Assistant Superintendent for Research and Development.

2. These credentials will be reviewed by the Assistant Superintendent, the Assistant Director for Evaluation, the Director of Research, the Supervisor of Title I Evaluation.

3. These reviews will look specifically for: (a) professional courses in tests and measurement research and/or evaluation design, statistical analysis, instrument development, computer uses; (b) the applicant should show background in education and public school work; (c) past experience (if any) in evaluation should be presented and samples of work attached.

Rule 3.01.51.1 (Replaces existing policy)—The Board amended Bulletin 741, *Handbook for School Administrators*, "Standards for State Approval of Nonpublic Schools," page 2, under B, paragraph 3, to read as follows:

Those teachers who have taught for a period of at least five years prior to September 1, 1977, may be retained in a school, provided they were employed in that school during the school year 1978-79 and provided their teaching performance is satisfactory. However, these teachers are only eligible to teach in the subject areas of experience as listed prior to September 1, 1977. A list of these teachers and their subject areas of experience must be submitted to the State Department of Education upon request. Upon retirement or replacement, these teachers must be replaced with degreed teachers eligible under the nonpublic school standards.

James V. Soileau, Executive Director
Board of Elementary and Secondary Education

RULE

Department of Health and Human Resources Office of Family Security

Effective July 1, 1979, the Department of Health and Human Resources, Office of Family Security, has adopted revisions to the *Standards for Payment to Skilled Nursing Facilities and Intermediate Care Facilities I and II*. The revisions to this document provide the Medical Assistance Program with needed policy clarifications and effects improved patient care and program management.

Because of the length of the material that is affected by this notice the Department of the State Register has elected to omit publication of the Standards in accordance with R.S. 49:954.1C. Copies of this material may be secured from the Office of Family Security, Planning and Policy Formulation Section, Box 44065, Baton Rouge, Louisiana 70804.

William A. Cherry, M.D., Secretary
Department of Health and Human Resources

RULE

Department of Health and Human Resources Office of Family Security

Effective July 1, 1979, the Department of Health and Human Resources, Office of Family Security, has adopted policy that will increase the fee for a complete upper and lower denture from \$350 to \$450.

William A. Cherry, M.D., Secretary
Department of Health and Human Resources

RULE

Department of Health and Human Resources Office of Human Development

The Department of Health and Human Resources has adopted the Title XX Comprehensive Annual Services Program Plan (CASP) for the program year July 1, 1979 through June 30, 1980.

The CASP provides for social services to individuals and families which are directed toward the goals of achieving or maintaining self-support and self-sufficiency, preventing or remedying neglect, abuse, or exploitation, providing community or home based care, and securing referral or admission for institutional care. The services included in the plan (with a brief description) are: Adoption (pre-placement services to termination of parental rights); Counseling (assessment, evaluation and appropriate therapy services); Day Care for Adults and Children (direct care for a portion of the twenty-four hour day); Education, Training and Treatment (evaluation, counseling, arrangements, Day Development Training referrals); Employment Services (assessment, placement, job development); Family Aide Services (in home sitter type respite services); Family Education and Training (for families with handicapped persons); Family Planning (counseling educational, medical services); Foster Care (evaluation, placement counseling); Health Related (arrangements for receiving and utilizing necessary health services); Home delivered and Congregate Meals (food preparation, delivery of meals); Home Management (instruction, training, counseling); Homemaker (direct personal and home care); Housing Improvement (counseling, advocacy, minor home

repairs); Information and Referral (assessment, information, referrals, follow-up); Protective Services for Adults and Children (assessment, evaluation, direct service program, arrangement and referral); Recreational (outreach, referral, arrangements, and follow-up); Residential (direct care treatment, and on a twenty-four hour basis); Respite Services Out of Home (temporary care for the handicapped); and Transportation (travel to and from pertinent community resources).

The following persons are eligible for services:

(1) Recipients of Aid to Families with Dependent Children (AFDC) and those persons whose needs were taken into account in determining the needs of AFDC recipients.

(2) Recipients of Supplemental Security Income benefits or state supplemental payments.

(3) Persons whose gross monthly income is not more than 57.8 percent of the state's median income for a family of four adjusted by family size. A family of four with a gross monthly income of \$795 is eligible for services. In addition, persons whose income does not exceed 115 percent of the state's median income adjusted for family size are eligible for Family Aide Services; Family Education and Training; and Respite Services Out of the Home. However, a fee is charged for these specific services when the family's gross monthly income exceeds 57.8 percent of the state's median income adjusted for family size.

(4) All persons are eligible for protective services and information and referral services regardless of their income.

(5) Persons are eligible on a group basis for any service (except child day care services) provided that seventy-five percent of the group are members of families with monthly income of not more than ninety percent of the state's median income, adjusted for family size.

The Title XX State Plan (CASP) for the program year July 1, 1979 - June 30, 1980, has been published and is available without charge upon written or telephone request to: Public Assistance Line, Division of Administration, Box 44095, Capitol Station, Baton Rouge, Louisiana 70804, Telephone 1-800-272-9868 (8:00 a.m. - Noon and 1:00 p.m. - 5:00 p.m.)

The Department of the State Register has chosen to omit publication of the Plan in accordance with R.S. 49:954.1C.

The Complete Plan is available for Public Review and/or distribution at each Parish Office and Sub-Office of the Office of Human Development, Monday through Friday from 8:30 a.m. to 4:00 p.m. Applications for services will be accepted at the above offices during the same hours.

Public comments are available for public review at the Office of Human Development, 1755 Florida Street, Baton Rouge, Louisiana 70802.

Melvin Meyers, Jr., Assistant Secretary
Office of Human Development

Notices of Intent

NOTICE OF INTENT

Governor's Special Commission on Education Services Loan/Grant Division

The Loan/Grant Division of the Governor's Special Commission on Education Services intends to amend its policies and procedures for inclusion of the following:

1. Act 83 of the 1977 Louisiana Legislature, which changed the name of the Commission from Louisiana Higher Education Assistance Commission to the Loan/Grant Division, Governor's Special

Commission on Education Services, effective February 19, 1978, and published in Volume 4, Number 1, of the *Louisiana Register*, January 20, 1978;

2. Executive Order EWE-76-11, dated July 16, 1976, which referred to academic and other exceptions in the state guaranteed student loan program for vocational students attending proprietary business schools, and published in the *Louisiana Register*, Volume 2, Number 8, on August 20, 1976;

3. Certain provisions of Public Law 94-482, effective October 13, 1976, which increased the rate of the special allowance, eliminated discharge in bankruptcy on student loans, and permitted students to request accelerated repayment provisions on student loans;

4. Act 589 of the 1978 Louisiana Legislature, effective September 8, 1978, which increased the amount of the annual and cumulative student loans which may be guaranteed for graduate students;

5. Certain provisions of Public Law 95-566, effective October 15, 1978, which removed income limitation for student loans to qualify for federal interest benefits.

A copy of the proposed changes will be available for inspection at the office of the Commission, 721 Government Street, Baton Rouge, Louisiana, until July 5, 1979. Persons who desire to do so may submit comments or suggestions in writing to Mr. Richard W. Petrie, Director, Loan/Grant Division, Governor's Special Commission on Education Services, Box 44127, Baton Rouge, Louisiana 70804.

Richard W. Petrie, Director
Loan/Grant Division

NOTICE OF INTENT

Board of Elementary and Secondary Education

The State Board of Elementary and Secondary Education intends to adopt as policy the following at its July 26, 1979, meeting:

1. Elementary and Secondary Education Act (ESEA) Title IV State Plan for Fiscal Years October 1, 1979-June 30, 1983.

2. ESEA Title I Monitoring and Enforcement Plan for Fiscal Years 1980 - 1982.

3. Alternate Post-Baccalaureate State Certification Program for Secondary School Teachers.

4. Adult Education State Plan for Fiscal Years 1979 - 1982.

5. State Plan for Administration of Vocational Education for Fiscal Year 1980.

6. Bulletin 1213, *Minimum Standards for School Busses in Louisiana - Revised 1979*.

Interested persons may comment on the proposed policy changes and/or additions, in writing, until 4:30 p.m., July 11, 1979, at the following address: State Board of Elementary and Secondary Education, Box 44064, Baton Rouge, Louisiana 70804. James V. Soileau is the person responsible for responding to inquiries about the proposed rules.

James V. Soileau, Executive Director
Board of Elementary and Secondary Education

NOTICE OF INTENT

**Office of the Governor
Office of Science, Technology and Environmental Policy
and
Department of Health and Human Resources
Office of Health Services and
Environmental Quality
Bureau of Environmental Services**

The Governor's Office of Science, Technology and Environmental Policy is coordinating for the Department of Health and Human Resources, public hearings statewide to review and receive comments on the new proposed state Solid Waste Management Plan and preliminary list of open dumps located within Louisiana, pursuant to their program development requirements for the Resource Conservation and Recovery Act.

Copies of the list and plan will be available for public inspection after July 13, 1979. Interested persons should contact Mr. Vernon C. Parker, Section Chief, Bureau of Environmental Services, Box 60630, New Orleans, Louisiana, 70160, between the hours of 8:30 a.m. and 4:30 p.m.

Written comments may be submitted prior to the hearings at the aforementioned address and must be postmarked not later than August 10, 1979. Oral comments may be submitted during the following hearings:

New Orleans, August 13, 1979, 7:00 p.m., City Hall Room 1EO4, 1300 Perdido Street.

Baton Rouge, August 14, 2:00 p.m., Mineral Board Hearing Room, State Land and Natural Resources Building, 625 North 4th Street.

Lake Charles, August 15, 7:00 p.m., Police Jury Room, Parish Governmental Building, 1015 Pithon Street.

Alexandria, August 16, 10:00 a.m., Council Chambers, City Hall, 928 Third Street.

Monroe, August 16, 7:00 p.m., Council Chambers, City Hall, Civic Center Expressway.

Shreveport, August 17, 2:00 p.m., Council Chambers, City Hall, 1234 Texas Street.

Lafayette, August 20, 2:00 p.m., Old Police Jury Meeting Room, Parish Courthouse, Buchanan Street.

Thibodaux, August 21, 10:00 a.m., Second Floor Meeting Room, City Hall, West 2nd Street.

Lee W. Jennings, Executive Director
Office of Science, Technology and
Environmental Quality

Vernon C. Parker, Section Chief
Bureau of Environmental Services

NOTICE OF INTENT

**Office of Governor
Office of Science, Technology,
and Environmental Policy**

The Governor's Office of Science, Technology and Environmental Policy (OSTEP) will hold a public hearing on August 14, 1979, at 7:00 p.m., in the Mineral Board Hearing Room, State Land and Natural Resources Building, 625 North 4th Street, Baton Rouge, Louisiana, to discuss the proposed Toxic Substances Control Act application for Fiscal Year 1980 submitted to the Environmental Protection Agency on May 25, 1979, and the proposed work program for Fiscal Year 1980 Resource Conservation and

Recovery Act grant application submitted to the Environmental Protection Agency (EPA) for continued funding.

Interested persons may obtain copies of the applications (now available for inspection) by writing or visiting the OSTEP office located at 5790 Florida Blvd., P. O. Box 44066, Baton Rouge, Louisiana 70804.

Oral comments may be presented at the hearing and written comments will be accepted if submitted to the above address prior to August 10, 1979. Lee W. Jennings is the person within the agency responsible for responding to inquiries about the applications.

This hearing is held in cooperation with other state agencies affected by the State/EPA Agreement.

Lee W. Jennings, Executive Director
Office of Science, Technology
and Environmental Policy

NOTICE OF INTENT

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

The Department of Health and Human Resources, Office of Family Security, proposes to adopt, effective August 1, 1979, policy in regard to reimbursement for emergency medical transportation outside the provider's geographical base rate region. Reimbursement, not to exceed twenty-five miles, will be made for travel outside the provider's geographical base rate region. The Office of Family Security will establish the reimbursement rate. In exceptional situations state office may approve payment for mileage in excess of twenty-five miles if evidence is submitted by the provider which clearly establishes that the hospital is the nearest one with appropriate facilities for the necessary care.

Interested persons may submit written comments on the proposed policy changes through July 5, 1979 at the following address: Mr. Alvis D. Roberts, Assistant Secretary, Office of Family Security, Box 44065, Baton Rouge, Louisiana 70804. Mr. Roberts is the person responsible for responding to inquiries about the proposed rule.

William A. Cherry, M.D., Secretary
Department of Health and Human Resources

NOTICE OF INTENT

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

The Department of Health and Human Resources, Office of Family Security proposes to adopt as policy the clarification by the Social Security Administration of additional exclusions to be used when determining countable income for Medicaid eligibility. The clarification excludes from the definition of income any assistance provided, in cash or in-kind, under any governmental program where the purpose of the program is to make medical care or medical services available to the recipient. Cash payments from the Veterans Administration for Aide and Attendant services would be excluded from income when determining eligibility for Medicaid. However, the Aide and Attendant payments shall be considered third party resource and available to be applied to the cost of institutional care and for the in-home service for which it is intended. This clarification was transmitted to the state via Dallas Regional Medical Services Letter Number 79-21.

Interested persons may submit written comments on the proposed policy changes through July 5, 1979 at the following address: Mr. Alvis D. Roberts, Assistant Secretary, Office of Family Security, Box 44065, Baton Rouge, Louisiana 70804. Mr. Roberts is the person responsible for responding to inquiries about the proposed rule.

William A. Cherry, M.D., Secretary
Department of Health and Human Resources

NOTICE OF INTENT

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

Beginning June 1, 1979, the Department of Health and Human Resources, Office of Family Security, proposes to adopt a policy to allow standard deductions from gross earnings for expenses incidental to employment for Long Term Care patients, employed in intermediate care facilities for the mentally retarded (ICF/MR) activity centers. The proposed policy will read as follows:

Long Term Care patients who have earned income (except public ICF/MR activity center earnings) shall be eligible for a standard deduction from their gross earned income to allow for incidental expenses related to their employment. The amounts allowed in the standard deductions include both personal and nonpersonal expenses which are incurred because of extra need and upkeep due to employment or self-employment, such as required deductions for withholding taxes and social security deductions, required union dues and retirement deductions, tools, supplies, uniforms, work gloves, goggles, and special shoes.

The amount of standard deduction is based on the amount of gross earnings as is specified by the following chart.

| Gross earnings from employment or profit from self-employment | If employed, deduct | If self-employed, deduct |
|--|----------------------------|---------------------------------|
| \$ 0 to \$ 29.99 | \$ 9.00 | \$ 9.00 |
| 30.00 to 44.99 | 11.00 | 11.00 |
| 45.00 to 69.99 | 12.00 | 12.00 |
| 70.00 to 119.99 | 15.00 | 14.00 |
| 120.00 to 199.99 | 28.00 | 25.00 |
| 200.00 and over | 30.00 | 30.00 |

If the recipient claims expenses higher than the standard deduction and can document the claim, the actual documented expenses are to be used in arriving at net income.

The cost of transportation is not included in the above standard deduction amount. If free transportation to employment is not available the actual cost of transportation shall be deducted.

Long term care patients with earnings from sheltered workshops participation are eligible for a twenty dollar monthly protected income allowance. This twenty dollar disregard is deducted from gross earnings as the first step in determining earned income to be applied in computing long term care applicable income. The appropriate standard deduction for the gross earnings is then deducted.

Interested persons may submit written comments on the proposed policy changes through July 5, 1979, at the following address: Mr. Alvis D. Roberts, Assistant Secretary, Office of Family Security, Box 44065, Baton Rouge, Louisiana 70804. Mr. Roberts is the person responsible for responding to inquiries about the proposed rule.

William A. Cherry, M.D., Secretary
Department of Health and Human Resources